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TWO JEWS BEFORE THE PRIVY COUNCIL AND AN  
ENGLISH LAW COURT IN 1614-15.

IN Mr. Lucien Wolf's essay on the Middle Age of Anglo-Jewish History<sup>1</sup> enumerating the Jews who are known to have been in England between the Expulsion in 1290 and the Resettlement under Cromwell, there is a passing mention of a Jewish pirate, said to have been a servant of the king of Morocco, who was arrested at Plymouth in 1614. Mr. Wolf derives his information from a letter sent by Mr. John Chamberlain (the Horace Walpole of his day, as he is described by his biographer in the *Dictionary of National Biography*) to Sir Dudley Carleton, the British Ambassador at Venice<sup>2</sup>. The Jewish "pirate" in question was Samuel Palache, a distinguished member of the Jewish community of Amsterdam, in which city he resided for many years as Envoy of the Sultan of Morocco to the States General<sup>3</sup>. His arrest in England must have called forth considerable interest at the time: otherwise Mr. Chamberlain would not have written about it to his friend the ambassador. But the records relating to the case do not end with the arrest. There are printed below extracts from the manuscript volumes of Acts of the Privy Council showing that the Spanish Ambassador at the English Court tried hard to secure the punishment of Palache, and that the Lords of the Privy Council and the Judges defended him with spirit against the ambassador's demands.

The records here printed also mention the unsuccessful attempt of the Spanish Ambassador to secure the assistance of the Privy Council in a suit relating to a cargo of sugar which had been brought to England by another Jew.

The fact that two Jews received the protection of the Privy Council and the Law Courts in England in the reign of James I is of some importance in its bearing on the difficult question of the legal status of the Jews in England before the period of the Commonwealth.

<sup>1</sup> *Papers read at the Anglo-Jewish Historical Exhibition*, p. 76.

<sup>2</sup> For Mr. Chamberlain's letter, see p. 358 below.

<sup>3</sup> Menasseh ben Israel (*Hope of Israel*, sect. 32) mentions that in 1609 Palache was "sent Ambassadour to the States by Mulai Zidan, the King of Maracco." For information as to Palache's position at Amsterdam, see D. Henriques de Castro, *Auswahl von Grabsteinen auf dem Nederl.-Portug.-Israel. Begräbnisplätze zu Ouderkerk*.

ACTS OF THE PRIVY COUNCIL.

20th November, 1614.

To Sir William Craven, Alderman.

Whereas there is cause to make stay of Samuel Palachie who shall be herewithal sent unto you, these shall be therefore to will and require you to receive him into your charge and custody, and to keep him safe until you shall receive further order from us, for which this shall be your warrant : and so, &c.

23rd December, 1614.

Whereas upon complaint heretofore made unto this Board by the Lord Ambassador of Spain now resident here that one Samuel Palache, a Jew, lately arrived at Plymouth had committed piracy and outrage upon the subjects of the King, his Master, for the which he required justice and satisfaction to be made, it was then thought fitting by their Lordships to give order for the restraint and safe keeping of the said Jew, and accordingly committed unto the custody of Sir William Craven, Knight, Alderman of the City of London, there to be detained until further examination of the said complaint, together with the quality of his offence. And, forasmuch as the said Palache hath since pretended and alleged that he is a servant unto the King of Barbary, and by him employed as his agent unto the States United, and that from the said King his Master he had received commission for the arming and setting forth of ships of war, by virtue of which commission (together with licence of the States United) he pretends the fact to be justifiable and no way within the compass of piracy. Whereupon it being conceived that the accusation and his justification must necessarily depend on matter of proof and points in law, Their Lordships for the more due proceeding therein and that justice may be uprightly and precisely administered on both sides, have thought fitting to remit the whole proceeding thereof unto the Court of the Admiralty, there to be prosecuted and determined according to law, whereof the Judge of the said Court of Admiralty is to take notice and give such due expedition therein, as shall be requisite. And to that end it is also ordered that a copy hereof be delivered unto the said Judge.

27th December.

A Letter to Sir Wm. Craven, Kt, Alderman of the City of London.

