

Legal and political status of Jews and access to citizenship in the colony of New York 1664-1774

By

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Abstract

The English give citizenship to a number of Jews in 1664. In some cases, colonial rulers granted these rights, and a number of Jews were granted citizenship in 1683. When the New York Colony Legislative Assembly passed a Nationality Law in 1683, it was limited to Protestants converting to Christianity, and after the passage of a law in 1683, the governors were granted the English letters of denial to a number of Jews, the British Parliament passed in 1709 a separate law of nationality, which gave citizenship all foreigners who made the sacrifice and paid a fee of one shilling. In late 1711, Queen Anne issued letters granting citizenship to four Sephardic Jews residing in the colony of New York. In 1718, the New York colony private nationality act was passed, which led to the settlement of the Jewish population, and a number of Jews became policemen in the New York colony in 1719-1720, and on November 15, 1727, the New York Colonial Legislative Assembly passed a general law Provided that when an oath is taken by any of the King's subjects professing the Jewish faith, the words of the oath to "true Christian faith" shall be deleted, and in 1731 three Jews held an office as Mordecai and David Combs were interpreters for the Admiralty, Command of the Royal Navy and the Courts High for being fluent in Spanish, Rodrigo Bacchi Cho was a colonial agent in the British Parliament in the colony of New York. On the fifteenth of November 1727, the colonial legislature in the colony of New York passed a general law which stipulated that when an oath was taken by any of the king's subjects who profess the Jewish religion, the words of the oath on "true Christian faith" are deleted, and in In 1731, three Jews held a certain position, as Mordecai and David Combs were interpreters of the Admiralty, the Royal Navy Command and the Supreme Courts because they were fluent in the Spanish language, and Rodrigo Pacchi Chu was a colonial agent for the British Parliament in the colony of New York, although the Jews of the New York colony could not and did not dare to take official government positions, but they were chosen as leaders in matters of public concern, for when New York colonial merchants and landowners fought hard in early 1733 to prevent passage of the Molasses Act in the British Parliament, the Provincial General Assembly chose a committee of six London merchants and a former member of the New York Jewish community to lobby against a threatened monopoly, Jews exercised the right to vote and the legal exception of Jews arose in 1737 in the face of a contested electoral debate in the Colonial Assembly when it was decided that Jews could not vote for representatives of the legislature and could not be accepted as witnesses in courts, and when the British Parliament passed the Nationality Act of 1740 in order to attract settlers of the British colonies in the New World made citizenship possible for Protestants born abroad and Jews residing in foreign dependencies, and that the Jews were not disturbed by the fact that political work was not within their reach before 1765, because they were able to earn their living and were preoccupied with building a property for themselves and their families, and this made the Jew not interested

in the political appointments that he was deprived of it.

Keywords: New York Legislative Assembly, Citizenship Act 1740, Elections of 1737, Molasses Act 1733, Jacob Franks.

Introduction

About a hundred Jews arrived in the New York colony in 1695, and because of their poverty, they were unable to hold an elected position, this was one of the obstacles faced by the Jews in the New York Colony, and after the colony fell to the English in 1664, the number of Jews in the New York Colony reached approximately seventy-five Jews and at the end of English colonialism were between 300-400 Jews, so they were not numerically important. New York was a colonial province when it was taken from the Dutch, and thus British law was adopted in all judicial and governmental issues, and the New York Legislative Assembly decided to prevent Jews from voting according to the applicable law in Britain, However, the Jews were allowed to openly perform religious rites, retail and practice handicrafts, and in 1740 a number of Jews in the colony of New York obtained citizenship after the British Parliament passed the Citizenship Act in 1740 with a desire to promote trade and settlement in the colonies, and the civil status of the Jews was improved through this law that enabled them to become second-class citizens by residing three years in the colony, counting Jews born in the original country of the British despite the limited political rights, and this nationality means the right to trade anywhere in the British Empire under the terms of navigation and commerce, and that the constant threat to the Jews in their livelihood is one of the reasons why they are keen to obtain citizenship throughout the colonies, and that their political right was not equal to their civil rights, as Jews were allowed to vote in some colonies at the provincial and local levels, but they were not allowed anywhere to hold an official government positions, as this position was limited to Protestant Christians, especially those associated with the dominant church and existing in each colony, a minority in the colony did not want to be noticed by party strife because they came to the colony in order to improve their economic situation.

