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A SECOND
L E T T E R
TO A
F R I E N D
CONCERNING
NATURALIZATIONS:

WHEREIN

The Reasons are given why the *Jews* were antiently considered as the immediate Vassals and absolute Property of the Crown; but are now in a State of Liberty and Freedom like other Subjects.

To which are added,

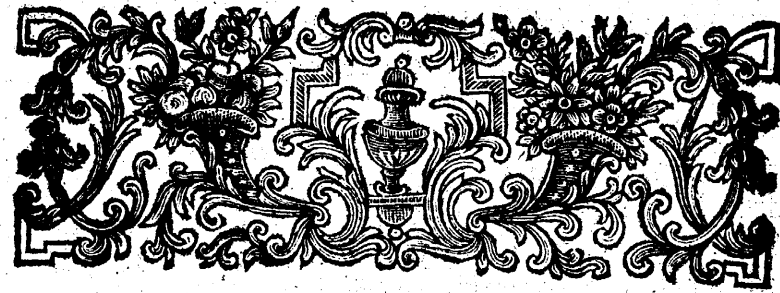
The Opinions of the most eminent Lawyers, together with Proofs and Arguments drawn from divers important Facts and Statutes of the Realm relating to the same Subject.

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AND
Chaplain to the Right Rev. the Lord Bishop of BRISTOL.

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A SECOND
 L E T T E R
 TO A
 F R I E N D.

S I R,

I Confess the Justice of your Remark, that I might have been more explicit in setting forth the legal Rights of Natural-born *Jews* to purchase Lands in *Fee*. Indeed I was unwilling to suppose, that any Persons were so devoid of common Sense as to believe the contrary. For with Respect to the public Cry, *No Jews! No Naturalization! Christianity, and Old England for ever!* They are known to be Words of Course, invented purely for the Sake of inflaming the unthinking Populace against the next general Election. For, what could the *disaffected* Party do (whose great End is defeated, when any Measures are pursued that really tend to the Na-

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tional Advantage; because that would confirm People in their Love and Obedience to the present Government;) — I say, What could they do, and how greatly would they be distressed, if they were debarred the Province of inventing Lies, and propagating Falshoods? Thus, for Example, *Church and Sacheverell!* were formerly the Watch-Words, and lasted long: And while these *cant* Terms could be used as Engines to disturb the public Tranquility, and serve the Interests of *France*, so long the *religious* Lord BOLINBROKE, the *honest* Alderman BARBER, and *chaste* Mrs MANLY, with Hundreds of others of the same *virtuous* Characters, were zealous Friends to THE CHURCH, and would drink, with great Fervour, Damnation to *Fanatics*. But when this Pretence was worn out, and could serve no longer, then they threw off the Mask, and gloried to appear in their proper Colours, *viz.* Deists by Profession, as they were known before Atheists in Practice: Therefore, I concluded, That as the same Game was playing over again, People must see the real Drift of the present Clamours, and regard them only as the *Lye of the Day*.

BUT since you assure me, that many Persons of good Understandings in other Respects, and of honest Hearts, are made to believe, through want of proper Information, and by seeing through *false Mediums*, That Natural-born *Jews* cannot purchase Lands; nay, That all their Goods and Possessions lie at the meer Mercy of the Crown; I shall for their Sakes attempt to set this Matter in a clear Light, and suggest such Reasons as will enable them to detect every Fallacy that may be offered.

FIRST then it will be proper to sketch out a general Idea of our antient Constitution, during the former Residence of the *Jews* in *England*, *viz.* from the Conquest till the eighteenth Year of EDWARD I. the Time of their Departure; containing a Space of about

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about two hundred Years. And afterwards we may proceed to compare that Plan of Government with the present, and observe how far our Constitution has been altered, and whether for the better, or the worse. —

NOW as our antient Constitution was only a Part of that Gothic Government, which overspread all *Europe*, though in some Places a little differently modified from others; it may be sufficient to observe, That the Gothic Governments allowed, in a civil Sense, only three Distinctions of People, the Military Class, the Servile, and the Class of Citizens and Burghers.

I. THE Military Class: These were variously dignified, and distinguished according to their Rank and Quality. But they all agreed in this, That they were *Soldiers by Birth and Profession*: The greater Tenants, otherwise called *Barons*, held their Estates immediately from the Crown; and most of the Knights, Esquires, Gentlemen, and others, held by Military Service under them. But the general Nature of the Military Tenure, though it passed under different Names, was the same throughout, *viz.* That whenever the immediate Lord called upon his Military Tenants, they were to obey his Summons, attend him to the Wars, and bring together such a Proportion of Men, as their respective Estates were charged with: And these Tenures were so strictly kept up, that Ecclesiastics themselves, Bishops and Abbots were not exempted; but often forced to attend in Person, and always obliged to send their Quota of Men, according to their Baronies and Fiefs.

II. THE Base or Servile Class: These were otherwise called *Villains*, being in reality the Slaves of their Lords. Most of them belonged to some particular Estate or Manor, and might be bought and sold

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sold together with the Lands. They durst not * stir beyond the Bounds of their Manor, without the exprefs Leave of their Lord, and never were entrusted with Arms, or brought to the Wars, but in Times of the greatest Exigency. However, in Process of Time they acquired a little more Liberty, and had several Privileges and Advantages conferred upon them by Means of Copyholds, Socage, Tenures, &c. and could obtain some tolerable Redress from their Grievances.

III. THE third Class was that of Citizens and Burghers; these were all, or for the most Part, *Liberi Homines Regni*, Freemen of the Realm, as well as free of their respective Cities, or Towns. But being bred up to Trades, they were not regarded in the same honourable Light, as those who were Gentlemen, or Soldiers by Birth and Profession. Yet in Fact, they had so much of the Military Air of the Gothic Constitution, that they were considered as the

* *Note*, This Restraint upon Slaves not to stir beyond the Bounds of their Manors, seems to have suggested the first Thought for obliging the *Poor* not to leave their respective Parishes (which were originally of the same Extent with the Manor) unless they had Certificates for that Purpose. But the Makers of those Laws little considered the Difference of Times, and the Variation of Circumstances. For in a *Commercial* Country, the People must follow their Work, be it far or near; and as Trade and Manufactures are always shifting Places; nay, as one Kind of Work may only last the Summer Season, and another at a Distance be properer for the Winter:—It therefore seems unavoidable, That People should be permitted to remove, as their Work removes. — As to Certificates of Parish Settlements, removing of Paupers, Law-Suits, &c. they are the Nuisance of a trading Nation; they hurt the Rich, discourage the Poor, and serve only to set Parishes, and Neighbours at Variance. If each Parish were obliged to maintain those poor Persons, that had resided and worked among them for a competent Time (suppose six Months) and then were taken sick, or otherwise incapacitated from Labour; every one must see, that this is the justest and fairest Method, as the Parish had reaped some Benefit from their Labour, and would prove in the End much the cheapest.

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the proper Garrison of their respective Towns, and did Military Duty very regularly, having Arms and Accoutrements, and set Times for Exercise. In great Cities each particular Trade, where the Number was sufficient, was erected into a distinct Community, having their respective Badges, Trophies, and Colours: The Master for the Time being of this incorporated Company was properly the Captain of his Trade, as the Mayor was the Colonel of the whole Regiment, and Commander in Chief within his own Garrison. And they were obliged to this Punctuality of Military Discipline, not only by the Common Law of the Realm, but by exprefs Statutes, one of which was made at the very Time under our present Consideration, *viz.* 13 ELIZ. 1 Stat. of *Winchester*, Chap. 4. This Act prescribes the Hours at which the Gates of walled Towns shall be shut and opened, the Number of Burghers required to do Duty at each Gate, and the Obligation laid upon all Persons, even Inmates, to lodge every Night within the Town, not in the Suburbs; with other Matters of the like Import. And at the 6th Chap. of the same Statute, a very particular Provision is made for arming all the free Subjects of the Kingdom, from the Years of Fifteen to Sixty. But note, This was no new Law, but only the Revival of an antient Custom, as appears from the very Words of the Statute.

AND here, Sir, give me Leave to make a small Digression, in order to explain a Phrase or two, still retained in the Oaths of the Freemen of the City of *Bristol*, and of many other Places; though not one in ten thousand can be supposed to know the original Meaning of them.

THE first is, where the Person swears at Admission to his Freedom, that he will not take an Apprentice who is *Bond in Blood*. Now the *Bond in Blood* were no other than the Slaves or Villains, that is, the

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the second Class of Men here set forth. And the Reason why this extraordinary Care was taken to prevent such Persons becoming Citizens, or Burghers, was this, That after they had learnt the Trade, and even set up, the Lord or Master could still challenge them as his Slaves, and take them away as his proper Goods and Chattles, because they were *Bond in Blood*: Which Act might not only bring a *Disgrace* on the City, but also a *Detriment*, inasmuch as the Slave, being obliged to attend his Master, would not only carry the Mystery of the Trade along with him, but might instruct other Slaves also in the same.

