A FULL ANSWER TO A FALLACIOUS APOLOGY ARTFULLY Circulated through the Kingdom, In Favour of the NATURALIZATION of the JEWS, Verified by HISTORY and RECORD.

Inscribed to the LORD MAYOR, ALDERMEN, and COMMON-COUNCIL of the City of LONDON

By a CHRISTIAN.

Magna est Veritas, & praevalebit.

The SECOND EDITION, Corrected.

To which is now added, A POSTSCRIPT.

LONDON:

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(Price Sixpence.)
To the Right Honourable

Sir CRISP GASCOIGNE, Knt.

Lord Mayor of the City of London,

And such of the

ALDERMEN and COMMON-COUNCIL

of the said CITY,

Who promoted the

Late PETITION to the Honourable House of Commons, against the BILL intitled, An ACT to permit Persons professing the Jewish Religion to be naturalized, and for other Purposes therein mentioned,

This Small TRACT is humbly Inscribed (as a Testimony of Gratitude and grateful Acknowledgment for their Regard to the CHRISTIAN RELIGION) by

A CHRISTIAN.
Sir Christmas Kirk.

To the Mayor, Aldermen, and Common-Council

Of the City of...

Whereupon the

Petition to the Honorable

House of Commons, praying for

That A.R.T. & many other measures

proposed be recommended to the House

for their serious reflection.

A TREATISE.

A CHRISTIAN.
TO A
Fallacious APOLOGY in favour of the Naturalization of the JEWS.

THERE having been lately sent about and published, in the Daily and Evening Papers, An Apology for the Conduct of those concerned in passing the Act to permit Persons professing the Jewish Religion to be naturalized by Parliament, I cannot help making some Observations thereupon, in order to justify as well the Application of the City of London to Parliament against the passing that Act, as to shew that the Uneasiness of many serious and good Christians, on this Occasion, hath not been without Foundation.

This Apology, for so I shall call it, begins thus:

"In 1670 an Act of Parliament passed, requiring Persons who should apply to Parliament to be naturalized, to take the Sacrament, and the Oaths of Allegiance and Supremacy; (and writes) that the Objects of this Law were not the Jews but the Roman Catholicks, for that there were no Jews at that time in England.

This was the Cause of making the Act, in order to be a Guard against the Principles and Tenets of the Papists. Why were the Papists to be thus"
thus guarded against? Was it not to secure the Christian Religion against Error? Was it not designed to preserve our holy Religion pure? and hinder those Errors (which were inconsistent with it) from being re-established among us, which might be the Case were foreign Papists allowed to be naturalized and enjoy our Privileges. It was therefore a most proper Caution, and a Bulwark of Defence against Error (which is always a notorious Enemy of Christianity) and if this Caution has, by Construction, been found a Means to guard against Judaism, every good Christian ought to rejoice in it, and set the greatest Value upon it; nor can I see the least Reason why they should not be uneasy at its being repealed.

Are not the Jews open and professed Enemies to our holy Religion? Are they not bound in Conscience to destroy it? Do not they still justify the horrid Act of crucifying our blessed Saviour? Do they not deny his Laws and Government? The Author of this Apology must answer these Questions in the Affirmative; and I must beg to know why they are not to be as strongly guarded against as the Papists. The Papists not only profess, but pay a great Regard to the Christian Religion, but err in their Manner of Profession; the Jews openly declare their Hatred and Aversion to it, and do all they can to oppose it; are not they then the strongest Enemies, and ought they not as strictly, at least, to be guarded against?

The Author goes on and writes: "This Act relates only to Jews born abroad, and that all Jews born here are, to all Intents and Purposes, natural born Subjects, and, as such, without the Aid of this Act, they all have, at this time, as they had five hundred Years ago, a Right by Law to purchase real Estates to them and
their Heirs in like Manner as any other natural born Subject of this Kingdom; and this (writes he) public Records and undoubted Authorities prove beyond a Doubt.

To this I answer, I do readily admit this Act relates only to Jews born abroad, and that they may be (as natural born Subjects) intitled to divers Privileges, by Naturalization, but that they have or had five hundred Years ago a Power to purchase Estates, doth not appear to me; nay, History and public Records evince the contrary.