First: The legal status of the Jews 1664-1774.

When the English captured the colony of New York in 1664, there was a small Jewish population that contained them and their right to residence, liberty, and the preservation of their property were guaranteed under the terms of the surrender, and that tolerance toward Jews in the English colonies reverted to Dutch precedents as it did along with many other practices (The Judaean Addresses selected, 1897, p. 157).

The number of Jews in the New York colony at the beginning of English colonization reached seventy-five, and at the end of colonization it was between 300-400 Jews, so they were not of numerical importance, and their claim to good treatment before the law was more and more recognized from the beginning. In 1685, the mayor and the general council of the city decided, contrary to a petition submitted by some Jewish residents, that they should not be allowed to public worship under the assembly law, but rather tolerated those who adhere to the Christian faith and therefore Jews are not allowed to worship publicly, as the council decided that Jews should not sell their trade except in the wholesale system and they are not entitled to practice retail sales (The Judaean Addresses selected, 1897, p. 158).

Perhaps the reason for that decision stemmed from the city council's desire that its residents not come into contact with the Jews and assimilate with them and about a hundred Jews arrived in the New York Colony in 1695, and because of their poverty, they were unable

to occupy an elected position as it represented the first obstacle the Jews faced in the New York Colony, and officials did not record any Jewish names on voting rolls until 1766, and while voters elected Moses Levy and Jacob Franks as policemen in 1719-1720, Jews mostly preferred the secure anonymity of a neutral role when appearing in public, yet another reason has to do with the religious requirements for holding office (Hershkowitz, 1976, p. 28)

Common law required office-holders in the colony to publicly pledge allegiance to the English crown on the basis of "true Christian faith" (Williams, 2014, p. 90), and this oath remained in effect primarily to protect the Anglican nature of the English government against Catholics, but this oath prevented Jews from assuming office, and the use of this oath was a secondary consideration in the English colonies because of the low number of Jews on one hand, and on the other hand, non-Anglican colonial officials were not forced to take the oath, and the oath of denial against the Jews in the last decades of the eighteenth century often provincial decrees did not omit explicit references to Christianity, and in theory at least Jews might obtain positions in this way if the office remained vacant for an extended period of time (Williams, 2014; 91).

The laws of the colony of New York were specially formulated by the mother country similar to its laws unlike the colonies of New England, and New York was a colonial province when it was taken from the Dutch, and thus British law was adopted in all judicial and governmental cases, while the situation was different in other colonies (Wiernik; 1912; 69), since it was up to the people themselves to make laws and governmental regulations and consequently they made them according to their desires and interests, and when the New York Legislative Assembly decided unanimously to forbid Jews from voting they were only applying the law in force in Britain, which remained unchanged until a short time after that Jews were allowed to vote in colony government elections (Daly, 1893; 16)

The Jews benefited from the forced liberation of the religious restrictions obtained by the Christians but quickly lost the privileges they had held for decades since 1700, for example the Jews exercised the right to vote but in the close elections of 1737, when the Jewish vote for representatives of the legislature in the New York colony in one of the most hotly contested elections during the conflict between Morris Cosby and Adolph Philips, the Jewish vote was in favor of Adolph Phillips and made the difference between winning and losing, as their right to vote was challenged and disqualified, such arbitrariness after more than three generations must have been difficult for even the most politically apathetic to accept (Snydacker, 1982; Medeiros & Beach, 2021).

As their right to vote was challenged and they were disqualified. Such arbitrariness must have occurred after more than three generations. It was difficult for even the most politically apathetic to accept (Snydacker, 1982; Memis et al., 2020).

