

*The*  
**JOURNAL**  
*of the*  
*Southern Jewish Historical Society*



CONTENTS

	PAGE
<b>Foreword</b>	
DR. JACOB R. MARCUS .....	3
<b>Moses Myers and the Early Jewish Community of Norfolk</b>	
DR. MALCOLM H. STERN .....	5
<b>Acquisitions to SJHS Collection at Valentine Museum .....</b>	<b>14</b>
<b>Tombstones That Tell a Story, Charleston's Historic Coming Street Cemetery</b>	
THOMAS J. TOBIAS .....	16
<b>Franklin J. Moses: Chief Justice of South Carolina</b>	
HARRY SIMONHOFF .....	23

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## FOREWORD

**THERE IS NEED** for a journal for the Southern Jewish Historical Society. In the larger setting of American history, to the days of the great Civil War, the South was particularly important in our national period. Wealth and culture were present in a relatively large measure. It is essential that the life and story and achievements of those who lived south of the Pennsylvania border be more adequately studied and described. It may well be that in examining the history of the Southern Jew, new light may be shed on the trends and characteristics that prevailed in that important region of our country.

The Southern Jew was an urban dweller, a man of commerce and business, who played an important part in the economy of his community. A study of him as a shopkeeper and merchant is necessary, inasmuch as the political dominance of the plantation owner and his preoccupation with his own welfare has tended to obscure the importance of commerce and industry in that area in the early and middle years of the nineteenth century.

The Jew was deeply immersed in the relatively high culture of the South Atlantic littoral; therefore, it is not surprising that the reform of Orthodox Judaism was first undertaken in Charleston, South Carolina. In a sense, the rise of the Reformed Society of Israelites in 1824 is a significant chapter in Jewish history, for a generation was to pass before the European radical Jewish Reformers were to reach the stage of religious liberalization that distinguished the South Carolina Jewish pioneers.

Since the turn of the twentieth century, there has been a new South. Its rise has been marked by an industrial revolution. New cities are springing up — and new Jewish communities with them. Some day, in this South of tomorrow, there will blossom forth a new vigorous culture that will affect the Jew as American citizen and as Jewish religionist.

It is imperative that the story of the old be retold, correctly, and in proper perspective, that the magic of the new be captured while it is young and vital and everpresent.

The Southern Jewish Historical Society has dedicated itself to a great task. It is confronted with a challenge and an opportunity that must be met not only with enthusiasm, but also with earnest labor, scientific precision, a faultless methodology, and a passionate desire for objectivity.

To these ends I would have you dedicate your efforts, and this journal.

JACOB R. MARCUS

American Jewish Archives  
Cincinnati, Ohio



# MOSES MYERS and THE EARLY JEWISH COMMUNITY OF NORFOLK

By RABBI MALCOLM H. STERN, D.H.L.\*

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THE NAME OF Moses Myers of Norfolk is well known to students of American Jewish History. Frequent references to him appear in the *Publications of the American Jewish Historical Society*<sup>1</sup> [—PAJHS]. But except for an unpublished paper on him, read at the 1910 meeting of that Society by the late Rabbi Edward N. Calisch,<sup>2</sup> no biography of Moses Myers has appeared.

And yet we are fortunate in having his home preserved with many of its original furnishings; much of his original and extensive library; his portrait and that of his wife, painted by Gilbert Stuart;<sup>3</sup> and hordes of letters and other personalia in the possession of his great-great-granddaughter, Miss Katherine Barton Myers.<sup>4</sup>

Moses Myers was born in New York City in 1753. His father, Haym Myers, a native of Amsterdam, had arrived from Holland in the late 1740's as an impoverished immigrant, and secured employment with Congregation Shearith Israel as a ritual-slaughterer (*Shohet*) until, within a brief span of time, he established himself as a trader, exporting goods to Canada, whither he subsequently migrated.<sup>5</sup> In June of 1751, Haym Myers married in New York, Rachel, daughter of Moses Louzada, of a family traceable in New York to 1689.<sup>6</sup> Moses was their eldest child.

At some point during the Revolution—or perhaps, before its outbreak—Moses Myers became a junior partner of the firm of Isaac Moses & Co. of New York. He associated himself with Samuel Myers<sup>7</sup> to open offices in Amsterdam, as Samuel & Moses Myers. During the British blockade of North America, an office was opened on the West Indian island of St. Eustatius which served to supply the hard-pressed patriots with badly-needed items. But the economic difficulties following the Revolution brought the partners into bankruptcy, and the firm dissolved. Samuel went to Amsterdam where, after much effort, he secured an eventual payment of debts that was to launch the junior partners in a new enterprise.<sup>8</sup> In the meantime, Moses travelled south, looking for a location in which to make a fresh start. In December of 1786, he writes to Samuel, still in Amsterdam, "In Virginia, money is yet to be made, as it is in both Charleston and Georgia." Some unfortunate dealings

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\*RABBI MALCOLM H. STERN who serves as pastor of Ohel Sholom Congregation, Norfolk, Virginia, is also Genealogist of the American Jewish Archives of Cincinnati, Ohio. He holds the degree of Doctor of Hebrew Letters in American Jewish History. His compendium of early American Jewish Genealogy, AMERICANS OF JEWISH DESCENT will be published in 1959.

with Jacob Mordecai, of Richmond, and a warehouse fire in that city in which Moses lost some merchandise, led him to eliminate Richmond from his considerations. He finally settled on Norfolk.

Just prior to his move, Moses improved both his fortunes and his domestic happiness by marrying. Born Elizabeth or Eliza Judah, in 1760, a member of the prominent Canadian Judah family, his bride had married in her teens the frontiersman, Chapman Abraham.<sup>9</sup> She had been widowed four years when, on March 22, 1787, the eve of Passover, she and Moses were married in New York.<sup>10</sup>

By June 19, the partners had arranged for the rental of a store in Norfolk; a house was secured by July 1; and July 22 found Moses, Eliza, and Samuel, on board the schooner *Sincerity*, bound for their new home in Norfolk. On August 1, the partners issued a formal announcement of their store, dealing in "naval stores, corn, bees-wax, deer skins, tobacco, and lumber of all sorts in abundance, very good and cheap." These modest domestic staples were a far cry from the international trade of former years, but business evidently prospered and Moses was soon involved in import-export dealings of an ever-larger scale. His family, too, was growing.<sup>11</sup> Samuel, a bachelor at thirty-five, apparently felt that the business could not support two families. For this, or other reasons that are not clear, Samuel moved to Petersburg in 1789.<sup>12</sup>

Norfolk, in the 1780's had emerged from its complete destruction by fire by the British forces, under Lord Dunmore, in 1776. In 1787, the Dismal Swamp Canal was opened, connecting the inland waterways of North Carolina with Chesapeake Bay, and increasing Norfolk's maritime importance. It may have been this factor that persuaded Moses Myers to choose Norfolk in that very year. By 1790, Norfolk's export trade amounted to three million dollars.<sup>13</sup> Moses' star rose with that of the community. He became the Virginia agent for the wealthy Philadelphian, Stephen Girard. The following year, he became the possessor of two schooners, the *Eliza* and the *Paragon*. And September of 1791, saw the purchase of a large lot at Freemason and Catherine (now Bank) Streets, on which he soon erected the handsome Georgian mansion that still bears his name. At the time, this site was on the outer edge of the Borough of Norfolk, about six blocks from Market Square, or Commercial Place, where Moses' business house was located.

When the Bank of Richmond opened its Norfolk branch, in 1792, Moses was appointed Superintendent. Two years later, he received the first of several consular appointments that he was to hold, that of Agent for the French Government.

His prominence in municipal affairs is attested by his election to the Common Council. He received the highest number of votes and was thus made president of this lower house. He held the presidency from August 25, 1795, till he resigned on January 17, 1797, but seems to have remained in the Council for a number of years.<sup>14</sup> Like most of the gentlemen in his circumstances, he was commissioned an officer in the

Virginia Militia, serving in 1798 as a captain in the 54th Regiment; he was promoted, two years later, to major.