THE other Instance is the following; A Freeman promises on Oath, that he will *never wear any Man's Livery but Mr Mayor's*. This, you will say, is a very odd kind of a Promise; but it was necessary to be made in those Days. For the Livery here intended, was not the modern Livery of Servants, but the Livery of *Retaining*: That is a Livery, or Badge, whereby one Person was supposed to be *retained*, and *ready* to engage in all the Quarrels of another, *right* or *wrong*.

BELIEVE me, Sir, I am in Pain for you, on account of this Narration. For when you read it, you will hardly think it can be true; and yet at the same Time your Regard for the Writer would make you conclude, that he would not impose upon you with idle Stories and Romances. Therefore to put your Faith, or your Friendship no longer to the Trial, I beg Leave to produce one Voucher among many, even an Act of Parliament, 1st of RICH. II. Chap. 7. made on purpose to correct those Excesses. The Words of the Act are as follows, "Item, Because
" that divers People of small Revenue in Lands,
" Rents, or other Possessions, do make great Reti-
" nue of People, as well of Esquires as others, in
" many Parts of the Realm, giving to them Hats,

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" and other Liveries of one Suit by the Year, tak-
" ing of them the Value of the same Livery, or
" percase double Value, by such *Covenant and Assu-*
" *rance*, that every of them shall maintain other
" in all Quarrels be they reasonable or unreasona-
" ble, to the great Mischief and Oppression of the
" People, It is ordained and assented, &c."

AND now, my good Friend, what think you of an *Engliss* Esquire taking a Hat for a Livery to be another's *Bully* by the Year, in all his Quarrels rea-sonable or unreasonable? Is there any Thing that I have said equal to this? But it seems the good People of Cities and Boroughs, would engage in no Quarrels but those of Mr Mayor: and him they thought themselves bound in Duty and Honour to support *per Fas aut Nefas*, especially if it was in a Matter that regarded some other Town: For every Corporation thought themselves in a *State of War* with the other, and that they had a Right to make Reprisals upon the Enemy;—or, as Lord *Coke* expresses it, in his 2d Institute, p. 204. "The Mis-
" chief was, That divers Cities, the Cinque Ports,
" Boroughs, Towns Corporate, &c. within this
" Realm, *did claim such a Custom*, That if any of
" one City, Society, or Merchant-Guild, were in-
" debted to any of another;—Then if any other
" Person of the same City, Society, or Merchant-
" Guild that the *Debtor* was of, came into the City,
" Society, or Merchant-Guild whereof the *Creditor*
" was,—That he (the Creditor) would charge such
" a FOREIGNER for the Debt of the other." Doubt-
less these were very happy Times! And what a Pity is it, That those Persons who are so lavish in their Praises of *Old England*, and dissatisfied with our present modern Constitution, had not lived in these *golden Days*, when they might have enjoyed *Old Eng-*
land in Perfection?

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To return therefore to the general Subject:— From what has been said, you may conceive a sufficient Idea of the Nature of the Gothic Constitution; at least so far as relates to the Subject before us: For there is no need of descending into minuter Distinctions and Subdivisions. And from hence it appears, That all Persons whatever were, in some Sense, either *fighting Men* or *Slaves*. As fighting Men they were almost continually in Exercise; because the Kingdom was scarce twelve Months together without Broils or Commotions, in one Part or other; sometimes the Kings and the Barons entered the Lists with all the Fury and Rancour of a Civil War; and very often the Barons made Inroads on each other, in which the neighbouring Towns and Cities were sure to be involved; at other Times the *Scotch* and *Welch* held the Kingdom in perpetual Alarms. And where nothing of this happened, there were Feuds among themselves, and sometimes Trials at Law decided by Duels, and single Combats in a kind of *judicial* Way.

Now in such a Situation to what Class of People could the *Jews* be supposed to belong? not to the first Class, because these were the Barons of the Realm, the Knights, and Soldiers by Birth and Profession: They were the Men of Arms; but the *Jews* would not have been allowed to carry Arms, had they attempted it.

AND as to the second Class, They were no other than Woodcutters, Foresters, Huntsmen, Herdsmen, and Ploughmen, as far as the Knowledge of the Plough and Agriculture obtained in those barbarous Times. But the *Jews* were bred up to other Employments, and consequently were not fit for any of these Purposes. Not to mention that the Villains, or Slaves belonging to Manors, were Persons whose Ancestors, for the most Part, had served
in

in the same Capacity, being regarded as Appendages to the Freehold.

AND with Respect to the third Class, the Citizens and Burgeffes, it is easy to see, That they never would incorporate with the *Jews*, both for Reason of Monopoly and Self-Interest, as well as many others.—Indeed, if they had laid the former aside, there were several Considerations that would have prevented. For the *Jews* were not only debarred the Use of Arms, but they could not join in the religious Processions in honour of their respective tutelar Saints, which was one great Employment of the Companies of Trades in those Times.

THEREFORE, upon the Whole, in what Light could these *Jews* be considered at that Juncture, but as the immediate Dependants on the Crown, and wholly protected by the Royal Prerogative? For they were not of the Military Order;—They were not Villains belonging to Manors;—They were not Burgeffes: So that in short no other State remained for them, but to be the immediate Vassals of the Crown. And I am so far from denying what an eminent Person in the Law hath lately quoted out of *Spelman*, and other old Writers, *viz. Judæi & omnia sua Regis sunt*: i. e. “The *Jews* and all that belong to them are the King’s Property:”—I say, I am so far from denying it, that I maintain it must have been so at that Juncture, according to the Constitution then in being.—Nay, this farther appears, if we consider, that the King had a Right to Military Service from all Lands, and all Subjects whatever; therefore if the *Jews* were permitted to settle in *England* at such a Season, and to purchase Lands, (of which the most authentic Records are still extant) he had it in his Power to prescribe what Terms, and Conditions he pleased by way of *equivalent* for the Military Service, and as a Compensation for his Royal Protection.

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NAY, suppose these People had not been *Jews*, but *Orthodox Christians*, approved and countenanced by the Pope himself:—Yet if there had been something so peculiar in their Conduct, their Principles, or Behaviour, that they must have remained a distinct People from the Rest of the Kingdom, in regard to their *Civil* and *Military* Capacity, what could have been done with them, or how could they have been disposed of, unless they took Shelter under the Protection of the Crown, and became its immediate Vassals and Dependants? Perhaps indeed the other Orders of the Kingdom, or the Pope himself, or some foreign State, might have interceded in their behalf; so that they might not have been altogether dependant upon arbitrary Will and Pleasure;—yet if nothing of this had intervened, I assert they must have become the Vassals and Property of the Crown at that Juncture, because there was no other Tenure remaining for them.

BUT, in the Name of common Sense, what is all this to us? And why must we be concluded in these modern Times, by obsolete Precedents and Examples drawn from a Constitution, which no more relates to us in *this* *Affair*, than the Constitution of *Turky* or *Morocco*? For the Royal Prerogative is quite another Thing now, to what it was five hundred Years ago: And it is highly absurd to quote the Power of our Kings, exercised in former Times, as a *fit* *Precedent* for *modern* *Practico*. Besides, It should be considered, That the Gothic Tenures, together with the Courts of Wards and Liveries, were abolished at the Restoration: And after that, the glorious Revolution put an entire Period to the very Remains of those shocking Tyrannies and Oppressions; and begun a new System of Civil and Commercial Government. I have added *Commercial Government*: For the Revolution, and the Consequences of it, gave a new Turn to every Branch of our Commerce.

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merce.—Before that Period it was the wretched *Policy* of our *Kings*, 1st, To reduce every Part of our Trade, Foreign and Domestic, into *Monopolies* and *Exclusions*: 2^{dly}, To lay Taxes on all our Manufactures, even Cloth itself, upon Exportation: 3^{dly}, To lay Taxes on all raw Materials coming into the Kingdom: 4^{thly}, To admit the Goods and Manufactures of our Rivals upon very easy Duties, or in a manner Duty-free: 5^{thly}, To take no Care for encouraging particular Branches of Trade (not sufficiently profitable to the Adventurer, tho' greatly so to the Public) by Means of Premiums and Bounties: 6^{thly}, To admit of no Drawbacks of Duties upon the Re-exportation of Foreign Goods. Now all this wretched Policy, calculated only to impoverish a Nation, was altered in a good Degree by the Revolution, which therefore may be said to have *begun* and *carried on* a new System of Commerce. It was altered, I say, as far as the Times would permit: For a *great Deal* still remains to be done. But as the Plan is chalked out for us we cannot err, unless Self-Interest, Party, and Monopoly, shall defeat the Endeavours of those, who truly mean the Public Good, and would pursue it steadily. This is true *Patriotism*, and acting for the *Country*, that is, the *National Interest*; whereas the other is only throwing Dust in People's Eyes, and the Cant of Faction. Thus, for Example, Ignorant and well-meaning People have been made to believe, That the Taxes before the Revolution were *lighter* than those that succeeded it. But if they understood the true Nature of Taxes, and the proper Methods of laying them on, they would entertain a very mean Opinion either of the *Honesty* or *Capacity* of those who broached this Falshood. For *High Taxes* are one Thing, and *Heavy Taxes* are another: And it is as evident as any Proposition in *Euclid*, That a Kingdom may be beggared by a Tax that produces no more than 500000*l*.

