

ANTI-JEWISH PREJUDICE IN THE AMERICAN COLONIES
AND THE UNITED STATES
FROM
1654 TO 1881

by

Leonard A. Greenberg

Submitted in Partial Fulfillment for
the Title of Rabbi and
for the Degree of Master of Hebrew Letters

Referee: Professor Jacob Rader Marcus

Hebrew Union College

July

1943

INSTRUCTIONS TO LIBRARY

Statement
by author:

I hereby give permission to the Library to circulate my thesis

(yes) (no)

The Library may sell positive microfilm copies of my thesis

(yes) (no)

provided I receive notifications of parties requesting use of my thesis.

Date

3/27/59

Leonard A. Greenberg
(signature of author)

Library
record

The ~~below~~-named thesis was microfilmed on January, 1959
(date)

For the Library

Muriel P. Levine
(signature of staff member)

AUTHOR Leonard A. Greenberg

TITLE Anti-Jewish Prejudice in the American Colonies and
the United States from 1654 to 1881.

TO
MY MOTHER

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	5
I. THE THESIS	
A. CHOICE OF SUBJECT	6
1. Why <u>American</u> Jewish History?	6
2. Why Anti-Semitism?	8
B. DEFINITION OF TERMS	11
1. "Anti-Jewish Irejudice"	11
2. Dates	14
C. METHODOLOGY	14
D. FUTURE PROSPECTS	16
E. ACKNOWLEDGEMENT	16
II. THE SUBJECT-MATTER	
A. BACKGROUND	17
1. The Colonial Period	18
2. The Revolution	19
3. National Unification	20
4. Western Expansion and the Growing Industrialism	21
B. ANALYSIS	22
1. Statement of the Problem	23
2. Conclusions	23
Notes	29a
CHAPTER I: NEW YORK (New Netherland, New Amsterdam)	30
Notes	52
Calendar of Cases	57
CHAPTER II: MARYLAND	58
Notes	66
Calendar of Cases	68
CHAPTER III: GEORGIA	69
Notes	75
Calendar of Cases	77
CHAPTER IV: PENNSYLVANIA	78
Notes	85
Calendar of Cases	86
CHAPTER V: NORTH CAROLINA	87
Notes	92
Calendar of Cases	93
CHAPTER VI: SOUTH CAROLINA	94
Notes	98
Calendar of Cases	99

CHAPTER VII: MASSACHUSETTS	100
Notes	103
Calendar of Cases	104
CHAPTER VIII: MISSISSIPPI	105
Notes	111
Calendar of Cases	112
CHAPTER IX: KENTUCKY	113
Notes	116
Calendar of Cases	117
CHAPTER X: LOUISIANA	118
Notes	121
Calendar of Cases	122
CHAPTER XI: ILLINOIS TERRITORY	123
Notes	126
Calendar of Cases	127
CHAPTER XII: WASHINGTON, D. C.	128
Notes	135
Calendar of Cases	136
CHAPTER XIII: UNITED STATES	137
Notes	144
Calendar of Cases	145
APPENDIX A: THE STAGE	146
Notes	151
APPENDIX B: GENERAL BENJ. F. BUTLER (1864)	152
Notes	156
CALENDAR OF CASES (Complete)	157
BIBLIOGRAPHY	159

INTRODUCTION

I. THE THESIS

A. CHOICE OF SUBJECT

1. WHY AMERICAN JEWISH HISTORY?

American Jewish historiography is so young that it still needs justification. And yet, strangely enough, there are reasons of such compelling force that should turn our attention to this field, that one need perhaps apologize only for the fact that so little has been done. No doubt, for a variety of reasons has been at work, over the course of almost two hundred years, in bringing about this state of affairs. J. C. Hurwitz, in reviewing Cecil Roth's A History of the Jews in England, hinted at this situation, when he wrote in 1942:

"...the contrast between Anglo- and American Jewish historiography is revealing. The latter has failed to attract professional historians, and has, therefore, remained at the level of apologetics, anecdotes and genealogies." 1.

Writing somewhat in the same vein, Harold J. Jonas more recently (1943) spoke as follows of the work of the American Jewish Historical Society:

"The early contributors to the Society's work soon exhibited a tendency which characterized the work of amateur historians. Much of the same ground was gone over again and again. There were various reasons, chief of which appears to have been the lack of professional guidance, in the first years." 2.

Whatever the reasons, however, the fact of the matter is, that American Jews still know probably less about their own history than they do about any other phase of Jewish life.

Naturally, this state of affairs is lamentable, and

should by all means be corrected. There is no reason in the world why this ignorance of the most elementary facts of our past should be allowed to continue.

As we see it, interest in American Jewish history should be motivated by four major considerations:

First of all, the language factor proves practically no barrier to this work, in contradistinction to many other fields. We say practically, because most of the source material is in English, although there does exist a body of material in German, Yiddish, and to a lesser extent, in Hebrew.

Secondly, as we mentioned above, Jews have a right -- a duty -- to know about their own background, where they came from, how long they have been in America, and similar facts of equal importance. How many Jews are in a position to say when the Spanish Jews came to the country; the first German Jews; the Russians and East Europeans? Significant of the general apathy and lack of interest, is the fact that none of the rabbinical seminaries has a chair in American Jewish history, although the Hebrew Union College recently established a Fellowship in this field.

The third reason is the very practical one that if we are to be in a position to plan intelligently for the future, we must first have some understanding of the past. Too often our organized thinking in America has been on the basis of ten or twenty years' experience. Our historical recollection usually goes no farther back than the lifetime of one individual. And yet, leaders and laymen alike speak

glibly of plans ^{and} organizations, giving hardly a moment's consideration to the value of learning from our joint experiences of the past two hundred years in this country.

The fourth reason is the most important of all, and as the years go on, will become even more so: America is today the rising center of world Jewish culture. As we survey the scene of Jewish life, we can safely point out three countries which have already and are bound, in the future, to play an important role: the United States, the Soviet Union and Palestine. Speaking in terms of ^{round} numbers, the United States and the Soviet Union each contain about the same number of Jews -- 5,000,000; Palestine, containing at the most 500,000 Jews, commands attention for other reasons. The role of Palestine in world politics is, for the present at least, very uncertain. But who can deny the future significance of the United States and the Soviet Union in international affairs? In the light of this, then, do we not have a responsibility, a grave responsibility, to learn more about ourselves and our past?

In reality, American Jewish history needs no justification! It should be its own justification.

2. WHY ANTI-SEMITISM?

But once having entered the field of American Jewish history, why choose the subject of anti-Semitism? For anti-Semitism is by its very nature a kind of social pathology.

Perhaps fifty years ago, when the American Jewish Historical Society came into existence, one would not even have considered a study of anti-Semitism, or for that matter, any other negative phase of Jewish life in this country. It is indeed significant of the times that a rabbinical thesis dealing with it, then, can now be written.

The present thesis is made possible primarily because of the general interest in this aspect of Jewish life, both in the world at large and in this country in particular. Recent events of our century have turned men's attention everywhere more forcefully towards anti-Semitism, not only as a "Jewish" problem, but as a "problem" of society as a whole.

Our interest, we might say, springs from the very reality of the situation. We can no longer deny its existence in ostrichlike fashion; we can hardly less hope to blow it into thin air by writing apologetic pamphlets and delivering saccharine sermons.

There is still another reason why we have turned to this subject: the general dearth of good, reliable material dealing with it. Naturally, we are aware of such works as Graeber and Britt's recent volume, Jews in A Gentile World, Levinger's doctoral thesis, Anti-Semitism in the United States, and similar studies in this field. But it has always been our feeling that such studies as deal with anti-Semitism suffer from one of two drawbacks: either they are so general as to be without factual, statistical foundation, or they are so involved in individual cases as to lose

sight of the broader aspects of the subject. The reliable literature is indeed scarce. Like many features of Jewish life, there are cavernous spaces of untouched territory which remain to be probed by the student of Jewish history.

Scarcity of material would not, of course, be in itself so reprehensible, if it were not for the additional fact that anti-Semitism is so vital a factor in Jewish living today. We can readily appreciate the necessity for researches into some of the remoter periods of Jewish history, the fields of biblical history, or talmudic dialectics, for instance; but, to be perfectly frank with ourselves, must we not admit that these are motivated by academic interest and a scientific curiosity to uncover as much of our past as possible? Anti-Semitism is neither academic nor abstruse. It is not the monopoly of the classroom, the pet project of the rabbi or scholar. It is something real and live. It is a dangerous force that threatens to destroy the progressive gains of over two hundred years. It reaches into the home and office and store of every single Jew. It touches our children in school. It follows us through our professions. It infiltrates even the most cultured and educated. How can we, then, presume to treat it as something abstract, removed from present-day life? How can we treat the malady, if we do not know its causes? By what right can we counsel the Jewish people in this, one of the most serious problems of the times? How shall we give guidance and help in planning, when we ourselves are not equipped with the basic tools needed to combat it? Indeed, the Jewish people will suffer not

a whit through not knowing, let us say, that Maimonides' More Nebuchim was completed in 1190. But failure to understand anti-Semitism properly is sheer neglect which will take its toll from us in time, energy and money.

B. DEFINITION OF TERMS

1. "ANTI-JEWIST PREJUDICE"

Strictly speaking, of course, our thesis does not deal with anti-Semitism in America, because that term did not come into use until the last quarter of the nineteenth century. We, therefore, chose the more flexible term, "anti-Jewish prejudice," to cover the equivalent manifestations of what would have been called "anti-Semitism" in the 17th, 18th and part of the 19th centuries.

But even the term "prejudice" does not include all possible cases. According to Webster's New International Dictionary (2 ed., 1939), "prejudice" is defined as follows:

"Preconceived judgment or opinion; leaning toward one side of a question from other considerations than those belonging to it...unreasonable predilection for, or objection against, anything; esp., an opinion or leaning adverse to anything without just grounds or before sufficient knowledge;"

or,

"Something detrimental or damaging."

The question that we were constantly faced with, "Is this a manifestation of prejudice?", was not always so easily answered. Indeed, it became very difficult at some points to determine where the Jews were the objects of prejudicial actions or opinions, and where they were simply the innocent

victims of circumstances.

To speak in concrete terms: the relations between Peter Stuyvesant and the early Jewish settlers would most certainly fall within this category; as would also the expressed opinions of such men as Cornelis van Tienhoven and Johannes Megapolensis. (See below, pages 32-3) But who can say that "Jacob Cohen Hendricus, a Jew," in not receiving certain baker's privileges, was also the victim of anti-Jewish prejudice? (See below, page 42)

Or, again, are we correct in including the entire Grant affair of 1862-3 under the heading of anti-Jewish prejudice? No doubt, in the latter instance, Jews were involved in the illegal contraband trade and we would be treading on thin ice were we to attempt to whitewash them by laying the blame at the door of General Grant. Certainly, we cannot argue that Grant held an adverse opinion "without just grounds or before sufficient knowledge." The only "crime" that we can accuse him of -- on the basis of our evidence -- is that he was being unjust in dispossessing all the Jews within his jurisdiction; and yet, from his point of view, while engaged in the field, it would have been out of the question to have singled out just those Jews engaged in illegal smuggling. The point is, simply, that in all these cases, we have to be careful that we do not become hypersensitive to otherwise innocent, or only incidentally anti-Jewish, acts and opinions.

Our experience was that there were many such examples of "borderline" cases, where we interpreted the term "prejudice" rather broadly -- relying on its auxiliary meaning,

"something detrimental or damaging." In a sense, we might even have been more correct in speaking of "anti-Jewish discrimination" -- defined as "an unfair or injurious distinction" -- rather than "prejudice."

That this whole discussion of terminology is not a matter of mere hair-splitting, becomes obvious in those cases involving "legal" or "constitutional" acts which affected Jews adversely. Shall we rightly call "prejudice" an oath of office which declares the candidate's support of Christianity (see below, for example, Maryland State Constitution, 1776)? It is discriminatory, because it ultimately provides "an unfair or injurious distinction," but not prejudicial.

The net result of our efforts to determine where to draw the line was simply to include even instances of anti-Jewish prejudice, or discrimination, which were doubtful. Many such examples may well be called "prejudice by implication," yet, for the sake of completeness, we decided to lean over backwards in this respect.

We concluded, beforehand, however, to eliminate certain definite groups of examples, specifically, those involving violations of Sunday laws and those involving missionary activities.³ We felt that to go into these two aspects of Jewish history would take us too far afield and would not even come within the scope of our investigations. The thesis, then, deals with all other examples which might be called "prejudicial" -- legal, economic, political, social or literary anti-Jewish prejudice.

2. DATES

A word may be in place here concerning our choice of time, 1654-1881. We felt that the latter date would serve as a suitable terminus ad quem, since thereafter, we encounter a noticeable rise in anti-Jewish prejudice, which comes under the heading of "anti-Semitism." To venture into that territory would involve much more time and energy than would have been available, although undoubtedly it would have provided far more material. The earlier date, 1654, was chosen quite obviously because it marks the first organized settlement of Jews in the country. It will be noted, however, that we have occasionally included some examples occurring before 1654 (Maryland: 1637, 1639, 1648, 1649; Massachusetts: 1649), so that our title should strictly read from 1637, the earliest such example, to 1881.

C. METHODOLOGY

Originally, we had intended investigating the Publications of the American Jewish Historical Society, the larger Anglo-Jewish periodicals, and the published volumes dealing with separate phases of Jewish history. However, as we got into the American Jewish Historical Society Publications, it became more and more evident that we would have to limit our research to just those volumes. Therefore, we examined every page of each of the thirty-five volumes for material (excepting, of course, the two categories of subjects referred to above, and also such material as was obviously beyond the

time-limit we had set). The material contained in the following pages, therefore, deals with -- in the opinion of the writer -- all the available instances of anti-Jewish prejudice (and discrimination) thus far collected by the Society.

We have, occasionally, been able to cross-check certain of our references, but in the main the material is presented as found in the Publications of the Society. Thus, all quotations, unless otherwise indicated, are taken from the Publications.

At the outset, we were confronted with the problem of how to subdivide our material into convenient sections. We attempted to use the chronological method, but soon discarded this, because it did not indicate enough local variations. Then, we attempted a division on the basis of examples that touched only individuals (such as those of Asser Levy, Jacob Barsimson, John Henry, etc.), and examples that affected Jews in general or institutions; but this also did not lend itself to adequate treatment. Then we also attempted to pursue the method of division into categories, such as literature, politics, economics, education, medicine, etc., but we found the material at our disposal too sparse, on the one hand, and often not too clearly defined. It would have been most difficult, and well-nigh impractical, and would have resulted in too arbitrary a classification.

Finally we took as our guide the statement of J. H. Hollander--

"The variety of colonial settlements in America resolves any survey of the development of the civil status of the Jews in this country into an examination of the experience of the several colonies and States" -- 4.

and proceeded to treat our material in terms of colonial and state history. We found this to be the most practical for illustrating the growth and development of our subject-matter.

D. FUTURE PROSPECTS

There still remains a large amount of material to be covered, if we are to obtain a more complete and more accurate picture of the field. We would say, tentatively, the following sources might well be tapped for additional references:

1. Anglo-Jewish periodicals, such as the Asmonean, the Israelite, and the Occident;

2. English language newspapers, such as the New York Times, Tribune, etc.;

3. The unpublished notes used by Allan Tarshish in the preparation of his doctoral thesis;

4. Books on separate phases of American Jewish history, covering, communities, biographies, movements, etc.;

5. Letters;

6. Congregational archives.

We feel sure that these sources would be very productive of results and would certainly afford a more substantial basis for conclusions than the present work.

E. ACKNOWLEDGEMENT

Finally, the writer would like to acknowledge the assistance of Professor Jacob R. Marcus, as well in the choice of subject as in the general background afforded through class lectures and seminar work. Perhaps someday the present thesis may be expanded into a doctorate.

II. THE SUBJECT-MATTER

A. BACKGROUND

1. We would do great injustice to the historical method if we were to plunge in medias res, without saying a few words in brief about the general background of the period under discussion. Not only is this advisable, in order to give us the necessary perspective, but it is almost made imperative by the very nature of the subject-matter: American Jewish history. We say this, because it is customary to divide American Jewish history into three (now perhaps four) major epochs, each characterised by an influx of immigrants: the Sephardic period, covering for the most part the seventeenth and eighteenth centuries; the German period, beginning about 1840; and the period of the Russian and East European immigration, starting about 1881-2.

In a sense, these divisions are quite appropriate, but they neglect to show the corresponding periods in American history. Thus, for example, of what value is it to know that the Sephardic (Spanish-Portuguese) immigrations began in 1654 and ^{until} continued unabated/well through the 18th century, without realizing at the same time that this very period coincides with the rise and growth of the American nation, and the beginnings of native industry and manufacture? The customary subdivisions, it seems, tend to obscure and minimize the influence of the general background of American history.

It is, therefore, particularly important to have a picture

of our national background in the present instance, because certain correlations between Jewish events and the entire American scene that could be pointed out might otherwise be overlooked or obscured.

The period under discussion (1654-1881) covers, in brief, four important epochs in American development: the colonial period, the Revolution, the period of national unification, and the era of Western expansion and growing industrialism.

1. THE COLONIAL PERIOD

By the time the first Jews came on the scene, the mercantilist system of capitalist economy was in its ascendancy. The first country that had taken active part in the overseas exploitation of the New World, Spain, had already suffered defeat and was no longer a formidable power. France, ^{completely} although not/out of the picture, was still to be contended with. And the major ^{and} struggle between Holland/England was still to take place. Shortly after Jacob Barsimson and his twenty-three co-religionists settled in New Amsterdam, the show-down came (1664), when the Duke of York ruthlessly took over Peter Stuyvesant's grand "emporium" of New Netherland, henceforth to be known as New York.

The stakes in this great international game were the newly discovered territories on the other side of the ocean, with their limitless boundaries and their inexhaustible supplies of raw materials and natural wealth.

Everywhere, along the coastline of North America, English

settlers were busy carving out an empire for themselves; starting with Jamestown in 1606, Plymouth in 1620, down through Carolina in 1663 and Georgia in 1732.

Always, their main interest was in obtaining colonists, to till the soil, clear the woods, spin the cotton, harvest the crops. In New England, men and women were needed for the native products of fish, furs, shoes and rum. The men of the Middle Colonies dealt in furs, lumber and grain, while farther in the south, the colonists sweated over tobacco and rice crops, tar, pitch and indigo. The Jews, as well as the Germans, Scotch, Scotch-Irish, Welsh and Swiss, fitted in splendidly in this economic scheme, for they had a role to play and they played it well.

2. THE REVOLUTION

But in the course of a century or so, the maternal interest of Mother Britain became exceedingly oppressive, especially since the colonists were fast learning to produce more and more of their own products. With the increasing tensions produced along the lines of economic development, went also a certain sense of freedom that expressed itself in resentment and rebellion. There was resentment against the economic policies that restrained trade, and threatened to destroy it. And there was rebellion. Seething with anger and kept at a constant pitch of heat, the colonies were forged together in the white-hot fire of mutual hate and distrust of Great Britain.