The first decade of the Nineteenth Century found Moses spreading his business interests far and wide. By the outbreak of the War of 1812, he had dealings in practically every seaport on both sides of the North Atlantic Ocean.

The education of his children occupied his attention. The boys probably attended the newly-opened Norfolk Academy, while the girls were tutored at home.<sup>15</sup> John, the oldest son, was trained in his father's business, and on May 1, 1809, was taken into full partnership, the firm becoming "Moses Myers & Son." To expand his business education, John was sent abroad, and subsequently opened a branch office of the firm, in Baltimore.<sup>16</sup>

In the meantime, the second son, Samuel, was enrolled, in 1808, in the College of William and Mary, at Williamsburg—probably the first Jewish matriculate. Samuel studied law for two years, and then, as was the custom, was apprenticed to a Richmond lawyer.

The opening of the War of 1812 found John still traveling in England. He returned and enlisted to become aide-de-camp to General Winfield Scott. His younger brothers, Myer and Fred, also saw service. Henry tried to enlist in the Navy, but was not accepted until 1819. He died at sea, still in uniform, in 1822. Samuel found himself a wife in Richmond—Louisa Marx, daughter of his father's old friend, Joseph Marx. It is not known whether Samuel saw active duty in the war.<sup>17</sup>

That Moses and his family were a part of Norfolk's social life is attested by his appointment as manager of the 1817-18 Assembly Bell.<sup>18</sup>

But dire times were approaching. The various Embargo Acts of 1807-1815 had been intended to halt the British deprivations on American shipping. They proved to be harder on the American shippers. The War of 1812 had disrupted shipping. Undoubtedly, too, Moses had extended his credit in many directions. He had invested heavily with his erstwhile partner, Isaac Moses. On April 16, 1818, Isaac Moses died bankrupt, in New York. On October 28th of the following year, Moses Myers and Sons called a meeting of their creditors and declared themselves in bankruptcy. The creditors agreed that the situation resulted from circumstances beyond the firm's control, and while seizing all available assets, they left Moses, as proof of their good-will and esteem, his "household and kitchen furniture." John, who had vainly sought an appointment from President Monroe as Commissioner of Claims, voluntarily went to debtor's prison.

The debts in cash totaled more than \$75,000, for which Moses turned over many properties in Norfolk and Portsmouth. Samuel came to his father's aid by selling his rights to several pieces of local property as well as 33 parcels of Illinois land, each parcel consisting of 160 acres, which Samuel owned jointly with Israel Kursheedt, of Richmond.<sup>19</sup>

Myer and Frederick, who had been in business for themselves, also made sizeable contributions to the family's account.

Although the financial cloud was to hang over Moses for the remainder of his life, he did not cease to engage in business ventures. Even though he was 66 at the time of his bankruptcy, he must have been in vigorous health, for he continued to travel for another decade, took on the consulship for the Netherlands, and eventually acquired an important government post, of which we shall speak presently.

A word about the religious life of the Myers family. At about the time that Moses came to Norfolk in 1787, there migrated from Baltimore, a Revolutionary veteran with a growing family, Philip Moses Russell.<sup>20</sup> Two of Russell's sons were born in Norfolk,<sup>21</sup> and at least one was circumcized by the itinerant *Mohel*, Myer Derkheim.<sup>22</sup> Undoubtedly, Derkheim performed the same function for Moses Myers' sons. By 1794, Russell had moved to Richmond, and we know of no other Jewish residents of Norfolk until 1801-1802. The City Directory for that year mentions an I. Block, "shopkeeper" at 35 Little Water Street; Benjamin Wolf, flop shop, at 7 Little Water Street; and Moses Myers, merchant, at 16 Newton's Wharf, residence at Catherine and Freemason. The subsequent Directory, for 1806-1807, carries Benjamin Wolf as a merchant taylor (*sic!*), at 40 Water Street; Moses Myers had expanded his business activities to 9 Newton's and 16 Commercial Place. I. Block has been replaced by Henry Block, dry goods, at 12 Church Street. Goodman Mordecai, dry goods, at 28 Cumberland Street, moved on to Charleston and Savannah within two years.<sup>23</sup> Only "S. Marks jun. & co., comm. merchants and auctioneers, 26 Market Square," may be considered a true Norfolkian. The head of this firm was apparently the son of Solomon Marks of Richmond. He was known in Norfolk as early as 1804, when his name appears on the rolls of Naphtali Masonic Lodge.<sup>24</sup> During the War of 1812, he was joined by Abraham B. and Solomon B. Nones<sup>25</sup> to form the firm of Marks, Nones & Co.—commission merchants and auctioneers. The death of Solomon Nones, in Norfolk, on August 12, 1819, had the dual result of ending the partnership and of bringing about the need for a Jewish cemetery. Abraham Nones subsequently removed to Maracaibo, Venezuela, where he died in 1835.<sup>26</sup> Solomon Marks, Jr., remained in Norfolk, serving as British Vice-Consul.<sup>27</sup> He died in Norfolk, August 1, 1827.

As early as July 27, 1815, Marks had purchased a plot of ground on Washington Powder Point, opposite Portsmouth, on the Southern Branch of the Elizabeth River, a few hundred yards below its juncture with the Eastern Branch, in the section of Norfolk now called Berkley. On Solomon Nones' death, he seems to have been interred in this property, a portion of which was sold, on March 6, 1820, by Marks to Benjamin Nones of Philadelphia, Moses Myers, and Philip I. Cohen "to be used as a burial ground or cemetery for such persons of the Jewish persuasion as may decease or die in the neighborhood."<sup>28</sup>

It is entirely possible that the Jewish community of Norfolk, about 1815 and following, was large enough to provide the required ten adult males needed for Jewish worship. While no record of such gatherings has come to light, in 1840 several Torahs were discovered in a house on Cumberland Street, known as "The Castle."<sup>29</sup>

That Moses Myers and his family, largely isolated from formal Judaism, were interested in preserving their ancestral faith, is attested not only by Moses' participation in the cemetery purchase. In 1818, Samuel Myers became actively interested in the scheme of Moses Elias Levy to establish a boarding school for Jewish children.<sup>30</sup> Samuel, whose son, Moses, II, had been born the year before, carried on a lively correspondence with Levy. At first, Illinois was considered as an appropriate site for this pioneer venture. Undoubtedly, the Myers' financial misfortunes brought an end to the project; but not before they were brought in touch by Levy with another visionary of the period, Mordecai Manuel Noah.<sup>31</sup> Another result of Levy's association was that his son, David,<sup>32</sup> was apprenticed to Frederick Myers to learn the banking business, an endeavor which proved fruitless.

Philip I. Cohen,<sup>33</sup> mentioned above in connection with the cemetery purchase, had also come to Norfolk in the aftermath of the War of 1812. He, too, was involved in Levy's scheme. He must have been a frequent visitor at the Myers' house, for he sought and won the hand of Moses' second daughter, Augusta, and their marriage was solemnized by Rev. Isaac B. Seixas, on January 25, 1826. The Hebrew *Ketubah* further illustrates the family's attachment to Judaism.

Tragedy struck several blows in quick succession. Moses' son, Abram, died at 21, on November 20, 1821. The following August 9, young Henry, not quite 21, died at sea. Their mother seemed unable to conquer her grief. In a vain effort to do so, she went to Montreal to visit her family, and died there on October 19, 1823.

A year earlier, Moses' ebbing fortunes had received a windfall in the form of a \$5000 legacy from an old friend, Abraham Touro.<sup>34</sup>

In May of 1827, Moses, at 74, still felt himself employable and applied to President John Quincy Adams for the post of Collector of the Port of Norfolk. The President agreed, on condition that \$3000 of outstanding debts be cleared. Moses fulfilled the condition, and despite some Senate opposition,<sup>35</sup> was ratified not only as Collector of Customs, but also as Superintendent of Lights and Agent for the Marine Hospital, at a salary of \$904.83 per annum. The position was fraught with difficulties. At one point, an attempt to remove Moses from office was thwarted by the petition of 227 Norfolk and Portsmouth merchants. Moses finally resigned on March 28, 1830.