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a Year, and enriched by another that produces 5000000*l.* In short, If the Taxes are so laid on as to check or stop the Circulation of Industry and Labour, How can that Kingdom be *rich*? But if they tend to promote and encourage it, How can such a Kingdom be *poor*? Nay, are not the Taxes themselves a Cause of its Wealth? It is a Pity that these plain Truths are so little understood, especially by the Gentlemen of the Landed Interest, *whom it most concerns.*

THUS, Sir, you see what vast Improvements have been made by the Revolution both in *Civil* and *Commercial* Liberty: And we might still successfully and happily proceed, were it not for those eternal Foes of the public Welfare, Party and Monopoly. Civil Liberty is thereby turned into Licentiousness, and as to *Commercial*, every Man seems desirous of enjoying it himself, and denying it to others. However, since this monopolizing Spirit is now exerting its baleful Influence against one or two Foreign *Jews*, pretending, That they ought not to be allowed the Privilege of *free Merchandise* (or in plain *English*, not to rival the *Turkey* Company and the Monopolists of *London*) because they are Slaves by Condition; I say, as such is the Pretence, it hath given Occasion to examine into the Foundation of this Opinion: And what is the Result of our Inquiries? Why truly, hence it evidently appears, That the Slavery of the *Jews* under our former Kings, was no other than a necessary Consequence of the Military Tenures and the Gothic Constitution of those Times. But this Slavery, with other Kinds of Slavery, and a thousand Articles of a similar Nature, have been long since abolished. Nor is it in the Power of the Crown to stretch the Prerogative to the Detriment of the People.—Times were, when it was dangerous for a Man to declare himself so plainly on this Head: But, God be thanked, they are no more: And

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And his present Majesty doth not want any Sycophant to pay his Court to him, by saying, That he is absolute, and *above the Law*: He is the true Father of his People by protecting them in their just Rights and Liberties, civil and religious, and by giving them the Opportunity of enjoying the Blessings of a free Constitution. This is all he aims at; and this is his Glory.

THE Gentlemen of the Landed Interest hold their Estates by Tenures that are not subject to the Will and Pleasure of the Crown. They are not obliged to attend the King in his Progresses. They cannot be summoned to appear in this or that Part of the Kingdom by a *certain* Day at a general *Rendezvous*, under a Pretence of going to the Wars, or taking their Advice on some supposed Emergency: For they may peremptorily refuse, and yet run no Risque of forfeiting either Liberty or Property: Nay, the meanest Freeholder cannot be now compelled to serve as a Soldier without his own Consent. And as to Fines and Forfeitures, Compositions, Scutage Money, Duties, &c. &c. they are now abolished; and at present we know no more of them than their Names, as they stand in old Records, and Books of History.

LIKEWISE the Commonalty of *England*, are now the freest People under the Sun. They are their own Masters, and may be happy if they please;—The Law is as open for them as for the greatest Lords. And there is no such Thing as Vassalage of any Kind now subsisting in *England*.

MOREOVER, as to Cities and Boroughs;—In what Sense can the Freemen of these Places be looked upon at present as *Military Men*, or the Garrisons of their respective Towns? Indeed they sometimes march with Colours, but it is in a very peaceable Way, *viz.* on the 29th of *May*, the 5th of *November*, or some such Day of Procession, where no War is

is supposed, or intended. Also the young Apprentices in many Places walk about on *Sbrove-Tuesday*, their Spears decked with Ribbands, and themselves dressed like Merry-Andrews, according to the Custom of the Champions of old, parading before they entered the Lists: And this is all that we have remaining of the antient Military Exercises, the *Hastiludia*, or Tilting with Spears, formerly kept up in Towns and Cities.

BE pleased therefore to lay all these Things together; and consider also the vast Alteration made in our Civil and Commercial Constitution, since the Building of large Suburbs, the Erection of many Towns of great Commerce, (each of them much more considerable than *London* itself was formerly) where People live and exercise what Trade they please, without being free of any Company or Corporation; reflect likewise that these *open* Places are found to increase, and thrive much more than others shut up with Charters, and exclusive Corporations.—And then I leave it to your own Judgment to determine whether there is any thing in the Nature of our present Constitution that forbids *Jews* to *class* with the Rest of the Subjects, *as far* as relates to Matters of mere *civil Concern* in a *private Station*. And if there is not, what Pretence can remain at this Day, that they are still under the immediate Prerogative of the Crown, and not upon the same Footing with other People, as to their Civil Rights and Liberties? In short, **Cessante Ratione Legis cessat ipsa Lex*, that is, “When the *Reason* of the Law ceases, the *Obligation* ceases,” is an universal Maxim in the Common Law: And if it is not, there is no knowing where to stop; there is no such Thing as setting Bounds to the Prerogative, except in such Cases as are particularly bounded by Acts of Parliament;—
And

* Lord COKE quotes this Maxim in his Exposition of the Magna Charta itself, 2d Institut. page 11.

And if this is to pass for Law, if the Prerogative is still in force in all other Points, God knows whose Life, Liberty, or Property might be next in Danger; had we a Prince on the Throne that would take Advantage of such shocking Positions. But—No Thanks to those who are pleased to call themselves *Patriots*, and the *Country Party*,—we have nothing to fear on that Head.

BESIDES, if the *Jews* are still the Vassals and Property of the Crown, what is become of the Courts instituted on purpose for their *vassal* State and Condition? Where are now their Chief Justices, their Registers, Notaries, and other Officers formerly belonging to them? And when a Sum of Money is due from a Christian to a *Jew*, doth the King demand that Debt, as his own Right, which our former Kings really did (see *Molloy de Jure Maritimo*, Book III. Chap. 3.) when the *Jews* and their Effects were considered as Regal Property?—No: All this is now no more: And if a *Jew* is to *sue*, or be *sued*, or to have a Trial at Law in any Respect whatever, there are no other Courts for the Cause to be tried in, but the general Courts of the Kingdom: Nor is there a single Instance to be produced of a *Royal Extent* being taken out for a Debt due to a *Jew*; which was the Case formerly, when such Debts were considered as owing to the Crown. And happy sure it is for us, that these Things are so much altered for the Better. Now this Circumstance alone, were there no other, is a plain Evidence, that the *Jews*, in the Eye of the Law, are regarded as *free Subjects*, the *Liberi Homines Regni* mentioned by Magna Charta.

Thus far, Sir, I have proceeded in the argumentative Way, proving, from the Reason of the Thing, That all Slavery is now abolished, and that every Man born in *England* is entitled to the common Protection, and general Benefit of the Law.

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THIS,

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THIS, I say, is the Tenor of the Common Law of the Land, *as it stands at this Day*. — Indeed I grant that particular Statutes *may* make Exceptions, whenever the Legislature pleases. But in relation to the *Jews*, I ask, Have they yet done it? Have they taken from them the *mere civil Rights of Subjects*, which the Common Law of the Land now gives them? No, they have not. What then is the Inference, but that these Privileges remain to them by *Birthright and Inheritance*?

I WILL now, Sir, proceed to shew, That what is here advanced is confirmed and supported by the concurrent Testimony of Lawyers of great Eminence: Some of these indeed are still alive, adorning the highest Stations in their Profession, and doing Honour to their Country: their Names I must therefore suppress, as the present Hurry, in which this Treatise is written, prevents me from making an Application for Leave to publish them.

BUT as to others, the first I shall mention is the late Lord Chief Justice RAYMOND. And that I may not fail in Exactness and Fidelity, I will transcribe all the Cases and Opinions in Order as they were given.

OPINIONS of Counsel relating to the Power of the Jews to purchase Lands.

A. B. begot and born in *England*, but whose Parents were both Aliens, has an Intention to purchase an Estate in Fee.

I. *Quere.* Whether he can enjoy it, being the Son of an Alien, and of the Profession of a *Jew*?

Answer. I am of Opinion that *A. B.* is a *natural-born* Subject of the King of *Great Britain*, and as such capable to purchase, and enjoy Lands in Fee; and I do not know that the Law has put any Disability

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lity upon him, upon account of his being by Profession a *Jew*.

