

5151m

HP 2003K

**SHEARITH ISRAEL
CEMETERY
INTENSIVE
DOCUMENTARY STUDY
ST. JAMES PLACE
NEW YORK, NEW YORK
SECOND AVENUE SUBWAY**

443

SHEARITH ISRAEL CEMETERY
INTENSIVE DOCUMENTARY STUDY
ST. JAMES PLACE
NEW YORK, NEW YORK
SECOND AVENUE SUBWAY

Prepared by:

Historical Perspectives, Inc.
P.O. Box 3037
Westport, CT 06880

Prepared for:

Allee King Rosen and Fleming, Inc.
117 East 29th Street
New York, NY 10016

December 2003

Authors:

Elizabeth Martin
Betsy Kearns (RPA)
Faline Schneiderman-Fox (RPA)

TABLE OF CONTENTS

EXECUTIVE SUMMARY	iv
I. INTRODUCTION	1
II. RESEARCH GOALS AND METHODS	2
III. RESEARCH RESULTS	3
A. Boundaries	3
B. Interments	5
C. Disinterments and Reinterments	8
IV. SENSITIVITY FOR HUMAN REMAINS	8
V. CONCLUSIONS AND RECOMMENDATIONS	10
BIBLIOGRAPHY	
FIGURES	
PHOTOGRAPHS	
APPENDIX	

LIST OF FIGURES

1. USGS Jersey City and Brooklyn Quadrangles, 1981.
2. *Insurance Maps*. Shearith Israel Cemetery APE, St. James Place between Oliver and James Streets. Sanborn, 2001.
3. *A Plan of the City and Environs of New York as they were in the years 1742, 1743 & 1744*. Shearith Israel Cemetery APE. Grim 1813.
4. *A Plan of the City of New York from an actual Survey Anno Domini-M,DCC,IV*. Shearith Israel Cemetery APE. Maerschalk 1755.
5. *Plan of the City of New York*. Shearith Israel Cemetery APE. Ratzel 1766/67.
6. *Maerschalk's Survey of the Cemetery, 1771*. De Sola Pool 1952.
7. *A Plan of the City of New-York*. Shearith Israel Cemetery APE. Holland 1776.
8. *A New and Accurate Plan of the City of New York in the State of New York in North America*. Shearith Israel Cemetery APE. Taylor Roberts 1797.
9. *Map of the City of New York and Island of Manhattan as laid out by the Commissioners*. Shearith Israel Cemetery APE. Bridges 1807-1811.
10. *Map of the City of New York Extending Northward to 50th Street*. Shearith Israel Cemetery APE. Dripps 1852.
11. *Maps of the City of New-York*. Shearith Israel Cemetery APE. Perris 1857-62.
12. *New York City, County, and Vicinity*. Shearith Israel Cemetery APE. Dripps 1867.
13. *Atlas of the City of New York*. Shearith Israel Cemetery APE. Robinson 1885.
14. *Atlas of the City of New York, Borough of Manhattan. From actual surveys and official plans*. Shearith Israel Cemetery APE. Bromley 1897.
15. *Atlas of the City of New York, borough of Manhattan. From actual surveys and official plans*. Shearith Israel Cemetery APE. Bromley 1974.
16. Shearith Israel Cemetery ca.1950.
17. Areas of Potential Sensitivity for Burials.

PHOTOGRAPHS

1. Extant Shearith Israel Cemetery and St. James Place APE, facing east from west side of St. James Place.
2. Western wall of extant Shearith Israel Cemetery. Facing southeast from St. James Place. Note the cemetery is about three feet above the existing grade of St. James Place.
3. Extant headstones and above-ground vaults at Shearith Israel Cemetery. Facing southeast from St. James Place.

EXECUTIVE SUMMARY

MTA New York City Transit has prepared a Supplemental Draft Environmental Impact Statement (SDEIS) for a proposed full-length Second Avenue Subway extending from 125th Street to Lower Manhattan (SDEIS, March 2003). The Environmental Impact Statement (EIS) for the project is being prepared for the Federal Transit Administration (FTA) as lead agency, in accordance with the National Environmental Policy Act (NEPA). As per Section 106 of the National Historic Preservation Act of 1966, an archaeological resources analysis was prepared for the project. This document, *Second Avenue Subway, Phase 1A Archaeological Assessment* (Historical Perspectives, Inc., March 2003) established Areas of Potential Effect (APEs) for the project (e.g. the areas where the proposed project may affect potential archaeological resources), identified designated and potential archaeological resources that may be affected by the proposed project, and assessed the proposed action's effects on those resources. This Phase 1A was accepted by the New York State Historic Preservation Office (SHPO). It was also accepted by the New York City Landmarks Preservation Commission (LPC).