The legal exception of Jews arose in 1737, in the face of a contested electoral debate in the Colonial Assembly when it was decided that Jews could not vote for representatives of the legislature and could not be admitted as witnesses because the colony followed British laws that dropped the right of Jews to vote for representatives of the colony. It is difficult to know the reason for following this precedent, and in this case, the ruling against accepting Jewish witnesses in several cases was completely contrary to applicable British law, and was an example of the bigotry that would have had dire consequences for the Jews, if the decision had been followed elsewhere (The Judaeae Addresses selected, 1897; Orum et al., 2021).

Nevertheless, Jews were allowed to worship openly, to retail, and to practice

handicrafts. Soon, many countries and territories in North America made Jews free and allowed them to vote in a limited sense. But no Jew in any of the colonies after 1763 could hold office unless the Jews became officially converted to Christianity and did not hesitate to take the Christian oath, as the Jew was often chosen as a policeman, but this task was onerous and an unwelcome burden (Marcus, 1996, p. 39), and in 1765 Major Rodgers of the British Army published *A Brief History of North America* in which he wrote lightly that "the Jews who were tolerated to settle here are not of good character, because many of them are selfish, liars (and where they have the opportunity) a cruel and oppressive people." (Rock, 2013, p. 68), but these incidents were the exception rather than the norm, and three years after William Smith's angry sermon, the Citizenship Act of 1740 affirmed the right of Jews to vote in the New York colony (Rock, 2013; 69).

Second: The Nationality Law of 1740

The English gave nationality to many of Jews in 1664. In some cases, colonial rulers granted these rights, and a number of Jews were given citizenship Jews in 1683 (Feingold, 2002, 36).

King Charles II, by letters of denial, removed any obstacles for residing foreigners in the colonies with the exception of West Indies, and in the colony of New York, secured public citizenship acts, private acts, letters of denial from the Governor, licenses of trade and traffic, and when the Legislative Assembly passed the nationality act 1683 it was restricted to Protestants (Daly, 1893, p. 24), and after the passage of the 1683 Act, Rulers forbade letters of denial to a number of Jews, some of which had been granted to Joseph Bueno, Abraham Mendes, and Asher Depol, and were in the form of licenses for commerce and trade in Colony of New York rather than letters of denial in the strict sense of the word (American Jewish historical society, 1892, p. 104).

In 1709, the British Parliament passed a separate citizenship act which gave nationality for all foreigners who made sacrifices and paid a fee of one shilling, and by late June some Jews benefited from Queen Anne's support after she issued letters of denial to individual Jews who had taken their new status to New York colony and other parts of North America, Queen Anne's letters issued in late 1711, granted citizenship to four Sephardic Jews, including Rodrigo Pacheco, residing in the colony of New York in November 1712, and seven more Sephardic Jews followed in July 1713, after declaring free residents of the kingdom, and that the Jews who had obtained citizenship in the colony of New York did not represent a major change in the common law view, critics of the law claimed that it led to miscellaneous mischief and harassment that damaged the commerce and wealth of the original British, and supporters of the 1709 Act were accused of being anti-clerical by some of the sharpest anti-immigration voices, and the uproar was so strong that the British Parliament repealed the bill three years later (Williams, 2014, p. 102).

Another colonial law was passed in 1715 that allowed to give nationality of foreign Protestants only, but at the same time allowed the retention of citizenship for any foreigner in the colony who was alive at the time and who owned real estate, and who had inhabited the colony before November 1, 1683, had obtained citizenship and enjoyed all rights and the benefits and privileges enjoyed by any of his subjects born in the empire included a number of Jews, and although Jews continued to obtain citizenship by the governor and assembly of the colony between 1705 and 1769, in the colony of New York, but in other colonies the procedures were more difficult (American Jewish historical society, 1892, p. 104).