Plagued with further business difficulties, he went to Washington, seeking a less onerous government appointment, to the annoyance of at least one important politico, Henry Clay.<sup>36</sup> This was in 1831, and Moses'

heart must have been heavy, for John, his ever-helpful oldest son, had died the preceding November 27th. No appointment was forthcoming, and to add to his bitter cup, his oldest daughter, Adeline, succumbed to influenza in January of 1832, and Frederick, also, was taken in June of that year. Myer, who had been living for several years in Richmond with his bride of 1826, nee Judith Marx,<sup>37</sup> returned to Norfolk to manage the family affairs. He was eventually joined by his nephew, Moses, II, son of Samuel.<sup>38</sup>

Moses died on July 8, 1835, in his 83rd year. Only the simultaneous death of Chief Justice John Marshall prevented Moses from receiving more newspaper recognition. His death was reported in New York, Richmond, and Charleston papers, among others. A lengthy obituary in the Norfolk paper, *The American Beacon*,<sup>39</sup> recounts many of his vicissitudes, and describes him as "one of the oldest and most enterprising merchants in the Union . . . at one period more extensively engaged in commercial transactions than any other merchant South of the Potomac. . . ."

His importance was recognized by the Jews of Richmond a decade after his death. In protesting to that city's Common Council against a "Sunday blue law," the Jewish citizens of Richmond listed outstanding local co-religionists who had represented the best in civic life. Heading the list is "Moses Myers of Norfolk."<sup>40</sup>

With the passing of Moses Myers, the tiny Jewish community of Norfolk lost its leader, and the business community mourned one of its outstanding representatives.

It was not until the arrival of the more numerous German immigrants of the 1840's that Norfolk Jewry was to achieve formal organization, but this is another story. Suffice it to say here: Norfolk has never produced a more recognized Jewish figure than Moses Myers, and we welcome this opportunity to pay him a belated tribute.

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#### FOOT NOTES

<sup>1</sup>*PAJHS*, 11/72; 12/164; 17/85-87; 18/209; 19/73n; 20/17, 103; 25/5; 40/127 [an erratum where he is called "of New York" and Judah Hays "of Norfolk"]; also, Philipson. *Letters of Rebecca Gratz*, pp. 5, 138; Ezekiel & Lichtenstein. *History of the Jews of Richmond*, p. 104; Marcus. *Early American Jewry II*, passim; and Simonhoff. *Jewish Notables in America*, p. 133f.

<sup>2</sup>*Vid. PAJHS* 19/xiii. Dr. Calisch (1865-1945) served as Rabbi of Richmond's Congregation Beth Ahabah from 1891 until his death.

<sup>3</sup>The so-called "Myers House" is operated as an annex of the Norfolk Museum of Arts and Sciences, and its furnishings have been beautifully restored, and opened to the public. Photographs of the house, its interior, the portraits, etc. are on file in the American Jewish Archives, Cincinnati. A model of the dining-room, and a number of garments belonging to members of the Myers family are on permanent display in the Norfolk History Room of the Norfolk Museum of Arts and Sciences.

<sup>4</sup>Miss Myers has been most gracious in permitting the writer to examine many of these letters, and all undocumented data mentioned in this article are derived from this source.

<sup>5</sup>Marcus. *op. cit.* I/219f.

<sup>6</sup>*Ketubah* (Marriage-contract) of Haym Myers and Rachel Louzada, of which a photostatic copy is in the possession of the writer. Cf. also, letter of Rabbi David de Sola Pool to Dr. Walter Max Kraus, in the Kraus-Sandor Collection of the American Jewish Archives.

<sup>7</sup>Samuel Myers (1754/5-1836) seems not to have been related to Moses. He was the son of Myer Myers, the well-known 18th century silversmith.

<sup>8</sup>Marcus. *op. cit.* II/192ff. Simonhoff. *loc. cit.*

<sup>9</sup>Chapman Abraham, or Abraham Chapman, followed the French-Canadian trade-routes up the St. Lawrence and through the Great Lakes to become the first Jewish settler in Detroit, in 1761. From time to time he returned to Montreal, where he met and married Eliza Judah. In April of 1783 he made his will, and died shortly thereafter. His will discloses that his wife was an expectant mother, but there is no further record of this child, which evidently died stillborn or in infancy, since Moses' correspondence makes no mention of it. (*Vid. Katz. The Beth El Story*, p. 22f.)

<sup>10</sup>I am indebted to Prof. Jacob B. Marcus for a photostatic copy of the *Ketubah* of Moses Myers and Eliza Judah. This is evidently a recopying of the original contract, taken by Rev. Gershom Mendes Seixas from the Shearith Israel Marriage Records at the request of Moses' oldest son, John, in 1820.

<sup>11</sup>Moses and Eliza had twelve children, nine of whom reached maturity, *viz.*, John (1787-1830), Abram (1788-infancy), Samuel (1790-1829), Adeline (1791-1832), Myer (1793-1877), Moses, Jr. (1794-infancy), Frederick (1796-1832), Augusta (1797-1876), Abram (1800-1821), Hyam or Henry (1801-1822); an infant daughter; Mary Georgianna (1807-1862).

<sup>12</sup>*Id.* Giasberg. *History of the Jews of Petersburg, 1789-1950*, p. 7f.

<sup>13</sup>Burton. *The History of Norfolk Virginia*, p. 5.

<sup>14</sup>Records of the Norfolk City Council. The Norfolk City Directory for 1806/7 lists Moses Myers as a member of the Council.

<sup>15</sup>That the children were well educated is evidenced by the literate quality of their adult correspondence. The girls were also trained in music, and the Myers House contains a spinet and many bound volumes of music, bearing the daughters' names.

<sup>16</sup>For an amusing outcome of John's Baltimore experience, *vid.* Rebecca Gratz's letter to Mrs. Hoffman, in Schappes' *Documentary History of the Jews in the United States*, p. 137.

<sup>17</sup>On February 12, 1819, Samuel unsuccessfully defended Uriah Phillips Levy at one of the latter's numerous court-martials. This one was aboard the U. S. S. *Georgie*, and earned for Levy a two-year dismissal from the Navy *vid.* Kanof. "Uriah Phillips Levy," in: *PAJHS* 39/18f). Samuel was admitted to legal practice in Norfolk, September 25, 1820, but he did not remain in Norfolk. He tried to obtain government appointments, but was unsuccessful. From 1821 to 1828, he practiced in Pensacola, where he organized the Militia and became an Alderman. In the latter year, he returned to Richmond, probably for health reasons, where he died, February 21, 1829, and was buried in Hebrew Cemetery (Family records; and Ezekiel-Lichtenstein. *The Jews of Richmond*, p. 307). By his wife, *nee* Louisa Marx, he had Moses, II, Joseph Marx, and Virginia.

<sup>18</sup>*Antiquary*, vol. 5, pt. 4, p. 154.

<sup>19</sup>Deed Books of the Corporation Court of the City of Norfolk, *passim*.

<sup>20</sup>Russell, born Bocassel, in Portsmouth, England, 1745 or 1747, migrated to Philadelphia, where, on November 2, 1776, he married Esther, daughter of the religious functionary, Rev. Mordecai M. Mordecai. He enlisted as Surgeon's Mate in a Philadelphia regiment, but after the British occupation, joined the Second Virginia Regiment. He seems to have had a difficult time of supporting his increasing family, for the births of his children show him moving from Norfolk to Richmond to Baltimore. He died August 11, 1830, in Germantown, Pa. (Cf. Morais. *The Jews of Philadelphia*, p. 457f. Russell Family Bible).

<sup>21</sup>Isaac, born October 11, 1787, subsequently moved to Savannah to become the progenitor of the Georgia Russells; Moses, born May 30, 1791.

<sup>22</sup>Moses, just mentioned, was unquestionably "Moses, Son of Uri Feis, born at Norfolk, Va. 1791," mentioned in Derkheim's Mohel Record, as quoted in Ezeziel-Lichtenstein, *op. cit.*, p. 33. Uri Feis would be an appropriate synagogue name for Philip [Moses Russell].

