
Her “Scandalous Behavior”: A Jewish Divorce in Charleston, South Carolina, 1788

James W. Hagy

In the last two decades historians have shown a great interest in women and the family.¹ One of the subjects which has received considerable attention is divorce, but the institution is still not completely understood.² Jane Turner Censer has written the best article on this subject for the South.³ She found that most writers had considered the southern states to be far less liberal than they actually were when it came to dissolving marriages. Turner Censer wrote, “During the ante-bellum period, the Southern seaboard states (with the exception of intractable South Carolina which possessed no divorce law until Reconstruction) slowly liberalized their laws.”⁴ Another historian, Linda K. Kerber, writing in 1986, stated that “The divorce experience can be studied only in selected localities. In South Carolina it simply did not exist as a legal option” until 1868.⁵ Also, Marylynn Salmon has written that the American Revolution freed the new states from English legal precedents and resulted in important changes in many jurisdictions. “This, however, was not the case in South Carolina, which retained its conservative attitude toward divorce for another hundred and fifty years.” She then quotes a nineteenth-century jurist who said that “no divorce has ever been granted in South Carolina.”⁶

But in 1788 a divorce did take place in South Carolina and the secretary of state recorded it.⁷ The case was an unusual (and perhaps unique)⁸ one that involved what Abraham Peck has so aptly referred to as “that other peculiar institution” of the South, Judaism.⁹ “Intractable South Carolina” *could* be flexible; the state recognized this divorce despite the laws in the statute books and the fact that the usual legal procedures were not followed.



(Figure 1)



(Figure 2)

The Bet Din

The divorce came about on January 20, 1788, when Mordecai Lyon (1735 – 1818) and his wife Binche or Elizabeth Chapman appeared before a *bet din*, or ecclesiastical court, consisting of Israel DeLieben and Israel Myers, "learned men appointed for that purpose." They represented Kahal Kadosh Beth Elohim, then the only synagogue in the state.

Israel DeLieben (1740 – 1807), who was born in Bohemia, served in the American Revolution and belonged to the Masons. He married Hannah Levy Hart of Savannah in 1792. A businessman, he became a vendue master, or auctioneer, in 1801 and occasionally engaged in the selling of slaves. He was a partner in the firm of Hart, Stewart & Co. As with many businessmen he became involved in a number of civil suits. He died in Charleston.¹⁰ Israel Myers left few records behind. His residence in the city can be proved by a few records, including the censuses of 1790 and 1800. He is known to have served as a customs inspector in 1802.¹¹

Other persons present at the hearing were Moses Cohen, Abraham Azuby, Hyam Levy, and Samuel Myers. Moses Cohen (1747 – 1790) was also born in Germany and arrived in Charleston prior to the Revolution. In 1779 he married Judith DeLyon Cohen, daughter of Isaac Cohen and Rinah Tobias Cohen. A merchant in the city he moved to Savannah late in his life and is buried there.¹² Abraham Azuby (1738 – 1805) came to Charleston from Amsterdam in 1784. Married to Esther Azuby (1754 – 1805), he served as the *hazan*, or minister, of the Jewish congregation of Charleston from 1785 until his death in 1805, there being no ordained rabbis in the country at that time.¹³ Hyam Levy (d. 1795) arrived in Charleston sometime during or shortly after the American Revolution. He appears in the records as early as 1785 when he made an agreement with Hugh Dean regarding the shipment of mahogany from Nassau to London and other goods from London to Nassau. He gained his citizenship in 1793 but died two years later.¹⁴ Samuel Myers is less well known. He is found in the 1790 census¹⁵ and the 1800 census¹⁶ in Charleston. When a daughter married in Charleston in 1815 he was deceased.¹⁷

Apparently others were present because the document recorded with the secretary of state mentions that "a large concurrence" of the congregation approved the actions taken.

