

A
LETTER
TO
HENRY WARBURTON, ESQ. M.P.
UPON
THE EMANCIPATION
OF
THE JEWS.

BY BASIL MONTAGU, ESQ.

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LETTER
TO
HENRY WARBURTON, ESQ. M. P.
BY
THE REV. JAMES
BACON.

THAT will indeed dignify and exalt knowledge, if contemplation and action may be more nearly and strongly conjoined and united together than they have been : a conjunction like unto that of the two highest planets, Saturn the planet of rest and contemplation, and Jupiter the planet of civil society and action. **BACON.**

C. WHITTINGHAM, TOOKS COURT,
CHANCERY LANE.

CONTENTS.

	Page
I. STATEMENT OF THE QUESTION	5
II. OBJECTIONS TO THE EMANCIPATION OF THE JEWS:	
1. That the Jews have never been entrusted with political power by any nation	8
2. That they avoid all political identification with the nations among which they are dispersed, because their object is to return to Palestine.....	10
3. That they are aliens	12
4. That, as their sabbath is on a Saturday, they may on that day be wanted to attend Parliament, which their religious opinions will not permit....	13
5. That they are already sufficiently well off.....	13
6. That they do not wish to be emancipated.....	15
7. That they are mere money-getters	16
8. That they are so rich that they will buy all the seats in the House of Commons.....	20
9. That Christianity is part and parcel of the Law..	22
10. That they are an immoral people	27
III. CONCLUSION	33
Notes	36

CONTENTS

I. STATEMENT OF THE GOVERNMENT 1

II. ANSWERS TO THE RESOLUTIONS OF THE HOUSE 1

1. That the laws have been enforced with
political power by the nation 2

2. That they would all political administration with
the nation being such that they are enforced by
concurrent action is to retain to Parliament 10

3. That they are already 12

4. That as long as there is no 12

5. That the national question will not 13

6. That they are already 13

7. That they do not wish to be 14

8. That they are more 16

9. That they are so that they will pay all the
costs in the House of Commons 20

10. That is part and parcel of the law 20

11. That they are an essential part 22

III. CONCLUSION 25

Notes 26

A LETTER,

&c.

MY DEAR SIR,

LET me request your attention to the case of the oppressed Jews. The past year will be distinguished for having seen many evils corrected. Let the coming year be rendered sacred to the friends of intellectual liberty, by removing the last banner of the inquisition, which still disgraces the walls of our House of Commons, the enactments which operate to the prejudice of the Jews.

When once an opinion, right or wrong, exists in society, we are so tenacious in retaining it, either because we dislike being reduced to intellectual poverty, or because some individual interests crying out "Great is Diana of the Ephesians," are attached to the existence of error; that one of the first duties of a lover of truth is carefully to

collect, and patiently to examine and expose every thing which may be adduced, either by ignorance or interest, in support of an existing prejudice.

If this plan had been adopted during the struggle for the emancipation of the Catholics, instead of the contest having continued for centuries, it would have been terminated in twenty years. This plan was adopted by an excellent society formed for the diminution of capital punishment. They assisted Sir S. Romilly by collecting every reason which had been urged, or, as far as they could foresee, might be urged, in support of severity, and they have lived to see their object accomplished. In the contest between the common lawyers and the civilians as to the propriety of the rack, the learned doctors assigned as a reason for the continuance of this infliction, that "*non ex savitia sed ex bonitate talia faciunt homines.*" Even such an absurdity they did not disregard.

If the same plan is adopted with respect to the Jews, we, in the present enlightened times, shall soon subdue what, if neglected, may continue for years.

The reasons, as far as I have been able to collect them, against admitting the Jews into Parliament, are,

1. That the Jews have never been entrusted with political power by any nation.

2. That they avoid all political identification with the nations among which they are dispersed, because their object is to return to Palestine.

3. That they are aliens.

4. That, as their sabbath is on a Saturday, they may on that day be wanted to attend in Parliament, which their religious opinions will not permit.

5. That they are already sufficiently well off.

6. That they do not wish to be emancipated.

7. That they are mere money-getters.

8. That they are so rich that they will buy all the seats in the House of Commons.

9. That Christianity is part and parcel of the law.

10. That they are an immoral people.

Such are the reasons which I have been able to collect, and, with whatever shew of reason, or manifest absurdity, they may present themselves, let me request your attention whilst I proceed to examine them, as the old man in the fable instructed his sons to deal with the faggot, which they could not break with all their might until he had untied it, and then they found no difficulty in snapping short the single sticks.

I.

The Jews have never been entrusted with Political Power by any Nation.

SUCH is the first objection. The answer is easy. It is a mistake. In America they are to be found as members of the general Congress, members of the legislatures of the different states, holding high offices in the law and in the customs. In France many of them have held, and do now hold situations of great responsibility, both in the military and civil service; and in the Netherlands they are to be found numerously scattered through all the departments of the public service, the loyal, zealous, and industrious servants of their sovereign.

Three bills have, in the course of the last few years, been successively passed by the Legislative Assembly of Jamaica, for relieving the Jewish inhabitants of that island from the disqualifications to which they were subject. The two first of these were not ratified by the crown, in consequence, it appears, of some misapprehension on the part of the English ministry with respect to the state of the existing law. The third bill

received the royal assent early in 1831 ; and such was the anxiety felt in Jamaica to lose no time in carrying this long-expected measure into active operation, that not a month elapsed from the time when the tidings of its confirmation were received, before several Jews were appointed to military and judicial offices.