Great Britain was the only enemy in this struggle, and

practically all the colonial elements were united on a common basis: the big merchants and landowners; the small farmers, mechanics, traders and trappers; even the lowest slave laborers, Negro and white. The only criterion was whether a man was a Whig or a Tory, for us or against us. Woe to him who still harbored Tory sentiments! Whether a man was a Jew or a Christian, a Georgian or a New Yorker, mattered not so much as where his sentiments lay in the coming struggle. Here, too, the Jews fitted into the "scheme of things," dividing, as did the other colonists, along lines of economic self-interest: though some were Tories, for the most part their lot was cast with the Patriots.

3. NATIONAL UNIFICATION

Once the battle had been fought, though, internal problems of seemingly far greater danger beset the young nation. States began bickering among themselves, on questions of business, taxation, government. The "radicals," like Sam Adams, Tom Paine and their Committees of Correspondence, were slowly displaced as the larger landowners and merchants began to assert themselves more and more.

New issues came to the fore, revolving around such internal questions as the western lands, the Presidency, the State Bank, and similar problems. "All power to the States," was the popular cry that rang out everywhere -- so strangely prophetic of the "All power to the Soviets" which shook Russia over a century later.

Slowly, slowly, as the embers cooled, there emerged a hot ingot that was tempered into the mould of nationhood. America

was growing, and with it was rising an industrial class in the North, an agricultural aristocracy in the South. Still, there was plenty of land for those who wanted it, and they greedily bought it up.

4. WESTERN EXPANSION AND THE GROWING INDUSTRIALISM

Meantime, the erstwhile hunting-grounds of the native Indian were fast being swallowed up by the huge nation that spread, amoeba-like, past the Mississippi in its rush towards the Rockies. Already in the 30's and 40's the seeds of the North-South controversy were taking shape, and all up and down the land faint tremors could be heard of the coming crisis.

Here it was that the German Jews came on the scene, harried and tired from the tyrannies of Europe, and seeking new opportunities, too, in the western country. They managed to find a niche in the life of America, and by the time the Civil War broke out, they had learned to choose sides, neatly, together with their neighbors in the North and South.

But the stresses and strains of internal convulsions had produced great seams in the body politic, and hatreds between countrymen had seared the souls of Yankee and Rebel alike. The mercantilist economy of a century ago had finally given way to the new industrialism, and with the last shot fired in the War Between the States, the industrial future of the country had been assured. But industries require laborers, and laborers soon learn to organize. Industry requires cheap laborers, and laborers soon learn to hate competition. So it is that we find various Nativist tendencies arising,

directed against the Catholic, the Irish, the Negro -- not yet against the Jew. In the West, where new States were developing, it became more crowded, and soon the robust nation was puffing for air.

This, then, was the background for Jewish settlement -- so important for an understanding of the growth of Jews and Judaism in America.

B. ANALYSIS

With this general picture in mind, we are now in a position to say a few words about the significance of our material by way of analysis.

Above all, it should be made clear that in no sense do we consider the results reached in this thesis conclusive. For one thing, the material handled was not large enough a cross-section to allow any broad conclusions to be drawn. For another, we were always aware of the fact that for the most part we were dealing with secondary sources -- specifically, the material worked up by members of the American Jewish Historical Society. Although we have no reason to doubt the accuracy of the facts presented by them, we feel that it would establish the validity of our own conclusions further if we were to go directly to the sources themselves. In this respect, we have in mind the estimate of Harold J. Jonas, who described the work of the Society recently in these terms:

"The amateur historians of the American Jewish Historical Society worked hard: of that there is no doubt. The thirty-five volumes of the Publications are of no mean achievement. But they worked without a consciousness of what was important." 5.

If anything, our conclusions will be tentative, and we therefore present them as such. If, as the result of future investigations, it should become necessary to alter them, we shall then have no hesitancy about it.

1. STATEMENT OF THE PROBLEM

In handling our subject, we felt that the most practical method would be to work backwards, from the known to the unknown. We knew, for example, that by the last quarter of the 19th century anti-Jewish prejudice in the United States was well-developed. It had already displayed the symptoms of economic and social discrimination, and was gradually taking on the shape of a clearly-formulated program of action.

This naturally raised certain questions, which led us to the heart of our subject. Whence came this prejudice? Did it spring up spontaneously (full-blown)? Did it arise on American soil (native)? Or did it come from Europe (imported)?

Then, too, we wanted to know whether it was directed against the Jew alone. Or did it touch the Jew only incidentally, as a member of a larger group or category under attack? And, finally, what was the nature of the charges, and was there any basis for them? These, and similar questions, guided us in our study of the problem.

2. CONCLUSIONS

Briefly, we can say from the material presented in the following pages, that there was anti-Jewish prejudice, but that it was not too active during the years 1654-1381.

Whatever prejudice there was, existed from the start (17th century), and was, quite apparently, transmitted from the Old World through the new settlers. It continued through the 17th and 18th centuries, but was never allowed to become too violent or too discriminatory. With the 19th century there appears to be a rise in intensity as well as frequency. This becomes more apparent the closer we come to the Civil War period, and even assumes the rudiments of organization.

We feel there were certain definite reasons why this prejudice never became too vocal or virile, although we are not in a position to present a detailed analysis of all of our material. However, the incidents covering the colonial period are more extensively dealt with, and lend themselves to an elementary kind of analysis; this we shall attempt to do.

During this period of colonization, certain definite factors were at work in keeping down the incidence of anti-Jewish prejudice. Above all, a new country was in birth. There were vast expanses of land to be had, cheaply and plentifully, practically for the asking. There was an abundance of room for the enterprising colonist to carry on his farming, hunting, fishing, trading, or whatever else he had talents for. The class distinctions that later characterised the American nation had not as yet solidified and at this juncture, *and* were only loose threads that served to tie the colonists to the mother country.

Then, too, the Jews themselves were not present in large numbers, so that at least their "visibility" was very insignificant. Perhaps typical of this state of affairs was the

situation described by Reverend John Miller, Chaplain of the English garrison in New York, in 1695. Miller, it seems, prepared a report on the general conditions in the province of New York for the Bishop of London. "He had little ^{good} to say," writes William W. ^W~~S~~æet, historian of this period, "of the religious character of the people generally and proposed as one of the remedies the sending of a suffragan bishop. Religiously, he stated, the people were much divided. Of the 3525 families in the province, he estimated that 1754 were Dutch, 1355 English dissenters; 261 French; 45 Lutherans; 90 Episcopalians; and 20 Jews." ^{6.} Twenty Jewish families, out of a total of more than 3,000; not a very impressive figure!

This is not to deny the existence of prejudice, of course, for prejudice there was. During the colonial period it manifested itself mostly through religious channels. But side by side with this religious zeal -- which occasionally threatened to destroy Jewish life -- went also the business instincts of the landlords, proprietors, and patroons. Indeed, it would not be unfair to say that at all times there was a conflict between those who were interested in the "spiritual welfare" of the colonists -- people such as Peter Stuyvesant and Johannes Megapolensis in New Amsterdam -- and those who had economic stakes in the "material welfare" of the new settlers -- such as the Directors of Stuyvesant's West India Company, and the founder of Georgia, James Oglethorpe. Eventually, in most instances, the latter group won out. The lure of the English pound and Dutch guilder outshone the Gospel of the Lord in this new Arcadia.

A good example of this clash of interests is seen in the

incidents involving Stuyvesant and the Jews. Stuyvesant represented the non-business-minded elements; so, too, did his friend Megapolensis. When, for example, it was proposed to expel the Jews and, in general, to apply a policy of restriction, the Directors replied in no uncertain terms (April 26, 1655) that much as they "would have liked to effectuate and fulfill" Stuyvesant's wishes, they observed "that this would be somewhat unreasonable and unfair." In other words, their hands were tied. On this point, too, we would note that usually this policy of "toleration" on the part of the Directors is attributed to Jewish influence in Holland -- since several Jews held shares in the Company -- but one should not at the same time overlook the importance of "business demands" which also motivated the Directors.

Another instance of this same general nature may be seen in the case involving trading rights at Fort Orange (Albany) in 1655. Here, when the Jews petitioned, they were turned down. Cornelis van Tienhoven, dissenting, felt that it would be injurious to the community and population of Fort Orange if the Jews were allowed to settle there. But the wise Directors, with an eye to their account books, reversed the decision of the local government in New Amsterdam and in sharp language ordered the privileges and rights granted to the Jews.

And why not -- when we remember that at this time Fort Orange was fast becoming one of the most important trading posts in the New World, yielding productive returns to the

Directors. The following year (1656) the Dutch were bringing down as much as 35,000 beaver skins from Fort Orange; and when skins were commanding as much as 10 s. a pound (for the better ones), this record was nothing to be sneezed at. Nor was it good sense to discourage traders and trappers.

We could ^{cite} several other instances as well, illustrating the same conflict among the colonies. In Maryland, Dr. Jacob (John) Lumbrozo lived in quiet security for many years, even though, as J. H. Hollander remarks, under the Act of Toleration (1649), he could de jure, be punished with death for "an imprudent comparison of the miracles of Christ with those of Moses and the magicians of Egypt.... An unbeliever useful in an economic sense was permitted to live de facto in peace and even in quiet profession of faith." (See below, page 61) Interestingly enough, when the "Jew Bill" came up for discussion in the same State, over 150 years later (1826), and after the country had entered an entirely new phase of development, we find the opposition to Jews apparently more organized and more strenuous. And in North Carolina, in 1835, we find an Anti-Liberal party in opposition to the Jews, and to others.

In attempting to characterise the manifestations of prejudice, we were struck with the frequency with which the "business" question cropped up. In many instances, we noted an underlying fear, or jealousy, of the Jew as an economic competitor, or as a potential competitor. The objection was not always stated directly. On the contrary, usually some other reason was advanced, while the real motive, sometimes thinly dis-

guised, lay at the bottom.

To mention a few examples: Johannes Megapolensis wrote a letter to the Classis of Amsterdam on March 18, 1655, in which he bemoaned the arrival of the "unrighteous" Jews. Besides being ungodly, he said, they had "no other aim than to get possession of Christian property, and to win all other merchants by drawing all trade towards themselves." Note well the words we have underlined. And Peter Stuyvesant wrote in the same vein a few months later (October 30, 1655), saying that the Christians "will not be able at the same time to do business" if the Jews are allowed to stay.

Georgia, too, brought forth similar arguments when the Jews settled in 1732-3. At that time the Trustees complained that the settlement of the Jews "would be to the detriment of trade and welfare of the colony," although Oglethorpe, as we have mentioned, had the good sense not to listen to them. In Pennsylvania, the Mennonites excluded several groups of people from their settlement at Horekill (1662), including the "usurious" Jews. The Grand Jury in South Carolina recommended in 1776 that Jews not be allowed to keep their shops open on Sunday, because it was a profanation of the Lord's Day, and -- oh yes! -- because they were taking unfair advantage of the Christian shopkeepers who could not buy and sell on Sunday. James Madison, in arguing that the Jews not be excluded from Virginia (1784), explained that it would not do to "superadd a fresh motive for emigration" and thus drive people out of the colony.

This theme occurs again and again, though we would by no means say that it was the only one. There were others, too, expressed in terms of literary prejudice (See Appendix A),

social (See Myer S. Isaac's report to the Board of Delegates, 1873), political (Jacob Henry, 1809), and educational (College of New York, 1872).

There is one further point of interest which we should like to mention. Most of the incidents mentioned above affected Jews for the most ^{part} as Jews. In many instances, however, the prejudicial actions or opinions were only incidentally anti-Jewish, usually touching some other religious or minority groups as well. In the Megapolensis letter of March 18, 1655, for example, the objection is not only to Jews, but also to such other groups as Papists, Mennonites, Lutherans, Puritans, Atheists, and others. So, too, in the case of the Pennsylvania Mennonite sect that excluded the Jews: other sects coming under the ban were Catholics, Quakers, Puritans, "believers in the millenium," "pretenders to revelation," and in general all "intractible people." The letter in the Pennsylvania Evening Post (1776) expressed the fear that Jews, and Turks, too, might become landlords and office-holders, while the North Carolina election protest (1702-3), lodged against the Jews, also included strangers, sailors, servants and Negroes.

Thus, in a small way, we hope to have answered some of the questions that we put at the start: where did the prejudice originate, was it directed against the Jews alone, what forms did it take? The following pages present the story in detail and constitute, in a sense, the "case history" of early American anti-Jewish prejudice.

NOTES TO INTRODUCTION

1. Contemporary Jewish Record, Vol. V, No. 5, October, 1942, 556.
2. "Writing American History," Contemporary Jewish Record, Vol. VI, No. 2, April, 1943, 143.
3. It will be noticed, however, that we included the case of Joseph Simpson (Maryland, 1853), even though it deals tangentially with missionary activity, because that is a secondary aspect; and also the California incident involving Solomon Heydenfeldt (1858) and a Sunday Law case, for the same reason.
4. "The Civil Status of the Jews in Maryland, 1634-1776," AJHS, II, 33.
5. "Writing American Jewish History," Contemporary Jewish Record, Vol. VI, No. 2, 149.
6. Sweet William Warren, Religion in Colonial America, 209.
7. Shannon, Fred A., Economic History of the People of the United States, 40.

CHAPTER I

NEW YORK

(New Netherland, New Amsterdam)

NEW YORK

(New Netherland, New Amsterdam)

1654 - JACQUES de la MOTTHE vs. DAVID ISRAEL et al.

As is well-known, soon after their arrival in the New World, the small band of Jewish refugees came into unpleasant contact with the law. Once having quit their former dwellings in South America, they took passage on the bark "St. Catrina," but they apparently ran into difficulty when the time came for them to pay the master of the ship.

Thus it came about that on September 16, 1654, an "extraordinary meeting" was held at the City Hall, at which the case of "Jacques de la Motthe, master of the Bark called St. Catrina" against "David Israel and the other Jews" was heard.^{1.} According to the Court's decision, the Jews were under obligation to make good the payment and in order to insure this, it was ruled that Israel and another Jew, Moses Ambrosius were to be placed under arrest and to be held until payment was made.^{2.} At the very outset, then, the reception accorded the Jews was none too cordial.

1654 - PETER STUYVESANT

No small source of irritation lay in the presence of Peter Stuyvesant, who was then Director General of New Netherland. Under date of September 22, 1654, Stuyvesant addressed a letter to the Dutch West India Company in which he referred derogatorily to the Jewish immigrants.

"The Jews who arrived," he wrote, "would nearly all like to

remain here but learning that they (with their customary usury and deceitful trading with the Christians) were very repugnant to the inferior magistrates, as also to the people having the most affection for you; the Deaconry also fearing that owing to their present indigence they might become a charge in the coming winter, we have, for the benefit of this weak and newly-developing place and the land in general, deemed it useful to require them in a friendly way to depart; praying also most seriously in this connection, for ourselves as also for the general community of your worships, that the deceitful race, -- such hateful enemies and blasphemers of the name of Christ -- be not allowed further to infect and trouble this new colony, to the detraction of your worships and the dissatisfaction of your worships' most affectionate subjects."^{3.}

1655 - EXPULSION RESOLUTION

In addition to such bigoted men as Stuyvesant, however, the Jewish settlers had also to contend with officials of the stamp of Cornelis van Tienhoven, "Shout," or Sheriff of New Amsterdam at this time.^{4.} Van Tienhoven, "an unscrupulous and daring man," had risen from the lowly position of clerk in the West India Company to the high post which he held when the Jews^{5.} arrived.

According to an entry in the Court records dated March 1, 1655,^{6.} and during a temporary absence of Stuyvesant, van Tienhoven "informed the Burgomasters and Schepens, the Director General and Supreme Council have resolved that the Jews who came last year from the West Indies and now from Fatherland, must

prepare to depart forthwith, and ... they shall receive notice thereof."^{7.}

In this, it appears, he exceeded his authority, and fortunately no action was taken.

In a letter dated April 26, 1655, the Directors of the West India Company wrote Stuyvesant as follows: "We would have liked to effectuate and fulfill your wishes and request that the new territories should no more be allowed to be infected by the people of the Jewish nation ... but ... we observe that this would be somewhat unreasonable and unfair, especially because of the considerable loss sustained by this nation, with others, in the taking of Brazil, as also because of the large amount of capital which they still have invested in the shares of this company. Therefore ... these people may travel and trade to and in New Netherland and live and remain there, provided the poor among them shall not become a burden to the company or to the community, but be supported by their own nation."^{8.}

1655 - JOHANNES MEGAPOLENSIS

Another person who harbored little love for those of "the Jewish nation" was the Dutch Domine, Reverend Johannes Megapolensis. Megapolensis arrived in New Netherland in 1642 and stayed at Fort Orange (Albany) until 1648, when he left for New Amsterdam. He stayed here until his death in 1670, during which^{9.} time both he and Stuyvesant worked together in great harmony.

Under date of March 18, 1655, Megapolensis wrote a letter^{10.} to the Classis of Amsterdam, in which he remarked the following:^{11.}

"... Last summer some Jews came here from Holland, in order to trade. Afterwards some Jews, poor and healthy, also came here on the same ship with D: Polheijmis. It would have been proper that these had been supported by their own nation, but they have been at our charge, so that we have had to spend several hundred guilders for their support. They came several times to my house, weeping and bewailing their misery, and when I directed them to the Jewish merchant they said that he would not lend them a single stiver. Now again in the spring some have come from Holland, and report that a great many of that lot would yet follow and then build here their synagogue. This causes among the congregation here a great deal of complaint and murmuring. These people have no other God than the unrighteous Mammon, and no other aim than to get possession of Christian property, and to win all other merchants by drawing all trade towards themselves. Therefore, we request your Reverences to obtain from the Lords Directors that these godless rascals, who are of no benefit to the country, but look at everything for their own profit, may be sent away from here. For, as we have here Papists, Mennonites and Lutherans among the Dutch; also many Puritans or Independents, and many Atheists and various other servants of Baal among the English under this Government, who conceal themselves under the name of Christians; it would create a still greater confusion, if the obstinate and immovable Jews came to settle here."

12.

Indeed, from this letter it would seem that the good Domine was, himself, more concerned with the "unrighteous Mammon" which he denounces, than with the helpless Jews whom he so fearlessly excoriates. However, as events turned out, the Directors of the

Company were not favorably disposed towards Megapolensis' arguments and the Jews stayed on. The Directors sent an order of toleration, under date of April 26, 1655 (referred to above, page 33), shortly after the Reverend Domine's outcry.^{13.}

1655 - FOUR JEWISH CASES

During this same year (1655) four cases came up before the authorities involving the following five Jews: Abram De La Simon, David de Ferera, Salvador Dandrada, and Asser Levy and Jacob Barsimson.

1655 - ABRAM DE LA SIMON

In the first of these, Cornelis van Tienhoven, as Sheriff, made complaint in court against one Abram De La Simon, "a Jew," for having kept his store open "during the Sermon."^{14.} Apparently, De La Simon was still unfamiliar with the Dutch language, or at least with the legal terminology employed in the Court, for it was reported that "the charge having been read before Defendant, who not understanding same, it was ordered that a copy be given Defendant to answer same before next Court Day."^{15.}

Although van Tienhoven had demanded as fine 600 guilders and the cessation of defendant's business, it is doubtful whether the Court levied this punishment. Instead, van Tienhoven informed the Burgomasters and Schepens that the Director General and Supreme Council had decided to force the Jewish arrivals "from the West Indies and now from the Fatherland" to leave New Amsterdam.^{16.} The Burgomasters and Schepens were all too glad to let the Jews go and thus offered no objections to this decision.