II. *Quere.* Whether such Lands will descend to his Issue, or be forfeited to the Crown?

Answer. I am of Opinion, That all Lands he shall purchase, will descend to his Children, as the Lands of other Subjects will, and not be forfeited to the Crown.

III. *Quere.* If he procures Letters of Denization, whether he may then purchase, and enjoy Lands in Fee?

Answer. I take it Letters of Denization will not put him in a better Condition as to his Capacity of purchasing Lands, than he is in already by his being born a Subject to the Crown of *Great Britain*.

Lincoln's Inn.

ROBERT RAYMOND.
Feb. 23, 1718.

Quere. If a Subject of his Majesty born in *England*, or of free Denizens, being a *Jew*, may purchase Lands?

Mr LUTWICH. I do not know that in any of the Law Books, there is any Distinction made between a *Jew* Subject born in *England*, or made Denizen, and any other: and there being no Act of Parliament, that I ever heard of, for disabling *Jews* from purchasing Lands, I conceive that they may purchase in the same Instances, and with the same Capacity as Christians, or *Protestants*, may purchase.

Serjeant WHITAKER. I am of Opinion that a Subject of his Majesty born in *England* (though a *Jew*) may purchase, and hold Lands so purchased in *England*; and I am of Opinion, A free Denizen, after

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he is so made, may also purchase, and hold Lands by him purchased, though such Denizen be a *Jew*.

Mr TALBOT. I am of Opinion that he may purchase—Purchases by *Jews* are not frequent, but I do not know any Law which renders them incapable of purchasing upon Account of Religion.

Mr KETTELBY. I am of Opinion, That a *Jew* born in *England*, or being an Alien born, if he be denized by Letters Patents, or naturalized by Act of Parliament, is as well qualified to purchase Lands, and to hold, and enjoy them, as any other Subject whatever.

T. REEVE. I know of no Law that hath made *Jews* incapable of purchasing Lands; and am of Opinion, That a *Jew*, that is a natural-born Subject, or naturalized, or made Denizen, may purchase Lands.
February 27, 1723.

C. WEARG. I do not think there is any sufficient Foundation for the common Notion that *Jews* are not entitled to the same civil Rights with People of other Religions: I apprehend while they are Aliens, they are subject to the Incapacities of Aliens; when they are made Denizens, or if born in *England*, they are entitled to the same civil Rights with Persons of other Persuasions, that are made Denizens, or born in *England*.

March 2, 1729.

To these might be added the *unanimous* Opinions of many eminent Personages now alive, each of whose Judgments any Man would rely upon in Matters of Property, were it convenient to mention their Names,

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AND now, Sir, give me Leave to ask, What can any reasonable Man desire more? Will he say, That this is not Evidence enough? I cannot persuade myself that he will: But if he should—Why then we have much more to produce: For though the Authority of Lord Chancellors, Lord Chief Justices, Kings Attorneys General, Kings Counsel, and other Sages of the Law, is very great;—yet the Authority of Public Charters, and Acts of the Legislature, is still greater: And to this shall be made the next Appeal.—

ONLY let me beg Leave to offer one previous Remark, concerning the Consequences of the present Dispute; for this Contest is of a Nature so extensive and important, that every Briton in the united Kingdom is deeply interested in the Event: It is a Contest, whether a certain Number of his Majesty's Subjects, Natives of *Great Britain*, who have been used, taken, and accepted as *Freemen of the Realm* in all Transactions *public* and *private*, for near an hundred Years last past, shall now be stripped of their Liberties, *so long enjoyed*, and deemed abject Slaves and Vassals?—And whether their Estates, and Possessions of every kind, * *computed at five Millions sterling*, are forfeitable to the Crown, and seizable at Pleasure? This is the Dispute.—And the Advocates for taking so *bold a step* do not pretend to say, that the Legislature hath granted any new Powers to the King for doing so:—but that he hath an old inherent Right over their Lives and Fortunes, by virtue of the Royal Prerogative, as it stood five hundred Years ago. For it seems the Prerogative is of such a Nature, that no Change of Time, no Alteration of Circumstances, can abridge or alter it. Good Heavens! Is this possible! And could any Minister

* See a Tract, entitled, *Farther Considerations on the Act to permit Persons professing the Jewish Religion, to be naturalized by Parliament*, Page 35.

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ter be so *audaciously wicked*, as to propose to begin to enslave a free Country by such a thin Disguise, so poor a Pretence! — No, Sir, the Minister did not propose it:—His Majesty has given the Nation sufficiently to understand, that he *rejects* such a Proposal with that *honest Indignation*, which is worthy of a King ruling over a free People;—And all the Friends of this mild, legal, and happy Government, protest against it in the most solemn Manner.—Who then did propose it? Why, Sir, the pretended *Patriots* did propose it: And those Gentlemen, who are pleased to call themselves the *Country Interest* do still propose it. They are the Men, and they only, that are for reviving *obsolete Claims* of the Prerogative, and subjecting Life, Liberty, and Property, to the absolute Will and Pleasure of the Crown, without Judge or Jury. However, before we tamely give up our Liberties, let us see what can be said in Vindication of them. Let us remember the Maxim, *Principiis obsta*; “resist the Beginning of Slavery, and the first Advances towards arbitrary Power.”

I. Now first, we have to observe, That even the Crown had divested itself long ago of any Right or Title to the Exercise of this boundless Power. For the same King *John*, who granted our *Magna Charta*, granted also a Charter of Rights and Liberties to the *Jews* in the following Words.

“JOHN, by the Grace of God, &c. Know ye,
“ That We have granted to all the *Jews* of *England*
“ and *Normandy*, freely and honourably to reside
“ in our Dominions, and to hold of us all those
“ Things, which they held of King HENRY, the
“ Grandfather of our Father; and all those which
“ they rightly hold in Lands, Fiefs, Mortgages,
“ and Purchases; and that they shall have all their
“ Liberties and Customs, as they enjoyed them, in
“ the Time of the aforesaid King HENRY, Grand-
“ father

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“ father of our Father, *even better, more quietly*, and
“ honourably, &c.”

Now, Sir, judge you, and let every Reader judge, what *legal Right*, after the granting this Charter, had any * King of *England* to treat the *Jews* otherwise than a *Free People*; a People to be *protected* by the Royal Prerogative, not *enslaved* by it? For if Regal Grants and Charters may be legally vacated, whenever the King pleases, I should be glad to know, what Security will remain in future Times, that this same Doctrine, now levelled at the *Jews*, may not be turned on us, or our Posterity? This truly is an interesting Point, and deserves Attention:—And let me farther observe, That the Charter granted to the *Jews*, is equally clear and explicit with our *Magna Charta* †:—Not to mention that it

was

* In this Charter to the *Jews* the King did not mention his *Heirs and Successors*: But these Words are not necessary for constituting the *perpetual Validity* of a Charter; there being thousands of Royal Grants, Public Instruments, Letters Patent, and even Acts of Parliament, binding the *Heirs and Successors* of the Prince on the Throne, *without* naming them.

† The great and essential Difference between the *Magna Charta*, and the Charter granted to the *Jews*, consists in this,—That the *Magna Charta* was not an *Act of Grace*, but a Matter of *legal and constitutional Right*: For the Liberties and Privileges contained in it, are little more than a solemn Confirmation of the Rights of the Subjects, as they subsisted by Virtue of the Common Law of the Realm, and the old Anglo-Saxon Constitution before the Conquest.—Whereas the Charter to the *Jews* was a *mere Gift*, and Matter of *Favour*; because, as I have already set forth, the *Jews* were antiently considered as the sole *Property or Patrimony of the Crown*: Yet when a Grant is once made, it is not revocable at Pleasure. For as the King has then so far parted with, sold, or transferred his Property: It therefore follows, that this Grant must hold good against all Claims, or Pretensions of the Prerogative, till it is forfeited by a due Course of Law: otherwise, why was King JAMES at all to be blamed for seizing on the Charters of the City of *London*? And why may not every other Grant and Privilege be recalled, whenever it shall please the Prince, or the Minister, to do it? Strange, that such Doctrines as these should find any Countenance at this Time of Day!

was given FREELY and VOLUNTARILY, without Force or Compulsion; nay more, it was prior in point of Time, to the Great Charter, by the Space of about fifteen Years: So that the *Jews* themselves, by being at that Juncture Freeman of the Realm, *Liberi Homines Regni*, and possessing certain Rights and Liberties, were included in the Terms, and made a Part of the Magna Charta, and could not be disfranchised, but by a regular Course of Law.