In Canada, public opinion was until lately so much in advance of the law, that Jews were more than once elected members of the House of Assembly, at a time when the choice was rendered fruitless by their legal incapacity to take their seats. But their exertions, aided by those of the friends of liberality in that province, at length obtained from its legislature an act, which received the royal assent at the beginning of the last year, and which has freed the Canadian code from the disgrace of intolerance, by raising the Jewish citizens to a complete equality with the other inhabitants of the colony.

Is the atmosphere of the Netherlands, the West Indies, or Canada, more favorable to liberty than the atmosphere of England ?

Such is the answer to this charge, which, not being of abuse of authority, or of unfitness for power, would, if well founded, have created only the common presumption in favor of existing

customs, and would have been answered by the Jew in words from the Old Testament, cited by Lord Bacon,—“ Do not reject novelty, but regard it with suspicion,” and, as the Scripture saith, “ Make a stand upon the ancient way, and then look about and discover what is the straight and right way, and so walk in it.”

II.

The only wish of the Jews is to return to Palestine.

THE admission of the Jews, it is said, to any place of trust or emolument in the state ought not to be sanctioned, because they expect the coming of the Messiah, and their restoration, one day or other, to their own country. Such is the second objection.

To this charge, that they expect the coming of the Messiah, and their restoration one day or other, to their own country, a few words of William Hazlit's will be sufficient. “ Even if it is too much for a people, with this reversion in the promised land, to have a stake in the country added to it; and the offer of a seat in the House of Commons is too much for any one who looks forward to a throne in the New Jerusalem, this objection comes with but an ill grace from the

followers of him who has declared, ' My kingdom is not of this world ;' and who, on that plea, profess to keep all the power and authority in their own hands. Suppose an attempt were made to exclude Christians from serving the office of constable, jury-man, or knight of the shire, as expressly contrary to the great principle of their religion, which inculcates an entire contempt for the things of this life, and a constant preparation for a better. Would not this be considered as an irony, and not a very civil one ? Yet it is the precise counterpart of this argument. The restoration of the Jews to their own country, however firmly believed in as an article of faith, has been delayed eighteen hundred years, and may be delayed eighteen hundred more. Are they to remain indifferent to the good or evil, to the respectability or odium that may attach to them all this while ? The world in general do not look so far ; and the Jews have not been accused, more than others, of sacrificing the practical to the speculative. But, according to this objection, there can be no amalgamation of interests with a people of such fantastic principles and abstracted ties ; they cannot care how soon a country goes to ruin, which they are always on the point of quitting. Suppose a Jew to have amassed a large fortune, and to have

laid by money in the funds, and built himself a handsome house in the neighbourhood of the metropolis; would he be more likely by his vote in the House of Commons to promote a revolution, so as to cause a general bankruptcy; or to encourage the mob to pull down his house, or root up his favourite walks, because, at the end of several centuries, he and the rest of his nation indulge in the prospect of returning to their own country? The most clear-sighted John Bull patriotism hardly reaches beyond ourselves and our heirs."

III.

The Jews are Aliens.

SUCH is the third objection. To this I shall content myself with referring to Sir Edward Coke's definition of an alien, "one born in a strange country, under the obedience of a strange prince or country."

And to a valuable tract^(b) written by my friend, Francis Henry Goldsmid, entitled "Remarks on the Civil disabilities of the Jews," in which this erroneous opinion is ably refuted.

(b) See note II. at the end.

IV.

*The Jews will not act upon their Sabbath as
Members of the Legislature.*

SUCH is the fourth objection. It certainly is true that they are very rigid observers of their sabbath, upon which they will not do any act for profit and reward; but they, like Christians, will not upon a good day refuse to do a good deed. They would not sit, were they to meet for the promotion of their private interests for pecuniary gain, instead of the advancement of the public good. They do not consider a house of legislation as a shop for profit and sale, but as a rich storehouse for the glory of the Creator, and the relief of man's estate.

V.

The Jews are sufficiently well off.

To this I shall content myself with saying, in the words of William Hazlit, " But it is said, ' *The Jews at present have few grievances to complain of; they are well off, and should be thankful for the in-*

dulgence they receive. It is true, we no longer burn them, at a stake, or plunder them of their goods: why then continue to insult and fix an idle stigma on them? At Rome a few years ago they made the Jews run races (naked) in the Corso on Good Friday. At present, they only oblige them to provide asses to run races on the same day for the amusement of the populace, and to keep up the spirit of the good old custom, though by altering it they confess that the custom was wrong, and that they are ashamed of it. They also shut up the Jews in a particular quarter of the city (called Il Ghetto Judaico) and at the same time will not suffer the English as heretics to be buried within the walls of Rome. An Englishman smiles or is scandalized at both these instances of bigotry; but if he is asked, 'Why then do you not yourselves emancipate the Catholics and the Jews?' he may answer, 'We *have* emancipated the one.' And why not the other? 'Because we are intolerant.' This and this alone is the reason."

VI.

The Jews do not wish to be Emancipated.

IF this assertion were, as it is not, founded on fact, which is well known by the candidates who canvassed the Jews during the late election,* it would be a poor reason to continue our oppressions. What parent would be justified in refusing to restrain his child from vice and intemperance, because his child wished to continue the bad habits which he had formed? Would a free nation be justified in continuing slavery, because the slaves preferred their degradation? No; as knowledge, the daughter of time, not of authority, advances, she diminishes suffering wherever it exists. "Neque datur," says Lord Bacon, "in universitate rerum, tam intima sympathia quam illa veri et boni." One of her chief sources of delight is to open the eyes of the blind, regardless of the prejudice which would prefer darkness to light.