<sup>23</sup>*Vid. Family History of Benjamin Mordecai and Constance Davis* (Ms. photostatic copy in the American Jewish Archives); Elzas Papers in New York Historical Society.

<sup>24</sup>By-Laws of Naphtali Lodge; *PAJHS* 19/62.

<sup>25</sup>Sons of the well-known Revolutionary patriot, Benjamin Nones, of Philadelphia.

<sup>26</sup>Kraus-Sandor Collection (American Jewish Archives).

<sup>27</sup>Elzas Mss. (New York Historical Society).

<sup>28</sup>Norfolk County Deed Book 49/27. The E-W dimensions of the plot are given as 40 feet. The other dimensions are not clear. A Norfolk Atlas for 1889 shows a small plot, less than 50 feet square, marked "graveyard," at the corner of what are now Elizabeth and Pearl Streets. At some unascertained time, this cemetery was abandoned, and many of the graves were transferred to the subsequent Hebrew Cemetery, on Princess Anne Road (founded 1850). In this later cemetery may still be seen the tombstones of Solomon B. Nones, and of Abram and Henry, sons of Moses Myers.

<sup>29</sup>*The Owl*, Dec. 1902, page 1. We have been unable to locate this residence or ascertain its Jewish owners.

<sup>30</sup>For a prospectus of this school, see Korn, *Eventful Years and Experiences*, p. 199f. For further data on Moses Elias Levy and his fascinating schemes for Jewish resettlement, *vid. The Florida Historical Quarterly*, 19/329ff.; and *PAJHS* 25/1ff.

<sup>31</sup>A letter of Noah's dated February 28, 1819, and addressed to John Myers in reply to a communication regarding the Levy plan, states in part: ". . . Are we, educated with just views, capable of appreciating the blessings of civil liberty & religious toleration, to do nothing for the less fortunate & less tolerated portion of our brethren? These are questions which we are bound to put to ourselves. I have not the pleasure of knowing you personally, but you write on this subject in conformity with my own views and feelings . . ."

<sup>32</sup>This is David L. Yulee, as he later called himself, Florida's first Senator, *vid. PAJHS*, *loc. cit.*

<sup>33</sup>Philip (1793-1852) was the son of Jacob I. Cohen, of the well-known Baltimore family. He later became Postmaster of Norfolk (*The Owl*, *loc. cit.*).

<sup>34</sup>Abraham (1774/8-1822), died at Medford, Mass. Like his more famous brother, Judah, he was unmarried, and left many charitable legacies, notably, for the preservation of the synagogue and Jewish cemetery at Newport. *Vid. Gutstein. The Story of the Jews of Newport*, *passim*.

<sup>25</sup>Adams quoted General Van Rensselaer in his *Memoirs* (8/397) regarding the Senate's objection to Moses: "he is an honest man, the first in that collectorship for many years?" *vid. PAJHS* 17/86)

<sup>26</sup>*Vid. PAJHS* 17/81f.

<sup>27</sup>Daughter of Joseph Marx, and sister of Samuel Myers' wife. Myer remained in Norfolk for the remainder of his life, occupying his father's home. He became President of the Bank of Virginia and British Consul. His grand-niece, Louisa Myers Taylor, informed the author that Judith wished to convert to Christianity. Myer, while not practicing Judaism, opposed the conversion. Upon his death in 1877, Judith became a Christian, surviving for three more years. Both are buried in Elmwood (Christian) Cemetery.

<sup>28</sup>Moses, II, married twice, both times to Christians, and his children were reared as Episcopalians. Upon his death in 1881, he was interred in Hebrew Cemetery, but his son, Barton, subsequently transferred his remains to Elmwood.

<sup>29</sup>*The American Beacon*, printed and published by Shields, Ashburn, and Grigley. Widewater St., 3d door from Roanoke Square. Norfolk, July 9, 1835.

<sup>40</sup>Ezekiel-Lichtenstein, *op. cit.*, p. 104f.

## ACQUISITIONS

### To SJHS Collection at Valentine Museum

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- Congregation Beth Ahabah, *Richmond, Va., Miscellaneous items, Year-books, booklets, programs, and notices of events.* (Gift of Mrs. Sadie Marcuse Kirsh, Richmond, Va.)
- Congregation Beth Ahabah, *Richmond, Va., Newspaper clippings, Photostats, Dedication of new building, September 4, 1880.* (Gift of Saul Viener, Richmond, Va.)
- Congregation Beth Shalome, *Richmond, Va., Photograph, taken after it had ceased to be used as synagogue.* (Courtesy of the Valentine Museum, Richmond, Va.)
- Clark, Adele, *Collection, Miscellaneous items relating to the Harris, Goodman, and Nathan Families, 1800-1900, including a marriage contract, religious articles, photographs, and papers, Amsterdam, Charleston, New Orleans, and Richmond.* (Gift of Miss Adele Clark, Richmond, Va.)
- Cohn, Rev. Joseph, (*Last Hazan of Congregation Beth Shalome*), *Passport, 1873, with letter attached signed by H. Keily, Mayor of Richmond, who later figured in strained diplomatic relations with several European governments because of his Jewish wife.* (Gift of Mrs. Jacob S. Cohn, Richmond, Va.)
- Ezekiel, Henen C., *Collection, Papers relating to the Ezekiel and Levy Families, Richmond, Va., Philadelphia, Pa., and Texas, 1835-1920.* (On loan from the estate of the late Miss Helen C. Ezekiel, Richmond, Va.)
- Five Books of Moses, *Amsterdam, 1630, inscribed with the name of Moses Michael Hays.* (Gift of Mrs. William H. Schwarzschild, Sr., Richmond, Va.)
- Florance, Benjamin, *Permit to move through Confederate lines, issued by Judah P. Benjamin, Confederate Secretary of State, 1863, Original.* (Gift of Saul Viener)
- Gesheldschafft Shebeth Achim, *Richmond, Va., November 6, 1851, Photostats.* (Gift of Louis Ginsberg, Petersburg, Va.)
- Hecht, Herman, *Letter to son, Armand, September 5, 1918, Photostat.* (Gift of Louis Ginsberg)
- Heller-Held-Hutzler Families, *Collection of photographs, papers, and books.* (Gift of the Leo and Blanche Heller Ullman Family, Richmond, Va.)
- Horowitz, J., *Philadelphia, Pa. Letter, January 12, 1818, to Thomas Jefferson, Photostat.* (Gift of Louis Ginsberg)

- Hutzler Family Tree, *Descendants of Isaac and Mindel Hutzler*. (Gift of Charles S. Hutzler, Richmond, Va.)
- Kursheedt, Edwin, *Letters to Sarah Levy*, photostats, written June-August, 1862, while he was serving in the Confederate forces. (Gift of Louis Ginsberg)
- Lichtenstein, David, and Hannah Zander, *Marriage contract*, 1879, *Tarboro, N. C.*, Original. The parents of Gaston Lichtenstein, American Jewish historian. (Gift of Saul Viener)
- Moehring, M. E., *Letters*, Photostats, Hamburg, Germany, 1841, to Isidor Levien, Galveston, Texas, 1874, to James Levien (Gift of Raphael Levien, Richmond, Va.).
- Tercentenary, *Collection*, consisting of photographs, announcements, newspaper clippings, exhibition records, and miscellaneous papers relating to the Tercentenary activities of the Richmond (Va.) Jewish Community Council, 1954-55. (Gift of the Richmond Jewish Community Council)

*The Southern Jewish Historical Society has at its disposal a fire-proof repository for its collection of books, papers, and artifacts of all kinds at the Valentine Museum, Richmond, Virginia. The Society welcomes any additions to its assemblage of articles of Southern Jewish historical interest.*

## TOMBSTONES THAT TELL A STORY

### Charleston's Historic Coming Street Cemetery

By THOMAS J. TOBIAS\*

HIDDEN FROM THE STREET by a high brick wall in Charleston, South Carolina, is the oldest Jewish cemetery in the South.

While Jews have lived in Charleston since 1695, it was more than fifty years before they were sufficiently numerous to organize a congregation. In 1749, Kahal Kadosh Beth Elohim was founded. Fifteen years later the little colonial Jewish community acquired a communal burial ground.