Dr. Tovey, in his Anglia Judaica, writes, That in the Time of Henry III. they were under no Restraint from purchasing Estates, which was complained of, Because it might so happen, that by becoming Lords of Mannors, they might be intitled not only to the Fealty, Homage, Echeats, War-ships, and Marriage of Christians, but even Presentations of Churches, and possibly obtain whole Baronies, which would be Matter of the biggest Scandal, and upon no Consideration to be endured. To prevent therefore such shameful Inconveniences, an Act of Parliament passed, which not only restrained them from purchasing any Lands or Tenements for the future, but actually vacated all Purchases of that Nature which they had made at any time before; Restoring them to their first Christian Owners, upon Repayment of the Consideration-Money without Interest. Enacting likewise, That whatever Purchases they made for the future should immediately become vested in the Crown, Subject nevertheless to Redemption, upon Payment of the same to the King, by the first Christian Owners, as they received for them from the Jews, excepting also, that they might retain such Houses as they inhabited themselves, or let out to other Jews, and likewise repair or rebuild upon any ancient
cient Foundations they were already possessed of, provided, that even for the Cause of Habitation they should possess no more Houses in the City of London than they had at present, to prevent any Damage that might thereby accrue to the Parish Rectors; excepting also, that they might retain all such Rents in Fee as issued out of any Lands belonging to Christians, according to the Regulations of a former Statute. And besides these Restrictions, it contained several others concerning their common Intercourse with Christians, and forbade them likewise to sue by an original Writ out of Chancery. The Act (writes my Author) was lost from the Rolls. But in a very ancient Manuscript in the Bodleian Library, it is preserved and recited in a Writ for its Promulgation, a Copy of which here follows at large.

"HENRICUS, Dei Gratia, Rex Angliae, &c. Vicecomitibus & omnibus Ballivis, & Fidelibus suis, ad quos presentes litterae pervenerint, Salutem. 
Sciatis, quod, ad Honorem Dei, & Universalis Ecclesiae, ac emendationem, & utilitatem, Terra nostra, & revelationem Christianorum, de Damnis, & Gravaminibus, quae sustinuerunt, occasione Liberorum, Tenementorum, qua Judæi Regni nostri clamabant habere, in Terris, Tenementis, Feodis, Redditibus. & aliis Tenuris : Et ne nobis, sive Communicati Regni Nostri, vel ipso Regno, possit de cætero Prejudicium generari : Prævidimus, de conflito Praelectionum, Magnatum, & Procerum, qui sunt de Consilio nostro, ac eiam Ordinatissimus, & Statuimus, pro Nobis, & Hereditibus nostri, quod multus Judæus liberum Tenementum habeat in Maneriis, Terris, Tenementis, Feodis, Redditibus, vel Tenuris, quibusunque, per Cartas, Denum, Fe lamento, Confirmationem,"
Ia tamen quod Domus suas, quas ipsi met inhabitant in Civitatibus, Burgis, seu aliis Villis, inha­bitant, de aeterno, & eis, habenti, sicui habere con­suaverint, temporibus retroaltis. Et etiam alias Do­mos, quas locandas habet, licite locare possint, Ju­dæis tantum, & non Christianis.


Providimus etiam, & Statuimus, de eadem Con­filio nostro, quod de Domibus suis predictis, inhab­itantibus, vel locandis, ut predictum est, nullus Ju­dæus implacitet, vel placitare possit, per Brevia nostra Originalia de Cancellaria, sed tantum coram Judiciariis nostris ad Custodiam Judæorum aﬃgna­tis, per Brevia Judæorum conferta, & hactenus aﬃgita.

De Terris autem & Tenuris de quibus Judæi, an­te praesens Statutum, Feodati fuerunt, & quas nunc tenent, volumus quod bujusmodi Infeodationes, & Dona, pertinent adnullentur: Et Terrae, & Tenemen­tum illæ Christianis, qui fæi ea dimiserint, remaneant. Ia tamen quod Christiani illi satisfaciat ipsis Ju­dæis, de Pecunia, seu Catallo, contenta in Cartis, & Chyrographis suis, sine Ufura, quod Judæi pro bujusmodi Dono, vel Infeodatione, dedissent Christianis. Haec etiam adjacent Conditione, ut si Christiani illi, incontinenter, inde satisfacere non possint, Liceat Judæis predictis Tenementa illæ aliis Christianis di­mittere.
mittère, donec inde, per rationabilem Extentam, secondum verum Valorem eorundem, Catala sua, sine Ulura, lovari possint. Salvo tamen Christianis illis Herberangio * suo. Et ita quod Judæus Pecuniam, vel Catalam suum, per manus Christianorum, & non Judæorum, inde recipiat, ut prædictum est.

