Consular 33.

Jerusalem June 21. 1861.

My Lord

I have to report that there has been of late a growing spirit of tyrannical interference on the part of certain Jerusalem Rabbis, with the right of every British subject to appeal freely for justice at this Consulate.

This spirit has shewn itself in recent cases and threats and intimidation have been resorted to to deter Jews from prosecuting appeals before me against other Jews and to compel them to go to Rabbinical Courts

A case is now before me in which I have felt it my duty to make a stand on — account of the violent measures taken by this party —. I am assured by most respectable Jews and am led to the same conclusion.

Rt. Honble.
Lord John Russell

Received Jun 29
Mr Consul Pierce
No 23 - 5 Enclosures
Rec 25 July
By French Packet

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by my acquaintance with that nation that the present movement originates with a few interested persons with whom are acting some others, but recently arrived in this country, of respectable character, but known for their extraordinary religious zeal.

There is a controversy between the community of Hebron and their temporal Agent Joseph Shalom in respect of certain long standing accounts.

The Hebron Community opened suit in this Consulate against Shalom on the charges of peculation and malversation – After patient hearing I saw it my duty to pronounce these charges unproven and to acquit the defendant.

He then opened suit against two Rabbis employed by him to collect funds, which ended in their being sentenced by me to produce accounts, in default of which they were imprisoned on the 23rd May. On the 24th being Eve of Sabbath I released them for four days on the guarantee of the Chief Rabbi who undertook to try to settle the matter. Joseph Shalom obtained a further respite of eight days for them – but nothing having been done they were remanded and are now in prison

On the 10th of June some of the Rabbis in Jerusalem excommunicated Shalom in order to compel the release of the prisoners or as revenge upon him or both.

It was done in the most awful – manner known to Jewish observance and with attendant ceremonies that I am told have not been used for many generations – no one is allowed to speak to him or to come

within four ells of his person. In consequence his mercantile business is suspended and heavy pecuniary loss entailed - he being about the largest merchant of the city and Agent for Sapon and Co. of Bombay.

I issued the enclosed notice to the leading Rabbis on the 11th Instant - which I believed to be dealing with the root of the whole matter - and which if attended to and the evil remedied the other parts of the Sholom case would be easily dealt with afterwards.

To this the Rabbis returned answer on the 13th commenting upon the details of the Sholom lawsuits & I found it necessary to address them again on the next day as here enclosed. 2

Finding this also without effect and that my

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my letter was kept from the knowledge of the public I issued the proclamation to the Jewish Public here enclosed on the 17th in various languages. This was freely read, and led to the Rabbis being besieged with expostulations by their people for acting in such a manner as "to take away our Consul from us." as they expressed it.

A further letter of argumentation was sent by the Rabbis to this Consulate, but neither in this nor in any of the others have they attempted to deny that Jews are liable to Excommunication for appealing to Consular instead of Rabbinical Courts.

The most respectable Jews have within the last three days been going to and fro between the Consulate and the leaders and have sought to bring them to remit the excommunication —

Rt Honble Lord John Russell.

Some of these mediators have stated that though it is a crime according to Rabbinical law for a Jew to appeal to Consular justice against a Jew yet it is not customary to punish this with excommunication. These have made efforts to get the excommunication which is regarded by me as a public affront to the British Consulate, withdrawn, but their efforts have been fruitless as yet.

Yesterday the principal Jewish physician and a leading merchant voluntarily sought to bring the Rabbis to terms, and were sent to me by these with the message that they would take off the Excommunication - if I would first promise to release the prisoners the same day.

This I naturally refused but caused the proposal herein enclosed to be communicated to them. They considered it reasonable and took notes of it - but after more than two hours returned saying that the Rabbis were — 4

impracticable.

I have therefore suspended all Jewish business of every kind excepting for such persons as will sign a document to declare that they will not recognize any similar excommunication. And I believe that this step has been necessary for vindication of Consular jurisdiction.

While I am writing two British subjects Jews - have sent me in their signatures to a declaration in substance the same as the one I dictated.

I reserve to myself the right of taking up cases in which Jews may suffer personal violence from Arabs or others and I have signified that I shall receive signatures to the declaration at any time from those who wish to give it.