The New York Assembly took a more active role in formulating immigration policy despite Parliament's repeal of the General Naturalization Act, as the New York Colony continued to recognize the status of naturalized aliens and even some Jews, for example, in January 1716 the Court of Records began keeping and remembering records of foreign-born and they became natural subjects of the King of Britain, as Baruch Judah and five other Jews obtained citizenship through the Court Records Act (Williams, 2014; 103).

The New York Colony Naturalization Act was passed in 1718 leading to the settlement of the Jewish population, and a number of these followed until the enactment of the 1723 law (The Judaean Addresses selected, 1897, p. 159), passed by the colonial legislature in 1723, which granted by which a number of Jews by nationality passed by the colonial legislature on November 15, 1727, in the colony of New York, a general law which provided that when an oath was taken by any of the king's subjects who profess the Jewish religion, the words of the oath to the true Christian faith shall be deleted. Three days later, Daniel Nunez da Costa obtained citizenship (American Jewish historical society, 1892, p. 104), and Da Costa benefited directly from the change in colony law while New York colonial law required applicants to take an oath of denial for citizenship. testify in court, and the legislature changed this requirement, and despite Dacosta's experience being the exception to the rule, it is not clear whether Parliament challenged the granting of the assembly or not, as Parliament reserved an exclusive right of naturalization under common law, and even as restrictions on freehold continued, Jews advanced in the colony by winning partial grants of subject rights, while opponents of naturalization the Jews in Britain failed to reach a long-term policy on the wisdom of general naturalization for Jews in the New York colony and commercial rights and political privileges signify a measure of power within the expanding British Empire since the Jews of the New York colony received grants of denial and freehold, which indicated a step towards economic and political parity with the natural subjects (American Jewish historical society, 1892, p. 105).

The Jews needed citizenship and eventually the right to vote and hold office, in 1731 three Jews held a certain office, Mordecai and David Gomez were interpreters of the Admiralty (The Royal Navy Command), and the Supreme Courts, as they were fluent in Spanish, and Rodrigo Bacchi Chou, Colonial Agent to the British Parliament in the Colony of New York (Reiss, 1925, p. 25), Desiring to promote trade and settlement in the colonies, the British Parliament viewed citizenship as a tool to mobilize its colonies and the urgent need to attract settlers to British colonies in the New World, the British Parliament passed The Citizenship Act of 1740, and made naturalization possible for foreign-born Protestants and Jews residing in overseas dependencies, no concessions were made to Catholics under the terms of this law and a subsequent attempt to extend the benefits of this law to Jews living on the same island failed (Marcus, 1996; 3).

The civil status of Jews was improved to include those born abroad in the colonies, and through this law they could become second-class citizens by residing for three years in the colony, the Jews born in the country of origin were considered British despite limited political rights, and this new nationality meant that they had the right to trade anywhere in the British Empire under the terms of navigation and commerce (Marcus, 1996, p. 35). It required that full citizenship be granted to all settlers in British colonies who had remained for at least seven years in the colony (Lupovitch, 2007, p. 143) and the constant threat to Jews in their livelihood was one of the reasons why they were eager to obtain citizenship throughout the colonies (Kenvin, 1986, p. 18), and when the British Parliament passed the law granting uniform citizenship throughout the British Empire and its colonies and granting Jews like other

foreigners after seven years of residence and not absent for more than two months, the British Naturalization Act allowed foreign-born Jews to obtain the same rights Like those born under the crown without the required Christian oath (Vilar, 2009, p. 246).

Between 1740 and 1744, an additional twenty-four Jews were naturalized, and eventually two hundred Jews sought to the citizenship under the provisions of the new law. However, the application of the law was not uniform, and Jews continued to face difficulties at times, and the reason for this was the continuing suspicion of Jews among Local Officials (Seeskin & Baskin, 2010, p. 210).