In 1764, Isaac Da Costa, Beth Elohim's first *kazan*, who had previously bought a plot of land on the then-outskirts of the city for a private cemetery, sold it to the congregation for "a consideration of 70 Pounds lawful money of the Province." Da Costa conveyed the property to trustees "for a place of burial for the use of Jews residing in Charles Town or elsewhere in the Province of South Carolina, who do and shall conform to the Jewish rites and ceremonies in General, and who do and shall conform and observe the rules, orders and regulations of the Jews' congregation in Charles Town named Beth Elohim."<sup>1</sup>

This "place of burial" exists today as Beth Elohim's historic Coming Street Cemetery.<sup>2</sup>

Here repose the remains of many of the notable Jews of a community which by the early 1800s had grown to be "the largest, the most cultured and the wealthiest Jewish community in America."<sup>3</sup>

Comprising some three quarters of an acre this pre-Revolutionary Jewish burial ground is today an island of stillness and repose in the midst of a teeming Negro tenement district in the center of the city. An old red brick wall surrounds it and shuts it in from its noisy neighborhood. Spreading live oaks, tall elms and weeping willow trees shade the graves. In the spring and summer, oleanders heavy with red, pink and white blossoms, and a variety of flowering plants and shrubs lend color to the weathered gray tombs.

Some six hundred tombstones are to be seen in the cemetery today. Others have been lost through the disintegration of time and the elements. Some broken remnants of stones with parts of a name or portions of an epitaph are to be found. In accordance with colonial cus-

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\*THOMAS J. TOBIAS has a deep personal interest in Charleston's Coming Street Cemetery as many of his forebears are buried there. He is a past president of Beth Elohim, serving just 200 years after his ancestor, Joseph Tobias (1685-1761), who helped found the synagogue in 1749, served as its first president. He is a member of the Executive Council of the American Jewish Historical Society.

tom, most of the older tombstones are flat stone slabs, some lying directly on the ground but generally resting on raised brick foundations. Much of the cemetery is divided into family burial plots set off by stone copings and old iron fences. Some tall and impressive monuments of handsome and curious design are to be seen. Examples of the old stone-cutters art are to be found in tombstone carvings and decorations.

Most tombstone inscriptions are in English but many include Hebrew lettering, often quotations from the Bible. Leonie David (d. 1858, aged 10), lies under a stone inscribed in French. Some of the inscriptions on the older tombs are now illegible.<sup>4</sup>

Most of the tombs date from the latter part of the eighteenth century and through the nineteenth century, with a few from the early years of this century. Since 1887, when Beth Elohim's present cemetery was acquired because of lack of space at Coming Street, burials in the old cemetery have been confined to a few vacant spaces in old family plots.

The oldest tombstone is that of Moses Cohen, a prominent merchant and "learned Jew," who served as Beth Elohim's first rabbi. He died in 1762, two years before the cemetery was acquired by the congregation and was buried there when it was still the private cemetery of his friend, Isaac Da Costa. He lies under a heavy slate slab carved with spreading hands of the *Kohanim* in priestly blessing and the inscription; "Here Lieth Interred R. R. Moses Cohen, D.D. Died the 19th day of April, 1762 Aged 53 Years." A unique Hebrew acrostic poem also appears on the stone.<sup>5</sup>

One section of the cemetery lies on a slightly higher level of ground. Thereby hangs an interesting story. When Beth Elohim was building a new synagogue in 1840 to replace an earlier one destroyed by fire, it was proposed that an organ be installed in the new synagogue. Hitherto strict in its Sephardic orthodoxy, the congregation became a house divided. By a narrow majority (46 to 40), the membership voted to install the organ. Whereupon the orthodox group, after appealing in vain through the state courts,<sup>6</sup> seceded and formed Shearith Israel Congregation. So bitter was the feeling that members of the two congregations hardly spoke to one another. The seceded went so far as to buy their own burial ground alongside the old Beth Elohim cemetery. A high wall was built separating the two cemeteries. In 1866, after the Civil War ended leaving Charleston and its Jewish community prostrate, the "war" between the two congregations also ceased. The two groups reunited in Beth Elohim. The cemeteries were likewise united and the dividing wall pulled down.

Beth Elohim's famous "organ controversy," a milestone in the development of Reform Judaism in this country, finds a faint reflection today in the crumbling base of an old brick wall which once separated two warring factions even in death.

Another feature of the cemetery is a reminder of a forgotten episode of Beth Elohim's congregational history of more than a century ago.

Jutting off from the main cemetery is a small plot of ground once the private burial ground of David Lopez, (1809-1884), a leader of Beth Elohim and builder of its present synagogue in 1840. His wife had been born a Christian and had never formally become a Jewess. His wife having been denied burial in Jewish ground when she died in 1843, Lopez bought a small piece of property adjoining the Coming Street Cemetery. There Catherine Lopez lies with her infant son under a stone canopy of Gothic design. But the Lopez burial ground is no longer separate. It has been for many years included as a part of the main cemetery. Ironically, Catherine Lopez finally rests in the sanctified congregational ground she was denied when she died.

But the chief fascination of Coming Street Cemetery is its rich legacy of tombstone history. Much of the story of one of the oldest Jewish communities in the United States can be read from these cemetery records. The modern practice of confining tombstone inscriptions to the names and dates of the deceased was not so common a century and more ago. The older stones give more details about the dead. Many are veritable capsule biographies.

Of more than a score of Charleston Jews who served in the American Revolution, seven are buried in Coming Street Cemetery.<sup>7</sup> Carved on the weathered tombstone of David Nunez Cardozo, (d. 1835, aged 81), an ancestor of the late Supreme Court Justice Cardozo, is a thumbnail account of his war service:

The deceased served as a Subaltern Officer in the militia of South Carolina during a great part of the Revolution, until made a prisoner of war in 1780. He was also attached to the *Folorn Hope* when the lines of Savannah were attacked by the combined forces of Gen. Lincoln and Count d'Estaing.<sup>8</sup>

The gravestone of another Revolutionary veteran, Marks Lazarus whom the Charleston papers called "a single minded and zealous patriot" when he died in 1835, at the age of 79, makes no mention of his war service as a sergeant major but tells rather of his progenitive prowess. It says:

This tomb is erected by his bereaved widow with whom he had counted their eighty-sixth descendant and enjoyed 59 years of conjugal happiness.

Next to him lies his "bereaved widow," Rachel (d. 1847, aged 85) whose tombstone boasts further of their fruitfulness. It says:

Fifty-two of her descendants preceded her to the grave and one-hundred-and-twenty-one survived her! Our mother! She taught us how to live and how to die.

Four veterans of the War of 1812 are to be found in the old cemetery. But the tombs erected to those who died in the War Between the States, mostly the very young, have especial poignancy. (More than

180 Charleston Jews served in the Confederate forces, of whom some 25 were killed).<sup>9</sup>

Heroism on the battlefield is recited on the tombstone of Marx E. Cohen, Jr., who,

Died March 19th, 1865, in the 26th year of his age, on the battlefield of Bentonville, N. C., where he distinguished himself in Hart's Battery, C.S.A., by volunteering the performance of service in which he lost his life.<sup>10</sup>

Above the inscription on young Cohen's tombstone are carved in bas relief the flag of the Confederacy and the palmetto flag of South Carolina.

There are cenotaphs to the memory of Alexander M. Hilzeim, "a victim at 18 years to the horrors of war. Wounded at Kennesaw Mountain, Georgia, he fills an unknown grave"; Isaac Barrett Cohen: "Born at Charleston 11 December, 1840. Killed at Fort Fisher, 15 January, 1865," and Isaac D. Valentine "Killed at the battle of Secessionville, June 16th, 1862 aged 29 years, 4 months."

Two Goldsmith sons, Isaac Philip, aged 22, and Mikell Meyers, 17, are memorialized on a common tombstone which says:

Victims in their early youth to the horrors of war, they freely gave their young lives to their country's needs. Filling heroes' graves, they have left us nothing to mourn.