Those attending had a number of things in common. All seem to have been merchants or shopkeepers and to have been born in Europe. They apparently had received training in Jewish customs and practices, especially the two “learned” members and the *hazan*, who had the duty of reviewing the case. They were Ashkenazic or Central European Jews, with the exception of Azuby, who came from a Sephardic or Mediterranean background. Most, if not all, came to Charleston in the revolutionary era.

Charleston’s Jewish community was quite small until the time of the Revolution, and religious records for this time are virtually nonexistent. Charleston had no synagogue until 1749, but there were few in North America at the time. From about 1800 until 1830, however, the city contained the largest Jewish population of any community in the United States.¹⁸ Unfortunately, most of the congregational records from before 1838 have not survived. In that year fire ravaged a large section of Charleston and destroyed both K. K. Beth Elohim and St. Mary’s, the mother church of Roman Catholicism in South Carolina, across the street. Some of the records may have survived the fire only to have been lost when Charlestonians shipped many valuables to Columbia to escape the wrath of General Sherman during the Civil War, only to have Sherman destroy Columbia.

The Parties to the Divorce

Since Charleston had a nucleus of Jewish citizens by the middle of the eighteenth century, it naturally attracted others, including Mordecai Lyon (1735 – November 19, 1818), the petitioner in the divorce case. He came from Poland to the United States during the American Revolution, arriving in Charleston with his wife and child in 1782, when the city lay under British occupation. After the British evacuated the city later that year, the authorities thoroughly questioned Lyon about his loyalties; however, he claimed that he had done nothing to harm the American cause and had been preoccupied with caring for his wife and child.¹⁹ Two Jewish residents of the city, identified only as Mr. Cohen and Jacobs, testified on his behalf at the hearing, stating that Lyon, a tailor by profession, was truthful and “an unoffensive man” and “attentive to his work.”²⁰ At the time he was about forty-seven years of age. He appears in the 1790, 1800, and 1810 federal censuses in Charleston.²¹

Lyon improved his financial situation over the years. The first record of his owning property in Charleston is 1799, when he bought a lot with buildings on the east side of King Street.²² In 1802 he obtained a mortgage from Moses C. Levy on this property²³ and sold it to Jean Baptiste le Breton in 1811.²⁴ He then purchased 71-73 East Bay Street next to the Planters and Mechanics Bank. Although he sold two small portions of his land to the bank,²⁵ he still owned most of it at the time of his death. In his will he made his niece Rachel Moses his executrix and provided two slaves and his property on East Bay Street for her. Four daughters of Rachel Moses, Catherine Moses, Sarah Moses, Adeline Moses, and Henrietta Moses, all minors, were to receive slaves when they reached the age of eighteen. Joseph Lyon, perhaps a brother,²⁶ of Charleston and a number of relatives in Poland also received bequests.²⁷ Lyon listed the names of six slaves to be given away upon his death, indicating that he already owned them.²⁸ The inventory of his personal belongings for the probate court shows that his property was limited but apparently of good quality, especially a number of silver items.²⁹ One can assume that he enjoyed a comfortable standard of living.

When Lyon first appears in the records, he worked as a tailor. But in 1790 his marriage settlement gives his occupation as storekeeper, and his divorce decree states that he was a merchant. The location of his property on East Bay suggests that he was a substantial merchant until late in his life, although his niece and her husband must have assumed an important role in his business due to his advanced age. He is listed in the city directories of Charleston that survive from 1785 to 1807. He appears again in 1816. According to these sources he progressed from tailoring, to running a "slop shop," to being a dry goods merchant.³⁰

Lyon seems to have been a respected citizen of the community. He joined the Hebrew Orphan Society when it was created in 1801,³¹ and when he died in 1818 the *Southern Patriot* remarked that his "uniform good and upright conduct, had endeared him to a circle of relations and friends, who he has left to deplore his loss."³²