* In the Chronicle of this day, Feb. 12, 1833, I see a letter from a Jew Elector to Alderman Venables, who is candidate to represent the City, to know whether he will support the emancipation of the Jews.

VII.

The Jews are mere Money Getters.

THAT in any country, but particularly in England, the acquisition of property by industry should be considered a crime, is a problem which must be left to the Christian merchant to solve. Offences with respect to money, consist not in the acquisition of it by honest industry, but in improperly acquiring it, miserly hoarding it, or viciously expending it.

It certainly is true that the Jew and Christian merchant are, in their respective occupations, both indefatigable, making the most of every occasion, and driving every bargain with as much nicety as if their all was at stake. They measure with exactness; they weigh out scrupulously. They gather up the remnants of things, and suffer nothing to be lost. They introduce an economy of time into their business, as if every day were to be their last. Their books are kept like the books of fate.

This work of accumulation shews, however, but half the man. Follow the Jew, or the Christian

merchant from his house of industry to his house of pleasure, and you will see a spirit of profusion equalled only by the spirit of accumulation.— Here is generosity in every form. It is lavished on elegancies of the house, on attendants, on equipage, on magnificent schemes of pleasure, on charities, on subscriptions, on every liberal, and noble undertaking.

This is peculiarly to be seen in the houses of the Jew merchant; in public life, active and enterprising; in private, affectionate and liberal; enjoying, as described in their own Testament,—“the spices of Arabia, the gold of Ophir, and the house of Cedar, enriched by the hands of cunning workmen. They send forth their little ones like a flock, and their children dance. They take the timbrel and harp, and rejoice at the sound of the organ.”

Such are the principles of our nature, principles of attraction and communication, by which we acquire, and have pleasure in the giving to others that which by our own personal industry we have acquired.

The sum of their offending then is that they are confined peculiarly to the acquisition of riches.

Deprive any class of men of one occupation and he will necessarily be employed in another. The

quakers are not permitted by their peculiar opinions to indulge in the pleasures of taste or of imagination, or to be diverted by the pursuits of ambition. They are therefore peculiarly engaged in the acquisition of property, and in the pleasures of benevolence. If they are occupied in merchandise instead of agriculture, are they to be censured because, disapproving of the mode of remunerating clergy by tithes, they abandon agriculture and devote themselves to commerce ?

Observe the situation of the Jews. Disqualified by their religion from ecclesiastical preferment, and excluded from the profession of the bar (*a*) to which they may be called, but cannot practise without a violation of the law and trusting to the liberality of the time for indemnity, medicine is the only liberal profession left open to them, in which, although they cannot be admitted fellows of the college, which would exclude Galen and Hippocrates, because they were not educated at the universities, where Christianity is part and parcel of the law of the place, yet it has always been practised by some of the Jews with respectability and success. As, however, they cannot all be physicians, they must engage in other pursuits.

(*a*) See note I. at the end.

We have held, whether right or wrong, I do not stop to examine, that they are not entitled to acquire landed property, we therefore force them into trade, and now censure them for the consequences of our own arbitrary laws. We blame the wealthy Jew for his extensive mercantile pursuits, and the poor Jew, who in the City of London, where a great proportion of them reside, was not till the last year permitted to be a shopkeeper, for gaining his subsistence as an artizan or hawker. By the law of Mahomet, even the Sultan is enjoined to learn a trade.

VIII.

*The Jews are so rich that they will buy all the
House of Commons.*

THIS is a pleasant account of the spirit of English patriotism, and the texture of the House of Commons. All the wealth of the Jews cannot buy them a single seat there; but if a certain formal restriction were taken off, Jewish gold would buy up the fee simple of the consciences, prejudices, and interests of the country, and turn the kingdom topsy turvy: that is, in other words, in England as there is neither court influence, nor popular prejudice; and as every thing in this country is done by money alone, the Stock Exchange would soon buy up the House of Commons, and, if a single Jew were admitted, the whole would shortly be a perfect Sanhedrim.

This strange position is scarcely entitled to a serious answer; but, in conformity with the plan which I have adopted, let me endeavour to treat it seriously.

If the Jews are as a body more influential than the whole wealth and aristocracy of England; if

30,000 of this persecuted race are thus more powerful than 10,000,000 Christians ; if the seats in the House of Commons are so marketable that the house may be converted into a synagogue, to whom ought the fault to be ascribed ? To the purchasers, or to the vendors for offering such articles for sale, or to the constitution of the legislative body, which, according to this supposition, does not represent the virtue and intellect, but only the wealth of the nation. But if there ever existed any rational ground for these fears, they must now, it should be hoped, by the late reform in parliament, be at an end. The dealers in boroughs are deprived of half their power ; both the hands that offered a bribe, and the hands that grasped it, are rendered paralytic, and, before many years pass away, they will cease to exist.

IX.

*Christianity is Part and Parcel of the Law
of the Land.*

LET us not be misled by this declamation.

That Christianity is part and parcel of the law of the land, is not the language of lawyers, or of Christian divines, or of Christianity, but of power and authority.

When the exertions of Jews can contribute to the comforts of their Christian countrymen, they are exacted without any obstacle of this nature. They are forced into the militia; they are pressed into the navy; they are compelled to act as jurymen, and whenever their services are desirable without emolument, the oaths are so framed as to accord with their religious principles.