II. HAVING thus therefore made it plainly to appear, That the *Jews* were once a *free People*, let us now enquire, Whether they were ever *legally and constitutionally* divested of their Liberties. Now by the 29th Chap. of Magna Charta (according to Lord COKE) or the 46th (according to RAPIN) it is expressly provided, That no Freeman of the Realm shall be banished by any Stretch of Power, or Pre- tence of Regal Prerogative. By what Law then, or Course of Justice, came the *Jews* to be banished the eighteenth of EDWARD I? Perhaps you have heard it confidently asserted, that they were banished by the Authority of Parliament:—But this is a grand Mistake; and no such Act hath ever yet been produced.—For it is not in the Statutes at large;—It is not to be found in any of the great Authors, who treat of the Law;—Nor can those who would be glad to find it among the Rolls of Parliament, discover it there. Nay more, the famous Statute *de Judaismo* made at this very Juncture (so often quoted in this Dispute, and so little understood) doth not expel the *Jews* at all, but only prevents their taking Usury. And Lord COKE is so far from saying, That they were expelled by Parliament, that he thinks, even the King did not expel them: But that the *Jews* finding themselves deprived of their usual Gains by Usury, “made Petition to the King, that
“ a certain Day might be prefixed to them to depart
“ the

“ the Realm, to the End that they might have the
“ King’s Writ to his Sheriffs for their safe Con-
“ duct.” See the Second Institute, Page 507.

BUT even supposing that the King had ordered them to depart the Realm, (which indeed seems to be the more probable Opinion) the Question now is, What *legal* Right had he for so doing?—And if he had not, then the Charter, as set forth, as it is not altered by subsequent Customs, and the Laws of the Realm, is still a *valid Charter*,—at least it is valid against any Pretensions of the Crown, which is all that I am now contending for.

III. BUT I will now allow even more than can possibly be proved, *viz.* That the *Jews* in King EDWARD the First’s Time, were declared by Parliament to be the King’s absolute Slaves and Vassals; and will add, if you please, that they were expelled the Kingdom by an Act of the whole Legislature now extant.—Yet what Conclusion can be drawn from hence, relative to the present Case, at this distance of Time, and under such a *total Change* of Manners, Customs, Circumstances, and National Policy?—Surely one would hope, that the Gentlemen on the other Side the Question are not so ignorant as to talk after this Rate. But if they are, it is proper to let them know, that long and uninterrupted Customs will, in many Cases, invalidate the Penalties of the strongest Acts of Parliament that ever were made; especially if these Customs have an evident Tendency to promote the National Welfare and Prosperity. Nay, they are found to do so, even where they are plainly detrimental to the Public Welfare; of the Truth of which, take the two following as *sufficient* and *sad* Illustrations.

First, The Magna Charta expressly says, and several other Statutes confirm the same under divers

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Penalties,

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Penalties, "That there shall be but *one Measure used throughout all the Land*;" yet, you know, the Custom is different, widely different. Neither can any Man venture to commence a Prosecution against the Offenders, though he hath all the Statutes of the Realm plainly on his Side.

Secondly, All Grants of Monopolies and exclusive Privileges, subsequent to Magna Charta, are expressly contrary both to the Spirit and Letter of that famous Statute; and they are likewise repugnant to the Common Law of the Realm:—And yet, what shall we say of three Parts in four of the exclusive Privileges now subsisting, all granted since that Period? Are they valid, or are they not? Particularly let the Case be put in respect to the *Hudson's Bay* Charter; for this was granted by the very same Prince who recalled the *Jews* into *England*, I mean King *Charles II.* and is of a subsequent Date to many of his Letters of Denization, granted to Alien *Jewish* Merchants.

I SHALL now present you with one or two remarkable Instances of a better Sort, *viz.* where salutary Customs have prevailed over bad Laws.

AND *First*, By the Statute *De Judaismo*, before mentioned, no Interest was to grow due for any Sums of Money lent by a *Jew* to a Christian; and this Statute remains still unrepealed, at least as far as concerns *private* Property:—yet will any Man be so weak as to imagine, that if a *Jew* lends him Money upon Bond, the *Jew* cannot recover the *legal* Interest specified in the Bond? If he thinks so, he will find himself egregiously mistaken, and would make a very foolish Figure in the Courts of Justice.

BUT *Secondly*, We will come to Times nearer to our own, by at least 200 Years, and take our Example from no less a Place than the City of *London*. For the Inhabitants of that great City were pleased

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to bring a lamentable Bill of * Complaint (these are their own Words) against "Merchants Strangers, and Strangers Handicrafts-men, *viz.* That by the great Resort of Strangers Handicrafts-men to the said City, great Portion of Corn and Victual, grown and bred within this Realm, was daily consumed.

"ALSO, that Merchants Strangers did take Warehouses and Cellars, and therein put their Wares and Commodities:—And the same Merchandises and Wares they then sold to all manner of People.

"ALSO, they did buy the Commodities of the Realm, and sell the same again at their Pleasure.

"Moreover, the said Merchants, nothing pondering ne dreading the good Statutes heretofore made against these Things, ne the Penalties therein contained, did likewise buy, in divers Places of this Realm, a great Quantity of Wool, and Woollen Cloth, and other Merchandise of the King's Subjects:—And much of the said Wool they did deliver to Cloth-makers, thereof to make Cloth at their Pleasure.

"LASTLY, by their subtil Devices, they did send and convey over the Sea, Bacon, Cheese, Powdered Beef, Mutton, and other Commodities of this Realm.

"By all which Means the King's liege Subjects were sorely impoverished, minished, and almost utterly decayed and destroyed; and many of them, for lack of Occupation, were constrained to live in Idleness: By Occasion whereof they became Thieves, Beggars, Vagabonds, and People of vicious Living; and continually fell into Theft, Murder, and other great Crimes; and so were put to Death in great Numbers by the Laws of this Realm." D 2 These

* See the First Volume of the Statutes at Large, 1st RICH. III. Chap. 9. and the 21st of Henry VIII, together with the Decree of the Star Chamber, in consequence of the *London* Petition.

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These were some of the Heads of divers Petitions of the City of London; and, to complete the Farce, the Petitioners obtained several enacting Clauses to prevent such mischievous Foreigners from bringing the like Evils upon *Old England* for the future.

However, I am informed there is one *Franco*, not only a Foreigner, but a *Jew*; “ who not pondering
“ ne dreading the Penalties contained in these *hope-
“ ful* Statutes, is guilty, in the first Place, of caus-
“ ing a great, nay, a prodigious Portion of Corn
“ and Victual, grown and bred within this Realm,
“ to be daily consumed.—He also taketh Ware-
“ houses and Cellars, and therein doth put his
“ Wares, even Raw Silk, Cotton Wool, *Spanish*
“ Wool, Goats Hair, and *Carmenia* Wool, Drugs,
“ and Dye Stuff:—And the said Wares he doth sell
“ to Silks Weavers, Clothiers, Dyers, and all Man-
“ ner of Manufacturers.—Moreover, he doth buy
“ great Quantities of the Commodities of this
“ Realm, particularly Woollen Cloth in vast abun-
“ dance, and doth subtilly convey the same over the
“ Sea, even to *Turky*, by Way of *Leghorn*, to the
“ great Displeasure of the *Turky* Company: By rea-
“ son whereof, the said Company be sore impover-
“ ished, minished, and brought to great Decay.
“ Lastly, he hath been guilty of introducing a new
“ Species of Stuff Manufacture into this Kingdom;
“ so that he hath caused great Quantities of long
“ *English* Wool to be delivered to Wool-Combers
“ and Stuff-Makers, thereof to make Stuffs at his
“ Pleasure: And all the said Stuffs he hath wickedly
“ sent to *Spain*, and yearly bringeth Home great
“ Quantities of Money, *Cochineal*, and *Spanish* Wool
“ in return.”

Now, Sir, for the Comfort and Satisfaction of those worthy *public-spirited* Gentlemen, who subscribed the *London* Petition against admitting this Foreign

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Foreign *Jew* to be free of the **Turky* Company, and to import Raw Materials without paying Alien Duty:—I say, for their peculiar Satisfaction, it shall be proved upon this wicked Foreign *Jew*, that he hath been guilty of all these high Crimes and Misdemeanors; so that they may have Recourse to Informations and Prosecutions as soon as they please.—And they will then see which will prevail,—their obsolete, absurd Statutes; or a long uninterrupted Custom, for near an hundred Years last past, and still growing,—and greatly to the National Advantage.

THUS far, Sir, I am willing to proceed, even upon a Supposition that the *Jews* were formerly expelled by the Authority of Parliament, and that such an Act of the Legislature could now be produced;—and though I know this is not in the Power of my Antagonists to do, yet I grant all that they can ask;—and let them make the most of the Concession.