1655 - DAVID de FERERA

Another case, which received fuller consideration, was that of David de Ferera, who was "subjected to great indignities because of his alleged discourteous treatment of a bailiff under
17. Schout Nicasius de Sille and of a violation, through ignorance, of a technical point of law."
18.

In brief, the details of this complicated case (which extended from October 18, 1655 until July 16, 1656) were as follows: De Ferera, in attempting to collect a debt from one Adrian Keyser, had run into several delays occasioned by repeated hearings and postponements. He was finally authorized to dispose of some of the defendant's goods, but before actually doing so, another creditor of Keyser's appeared on the scene. Thereupon ensued some further delays, culminating in de Ferera's decision not to relinquish the goods to either the other creditor or the bailiff of the Court, until actual payment had been made to him. Moreover, he had, in the presence of the bailiff, been "making use ... of many words in his tongue," i.e., probably Hebrew. As a result,
19. therefore, de Ferera was fined and put in jail.

The interesting feature about this incident is that "no other case is reported in such full detail in the minutes, and the record impliedly shows the prejudice of the inferior magistrates against the Jews, as intimated in Stuyvesant's first letter, and
20. the lengths it led them while acting as judges."

1655 - SALVADOR DANDRADA

One Jewish petitioner who fared equally as unfavorably in his request was Salvador Dandrada, who, on December 23, 1655, pre-

sented his case to the "Honorable Worshipful Director General and High Councillors of New Netherland." It seems that Dandrada had purchased/^{a house} from one Teunis Cray in public auction for 1860 guilders, but the Director and Council refused to permit the transfer "for pregnant reasons."^{21.} Following the petition of the seller of the house (Cray) requesting the Council to pay the 1860 guilders, we hear nothing more of the incident beyond a passing reference in a later petition by some Jews on March 14, 1656.^{22.}

1655 - ASSER LEVY AND JACOB BARSIMSON: MILITARY SERVICE

The fourth case, concerning Asser Levy and Jacob Barsimson, was occasioned by the ordinance excluding Jews from military service. On returning from the West Indies in July, 1655, Stuyvesant was met with orders to attack the Swedes on the Delaware. He thereupon made the necessary arrangements to enlist all adults in the colony.^{23.}

On August 28, 1655 Stuyvesant and the Council resolved to exempt Jews from military service by standing guard and imposed, instead, a special tax on them.^{24.} "Owing to the disinclination and unwillingness of the trainbands to be fellow soldiers with the aforesaid nation," ^{resolution} ~~the~~ read, "and to be on guard with the same at the guard-house," Jews cannot, therefore, be permitted to serve as soldiers. Each male so exempted had, in addition, to pay a monthly contribution of sixty-five stivers.^{26.}

It was not until November 5, 1655,^{27.} however, ^{that} ~~when~~ Levy and Barsimson questioned the decision of Stuyvesant, in bringing their case to Court. On that date, the Dutch record reads as follows:

"Jacob Barsimson and Asser Levy request to be permitted

to keep guard with other burghers, or be free from the tax which others of their nation pay, as they must earn their living by manual labor.

"After a vote, the answer was given: Director General and Council persist in the resolution passed, yet as the petitioners are of the opinion that the result of this will be injurious to them, consent is hereby given to them to depart whenever and whither it pleases them."^{28.}

It has been customary to report this incident as illustrating Levy's burning interest in civil rights, and the Council's curtness in refusing the request.^{29.} In view of the above reading of the text, however, it is questionable whether we can accept the usual interpretation, viz., that the two men petitioned in a demand for their "rights," and that they were turned down with the admonition to "go elsewhere" if they were not satisfied.^{30.}

1655 - RESIDENCE AND TRADING PRIVILEGES

Stuyvesant's feelings with regard to the Jews and his interest in having them excluded from New Amsterdam have already been mentioned. Despite his ideas on the matter, however, the Directors wrote him on April 26, 1655, and authorized him to permit the Jews "to sail and trade to and in New Netherland and to live and remain there,"^{31.} including also the famous provision that they must support their own poor.^{32.}

On receipt of this reply, Stuyvesant was, accordingly, obliged to allow Jews to have residence and trading privileges in New Netherland. However, he undertook to write the Directors on October 30, 1655, again in reference to the Jews, and said,

in effect: "To give liberty to the Jews will be very detrimental there, because the Christians there will not be able at the same time to do business. Giving them liberty, we cannot refuse^{33.} the Lutherans and Papists."

A few months after the Company's letter of April 26, the Directors sent further instructions to Stuyvesant which made it clear that the edict of toleration was applicable only to matters of business. "This does not include," they wrote, "the right of exercising their religious service in a synagogue or assembly; as long as no such request is made [by the Jews] the consideration of this question is premature; when it is brought up, you better refer it to us."^{34.} It remained for this privilege to be granted later, under English rule.

1655 - TRADING AT FORT ORANGE (ALBANY)

Before the year was out, another petition was drawn up by some Jews (November 29, 1655), this time to the effect that the Director General would not "prevent or hinder ... but will allow and consent that, pursuant to the consent obtained by them, they may, with other inhabitants of this province, travel and trade on the South River of New Netherland, at Fort Orange and other places...."^{35.}

The request was signed by Abraham de Lucena, Salvador Dandrada and Jacob Cohen, but was denied for various reasons.^{36.} Among the dissenters was Cornelis van Tienhoven, who "was of the opinion that it would be injurious to the community and the population of the said places to grant the petition of the Jews."^{37.}

However, the Directors in Holland took a different view of the matter. In a letter dated June 14, 1656, they wrote Stuyvesant rather briskly, as follows:

"We have here seen and learned with displeasure, that your Honors, against our apostille of the 15th of February, 1655, granted to the Jewish or Portuguese nation at their request, have forbidden them to trade at Fort Orange and South River, and also the purchase of real estate, which is allowed them here in this country without any difficulty, and we wish this had not occurred but that your Honors had obeyed our orders which you must hereafter execute punctually and with more respect.

"Jewish or Portuguese people, however," the letter continued, "shall not be permitted to establish themselves as me-
38. chanics (which they are not allowed to do in this city),
39. nor allowed to have open retail shops, but they may quietly and peacefully carry on their business as heretofore and exercise in all quietness their religion within their houses, for which end they must without doubt endeavor to build their houses close together in a convenient place on one or the other side of New Amsterdam -- at their choice -- as they have
40. done here."

Thus, while rebuking Stuyvesant for refusing permission to Jews to trade at Fort Orange, the Directors at the same time established further limitations of Jewish residence and occupation in the colony.

One is inclined to question the suggestion, however, that the Jews construct their houses close together for greater

convenience in worship. Could this possibly refer to the establishment of a Jewish Quarter in New Amsterdam? Naturally, it is difficult to do more than presume the intentions of the Directors, but undoubtedly the matter would bear further investigation. Actually, as far as the sources go, there is no evidence other than the above reference to indicate that a ghetto was ever proposed or established.^{41.}

1655-6 - CIVIL AND POLITICAL RIGHTS

Stuyvesant, it will be remembered, wrote the Directors on October 30, 1655, arguing against the grant of "liberty" to the Jews.^{42.} This letter was answered by the Directors on March 13, 1656, as follows:

"The consent given to the Jews to go to New Netherland and there to enjoy the same liberty that is granted them in this country was extended with respect to civil and political liberties, without the said Jews becoming thereby entitled to a license to exercise and carry on their religion in synagogues."^{43.}

In reply, Stuyvesant wrote (June 10, 1656):

"Considering the Jewish nation with regard to trade, they are not hindered, but trade with the same privilege and freedom as other inhabitants. Also, they have many times requested of us the free and public exercise of their abominable religion, but this cannot yet be accorded to them. What they may be able to obtain from your Honors time will tell."^{44.}

From this exchange of letters it can be seen that the Directors qualified even further the rights of Jewish settlement in the new colony: only civil and political rights were admitted, while as yet Jews could not lay "claim to the privi-

lege of exercising their religion in a synagogue or gathering." ^{45.}

1657 - ASSER LEVY: BURGHER RIGHTS

About a year later, Asser Levy again made his appearance in court, this time in a case that illustrated only too well the friction existing between the Burgomasters and the Jews. Levy requested a certificate admitting him as a burgher, to which he was entitled according to the word of the Directors and Council in 1655 (February 15). ^{46.}

When his request was denied, four other Jews, "Salvador d'Andrada, Jacob Cohen Henrique, Abraham de Lucena and Joseph d'Acosta," solicited the Director General "not (to) now exclude us from the rank of citizens, but rather to incline the Hon. Burgomasters that they will permit us to enjoy with other citizens their privileges, and grant to each person that might solicit that favour, a certificate of their citizenship." ^{47.} The request was thereupon acceded to, in an "apostell" dated April 20, 1657 and signed by "P. Stuyvesant, Nicasius de Sille, and Pieter Touneman." ^{48.}

1657 - "JACOB COHEN HENDRICUS, A JEW"

Another case in 1657 concerned one "Jacob Cohen Hendricus, a Jew." According to an entry in the Court minutes under the same date as Levy's, ^{49.} Hendricus' application "to bake and sell bread within this city, as other bakers, but with closed door," was refused. This seems to have been the final word on this subject. ^{50.}

1683 - NATURALIZATION ACT UNDER THE ENGLISH

In 1664 the English entered the harbor of New Amsterdam and took over the Dutch colony and, with it, a large body of legislation then in force. For a time, the Jews living in New York, as New Amsterdam was now called, were in the curious position of enjoying certain rights and privileges of Dutch law and certain of English law, although, it is true, for about a century and afterwards decade/they came more and more under the direct influence and authority of the English rule.

In 1683 the Colonial Assembly passed a general naturalization act which, however, was limited to only those professing Christianity.^{51.} Some years later, in 1715, another colonial act was passed, this time authorizing the naturalization of Protestants only.^{52.} Yet in spite of this apparent discrimination, Jews were nevertheless granted those rights necessary to enable them to engage in the economic life of the colony. Evidence of this is seen in the number of letters of denization granted by others Governors after 1683.^{53.}

1685 - GOVERNOR DONGAN: JEWISH WORSHIP

Two years later (1685) some Jewish residents of New York petitioned Gov. Dongan "for liberty to exercise their religion."^{54.} According to Kohler, this probably referred to the right to have public gatherings.^{55.} On reference of the petition to the Mayor and Common Council of New York, it was decided "that no public worship is tolerated by act of Assembly but to those that profess faith in Christ, and therefore the Jews' worship not

be allowed."^{56.} If, indeed, this did refer to public worship, as the decision of the Mayor and Council indicates, then the ruling was quite in keeping with the law of the colony at the time. It must be remembered, of course, that there was no question of the right to private worship in one's own house, though undoubtedly worship meetings must have taken place in secret. At any rate, it is not until ten years later that we hear of a synagogue definitely established.^{57.}

1685 - SAUL BROWN AND GOV. DONGAN: TRADING RIGHTS

The same year (1685) occurred a case which had some bearing on the rights of Jews. On petition of Saul Brown to Gov. Dongan, complaining that his "right" of trade had been interfered with under the terms of a municipal regulation then in force, the Council replied that no Jew could sell retail in the city. However, if the Governor gave his sanction, he might engage in wholesale trade.^{58.} In view of the fact that a specific ordinance prohibiting Jews from retail trade does not exist, Kohler is inclined to think that a statute was in force from previous Dutch rule.^{59.} Under the terms of capitulation in 1664, as we have seen, the English had agreed to accept some of the Dutch laws already in existence, and possibly this might have been the case here.

A practical result of this decision seems to have been to incline Jews to foreign trade, although by the 18th century, when its force was apparently weakened, some Jews actually were engaged in retail trade in New York.^{60.}

1737 - JEWISH VOTING RIGHTS

Another incident of infringement on Jewish rights occurred in 1737, when, on the occasion of an election for membership, the General Assembly of New York adopted the following resolution (September 23):

"That it not appearing to this House, that Persons of the Jewish Religion have a Right to be admitted to vote for Parliament Men, in Great Britain, it is the Unanimous Opinion of this House, that they ought not to be admitted to vote for Representatives in this Colony."^{61.}

This resolution was in itself rather unusual, for the entire matter of election and voting privileges came more or less under the jurisdiction of colonial statutes and special grants. If the principle adopted here were applied in other cases, then indeed many other persons would have been equally disfranchised.^{62.}

A day before the election contest the Assembly further stated "that it was the Opinion of the House that none of the Jewish Profession could be admitted in Evidence, in the Controversy now pending."^{63.} In effect, this meant that no Jew could be admitted as a witness and was, therefore, "an instance of flagrant bigotry."^{64.} If the validity of this principle were maintained, then all the rights and liberties of Jews in the colony would be jeopardized. It was in consequence a rather dangerous precedent, besides being in every respect erroneous.

It seems that this instance of anti-Jewish prejudice was an exceptional one, however, the ruling in question having

been hastily drawn up and "apparently without consideration."^{65.}
An unscrupulous lawyer named Smith was active in putting this restriction through, and, at that, apparently in the absence of any Jewish representation on the question.

1743 - A JEWISH FUNERAL

In a letter to the editor of The New York Weekly Journal, an anonymous reader described the disgraceful and rude acts of a crowd of people at a Jewish funeral in 1743. The letter, printed in the issue of Monday, May 16, 1743, read in part as follows:

"...I've only Reason to Abhor and dispise many who (O Impudence!) dare Stile themselves Christians. Of these, Rude unthinking Wretches such a Rabble was got together, it was with much Difficulty the Corpse was interr'd.... Lost to Shame and Humanity they even insulted the Dead in such a vile manner, that, to mention all would Shock a human Ear. One whom by his dress I should have thought to be a Gentleman, seem'd to Head this Mob. he when the Coffin was let down, held out an image, (which I fear he's to be fond of) and Mutter'd, in Latine, as I suppose, his Pater-Noster...."^{66.}

We know nothing further about this interesting affair, other^{66a.} than that the funeral was probably that of Abraham Isaacs.

1776? - SHEARITH ISRAEL: BRITISH VANDALISM

In a sketch of Congregation Shearith Israel written by Rev. Jacques J. Lyons (1813-1877), there occurs the following reference to vandalism practiced by some British soldiers dur-

ing the Revolutionary War:

"During the war of the revolution, two British soldiers broke into the Synagogue in Mill Street, and Stole the remonim; destroyed two of the Seapharim, and threw them into the sink; the Soldiers were apprehended and Severely flogged, one of them died from the effects.

"It required all the influence of the members of the Congregation to prevent the Synagogue, from being used for a hospital and barracks during the said time."^{67.}

1822 - MORDECAI M. NOAH: LUDLOW STREET JAIL

While Mordecai Noah was sheriff of New York County in 1822, a yellow fever plague threatened the population of the city. Noah accordingly had the prisoners in the Ludlow Street debtors jail released and as a result had to pay damages to the creditors of the released prisoners.^{68.} According to information supplied by Leon Huhner, "at that time certain zealous clergymen in the city of New York denounced the city government for Noah's act, claiming that the plague was a divine visitation upon the city for choosing a Jew as a sheriff."^{69.}

Further investigation of contemporary records might afford more information concerning the details of this reported incident.

1822 - MORDECAI M. NOAH: PRINTED BROADSIDE

The following document of historical interest exists

from the first quarter of the 19th century, and concerns the ever-unusual Mordecai Noah. It was printed as an affidavit, in broadside form, and read as follows:

"City of
"New York -- ss.

(Vignette)

"MORDECAI M. NOAH, / of No. 57, Franklin-street, being / duly sworn, / deposeth and saith, that on the 20th day of / June 1828, at the 2d ward of the City of New-York, / he was violently assaulted by / Elijah J. Roberts, / who attacked him on the steps, and COW-SKINNED HIM!! / without any justification on the part of the said assailant, where- / fore this deponent prays that the said / Elijah J. Roberts, / may be bound by recognizance to be of good behaviour and keep / the peace, and to answer for the above assault, &c. at the / next Court of General Sessions of the Peace, to / be holden in and for the said city.

"Sworn before me this

"20th day of June 1828.

M.M. NOAH.

"J. HOPSON."

The document, which originally appeared on exhibition in a collection of views, prints and other material relating to New York in general, was reprinted in The American Hebrew.⁷⁰
It is further described as follows:

"The whole is surrounded by a border of a conventional design. The vignette in the upper-right-hand corner of the sheet represents Major Noah, a portly gentleman of a Hebraic type of features, assaulted by Roberts on the steps of the Park Theatre. Roberts is seen in the act of raising a cudgel

and the spectator in the vignette is observing the fray. On the facade of the theatre hangs a sign:

"PARK
THEATRE

THE JEW.

1 Act of the
Hypocrite.

Ends with the
farce of
The Liar."

From all indications, this rarity might very well be included in our discussion on anti-Jewish prejudice, for its importance lies not so much in the actual details of the case, as in the portrayal of Noah and the uncomplimentary references to him.^{71.}

18--? - LEVY AND SEIXAS FAMILIES

In speaking of the prominence and importance of the Levy and Seixas descendants, N. Taylor Phillips wrote that "they have seen the city of New York and its congregation, in the times when prayers were read in the frame house on 'The Slycke Steege,' or 'Dirty Lane,' as Mill Street was known in those days, almost fearful of the observation of their neighbors,^{72.} grow into its present magnificent proportions...."

One wonders just what Phillips could have reference to,

in speaking of these early Jews being "fearful of the observation of their neighbors." Could there have been some ill-feeling at this time, or does he possibly refer to a much earlier date, during the 17th century, when, under both the Dutch and the English, synagogues were forbidden?

1872 - COLLEGE OF NEW YORK

In his final report to the Board of Delegates of American Israelites (December, 1878), Myer S. Isaacs referred to an incident that took place in 1872 in New York City. "The attention of the (Executive) Committee was directed to a discrimination against students of the Jewish faith at the College of New York," he wrote. "The President manifested no desire to adjust the matter in a liberal spirit." Thereupon, "the Committee appealed to the trustees of the College, who modified the rule in question."^{72a.}

The details of this case were as follows:

In 1872 the authorities of the College scheduled the June examinations on Shavuot. Naturally, this worked somewhat of a hardship on certain of the Jewish students, and accordingly the Executive Committee of the Board of Delegates requested the President of the College, General Webb, to have the date changed. Webb, however, refused to make the necessary change, saying that not only was it not possible, but that even if it were it would be inadvisable. The College, he replied, could not take into consideration the festivals and holidays of every religious denomination, if it were to maintain its organization.