This adage, therefore, does not mean that Jews are unfit to discharge in common with Christians many public duties; nor does it mean, as it was said to mean twenty years ago, that the Protestant established religion is, to the exclusion of all other believers, part and parcel of the law of the land, because Dissenters and Catholics are admitted into parliament.

The true meaning cannot therefore be mistaken.
 Rob Roy's rule is the reason :

The good old rule

Sufficeth—the simple plan,

That they should take, who have the power,

And they should keep who can.

In obedience to this rule, we, possessing the power, resolve that the Jews are well fitted to obey, but not fit to assist in command ; and therefore, when honor or emolument may attend their exertions, the oaths are so framed, whether intentionally or accidentally, is another question, as to exclude them. The wolf in the fable, standing high in the stream, devoured the weaker animal for troubling the water.—Such is the true meaning of this assertion.

But, it may be said, that, although society has discovered its error in excluding from the legislature the intelligence and virtue of Christians dissenting from the established religion, it does not follow that disbelievers should be admitted. Let us examine this reason.

I happened, a few days since, to visit Barry's pictures, in the large room of the Society for the Encouragement of Arts. In his picture of Elysium there is on the one side a group of philosophers : on the other a group of legislators ; Moses,

Lycurgus, Solon, Trajan, Antoninus, Justinian, Alfred, Henry the Fourth of France, Sir Thomas More, Daguesseau, Andrea Doria of Genoa, and Wm. Penn.—Not one of these legislators could twenty years ago have been admitted into a British Parliament.

As the perfection of a house of legislature seems to consist in the maximum of independent intellect, it may appear to be a problem attended with some difficulty of solution, why such men, why, for instance, Jeremy Bentham should be excluded. Why Moses should be rejected because he did not believe in the New Testament; and why such men as Daguesseau and Sir Thomas More should be rejected because they were Catholics, or William Penn, because he was a dissenter.

The problem may appear to be difficult. It is nothing but appearance. Rob Roy's rule is the answer. We possess the power, and exclude those from whom we differ.

The consequences are obvious. By sanctioning obstacles to the admission of intelligence into the legislature, the philosophy of the country is chiefly to be found, not in active but in contemplative life; and, during the last two centuries, whilst one class of statesmen has blindly resisted all improvement; and their oppo-

nents been forced into hasty alterations, Philosophy, lamenting these contentions, has, instead of advancing the science of government, been occupied in counteracting laws founded upon erroneous principles; erroneous commercial laws, erroneous laws against civil and religious liberty; and erroneous criminal laws.

Let us then not deceive ourselves by this adage, which is not the language of reason but of authority.

It is not the language of lawyers; they are too intelligent, and, in the present times, not favourers of hypocrisy. They know that this law is not on our statute book, and, if it were, that it would be law as long as it remained there, and no longer: they know that the supposition originated in the unadvised dictum of a judge; and, if it had been uttered by a Puritan Divine, it would have been quoted at this day as a specimen of puritanical nonsense and bigotry. Religion cannot take upon itself the character of law, without ceasing to be religion; nor can law recognize the obligations of religion for its principles, nor become the pretended guardian and protector of the faith, without degenerating into inquisitorial tyranny.

Nor is it the language of Christian Divines, or of Christianity. "Never," says the pious Bishop

Taylor, "was anything more merciful and humane than the doctrines of Christianity; it teaches mercy and compliance and toleration mutual, and to those with whom it differs its only question is whether the religious principles of its opponents are destructive of government, or teach ill life." It is not by intolerance and persecution that Christianity did or ever will prevail. Its emblem is not the vulture but the dove.

Let us then not deceive ourselves by this cant, that Christianity teaches the exclusion of virtue and intellect from any situation in society. It does not; and if such doctrines are inculcated by the law it is time that the law should be abolished, for it is no part of Christianity.

Such is the true nature of this assertion, by which, under the colour of law and religion, error conceals itself. Then, and then only, is it to be dreaded. In the law of the Leprosy, it is said in the Old Testament: "If the whiteness overspread the flesh, the patient may pass abroad for clean: but if there be any whole flesh remaining, he is to be shut up for unclean." In this one of the Rabbins noteth a principle of moral philosophy, that men abandoned to vice do not so much corrupt manners as those that are half good and half evil.

X.

The Jews are an immoral People.

THE morality of any man or body of men can be determined only by their opinions and their actions.

The opinions of the Jews are to be found in the Old Testament, which contains a code of civil and judicial, of moral and ceremonial law that has been the admiration of ages; it abounds with doctrines of the most unfeigned charity to man, and the most sublime piety to God.

Let the ignorant Christian learn from it that the merchandise of knowledge “is better than the merchandise of silver, and the gain thereof than fine gold. She is more precious than rubies: and all the things thou canst desire are not to be compared unto her.”

Let the intolerant Christian learn from it the true nature of charity:—“When thou cuttest down thine harvest in thy field, and hast forgot a sheaf in the field, thou shalt not go again to fetch it: it shall be for the stranger, for the fatherless, and for the widow: that the Lord thy God may bless thee in all the work of thine hands.

“When thou beatest thine olive tree, thou shalt not go over the boughs again : it shall be for the stranger, for the fatherless, and for the widow.”

There is scarcely a page in the Old Testament in which such sweet doctrines, such piety and charity do not abound.