Despite the importance of the Citizenship Act as a legal breakthrough for Anglo-Jews was overshadowed by the fact that Jews in British colonies had already obtained these rights before 1740-1744 (Feingold, 2002, p. 36), the general opinion became that colonial naturalization and decolonization could not grant any rights outside the colony, and only partial rights within it, for this reason there was no doubt that Abraham Isaac, Joseph Simpson, and Solomon Myers, having been naturalized by a special colonial act in 1723, secured their naturalization in 1740 under British Parliament Act and naturalization continued in some colonies under the colonial acts, some of which did not assume a long period of residence, but their powers after that became more than doubtful and that royal instructions were issued to the rulers not to approve any colonial acts (American Jewish historical society, 1892, p. 106).

The Jews in the colony of New York enjoyed this decision, as this act reflected greater tolerance for diversity within the British Empire, but it indicated primarily the desire of the British government that the colonies live with all settlers who might contribute to commercial growth (Levy, 2008, p. 117), The experience of Jewish immigrants to the colony of New York reflects a dynamic that was first postulated by early naturalization seekers, and naturalization was one of the most important rights that accorded strangers a share of a national citizen (American Jewish historical society, 1892, p. 106).

Third: Consequences of Jews obtaining citizenship

Three years after the British Parliament passed the Citizenship Act of 1740, which allowed Jews to be naturalized in Britain's colonies, a group of unnamed men attacked the funeral procession of a Jew who left the Knesset of Israel's Shayarith in the New York Colony (Gurok, 1998, p. 81), with stones and woodcutting the mourners, and soon after the men appeared to mediate while the mourners were preparing to bury the body, while the men intervened and terrorized the Jewish mourners as a means of rejecting the presence of the Jews, and despite this exceptional incident, the Jews faced little resistance in obtaining the rights of denial, practicing their religious rites and disposing of their property (Williams, 2014, p. 72).

In Chatham, the Jewish cemetery in Manhattan was attacked in 1746, and severe damage was done to its walls and tombs, and anti-Jewish sentiments persisted a lot and were expressed through literature and theater that described the evil Jewish character (the Satanic Jew), as in 1752 the play (The Merchant of Venice) was shown in New York colony that aroused feelings of resentment and disgust with the Jews (Levy, 2008, p. 130).

Fourth: The political situation of the Jews in the colony of New York 1664-1774

The civil equality that Jews obtained was not equal to their political rights, in some colonies Jews were allowed to vote at the district and local levels, but they were not allowed anywhere to hold official government positions, and this position was restricted to Protestant Christians, especially those associated with the dominant and existing church in each Colony, in general, before the seventeenth century, Jews avoided politics because of the obstacles

imposed on them by Christians. During 1695, about a hundred Jews arrived in New York Colony, and the first obstacle faced by Jews in New York Colony was the inability to occupy any position (Sarna, 2014, p. 22), and Jews mostly preferred secure anonymity and a neutral role when appearing in public. Yet another reason related to the religious requirements for office that emerged after the venerable revolution was loyalty to the crown over a “true Christian faith” (Herschkowitz, *some Aspects of the New York Jewish merchant and community 1654_1820*, 1976, p. 272).

This oath remained in effect primarily to protect the Anglican nature of the British government and was directed primarily against Catholics, but this oath prevented Jews from holding office and the use of such an oath was a secondary consideration in the British colonies due to the decline of the Jewish population on one hand and the fact that such an oath was intended to prevent Catholic vandalism during the reigns of Queen Elizabeth and James I, provincial edicts often omitted explicit references to Christianity by the 1730s, in theory Jews obtained positions in this way, especially if the position had been vacant for an extended period of time (Williams, 2014, pp. 91-92), however the fact of the bills of rights written by the three governors of the colony of New York that appeared in 1730, detailing the political hierarchy of the city and the rights of its subjects, yet the Jews were not explicitly mentioned in any of the three charters of governors Nicholas, Dungan, and Montgomery issued a year later 1664, the first of which established the institutional structure of government in the colony (Herschkowitz, *some Aspects of the New York Jewish merchant and community 1654_1820*, 1976, p. 273).