Except for the divorce, nothing is known about Elizabeth Chapman. Her name gives no clue to her background. Many Jewish families had names that appear to be British. Examples in Charleston are Alexander, Barnett, Barrett, Brady, Bush, Davis, Jones, Henry, Lambert, Livingston, Simons, Simpson, Wolf, and Chapman.³³

In 1790 Mordecai Lyon remarried to Judith Cohen (1747–November 19, 1815).³⁴ More is known of her than Elizabeth Chapman. She first married Isaac Cohen, a merchant and a son of the Rev. Moses Cohen (1709–1762) and Dinah Comgile Cohen. His father served as the first religious leader of K. K. Beth Elohim.³⁵ Judith Cohen and Isaac Cohen had four children, the first three of whom were born in England: Fanny (a resident of Great Britain), Sarah (1766–1853), Moses (1768–1829), and Solomon I. Cohen (1777–1850).³⁶ Thus the family arrived in Charleston sometime between 1768 and 1777. When Isaac Cohen died in 1787, he left his household goods and a “negro wench” to his wife.³⁷ Three years later Judith Cohen married Mordecai Lyon. When he sold his property on King Street his wife had to renounce her dower rights and is thus mentioned in the documents.³⁸ Apparently having some funds of her own, she lent money to Joseph Lyon in 1811.³⁹ When she died, a short obituary appeared in the *Southern Patriot*⁴⁰ which stated that she had been “for many years a respectable inhabitant of this city.”⁴¹

Elizabeth Chapman may have been less respectable. According to the document filed with the South Carolina secretary of state, Lyon claimed that the “scandalous behaviour” of his wife was such that he could not with any propriety cohabit with her any longer. Indeed, he claimed that Jewish law required that she be divorced. Therefore Lyon requested the *bet din* to dissolve the marriage and write for him a letter of divorce and separation, or *get*, to be given to his wife in accordance with the statutes of Holy Law. Furthermore, he stated that his wife had “cordially consented” to such an action and was willing to receive from her husband a letter of divorce and separation.

The Divorce Process

The court, “after strictly framing his just complaints and finding the truth thereof,” decided that Elizabeth Chapman had forfeited all the rights and titles of a wife. They granted his request and wrote a letter of divorce. The authorities then delivered the letter of divorce and separation to Lyon, who, in turn, delivered it to his wife in the presence of witnesses. By renouncing all her rights and titles as wife, Eliza-

beth Chapman regained her personal freedom. She could then remarry as she pleased.⁴²

On March 23, 1789, the men who had heard and witnessed the case signed a document stating the provisions of the divorce, and the statement was recorded on March 28 with the secretary of state of South Carolina.⁴³ Nothing indicates that they encountered any difficulties with the public authorities in doing this; however, there is no explanation for the delay of over a year before the document was recorded. Possibly Lyon wished to marry again and wanted to remove any legal barriers that the state might impose. Otherwise, this was strictly a matter of the man, his wife, members of the congregation in Charleston, and Jewish custom.

The *bet din* granted the divorce according to Jewish practices, not secular law.⁴⁴ The rules of procedure for a divorce as eventually worked out can be found in *Seder Ha-Get*.⁴⁵ Johann Christoph Georg Bodenschatz, in plate IV of his *Kirchliche Verfassung der Heutigen Juden sonnerlich derer in Deutschland*, published in four volumes in 1748–1749, illustrates the major steps in the divorce proceedings (Fig. 1). In the first scene the husband has told the scribe to write a *get* while the wife weeps. In the second the husband is speaking to the two witnesses while the rabbi examines the document. Next the husband throws the *get* to the wife, and in the last picture she is seen receiving it with both hands. The throwing of the bill of divorcement shows the husband's willingness to give it, and the wife's catching of the document shows her to be willing to receive it. There can be no question of their not agreeing to the procedure. Another illustration, this one by Paul Christian Kirchner in *Judisches Ceremoniel oder Beschreibung dererjenigen Gebrauch* (Nuremberg, 1731), shows the *get* being thrown to the husband while the humiliated wife stands behind him (Fig. 2). The ceremony in Charleston in 1788 apparently closely resembled these drawings, although Elizabeth Chapman may have been quite pleased with the turn of events rather than weeping.