The Christian cannot but acknowledge it. On our altar, in every church in the kingdom, are the ten commandments, taken from the Old Testament, containing the rules of our duty to God, and to our neighbours, to our parents, to our children, our man-servant, and our maid-servant, the cattle, and the stranger, that is within our gates. We, on our knees before the altar, receive the Sacrament, and we pray that our hearts may be inclined to keep these laws. How inconsistent is man ! The next moment, we spurn the Jew. We say he should be deprived of all the privileges of a citizen, and his children excluded from all intellectual advancement.

Such are their opinions. Let us consider their actions in public and private life.

Upon their conduct in public life, everything that can be said, has been said by one of their Physicians, in an affecting appeal to the British Nation, on behalf of the Jews. He truly says, “Do not be unmindful of the philanthropy

of the Jew. Himself, the child of misfortune, and the object of oppression, his ear is never turned away, his hand is never closed when the cry of sorrow or want assails him."

With the Jews, as well as Christians, there are charities for every form of distress. They support their own religious establishment; they maintain their own poor, and all foreign poor of their religion. The four chief Synagogues of London distribute to the poor in monthly allowances, in casual relief, &c. £4,500:—there is an hospital for the support of the Aged, and the Education and Employment of Youth:—there is another for the support of the aged and sick Spanish and Portuguese Jews:—a Charity for the support of the Indigent Blind:—a Charity for affording temporary relief to Sick Poor:—they have a Charity for relieving the wants of Poor Married women during their Lying-in:—they have Charities for the Support and Education of Poor Children:—a Free School for the Instruction of Boys and Girls in Hebrew and English Writing, Arithmetic, and Needlework, on the systems of the Lancastrian and National Schools:—a Charity for Clothing, Educating, and Apprenticing Orphans:—a Charity for Spanish and Portuguese Orphans:—a Charity for portioning Female Orphans:—a Cha-

rity for Clothing Destitute Children who do not fall within the scope of any other charity :—a Charity for Distributing Bread and Money during the three Winter Months :—a Charity for assisting the Poor to afford decent burial to their departed relations.

The funds of several of these institutions are, the Jews gratefully acknowledge, largely benefitted by the donations of Christians; and, by the reciprocal interchange of acts of philanthropy, an equal brotherhood *of charity* between Jews and Christians has long since been established, and they hope will be extended without limit.

The extent of their subscriptions to the various institutions of the metropolis, will shew that their charity is not bounded by any narrow feeling of sect, although it ought not to be forgotten that the Jews contribute equally with all the other inhabitants of this country, to the rates for the church and Christian poor.—Such are the modes by which they discharge the duties which the happy owe to the unhappy.

With respect to their conduct as citizens, who has ever said that the Jews are not peaceful loyal subjects, and useful members of the state? They are regular and industrious in their habits, cultivating those branches of trade com-

mitted to them, and increasing the prosperity of the country by enlarging its commerce. They have ever been loyal subjects to the king.

When, in the year 1745, the Pretender advanced triumphantly to the very heart of the kingdom, threatening to overthrow the government, and exciting throughout the whole land, and especially in the metropolis, the most lively anxiety and alarm: when the finances of the country, owing to the machinations of the rebels, were at so low an ebb, and the run on the bank for specie so urgent as to create serious fears of a national bankruptcy, associations of the most active and loyal citizens were formed to assist an alarmed and oppressed government, and replenish an exhausted exchequer. The Jews took a prominent part; they were amongst the most anxious to assist their country; they had amassed wealth under the protection of the state, and they freely poured their hoards into the treasury when the necessities of the state required it. When the government called on the inhabitants of the country to arm for all they held most dear, *pro aris et focis*, did the Jews shrink back? did they plead their ineligibility, and tell the government that they, who were unworthy of being trusted amongst the rank of the regular troops, should not be trusted

as volunteers? No—they one and all enlisted with the Christians, and, had the occasion arisen, would have proved themselves descendants of the noble Maccabees. Such is their conduct in public life.

In private life let Christians, instead of yielding to the spirit of intolerance, seek the fire-side of a Jewish family. They will find in many houses two, or three generations; the young dutifully waiting upon the old and the infirm, with a love and respect never to be excelled, and seldom to be equalled by the members of any religion.—Parent and child, husband and wife, knitted together by one sweet bond of union. That love, which made victory bitter to David, while he mourned for Absalom, and smote Jephtha to the dust while he wept for his daughter, that love still warms the hearts of their descendants; and the Jew, who is not allowed to have power, or place, or country, has a home which his oppressors may envy, “where the Almighty is with him, and his children are about him.”

In private life their worst enemies have borne ample testimony to their virtue. The Jewish Father was regarded in former ages, by his family, as prophet, priest, and king; they assembled around him, and listened to his precepts,

and drank in from his lips the sacred traditions, with a reverence not easily conceived by those to whom knowledge at this day has opened a thousand fountains. These traditions, attested by their enemies, the history of all that their forefathers achieved or suffered, are still very precious to them; nor can any members of the community be found so remarkable for the strength of their affections in all the relations of private life.

The charge, therefore, that they are an immoral people, is, fortunately for us Christians, unfounded; for, if it were true, to whom ought the vice to be ascribed? The philosopher when he saw a wicked child, censured the parent. Would not the same philosopher say, "If ye treat any man with obloquy and contempt, do not blame him because he does not walk by you with an erect and open brow."

Such are the reasons which I have been able to discover against admitting the Jews to share the privileges of the constitution with their Christian countrymen, and such the nature of the answers. May I again request your attention to this species of oppression.