Receiving no satisfaction from the President, the Board

then contacted the Honorable Samuel A. Lewis, a commissioner of education who took the matter to the trustees of the College;
the date was subsequently changed.^{73.}

NOTES TO CHAPTER I

1. From the official Dutch documents translated by David Valentine, Clerk of the Common Council of New York City, and author of Manual of the Common Council for 1849; quoted, Kohler, Max J., "Beginnings of New York Jewish History," AJHS, I, 45.
2. Ibid., 45.
3. Oppenheim, Samuel, "The Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 4-5; Kohler, Max J., "Phases of Jewish Life in New York Before 1800," AJHS, II, 78, gives the following interesting description of Stuyvesant: "...the intolerant spirit manifested towards them (the Jews) was largely if not chiefly created by that crotchety, narrow-minded, yet quaint old man, Peter Stuyvesant."
4. Huhner, Leon, "Asser Levy," AJHS, VIII, 10.
5. Ibid., 10.
6. Oppenheim, Samuel, "The Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 5.
7. Huhner, Leon, "Asser Levy," AJHS, VIII, 12; Records of New Amsterdam (Court Minutes), Vol. 1, p. 291.
8. Oppenheim, Samuel, "The Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 8.
9. Sweet, William Warren, Religion in Colonial America, 198.
10. i.e., Presbytery.
11. Oppenheim, Samuel, "The Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 73-4. (Some New Matter on the Subject)
12. This is the revised translation as published by Oppenheim, "after comparison with the original letter." In Dyer, Morris Albion, "Points in the First Chapter of New York Jewish History," AJHS, III, 43-4, there occurs the following, supposedly incorrect, since earlier, translation: "Jews came from Holland last summer to trade, later a few came upon the same ship with Domine Polheymius. They were poor and healthy, and it would have been seemly that they should have been supported by their own people, but they have been at our charge, so that we -- the church -- have had to spend several hundred guilders for their support. They came several times to my house weeping and bemoaning their misery, and when I directed them to the Jewish merchants, they said that these would not lend them a few stivers. Some more have come from Holland this spring, reporting that still more of this lot would follow and then build here a synagogue. This causes among the congregation here a great deal of grumbling and murmuring. As these people have no other god but the un-

righteous mammon, and no other aim than to get possession of Christian property and to ruin all other merchants by drawing all trade towards themselves, therefore we request your Reverences (i.e., the Classis of Amsterdam) to obtain an order from the Lords Directors (of the West India Company) that these godless rascals, who are of no benefit to the country, but look at everything for their profit, may be sent away from here."

However, it is obvious from this that the changes between this original translation and the later one of Oppenheim are such as do not materially affect our subject matter.

13. Dyer, Albion Morris, "Points in the First Chapter of New York Jewish History," AJHS, III, 44.

14. Kohler, Max J., "Beginnings of New York Jewish History," AJHS, I, 46.

15. Valentine, David, Manual of the Common Council for 1849, p. 387; quoted, Kohler, Max J., "Beginnings of New York Jewish History," AJHS, I, 46.

16. Ibid., 46.

17. Schout = Sheriff; Schepens = Aldermen; Burgomasters = Mayors.

18. Oppenheim, Samuel, "Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 54.

19. Ibid., 54.

20. Ibid., 55; pp. 68-71 contain several documents of historical value -- letters, court records, etc. In most of these, references to Jewish persons are indicated by some term such as "Jew," "a Jew," "the Jew," etc., following the individual's name.

21. Oppenheim, Samuel, "Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 29-30.

22. Ibid., 31.

23. Huhner, Leon, "Asser Levy," AJHS, VIII, 12-13.

24. Kohler, Max J., "Civil Status of the Jews in Colonial New York," AJHS, VI, 87.

25. cf. Oppenheim, Samuel, "Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 24; Huhner, Leon, "Asser Levy," AJHS, VIII, 12-13, has "disgust."

26. Huhner, Leon, "Asser Levy," AJHS, VIII, 12-13.

27. Ibid., 13.

- The
28. Oppenheim, Samuel, "Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 25.
29. cf. Kohler, Max J., "Civil Status of the Jews in Colonial New York," AJHS, VI, 87, who writes that Levy and Barsimson petitioned the Council and were "curtly denied." Huhner, Leon, "Asser Levy," AJHS, VIII, 13, writes only of Levy, and mentions that his petition was rejected "with the sharp comment that if he was not satisfied with the law, he might go elsewhere if he liked."
30. Oppenheim, Samuel, "The Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 25.
31. Ibid., 8-9, and footnotes.
32. Kohler, Max J., "Beginnings of New York Jewish History," AJHS, I, 47.
33. Oppenheim, Samuel, "The Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 20.
34. Dyer, Albion Morris, "Points in the First Chapter of New York Jewish History," AJHS, III, 46
35. Oppenheim, Samuel, "The Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 26-7.
36. Ibid., 28.
37. Ibid., 28.
38. Not: "to be employed in public service," as previously mis-translated; cf. Kohler, Max J., "Beginnings of New York Jewish History," AJHS, I, 48.
39. i.e., Amsterdam, Holland.
40. Oppenheim, Samuel, "The Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 33.
41. Kohler, Max J., "Beginnings of New York Jewish History," AJHS, I, 48.
42. Oppenheim, Samuel, "The Early History of the Jews in New York, 1654-1664," AJHS, XVIII, 20.
43. Ibid., 21.
44. Ibid.
45. Kohler, Max J., "Beginnings of New York Jewish History," AJHS, I, 47.

46. Kohler, Max J., "Civil Status of the Jews in Colonial New York," AJHS, VI, 87; Huhner, Leon, "Asser Levy," AJHS, VIII, 15, gives the date of this ordinance as January, 1657.
47. Kohler, Max J., "Civil Status of the Jews in Colonial New York," AJHS, VI, 87-8.
48. Ibid., 88.
49. This date is given in Oppenheim, Samuel, "The Early History of the Jews in New York, 1654-1644," AJHS, XVIII, 35, as April 11, 1657.
50. Ibid., 35.
51. Kohler, Max J., "Civil Status of the Jews in Colonial New York," AJHS, VI, 104.
52. Ibid., 104.
53. Ibid.
54. Ibid., 94.
55. Ibid., 94.
56. Ibid.
57. Ibid., 95.
58. Ibid., 96.
59. Ibid., 96-7.
60. Ibid., 97.
61. Ibid., 98.
62. Ibid.
63. Ibid., 99.
64. Ibid.
65. Ibid.
66. Oppenheim, Samuel, "Disgraceful Acts of a Mob at A Jewish Funeral in New York, 1743," AJHS, XXXI, 240.
- 66a. Ibid., 240, note 28.
67. Phillips, Naphtali, "Sketch of the Spanish and Portuguese Congregation Shearith Israel Written about 1855," AJHS, XXI, 216; pp. 175-183 contain several documents relating to early

New York Jewish history. We have already come across these in the various articles by Kohler, Oppenheim, Huhner, etc.

68. Cone, G. Herbert, "New Matter Relating to Mordecai M. Noah," AJHS, XI, 136.

69. Ibid... 137.

70. Vol. LXXXV, 11; May 7, 1909.

71. A.M.F., "An Interesting Item Concerning Major Mordecai M. Noah," AJHS, XVIII, 211-12; see also Rosenbach, A.S.W., "An American Jewish Bibliography," AJHS, XXX, 249, item 301.

72. Phillips, N. Taylor, "The Levy and Seixas Families of Newport and New York," AJHS, IV, 214.

72a. Kohler, Max J., "The Board of Delegates of American Israelites, 1859-1878," AJHS, XXIX, 105.

73. Tarshish, Allan, "Notes for Doctoral Dissertation," 481d (Unpublished); Tarshish quotes as a reference the Proceedings of the Board of Delegates, 1873, p. 56.

CALENDAR OF CASES: NEW YORK

- 1654 - Jacques de la Motthe vs. David Israel et al. - Page
- Peter Stuyvesant
- 1655 - Expulsion Resolution
- Johannes Megapolensis
- Abram De La Simon
- David de Ferera
- Salvador Dandrada
- Asser Levy and Jacob Barsimson: Military Service
- Residence and Trading Privileges
- Trading at Fort Orange(Albany)
- 1655-6 - Civil and Political Rights
- 1657 - Asser Levy: Burgher Rights
- "Jacob Cohen Hendricus, a Jew"
- 1683 - Naturalization Act Under the English
- 1685 - Governor Dongan: Jewish Worship
- Saul Brown and Gov. Dongan: Trading Rights
- 1737 - Jewish Voting Rights
- 1743 - A Jewish Funeral
- 1776? - Shearith Israel: British Vandalism
- 1822 - Mordecai M. Noah: Ludlow Street Jail
- Mordecai M. Noah: Printed Broadside
- 18--? - Levy and Seixas Families
- 1872 - College of New York

CHAPTER II

MARYLAND

MARYLAND

To understand fully the position of the Jew in Maryland, it is necessary to distinguish between those disabilities which were left, and those which were instituted, after Maryland became a State. If, for example, under provincial government, a Jew had not come from British soil, then he was without civil rights, as any other alien.^{1.} He could, however, secure letters of denization, whereupon he could enjoy the privileges of domicile as well as any special rights permitted by the Royal Charter. If, on the other hand, a Jew had been born on British soil, or was a resident for a long time, he suffered no change in formal status upon removing to Maryland.^{2.}

From this it becomes apparent, therefore, that there was an "implied transference of English common law," which was, nevertheless, subject to the interpretation of the Lord Proprietor of Maryland -- following certain principles later laid down in 1684 by the Attorney-General in England -- so that the status of the Jew might at any time be reduced to that of an alien.^{3.}

1637 - GENERAL ASSEMBLY: RIGHTS AND PRIVILEGES

At the earliest recorded session of the provincial General Assembly (1637) "an act for the liberties of the people" provided for the enjoyment of all the rights and privileges of natural born subjects of England by the inhabitants of the province -- "being Christians."^{4.} This measure was never actually passed, though it remained in effect until reenacted in

1639 in the following form: "The inhabitants shall have all their rights and privileges according to the great charter of England."^{5.}

According to Hollander, if it is assumed that this was subject to the interpretation of the earlier act of 1637, then the "Jews resident in Maryland were, almost from the first, divested of personal and civil rights not conferred by specific grants."^{6.}

1639 - OATH TO THE KING

It was further prescribed by the General Assembly (1639) that inhabitants of the province were to take an oath of allegiance to the King. Whether an English oath is here referred to, or a special provincial act providing for such an oath, is not particularly important. In either case, the words "upon the faith (true faith) of a Christian" were to be included by all inhabitants eighteen years of age or older.^{7.} However, in the oath of fidelity to the Lord Proprietor which was instituted subsequently, these words were omitted.^{8.}

1648, 1649, 1654 - OATH AND ACTS OF TOLERATION

Interestingly enough, the very act that was passed in order to insure religious toleration, in reality worked to the disadvantage of the Jews. In 1648 an oath of office taken by the lieutenant-general provided for the protection of those persons "professing to believe in Jesus Christ" from molestation on account of religious beliefs.^{9.} Acts of a similar nature were instituted in 1649 and again in 1654, without in

either case once referring to the Jews.

1658 - JACOB (JOHN) LUMBROZO

However, these were but the formal declarations of the province, which defined the status of the Jew more by implication than by direct reference. It is quite probable that they represented the letter of the law -- in actual practice the Jew was probably granted the same measure of freedom as were the other colonists. This must have been especially true if the Jew fulfilled some vital economic function, as in the case of Dr. Jacob (John) Lumbrozo.

Lumbrozo, who lived undisturbedly in Maryland for several years, was arrested primarily through the efforts of such zealots as Josiah Cole and Richard Preston and not as the result of a general spirit of intolerance or prejudice in the colony.^{10.}

As early as 1656 Lumbrozo, known as "ye Jew doctor," was residing in Maryland;^{11.} two years later he was "committed for blasphemy."^{12.} He was "tried and remanded upon the charge of blasphemy on February 23, 1658," but was released as a direct consequence of the general amnesty proclaimed in honor of Richard Cromwell's accession (March 3, 1658).^{13.} On September 10, 1663, finally, letters of denization were issued to him, thus securing for him, practically, the rights of a native or English-born subject.

Commenting on this case, Hollander remarks: "De jure, the (Maryland) Act of Toleration of 1649, it is seen, could

punish with death an imprudent comparison of the miracles of Christ with those of Mæss and the magicians of Egypt. On the other hand, an unbeliever useful in an economic sense was permitted to live de facto in peace and even in quiet profession of faith."^{14.}

1776 - STATE CONSTITUTION

The history of Maryland for the following century exhibited little change in the policy towards Jews. Legally, it remained a capital offense for a Jew to profess his faith, until the emergence of Maryland into statehood.

In 1776 the State Constitution adopted a Declaration of Rights which made the test for admission to office simply "support and fidelity to this State" (Article 35).^{15.} However, the oath of fidelity contained a clause affirming "belief in the Christian religion."^{16.} Thus, even as Maryland became a member of the United States, its Jewish citizens were still deprived of the right to hold public office.

As a matter of fact, by 1776 -- even though the Declaration of Independence was made the model of the Maryland Constitution, in spirit at least -- the following restrictions affecting Jews were still in force:

"1. The legislature might lay a tax to support the Christian religion.

"2. The oath of office was to be administered only after the applicant had subscribed to a declaration of his belief in the Christian religion.

"3. For expressing disbelief in the Trinity, capital

punishment, branding of the forehead and boring of the tongue of the offender were the penalties.

"4. For labor on the Lord's Day founded in honor of Christ, and commonly called Sunday, penalties were prescribed.

"5. Jews were under marked disabilities as jurors and as witnesses.

"6. Marriage by a rabbi was not clearly licensed in fitting terms."
17.

In all cases, it will be seen, despite the "spirit" of the State Constitution, Jews were laboring under direct or indirect disabilities.

1826 - THE "JEW BILL"

In 1797 an effort was made by Solomon Etting and Barnard Gratz to secure the right of Jews to hold public office without declaring belief in the Christian religion, but it was not until 1826, when an "Act for the Relief of the Jews of Maryland" was finally confirmed, that the right of Jews to hold office was secured.
18.

The struggle for passage that ensued in the meantime began in 1818, when the so-called "Jew Bill" was championed in earnest.
19. Among the staunch advocates of the Bill was Thomas Kennedy, a non-Jew, who suffered much criticism for his stand. He "was roundly denounced on his return home from the Legislature of 1818 and called Judas Iscariot, and 'one-half Jew and the other half, not Christian.' However, he was reelected to the two succeeding sessions of the General Assembly, but in

continuing his
1821 he was defeated largely because of his/ardent fight for
religious liberty and because of Kennedy's 'Jew Baby' and 'Jew
Bantling.' Of the 40 members of the General Assembly of 1822,
Jew 20.
who voted for the/ Bill, 16 were defeated."

These facts deserve mention here because of the light they
throw on the temper of the times. From all indications, the
"Jew Bill" must certainly have occasioned a great deal of acrimony among both defenders and opponents.

1829 - BALTIMORE HEBREW CONGREGATION

A further indication of the public frame of mind and of
the "breadth of view of the members of the legislature" is evidenced from the following:

In 1829 a request for a charter for the Baltimore Hebrew
Congregation was duly defeated in one House, 21. and on the second reading of the bill, February 6, 1830, was again rejected. Later, on reconsideration, it finally passed both houses. Although no records of the debate have been preserved, there is reason to believe that it may have been rejected originally due 22. to existing prejudice against the Jews.

1847 - DISCRIMINATION BY IMPLICATION

Under the terms of the Act of 1717 Negroes were not allowed to testify in Court in cases concerning a "Christian" white person. 23. By implication, of course, the reference to the religious qualification "clearly militated against the 24. Jews." The obnoxious word was finally eliminated by the

Assembly Act of January 23, 1847, not, be it understood, because it was manifestly unfair to Negroes, but because it was felt that from a legal viewpoint rules of evidence ought not to include references to religious belief!

1853 - JOSEPH SIMPSON

In 1853 Joseph Simpson, a Baltimore Jew, who was engaged in lapidary seal engraving, published a pamphlet entitled the "Scapegoat." The occasion for this publication was a provocative article appearing in a Baltimore newspaper, entitled "On the Day of Atonement," which Simpson attributed to a Christian missionary.

It would be helpful to know more fully the nature of this latter piece, which might contain some material of an anti-Jewish nature, for the reference as mentioned by Phillips in the Publications of the American Jewish Historical Society is, at best, an oblique one.

25.

NOTES TO CHAPTER II

1. Hollander, J. H., "The Civil Status of the Jews in Maryland, 1634-1776," AJHS, II, 35.
2. Ibid.
3. Ibid., 35-6.
4. Ibid., 36.
5. Ibid.
6. Ibid.
7. Ibid., 37.
8. Ibid.
9. Ibid., 38.
10. Ibid., 39.
11. Hollander, J. H., "Some Unpublished Material Relating to Dr. Jacob Lumbrozo," AJHS, I, 28.
12. Markens, Isaac, Hebrews in America, 93; quoted, Hollander, ibid., 27.
13. Hollander, J. H., "Some Unpublished Material Relating to Dr. Jacob Lumbrozo," AJHS, I, 28.
14. Ibid., 26.
15. Hollander, J. H., "The Civil Status of the Jews in Maryland, 1634-1776," AJHS, II, 43.
16. Ibid.
17. Hartogensis, Benjamin H., "Unequal Religious Rights in Maryland Since 1776," AJHS, XXV, 94. Since the various State Constitutions in turn provided that before being allowed to serve as a witness or a juror, a person must believe in the "existence of God and that under His dispensation such person will be held morally accountable for his acts and be rewarded or punished therefor in this world or in the world to come," it was held that the law also probably operated "against such Jews as do not believe in bodily resurrection or in Paradise or Gehenna" (Benjamin Hartogensis, in 1917). The reference here was to Reform Jews who, according to the Pittsburgh Platform (1885), were no longer required to believe in Paradise or Gehenna as

an essential part of Judaism; ibid., 103, footnote 16.

It might also be pointed out that the question concerning rabbinical authority to marry (no. 6, above, page 63) was included only because of the absence of any specific mention of such authority in the State laws. There was never any actual case of anti-Jewish/arising out of this, so far as can be ascertained; (prejudice) ibid., 104.

18. Ibid., 97-8; cf. Hollander, J. H., "The Civil Status of the Jews in Maryland, 1634-1776," AJHS, II, 33.

19. Hartogensis, Benjamin H., "Unequal Religious Rights in Maryland Since 1776," AJHS, XXV, 95.

20. Ibid., 97-8, footnote 6.

21. Ibid., 99.

22. Ibid.

23. Ibid., 101.

24. Ibid., 101.

25. Phillips, N. Taylor, "Items Relating to the History of the Jews of New York," AJHS, XI, 160.

CALENDAR OF CASES: MARYLAND

- 1637 - General Assembly: Rights and Privileges
- 1639 - Oath to the King
- 1648, 1649, 1654 - Oath and Acts of Toleration
- 1658 - Jacob (John) Lumbrozo
- 1776 - State Constitution
- 1826 - The "Jew Bill"
- 1829 - Baltimore Hebrew Congregation
- 1847 - Discrimination by Implication
- 1853 - Joseph Simpson

CHAPTER III

GEORGIA

GEORGIA

1732-33 - COLONIZATION BY JEWS

The circumstances under which the first Jews came to Oglethorpe's colony were somewhat unusual. They came over without the specific permission of the Trustees, including Oglethorpe himself; and yet, once they had arrived, they were allowed to stay on.^{1.}

The story behind these facts goes back to three Jews, Alvaro Lopez Puasso, Francis Salvador, Jr., and Anthony Da Costa, among others, who had been authorized to collect funds for the settlement of the colony. Instead of turning over the monies to the Trustees, however, they undertook, entirely without authorization, to arrange for the transportation of forty Jews to Savannah.^{2.} Since the Georgia charter granted freedom of religious opinion to all except Papists, Oglethorpe agreed to receive them, although the Trustees took another view of the matter.