IV. WHEREFORE, let us now see how the Case stood at the Restoration.—The *Jews* having departed out of the Realm in the Year 1290, or being expelled by the Authority of Parliament, (it matters not which) made no Efforts to return, till the Protectorship of *Oliver Cromwell*; but this Negotiation is known to have proved unsuccessful. However, the Affair was not dropped; for the next Application was to King *Charles* himself, then in his Exile at *Bruges*, as appears by a † Copy of a Commission, dated the 24th of September 1656, granted to Lieu-
tenant

* See the former Letter, on the Privileges and Advantages granted by Naturalization.

† This Paper was found among the original Papers of Sir *Edward Nicholas*, Secretary of State to King *Charles* I, and II, and was communicated to me by a learned and worthy Friend, who hath been lately honoured with much Abuse and Scurrility for having done Justice to the Life and Character of one of the best Men this Country produced, the Glory of our Church and Nation.

tenant General *Middleton*, to treat with the *Jews* of *Amsterdam*: "That whereas the Lieutenant General had represented to his Majesty their good Affection to him, and disowned the Application lately made to *Cromwell* in their Behalf by some Persons of their Nation, as absolutely without their Consent; the King empowers the Lieutenant General to treat with them;—That if, in that Conjunction, they shall assist his Majesty, by any Money, Arms, or Ammunition, they shall find, when God should restore him, that he would extend that Protection to them which they could reasonably expect, and abate that Rigour of the Law which was against them in his several Dominions, and repay them."

Now it appears from this Commission, that the King thought (or else pretended to think, in Order to make a greater Merit of the intended Favour) that the Laws of his Realms were very severe against the *Jews*: whereas in Fact, this was a great Mistake, at least as far as *England* is concerned. And the Sequel shewed, that after his Restoration he perceived his Error: For though he did every Thing to oblige the *Jews*, he repealed no Law against them, because indeed there were none extant; but he granted several of them Letters of Denization, and encouraged their Settlement;—nay, he inserted a *non obstante* Clause in these Letters to free them from paying *Alien Duty*, which indeed he had no legal Power to do. For the City of *London* (ever watchful over Things of this Nature, as you may see in my historical Account of Naturalizations, and ever for *cramping* and *confining* the general Commerce of the Kingdom) had caused a Law to be passed, as far back as HENRY VII's Time, to disable the King from dispensing with the Payment of these absurd Duties, so great a Clog to all our Trade and Manufactures,

factures, such an Impediment to Navigation, and a general Discouragement to National Industry.

BUT to proceed—Thus you see, that the *Restoration of the Royal Family of the Stuarts*, is likewise to be considered as the *Restoration of the Jews* into *Great Britain*. And how did they behave on their first Arrival? Did they sculk about as Convicts returned from Transportation? Did they betray any Fear, or Apprehension, that they had transgressed the Laws of the Land in coming over? No; they appeared openly, and conversed publicly, as Merchants of the Kingdom. And no Man so much as proposed to revive those antient Courts of Judicature belonging to them in their Vassal State, when they were before in *England*:—Yet this, if ever, was the Time for doing it.

V. A FEW Years after the Restoration, an Act was passed to naturalize Persons of all Religions, and all Countries, who should employ themselves only for the Space of three Years in any Branch of the Linnen, Hemp, or Tapestry Manufactures. And as there were no Restrictions, or Limitations in regard to Civil or Military Offices, &c. then subsisting, all Christian Foreigners, by virtue of this Act, might have attained to the highest Places and Posts in the Kingdom. This, I confess, I can by no Means approve of; because it was giving them a Power that they ought not to enjoy. For there is a wide and essential Difference between the Right of living in any Society as *peaceable* and *quiet* Subjects,—and the being made *Governors* and *Rulers* in that Society. However, even the *Jews* might be naturalized as *private* Subjects by virtue of this Act passed the 15th of CHARLES II. Chap. 15. to all Intents and Purposes;—nay, to a much higher Degree than the present Bill, against which so great a Clamour hath been raised, permits or allows them.

VI. AND moreover, in the Reign of Queen ANN, the Legislature were so far from believing that the *Jews* and all their Effects were the Property of the Crown, that they thought it necessary to make a Law to enable the Crown to oblige such *Jews*, whose Children might turn Protestants, to allow them a reasonable and competent Maintenance. Nay, the Lord Chancellor, (who is the first Servant of the Crown, and acts in the King's Name, and by his Authority) is not authorized to proceed even thus far, till a Complaint is first brought: and then "it shall and may be LAWFUL for the said Lord Chancellor to make such Order therein for the Maintenance of such Protestant Child, as he shall think fit." See the Act, 1st of Queen ANN, Stat. I. Chap. 30.

Now, Sir, what can any Man say to this? Did the Legislature then apprehend, that the Crown had an absolute *inherent* Right, over the Lives and Properties of the Jewish Subjects?—No: It is plain they did not;—otherwise, why did they pass this Law? Why did they say, It shall, and may be lawful to do ONE THING, when it was lawful before for the Crown to do every Thing?

VII. AGAIN; In the tenth Year of his Majesty King GEORGE I. an Act was passed to dispense with the Words in the Oath of Abjuration, upon the true Faith of a Christian, in favour of the *Jews*. It is observable, That this Oath can seldom be administered to a Native *Jew*, but upon Occasion of his voting for a Member of Parliament, either as a *Freeholder*, or a *Burges*s, or on Account of his serving some *burdensome Office*, where the Qualifications of the Sacramental Test is not required. "And this dispensing Clause was passed after the chief Lawyers in the Nation had given their Sentiments to the House of Commons on this Point."

VIII. To

VIII. To proceed; By an Act made the 13th of his present Majesty, Chap. 3. all foreign Seamen of what Religion or Country soever, by serving two Years on board his Majesty's Fleet, or in Merchant-Men, during the War, or in any future War; were naturalized *ipso facto*, without taking the accustomed Oaths. Now as this Act extended to the *Jews**, as well as Christians, the Question is, What did the Legislature mean by naturalizing these foreign *Jews*? Why truly, if some Gentlemen are now to be believed, they meant to put them in the same Condition, with the natural-born *Jews*; that is, after serving this Kingdom for the Space of two Years, at the Risque of their Lives abroad, they were then to be rewarded on their Arrival, with the mighty Privilege, and most desirable Blessing of — being made Slaves at Home!

IX. ONCE more; There was another Law made the same Sessions, whereby such Persons as would reside, or had resided in any of his Majesty's Colonies, for the Space of seven Years, should afterwards receive the Benefit of Naturalization: And the Preamble takes Notice, among other Things, that the *Lenity* of our Government, the *Benefit* of our Laws, and the *Security* of our Property, might induce Foreigners to settle in our Plantations; which if they did, or had done for the Space of seven Years, such a Residence should entitle them "to be deemed, (these are the Words of the Statute) adjudged and
E " taken

* Sir JOHN BARNARD, to his Honour he it spoken, was the Author and Father of this public-spirited Bill for naturalizing Foreigners of all Countries, and all Religions, without obliging them to take any sort of Test *Civil* or *Religious*. For he moved for bringing in such a Bill, he was first named in the Committee, and carried it to the House of Lords for their Concurrence. And yet with regard to the Naturalization of *Jews*, who might have taken the Benefit of this Act, the Considerations arising from Religion and Conscience, the Nature of Prophecies, the Tenor of Christianity, and the *supposed* Command not to incorporate with Infidels and Blasphemers, were then as cogent as now.

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“ taken to be his Majesty’s natural-born Subjects of this Kingdom, to all Intents, Constructions, and Purposes, (excepting the usual Clause of Civil and Military Offices, &c.) as if they and every of them had been, and were born within this Kingdom.”

Now till the World was blessed with some late ingenious and learned Commentaries on our Laws, and Constitution, we were all so far mistaken, as to imagine, that this Law was really of some Advantage to the Foreign *Jews*: For every Merchant of any Consequence in the Kingdom, and every junior Clerk in the Custom-house, knew full well, that Certificates were frequently sent over from the Colonies, to exempt such and such *Jews*, as had complied with the Terms of the Act, from paying Alien Duty; and these *Jews* were thought to be in such a State of Liberty and Freedom, that they might purchase Lands of Inheritance either in the Colonies, or in *Great Britain*, as they were inclined. But, Thanks to these Gentlemen, we are now grown wiser, and can tell, That the *Naturalizing* Foreign *Jews* means the *Enslaving* of them; and that the Words in the Act, *As if they and every of them had been born within this Kingdom*, signifies, * “ There is no Distinction between *Jews* born within, or without the King’s Dominions; for they are both equally the Property of the Crown.” O happy Explanation! What a Pity is it, that these eminent Lawyers do not go on with their enlightening Commentaries, and give us a Specimen of their Talents on the *Magna Charta*, and the Bill of Rights! But since we are now upon the Scheme of making Commentaries, and giving Explanations, I will endeavour to *comment* myself upon the Actions and Behaviour of certain Gentlemen, that by their Fruits you may know them.—In the Year 1740, when the

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* See a Speech in the *London Magazine* for July, 1753, Page 318: And the Answer to the *Considerations*, &c. Page 11 and 12.