The defects of legislation seem to consist in legislating against imaginary offences, in the improper punishment of real offences; and in the erroneous constitution of the legislature.

The improper punishment of real offences is passing away.

The legislating against imaginary offences is approaching its termination. Laws against witchcraft, laws in restraint of trade, laws against usury, laws sanctioning arbitrary imprisonment for debt, have ceased, or will soon cease; and laws in restraint of religious opinions will share the same fate. In this land of charity and toleration, there was a struggle for centuries to keep the Catholics in thralldom, but they are emancipated. The same struggle disgraced this country for years to oppress Protestant dissenters. They were deprived of all the capacities of other citizens, but they are now admitted to the privileges of the constitution. They may sit in Parliament, and their children may practise as physicians, or be admitted to the Bar. I never rose in a court of justice with more delight than a short time since, when I rose between a Quaker barrister and a Catholic barrister, my excellent friend Mr. Lynch, now a member of your House.

Erroneous laws of this nature cannot long con-

tinue against any class of society. The time is not far distant when all our fellow-countrymen will be permitted to go to Heaven their own way, and we shall trouble ourselves in considering only whether they virtuously discharge their duties on earth. The time is not far distant when our oppressions of the Jews will be no more. We may attempt, but shall attempt in vain, to continue them. Error cannot resist the progress of knowledge. The Philistine may go forth with his helmet of brass on his head, and his coat of mail, weighing 500 shekels of brass, and his staff like a weaver's beam; but he will be met by a youth from the mountain side in the name of the Lord of Hosts, the God of the armies of Israel.

I am, dear Sir,

Faithfully yours,

BASIL MONTAGU.

February 11, 1833.

NOTES.

NOTE I.

THE tests which disfranchise the Jews, are the Oath of Abjuration, and the declaration prescribed by the Act, for the repeal of the Test and Corporation Acts, (9 George IV. c. 17.)

The Abjuration Oath, as settled by 6 George III. c. 53, is in these words.

“I, A. B. do truly and sincerely acknowledge, profess, testify, and declare in my conscience before God and the world, That our Sovereign Lord King George,” (or William,) “is lawful and rightful King of this Realm, and all other his Majesty’s Dominions and Countries thereunto belonging; and I do solemnly and sincerely declare, that I do believe in my conscience, that not any of the Descendants of the Person who pretended to be Prince of Wales during the life of the late King James the Second, and since his decease, pretended to be and took upon himself, the stile and title of King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the stile and title of King of Great Britain, hath any right or title whatsoever to the Crown of this Realm, or any other the Dominions thereunto belonging: and I do renounce, refuse, and abjure any allegiance, or obedience to any of them; and I do swear that I will bear faith and true allegiance to his Majesty King George,” (or William,) “and him will defend to the utmost of my power, against all traitorous conspiracies, and attempts whatsoever, which shall be made against his Person, Crown, or Dignity: and I will do my utmost endeavour to disclose and make known to his Majesty

and his Successors, all treasons and traitorous conspiracies, which I shall know to be against him or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain and defend, the succession of the Crown against the Descendants of the said James, and against all other Persons whatsoever, which succession by an Act, entitled an Act for the further limitation of the Crown, and better securing the rights and liberties of the subject, is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body being Protestants. And all these things, I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain common sense and understanding of the same words without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily willingly and truly *upon the true faith of a Christian.*"

THE DECLARATION IS AS FOLLOWS.

"I, A. B. do solemnly and sincerely, in the presence of God, profess, testify, and declare, *upon the true faith of a Christian*, that I will never exercise any power, authority, or influence which I may possess by virtue of the office of

to injure or weaken the Protestant Church, as it is by law established in England, or to disturb the said church, or the bishops and clergy of the said church in the possession of any rights or privileges to which such church, or the said bishops and clergy, are or may be by law entitled."

The words, "*upon the true faith of a Christian*," in the Oath and Declaration, alone prevent a Jew from subscribing to them; there is no other part of these tests or of any other test prescribed by law to which he objects.

By the 6th of Anne, c. 23. s. 13. every person must, if required so to do, take the Abjuration Oath, before he can vote at an election for members of Parliament.

By 1 George I. Statute 2nd. c. 13. the same Oath is re-

quired to be taken by all members of Parliament, before they can sit or vote.

The Declaration must be made by all corporate officers before admission to their offices, and by all persons holding any office, civil or military, under the Crown, within six months after admission.

By 1st Geo. I., stat. 2, c. 13, the Oath of Abjuration and those of Allegiance and Supremacy are required to be taken and subscribed by "all and every person and persons that shall be admitted, entered, placed, or taken into any office or offices, civil or military, or shall receive any pay, salary, fee, or wages, by reason of any patent or grant from his Majesty, or shall have command or place of trust from or under his Majesty, or by his authority, or by authority derived from him, within that part of Great Britain called England, or in his Majesty's navy, or in the several islands of Jersey and Guernsey, or that shall be admitted into any service or employment in his Majesty's household or family, and all ecclesiastical persons, heads or governors, of what denomination soever, and all other members of colleges and halls in any university, that are or shall be of the foundation, or that do or shall enjoy any exhibition, being of, or as soon as they shall attain, the age of eighteen years, and all persons teaching or reading to pupils in any university or elsewhere, and all *schoolmasters and ushers*, and all preachers and teachers of separate congregations, high or chief constables, and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary, by practising in any manner as such in any court or courts whatsoever, within that part of Great Britain called England, who shall at any time after the tenth day of August, one thousand seven hundred and fifteen, be admitted into or enter upon any of the before mentioned preferments, benefices, offices, or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment, or business, as aforesaid, within three months" (since altered to six months) "after he or they shall be admitted into or enter upon any such prefer-

ment, benefice, office, or place, or come into such capacity, or take upon him or them such practice, employment, or business, as aforesaid."