Ironic tragedy marks the inscription on the tomb of Edwin L. Moses, who:

Died June 15th, 1866. A victim of exposure incidental to a soldier's life. He died a prisoner at Camp Chase, Ohio, a few days before the surrender of the Confederacy.

During the century prior to the fatal firing on Fort Sumpter, Charleston prospered from the thriving plantation economy it served. It was a busy seaport, a city of fine homes, a center of culture and leadership. With a heritage of religious freedom from its founding, Charleston's Jews participated in their city's prosperity and shared in its culture, developing men who contributed to the community and left their mark in all walks of life.

Such a man was Mordecai Cohen (d. 1848), who rose from a peddler to the second wealthiest man in South Carolina. He was noted for his philanthropy and civic leadership. His tombstone best summarizes the kind of man he was:

He was a good citizen, an enterprising merchant and one of the largest contributors to the improvement and revenue of this city. By his strict integrity, his just and charitable disposition, he won the confidence and esteem of the community.

Another successful merchant was David Lopez (b. 1750), father of the David Lopez referred to earlier in this article. His fading tombstone bears the inscription :

Sacred to the Memory of  
David Lopez, Esq.

Who died 15th January, 1811, aged 61. During a residence of 20 years in this city, piety and probity marked the course of the deceased. An enlightened mind, highly advantaged by a liberal education rendered him a valuable member of the Hebrew congregation and of several charitable societies, particularly the Hebrew Orphan Society which he was essentially instrumental in creating and he was honored by being unanimously elected its first president.

Patriotic as a citizen, humane as a master and as a father truly affectionate, as a husband the feelings of a disconsolate widow who erects this tribute to his memory speaks more than can be inscribed on marble.

Typical of Charleston Jews who held public office was Lyon Levy (d. 1835, aged 71). A flat slab directly on the ground states :

A native of England, but for more than half a century a resident of Charleston, where he was employed nearly forty years in public service, and as a reward for his integrity was elected Treasurer of the State of South Carolina in 1817.

One of the leading physicians of his day, Dr. Jacob De La Motta (1789-1845), also served in the War of 1812. He was for many years secretary of the Medical Society of South Carolina. He wrote on medicine, natural history and philosophy. He helped reorganize Savannah's Jewish congregation and spearheaded the building of a synagogue there. His "Discourse" at the dedication in 1820 drew letters of praise from Thomas Jefferson and James Madison.

De La Motta's tombstone says :

The faithfulness and integrity with which he performed the duties of various public trusts won for him the confidence of his fellow citizens. He was highly respected as a physician in the Army of the United States and subsequently in his private practice. He was scrupulous in his observance of his religion and charitable in all the relations of life.

The grave of a noted woman buried in Coming Street Cemetery is marked by a simple stone with a restrained and austere inscription. It reads simply: "Died September 13th, 1880, Penina Moise. Age 83 Years."

Miss Moise, a poetess of considerable reputation in her day, is best known for the hymns she wrote originally for Beth Elohim. More of her hymns are now included in the Union Hymnal than those of any other Jewish writer. She having been left an orphan, her life was a hard one, culminating in blindness during her latter years. When she died, her last words were: "Lay no flowers on my grave. They are for those who live in the sun, and I have always lived in the shadow." But her wish is denied by the flowers that bloom about her grave each spring.

An expressive tribute to a housewife and mother is found on the tombstone of Sarah Cardozo (d. 1853):

An affectionate parent and a fond wife, of unbounding charity and social disposition. She was a model of the household virtues, uniting to these the qualities that are most valued in the domestic sphere. In her long life she was a continued example of kind manners and a humane heart.

Sally Lopez, who established the second Jewish Sunday school in the United States at Beth Elohim in 1838 only a few months after Rebecca Gratz's school was started in Philadelphia, also has the distinction of being the most long-lived person buried in Coming Street. Miss Lopez was 96 when she died in 1902. A close second is Solomon Moses, "a native of Amsterdam, who departed this life on the 23rd June, 1828, Aged 94."

Mortality among the very young so common in previous generations is reflected in the number of small stones in family plots. The tombstone of Mordecai and Rinah Ottolengui recites that five children who "died in infancy" are buried near them. Only one child lived to manhood.

Yellow fever, the scourge of Charleston a century and more ago, is named on many tombstones as a cause of death. Two brothers, Isaac, 20, and Jacob Bentschner, 18, lie under a common stone which states: "died with yellow fever." Daniel Joseph (d. 1819, aged 15) "fell as a sacrifice to the prevailing fever," and David Davega died in 1822 "of the fever of the climate, after an illness of 42 hours, age 4 years, 7 months."

Tombstones in Coming Street record several instances of out-of-ordinary and accidental deaths.

Shipwreck took the lives of five persons. Three sisters have a stone in their memory, Sarah, Frances and Olivia Levy, "Who perished in the wreck of the steamer Home at Ocracock, N. C., the 9th of October, 1837." A grandmother, Judith Lyon, 68, and her grandson, Philip S. Cohen, 27, were lost in the same wreck.

There is a tomb to Nathan Drey, "A native of the city of Hidingsfeld, Kingdom of Bavaria, was drowned while bathing at Wilmington, N. C., May 20th, 1848, aged 27 years."

Even crime is recorded in the epitaphs of Coming Street. A broken slab is inscribed: "Sacred to the Memory of Benjamin Plum, Assassinated on the road near Orangeburg on the 9th and interred in this place on the (illegible date) of March, 1847."

Scores of other notable and interesting personalities lie buried in Coming Street. There is the imposing monument to Joshua Lazarus (d. 1861), one of the leading industrialists of the ante-bellum South, and the almost illegible tombstone of Abraham Alexander (d. 1816), Revolutionary officer, rabbi of Beth Elohim for many years and one of the organizers and first secretary-general of the Supreme Council of Scottish Rite Masonry which was founded in Charleston in 1801. Bernard Baruch's great-grandfather, on his mother's side, Hartwig Cohen, (d. 1861), rabbi of Beth Elohim 1818-1823, lies under a stone carved with the traditional hands outspread in priestly benediction.<sup>11</sup>

But the chief attraction of the Coming Street Cemetery to the student of American Jewish history is the rich variety of tombstones whose inscriptions tell something of the story of the lives of those who lie beneath them. In this respect, these old tombstones can be counted among the foundation stones of the American Jewish community today.

#### FOOT NOTES

<sup>1</sup>From deed recorded Charleston Office of Mesne Conveyance, Vol. C3, p. 108 sq.

<sup>2</sup>In addition to the Coming Street Cemetery, there were two small private Jewish cemeteries in Charleston, another Da Costa Cemetery, 1783, and the Hanover Street Cemetery, 1789, the few remaining stones from which were transferred in 1939 to Beth Elohim's present-day Huguenin Avenue Cemetery.

<sup>3</sup>Dr. B. A. Elzas, *The Jews of South Carolina* (Philadelphia, 1905), p. 130.

<sup>4</sup>Fortunately, the late Dr. Elzas, while rabbi of Beth Elohim, made a transcript of the tombstone inscriptions which he published as a booklet in 1903. (*The Old Jewish Cemeteries at Charleston, S. C.*)

Many of the inscriptions that have become illegible or lost in the past 50 years are preserved in Dr. Elzas' compilation. All tombstone inscriptions cited in this article have been Dr. Elzas' published transcripts, and his text has been used where stones are now indecipherable.

<sup>5</sup>Dr. Jacob R. Marcus, director of the American Jewish Archives, denies Moses Cohen's right to the titles, "Right Reverend" and "Doctor of Divinity," which, he says, no 18th century "rabbi" held. He believes the "degrees" were self conferred or given him by friends or family. (Letter from Dr. Marcus to author, May 28, 1958).

<sup>6</sup>See Richardson's *South Carolina Law Reports*, Vol. 2, pp. 245-286 for opinion of the Court of Errors and Appeals.

<sup>7</sup>Abraham Alexander, Sr., David N. Cardozo, Gershom Cohen, Samuel Jones, Philip Hart, Marks Lazarus, and Sampson Simons.

<sup>8</sup>Admiral Count d'Estaing with a French fleet combined with an American army under Gen. Lincoln in an effort to take Savannah in 1779 were severely defeated by the British.