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above Act was passed in Favour of the *Jews* residing in our Colonies, some of these *most Christian Gentlemen* were then Members of the House of Commons — Yet at that Juncture not a Word was said, either by them or others, that this Law was repugnant to the Profession of the Christian Faith or Doctrine, (though an Alteration was expressly made in the Oath of Abjuration, for accommodating it to the Principles of the *Jews*, the Sacramental Test was dispensed with; — and an Alteration made in it in favour of Protestant Dissenters; yet for all this) there was not any Objection started on the Score of Religion, no Dangers, no impending Judgments were denounced, or apprehended:—Whereas, methinks, if Religion is at all concerned, it is as much concerned to prevent the *Jews* from settling among our Fellow Christians, and Fellow Subjects in *America*, as in *England*; and if the Naturalizing of the *Jews* is the calling them together, instead of keeping them a *dispersed People*, why were they called together to settle in *Jamaica*, or in any of our Colonies; Places that can serve them more safely than *Great Britain*, for a general Rendezvous, and where they can with the greater Ease, throw off the Yoke, and set up for themselves? But, perhaps, you will say, These Gentlemen have two different Gospels, one for *America*, and another for *Old England*: And indeed thus much we shall allow, That when the Church, or Religion, Christianity, or the Prophecies, cannot be made a Watch-Word to rouse the Populace, then the holy Zeal, the Piety, and Christianity of these Gentlemen, and all their Confederates, lie dormant likewise.

MOREOVER, if the Naturalizing of one or two Foreign *Jews* is so bad, so irreligious, nay, so anti-christian a Measure, what must the general Permission be, which the *whole Hebrew* Nation hath to trade in the Funds, and to deal in our Stocks? For this is literally a calling or collecting them together,

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because

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because the Funds are the very Things which the *Jews* principally trade in; and there are no Funds in other Countries so large and secure, with Transfers so easy, safe, and expeditious, as our own: Whereas they can purchase Lands in almost any Country. —And yet not a Word was said, no Petitions, no Instructions, were ever sent from Town or Country to oppose this diabolical and antichristian Practice: so that the *Jews* are incorporated by Law with our Christian Stockholders, and have at this Day at least 2000000*l.* in Government Securities. How then shall we account for these Things? There is but one Way, and that is the true one, *viz.* That as the Populace are ignorant of the Nature of Stocks, and have no Property in the Funds, it would answer no Ends to set up a Cry, *No Jew Stockholder!* which none would follow, or echo back.

HOWEVER, one Thing has been broached by the Persons concerned in raising the present Clamours, which may, in its Application, be of great Use to this Kingdom; it is the ample Detail they have given of the excessive Usury and monstrous Extortion of the *Jews* in former Times: For our Princes only used them as *Spunges*, to suck up the Treasure of the Nation; and then, when they had a Mind to *squeeze them dry*, they let loose the popular Odium and Fury upon them. This is the true State of the Case, and such was the Origin of all their Sufferings. They were first supported with an high Hand, in order to get *rich*; and afterwards, their very Riches were made the Cause of Complaint, and became their Ruin and Destruction. Thus they fell unpitied; and the People rejoiced at the *illegal* Resumption of their Rights, Liberties, and Privileges, instead of endeavouring to cure the Origin of the Evil, and of entering into a new and better System of National Police, in order to prevent the like Grievances for the future. For it must be observed, that both Church and State had in those Times enacted several

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concerning NATURALIZATIONS. 37

ral * foolish absurd Laws, that no Christian should lend Money upon Interest, grossly mistaking the Meaning of the Scriptures on that Head. The necessary Consequence of which was, that the *Jews* had the Monopoly of Money in their own Hands, and could make a Prey of the Kingdom at their Pleasure, *just as our exclusive Companies do now.* But surely the great Champions for these Exclusions will, it is to be hoped, from henceforwards, be less zealous in their Defence; they will act a more consistent Part, than to condemn the *Jews* for their Extortions, and yet justify the Christians for the like Practice. For, let me ask, did the *Jews* ever receive a greater Profit than the *Hudson's Bay Company* have done? Did they exact as much? No. It is notorious, they did not exact a *fourth Part* as much as this Company have done on several Articles; and yet it is equally certain, that the Risque of the *Jews*, of losing both Capital and Interest, during the Reigns of our *Johns, Henries, Edwards, &c.* and

* THE great View of the divinely inspired Legislator, MOSES, seems to have been, to turn the Principle of Self-Love into such a Channel, *that it should always operate for the Public Good.* And indeed, this ought to be the sole Aim of every Government, if either good Morals, or National Prosperity, are expected. Now MOSES, in settling the Property of the Land of *Canaan*, seems to have kept the happy Medium between an absolute *Agrarian Law*,—and an unlimited Monopoly of Land; and therefore he allowed the *Rich* and the *Industrious* to purchase from the *Poor* or the *Idle* for the Space of 49 Years, and no longer; the Consequence of which was, that *personal Industry* received a sufficient Encouragement, at the same Time that an effectual Guard was placed against the Laziness and Luxury of an *over-grown* Fortune. But this excellent Scheme would still have been eluded, had the *Israelites* been permitted to lend Money to each other upon Interest; because it would have proved the same Thing in Fact, whether the paternal Estate was *bought for ever*, or *mortgaged for ever*. He therefore ordained, that they should not take Usury, or Interest, one of another. This is the true Reason for that remarkable Prohibition. But the Clergy and Laity of the Times we are now speaking of, as little understood it, as the Author of *The Answer to the Considerations* understands the *plainest Text* in the New Testament. See his Quotations from Scripture, Pages 14, 15, 16, and 17, which are not to be equalled; except perhaps by GEORGE FOX.

and the Expences they were continually at, to buy the Favour and Protection of the Crown, were immensely great.—In short, any Merchant at this Day will ensure a Ship, both to and from *Hudson's Bay*, at a much less Premium, than he will a Sum of Money, lent to some great Lord or Castellan of *Poland*. Now, what the Castellans of *Poland* are at present, our Barons were formerly; and it appears, both from our Statute Books, and from other Records, that they would scarce ever pay their Debts, till they were obliged by Dint of Arms; which, by the Bye, may serve as another Reason, why the *Jews* were formerly under the immediate Protection of the Crown. For when any Sums were due to them, it was impossible for them to get Redress, without Military Assistance; and therefore the King demanded the Debt as his own Property. *Quod si quisquam detinuerit eis Pecuniam suam, perquirat Rex, tanquam suum Proprium.* And as to Foreign Merchants and Traders, they made the same heavy Complaints with the *Jews*, about the Badness of their Pay-masters: But they, especially the *Italians*, could have Recourse to a powerful Advocate, which the *Jews* could not; I mean the Pope. For there are many Letters in *Rymer's Fœdera*, exhorting the good People of *England* to pay their Debts; and one in particular, Vol. I. Page 670, wherein Complaint is made to his Holiness against certain Archbishops, Bishops, Abbots, Priors, Chapters, Conventions, Communities, Dukes, Marquisses, Earls, Countesses, Barons, Knights, Burgeses, and other Persons of the Clergy and Laity of *England*, *Scotland*, and *Ireland*, for receiving divers Sums of Money, and Quantities of Corn, Wine, Wool, and other Merchandize; yet when the Time of Payment came, they refused to make any Satisfaction. Therefore he orders the Archdeacon of *London*, if they refused to obey this Summons, to excommunicate their Persons, and put their Estates and Territories under an Interdict;

Interdict; using the accustomed Forms of tolling the Bells and lighting Candles.

These were the Times of glorious *Old England*: But what are these Times to us? And doth any Man now make a Complaint against the *Jews* for taking an higher Interest than their Neighbours?—No;—The Complaint, if at all, is on the contrary Side; viz. that by pouring in such vast Sums of Money from Abroad, they have lowered the National Interest—A Crime, which every Man who loves his Country will readily forgive.

BUT it seems, though we have not these Complaints, we must and will have some others. For certain Gentlemen, who have penned Addresses in News-Papers, Instructions to Members of Parliament, Petitions, and the like, are pleased to make very free with the Judgments and Visitations of Almighty God on this Occasion. They scruple not loudly to complain, that we shall draw down the fiercest of the divine Wrath and Displeasure on this Nation for admitting the *Jews* to reside and trade, (or, as they would rather have it, to *incorporate*) among us. For it is pretended, that by so doing, we become Partakers with them in their Impieties, and shall have the same Sentence passed and executed upon ourselves, of becoming a Reproach in the Earth, a fugitive and vagabond People.