In disapproving the affair, "they declared that such irregular and unauthorized conduct ... was prejudicial to the good order and scheme of colonization, and that the sending over of these people had turned aside many intended benefactions."^{3.}

Thereupon a public statement was ordered drawn up with the comforting assurance that it was not intended "to make a Jew's colony of Georgia."^{4.}

A committee of the Trustees even communicated their sentiments of grave apprehension to Mr. Oglethorpe, in the hope that the Jewish settlers "would meet with no sort of encouragement."^{5.} It was feared, they said, that their presence

in Savannah would work to the detriment of trade and welfare of the colony.^{6.}

Oglethorpe, however, acted on different considerations from these, fully encouraged the new arrivals, and wrote to the Trustees that in his opinion they had not injured the trade or welfare of the colony.^{7.}

1732-33 - WITHHOLDING OF LAND

With reference to Dr. Nunez (Nunis) -- of whom Oglethorpe had written -- the Trustees were willing to offer some remuneration for his services; but at the same time they insisted that land grants were to be withheld from other Jews.^{9.} However, their suggestion was disregarded by Oglethorpe.^{9.}

1784 - PAMPHLET: "CURSORY REMARKS"

In 1784 a rather interesting pamphlet was published, entitled "Cursory Remarks on Men and Manners in Georgia, by a Citizen," dealing for the most part with/then Chief Justice of Georgia in the hostile fashion of a campaign attack.^{10.} In the course of his remarks, "A Citizen" devoted about nine pages to the criticism of a decision of the "last Court" involving, it seems, a Jewish defendant whose claim was upheld, that an Indian half-breed could not sue in court. The author of the pamphlet maintained that Jews ought not be able to sue, for a variety of reasons.^{11.}

Among other things, he referred to certain phases of contemporary Jewish life which are revealing, although, perhaps, biased. "In truth," he wrote, "the Jews nowadays enter very

little into politicks further than to favour that system which is most promotive of their pecuniary interests, the principle of lucre being the life and soul of all their actions. If indeed they have any choice as to governments, it must be in favour of a monarchy for there are no people so wedded to their old institutions as the Jews, and we all know that, from the earliest accounts, they have been accustomed to an arbitrary, though not always to an hereditary government....^{12.} And having said so much against the Jews it may probably be suspected I am not only an enemy, but I wish to stir up a spirit of intolerance against that dispersed and unhappy people. Let me tell the reader I am as far removed from being a votary or friend to persecution as any man upon earth. Had the Jews in this State but conducted themselves with common modesty and decorum, I should have been the last person to point out their disabilities; on the contrary, I should have been happy to give my voice for settling every just and reasonable privilege upon them, or even to have gone farther, and permitted them to enjoy by curtesy some which it would be impossible to concede of right in a Christian country. But when we see these people eternall obtruding themselves as volunteers upon every public occasion, one day assuming the lead at an election, the next taking upon them to direct the police of the town, and the third daring to pass as jurors upon the life and death of a free man, what are we to expect but to have Christianity enacted into a capital heresy, the synagogue become the established church, and the mildness of the New Testament compelled

to give place to the rigour and severity of the Old? The most distant apprehension of which evils is sufficient to rouse any man into action who values either his civil or religious liberty....^{13.}

"I cannot take leave of the Jews without saying a word more as a tribute to Justice, and I do more than this when I acknowledge there is one whole family (and perhaps to these might be added two or three other individuals) whose long residence, upright demeanor, and inoffensive conduct in this state have always claimed, and now procure for them the countenance and esteem of every honest Christian; the only badge I ever wish to see any of this house or their connections (especially the females who are by far the largest part) wear, is what they have always carried, 'the approbation of the good.' It is remarkable that in the bitterest moods against this singular people, there should always be a remnant to be saved."^{14.}

Some days later (Thursday, January 13, 1785), the Georgia Gazette printed a letter from "A Real Citizen"^{15.} who wrote as follows:

"...this has given him (the author of the pamphlet) an opportunity to show his hatred to those people in nine pages of this masterly piece of learning and wit. The little countenance it has met with from the public in general must long ere this have convinced him that he might have employed his time to better purpose...."^{16.}

One wonders, of course, how effective such anti-Jewish remarks were, and whether they actually found an audience, or whether the author of the letter in the Gazette was perhaps a

little over-sensitive. Then, too, it would be helpful to know how wide-spread such manifestations of anti-Jewish prejudice were among the general population, and whether they were fostered on occasion for obviously political purposes, as in the present instance. At any rate, whatever the motives and however frequent the occurrence, "Cursory Remarks on Men and Manners in Georgia" remains a highly interesting document of the times.^{17.}

17--?, 18--? - JACOB C. LEVY: "VINDICIAE JUDAEORUM"

In Jacob C. Levy's "Vindiciae Judaeorum," the manuscript of which Rev. J. J. Lyons copied in 1871, there occurs a passing reference to what might be construed as anti-Jewish prejudice. Levy wrote (page 65):

"One of the effects of this social persecution is to make the Israelite more tenacious & exact in his various duties, and is rewarded when he is enabled by his energy and industry to attain wealth and distinction, and it must be added, in his devotion to the soil that protects him, and uniformly shedding his blood on the side of freedom. This was so in the long war^{18.} of the Revolution...."

Of course, it would be helpful to examine this passage in context and thus determine whether, first, it refers to American Jews, and second, if so, to just what incident or series of incidents.^{19.}

NOTES TO CHAPTER III

1. Jones, Charles C., "The Settlement of the Jews in Georgia," AJHS, I, 6.

2. Ibid.

3. Ibid., 7.

4. Quoted, ibid., 7.

5. Quoted, ibid.

6. Ibid., 7.

7. Ibid.

8. Ibid., 8.

9. In order to obtain an economic picture of these early settlers, it is well to keep in mind that for the most part they were engaged in commerce, in preference to agriculture. Their main interests lay in indigo, rice and corn, to a limited extent in silk manufacture and viniculture, and later on, in tobacco and cotton. Ibid., 12.

Concerning the early settlement in Georgia, Leon Huhner, "Francis Salvador," AJHS, IX, 109, writes that in 1732 Francis Salvador (Sin) conjunction with Anthony da Costa and Alvaro Lopez Suasso, took up a collection for the settlement of Jews in Georgia. After about forty families had been sent to America, the Trustees of Oglethorpe's Colony declared "they cannot conceive but the settling of Jews in Georgia will be prejudicial to the colony."

The same writer, in "The Jews of Georgia in Colonial Times," AJHS, X, says further, that Salvador, Suasso and da Costa, three of the wealthiest officers of the Sephardic congregation in London, were appointed a committee of three to make application for land grants which the British Government, at that time, was distributing rather freely. (66-7) Concerning the arrival of Jews at Savannah, he writes: "In July, 1733, forty Israelites arrived at Savannah...." (68) However, "not all of these, if any, were actually sent by Salvador and his colleagues." (69)

10. K'hler, Max J., "Phases in the History of Religious Liberty in America with Particular Reference to the Jews. - II," AJHS, XIII, 17.

11. Ibid. 17-18.

12. Ibid., 25-6.

13. Ibid., 28-9.

14. Ibid., 29.

15. Mordecai Sheftall. See "Notes," AJHS, XVI, 137.

16. Kohler, Max J., "Phases in the History of Religious Liberty in America with Particular Reference to the Jews. - II," AJHS, XIII, 29-30.

17. On "Jewish Protests Against Sectarian Thanksgiving Day Proclamations," in ibid., 19-23, see: The Occident, Vol. II, pp. 496-510, reporting a proclamation by Gov. Hammond of South Carolina in 1844 which resulted in an indignation meeting by the Jews of Charleston.

18. "The Lyons Collection Volume II: Miscellaneous Items Relating to Jews in Wars of the United States and Correspondence with Washington," AJHS, XXVII, 497.

19. Our only justification for including this item here is that Jacob C. Levy was from Savannah, Ga., ibid.

CALENDAR OF CASES: GEORGIA

1732-33 - Colonization by Jews

- Withholding of Land

1784 - Pamphlet: "Cursory Remarks"

17--?, 18--? - Jacob C. Levy: "Vindiciae Judaeorum"

CHAPTER IV

PENNSYLVANIA

PENNSYLVANIA

1662 - HOREKILL MENNONITES

When a group of Mennonites, or Anabaptists, planned to settle at Horekill in 1662, they drew up "articles of association," in which they stated their object: "to establish a harmonious society of persons of different religious sentiments." Therefore, it "was determined to exclude from it 'all intractible people -- such as those in communion with the Roman See; Usurious Jews; English stiffnecked Quakers; Puritans; foolhardy believers in the Millenium; and obstinate modern pretenders to revelation'.¹"

Indeed, the one fact which protrudes is the obviously invidious distinction which the Jews held, in the opinion of this religious group, of being "usurious." The reason for their being excluded apparently was not on theological grounds, as in the case of the others, but rather on economic grounds.. The Catholics, we see, were kept out because they were "in communion" with the Pope; the English Quakers because they were "stiffnecked" -- and perhaps because they were English; the believers in the Millenium because they were "foolhardy;" the pretenders to revelation because they were obstinate and modern; but the Jews, because they were "usurious"!

1776 - PENNSYLVANIA EVENING POST: LETTER

In the Pennsylvania Evening Post, September 24, 1776 (Vol. II, No. 262), there appeared a communication signed "R," a per-

son who was in favor of some religious declaration being inserted in the constitution. Every one, he wrote, should "make some profession of religion," and, on taking office, should subscribe to a declaration of belief.^{2.} Otherwise, "Jews and Turks may become in time not only our greatest landholders, but principal ^{officers} ~~offenders~~ in the legislative or executive parts of our government, so as to render it not only uncomfortable but unsafe for Christians, which I hope every American would wish to prevent as much as any other national slavery."^{3.}

Two days later, the same publication carried another letter expressing the same thoughts (September 26, 1776; Vol. II, No. 263).

"The Jew swears upon the Thorah," wrote this correspondent, who signed the letter "A Follower of Christ," and followers of the other faiths take similar oaths. "But the Pennsylvanian swears by nothing."^{4.} Will anyone "call this state for the future a Christian state? Will it not be an asylum for all fugitive Jesuits and outcasts of Europe?"^{5.}

There are two points of interest about both these references which recommend our attention. First, it is apparent that neither writer attacks the Jews per se, but includes them in the general category of persons to be restricted. The freedom which is called for here is no longer the high ideal of freedom to worship, but simply the freedom to hold office -- and perhaps, by extension, the freedom to carry on trade, to engage in commerce, to buy and sell -- for Christians only.

The second point of interest is that if these two commun-

ications have been recorded in the Evening Post, then perhaps one may reasonably assume that there were others expressing similar ideas. Perhaps further research will uncover additional evidence of this uncharitable and prejudiced attitude towards the non-Christian.

1782 - MICKVÉ ISRAEL

Shortly after March 17, 1782, the following letter was sent by Isaac Moses, parnas, and colleagues of the Trustees of Congregation Mickvé Israel, to the vestry of a German-Reform church which was near a plot of land that had been purchased for a synagogue and school-house:

"In order that we may understand each other and prevent any future difficulties, we now offer you again the same (property). Our intention was to build a synagogue and a school-house thereon, for the use of our congregation, not conceiv^{ing} that we would in the least disturb you. To our great surprise we are told that it will. We can now supply ourselves with another lot, not so convenient for our purpose, nor on such good terms, for it will cost us more. But as we wish to live in friendship with our neighbors, and in order to convince you that such is our meaning, we are willing to take (from you) the same price as we gave for the place."^{6.}

Unfortunately, the objection to having a synagogue so close to a German-Reform church is not stated in the letter, and consequently we are left to our own devices in seeking such a reason. The incident leaves much room for speculation: Was

this a manifestation of prejudice? Did the theological code of the church prohibit a synagogue structure from being too near it? Could it be that, even at this early date (1782), they just "didn't like Jews?"

Whatever the reason, at any rate, several months thereafter the congregation commenced building a synagogue, but were forced to appeal to other communities for financial assistance. To this end letters were dispatched to the Jews of Surinam, Rhode Island, Lancaster and the West Indies.

The address to the latter group is of interest, in that it might contain a reference to the incident of the German-Reform church:

"A small number of brethren," it read, "who, during this calamitous war, fled from different parts to find a refuge, in conjunction with those in this city, undertook to build a place of worship, that they might meet together to offer up prayers to the Holy God of Israel, having hitherto substituted for the purpose a room, from which we were compelled by the owner to move...."⁷ Note the emphasis now given to this incident (assuming it refers to the clash with the German church): the Jewish congregation was "compelled" by the new owner to seek new quarters. It is even possible that this last letter has nothing in common with the previous incident, in which case we may have two separate cases of anti-Jewish prejudice on our hands.

1787 - STATE CONSTITUTION: OATH OF OFFICE

Under date of September 7, 1787, Jonas Phillips, a

Philadelphia merchant, addressed a letter to the Federal Convention requesting their assistance in having a Section in the Pennsylvania State Constitution removed. The Section in question (Section 10) contained an oath of office which included a statement that "I do acknowledge the Scriptures of the old and New testament to be given by divine inspiration" (as Phillips wrote) and was accordingly "against the Religious principle of a Jew."^{8.}

The reason prompting Phillips to address such a letter to the Federal Convention, some weeks after the Second Amendment of the Bill of Rights had been adopted, is not clear. However, as the writer pointed out, Jews were summarily excluded from holding public office under the terms of the Pennsylvania Constitution.

1800 - BENJAMIN NONES

Benjamin Nones was the author of a letter, dated Philadelphia, August 11, 1800, addressed "To the Printer of the Gazette of the United States," in which he described himself as having previously been accused, in the pages of the Gazette, "of being a Jew, of being a Republican, and of being Poor."^{9.} He eloquently defended himself against what was probably an attack "written in the heat of a political campaign."^{10.}

This document is of interest because of the connection between anti-Jewish slander and politics, although, as we have already seen, it is not the first such letter. One

might ask, parenthetically, which of these three "crimes" was the greatest: being a Republican, being poor, or being a Jew.^{11.}

1864 - PRESBYTERIAN CONFERENCE

In his December, 1878, report to the Board of Delegates of American Israelites, Myer S. Isaacs made mention of an event in 1864 that would have occasioned national discrimination for Jews, Mohammedans and other non-Christians.

In March of that year, "the Presbyterian Conference held at Pittsburgh, Pa., petitioned Congress for an amendment to the Constitution of the United States recognizing Christianity as the religion of the land. Thus began an agitation which has not yet subsided."^{12.} Although further conventions continued to advocate this proposal, it was never accepted, and in 1874 the House of Representatives finally declared that the proposed amendment was "hostile to the spirit of American institutions." That, apparently, closed the matter.^{13.}

NOTES TO CHAPTER IV

1. Rosenbach, Abraham S. W., "Notes on the First Settlement of Jews in Pennsylvania, 1655-1703," AJHS, V, 195. Sweet, William Warren, Religion in Colonial America, 215, mentions that the Anabaptists, one of the three leading branches of the German Reformation, came to be known more and more as Mennonites after 1640. The same author also describes the Mennonites as a left-wing religious group. "They held that religion was an individual matter; that Church membership could be achieved only on the basis of an inner conviction." (215)
2. Kohler, Max J., "Phases in the History of Religious Liberty in America, with Special Reference to the Jews," AJHS, XI, 68-9, footnote.
3. Ibid... 69, footnote.
4. Ibid.
5. Ibid.
6. Morais, Sabato, "Mickvé Israel Congregation of Philadelphia," AJHS, I, 15. The offer was, apparently, accepted.
7. Ibid... 15-6.
8. Friedenwald, Herbert, "A Letter of Jonas Phillips to the Federal Convention," AJHS, II, 108.
9. Adler, Cyrus, "A Political Document of the Year 1800," AJHS, I, 111.
11. For further details, see the Gazette of the "5th instant."
12. Kohler, Max J., "The Board of Delegates of American Israelites, 1659-1878," AJHS, XXIX, 104.
13. Ibid.
10. Adler, Cyrus, "A Political Document of the Year 1800," AJHS, I, 115.

CALENDAR OF CASES: PENNSYLVANIA

- 1662 - Horekill Mennonites
- 1776 - Pennsylvania Evening Post: Letter
- 1782 - Mickve Israel
- 1787 - State Constitution: Oath of Office
- 1800 - Benjamin Nones
- 1864 - Presbyterian Conference

CHAPTER V

NORTH CAROLINA

NORTH CAROLINA

1702-3 - ELECTION PROTEST

Six years after Charles II granted the large territory which included North Carolina to eight courtiers, the constitution drawn up by John Locke was signed. Its provisions were rather liberal regarding religious liberty.^{1.}

Insofar as the Jews were concerned, however, liberty of conscience was granted them, but they were unable to vote or to hold office. In this connection "we find a protest against the returns (of an election held in 1702-3), reciting that Jews, strangers, sailors, servants, negroes" and others in Craven and Berkeley counties^{2.} had participated in the voting.^{3.}

1776-1788 - STATE CONSTITUTION (SEC. 32)

One of the very few original States that prescribed religious tests for public office, North Carolina, even before the Revolution, had an established church, the Episcopal^{4.}

Following the adoption of the Declaration of Independence, the Congress of North Carolina held a convention to adopt a State Constitution (December 17, 1776), and discussed, among other things, just this question of an established church and religious freedom. While recognizing the right of every individual to worship in his own way, the convention nevertheless adopted the following section (XXXII) in the Constitution with reference to the holding of office:

"That no person who shall deny the being of God or the truth of the Protestant religion or the Divine Authority,

either of the Old or New Testament, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the Civil Department within this State."^{5.}

The purpose of this clause was primarily to exclude Catholics from public office. In effect, though, since its language was very broad, it also excluded Jews, Quakers,^{6.} Mohammedans, Deists and others.

The fear of Catholic influence continued to plague North Carolina's law-makers, although opposition sentiment was expressed from time to time. On July 30, 1788, the discussion was opened once more, with opinions pro and con being offered.^{7.} Since the question of Jews holding public office was raised, Rev. David Caldwell maintained that liberality "was an invitation for Jews and Pagans of every kind to come among us."^{8.} "I think," he said, "that in a political view, those gentlemen who formed this (Federal) Constitution should not have given this invitation to Jews and heathens."^{9.}

1809 - JACOB HENRY

For a while, Section XXXII of the State Constitution fell into disuse and simply remained an item on the books. In 1809, however, the subject came to the fore once more.

Jacob Henry, a Jew, had been reelected a member of the Legislature for Carteret County, when another legislator, perhaps "actuated by some spiteful motive," asked that his

10.
seat be vacated by reason of his religion. Henry eventually regained his seat, not by attacking the principle or validity of Section XXXII, but by a "most curious construction" of the clause.
11.

1835 - STATE CONSTITUTION (SEC. 32)

The Henry incident aroused much interest in the whole question, and while many prominent figures came to his assistance, the disqualifying clause was nevertheless retained. It was not until 1835, when a Convention was called to amend the Constitution, that the question of eliminating the requirements of Section XXXII entirely was really discussed.
12.
Much heated debate prevailed at this time, both in the Convention and the State at large. The Catholics again suffered most in the course of the discussions, though the Jews did not entirely escape either.