Whereas upon a complaint heretofore made unto us by the Spanish Ambassador against one Samuel Palache a Jew, it was thought fitting by this Board to commit him unto your charge and safe custody until further order should be given on that behalf,

and forasmuch as it is now ordered that the said Ambassador do prosecute his complaint by the due and ordinary course of law, these are to let you understand that from henceforth you are no further charged with the custody or safekeeping of the said Jew : and so, &c.

29 December, 1614.

To Sir Wm. Craven, Kt, Alderman of the City of London.

Whereas by letters from this Board bearing date the 27th of this month you received a discharge of the service lately imposed on you for the custody and safe keeping of one Samuel Palache, a Jew, and have nevertheless detained him in your house, by reason of an arrest immediately laid on him by process out of the Admiralty until you should receive further directions therein, these are to let you know that we do well approve of the stay you have so made of him, and do hereby require you to keep him in your custody until further order shall be given you in that behalf : and so, &c.

20th January, 1615.

Whereas by an order of this honourable Board bearing date the 23 of December last it was appointed that the cause concerning Samuel Palache the Jew accused of piracy by the Lord Ambassador of Spain should be referred wholly unto the Court of Admiralty, there to be prosecuted and determined according to law, for reasons in the said order expressed, which nevertheless had not yet his effect in respect of some doubts and difficulties intervening, which since are accommodated. It is therefore now again ordered that the said order of the 23 of December shall stand and be of force, whereof the Judge of the Admiralty is to take notice and give all expedition that conveniently may be unto the cause and that at the hearing thereof the Lord Chief Justice of England and Master of the Rolls are to be present. In the meantime until the matter be legally decided, the said Palache to remain with Sir Wm. Craven, Kt, *aut libera custodiâ*, as now he doth.

20 Mârch, 1615.

Upon complaint heretofore made unto this Board by the Spanish Ambassador now resident here that one Samuel Palache a Jew, being apprehended and brought unto the City of London had lately committed piracy, spoil and outrage at sea upon the subjects of the King his Master, wherein he desired justice and satisfaction, their Lordships were pleased to refer the consideration and hearing thereof unto Sir Edward Cooke Knight, Lord Chief Justice of England, Sir Julius Caesar, Knight, Master of the Rolls, and Sir Daniel Dunn, Knight, Judge of the Admiralty, who having heard the said accusation on the behalf of the said Spanish Ambassador, by his counsel learned in the law, together with the answer of the said Palache and

his counsel, have made report unto their Lordships that, forasmuch as it hath appeared unto them that Samuel Palache is born the subject of the King of Morruccos (between whom and the King of Spain, as is conceived, there is actual war) and hath from him an especial commission to take the subjects of the said King of Spain, they are of opinion that by the laws of the kingdom he is not subject unto any criminal demand or action for the said spoil or outrage, but that the said Spanish Ambassador is to be left to seek his remedy or restitution by way of a civil process or action. Whereupon the Lords were pleased to order by general consent of the Board that according to the opinion and report of the said Judges Palache should be freed from any criminal action commenced against him in name of the said Spanish Ambassador, but to be left to a civil prosecution or action upon point of restitution (if the said Lord Ambassador of Spain or his counsel shall resolve on that course), and that the said Palache, putting in good security before the Judge of the Admiralty to answer unto such civil action or actions as are or shall be commenced and prosecuted against him by the said Spanish Ambassador, for the said seizure or spoil committed by him on the persons and goods of the subjects of the King of Spain, forthwith to be released from his restraint and also his servants that be imprisoned upon this occasion.

October, 1615.

Answers made by the L<sup>ds</sup> of His Ma<sup>tes</sup> Priuie Councell to the Memoriall exhibited vnto their L<sup>ps</sup> the 17. daye of Octob. by the Lo. Ambassador of Spaigne.