Just what the scandalous behavior of Elizabeth Chapman was cannot be determined, although Lyon implies that she was unfaithful. He apparently had not found someone who was a better cook or more beautiful because he did not marry again for two years. She too wanted the divorce. She willingly took part, indeed "cordially consented" to the ceremony and stated she was agreeable to the divorce.

When the authorities questioned Lyon in 1783 they mention a wife and child. No other records of the child have been found. The censuses do not help a great deal because they give only the name of the head of the household with other people in age groups. In 1790 there were five free people in Lyon's household: two males under the age of sixteen, two males over sixteen including the head of the household, and one female. In 1800 the census lists only two adults (with the male under forty-five, which would not be possible). Then the 1810 census gives a total of eight people, with two males and two females being under the age of ten, one female between sixteen and twenty-five, two females between twenty-six and forty-five, and one male over forty-five.⁴⁶

Despite the fact that the censuses are apparently not exact, the following may explain the figures. Of the four children of Judith Cohen and Isaac Cohen, Fanny was still living in Britain, Sarah married David N. Cardoza in 1785, Moses, who was about twenty-four, married Rachel Moses in 1791, and Solomon I. Cohen was about thirteen.⁴⁷ Apparently the two young males in the 1790 census were children of Judith Cohen Lyon, and the older male was the son of Mordecai Lyon. By 1800 they seem to have moved out of the household. Then by 1810 the size of the household increased dramatically. The persons most likely to have moved in were Rachel Moses (1781-1860), the niece named in the will of Mordecai Lyon, her husband Joseph (1772-1814), and their children Catherine (1802-1890), Sarah (1806-1825), Hart (1807-1860), and Adeline (d. 1873).⁴⁸ While the ages do not agree with those in the census, the total in the household does. Census takers frequently did not visit homes or asked neighbors, children, or slaves about residents. That could have happened in 1810. Certainly Mrs. Lyon was more than forty-five years of age.

Despite the domestic arrangements in the Lyon household, the legal system of South Carolina did not allow for easy divorce and remarriage. One law stated that a marriage was indissoluble when contracted and solemnized in the church, providing there was no pre-contract that allowed for divorce.⁴⁹ Another said that it was a felony to marry a second husband or wife while one's first spouse was still living.⁵⁰ Possibly the state did not interfere because the marriage had not been so-

lemnized in a church, but if this were the case, why did they bother to record it? Another explanation might be that Jews had been tolerated in Charleston from its inception: the Fundamental Constitutions, which were designed to be the basic laws of the colony, welcomed them.⁵¹ Furthermore, Charleston came into being during the Restoration and never went through a puritanical period. As Robert Rosen points out, "Charleston was the namesake of one of the most hedonistic of English monarchs," who was "tolerant, pleasant," and "enjoyed the worldly pleasures to the utmost."⁵² Charlestonians generally enjoyed life too much to worry about the details of the law. Also, in the wake of the Revolution, Carolinians were uncertain about what path they were to follow. The most likely explanation, however, is that the "peculiar institution" of Judaism so baffled the authorities that they allowed the Jews to do things according to their own laws. But this is the only Jewish divorce that the author has discovered in the records of the secretary of state. Whatever the reason, one cannot categorically state that no divorce took place in South Carolina until Reconstruction.

This case also reveals how rich and varied, indeed peculiar, the state of South Carolina could be. Apparently the authorities in 1788 recognized this fact; perhaps the historians of 1989 should be more alert to the "distinctiveness" of the Palmetto state and should look at institutions other than the secular state on which to base their conclusions.

