

STEPNEY JEWS IN THE 1670s

Eleazar Gutwirth

By the acts of Parliament of 1666 and 1668 it was made compulsory for all corpses to be buried in woollen shrouds. The minister performing the burial service was enjoined to issue a certificate confirming that the provisions of the Acts had been complied with. In the event of burial taking place in any material other than wool, a forfeit of five pounds was levied upon the next of kin or upon the person in whose house the death had occurred. The resulting forfeitures were to be divided, half the sum being allocated to the relief of the poor of the parish, the remaining part being given to whomsoever had informed the authorities of the transgression of the Act.¹

Among the Middlesex Sessions Records there is a series of cases arising out of the working of the above Act which may throw some light upon the history of the settlement of Jews in London in the late 1670s.²

These particular cases relate to the large East London parish of Stepney. In order to facilitate the relief of the poor, each of the hamlets making up the parish had its own overseer of the poor responsible for the collection and distribution of the poor rates.

The records reveal that certain sums had accrued to the Hamlet of Mile End in the parish of Stepney from the above mentioned forfeitures.

As is well known, the Spanish and Portuguese Jews had a burial place in Mile End as early as the sixties³. Naturally, following religious custom, they used to bury their dead in shrouds made of linen⁴, thus, of necessity, infringing the said Acts of Parliament.

The Middlesex Quarter Sessions Books (Session of December 1679, Hicks Hall) make mention of a petition of the churchwardens of the parish of Stepney which sets forth

that the said parish of Stepney is divided into several hamletts which (as soe many parishes) have their own proper parochial officers and manteyne their poor distinct by themselves. And that the Jews (w h o a r e v e r y n u m e r o u s i n t h e s a i d p a r i s h) have a Burying place in the same parish where they bury their dead in linen . . .

They had thereby made several forfeitures which the Churchwarden of Mile End had received but refused to divide amongst the other hamlets of the parish.

On February 1680 an order was given to Ralph Farre to give a true account of the forfeitures. The order was upheld, on appeal, by the court of the King's Bench (July 1680). The matter continued to be brought up in court over a number of years (e.g. in February 1684-5).

The persistence of both parties in the dispute (as revealed by several appeals, petitions and orders recorded in the Sessions Books) may indicate that a considerable amount of money was involved and that it formed a not negligible part of the funds allocated for the poor.

The demographic problem presented by the absence of Mile End in the list of parishes with Jews within and without the walls⁵ is not solved by the references to Jews in the

above mentioned petition. We knew from the census list of 1695 that by that date there were c. 600 Jews in East End parishes.

Nevertheless these documents may serve to show something about the workings of the Acts in practice as well as throw some light on Jewish-Christian relations in Middlesex at a local level.

NOTES

1. 18 Chas. c. iv; 30 Chas. ii, c. iii. The wording of the acts betrays the obviously mercantilistic intention.
2. The records are kept at the Greater London Record Office Middlesex Section. They are MJ/SBB 370 p. 29, xii/1679 (cf. Appendix, document No. 1); MJ/SBB 375 p. 51, vii/1680 (order to R. Farre upheld on appeal by the court of the King's Bench); MJ/SBB 424 p. 40, 11/1685; MJ/SBB 572 p. 32, v/1700 (cf. Appendix, document No. 2). Extracts of Crown Copyright records in the Middlesex Records Office appear by permission of the Controller of HM Stationery Office. My thanks to Mr. R. E. Samways for his kind assistance.
3. For the history of the Bethahaim Velho or the Old Cemetery of the Spanish and Portuguese Congregation of London see A. S. Diamond in Transactions of the Jewish Historical Society of England, XIX, 1960, 163-190. The first recorded death is of 1657 (4th Elul 5417). The cemetery is situated behind the Beth Holim at 243 Mile End Road. cf. R. D. Barnett. The burial Register of the Spanish and Portuguese Jews, London 1657-1735, Misc. Jewish Historical Society of England, 1962, pp. 1-72. Cf. also E. N. Adler's, London, Philadelphia 1930 pp. 102-3. For the keepers of the burial ground see Neville Laski, The laws and charities of the Spanish and Portuguese Jews, London 1953 p. 76.
4. cf. e.g. John, 19/40: Then took they the body of Jesus and wound it in linen clothes with the spices as the manner of the Jews is to bury. cf. also Moed Katan 27b where Rabbi Judah Ha-Nasi is said to have expressly ordered that he be buried in a simple linen shirt.
5. A list of Jews and their households in London (extracted from the census lists of 1695 by Arthur P. Arnold) Misc. JHSE 6, 73. M. Woolf, Notes on the census lists of 1695, ibid. p. 75. cf. especially p.74: 'it is not unreasonable to suppose that between 1680 and 1695 the Sephardim increased from 414 to 600 strengthened by an influx of Jews with the accession of William and Mary in 1688'.