1. First whereas y<sup>e</sup> sayd Lo. Ambassador desireth that y<sup>e</sup> L<sup>ds</sup> Commiss<sup>rs</sup> formerlie appointed by his Ma<sup>tes</sup> order for examining the matters concerning the Iewe Palache, and the dependances therevpon, would be pleased according to his Ma<sup>tes</sup> order, w<sup>th</sup> as muche expedicion as their other affayres will giue them leaue, to meete together and resolue vpon such points as were represented vnto them by the sayd Lo. Ambassador, whereof some toucheth reputacion, &c.

Forasmuch as it seemed good vnto his Ma<sup>tie</sup> to referr the examination of that Cause vnto spetiall Commissioners persons of honor and greate integritie; It may please the sayd Lo. Ambassador to receiue his answer from themselues, who haue not yet made anie report thereof to this Boorde, but wilbe readie at anie time to giue him all iust and hon<sup>b</sup><sup>e</sup> satisfaccion and to Cause their orders and Comandm<sup>ts</sup> to be putt in speedie execucion if hetherto they haue bene neglected, wherein they shall neuer want y<sup>e</sup> assistance of this Table.

2. Secondly whereas his L<sup>p</sup> mooved that the newe Cause of the other Iewe now latelie arriued w<sup>th</sup> Sugars may be remitted eyther to

the Censure of the foresayd L<sup>ds</sup> Commission<sup>rs</sup>, or suche other of the Councill as the Boord shall appoint; It may please him to vnderstand that it is a Cause of Civile Iustice and appertayning to the Court of Admiraltie and that of suche Causes this Boorde takes no Cognizance of their owne authoritie, otherwise then to Comaund that Iustice be donne w<sup>th</sup> expedicion, w<sup>ch</sup> they haue already recommended vnto y<sup>e</sup> Iudge of the Admiraltie, w<sup>th</sup> so strict a Charge and Commaund, as they doubt not but his L<sup>p</sup> shall finde y<sup>e</sup> effects of it to his contentment.

3. Thirdly whereas the sayd Lo. Ambassador hath also mooved, that y<sup>e</sup> Sugars now in question be sequestred, into some Convenient warehouse vnder two keys, the one to be in y<sup>e</sup> Custody of some person to be appointed by the Councill, and the other to be in y<sup>e</sup> keeping of his L<sup>p</sup>, vntill y<sup>e</sup> Cause be determined to y<sup>e</sup> ende that y<sup>e</sup> goods may be safe, &c.

Their L<sup>ps</sup> being very desirous to giue as muche satisfaccion to his L<sup>p</sup> in this point, as Conveniently they may, have accorded that for the matter itself, that is the sequestracion of the goods it shalbe presently performed, although in the manner propounded they are forced a litle to dissent; It being Contrarie to order and Custome (as they are Certainelie informed) that pendente lite a key should be deliuered to eyther partie; But y<sup>e</sup> Sugars shalbe presently landed and an Inventorie made thereof in y<sup>e</sup> presence of suche persons as shalbe appointed by the sayd Lo. Ambassador on the one side, and of the Iewe himself on the other side; of w<sup>ch</sup> Inventoryes two Coppies indented shalbe made, the same to be subscribed by the persons so assigned for the sayd Lo. Embass<sup>r</sup>, and by the Iewe himself and to be deliuered to eyther of them a Coppie reciprocally, w<sup>ch</sup> being donne, the sayd goods to be in their presence deposited in some safe warehouse vnder two locks w<sup>th</sup> seuerall keyes, the one key to be kept by the Iudge of the Admiraltie, and the other by the officers and termo<sup>rs</sup> of His Ma<sup>ties</sup> Customes, vntill the matter be adiudged.

LIONEL ABRAHAMS.

*Extract from Mr. Chamberlain's letter mentioned on page 354.*

"Here is a Jew Pirat arrested that brought three prizes of Spaniards into Plimmouth, he was set out by the King of Maroco, and useth Hollanders ships and for the most part theyre mariners, but yt is like he shall passe yt ouer well inough, for he pretendeth to haue leaue and licence vnder the k's hand for his free egresse and regresse which was not beleued vpon the first sight, till he made prooffe of yt."

*John Chamberlain to Sir Dudley Carleton, dated London. 4 Nov. 1614.*

*Domestic State Papers. James I. Vol. 78. No. 61.*