Appendix

This is to certify that on the 11th day of the Month called Shebat A.M. 5548 Corresponding with the 20th Jany. 1788 personally appeared before us the subscribers in the City of Charleston So. Carolina Mordecai Lyon of Camden Mercht. and his wife Binche otherwise Elizabeth Chapman. The said Mordecai Lyon maketh complaint that the scandalous behaviour of said Elizabeth Chapman his wife is such that he cannot with any propriety nor & or [?] agreeable to our holy Laws any longer [continue] his cohabitation with her as his wife. Therefore the said Mordecai Lyon requested of us the subscribers to grant him and write for the use of said Elizabeth his wife a Letter of Divorce and Separation agreeable to the Statutes of Our holy Law to which said Elizabeth has readily and cordially consented and was willing to re-

ceive of said Mordecai Lyon her husband a Letter of Divorce and Separation as directed by the Mosaic Law. Therefore we the Subscribers after strictly framing his just complaints and finding the truth thereof and that said Elizabeth his wife by her behaviour has forfeited all her Rights and Titles of a Wife and that in such a Case our Laws absolutely require a Divorce and finding likewise both parties agreeable to divorce and be divorced. Therefore we have awarded and wrote a Letter of Divorce and Separation by the desire of said Mordecai Lyon and consent of said Elizabeth his wife for the use and purpose of a Divorce and Separation agreeable to the Mosaic Law and Rabinical Institution after both parties having taken the usual Oaths. Which Letter of Divorce said Mordecai Lyon has before us the Subscribers and a large concurrence of the Congregation given known and delivered into the hands of said Elizabeth his wife agreeable to the Law & Statutes with all its due formalities which said Letter of Divorce said Elizabeth his wife has received and accepted of her own free will and consent without any Force or persuasions agreeable to Law and having publicly renounced all future Rights & Titles demands against and towards said Mordecai Lyon on which we the Subscribers have published and declared before all that were present that said Binche otherwise Elizt. Chapman formerly wife of said of said [words repeated] Mordecai Lyon is now divorced and separated for ever from said Mordecai Lyon agreeable to the Statutes and Laws of Moses and that she the said Elizabeth Chapman is from now at full Liberty to be married to whom she pleases according to the Law of Moses of Israel. In witness our hands & Seals the 23d of March 1789. Witnesses present

Moses Cohen—Samuel Myers

Personally appeared before me Mr. Moses Cohen and Samuel Myers who being duly Sworn made oath that they were present when a Bill of Divorce was granted by I. D Lieben and Israel Myers learned men appointed for that purpose unto Mordecai Lyon and given by him to his wife Elizabeth which she received and acknowledged to be satisfied therewith.

Israel Myers (l.s.)

I D Lieben (l.s.)

Abm Azub (l.s.)

[Hebrew]

Hyam Levy (l.s.)

Sworn to before me this 28th March 28th [*sic*] 1789.

Moses Cohen

Samuel Myers

Jab. Bentham, J.P. recorded 28th March 1789

James W. Hagy teaches in the department of history at the College of Charleston, Charleston, South Carolina. He has done extensive research on the early history of South Carolina Jewry.

Notes

1. Jacquelyn Dowd Hall and Anne Firor Scott, "Women in the South," in John B. Boles and Evelyn Thomas Nolen, *Interpreting Southern History: Historiographical Essays in Honor of Sanford W. Higginbotham* (Baton Rouge, 1986), pp. 454–509. The authors point out that no more than five major works on women in America appeared between 1920 and 1960, and of these only one dealt with the South. Their bibliography shows how this has dramatically changed; however, there remains much to be done in this field.