Under Section 106, a draft Programmatic Agreement was also prepared and is included in the SDEIS, to be executed by FTA, MTA NYCT, and SHPO. The draft Programmatic Agreement sets forth protocols to be followed pertaining to Archaeological Properties in the Second Avenue Subway APE, including areas sensitive for human remains. Protocols established specifically for cemetery areas include 1) establishing the appropriate descendant communities for each cemetery site and initiating contact with them, and 2) undertaking intensive documentary research on the cemetery sites. The results of the cemetery analyses are to be summarized in a report for submission to SHPO for review.

The present Shearith Israel Graveyard is located on the east side of St. James Place between James and Oliver Streets. The Phase 1A identified that a portion of the Shearith Israel cemetery was formerly located in the area now occupied by the St. James Place roadbed within the project's Area of Potential Effect (APE) prior to that road being constructed in the mid-19th century. Since the cemetery was in use from the 17th through 19th centuries, the Phase 1A concluded that St. James Place between James and Oliver Streets was potentially sensitive for associated burials which may have been left in place when St. James Place was constructed. The depth of potential burials was approximated to be from the surface down to 8 feet below grade. The proposed project has the potential to affect this site via the construction of the Chatham Square Station. Therefore, this Topic Intensive Study was prepared to try to document the original cemetery boundaries and to assess the potential for burials to exist within the footprint of St. James Place (Figures 1, 2; Photographs 1-3).

The Cemetery of the Congregation Shearith Israel is presently located on the portion of Block 279 that lies on the east side of St. James Place between James and Oliver Streets (Photographs 1-3).¹ Originally the congregation's land-holdings included a tract of land much larger than its present size. This study determined that historic burials could potentially still be located in what is now St. James Place. It is known that the City of New York required the removal of multiple burials formerly located in the area of St. James Place

¹ St. James Place divides Block 279 into a western and an eastern portion.

(originally called New Bowery) prior to that street's construction in the 1850s and prior to the straightening and widening of Oliver Street. However, no records could be found that documented original interments or number of disinterments. Therefore, it is possible that the APE is still sensitive for burials which were left *in situ*.

Burials could be in, and up to six feet or more below, the fill which extends to about nine feet below grade. The section of the cemetery which was actively utilized in the 18th and 19th centuries that once lay where St. James Place now extends is considered highly sensitive for potential burials from the surface down to about eight feet below grade. In addition, since some references were made to the ca.1656 cemetery being established near the intersection of St. James Street and Chatham Square, the APE north to and including the intersection with Oliver Street is also considered sensitive for burials, but is considered only moderately sensitive due to lack of concrete documentation (Figure 17).

Due to the possibility that human remains from the former Shearith Israel Graveyard may be present in the APE for the Chatham Square Station, Historical Perspectives recommends avoidance of this parcel through project re-design. If avoidance is impossible, then archaeological field testing of the site prior to construction and/or archaeological monitoring at the time of construction, in accordance with the appropriate state and federal standards, would be necessary.

RPA-certified professional archaeologists, with an understanding of and experience in the recovery of skeletal material, would be required to be part of the testing team. Prior to any archaeological field investigations and/or project construction, a protocol defining the testing plan and procedures for handling skeletal material would be developed in consultation with SHPO. The Shearith Israel Congregation would also be consulted regarding the appropriate treatment and disposition of human remains should any be encountered. Representatives from MTA NYCT and FTA met with the Shearith Israel Congregation in November 2002. The representatives of the Congregation requested to be present during any archaeological testing so that they could properly handle any remains, if found, and rebury them in another appropriate location.