Et si contingat Judæum aliquod Feoamentum; a modo, recipere, a quocis Christiano, de aliquo Feode, vel Tenemento, contra præsens Statutum, Judæus ipsè dicitum Tenementum, vel Feodum, penitus amittat; & in manum Nostram capiatur, & salvo Cudodiatur; & Christiani illi, vel eorum Heredes, Terram illam, vel Tenementum illud, de Manu nostra rehabeant.

Ita tamen quod totam Pecuniam, quam ab ipsis Judæis pro hujusmodi Feoamento recerpiunt, nobis tunc solvere. Vel si eorum Facultates ad hoc non sufficiant, tunc verum Valorem Tenementorum, seu Feodorum illorum, Nobis, & Hæredibus nostris, annuatim reddant, ad Scaccarium nostrum, per veram, & rationabilem Extentam eorundem, donec de hujusmodi Pecunia, seu Catallo, Nobis plene fuerit satissatium.

De Nutricibus autem parvulorum, Pistoribus, & Brafiatoribus, & Cocis Judæorum, quia Judæi, & Christiani, in cultu Fidei disparès sunt, Providimus, & Statuimus, quod nullus Christianus, vel Christiana, eis ministrari præsumat in Ministerii prædictis. Et quia Judæi quodam Redditis, de Terris & Tenementis, Christianorum, tanquam perpetuæ, dandum recipere solent, per Manus Christianorum, qui eis Feoda dicerantur; Volumus, & Statuimus, quod Statutum tunc inde per Nos satiœ, Firmatias robustitudinem nec ei per præsens Statutum in aliquo derogetur. Et ideo Vobis præcipimus, firmiter injungentes, quod Provisionem, Ordinationem, &

* Lodging.
This is a full Proof of the Incapacity of the Jews from purchasing Estates, and other Incapacities, none of which appear from any Record to be repealed; nay, so far from it, I find that in the third Year of King Edward I. another Act passed, intitled, The Statute of Judaism, which Dr. Tovey has also translated, and is as follows:

"The King having observ'd that, in Times past, many honest Men have lost their Inheritances, by the Usury of the Jews; and that many Sins have from thence arisen: (Notwithstanding they are, and have been, very profitable to him and his Ancestors) ordains and establishes, for the Honour of God, and the common Benefit of the People, that no Jew, hereafter, shall in any Manner practice Usury. And that no Usurious Contracts already made, since the Feast of St. Edward last past, shall stand good, excepting Covenants relating to the principal Sum. Provided also, that all those who are indebted to the Jews, upon Pledges moveable, shall redeem them, before Easter next, under Pain of Forfeiture. And if any Jew shall practice Usury against the Intent of this Statute, the King promises neither to give him Assistance, by himself or Officers, in recovering his Debts, but, on the contrary, will punish him for his Trespass, and affist the Christians against him, in the Recovery of their Pledges."
And it is further enacted, that no distress for any Jew's Debt, shall hereafter be so grievous, as not to leave Christians the moiety of their Lands and Chatels for subsistence. And that no distress shall be made by any such Jew, upon the Heir of his Debtor nam'd in the Bond, or any other person in possession of the Debtor's Lands, before such debt shall be proved in Court. And if the sheriff, or other bailiff, is commanded by the King, to give seisin or possession to any Jew, of lands or chatels to the value of his debt, the chatels shall first be apprais'd by the Oath of honest Men, and deliver'd to the Jew or Jewess, to the value of the debt. And if the chatels be not found sufficient to answer it, then the lands shall be extended, by the same Oath, according to their separate values, before seisin is given of them to the Jew or Jewess; to the intent, that when the debt is certainly known to be discharge'd, the Christian may have his lands again. Saving to the Christian, nevertheless, the moiety of his lands and chatels, and the chief house for his subsistence, as is before express'd.