2. Some examples of recent work are: Nancy Cott, "Divorce and the Changing Status of Women in Eighteenth-Century Massachusetts," *William and Mary Quarterly*, 3rd ser., 33 (1976): 586–614; Henry S. Cohn, "Connecticut's Divorce Mechanism: 1636–1969," *American Journal of Legal History* 44 (1970): 35–54; Marylynn Salmon, "Life, Liberty, and Dower: The Legal Status of Women After the American Revolution," in Carol R. Berkin and Clara M. Lovett, *Women, War, and Revolution* (New York, 1980), pp. 86–106; Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (New York, 1986), chap. 6, "Domestic Liberty": Freedom to Divorce."

3. Jane Turner Censer, "Smiling through Her Tears: Ante-Bellum Southern Women and Divorce," *American Journal of Legal History* 25 (1981): 21–17.

4. *Ibid.*, p. 26.

5. Kerber, *Women of the Republic*, p. 159.

6. Salmon, "Life, Liberty, and Dower," p. 97.

7. Secretary of State, Miscellaneous Records, vol. 2X, pp. 632–633, South Carolina Department of Archives.

8. This divorce was unexpectedly discovered in the multivolume, handwritten, and occasionally unreadable indices of the Miscellaneous Records.

9. Abraham Peck, "That Other 'Peculiar Institution': Jews and Judaism in the Nineteenth Century South." *Modern Judaism* 7 (1987): 99–114.

10. Barnett A. Elzas, *The Jews of South Carolina from the Earliest Times to the Present Day* (Philadelphia, 1905), pp. 95, 134, 146, 278, 279; *idem*, *The Old Jewish Cemeteries at Charleston, S.C.: A Transcript of the Inscriptions on Their Tombstones, 1762–1903* (Charleston, 1903), p. 58; Malcolm H. Stern, *First American Jewish Families: 600 Genealogies, 1654–1977* (Cincinnati, 1960), p. 98; Miscellaneous Records, vol. 3N, pp. 274, 279; vol. 30, p. 491; vol. 3PP, p. 329; vol. 30, p. 277; vol. 3S, pp. 194, 395. For the civil suits, see Court of Common Pleas, Judgement Roll 1785, 119a; Judgement Roll 1802, 187a; Judgement Roll 1803, 95a; Judgement Roll 1804, 513a; Judgement Roll 1807, 354a, 448a.

11. U.S. Census, 1790, p. 38; U.S. Census, 1800, p. 143; Elzas, *Jews of South Carolina*, pp. 138, 143, 280.

12. Stern, *First American Jewish Families*, p. 57; B. H. Levy, *Savannah's Old Jewish Community Cemeteries* (Macon, 1983), p. 42; Secretary of State, Miscellaneous Records, vol. 20, pp. 183, 230.

13. Elzas, *Jews of South Carolina*, pp. 133, 288, 290, 291; idem, *Old Jewish Cemeteries*, p. 83; Stern, *First American Jewish Families*, p. 13. He is found in the 1790 Census, p. 41, and the 1800 Census, p. 146. There his name is listed as Azube. He preceded his wife in death by only three months. See Elzas, *Old Jewish Cemeteries of Charleston*, p. 83. Her will (Charleston County Will Book, vol. 30, p. 855) was written two days before she expired. One of the persons signing the divorce document recorded with the secretary of state signed his name in Hebrew. It appears to be Abraham, thus Abraham Azuby, but the clerk, not knowing Hebrew, garbled the letters.

14. Miscellaneous Records, vol. 2U, p. 202. On October 1, 1795 he made a lease for the bar room of The Theatre with I. W. West and A. Bignall (Miscellaneous Records, vol. 3E, p. 484) but by October 20, 1895, Eleazer Cohen and Levy Phillips had been appointed as administrators of his estate. Miscellaneous Records, vol. 3E, p. 248. The record of citizenship is to be found in Miscellaneous Records, vol. 3E, p. 488.

15. U.S. Census, 1790, p. 41.

16. U.S. Census, 1800, p. 147.

17. *Southern Patriot*, November 7, 1815.

18. Ira Rosenwaike, *On the Edge of Greatness: A Portrait of American Jewry in the Early National Period* (Cincinnati, 1985).