<sup>9</sup>Charles Beznikoff, *The Jews of Charleston*, (Philadelphia, 1950), p. 158.

<sup>10</sup>Some shells had been thrown into the Confederate lines. Marx Cohen and two others volunteered to hurl them aside before they should burst. They were successful in the mission but were all shot dead by Federal bullets. (Beznikoff, *Jews of Charleston*, p. 159-159.)

<sup>11</sup>Margaret L. Coit, *Mr. Baruch*, (New York, 1957), p. 2.

## 1868: FRANKLIN J. MOSES: CHIEF JUSTICE OF SOUTH CAROLINA

By HARRY SIMONHOFF\*

ALL MINORITIES TAKE PRIDE in a fellow member who attains high place in public life. In the case of the Jews, this attitude is due largely to the peculiar status that they occupied for fifteen centuries—in fact since Christianity triumphed. Immediately the Jews were de-classed as citizens of the Roman Empire. Excluded from civic and military honors for so long a period, they naturally became *koved* hungry.

Therefore, it seems strange that they should ignore the first Jew to serve as Chief Justice of the Supreme Court in any American State or foreign country. This paradox might be attributed to several reasons. To begin with, Franklin J. Moses, Senior, married out of the faith, raised his children as Protestants and was never identified with Judaism, even though he did not actually change his religion. Then too, he held office during the Reconstruction, the "tragic era" of misrule and corruption. To Northern Jews he was just another defeated Rebel, who had tried to shatter the Union. But to the Jews of the South the very name Franklin J. Moses, Senior or Junior, was odious. For his son was the "Robber Governor" of South Carolina, a depraved scoundrel, who bore the same name as his father and made it despicable.

In 1804 the future Chief Justice was born in Charleston and named Israel Franklin. If subsequently he had cause to blush over his son, he had every reason for pride in his forebears. His grandfather, Myer Moses, came from Barbados to Charleston in the 1760's and served as private and corporal in the Revolutionary War. Writing about Myer Moses, General Thomas Sumter declared in a letter: "After the fall of Charleston, his treatment of the wounded and prisoners was extremely friendly and humane . . . that on these occasions he expended a considerable sum in relieving them."

His son, Myer Moses, Junior, was a man of parts who in 1810 represented Charleston County in the State Legislature. A member of the South Carolina Society for the Promotion of Domestic Arts and Manufactures, he was also a Commissioner of Free Schools and Director of the Planters and Mechanics Bank. During the War of 1812, he commanded a company of militia as captain, then was promoted major, and served on the Committee of Twenty-One for Aiding the Defense of the

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\*Harry Simonhoff is a Southerner originally from Charleston, S. C., and now living in Miami, Florida. After retiring from his law practice, he took up writing and specializes in American Jewish History. He is the author of *Under Strange Skies* and *Jewish Notables in America 1776-1865*. His forthcoming book is *Saga of American Jewry 1865-1914*, from which "FRANKLIN J. MOSES" is an excerpt.

City. Major Myer Moses was the author of two well written tracts: *Oration Delivered at Tammany Hall on the 12th May, 1831* and *Full Annals of the Revolution in France*.

Economic conditions seem to have deteriorated in Charleston until it became difficult to earn a living. Younger men left the state to make successful careers elsewhere. Despite his activities and standing, Myer Moses departed in 1825 and settled in New York. But his 21 year old son who now called himself Franklin I. Moses did not follow. Perhaps discord over religious attitudes had already become manifest. The father, always loyal to Judaism, probably detected the growing indifference, perhaps resentment, of the son who began to sign his name Franklin J. for no apparent reason.

Franklin decided to survey the state for better prospects. A graduate from South Carolina College at 17, he studied law at the office of James L. Pettigru, one of the ablest lawyers in American history, and was admitted to the Bar. Passing through Clarendon, he accepted the invitation of Judge Richardson to spend a night at his home; there were no hotels or inns in the vicinity. The judge was struck with the demeanor, the ability latent in his young house guest and advised him to settle in Sumter.

The sponsorship of Judge Richardson launched Moses into Society and helped him acquire a lucrative law practice that extended to several neighboring counties. In 1842 he was elected to the General Assembly and served in the State Senate till 1866. In public life he displayed high capacities and impressed colleagues with his careful attention to official tasks and duties. During the greater part of his legislative career he served as Chairman of the Senate Judiciary Committee, a strategic post for approving or rejecting proposed laws. In the South Carolina of John C. Calhoun, Robert Y. Hayne, George McDuffie and Barnwell Rhett no one had a better knowledge of public affairs and the state's political history. In 1860 he was sent as South Carolina's Commissioner to influence the North Carolina Secession Convention. When war was declared he enlisted at 57 and served on the staff of General Wise in West Virginia. Too old to take the rigors of campaigning, he returned and throughout the struggle assisted in whatever capacity he could. A member of the State Constitutional Convention of 1865, he was elected Judge of the Circuit Court in 1866.

The war ended and the crushed South was in hopes that the mild policies of Lincoln would be implemented by his successor. But the Radicals seized power and impeached President Johnson without convicting him. Under the presidency of Ulysses S. Grant, a harsh Reconstruction attempted to subvert the social and political order of the South. The ex-Confederates were disenfranchised and the former slaves put in the saddle. For the vanquished it was a period of physical suffering and spiritual distress.

In this time of trouble the white Southerners expected all native sons to stand shoulder to shoulder for white supremacy. The penniless adventurers from the North who swooped down to make their fortunes in the ravaged area were scornfully dubbed *carpetbaggers*. But the deepest contempt was reserved for the native white *scalawag* who joined the carpetbagger in exploiting the bewildered native ex-slave to attain political power and economic well being. South Carolina soon came under the rule of carpetbaggers and scalawags. The state groaned under the high taxes that went to pay for the riotous living of corrupt politicians, backed by Federal troops. A Walpurgis Night of revelry, bribery, and general corruption ran riot in high places.

In 1868 Franklin Moses, Sr., was 64 years old. He had served the State with unselfish devotion, and in turn had received honors and distinctions. A completely integrated South Carolinian, he had married Miss Jane McLelland and raised Franklin, Junior, in the Protestant faith. No longer identified with a minority sect, he had no need to bolster up an insecure status with the power and influence of the victorious Federals. Therefore a shock awaited the friends and admirers of Franklin J. Moses, Sr. They were all but stunned to learn that their trusted associate had accepted from the Republican, Negro-carpetbagger-scalawag Legislature of 1868 the position of Chief Justice of South Carolina's Supreme Court. In the eyes of white Carolinians Franklin J. Moses, Sr., became a scalawag, guilty of treachery to his State and to the white race.

In our days of desegregation and civil rights, when dyed-in-the-wool Dixiecrats voted the Republican ticket, the transfer of party allegiance does not appear quite so black. But the ravages of war and defeat, the subversion of society and government all but shell-shocked the taut nerves of South Carolina. Yet there is no evidence that the elder Franklin Moses became an active Republican guiding the new party with his astute council or rich experience. On the contrary, the Radicals came to regard him as favoring his former colleagues, the Democrats. The question remains: Why did he take a step that forfeited public esteem and private friendships? The answer might lay in the dire need of making a living during a disorganized period when the state's economy was shattered, no easy matter for an ageing lawyer with a wife and four daughters to support. Or was it that when the new party offered him the highest position in the state judiciary he just could not resist the temptation to satisfy his strongest ambition. Of course, neither Moses nor any one else could foresee the pillage and deterioration that followed.