And those who are convicted of neglecting to take the Oaths accordingly, are subjected to a disability to sue at law or in equity, to be capable of any legacy, and to other grievous incapacities.

There can be no doubt that a great number of persons, some, like the Jew with respect to the Abjuration Oath, from conscientious scruples,—others from mere neglect, have always omitted to take Oath and the other tests which the law imposes, and have thus made themselves liable to incur the fearful penalties to which I have referred.

But in order to lessen the evils which this would occasion, it has been for many years the annual practice of Parliament to pass a bill which, for the ensuing year, indemnifies, in respect of any such omission, those against whom final judgment has not been given in any indictment or information.

What a wise policy is this, not to repeal useless laws, but to keep the penalties which they threaten suspended over many heads, and to prevent those penalties from falling only by the frail support of an annual indemnity act!

NOTE II.

List of works containing information respecting British Jews :
Prynnes' Demurrer.

Tovey's *Anglia Judaica*.

A History of the Establishment and Residence of the Jews in England, with an Enquiry into their Civil Disabilities; by John Elijah Blunt, of Lincolns Inn, Esq., A. M., Barrister at Law. Saunders and Benning, 43, Fleet Street, 1830.

History of the Jews, by the Rev. H. Milman. Murray, Albemarle Street.

An Appeal to the British Nation on behalf of the Jews;

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by Barnard Van Oven, M. D. Effingham Wilson, Royal Exchange, 1831.

Remarks on the Civil Disabilities of British Jews; by Francis H. Goldsmid. Colburn and Bentley, New Burlington Street, 1830.

The Arguments advanced against the Enfranchisement of the Jews considered, by Francis H. Goldsmid. Colburn and Bentley, New Burlington Street, 1831.

A Few Words respecting the Enfranchisement of British Jews, addressed to the New Parliament; by Francis H. Goldsmid. Richard Bentley, New Burlington Street, 1833.

Edinburgh Review of January, 1831.

Mirror of Parliament, April and May, 1830.

Westminster Review, April, 1829, and July, 1830.

NOTE II.

List of works containing information respecting British Jews; by Francis Dommert. London: Printed by J. G. and J. B. G. 1830.

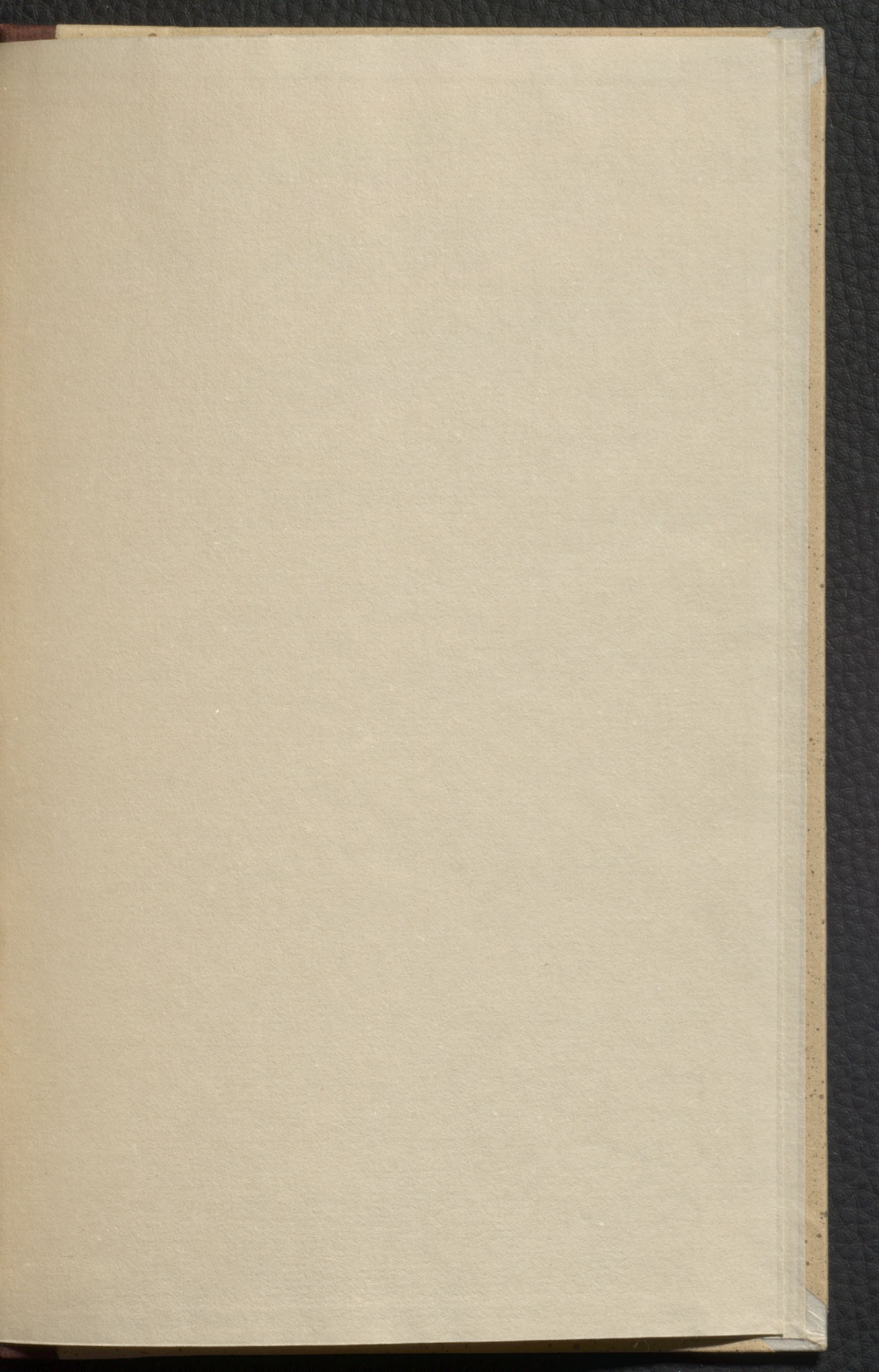
Two's Jewish Judaism. London: Printed by J. G. and J. B. G. 1830.