One of the two leaders of the Anti-Liberal party, who, of course, disclaimed any prejudice, was James S. Smith. Smith's point of view was that Section XXXII should be retained "as the time might come when it would be needed. It should be kept as Sleeping Thunder."
13.
During the session of June 30, 1835, he argued that he was unwilling "by expunging this article to let in Turks, Hindoos and Jews. They might call him a bigot as much as they pleased, but he would not consent to this."
14.

The net result of this agitation was that only Roman Catholics were affected in 1835; all others, Jews, Quakers, De-

ists, still remained on the same level. It remained for the Constitutional Convention of 1868 to finally place Jews on the same plane with those of other faiths. At this time, curiously enough, there seems to have been no discussion of the issue.^{15.}

NOTES TO CHAPTER V

1. Huhner, Leon, "The Jews of North Carolina Prior to 1800," AJHS, XXIX, 137.
2. Craven County is in North Carolina; Berkeley County is in South Carolina. Ibid., 138.
3. Ibid.
4. Hühner, Leon, "The Struggle for Religious Liberty in North Carolina, with Special Reference to the Jews," AJHS, XVI, 38.
5. Ibid., 40-1.
6. Ibid., 41.
7. Ibid., 43.
8. Ibid., 45.
9. Ibid.
10. Ibid., 46. Hollander, J. H., "The Civil Status of the Jews in Maryland, 1634-1776," AJHS, II, 33, gives the date as 1808.
11. Huhner, Leon, "The Struggle for Religious Liberty in North Carolina, with Special Reference to the Jews," AJHS, XVI, 48.
12. Ibid., 55.
13. Ibid., 57.
14. Ibid.
15. Ibid., 68.

CALENDAR OF CASES: NORTH CAROLINA

1702-3 - Election Protest
1776-1788 - State Constitution (Sec. 32)
1809 - Jacob Henry
1835 - State Constitution (Sec. 32)

CHAPTER VI

SOUTH CAROLINA

SOUTH CAROLINA

1776 - GRAND JURY

On October 15, 1776, the grand jury for the district of Charleston, S. C., made several recommendations for the district, including the following:

"We present and recommend, that Jews and others may be restrained from allowing their negroes to sell goods in shops, as such a practice may induce other negroes to steal and barter with them....

"We present the ill practice of Jews opening their shops and selling of goods on Sunday, to the profanation of the Lord's Day."^{1.}

There are two points of interest here: In the first of these recommendations the reference to "Jews and others" leads one to suspect that Jews, though outstanding in the public mind for some reason, were nevertheless not the only offenders. In the second recommendation we sense a certain dislike for the Jew as a business competitor, especially^{because} of the "unfair" advantage which he could take in not observing the Sunday Sabbath. One wonders if the grand jury made this recommendation for the reason given, viz., "the profanation of the Lord's Day," or for business reasons, which are not mentioned.

1827 - G. P. COHEN

In the issue of July 26, 1827, there appeared a very in-

teresting advertisement in the Charleston, S. C., Courier. G. P. Cohen, of Charleston, had apparently had an argument with a Dr. Edward Chisolm, in the course of which the latter used an insulting, "illiberal expression." Thereupon Cohen "applied to a gentleman of respectability and honorable feeling, to call on Dr. Edward Chisolm, and to demand an apology. If this was not promptly given, then to demand the only redress that Honor has long established is the practice in these cases.

"Dr. Chisolm, through his friends, answered that he would give me no satisfaction and that I was not on a footing with him because I was a Jew, nor did he conceive any Jew to be on a footing with him."

Since such remarks obviously stamped the individual as being ignorant and illiberal, the advertisement continued, "it therefore becomes my painful duty to intrude these remarks on the public" -- and posterity.^{2.}

1828 - THOMAS JEFFERSON: JEWS IN COLLEGE

In a letter to Isaac Harby of Charleston, Thomas Jefferson, as late as 1828, wrote as follows concerning the Jews:

"I have thought it a cruel addition to the wrongs that injured sect have suffered, that their youth should be excluded from the instructions in science afforded to all others in our public seminaries, by imposing upon them a course of theological reading which their consciences do not permit them to pursue."^{3.}

Although it is not clear from the context just what

Jefferson was referring to, in his opinion, at least, the Jewish students were suffering under the burden of "a cruel addition" in their studies.

NOTES TO CHAPTER VI

1. "Notes," AJHS, V, 202; quoted from Niles, Principles and Acts of the Revolution, 91-2.
2. Kohn, August, "Notice," AJHS, XXXII, 116.
3. Ruhnner, Leon, "Jews in Connection with the Colleges of the Thirteen Original States Prior to 1800," AJHS, XIX, 102-3, footnote 5; see also AJHS, IV, 221.

CALENDAR OF CASES: SOUTH CAROLINA

- 1776 - Grand Jury
- 1827 - G. F. Cohen
- 1828 - Thomas Jefferson: Jews in College

CHAPTER VII

MASSACHUSETTS

MASSACHUSETTS

1649 - SOLOMON FRANCO

In 1649 one "Solomon Franco came over with a cargo consigned to Major-General Edward Gibbons, as agent of Immanuel Perada. The venture proved unsuccessful and Solomon Franco threatened to settle in Boston for want of means to leave. In their anxiety to rid themselves of a Jew, the government after calm deliberation voted" to allow Franco subsistence for ten weeks provided he secured passage for Holland within that time.^{1.}

In this brief account, the only hint of possible anti-Jewish prejudice is to be found in the words "to rid themselves of a Jew." Unless it is a mere question of a choice^{2.} of words, the incident deserves to be investigated further.

17--? - BOSTON JEWS

A very illuminating reference to the attitude of 18th century Boston towards Jews is found in the Life of Samuel J. May (pp. 13, 14). May, a friend of the Hays family of Boston, described his youthful associations with Moses Michael Hays and his children.

"If the children of my day," he wrote, "were taught among other foolish things, to dread, if not despise, Jews, a very different lesson was impressed upon my young heart. There was but one family of the despised children of the house of Israel resident in Boston, that family of Moses Michael Hays....

Of course, I grew up without any prejudice against the Jews, or any other religionists, because they did not believe as my father and mother believed."^{3.}

Apparently the children of his day were brought up on a diet of prejudice and antagonism towards Jews, although in just what form or manner it manifested itself we are not told.^{3.}

183-? - JOHN Q. ADAMS

There is an interesting reference to John Q. Adam's attitude towards Jews in the section, "Notes," in the Publications of the American Jewish Historical Society, Volume XXII. "Curiously enough," the writer remarks, "John Quincy Adams, who was a Representative in Congress from Massachusetts after the expiration of his term as President, held any but friendly opinions concerning the Jews. This fact is made manifest by passages from his secret Diary, published after his death in 1848."^{4.}

NOTES TO CHAPTER VII

1. Friedman, Lee M., "Early Jewish Residents in Massachusetts," AJHS, XXIII, 79.
2. See also, "Records of Massachusetts" (Shurtlett), vol. ii, p. 273; vol. iii, pp. 159, 160; Felt's "Ecclesiastical History," vol. ii, p. 11.
3. Lebowich, Joseph, "The Jews in Boston Till 1875," AJHS, XII, 108-9.
4. F., "Notes: John Quincy Adams and Joseph Hume," AJHS, XXII, 178.

CALENDAR OF CASES: MASSACHUSETTS

1649 - Solomon Franco
17--? - Boston Jews
183-? - John Q. Adams

CHAPTER VIII

MISSISSIPPI

MISSISSIPPI

1862-3 - GENERAL GRANT AND THE JEWS

Between November 9, 1862 and January 7, 1863, five official documents were issued by Major-General Ulysses S. Grant concerning Jews which were the subject of much heat and anger for years to come. In the first of these, Grant addressed Major-General Hurlbut, at Jackson, Tenn., as follows (November 9, 1862):

"Refuse all permits to come south of Jackson for the present. The Israelites especially should be kept out."^{1.}

The following day he wrote General Webster, Jackson, Tenn.:

"Give orders to all conductors on the road that no Jews are to be permitted to travel on the railroad southward from any point. They may go north and may be encouraged in it; but they are such an intolerable nuisance that the department must be purged of them."^{2.}

Then, under date of December 17, 1862, Grant contacted Hon. C. P. Wolcott, Assistant Secretary of War, Washington, D.C. in an official communication which read:

"I have long since believed that in spite of all vigilance that can be infused into post commanders, the specie regulations of the Treasury Department have been violated, and that mostly by Jews and other unprincipled traders. So well satisfied have I been of this that I instructed the commanding officer at Columbus to refuse all permits to Jews to come South, and I have frequently had them expelled from the department, but

they come in with their carpet-bags in spite of all that can be done to prevent it. The Jews seem to be a privileged class that can travel everywhere. They will land at any wharfyard on the river and make their way through the country. If not permitted to buy cotton themselves they will act as agents for someone else, who will be at a military post with a Treasury permit to receive cotton and pay for it in Treasury notes which the Jew will buy up at an agreed rate, paying gold.

"There is but one way that I know of to reach this case; that is, for the Government to buy all the cotton at a fixed rate and send it to Cairo, Saint Louis, or some other point to be sold. Then all traders (they are a curse to the army),
3.
might be expelled."

The climax was reached in the issuance from Holly Springs, the headquarters of the "Thirteenth A.C., Dept. of the Tenn.," of General Orders, No. 11. This was sent out over the signature of Assistant Adjutant-General Jno. A. Rawlins, "by order of Maj.-Gen. U.S. Grant", and dated December 17, 1862:

"The Jews as a class," it read, "violating every regulation of trade established by the Treasury Department and also department orders, are hereby expelled from the department within twenty-four hours from the receipt of this order.

"Post commanders will see that all of this class of people be furnished with passes and required to leave, and any one returning after such notification will be arrested and held in confinement until an opportunity occurs of sending them out as prisoners, unless furnished with permit from

headquarters.

"No passes will be given these people to visit headquarters for the purpose of making personal applications for trade permits.

"By order of Maj.-Gen. U. S. Grant,"^{4.}

This order was allowed to stand until January 7, 1863, when it was revoked in a "circular" issued by order of Grant.^{6.}

That this issuance of General Orders, No. 11 must have created great antagonism against General Grant at the time may not be doubted; for many years afterwards, even, the incident was occasioned by protestations of Jews and non-Jews alike.

Though Grant was ^{accused} attacked, in a letter by Adolph Moses to the Chicago Times (Tuesday, August 25, 1868), of "insulting the Jews" and of having "violated a principle guaranteed by the charter of our liberties," he nevertheless wrote the following to Congressman I. N. Morris, of Illinois, a short time later:

"At the time of its publication (i.e., General Orders, No. 11), I was incensed by a reprimand received from Washington for permitting acts which Jews within my lines were engaged in. There were many other persons within my lines equally bad with the worst of them, but the difference was that the Jews could pass with impunity from one army to the other, and gold, in violation of orders, was being smuggled through the lines, at least so it was reported. The order was issued and sent without any reflection and without thinking of the Jews

as a sect or race to themselves, but simply as persons who had successfully (I say successfully instead of persistently, because there were plenty of others within my lines who envied their success) violated an order, which greatly inured to the help of the rebels.

"Give Mr. Moses assurance that I have no prejudice against sect or race, but want each individual to be judged by his own merit. Order No. 11 does not sustain this statement, I admit, but then I do not sustain that order. It never would have been issued if it had not been telegraphed the moment it was penned, and without reflection." ^{6.}

In his biography of Grant, ^{7.} Church mentions the "indiscreetly worded order expelling ... 'the Jews as a class,'" which ^{8.} "was made the basis of unjust charges of religious prejudice." By characterising as "unjust" the charges of discrimination hurled at Grant, Church thus implies, of course, that the General could not be described as being really anti-Jewish in his feelings.

There is one further document which bears on this whole discussion. On December 8, 1862, nine days before General Orders, No. 11 was issued, the following General Order was sent out "by order of Col. Jno. V. Du Bois, U.S. Army," from Holly Springs, Miss.:

"On account of the scarcity of provisions all cotton speculators, Jews, and other vagrants having no honest means of support, except trading upon the misery of the country, and in general all persons from the North not connected with the army whatever, and having no permission from the Command-

ing-General to remain in town, will leave in twenty-four hours or will be put to duty in the intrenchments."².

This order would seem to bear out the view, then, that Grant, at least was not alone in feeling it necessary to issue General Orders, No. 11. It was not only probable, but very likely, therefore, that Grant took the decisive step on the basis of the information furnished him by his officers -- perhaps even by Col. Du Bois himself.

On the basis of the material presented, one might be inclined to accuse Grant of holding views prejudicial to Jews. There certainly is evidence enough of an inferential nature to damn him as anti-Jewish, and yet if one were to give complete and unreserved credence to his own later statements and the estimate of his biographer, it would appear, in truth, that General Orders, No. 11 was simply badly worded and reflected no antagonism toward Jews as such. Indeed, Lebowich, in discussing the entire incident in detail concludes that while it is practically undeniable that the General was cognizant of and actually penned all the documents issued by his order, he nevertheless "showed not only his freedom from the slightest taint of anti-Semitism but proved that he was a friend of the Jew."¹⁰ Whatever the truth of the matter, the Jewish people of the country held it against Grant for years to come.

NOTES TO CHAPTER VIII

1. Lebowich, Joseph, "General Ulysses S. Grant and the Jews," AJHS, XVII, 71.
2. Ibid., 71.
3. Ibid., 71-2.
4. Ibid., 72.
5. Ibid., 73.
6. Ibid., 74-5.
7. Ulysses S. Grant. G.P. Putnam's Sons, pp. 134, 135.
8. Lebowich, Joseph, "General Ulysses S. Grant and the Jews," AJHS, XVII, 76.
9. Ibid., 77.
10. Ibid., 78.
11. See Markens, Isaac, "Lincoln and the Jews," AJHS, XVII, 109-165, for additional material relating to General Grant and the Jews; cf. 116-123, which discuss mostly the reaction of prominent citizens to the issuance of the order.

CALENDAR OF CASES: MISSISSIPPI

1862-3 -- General Grant and the Jews

CHAPTER IX

KENTUCKY

KENTUCKY

1344 -- LETTER TO MARTIN VAN BUREN

Writing from Louisville, Ky., under date of May 13, 1344, one "Wm. Rogers Jr." addressed a letter to Martin Van Buren in which he made some not too pleasant references to Jews. Referring to Van Buren as probably "our next President," Rogers ventured the opinion that Henry Clay's prospects for that office would not be too successful. He then continued in a somewhat garbled, non-punctuated style:

"Among those things which I take into consideration in forming that opinion are very popular with the American people it is well known that the Jews as a people on principle cannot be friendly to anything of a liberal nature with them is very conspicuous all the if not the grovelling most certainly all the absorbing avaricious and none of the exalted characteristics of our nature. they hold most of the civil offices connected with the business of this place such as Collectors Constables Lawyers Sheriffs Canal Agents, &c and as usual with them they are often in a double capacity for instance the prosecuting Attorney for the State is also the City Atty getting a Salary for the two places of \$3500 or \$3,000 Dolls per annum from which you would very justly infer that they had an undue and great influence how well this Henry Clay has sought and which is strongly marked by his usual course his Son married the daughter of one of the most influential of these people and has courted them in every manner."1.

In conclusion he remarked that "the public institutions at this place are used for the worse of purposes all of which I trace to the same corrupt source."2.

The sum total of this highly illiterate masterpiece seems to be that even as early 1844 -- and about two weeks before the Democratic nominating convention, at that -- the anti-Jewish issue was raised. The writer in this instance seems to have been a pro-Van Buren man and was vaunting his prejudice against both Clay, the Whig nominee, and the Jews, at the same time. Of far greater interest would it be to learn, if possible, how widespread such anti-Jewish political propaganda was -- or if this was simple "one man's opinion."

NOTES TO CHAPTER IX

1. See AJHS, XVII, 31 ff.
2. Friedenbergr, Albert M., "The Correspondence of Jews with President Martin Van Buren," AJHS, XXII, 98-7.

CALENDAR OF CASES: KENTUCKY

1944 -- Letter to Martin W. Euren

CHAPTER X

LOUISIANA

LOUISIANA

1734 -- CODE NOIR

According to the terms of the charter issued to the Company of the West by the French Crown in 1717, the company was obligated, among other things, to build churches and appoint religious leaders "under the authority of the Bishop of Quebec."¹ Seven years later (1724), Governor Bienville ordered the Code Noir (Black Code) to be published. Besides dealing with slaves, the Code lay down certain religious prescriptions. Included among the latter were the sections ordering the expulsion of Jews from the colony within three months,² forbidding the exercises of any church except the Roman Catholic, banning any but Catholic overseers, and prohibiting any work on Sundays and holy days.³

In 1763 the colony came under Spanish rule, but Alexander O'Reilly, the first Spanish governor, chose to perpetuate practically the same practices which had been in force under the French. "Thus for all practical purposes, the stringent provisions of the Code Noir remained in effect until Louisiana came to the possession of the United States in 1803."⁴ Thereafter, the free exercise of religion in Louisiana came under the jurisdiction of the Constitution, and provision for religious liberty was secured by the Louisiana Constitutions of 1812, 1868, 1878, 1888, 1913 and 1921.⁵

1812-1845 -- RESTRICTIONS ON RELIGIOUS TEACHERS

From 1812 to 1845, however, ministers, priests or religious teachers were ineligible to occupy seats in the legislature, while a similar provision with regard to the

office of governor was not finally done away with until some years later.6.

NOTES TO CHAPTER X

1. Baudier, Roger, The Catholic Church in Louisiana, p. 41,3; quoted in Inventory of Church and Synagogue Archives in Louisiana, xii
2. Inventory of Church and Synagogue Archives in Louisiana, 1-3.
3. Ibid., xiii; see also Fortier, Alcee, A History of Louisiana, I, 27-3.
4. Inventory of Church and Synagogue Archives in Louisiana, xiii; see also Chambers, Henry E., A History of Louisiana, I, 155. Referring to the "Black Code of Louisiana," Alfred G. Moses, "A History of the Jews of Mobile," AJHS, XII, 114, writes: "The first two articles of the code read as follows: 'Article I; Decrees the expulsion of the Jews from the colony. Article II; Permits the exercise of the Roman Catholic worship only. Every other code of worship is prohibited.' ... My own explanation of the anti-Jewish laws, which is supported by a good authority, is that they merely were a repetition of the similar legislation current in France at the time of Louis XIV (sic). Drastic as the law appears, it was probably never enforced, because there are no further references to it in Louisiana records. The expulsion of the Jews from America would have been in the sixteenth century (sic) an event worthy of the chronicler's notice."
5. Inventory, xiii,xiv.
6. Ibid., xiv.

CALLEDAR OF CASES: LOUISIANA

1724 — Code Noir

1313-1345 -- Restrictions on Religious Teachers

CHAPTER XI

ILLINOIS TERRITORY

ILLINOIS TERRITORY

1734 --BURNING OF JEWS

There is some reason to believe that at the beginning of the 18th century, several Jews were burnt at the stake in the Illinois Territory because they were living there in violation of the French Code Noir which forbade Jewish settlement.¹

Concerning this incident the Chicago Inter-Ocean carried a story (October 1, 1899) with the following headlines:

"OLD WAR ON JEWS. Expulsion Edict of Louis XIII just Found in Indiana. No Mention in History. Wholesale Torture of Hebrews in French Territory. Several Jews Burned at the Stake Within a Short Distance of Chicago."²

The story went on to tell of an edict of Louis XIII promulgated April 23, 1615, which "prohibited any Jew from entering the colonies of the new world over which the French government had control."³ For over a hundred years the edict remained without effect, until, in 1724, it was brought to life again and incorporated in a "mandate" of fifty-one articles, fifty of which regulated slave trading and slave holding.

