

**A HISTORY OF THE  
ESTABLISHMENT AND RESIDENCE  
OF THE JEWS  
IN ENGLAND: WITH AN ENQUIRY  
INTO THEIR CIVIL DISABILITIES**

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A History of the Establishment and Residence of the Jews in England: With an Enquiry into Their Civil Disabilities by John Elijah Blunt

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*From the Author.*

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## INTRODUCTORY REMARKS.

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WHOEVER has directed his thoughts to the consideration of the present state of the law, with respect to the Jews in England, must have observed that a considerable degree of doubt and uncertainty exists upon the subject.

Most persons appear to entertain the opinion, that the Jews labour under some disabilities; but of their nature and extent there are, probably, very few who can give any distinct or accurate account.

It will be the object of the following pages to remove, as far as possible, the uncertainty and difficulty by which this question is surrounded—to shew the former as well as the actual situation of the Jews in this country—and to point out the foundation and nature of the law, as it regards them at the present moment.

The peculiarity of the history of the Jews, as connected with our own, renders it necessary, for the purpose of coming to a certain conclusion upon their existing condition, to carry back the enquiry into the state

of the law to a very remote period. It will be seen, from the following narrative, that it is about a century and a half since the Jews returned to England, after being totally absent from the Island for nearly four hundred years. The opinions which prevail at the present day, with regard to the nature of the disabilities under which the Jews are thought to labour, for the most part, are similar to those entertained at a very early period after their return to this country. As to these disabilities, therefore, it is clear that if the opinion of their existence is well-founded, they must result from laws which were in force during the former abode of the Jews in England. Hence a necessity arises for examining, with minuteness, into their situation, prior to their banishment in the eighteenth year of Edward the First. It will be seen by reference to the enquiry at the latter end of this work, that this examination has been carefully pursued—and, notwithstanding a very general opinion to the contrary, the result will appear to be, that the only disability under which the Jews now labour, by reason of any laws anciently in existence, is an incapacity of acquiring landed property. They were formerly under much more extensive disabilities: the whole of these, however, arose out of the circumstance of their being then considered as villeins or serfs of the crown; and, as such a



condition cannot at the present day exist, it follows that those disabilities no longer continue.

The incapacity of the Jews to acquire landed property, at the time of their banishment, rested upon a statute which was passed in the fifty-fifth year of Henry the Third; and it is upon the operation of this statute alone, that their present incapacity in this respect rests. The authority and force of this statute, it will be found, are much doubted—it is denied that it ever was of legislative force—or, supposing that it was formerly effective to that extent, yet it is contended that it is at present inoperative. The whole of the evidence which could be collected in support of the original power of this statute is presented in the following treatise; and an attempt is there also made to meet the arguments which are put forward to shew that the statute, if ever in force, has ceased now to have any effect. It is proper to state that the course which is thus pursued, was not taken through any desire to maintain the existence of a disability to the prejudice of the Jews, but from a belief that it would be to their advantage, that the full strength of the case which could be made out in support of this disability, should be made public; in order that, if there was any ground for the opinion that they cannot hold land, the subject might, in the

event of an application to the legislature for the removal of their other disabilities, be well considered.\*

It will be seen that the only other disabilities under which the Jews labour, arise out of the necessity which the law imposes in certain cases, of taking the Oath of Abjuration, and subscribing to the Declaration established by the statute of the 9th of George the Fourth—as both the Oath, and Declaration contain the words, “*upon the true faith of a Christian.*” A Jew is of course shut out from filling any situation where these are required: from this cause he is prevented from sitting in Parliament, from holding

\* A very clever pamphlet has lately appeared, written by Mr. Goldsmid, in which, as a part of the general subject of the Jewish disabilities, the question of the present force of this statute is skilfully handled. It is principally to the arguments that are adduced by him upon this point that the observations on this head, which will be found in the following treatise, are directed. After the explanation given above of the motives which induced the author to pursue the course that he has taken, it is perhaps unnecessary for him to say that he is by no means desirous of being thought to have the best of the argument. He would, however, press it upon the consideration of those who have undertaken to advocate the cause of the Jews; whether such a case of doubt, at least, is not raised upon this matter, as renders it advisable that some direct legislative declaration should be made upon the subject. Whether there is not still a danger, in the present daily discoveries that are made of ancient documents and records, that some conclusive evidence may still be found which may establish the fact, that the Ordinances in question were of legislative force.

any Office Civil or Military under the Crown, and from filling any situation in Corporate Bodies; and may be excluded from practising at the Bar, or as an Attorney, Proctor, or Notary, from voting at elections, from enjoying any exhibition in either University, and from filling some other offices of minor importance.

Such is a short summary of the disabilities to which it will be seen, the Jews at the present day are subjected in this country.

It is proposed very briefly to enquire, whether these disabilities should be any longer continued.

In considering this subject, it is proper to bear in mind the circumstances which produced the laws that imposed these disabilities.

First, As regards the law which prevents a Jew from holding landed property. It will be shewn in the following treatise, that the statute which raised the disability in this respect, was passed for the purpose of obviating evils which can no longer exist. At the time when the statute was made the Jews were regarded as the villeins of the king, and the crown became entitled, immediately to whatever property they acquired. The object of the statute was to remedy the inconvenience which this right of the king produced; and not to afford security against any evils which were experienced from the