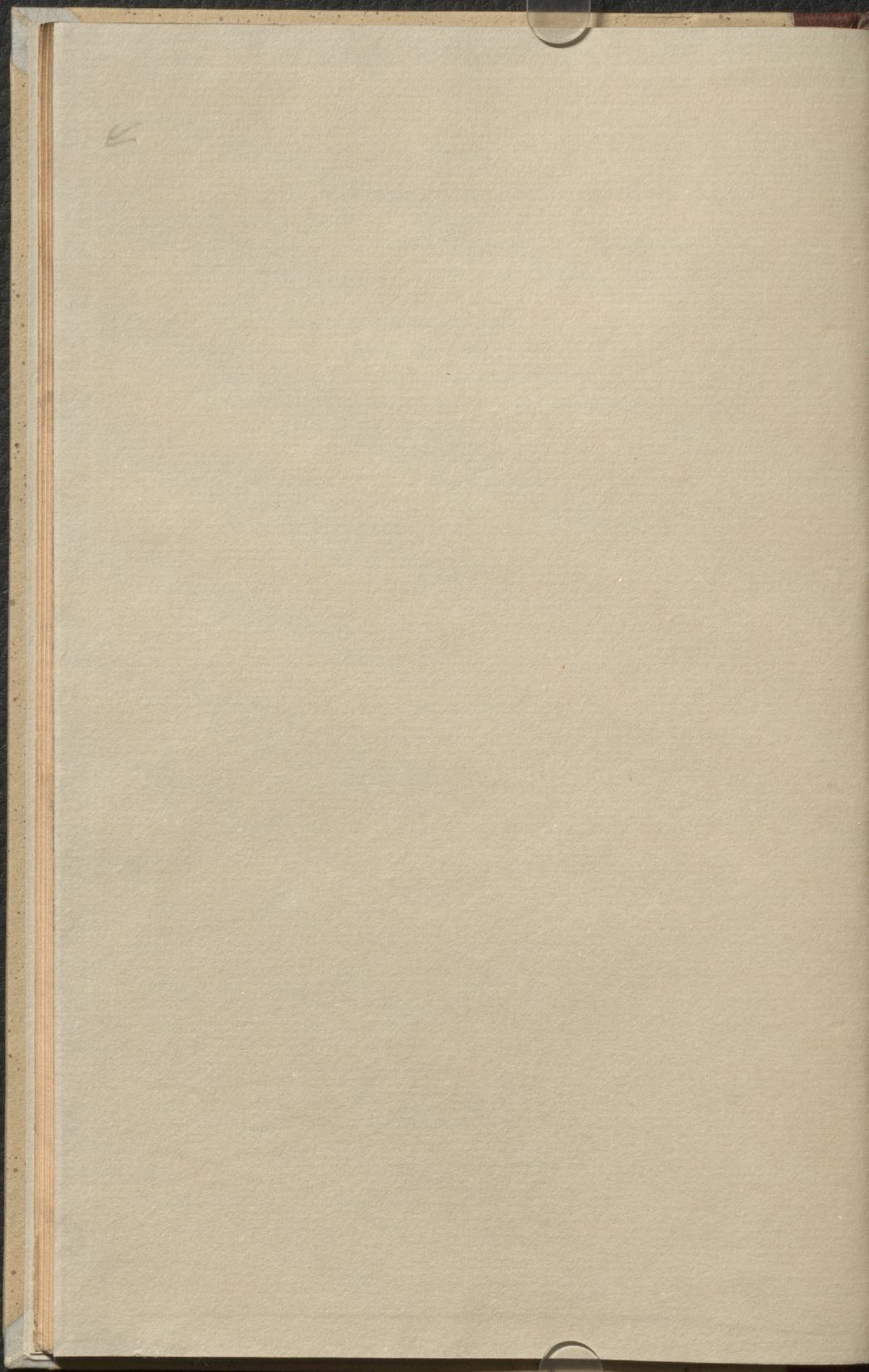
A History of the Establishment and Residence of the Jews in England, with an Enquiry into their Civil Disabilities; by John Elphinstone, of Lincoln's Inn, Esq. A. M. London: Printed by J. G. and J. B. G. 1830.

Law, Saunders and Banning, 43, Fleet Street, 1830.

History of the Jews, by the Rev. H. Milman. London: Printed by J. G. and J. B. G. 1830.

Whittingham, Took's Court, Chancery Lane.





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