APPENDIX

Document No. 1 (MJ/SBB 370 p.29, xii/1679)

Upon reading the humble petition of severall of the churchwardens of the parish of Stepney in this county Exhibited unto this Court thereby showing that the said parish of Stepney is divided into severall hamletts which (as soe many parishes) have their own proper parochiall officers and manteyne their poor distinct by themselves And that the Jews (who are very numerous in the said parish) have a Burying place in the hamlett of Mile End in the same parish where they bury their dead in linen contrary to a late Act of Parliament made for Burying in Woolen And have thereby made severall forfeitures which Mr. Ralph Farre Churchwarden of the said hamlett of Mile End hath received and kepeth for the use of the said hamlett only and refuseth to divide the same forfeitures amongst the other hamletts of the said parish upon pretence that no part thereof belongeth to them because the said Burying place is within the said hamlett of Mile End This court is of the opinion and doth declare that the said forfeitures which already have been and all other like forfeitures which shall hereafter happen to bee there belong to the said parish of Stepney and that all and every the severall hamletts which in the same parish have equally and a like interest therein and that every of them ought to have their respective benefit thereby and the same to be divided and distributed accordingly.

per curiam

Document No. 2 (MJ/SBB 572 p.32, v/1700)

Order for distributing monys forfeited for the buriall of Jews in the Hamblett of Mile end, to and amongst all the severall Hambletts in Stepney parish. Upon reading the humble peticion of the Churchwardens of the poor of the parish of Stebunheath alias Stepney in this County exhibited unto this Court thereby showing that whereas by an order of this Court made att a general Sessions of the Peace held at Hicks Hall in St. John Street in and for the County of Middlesex the four and twentieth day of February in the two and thirtieth year of the reigne of the late King Charles the second Upon hearing the matter in difference between the Churchwardens and Overseers of the poor of the Severall Hambletts of the said parish of Stebunheath alias Stepney and Mr. Ralph Farr then Churchwarden and Overseer of the Hamblett of Mile End in the same parish for his receiving and keeping the forfeitures for the Burialls of Jews in Linen or any other thing whatsoever that was made of any materiall but sheeps wooll only And refusing to divide the same forfeitures amongst the other Hambletts of the said parish. Itt was ordered by this Court that the said Ralph Farr should before Saterday then next following make a true and perfect account in writeing before Josiah Ricroft Esq. then one of his majesties Justices of the peace for this County of all forfeitures received by him or any other

by his order for any person whatsoever then being buried in the said hamblett of Mile End in Linnen or any other thing whatsoever that was made of any materiall but sheeps wool only And that the said Ralph Farr should also before the said Saturday well and truly pay or cause to be paid unto the respective Churchwardens and Overseers for the poor of the said Hamblett of Mile End in the said parish and their successors for the time being should from time to time for the future well and truly pay or cause to be paid unto the churchwardens and Overseers of the poor for the time being of the respective other Hamblett in the same parish to the like use and benefit of the poor there the proporcionable dividend and just shares of all like forfeitures which then after happen in the said Hamblett of Mile End as by the said order relacion being thereunto had may appear And that Mathew Hawley late Churchwarden of the said Hamblett of Mile End Old Towne hath received severall summes of money for such burials in Linnen and hath not as yet accompted with the said respective churchwardens of the said other Hamblett of the said parish of Stepney nor paid to them or any of them their respective dividend and just shares according to the intent of the said order but still refuseth soe to doe Itt was therefore prayed that this Court would order the said Mr. Hawlin (sic) to account with them and pay them their respective dividends according as the said order directs or otherwise to show cause to the Contrary to this Court And upon hearing of the said Mathew Hawlin in the presnce of the petitioners and exa minacion of the said matter Itt is thought fitt and ordered by this court that as well the said Mathew Hallin as the present Churchwarden of the said Hamblett of Mile End Old Towne doe forthwith make render and give up before Collonel Jorye Mr. Bateman Mr. Webber and Mr. Constable Justices of the Peace for the County or any two of them in the presence of the petitioners a true and fair accompt in writing of all forfeitures received by them or either of them or by any person by their or either of their order (and not already accompted for) for any person whatsoever now lately buried in the said Hamblett of Mile End Old Towne in Linnen or any other thing whatsoever made of any materiall but sheeps wool only and that the said Mathew Hawlin and the said present Churchwardens of the said Hamblett of Mile End Old Towne doe upon such accompt pay or cause to pay be paid unto the Peticioners the said just and proporcionable dividend and shares of the said forfeitures forfeited to the use and benefitt of the poor of the said severall other Hamblett according to the order and direction of the said Justices or any two of them And that the said present Churchwarden and alsoe all and every other Churchwarden and Overseers of the poor of the said Hamblett of Mile End Old Towne doe for the future pay or cause to be paid unto the Churchwardens and Overseers of the poor for the time being of the respective other Hamblett in the same parish to the like use and benefitt of the poor there the proporcionable dividend and just shares of all like forfeitures which shall hereafter happen in the said Hamblett

per Curiam