And if any thing stolen be found in the possession of a Jew, let him have his summons, if he regularly may have it: if not, he shall answer in such a manner as a Christian would be oblig'd to, without claiming any privilege.

Likewise all Jews shall be resident in such cities and burroughs as are the King's own; where the common chest of their indentures is wont to be kept. And every one of them, that is past seven years of age, shall wear a badge, in form of two tables, or yellow taffety, six fingers long, and three fingers broad, upon his upper garment; and every one that is past twelve years, shall
shall also pay annually, to the King, at Easter, the Sum of three Pence, both Men and Women.

And no Jew shall have Power to alienate in Fee, either to Jew, or Christian, any Houses, Rents, or Tenements, which they have already purchas'd, or dispose of them in any Manner, or acquit any Christian of his Debt, without the King's special Licence, till he hath otherwise ordain'd.

And because Holy Church wills and permits, that they should live, and be protected, the King takes them into his Protection; and commands that they shall live guarded and defended, by his Sheriffs, Bailiffs, and other Leige People. And that none shall do them Harm, either in their Persons or Goods, moveable or immoveable, or Sue, Implead, or Challenge them in any Courts but the King's Courts, wherefoever they are.

And that none of them shall be obedient, respondent, or pay any Rent, to any but the King, or his Bailiffs, in his Name, excepting for their Houses which they now hold, rendering Rent; saving likewise the Rights of Holy Church.

And the King also grants, that they may practise Merchandize, or live by their Labour, and for those Purposes freely converse with Christians. Excepting that upon any Pretence whatever, they shall not be Levant, or Goubant amongst them: Nor on Account of their Merchandize be in Scots, Lots, or Talliage, with the other Inhabitants of those Cities or Burroughs where they remain; seeing they are Talliable to the King as his own Vassals, and not otherwise.

Moreover, the King grants them free Liberty to purchase Houses, and Curtalages, in the Cities and Burroughs where they reside; provided they are held in Chief of the King. Saving to the Lords their Due and accustomed Services.

And
And further, the King grants, that such as are unskilful in Merchandize, and can't labour, may take Lands to Farm, for any Term not exceeding ten Years; provided no Homage, Fealty, or any such Kind of Service, or Advowson to Holy Church, be belonging to them. Provided also that this Power to Farm Lands, shall continue in Force for fifteen Years, from the making of this Act, and no longer.

From this Act it appears, that they were so far from being capable of purchasing Estates, that they could not even take Lands to farm for more than ten Years, and that was only temporary. Thus I have shewn the Apologift mistaken both from History and Record, and whatever his Opinion may be in this Matter, I apprehend one of the most considerable of the Tribe saw this in a different Light, or he would not have made so many Purchases in other Persons Names; nor would he have condescended to have educated his Children in the Christian Religion, had he not (as I have been informed he declared) been convinced of the Incapacities the Jewish Sect lay under. Nor can I help making one Remark thereupon, that this Act has another Inconvenience, as it hinders other Jews from following his Example, and consequently puts a Stop to their wished for Conversion.

The Apologist then goes on in persisting in his Assertion, "That the Act gives no new or greater "Privileges to Foreign Jews than what every "Jew born here enjoys." And adds, "It seems "hard to account for the popular Alarm and "Fears occasioned by this Act, or to assign a "good Reason why the King, Lords, and Com-
mons may not be safely intrusted with a Power of naturalizing any Foreign Jew, whom, on the Circumstances of the Case, they may think deserving of it?

As to the first Part, in regard to the new Privileges, I have already partly answered it. I shall only farther observe, that every naturalized Foreign Jew will be intitled to every Privilege any other Foreigner is intitled to by Naturalization, amongst which is that of purchasing Estates, which I hope I have shewn they are not now intitled to. As to the Popular Alarm at the Favour now shewn them, I shall only give a Specimen of the Principles of the Sect from the learned Bishop Kidder’s Book of the Messiah; and when the Public have considered this, I apprehend they will be more alarmed than they are already. The Words of that Prelate are these:

"The Jews do not only call by the opprobrious Name of Apostates, but are wont to follow, with the most direful and dreadful Execrations imaginable, them who forsake Judaism, and embrace Christianity: They teach, that such an Apostate as this shall have no Part in the World to come. That this Sin shall never be forgiven to eternal Ages. They spit at him, they call his Children Bajtards, and his Wife polluted and defiled; they refuse to eat and drink with him; they anathematize, they curse him three Times a-day, Morning and Evening; and in this Curse they pray that he may be cut off from Hope; they esteem him as an Epicurean and an Heretic; they contemn him and his Family, and decline all Affinities with them, be they never so wealthy;"
"they insidiously wait for him; him that kills him they indemnify, and affirm that he needs no Repentance; but is to be esteemed as if he had brought an Obleation; when he dies, they say of him, the Name of the Wicked shall rot; if in his Life-time any Evils befal him, they say, thus let the Enemies of the Lord perish; they rejoice at his Fall, and make his Goods common; they follow him with many Reproaches; when they mention him they say, "Let his Name and Memory be blotted out, and let this Apostate be our Atonement: Woe be to him, and to his Soul; Woe be to his Father and Mother, that brought him up and conceived him; Woe be to his Master who taught him the Law, &c."

Thus are these People described by that Right Reverend and Venerable Prelate; and if this Description had been thought upon by any of the present R——d B——h, I make no Doubt but that it would have been delivered in the Debate upon this Act in that Assembly, and would certainly have been a weighty Argument against it.

The Apologift seems in the next Place to plume himself, that this Bill abridges the Jews from Privileges they now enjoy, to wit, the purchasing of Advowsons; but I have already shewn that they were incapable of purchasing any Estates whatever; which fully, in this Particular, answers the Apologist.

I agree with the Apologist, that this Act is not an Act of Naturalization of any Foreign Jew, but that is referred to a future Consideration: But I must obverse the Obstacle is removed, and whoever is acquainted with the Manner that Bills of
of Naturalization are received in Parliament must know they meet with little or no Obstruction, nor will the Act (referred to by the Apologift) passed in 1740, for naturalizing foreigners who reside in the Plantations seven Years, be any Justification of this Measure; for I dare affirm the then Legislature never apprehended it would have that Tendency; nor was the Case of the Jews then at all thought of: So that it might rather have been expected, when such a Construction was put upon it, that that Law should have been repealed, or explained, rather than have made it a Precedent for this which has given so much Uncefainefs.

Another palliative Argument is made Use of by the Apologift in Behalf of this Measure; to wit, that the Act only extends to the Rich Jews, and not to the Poor. This is rather an Argument against it: Riches, every one knows at this time, is apt greatly to influence, when Poverty is quite disregarded; and there may happen a Time when a Judas may be found who, for (perhaps not) thirty Pieces of Silver, may betray his Master. Should that be the Case, I would recommend to every such Traytor the Consideration of Judas his Cafe, though I am apt to fear few would be found who would return the Reward of their Iniquity, whatever might be their Portion for detaining it.

Nor can I agree with the Apologift, that a French Example ought to have any Weight with an Englishman. His Majesty has shewn his Dislike to French Fashions; these may do well under an arbitrary Government, where the Will of the Prince can immediately put a Stop to any Inconvenience: But that is not the Case here; the Mischief may have gone too far before the Legislature can be called together, and the Nation may be ruined.
ruined before a Law (proving detrimental to the Constitution) can be repealed.

Henry II. and the other Kings of France, may have granted and confirmed the Letters Patent mentioned by the Apologift; but should any Inconvenience arise therefrom, Lewis XV. may instantly revoke them. This is not the Case here; wherefore this Measure receives no Justification from this Argument.

What Considerations the Apologift refers to, besides those already mentioned, which makes the Jews more proper Objects for being naturalized than other Foreigners, I am a Stranger to. The Support of their own Poor is become a necessary Burden upon them, no others being obliged to do it for them; and the Argument, that they have no other Country to remove to, is far from an Argument in their Favour. Why have they no Place to go to? Is it not by the Decree of Providence, as a Curse for their Obstinacy, which, while they persist in, I cannot help thinking everyone who countenances them a Partaker of their evil Deeds? And though our Saviour prayed for their Forgiveness (because they knew not what they did) I cannot find he gave any Command to us to put a Sword into their Hands to turn against our own Breast.