Now if all these Evils are to arise from granting a Permission to the *Jews* to reside in this Country, while they continue quiet and peaceable Subjects, these Gentlemen ought to be reminded, that this is a Permission which did always subsist by Law, for the *Jews* were never legally expelled. They should likewise recollect, that the Restoration of the Royal Family of the *Stuarts* was attended with the Return of the *Jews* into Great Britain; and that Lord Chancellor CLARENDON granted to many of them Letters of Denization under the Great Seal. Now as this is
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near an hundred Years ago, let me ask, What remarkable Judgments have fallen upon these Kingdoms, since that famous Occurrence. Have we had more of the three great Scourges of Heaven, the Sword, Famine, and Pestilence, than in former Times? Are there more Calamities, more Distresses, more bad Seasons, (not forgetting the remarkable Spring, Summer, and Autumn of the Year 1753, when the *Jew* Bill was passed) than commonly used to be? Nay, let those Gentlemen produce, if they can, any Period in the History of this Country, when there have been so few; or when there was more Wealth, Health and Plenty, Happiness and National Prosperity.

MOREOVER, as to *Spain* and *Portugal*, what signal and distinguishing Blessings hath Heaven conferred upon the Inhabitants of those Countries, for their Zeal and Piety in extirpating this accursed Race? For they indeed have *literally* no Fellowship or Concord with the *Jews*: They do not bid them *God speed*; but send them, as they imagine, flaming to the Devil: And yet wherein doth it appear, that they are become the Darlings and Favourites of Heaven by these Means? In short, Sir, one is tired with confuting these Absurdities; and it is really shocking and greatly offensive to all sincere Christians, to see with what *Boldness* and *Blasphemy* these Men have perverted the Language of Holy Scripture, without Regard to Circumstances or Context, and tortured its Meaning for the vile Purposes of supporting a *sinking* Faction against the next general Election.

BUT, above all, since these Gentlemen are so sure that this Nation will be *curst* for Naturalizing the *Jews*, why must these Curses so particularly attend the Purchasing of a Piece of Land, Merchandizing without paying Alien Duty, and obtaining the Freedom of the *Turky* Company? For it is now
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confessed on all Hands, that the Powers of Naturalization extend no farther; and surely there are many *National Sins and Vices* full as *black* as any of these.—Therefore the Public has a Right to call upon these Gentlemen, to shew what PARTICULAR INIQUITY is there in *these Things*, above any others, thus to draw down the hottest Displeasure of Almighty God?—Indeed, if certain Heads of Faction, if Bigots, if Monopolists had the Disposal of the Thunderbolts of Heaven, I should not wonder that they were *levelled* at every Man who was truly and rationally a Christian, a Friend to his Country, and useful to Society: But,—why they should think that the Divine Being is like themselves, that his Thoughts are as their Thoughts, his Ways as their Ways,—this remains yet to be explained.

The first *Christian Emperors* were of very different Sentiments from our modern *Zealots*; for they were not apprehensive that their tolerating the *Jews*, and granting them even much greater Privileges than they *can* receive in *England*, would be attended with any fatal Effects of Divine Vengeance. Nay, the Fathers of the Primitive Church expressed themselves on such Occasions, as if they thought it for the Honour of Religion, and the Advancement of Christianity, that the *Jews* should be kindly and benevolently treated. “TANTUM scilicet (saith *Grotius*, “*De Imperio Summarum Potestatum, circa Sacra*, Cap. “XV.) Imperatores Christiani *Judæis* largiti sunt “ob primordiam Veritatis, & spem futuræ Conversionis; ut antiqui Patres de eisdem loqui amant.” That is, “So great Privileges did the Christian Emperors bestow upon the *Jews*, by reason that the “true Religion began first among them, and in hopes of “their future Conversion; as the ancient Fathers love “to speak of these People.”

INDEED thus much is certain, that kind Usage is the only reasonable and justifiable Way of making
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Converts : Nay, if it was indifferent which Course was taken, Experience hath fully proved, that Persecution and ill Treatment, (and surely the proposing to make People *Slaves* is some of the worst of Treatment) do not work any Conviction upon the *Jews*; therefore, if the natural Branches are ever to be grafted again into their own Olive Tree, as the Scripture assures us they shall be,—and if the Dispersed among the *Gentiles* are to be brought Home to the Christian Fold, so that there may be one Flock under one Shepherd,—How is this to be effected? By Christian, or Antichristian Measures? Surely one would think, it is impossible to make a Doubt of such a Matter. Besides, since the general Conversion of the *Jewish* Nation must begin *somewhere*, and none can tell *how soon*, why should we endeavour to prevent its *Beginning* here? Why should the Members of the Church of *England*, the *Glory of the Reformation*, be the last to bring back the *ancient People of God*?—It is really true, that the *Jews* are prejudiced, and justly prejudiced against the Church of *Rome*, because of its manifold Idolatry and *persecuting* Spirit; but if they saw the Christian Religion *truly* professed and *conscientiously* practised in a *Protestant* Country, there might be a well-grounded Hope, that they would then acknowledge the true Messiah, who is *already come*, *God, blessed for ever*, and not look for another.

LET me add likewise, that this is the properest Way for *Us Christians* to prove the *Orthodoxy* of our own Faith, and the *Purity* of our Morals; and not to go about to propose Religious Tenets, however sound and orthodox, as the *Civil Tenure*, whereby a Man is to hold his Life and Fortune. For this, I am sure, is neither Law nor Gospel;—nor was ever heard of till the present Juncture. For when an *English-born* Subject takes to his Estate, or makes a Purchase, doth he make any Declaration of his Faith, sign any Articles of Religion, or take any Test
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whatever? No;—He doth not; nor is it ever enquired into, whether he is of *any*, or *what* Religion upon such Occasions. As to the Affair of Offices, *Religious, Civil, or Military*, they are not Estates, they are not of *private* Concern, but Matters of *Trust*, and of a *public* Nature, and require such and such *Qualifications* in those who are to *execute* them.

INDEED, if any Persons, even in a *private* Station, shall maintain, and broach such Opinions as are notoriously destructive of the Peace of Civil Society, and subversive of the Government under which they live, they may be punished in their Persons or Estates, according as the Legislature shall apprehend the Degree of Danger. Please to observe that I am wholly speaking of Civil Censures, not *Ecclesiastical*: and am considering the present Subject merely in a *Civil View*. Therefore, I say, it is for this Reason only, that the *Roman Catholics* in *Great Britain*, are under the Discouragement of a double Tax. They are not regarded as a *Sett in Religion*, but a *Faction* in the *State*, whose Interest and Inclination it apparently is, to support a *Pretender* to his Majesty's Crown. And whenever they can give such Security for their *Civil Behaviour*, as is agreeable to the Nature of our Constitution to admit of, I make no Doubt but they shall be put on the common Footing with other Subjects:—But if they should not, I shall, for my own Part, make no Scruple to say, that they are hardly, and unjustly dealt with.

BUT all this is nothing to the Case now before us; for if the *Jews* had even a temporal Messiah now in View, their Principles will not admit them to propose to set him up *here*: and the King suspects no Danger of any Rival of that sort to his Throne: nor do the Legislature believe at all, that this imaginary Messiah will ever appear to give them any Disturbance. How then can the Case of the Papists being *doubly taxed* be brought into this Controversy? Why truly

44 *A second* LETTER to a FRIEND, &c.

truly it serves to make a *Noise* and a *Flourish*;—yet even the Papists pay no Duty so absurd as the Alien Duty. But to proceed:—I cannot apprehend, what the Gentlemen who have raised these Clamours, can propose to themselves by making Orthodoxy the UNIVERSAL TENURE of Liberty and Property. For sure I am, that many of those who have appeared so strenuous in this Controversy, are sadly defective themselves in many *essential* Points of the Christian Faith, and Christian Practice. And though they appear at present as the *supposed* Champions for the Christian Religion, they would not choose to have their own Principles and Actions examined into on the present Occasion.

THUS, Sir, I have ventured to give you my Sentiments with that Impartiality which flows from the Heart of him, who has only Truth for his Object. I dedicate myself to no Party nor Faction, am no Apologist for what is *bad* either in *Jew* or *Christian*, and speak those *bold Truths*, which are grating to *designing Men* of all Parties. This Impartiality, my very Enemies, (if I have given Cause to any to be such) must allow and acknowledge.

As to the personal Abuse I have met with, or may meet with, 'tis my Disposition as well as my Duty to forgive it, and pray to GOD to forgive the Authors of it. I would only offer one Request to my severest Adversary, that before he condemns me, he would *coolly* read that divine Composition, Saint Paul's Epistle to the *Romans*, and then ask his Conscience, whether he is not really convinced, that this great Apostle, this *free-born Roman*, would have given his Suffrage, had he been a Member of the *British* Legislature,—FOR the late Bill:—I draw no Inferences, but remain, Sir,

Your most Humble Servant,

BRISTOL,
Nov. 13, 1753.

Josiah Tucker.