Lastly I have no wish to deter Jews from having recourse to Rabbinical courts if they

prefer them – but wish to protect by every means in my power the right of every man alike to be unpunished for appealing to his lawful authority and to allow of no species of intimidation to be exercised either towards any person thus appealing or towards the Consul himself in the exercise of his official duties

It may be necessary for me hereafter to trouble Your Lordship with a Report of the whole proceedings of this Court between the Rabbin Community and their Agent. – During these a corrupt state of things almost incredible has been brought before me and there seems no doubt (and this is the opinion of many respectable Jews) that persons pecuniarily interested are the principal movers in the present excitement. The oldest leading Rabbies are keeping aloof from the whole affair. Ultimate good will doubtless result from the exposure and Jewish money affairs

affairs will be put on an honester footing. Meanwhile I trust the better disposed will see long find some means of arranging matters so that I may be enabled as heretofore to enter upon any case brought before me by Jews: as it has been my happiness during the past fifteen years to aid in improving the condition of the Jews in Palestine – And I know that they have been really grateful to H. M. Government for all that has been done for them

This day I have been applied to by a Committee of Jews to do as on many former occasions – namely attest and recommend the object of a Circular now being issued for collection of funds in this case for building Alms houses – knowing the object to be a good one I have given the desired recommendation. This incident will serve to shew that the movement above described is limited to a certain party.

I have the honor
&c &c –
(Signed) James Dunn.

Rt. Honble
Lord John Russell.

Copy

Jerusalem June 11. 1861.

To the Rabbis and Rulers of the ——— Congregation in Jerusalem.

It is with sorrow that I am obliged to address these lines to you. During fifteen years I have felt pleasure in carrying out the wishes of the Government of Her Majesty the Queen of England in helping the Jewish people in Palestine, whether by exerting my influence in stopping persecution which threatened their lives, or by obtaining relief for them in time of famine or distress, or obtaining permission for their synagogues and other public buildings to be erected – or by directly or – indirectly aiding every Israelite however low his rank whom I knew to be oppressed or in misery –

The Consul General Lord Palmerston Respecting June 21. 1861

Copy

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Enclosure 1 in the Despatch No 23 of Jerusalem 1861

I believed, and I have written testimony that the people of Israel were grateful for all this to the Government of England and also to myself.

But now I am obliged to express my very serious displeasure – Some persons have risen within the last year, who say it shall be unlawful for any Jew to seek justice against a brother Jew in a Gentile Consulate

A Jew may seek aid in a Gentile Consulate for help against a Turk or an Englishman or any other Gentile – but not against a brother Jew – although he be a thief or a criminal of the worst kind

Several Jews who have come to this Consulate seeking justice from me against other Jews either for recovery of debts – or when they had been robbed, or had had marriage contracts broken – were threatened with excommunication for having done so and in one case a Jew was obliged to get a written permission from Rabbis to appeal to the British Consulate before he would do so, and that permission was only available for that one case.

And now there is a lawsuit in which I have been appealed to and have given judgement between Jews. Many of the Israelites of the Holy City have excommunicated the person who was the Appellant, and he is now under excommunication without respect to whether his cause was a just one or not –

And the Venerable Chief Rabbi of Jerusalem has left town in order not to be mixed up in the business

Unless the wise and prudent in Israel

can put an end to this state of things
it will be my painful duty to cease from
receiving appeals from all Jews whatsoever
and to abstain from protecting them till
I receive further orders from the English
Government. I shall be compelled to ask
whether my government wish me to
obtain justice against Gentiles in favour
of Jews – so long as a Jew who seeks justice
from a Jew in this Consulate is liable to
excommunication in order to compel him
to go only to the Jewish Tribunal the Beth
Din – thereby casting dishonour upon the
laws of England and upon that Government
which is always ready to do justice
and to receive appeals for help

(signed)

2.

(signed) James Finn
Her Britannic Majesty's Consul

(2.)

British Consulate Jerusalem.
June 14. 1861.

Her Britannic Majesty's Consul has received a document in the Hebrew language sealed with several seals of Jewish congregations in Jerusalem – but without a single persons name attached to it – but such as it is the Consul is willing to deliver this written answer to Rabbi Hirsch Solomon Berliner a British Subject residing in this city that he may communicate it to such persons as he may judge necessary.

The Circular paper which I addressed to the various Jewish congregations two days ago consisted of a complaint that Jews are liable to be persecuted if they appeal against Jews in a Consular Court – while at the same time they obtain abundant justice there against

The Consul Jerusalem
to the Rabbis of
Jerusalem &c
June 11. 1861
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Enclosure 2 in the
Despatch No 23 of
Jerusalem 1861

Jews or English or persons of any other nation.

This is not denied in the Hebrew reply — but on the contrary, it asks me to give up certain prisoners away from my own judgment already passed in order that they may be tried by Jewish Law.

Now it is not true that in Europe Jews are allowed to go by their Rabbinical laws except in matters of religion. They have not this permission in England. I have heard of Rabbis in Russia being subject to Russian law for forgery of bank notes — they were not left to a Jewish Beth Din. I have known of Rabbis in Jerusalem and Safed being amenable to Austrian laws for similar offences — they were not left to a Jewish Beth Din.