The Apologift concludes, That this House of Commons in 1750, although divided in Opinion in regard to a general Naturalization Bill, yet it was the general Opinion that this Measure ought to have been taken as to the Jews.—I am apt to be doubtful of this Assertion: For had that been the Case, why was it not then done? And as to the Assertion that the present Uneasiness is only raised in order to influence the Minds of the Electors
Electors at the ensuing Election, I cannot help being of Opinion, that the People ought to be informed of the Conduct of their Representatives, and also of the Nature of this additional Power vested in them by this Act of Parliament, in order, that being informed of the dangerous Consequence of this Measure, they may take Care to regulate their Choice of a future Representative, that this Act may prove as harmless as the Apology seemed to suggest, by saying no one was (and I hope they will say no one shall be) naturalized by it.
SINCE the Publication of this Tract, some Advocates for the Bill have denied there ever was a Statute made in the fifty-fourth Year of the Reign of King Henry the Third, for prohibiting the Jews from purchasing Estates. But Dr. Tovey says *, The Manuscript in the Bodleian Library, from whence he copied it, seems, by the Hand, and other Circumstances, to be very near as old as the Time. And the Writ of Promulgation, (which Lord Coke says † was the Method of publishing Acts of Parliament before the Reign of King Henry VII.) is so particular, that there cannot remain the least Doubt of its Veracity.

But when the Clause (in the Act of the 18 Edw. I. called Statutum de Judaismo ||) enabling the Jews to purchase Houses and Courtisages in the Cities where

† 2 Co. Inst. 526.
they dwell; and another in the said Act enabling Jews (for the Term of fifteen Years only) to farm Lands for ten Years, are considered, do give the strongest Proof imaginable of the Incapacity of the Jews to purchase Lands; nor has any Act passed, that I can meet with since, whereby such Incapacities have been removed.

And the Reader will lay the greater Stress on this Evidence, or Quotation of Dr. Tovey, because his Book was wrote in favour of the Jews; and these Acts of Parliament are inserted by him as Evidences of the Hardships the Jews lay under, and certainly deserve, at least, as much Credit on this Occasion, as when they were made use of for different Purposes.

Nor is Dr. Tovey the only one who has taken notice of this Matter; for other Historians of Credit say *, "That in the Reign of King " Henry the Third, the Jews, by Force of " Bribes, distributed among the King's Council, " in the latter End of that Reign, procured either a Licence or Connivance for the purchasing of Houses (besides those in which they dwelt) for enfeoffed of Lands and Manors, " in consequence of which, they came to appear at Assizes, to serve on Juries, and to re-

ceive Oaths and Fealties of, and Homage from People; to have a Seisin of the Lands, Wardships of the Persons, and Marriages of Christian Heirs during their Minority; and to have a Right of Presentation to Churches; Privileges which were deemed an horrible, Enormity, and very prejudicial to the Christian Religion.

I shall mention but one Quotation more on this Subject; the Authority of which, I apprehend, will scarce be disputed.

* * * Omnes Judei ubicunque in Regno sunt sub tutela & defensione Regia legia debent esse, nec quilibet eorum aliqui diviti fe potest subdere sine Regis licentia: Judei enim & omnia sua Regis sunt. Quod si quilibet detinerit eos, vel pecuniam eorum, perquirat Rex (si vult) tanquam suum proprium;" i. e.

All the Jews, whereassoever they are within the Kingdom, ought to be under the King’s lawful Guard and Protection; nor can any of them put himself under any rich Person without the King’s Licence: For the Jews, and all they have, belong to the King; and if any Person shall detain them, or any of their Money, the King may demand them (if he pleases) as his own Property.

* 4 Co. Inst. 254 inter Leges Edw. I. Lamb. cap. 21, fol. 133.
From all these I hope the Incapacities the Jews then were under, are sufficiently proved; nor can I meet with any Act of Parliament, until this Time, that removes them. But such foreign Jews who shall be naturalized in consequence of this Act, will be freed from these and all other Disabilities not provided against in common Bills of Naturalization (except the purchasing Advowsons) which Exception is a Matter of very little Consequence at present; for they can be of no Use whilst they are only under a Toleration.
ERRATA:

Page 8, l. 18, omitted in the Margin, Tovey 188.