19. It would not have been unusual for Lyon to have spent some time in England before coming to North America. Many of Charleston's Jews came from England or spent some time there enroute from the continent.

20. Elzas, *Jews of South Carolina*, p. 99. Elzas discovered the document with this information in the office of the secretary of state in Columbia. He stated: "These minutes of testimony are contained in a bundle of papers consisting of ten quarto sheets, each of them folded separately into four, thus exhibiting eight narrow pages of writing. The sheets are not in very good condition and are written in a small, crabbed, and illegible hand, with many abbreviations. The lines are close together and notes are added between the lines. They are to be deciphered only with great difficulty." The manuscript can no longer be located; however, a petition from Henry, Samuel Levy, Montague Simons, Hyams Solomon, and Mordcay [*sic*] Lyon, all Jewish residents of Charleston, stating they are prisoners on parole and wish to become citizens of the state, can be found in the General Assembly Papers, Petitions, 1783, nr. 27, January 27, 1783. See also *Journals of the [South Carolina] House of Representatives, 1783-1784*, pp. 36, 37.

21. U.S. Census, 1790, p. 41; U.S. Census, 1800, p. 78; U.S. Census, 1810, p. 157.

22. Charleston County Register of Mesne Conveyance, book Y6, pp. 37-40, March 15, 1799.

23. *Ibid.*, book I7, pp. 337-310, June 10, 1803.

24. *Ibid.*, book D8, pp. 11-12, February 1, 1811.

25. *Ibid.*, book E8, pp. 246-247; book E8, pp. 135-137; book G8, pp. 216-217. At that time East Bay Street faced the docks of Charleston and was the most important commercial area of the city. King Street, which today would correspond to a main street in most cities, was less desirable and contained smaller retail and wholesale businesses.

26. Rachel Moses was probably his daughter.

27. Charleston County Will Book, vol. 13, pp. 16-20 (written 1816, proved 1818).

28. Lyon sold four slaves to Montague Jackson in 1807 (Miscellaneous Records, vol. 3X, p. 462), and in 1818, the year of his death, he gave slaves to Sarah and Maria Moses (Miscellaneous Records, vol. 4Q, p. 44).

29. Charleston County Probate Court, Inventory Book F, p. 2. Inventory completed January 5, 1819, by M. C. Levy, L. J. Cohen, and George W. Ogden.

30. *City Directory of Charleston*, 1785, p. 23; 1790, p. 29; 1801, p. 93; 1802, p. 46; 1803, p. 36; 1806, p. 48; 1807, p. 154; 1816, p. 53.

31. Thomas J. Tobias, *The Hebrew Orphan Society of Charleston, S.C., Founded in 1801: An Historical Sketch* (Charleston, 1957), p. 37.

32. October 22, 1818. His obituary appeared about three weeks after his death. While the newspaper does not mention where he died, it is possible that he spent his last few months with relatives elsewhere, a practice which was not at all uncommon. No record of his burial has been found in South Carolina.

33. See Elzas, *Old Cemeteries of Charleston*. At the same time the death records of Charleston reveal that virtually every "Jewish name" was held by people, black and white, who were buried in almost every cemetery in the city.

34. Marriage Settlement, vol 1, p. 525, February 26, 1790, South Carolina Archives. Trustee: Moses Levy, storekeeper of Charleston. Witnesses: E. Abrams and Samuel Myers.