What I insist upon is this — that the Criminal Court of England shall be left open to all who belong to it when they apply for justice. I will that no set of men shall say to a Jew that

Jerusalem 1881

he shall not prosecute another Jew, who may happen to be a robber of the Jews, or in perjury or guilty of any other crime merely because he is not a Gentile.

I have therefore to demand that before Monday next at noon, a document shall be given to me sealed with Congregation seals and signed by at least one responsible person of each of the communities whose seals are here on the Hebrew Document — to the effect that no Jew shall be excommunicated, or otherwise persecuted for going to a Christian court of Justice against another Jew.

Unless this is delivered to me by that time I shall keep to my word of two days ago — that I will cease to act in any case of Jews applying to me for redress against other people until I receive further orders from my Government in London, and this shall apply both Jews high or low — rich or poor. Sephardim or Ashkenazim

in Hebron and in Jerusalem, excepting those who will give me in writing a declaration that they will henceforth take no part in such excommunications and will treat them as null and void.

With respect to the petition for release of the two Rabbies Elizakim and Kimchi from prison — this cannot be done for the purpose of having them tried in a Jewish Court. they are already tried and condemned — and are suffering penalty for one of their offences

But as bail is offered to me on their behalf I answer that I may be willing to accept bail for them, on certain conditions — but I will not even speak of this, until the excommunications have been all entirely removed from

Joseph Shalom

Where are the wise and prudent in Israel and those who seek after righteousness. Let

Let them now come forward and do what is right. There can be no peacemaking till Truth be established

(signed) James Finn Consul

Enclosure 3 in the Despatch No 23 of Jerusalem 1861

The Consul at the Rabbis of Jerusalem &c

June 14. 1861

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Notice

British Consulate
Jerusalem. June 17. 1861.

It is well known that when a man of the children of Israel is under excommunication of the Rabbis he is not only excluded from the congregation in religious matters, but is injured in many ways, especially in his worldly business and often entirely ruined.

It is also known that the Rabbis of Jerusalem have excommunicated some and threatened others for applying to Consulate of other nations for justice against another Israelites, no matter whether his cause be right or wrong.

This is to give notice that the Consulate of the Kingdom of Great Britain is open to all kinds of persons who may belong to it And unless the Rabbis of Jerusalem give to

British Consul a Document sealed and signed that no Israelite shall be excommunicated or in any way injured by them for applying to this Consulate against another Israelite in Courts of Law - All business of Israelites against each other and against other people shall be suspended until further directions be received from Her Majesty's Government in London - and this shall apply to all Israelite persons high or low - rich or poor - Sephardim or Ashkenazim in Jerusalem and Hebron.

And it shall commence on Wednesday next (19th June or 11. Tammuz 5621)

Those persons shall be excepted who will sign the following declaration

"I do hereby declare that my mind is not with those who say that it is unlawful for an Israelite to go to law in a Consulate against other Israelites - And that if I know of any excommunications or other documents issued by Rabbies to the injury of an Israelite who may go to Law against another Israelite in a Consulate, I will regard that excommunication as null and void."

Given under my hand and seal

(L.S.) (signed) James Finn
Consul.

Copy

Mr. Notaris to Mr. Consul Finn

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Enclosure 4 in the Despatch No 23 of Jerusalem 1861

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Items which Mr. Finn authorized to be offered to Dr. Neumann and Mr. Valero. instead of the offer they brought from the Rabbies June 20. 1861.

1st The Recommunication to be taken off Joseph Shalom. British Subject

2nd That once the Consul will allow the Hebron Community to deliver in the accounts which the two imprisoned Rabbis have given them instead of the Rabbis waiting till they can procure accounts from abroad.

3rd In case these accounts prove also unsatisfactory and it should be necessary to write for the accounts according to the strict letter of the sentence the Consul will accept bail given by the Community for the Prisoners and release them.

These two points being settled the Consul will use his influence with J. Shalom to submit the accounts of the Kolel Community in his hands to a commission either appointed by the Consul, or sent here expressly at the Consul's request by Sir M. Montefiore & Baron Rothschild – or chosen in Jerusalem by the parties interested.

J. Shalom having formerly requested H.M. Consul to inspect these accounts it is likely he would accede to the proposal of such a commission –

No 24

Jerusalem
July 2. 1861

Sir.

I have the honor to report to Your Excellency that the City of Jerusalem has been lately visited by the Crews of some Russian Frigates stationed in the North, to the amount of some hundreds of men – They came down to Jaffa in

His Excellency
Right Honorable
Sir H. L. Bulwer G.C.B.
&c &c

Received at the Council Room
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Copy

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Enclosure 5 in the Despatch No 23 of Jerusalem 1861