The important thing is, how did the Supreme Court conduct itself during the nine years of Republican rule? It would be quite natural, under the circumstances, to suspect this court of the same corruption that prevailed in the other branches of government. Every one knew that Justice Moses had great influence over the Negro Associate Justice Wright, and consequently dominated the court. Considering the frustrations and public feelings of outrage, it would not be surprising for people to imagine the Chief Justice and his son, the Chief Executive of South Carolina from 1872-1874, hatching sinister plots to despoil and to

defraud. But the researcher seeks through the Court Reporter in vain for any indication of fraud, chicanery, or simple dishonesty. There were many able lawyers in the state who appeared before the court and scrutinized the decisions with careful suspicion. Not a word of criticism has come down. In fact this court bent backwards when it refused to ratify a bond issue of \$4,000,000 passed by the Republican General Assembly because it looked suspicious. In their masterful work, *South Carolina During Reconstruction*, the North Carolina University professors, Francis B. Simkins and Robert H. Woody, declare: "In spite of the fact that the Supreme Court was composed of a scalawag, carpetbagger, and Negro, its administration was fair and equitable."

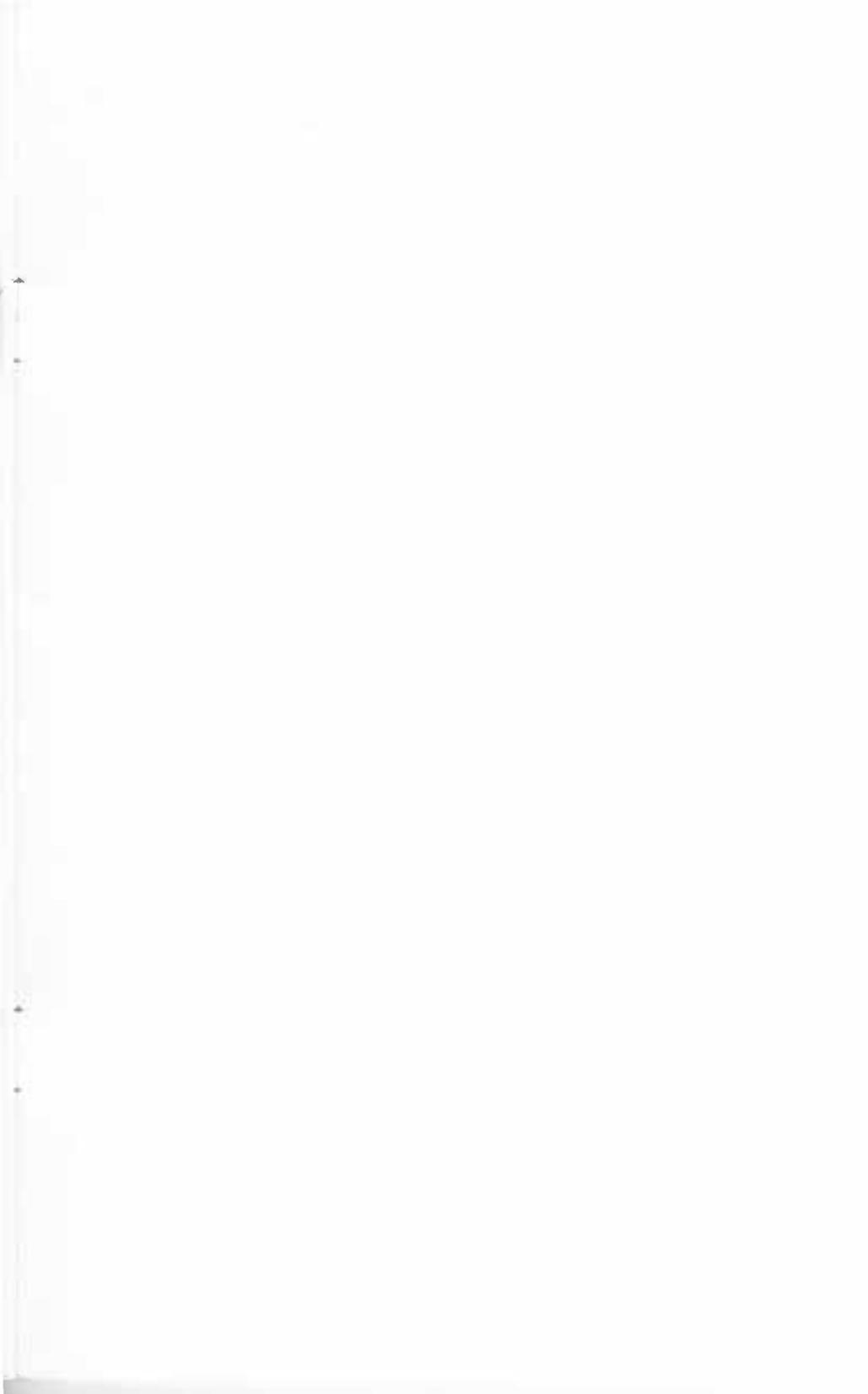
Ironically, Chief Justice Moses actually rendered important political service to the very Democrats who considered him a scalawag. In 1876 the nation was bewildered to learn that two opposing Governors and Legislatures were operating side by side in the South Carolina capital. Each party insisted with mounting passion that its candidates had been lawfully elected. Both Republicans and Democrats were presenting to the State Supreme Court the various controversies arising daily out of the anomalous situation. Moses dominated the two Associate Justices and the court invariably decided for the Hampton Democrats. When finally the court had to declare the legally elected Governor, the Chief Justice was on his deathbed. But every one knew how Chief Justice Moses would have decided. The two Associate Justices decided in favor of Wade Hampton, and this decision influenced Washington to withdraw the Federal troops that sustained the Republicans. This final decree grew out of the previous orders issued when Moses dominated the Supreme Court.

Due to the odious conduct of Governor Franklin J. Moses, Junior, the stigma has never been removed from his father's name. Yet the aforementioned Southern historians, F. B. Simkins and R. J. Woody, used such adjectives as *distinguished*, *eminent*, and *illustrious* in characterizing Chief Justice Franklin J. Moses. Governor Wade Hampton's letter to Justice Moses, written two months before the latter's death, reflects a friendly warmth.

An important fact appears to have been overlooked or ignored virtually by everyone. How did it happen that during a period of such corruption in government when the executive arm was venal and the legislative branch scandalous that the judiciary remained unsullied? There was but a single judge of the Circuit Court who showed dishonesty. Even the magistrates as a group, among them Negroes, have escaped criticism. Everyone knows that judges of inferior courts look for guidance and direction to the Supreme Tribunal which might review their orders and decrees. Thus when the highest Court of Appeal shows lack of independence, as happened several generations later in the totalitarian countries of Europe, justice becomes a mockery. One can only imagine the consequences if the Supreme Court had displayed complacency towards chicanery or bribery during the most demoralized decade of the state's history.

We are thus forced to conclude that the strict, impartial fairness of the highest Court of Appeals at this critical time affected and infected the lower courts. We know that the strong and able head of the Supreme Court swayed his two associates. Thus there seems little reason to doubt that the example and firmness of Chief Justice Franklin J. Moses maintained the stability, equity, and integrity of the Judiciary during the Reconstruction Era. It is for this reason that the judgment of U. R. Brooks in his *South Carolina Bench and Bar* can be quoted as an apt and just appraisal:

“Chief Justice Moses was an extraordinary man. To a big brain he added other qualifications which tended to make him great. He was very conscientious, and would never let his personal aggrandizement stand in the way of his convictions. To illustrate: One evening he received a telegram from some lawyer in Columbia asking him to hear a case at Chambers in Sumpter; he granted their request: the case was heard, and he granted the injunction prayed for. After retiring, the lawyers having left, he went to bed, but the case was in his head, and he commenced studying it over, and was convinced he was wrong in granting the injunction. He got up, wrote a contrary opinion to the one he had already given, took it to the train himself, the mail passing Sumpter at 4 a.m., and mailed it to Columbia, in order that it might reach there before the injunction was carried out. But one among the chief attributes to his success was a knowledge of the men with whom he was thrown in contact. Indeed, he seemed intuitively to gauge their character and how to direct his argument so that it would fall upon ears prepared. He was painstaking in his work; he never expressed an opinion unless he had good reasons to substantiate it, and, if convinced that he was wrong, he was the first to acknowledge it. His decisions, as laid down in the reports of the courts, show what a great jurist he was; they are daily quoted, and have been seldom set aside: for, learned in the law, he never wrote an opinion without giving the subject-matter due study and research. The only motto to be inscribed upon his tombstone is that he was ‘*Vir probus et justus.*’ ”



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