35. Stern, *First American Jewish Families*, p. 35; Elzas, *Jews of South Carolina*, p. 35.

36. Stern, *First American Jewish Families*, p. 36.

37. Charleston County Will Book, vol. 22, pp. 115 - 117 (written February 11, 1787, proved February 19, 1787).

38. Register of Mesne Conveyance, book D8, pp. 11 - 12; book 17, pp. 337 - 340.

39. Secretary of State, Miscellaneous Records, vol. 4B, p. 299.

40. November 22, 1815.

41. Although she is listed as Judith Lyon on her tombstone, Elzas, *Old Jewish Cemeteries of Charleston*, p. 38, has mistaken her name to be Judith Lyon Cohen, apparently since her son S. I. Cohen erected the monument. This error has been picked up by Jewish genealogists such as Stern, *First American Jewish Families*. Also, Elzas gives the date of her death as 1816 instead of 1815, which could have resulted from the difficulty of reading the stone or from a printing error. Elzas states that he read the monuments several times, and he is generally extremely accurate in his work. This error has also been adopted by others. Elzas also reports that there were a number of unmarked graves in the cemetery and some stones which he could not read.

42. Miscellaneous Records, vol. 2X, pp. 632 - 633. For the text of the letter, see the appendix to this article.

43. *Ibid.*

44. The rules concerning divorce are numerous. Some of the biblical references are: Deuteronomy 24:1 - 4; Leviticus 21:7, 14:22; Numbers 30:10; Ezekiel 44:22; Ezra 10:3; Isaiah 50:1; Jeremiah 3:8. Perhaps the most important of these is Deuteronomy 24:1, which states, "A man takes a wife and possesses her. She fails to please him because he finds something obnoxious about her, and he writes her a bill of divorcement, hands it to her, and sends her away from his house." The translation of the Bible used is *Tanakh: A New Translation of the Holy Scriptures According to the Traditional Text* (New York, 1985). In other literature, tractate *Gittin* (Bills of Divorcement) of the Mishnah is especially important. *Gittin* 10 discusses the justification for divorce. It gives the line of reasoning of three schools of thought that elaborated on the statement in Deuteronomy 24:1. One group stated that a man could not divorce his wife unless he found her to be unfaithful. Another gave a more liberal interpretation, thereby allowing a man to

divorce his wife for a simple offense such as spoiling a dish. A third believed that divorce was permissible even if the man was only dissatisfied with his wife because he found someone else more beautiful. Generally, Jews have accepted the more liberal interpretation; reasons other than adultery have been accepted as sufficient grounds for a divorce. The translation of the Mishnah used is Herbert Danby's, *The Mishnah: Translated from the Hebrew with Introduction and Brief Explanatory Notes* (Oxford, 1933). For modern works, see Menachem M. Brayer, "The Role of Jewish Law Pertinent to the Jewish Family, Jewish Marriage and Divorce," in Jacob Fried ed., *Jews and Divorce* (New York, 1968); David Werner Amram, *The Jewish Laws of Divorce According to Bible and Talmud with Some Reference to Its Development in Post-Talmudic Times* (New York, 1896).

45. In Amram, *Jewish Law of Divorce According to Bible and Talmud*, pp. 192–204.

46. U.S. Census, 1790, p. 41; 1800, p. 78; 1810, p. 157.

47. Stern, *First American Jewish Families*, pp. 29, 36, 212; Elzas, *Jews of South Carolina*, p. 92; idem, *Old Jewish Cemeteries of Charleston*, pp. 12, 38; Levy, *Old Jewish Cemeteries of Savannah*, p. 42; Barnett A. Elzas, *Jewish Marriage Notices from the Newspaper Press of Charleston, S.C. (1775–1906)* (New York, 1917), pp. 6, 14.

48. The couple had two other children: Mordecai, who died in 1805, and Hester, who was not born until 1812. Stern, *First American Jewish Families*, p. 213; Elzas, *Old Jewish Cemeteries of Charleston*, p. 73.

49. *South Carolina Statutes*, vol. 2, p. 476. Passed in 1712.

50. *Ibid.*, p. 508. Also passed in 1712.

51. The Fundamental Constitutions, possibly written by John Locke, allowed Jews, heathens, and others into Carolina with the idea that they would be persuaded to accept the "true" religion.

52. Robert Rosen, *A Short History of Charleston* (San Francisco, 1982), pp. 10, 11.