The section relating to the Jews read as follows: "Article 1. The edict of the late King Louis XIII of glorious memory, dated April 23, 1615, shall be in force in our province and colony of Louisiana, in the execution of which, we enjoin the directors of said company (the India Company which had been granted by Louis XV exclusive trading privileges in the province of Louisiana), and all of our officers, to remove

from said country all Jews who may have taken up their abode there -- the departure of whom, as declared enemies of the Christian name, we command within three months, including the day these presents are published, under pain of forfeiture of their bodies and estates."⁴.

"The officers into whose hands this order was placed," continued the account in the Inter-Ocean, "did not wait for the three months of grace to pass, but at once began an open warfare upon the Jews.

"Three Jews were burned at the stake, one of them on the north bank of the Ohio river, another forty-five miles southwest of old Fort Vincennes, and another down in the Yazoo district, and it may safely be said that several more were disposed of. Tradition has it that several were tortured on the rack not far from Vincennes. Others were herded, and after their properties were confiscated they were marched into the Illinois district at old Fort Chartres on the Mississippi, near St. Louis. It is asserted there were 300 Jews in the Mississippi valley in 1734 when the edict was issued and that all were driven out -- not one left."⁵.

Allowing for newspaper exaggeration, there seems to be enough historical fact in this story to at least point to a "tradition" of Jewish expulsion such as is described. Further corroboration of the entire incident is, however, necessary before passing any judgement.

NOTES TO CHAPTER VI

1. Kohler, Max J., "Some Jewish Factors in the Settlement of the West," AJHS, XVI, 35.
2. Ibid., 33.
3. Ibid., 33.
4. Ibid., 34.
5. Ibid., 24.

CALENDAR OF CASES: ILLINOIS TERRITORY

1734 -- Burning of Jews

CHAPTER XII

WASHINGTON, D. C.

WASHINGTON, D.C.

1848 -- JUDAH P. BENJAMIN

Judah P. Benjamin, who was an influential figure in the Confederacy during the Civil War, started his career as a lawyer in the South. During the October, 1848, term of the United States Supreme Court, he was admitted to practice before the Court, and in his very first case was referred to in derogatory terms by the presiding Justice. It is related that Mr. Justice Field spoke to Benjamin's adversary, Judge Jeremish S. Black, during the recess, as he passed him. "You had better look to your laurels," Justice Field was reported to have remarked, "for that little Jew from New Orleans has stated your case out of court."¹.

In later years Benjamin was subject to more direct and provocative attacks, based on his Jewishness, despite the fact that he himself had very little contact with Jewish custom or practice.² "But though Benjamin was little more than a race Jew all his lifetime," wrote Max J. Kohler, "his race was throughout his career a target of attack upon him, on the one hand, and on the other, led him to most unjustified identification of Jews with the pro-slavery cause in the public mind."³.

135? -- JUDAH P. BENJAMIN

There is also a statement that in the fifties Benjamin was referred to by a Senator from Kentucky, on the floor of the Senate, as "that Jew from Louisiana." To this he is said to have replied: "It is true that I am a Jew, and when my ancestors were receiving their Ten Commandments from the immediate hand of Deity, amidst the thunderings and lightnings of Mt. Sinai, the ancestors of my opponent were herding swine in the forests of Great Britain."⁴ There are at least two other versions of this story, each of which differs in detail of place, time and person referred to.

1853 -- AUGUST BELMONT

In 1853 August Belmont, prominent financier and former Austrian consul-general in the United States, was appointed chargé d'affaires in The Hague, Holland, by President Pierce.⁵ The New York Tribune, under date of June 2, 1853, carried a story entitled "The Appointment of Mr. Belmont," which referred to the accusations of the Whigs against Belmont and another gentleman of prominence.

"In the recently published list of diplomatic appointments," began the article (which was taken "From the Washington Union"), "are found the names of two gentlemen of foreign birth, Mr. Soule and Mr. Belmont...."⁶

"The Whig accusation against Mr. Belmont takes quite another turn. They object to his birth place and his religion. He is not to be trusted because he is not native born."⁷ He is to be held as disqualified for public service

because the religious tenets in which he was educated are not those of the majority of the people of this country. That he is an eminently able and accomplished man... is in Whig judgment no justification of his appointment. A partisan bigotry, if possible more narrow and intolerant even than Nativism, would rule his claims out of consideration...."8.

Thus, it seems that Belmont, together with Soule, were the objects of Whig opposition. Belmont, however, apparently was attacked on anti-Jewish grounds, in addition. As we had occasion to see, this was not the first instance in which the anti-Jewish issue was utilized in political disputes.⁹

1858 -- JUDAH P. BENJAMIN

Five years later (March 11, 1853), Judah P. Benjamin delivered a "classic exposition of the South's case" on the slavery question in the Senate, to which Senator Wade of Massachusetts replied heatedly and in none too friendly a fashion that Benjamin was an "Israelite with Egyptian principles."¹⁰ This incident, too, though "directly aimed at Benjamin,awakened much comment."¹¹

It is even alleged that Benjamin's relations with Jefferson Davis, which were very close during the Civil War, arose out of some remarks of this nature which Davis made against Benjamin in June, 1853. Benjamin challenged Davis to a duel, whereupon the latter withdrew the remarks, "and intimate relations of mutual respect and esteem began."¹²

1861 -- JEWISH CHAPLAINS

The appointment of the first Jewish chaplain in the United States Army was preceded by some rather interesting events. The whole question was brought to the fore as the result of an Act passed by Congress in 1861 which provided that "chaplains must be regular ordained ministers of some Christian denomination." ¹³ By the terms of this Act, which was duly approved by President Lincoln, the application of Rev. Arnold Fischel to serve as chaplain of the Cameroon Dragoons -- a regiment made up mostly of Jews -- could not be accepted.

As a result, various prominent individuals protested against what they deemed an abridgement of constitutional rights; the Board of Delegates of American Israelites petitioned Congress, through Senator Ira Harris and Representative Frederick Conkling, that the act was a "prejudicial discrimination against a patriotic class of citizens on account of their religious belief."¹⁴ It was not until March 13, 1863, that the act was amended to provide for the inclusion of Brigade Chaplains, "one or more of which shall be of the Catholic, Protestant, or Jewish religion."¹⁵

Although Fischel had meanwhile been conducting services at the Jewish Hospital in Virginia, President Lincoln subsequently appointed three Jews as Hospital chaplains. ¹⁶

1861 -- JUDAH P. BENJAMIN AND DAVID YULEE

When Judah P. Benjamin and David Yulee, Senator from Florida, withdrew from the Senate in 1861, "the number of newspaper and verbal attacks upon the Jews collectively as 'pro-slavery' became well nigh legion, and did serious injury to the Jewish name in America." 17.

1861 -- BOSTON TRANSCRIPT

In its issue of January 25, 1861, the American Israelite replied in burning language to the Boston Transcript, for having referred (January 5, 1861) to three Jews -- Mordecai of Charleston; Benjamin of Louisiana, "The disunion leader in the U.S. Senate"; and Yulee of Florida -- as opponents of the Union.¹⁸ It is quite conceivable in this instance that Isaac Wise might have been reading into the Transcript ideas and implications which were non-existent. It is possible, in other words, that the Boston publication may have attacked the three gentlemen because they were Southerners, not necessarily because they were Jews. However, ultimate judgement can be passed only after examining the exact words of the Transcript in context.

1861 -- SENATORS WILSON AND JOHNSON

Similarly, when Senators Wilson, of Massachusetts, and Johnson, of Tennessee, made references of a like nature, the Israelite replied in favor of the Jews (March 23, 1861).¹⁹

When Benjamin passed away, May 8, 1884, in Paris²⁰.

Isaac M. Wise wrote in the Israelite (May 18, 1874):

"His secession gave at the time great trouble to the Jews of the United States. Every petty politician and every court poet defamed and slandered the Jews in the press and in Congress because that one Jew went with so many Christian colleagues over to the Confederacy.... Benjamin had nothing in the world to do with the Jews. He never did anything for them, and they never did anything especially for him." 21.

1868 -- RECONSTRUCTION ACT

In his December, 1873, report to the Board of Delegates of American Israelites, Myer S. Isaacs referred to an action that might have proved very embarrassing for Jews. "In the Reconstruction Act of 1868," he wrote, "the oath required to be taken by citizens qualifying as members of the Constitutional Convention was to be administered on the Holy Evangelists -- a form of oath to which no Israelite would subscribe." 22 Through the prompt action of the Board, however, Congress "modified the form of oath," as finally adopted. 23.

NOTES TO CHAPTER VII

1. Kohler, Max J., "Judah P. Benjamin : Statesman and Jurist," AJHS, VII, 71.
2. Ibid., 83; see UJE, II, 132, for additional incidents.
3. Kohler, Max J., "Judah P. Benjamin : Statesman and Jurist," AJHS, XII, 83.
4. Ibid., 83-4.
5. UJE, II, 153.
6. "The Lyons Collection Volume II: Excerpts from Scrap Books," AJHS, XXVII, 510.
7. He was born in Alzey, Rhine-Hesse, Germany; UJE, II, 153.
8. "The Lyons Collection...", AJHS, XXVII, 511
9. See Friedenberg, Albert M., "The Correspondence of Jews with President Martin Van Buren," AJHS, XXII.
10. UJE, II, 132.
11. Kohler, Max J., "Judah P. Benjamin : Statesman and Jurist," AJHS, XII, 84.
12. Ibid., 83.
13. Markens, Isaac, "Lincoln and the Jews," AJHS, XVII, 114.
14. Ibid., 114.
15. Ibid., 115.
16. Ibid., 115-6; see also Isaacs, Myer S., "A Jewish Army Chaplain," AJHS, XII, 137-137, for a full discussion of the question including the pertinent documents and letters to and from President Lincoln.
17. Kohler, Op. Cit., 84.
18. Ibid., 84.
19. Ibid., 84-5.
20. UJE, II, 134.
21. Kohler, Op. Cit., 85.
22. Ibid., 105.
23. Ibid., 105.

CALENDAR OF CASES: WASHINGTON, D.C.

- 1843 -- Judah P. Benjamin
- 1857 -- Judah P. Benjamin
- 1853 -- August Belmont
- 1858 -- Judah P. Benjamin
- 1861 -- Jewish Chaplains
 - Judah P. Benjamin and David Yulee
 - Boston Transcript
 - Senators Wilson and Johnson
- 1866 -- Reconstruction Act

CHAPTER XIII

UNITED STATES

UNITED STATES

RHODE ISLAND

1677 -- COTTON MATHER

When Roger Williams founded Rhode Island, he offered the full blessings of religious liberty to all groups, including even Jews. This "radical" extension of freedom thereupon led Cotton Mather, the leading Puritan of the times, to refer to Newport as "the common receptacle of the convicts of Jerusalem and the outcasts of the land."¹ One wonders if the reference here is to the Jews alone or was intended as a general description of those whom Williams allowed so indiscriminately ^{to} settle.

NEW JERSEY

1683 -- BILL OF RIGHTS: EAST JERSEY

After New Jersey had been divided into East and West Jersey, the Quaker proprietors of East Jersey subsequently granted a bill of rights for inhabitants in that part of the state (1683). However, only a Christian was allowed to hold public office.²

1693 -- TEST FOR PUBLIC OFFICE: WEST JERSEY

West Jersey did not establish a test for public office until 1693, so that by that time, Jews were excluded from both East and West Jersey. It must be remembered, of course, that here, as so often in early colonies, the Jews were only incidentally affected by these and similar regulations.

The main targets were Catholics, heathens, atheists and infidels.³ Finally, in August 1844 all religious tests for holding public office were abolished in New Jersey.⁴

VIRGINIA

1784 --SUPPORT OF CHRISTIANITY

About the year 1784 there was apparently a movement in Virginia to establish Christianity as the government religion. ⁵ One of the leaders of this group was Patrick Henry who introduced a resolution to the House providing that "the people of the Commonwealth according to their respective abilities ought to pay a moderate tax or contribution for the support of the Christian religion, or for some Christian church, denomination or communion of Christians, or of some form of Christian worship." ⁶ The resolution, which was introduced in November 11, 1784, was adopted by a vote of 47 to 33, and subsequently a committee was ordered to draft the bill itself.

During the weeks following, much discussion ensued on the merits and features of the bill, including a very worthy "Memorial and Remonstrance" prepared by James Madison who was strongly opposed to the principle of a state religion.⁷ Among the reasons which he put forth for rejecting the bill were that "it degrades from the equal rank of citizens all those whose opinions in religion do not bend to those of the legislative authority."⁸ In

addition, "it will have a like tendency to banish our citizens. The allurements presented by other situations are every day thinning their number. To supersede a fresh motive for emigration, by revoking the liberty they now enjoy, would be the same species of folly which has dishonored and depopulated flourishing kingdoms."⁸.

Thus, it becomes evident that while Patrick Henry's motive in suggesting the measure originally were not of the most despotic, neither were Madison's reasons wholly altruistic either. He had one eye, it appears, on the ideal of liberty; the other was on commercial possibilities. Nevertheless, it was due primarily to Madison's efforts that the measure had to be abandoned eventually by its proponents.¹⁰.

FLORIDA

1841-2 -- DAVID LEVY (DAVID L. YULEE)

While sitting as Florida's first ^{Delegate} ~~Senator~~ in the House of Representatives, David Levy (David L. Yulee) ran into frequent opposition on public questions. Among his opponents was John Quincy Adams, who mentioned him several times in his Diary, and often in uncomplimentary terms. Under date of June 21, 1841, he wrote: "Pickens introduced David Levy as Delegate from the Territory of Florida. Morgan objected to his being sworn and presented papers contesting his election....Levy is said to be a Jew, and what will be, if true, a far more formidable disqualification, that he has a dash of African blood in him, which sub rose, is the case with more than one member of the house."¹¹.

About a year later (May 18, 1943), Madison wrote in his Diary about "Levy, a Jew Delegate from Florida," describing him, further (May 25), as "David Levy, the allied Jew Delegate from Florida." 13.

ALABAMA

1847-1851 -- COL. ALBERT J. PICKETT

What might have been a case of anti-Jewish prejudice was hinted at by A. J. Messing in discussing the two contradictory characterizations of "Old Mordecai" (Abram Mordecai) given by Col. Albert James Pickett in his History of Alabama and elsewhere.

Between 1847 and 1851 Pickett had apparently undergone a change of opinion regarding the character of "Old Mordecai," a venerable figure in early Montgomery, Ala., history. "From what source had Pickett, whose veracity be it understood is unimpeachable, received the information which induced him to so completely change his opinion of 'Old Mordecai' in the few brief years between 1847 and 1851?" wrote Messing. "On whose authority does ^{he} amend that stirring anecdote of the cutting off of Mordecai's ear, in which the victim has our entire sympathy as the innocent person grievously wronged to that version in the 'History' in which he gains only our contempt as a chartered libertine?... 13.

"The answer is clear. Abram Mordecai was a Jew. To have laid the foundations of a great city, to have been the first to raise cotton in one of the greatest Commonwealths of the Southland, and to have created a foreign

market for the fleery stable, thus securing to posterity the commercial prosperity of the country, to have blazed a way for industrial progress in the wilderness, and to have suffered privation and torture in the process, is no small achievement. Then welcome any pretext which shall take away from the Jew his merited glory and give to another the fame he so richly deserved." 14.

Indeed, this is a small incident, and it is to be wondered that Messing made so much of it. On the other hand, his hint to Pickett's prejudice may be founded in fact, though the evidence is by no means conclusive.

CALIFORNIA

1853 -- SOLOMON HEYDENFELDT: SUNDAY LAW

In April, 1853, a certain Jew named Newman, was defended by Solomon Heydenfeldt, after having been convicted of violating the Sunday Law by selling clothes on Sunday in Sacramento, Calif. Friedenbergl attributes his arrest to "an anti-Jewish feeling, prevalent at the time," without going into further details.¹⁵

Could it have been that this Newman was but one of many Jewish traders who flocked to the West Coast and irritated the non-Jews by flagrant violation of the Sunday Laws?

1878 -- UNITED STATES: BOARD OF DELEGATES

In the final report of the Board of Delegates of American Israelites (December, 1878), Myer S. Isaacs mentioned three specific instances in which anti Jewish prejudice in this country was involved, and referred in passing to other manifestations.

Under the heading "Home Affairs" he wrote:

"The usefulness of the Board of Delegates in self-defence has, happily, not been severely tested. It has been occasionally requisite to remind the National and State Governments of a discrimination against the Jewish religion or Hebrew citizens: rarely has a substantial wrong been committed under form of law or in hostility to the intelligent spirit of American legislation."¹⁶

Thus, while trying to minimize the existence of hostile feelings or acts towards Jews, Isaacs nevertheless had to admit of an "occasional" case of discrimination. Perhaps far more interesting is the statement that such acts of prejudice were rarely "committed under form of law." In effect, of course, the Board of Delegates admits that whatever discrimination and prejudice there was, became manifest in other than legal forms -- that is, probably social, economic and political.

NOTES TO CHAPTER XIII

1. Kohler, Max J., "The Jews in Newport," AJHS, VI, 66-6.
2. Friedenberg, Albert M., "The Jews of New Jersey from the Earliest Times to 1850," AJHS, XVII, 55.
3. Ibid., 36.
4. Ibid., 41.
5. Kohler, Max J., "Phases in the History of Religious Liberty in America, with Special Reference to the Jews," AJHS, XI, 61.
6. Ibid., 62.
7. Ibid., 64.
8. Ibid., 64-5.
9. Ibid., 65.
10. Ibid., 65.
11. Huhner, Leon, "David L. Yulee, Florida's First Senator," AJHS, XXV, 13.
12. Ibid., 13.
13. Messing, Jr., Rabbi A.J., "Old Mordecai" -- The Four of the City of Montgomery," AJHS, XIII, 79.
14. Ibid., 81.
15. Friedenberg, Albert M., "Solomon Heydenfeldt: A Jew Jurist of Alabama and California," AJHS, X, 186.
16. Kohler, Max J., "The Board of Delegates of American Israelites, 1858-1878," AJHS, XXIX, 102-3.

CALENDAR OF CASES: UNITED STATES

- 1677 -- Rhode Island: Cotton Mather
1693 -- New Jersey: Bill of Rights: East Jersey
1693 -- New Jersey: Test for Public Office: West Jersey
1784 -- Virginia: Support of Christianity
1841-2 -- Florida: David Levy (Yulee)
1847-51 -- Alabama: Col. Albert J. Pickett
1853 -- California: Solomon Heydenfeldt: Sunday Law
1878 -- United States: Board of Delegates

APPENDIX A

THE STAGE

THE STAGE

1773

Of the twenty-eight English plays dealing with Jews or touching on Jewish subjects that were produced on the American stage between 1753 and 1821, six contained references to Jews that might be termed unfavorable or prejudicial. The first of these was Richard Cumberland's The Fashionable Lover, produced as early as May 7, 1773 in Williamsburg, Va. ¹. In this play "the usual disagreeable type of stage-Jew is introduced in the person of Sachtali."²

1786

In Mrs. Hannah Cowley's Belle's Stratagem (New York, June 13, 1786) occurs, for the first time in America, the "favorite device ... of a Christian character in a play disguising himself as a Jew, usually for some sinister purpose."³ In Act IV, Scene 1, for instance, a masquerader addresses some insulting remarks to one of the characters, Hardy (in Jewish disguise), which are usually taken to refer to the English financier, Sampson Gideon (1699-1782).⁴

"Mask.: Why, thou testy little Israelite! back to Duke's Palace...Where are your Joshuass and your Gideons, aye? What! all dwindled into Stockbrokers, Pedlars, and Rag-men?