It does not seem that the Jews were disturbed by the fact that political work was not within their reach before 1765, because of the continuous wars, the expansion of the economy and the penetration of the West into the colonies, the Jew was able to earn his living and was preoccupied with building real estate for himself and his family, and this made the Jew not interested in the political appointments that he was deprived (Sarna, 2014; 22), and that British policy denied Jews full political rights even when naturalization occurred as a natural part of colonial business as immigrants could not pass on their resident status to their children, as residents had to pay higher fees than natural subjects and they cannot serve in any of the king's councils (Herschkowitz, *some Aspects of the New York Jewish merchant and community 1654_1820*, 1976, p. 89).

The New York colony recognized freedom for the Jews by not imposing religious requirements on them and allowed them to vote in municipal elections and between 1688-1770, fifty-seven Jews of New York colony became free and voted for seats in the colony's legislature (Rephael, 2009; 36), since the right of the Jew in the elections of 1701 in the colony was challenged for his inability to abide by the Christian oath, and because voting and holding office was conditional on wealth, religious tests, and swearing in an oath, another deterrent that prevented the Jews was that most of them were born foreigners and were thus incapable of holding office, as the New York Colony allowed landlords and wealthy Jews to vote in the event of taking the oath (Marcus, 1996; 408).

Although the Jews were a minority in the colony, they did not want to be noticed by partisan strife because they came to North America in order to improve their economic situation (Wiernik, 1912; 26), Although the Jews of the New York colony could not and did not dare to assume official government positions, they were chosen as leaders in matters of public interest, as when New York merchants and landowners fought hard in early 1733 to prevent the passage of the molasses law in the British Parliament, the General Regional Assembly chose committee

of six London merchants and a former member of the Jewish community in the New York colony to lobby against the threatened monopoly (Marcus, 1996; 410).

The Jewish businessman, even if he was not able to sit in the assembly, on the bench, and in the city council, was undoubtedly part of the power structure, since he could not aspire to power in the general community because the Jews, as an ethnic minority, were separated by tradition and the terms of separatist privileges. and division in Europe, but the colonial Jew followed the developing pattern of British Jews and aspired to enter the general community within the framework of a common unified political system (Sarna, 2014; 22), and the right of Jews to vote was challenged and prohibited on the basis of religion by a law passed successfully in 1737 the result of a disputed election (Marcus, 1996; 411), but they went on to vote in city elections and, surprisingly, served as the city's police force, a position that placed them in authority over the colony's residents who were Christians, and as soldiers who served arrest warrants, made arrests, and kept the peace, and walked into the night watch, and Isaac Rodriguez was the first Jew in the New York colony to serve on a jury, and the colonizing Jew in the colony did not challenge the prevailing situation because they knew that any attempt to do so would be rejected decisively and this is what happened in 1750 in Jamaica (Rephael, 2009; 36).

Conclusion

After the fall of the colony to the English in 1664, Jews obtained their rights to residence, liberty, and the preservation of their property, along with other residents of the New York colony, despite their inability to hold elected office, a number of Jews were elected to serve as policemen in the colony during the years 1719-1720, and the Jews exercised the right to vote, but in the upcoming elections of 1737, when the Jewish vote for representatives of the legislature occurred in the colony of New York, which considered one of the most hotly contested elections. The Jewish votes made a difference between winning and losing, their right to vote was challenged and they were excluded from voting for representatives of the Legislative Council and could not be accepted as witnesses, because the colony follows British laws that dropped the right of Jews to vote for representatives of the colony, and when the British Parliament passed the citizenship law in 1740, granting Jews, like other immigrants, after seven years of residence, the right to obtain citizenship, and the Jews enjoyed with this decision, as it reflected greater tolerance for diversity within the British Empire, and that the experience of Jewish immigrants to the New York Colony reflects a dynamic that was first assumed by the first naturalization applicants, and naturalization is one of the most important rights that give strangers the share of a national citizen, and although the Jews of the New York colony could not and did not dare to take official government positions, they were chosen as leaders in matters of public interest, and the Jewish businessman was even if he was not able to sit in the legislative assembly, the bench of the city council are part of the power structure.

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