"Hardy: No, not at all. Some of us turn Christians, and by degrees grow into all the privileges of Englishmen! In the second generation we are Patriots, Rebels, Courtiers, and Husbands."⁵

1794

John O'Keefe's The Young Quaker, first produced in

New York on May 13, 1784, contains the Jewish character, Shadrach Boaz, "the most repugnant stage Jew of the century, without a redeeming feature...a comic, cowardly villain who epitomized what had gone before, standardized it afresh, and fashioned an 'improved type' for subsequent dramatists to copy slavishly."⁶ In the play the author depicted Shadrach as having come to London from America, which is of added interest to us.

1784

The same year (1784) Slaves in Algiers; or, A Struggle for Freedom, by Mrs. Susanna (Haswell) Rowson, was first published in Philadelphia.⁷ The play dealt with the theme of the difficulties of the United States with the Barbary pirates, and presented for the first time on the American stage a Jewish character converted to Islam. Her treatment of this renegade Jew was significant, for although "she followed her dramatic predecessors and made him a thorough scoundrel, as befitted then the treatment of the Jew on the stage, (she) created a model for future imitations."⁸ Ben Hassan is the character portrayed as having been converted from Judaism to Islam. In Act I, Scene 3, he has a song in five stanzas, in which he refers to himself as a forger and general scoundrel. "So, having cheated the Gentiles, as Moses commanded," he sings, "Oh! I began to tremble at every gibbet that I saw...."⁹ In speaking of this drama, Seilhamer (History of the American Theatre, Phila., 1891, III, p. 155-6) calls it "a turgid drama...the style was wretched, the dramatic quality tawdry and the sentiment

strained and stilted."¹⁰

1783

The fifth play, The London Hermit; or Rambles in Dorsetshire, was written by John O'Keefe, the author of The Young Quaker,¹¹ and was produced in New York, April 30, 1783.¹² The character Barebones seemed to be a "Methodist, preacher, informer, peddler, money-lender, old-clothes man," all in one, with a simulated Jewish dialect foisted on him in addition. In Act III he is made to say the following: "When I was a coal-heaver, my face was a black angel, but my inward man was as white as a white vell is white."¹³ Of course, it is also quite possible that this dialogue is not necessarily a reflection on the character's supposed Jewishness, but is simply meant to indicate his German origin.

1813

In James Ellison's The American Captive; or Siege of Tripoli (Boston, 1813), a Jewish character was portrayed in not too favorable terms.¹⁴ Scene 2, Act II, in Ishmael's house, shows him counting his gold. He delivers a soliloquy in dialect. Thereupon "enters Abdon milek, his servant. A conversation follows, intended to show Ishmael's almost inhuman miserliness."¹⁵ Obviously Ellison followed Mrs. Rowson and most of his English predecessors in many respects, especially in having the Jew speak in dialect.¹⁶

From these six plays the anti-Jewish prejudice of the early plays presented on the American stage becomes fairly

obvious. For the most part the characterizations leaned heavily on English inspiration. However, "the point to be noted is that none of these characters bears any relation, political, social or cultural, to the condition of the Jews in America. Not in the slightest degree do they 'hold up the mirror to nature.' They were merely taken over, together with the plays from the English stage as the conventionalized villain or clown."17.

NOTES TO APPENDIX A

1. Coleman, Edward D., "Plays of Jewish Interest on the American Stage, 1752-1831," AJHS, XXXIII, 175.
2. Ibid., 175.
3. Ibid., 176.
4. Ibid., 176.
5. Coleman, Edward, "Jewish Prototypes in American and English Romans and Trances à Clef," AJHS, XXXV, 235.
6. Quoted, 179, from Landa, J.M., The Jew in Drama, London, 1926, p. 131.
7. Coleman, AJHS, XXVIII, 130.
8. Ibid., 130.
9. Ibid., 131.
10. Ibid., 132.
11. Ibid., 134.
12. Ibid., 135.
13. Ibid., 135.
14. Ibid., 132.
15. Ibid., 133.
16. Ibid., 133-4.
17. Ibid., 138.

APPENDIX B

GENERAL BENJ. F. FUTLER (1864)

1864
GENERAL BENJ. F. BUTLER

In correspondence which Myer S. Isaacs carried on with General Benjamin F. Butler early in 1864, a further instance of what might be termed anti-Jewish prejudice was brought to light. It seems that one day the Associated Press brought a telegram signed by Butler, who was at the time in command at Fortress Monroe, to the effect that Butler's troops "had captured 150 rebels, 80 mules, 60 contrabands and four Jews." 1. This report was followed up by Simon Wolf who undertook to see Gen. Butler personally.

"General Butler received me with cordiality," he later wrote. "He, like so many other generals who had made mistakes, claimed that he knew nothing of the message, that it had been sent by a subordinate and that he would have the error corrected at once, regretting the incident, and assuring me of his warm friendship not only personally, but for those whom I represented, and I must say that his promise in this direction was made good afterwards." 2.

Subsequently, Isaacs wrote Butler about this incident, and received a reply from the General, under date of February 4, 1864. "The manner in which the phrase got itself into the telegraphic reports was very simple," Butler wrote. "The report of the return of the expedition, was made to me, and as it was made, I dictated portions of it to the telegraph, using the words of the report, so

it was in fact, done without thought on my part, and only in the course of business, as I should have mentioned any other fact reported to me by my subordinate, when reporting to my superior.

"But," he continued, "since my attention has been drawn to it by your comments, and others of the press, I really do not see any reason for changing that phrase."

There followed then an explanation by Butler why he did not feel the necessity of changing the phrase used, in the course of which he wrote:

"It was meant, when used, to designate nationality, and not religion, as one would say, five Irishmen, five Germans, or five Italians. I have always considered the Jews a nationality, although possessing no country. The closeness with which they cling together, the aid which they afford each other, on all proper and sometimes improper occasions, the fact that nearly all of them pursue substantially the same employment -- that of traders, merchants and bankers -- and the very general obedience to the prohibition against marriage with Gentiles, their faith, which looks forward to the time when they are to be gathered together in the former land of their nation, all serve to show a closer tie of kindred and nation among the Hebrews, and a greater homogeneity, than belongs to any other nation, although its people live in closer proximity. So that while I disclaim all intention of any reflection upon their national religion, which was the foundation and typical of that of the Christian world, and holding to the doctrine of Christianity with reverence for the

Saviour, no one can stigmatize all Jews, yet one may be reasonably permitted in speaking of that nation, to suppose there may be from all the Jews of the South ... at least five, who might attempt to carry on a contraband trade." 3.

A few days later (February 13, 1864) Butler again wrote Isaac. This time his letter gave some further indication of his sentiments towards Jews. I "am very glad to have my opinions corrected by one who apparently understands so well the condition of the Hebrews as a nation and of their faith as a religion.

"I admit," he went on to explain, "that my experience with men of the Jewish faith or nation, has been an unfortunate one.

"Living in an inland town in Massachusetts prior to the War, I had met but few, and since the war, those whom I have seen, have been principally engaged in the occupation which caused the capture of those which has occasioned this correspondence, and you yourself will admit that that mode of making their acquaintance has not been a favorable one." 4.

From this exchange of opinions, one would be inclined to describe Butler as having probable unsympathetic sentiments towards Jews, though it would hardly seem fair, on the basis of this evidence, to call him the equivalent of anti-Semitic.

NOTES TO APPENDIX B

1. Kohler, Max J., "The Board of Delegates of American Israelites, 1858-1873," AJHS, XXIV, 117, note 1.
2. Ibid., 117, note 1.
3. Ibid., 118.
4. Ibid., 120-1.

CALENDAR OF CASES				
#	Date	Incident	State	Page
1.	16--	Cotton Mather	R.I.	133
2.	1637	General Assembly: Rights and Privileges	Id.	59
3.	1639	Oath to the King	Id.	60
4.	1648, 1649	Oath and Acts of Toleration	Id.	60
5.	1649	Solomon Franco	Mass.	101
6.	1654	Jacques de la Motthe vs. David Israel, et al.	Mass.	31
7.	1654	Peter Stuyvesant	N.Y.	31
8.	1655	Expulsion Resolution	N.Y.	32
9.	1655	Johannes Megapolensis	N.Y.	33
10.	1655	Abram De La Simon	N.Y.	35
11.	1655	David de Ferera	N.Y.	36
12.	1655	Salvador Dandrada	N.Y.	36
13.	1655	Asser Levy and Jacob Parsimon: Military Service	N.Y.	37
14.	1655	Residence and Trading Privileges	N.Y.	38
15.	1655	Trading at Fort Orange (Albany)	N.Y.	39
16.	1655-6	Civil and Political Rights	N.Y.	41
17.	1657	Asser Levy: Burgher Rights	N.Y.	42
18.	1657	"Jacob Cohen Hendricus, a Jew"	N.Y.	42
19.	1658	Jacob (John) Lumbrozo	Id.	61
20.	1662	Horekill Mennonites	Pa.	79
21.	1683	Naturalization Under the English	Pa.	43
22.	1683	Bill of Rights: East Jersey	N.Y.	138
23.	1685	Governor Dongan: Jewish Worship	N.J.	43
24.	1685	Saul Brown and Gov. Dongan: Trading Rights	N.Y.	44
25.	1693	Test for Public Office: West Jersey	N.Y.	138
26.	17--	Boston Jews	N.J.	101
27.	1702-3	Election Protest	Mass.	83
28.	1724	Code Noir	N.C.	119
29.	1732-3	Colonization by Jews	La.	70
30.	1732-3	Withholding of Land	Ga.	71
31.	1734	Burning of Jews	Ga.	124
32.	1737	Jewish Voting Rights	Ill.Terr.	45
33.	1743	A Jewish Funeral	N.Y.	46
34.	1776?	Shearith Israel: British Fan- dalism	N.Y.	46
35.	1776	Grand Jury	N.Y.	95
36.	1776	Pennsylvania <u>Evening Post</u> : Letter	S.C.	79
37.	1776	State Constitution	Pa.	62
38.	1776-88	State Constitution (Sec. 32)	Id.	68

#	Date	Incident	State	Page
39.	1782	Mickvé Israel	Pa.	81
40.	1784	Support for Christianity	Va.	139
41.	1784	Pamphlet: "Cursory Remarks"	Ga.	71
42.	1787	State Constitution: Oath of Office	Pa.	82
43.	17-- , 18--	Jacob C. Levy: "Vindiciae Judaeorum"	Ga.	74
44.	18--	Levy and Seixas Families	N.Y.	49
45.	1800	Benjamin Kones	Pa.	82
46.	1809	Jacob Henry	N.C.	89
47.	1812-45	Restrictions on Religious Teachers	La.	119
48.	1822	Mordecai M. Noah: Ludlow Street Jail	N.Y.	47
49.	1822	Mordecai M. Noah: Printed Broadside	N.Y.	47
50.	1826	The "Jew Bill"	Md.	63
51.	1827	G. P. Cohen	S.C.	95
52.	1828	Thomas Jefferson: Jews in College	S.C.	96
53.	1829	Baltimore Hebrew Congregation	Md.	64
54.	183-	John Q. Adams	Mass.	102
55.	1835	State Constitution (Sec. 32)	N.C.	90
56.	1841-2	David Levy (Yulee)	Fla.	140
57.	1844	Letter to Martin Van Buren	Ky.	114
58.	1847-51	Col. Albert J. Pickett	Ala.	141
59.	1847	Discrimination by Implication	Md.	64
60.	1848	Judah P. Benjamin	Wash.D.C.	129
61.	185-	Judah P. Benjamin	Wash.D.C.	130
62.	1853	August Belmont	Wash.D.C.	130
63.	1853	Joseph Simpson	Md.	65
64.	1858	Judah P. Benjamin	Wash.D.C.	131
65.	1858	Solomon Heydenfeldt: Sunday Law	Calif.	142
66.	1861	Jewish Chaplains	Wash.D.C.	132
67.	1861	Judah P. Benjamin and David Yulee	Wash.D.C.	135
68.	1861	Boston Transcript	Wash.D.C.	133
69.	1861	Senators Wilson and Johnson	Wash.D.C.	133
70.	1862-3	General Grant and the Jews	Miss.	106
71.	1864	Presbyterian Conference	Pa.	84
72.	1866	Reconstruction Act	Wash.D.C.	154
73.	1872	College of New York	N.Y.	50
74.	1878	Board of Delegates	J.S.	145

(Appendix A: Plays

146

Appendix B: Genl. Benj. F. Butler (1864)

152)

BIBLIOGRAPHY

(AJHS = Publications of the American Jewish Historical Society.

(* = quoted or referred to in the text or notes.)

1. Adler, Cyrus, "A Political Document of the Year 1800," AJHS, I.
2. Baudier, Roger, The Catholic Church in Louisiana. *
3. Chambers, Henry E., History of Louisiana, I. *
4. Coleman, Edward, "Jewish Prototypes in American and English Romans and Dramas à Clef," AJHS, XXV.
5. _____, "Plays of Jewish Interest on the American Stage, 1752-1821," AJHS, XXXIII.
6. Cone, G. Herbert, "New Matter Relating to Mordecai M. Noah," AJHS, XI.
7. Dyer, Albion Morris, "Points in the First Chapter of New York Jewish History," AJHS, III.
8. F., "Notes: John Quincy Adams and Joseph Mame," AJHS, XXII.
9. Hartogensis, Benjamin H., "Unequal Religious Rights in Maryland Since 1776," AJHS, XXV.
10. Felt, "Ecclesiastical History," II. *
11. Fortier, Alcee, History of Louisiana, I. *
12. Friedenbergl, Albert M., "Solomon Heydenfeldt: A Jewish Jurist of Alabama and California," AJHS, X.
13. _____, "An Interesting Item Concerning Major Mordecai M. Noah," AJHS, XVIII.
14. _____, "The Correspondence of Jews with President Martin Van Buren," AJHS, XXII.
15. _____, "The Jews of New Jersey from the Earliest Times to 1850," AJHS, XVII.
16. Friedenwald, Herbert, "A Letter of Jonas Phillips to the Federal Convention," AJHS, II.

17. Friedman, Lee M., "Early Jewish Residents in Massachusetts," AJHS, XXIII.
18. Hollander, J. H., "The Civil Status of the Jews in Maryland, 1634-1776," AJHS, II.
19. _____, "Some Unpublished Material Relating to Dr. Jacob Lumbrozo," AJHS, I.
20. Mhner, Leon, "Asser Levy," AJHS, VIII.
21. _____, "Francis Salvador," AJHS, IX.
22. _____, "The Jews of Georgia in Colonial Times," AJHS, X.
23. _____, "The Struggle for Religious Liberty in North Carolina, with Special Reference to the Jews," AJHS, XVI.
24. _____, "Jews in Connection with the Colleges of the Thirteen Original States Prior to 1800," AJHS, XIX.
25. _____, "David L. Yulee, Florida's First Senator," AJHS, XXV.
26. _____, "The Jews of North Carolina Prior to 1800," AJHS, XXIX.
27. Inventory of the Church and Synagogue Archives of Louisiana: Jewish Congregations and Organizations. Prepared by the Louisiana Historical Records Survey, Division of Community Service Programs, Work Projects Administration. 1941.
28. Isaacs, Myer S., "A Jewish Army Chaplain," AJHS, XII.
29. Jones, Charles C., "The Settlement of the Jews in Georgia," AJHS, I.
30. Kohler, Max J., "Beginnings of New York Jewish History," AJHS, I.
31. _____, "Phases of Jewish Life in New York Before 1800," AJHS, II.
32. _____, "Civil Status of the Jews in Colonial New York," AJHS, VI.
33. _____, "The Jews in Newport," AJHS, VI.
34. _____, "Phases in the History of Religious Liberty in America, with Special Reference to the Jews," AJHS, XI.

35. _____, "Judah P. Benjamin: Statesman and Jurist," AJHS, AJHS, XII.
36. _____, "Phases in the History of Religious Liberty in America, with Particular Reference to the Jews. - II," AJHS, XIII.
37. _____, "Some Jewish Factors in the Settlement of the West," AJHS, XVI.
38. _____, "The Board of Delegates of American Israelites, 1859-1878," AJHS, XXIX.
39. Kohn, August, "Notice," AJHS, XXXII.
40. Landa, J. M., The Jew in Drama. London, 1926. *
41. Lebowich, Joseph, "The Jews in Boston Till 1875," AJHS, XII.
42. _____, "General Ulysses S. Grant and the Jews," AJHS, XVII.
43. "The Lyons Collection Volume II: Excerpts from Scrap Books," AJHS, XXVII.
44. "The Lyons Collection Volume II: Miscellaneous Items Relating to Jews in Wars of the United States and Correspondence with Washington," AJHS, XXVII.
45. Markens, Isaac, Hebrews in America. *
46. _____, "Lincoln and the Jews," AJHS, XVII.
47. Messing, Jr., Rabbi A. J., " 'Old Mordecai' -- The Founder of the City of Montgomery," AJHS, XIII.
48. Morais, Sabato, "Mickvé Israel Congregation of Philadelphia," AJHS, I.
49. Moses, Alfred G., "A History of the Jews of Mobile," AJHS, XII.
50. "Notes," AJHS, V, 202.
51. "Notes," AJHS, XVI, 187.
52. Oppenheim, Samuel, "Disgraceful Acts of a Mob at a Jewish Funeral in New York, 1743," AJHS, XXXI.
53. _____, "The Early History of the Jews in New York, 1654-1664," AJHS, XVIII.

54. _____, "The Early History of the Jews in New York, 1654-1664. Some New Matter on the Subject," AJHS, XVIII.
55. Phillips, N. Taylor, "The Levy and Seixas Families of Newport and New York," AJHS, IV.
56. _____, "Items Relating to the History of the Jews of New York," AJHS, XI.
57. Phillips, Naphtali, "Sketch of the Spanish and Portuguese Congregation Shearith Israel Written about 1855," AJHS, XXI.
58. Proceedings of the Board of Delegates, 1873. *
59. Records of New Amsterdam (Court Minutes), I, 291. *
60. Rosenbach, A. S. W., "Notes on the First Settlement of Jews in Pennsylvania, 1655-1703," AJHS, V.
61. _____, "An American Jewish Bibliography," AJHS, XXX.
62. Sweet, William Warren, Religion in Colonial America. N.Y., 1942.
63. Tarshish, Allan, "Notes for Doctoral Dissertation," (Unpublished) 481d.
64. Universal Jewish Encyclopedia, II. (UJE, II)
65. Valentine, David, Manual of the Common Council for 1849. N.Y. *
- 66.