I. INTRODUCTION

MTA New York City Transit has prepared a Supplemental Draft Environmental Impact Statement (SDEIS) for a proposed full-length Second Avenue Subway extending from 125th Street to Lower Manhattan (SDEIS, March 2003). The Environmental Impact Statement (EIS) for the project is being prepared for the Federal Transit Administration (FTA) as lead agency, in accordance with the National Environmental Policy Act (NEPA). As per Section 106 of the National Historic Preservation Act of 1966, an archaeological resources analysis was prepared for the project. This document, *Second Avenue Subway, Phase 1A Archaeological Assessment* (Historical Perspectives, Inc., March 2003) established Areas of Potential Effect (APEs) for the project (e.g. the areas where the proposed project may affect potential archaeological resources), identified designated and potential archaeological resources that may be affected by the proposed project, and assessed the proposed action's effects on those resources. This Phase 1A was accepted by the New York State Historic Preservation Office (SHPO). It was also accepted by the New York City Landmarks Preservation Commission (LPC).

Under Section 106, a draft Programmatic Agreement was also prepared and is included in the SDEIS, to be executed by FTA, MTA NYCT, and SHPO. The draft Programmatic Agreement sets forth protocols to be followed pertaining to Archaeological Properties in the Second Avenue Subway APE, including areas sensitive for human remains. Protocols established specifically for cemetery areas include 1) establishing the appropriate descendant communities for each cemetery site and initiating contact with them, and 2) undertaking intensive documentary research on the cemetery sites. The results of the cemetery analyses are to be summarized in a report for submission to SHPO for review.

The Phase 1A identified that a portion of the Shearith Israel cemetery was formerly located in the area now occupied by the St. James Place roadbed within the project's Area of Potential Effect (APE) prior to that road being constructed in the mid-19th century. Since the cemetery was in use from the 17th through 19th centuries, the Phase 1A concluded that St. James Place between James and Oliver Streets was potentially sensitive for associated burials which may have been left in place when St. James Place was constructed. The depth of potential burials was approximated to be from the surface down to 8 feet below grade.

The proposed project has the potential to affect this site via the construction of the Chatham Square Station. This Topic Intensive Study compiles the documentary research that was completed for the Shearith Israel Graveyard to try to establish potential burial boundaries, establish interments and disinterments, and determine whether the site is potentially sensitive for burials (Figures 1, 2; Photographs 1-3). It also assesses potential project effects on potential burials and provides recommendations for additional archaeological study and/or mitigation measures. This information is presented below.

II. RESEARCH GOALS AND METHODS

As described above, proposed construction of the Second Avenue Subway would disturb St. James Place, a portion of which was historically occupied by the Shearith Israel Graveyard from the late 17th century until New Bowery (now St. James Place) was laid out in the 1850s (See Figure 2; for detailed information and the cartographic history of the area in its entirety see Kearns et al 2003: 6.1 APX). Therefore, this topic intensive study was prepared to determine whether the site is potentially sensitive for burials.

Comprehensive documentary research was undertaken for the Shearith Israel Cemetery. Historical maps and atlases were obtained from local repositories and studied for land use over time. Episodes of prior disturbance were also established in order to determine site integrity and the potential presence of burials. Establishing prior impacts was essential toward determining whether additional research would be necessary.

New York City's archives were contacted and examined, as were those of Congregation Shearith Israel. Public archives were researched and included: the New York City Register's Office, the Municipal Archives, the New York Public Library's Map Division and Local History Room, The Center for Jewish History Genealogy Institute, the online cartographic repository (DavidRumsey.com), and the Old York Library housed at CUNY's Graduate and University Center. The documentary research undertaken at each of these repositories is explained in more detail in the following paragraphs.

The City Register was the source for the Grantor/Grantee Property records as well as the Lot and Tract numbers associated with the original cemetery land. It was discovered that The City of New York lost the original Deed of Ownership granted to the Congregation in the 17th century. Stokes (1922) and De Sola Pool (1952) each mention this fact as well. Because of this loss of the deed the original land-holdings were hard to reconstruct and the Grantor/Grantee records were relied on heavily for information regarding later ownership.

The Municipal Archives provided historic New York City "Farm Maps" and Survey Plans that were examined at length. Also housed there are the Minutes of the Common Council of New York City, which record many dealings with the Congregation Shearith Israel regarding their property and the road "improvements" that would eventually cut into it, as well as financial information.

The Map Division of the New York Public Library provided numerous maps and atlases of the APE, many of which are included in this research including: Dripps 1852, 1867; Perris 1857-62; Robinson 1885; and Bromley 1897, 1911, 1955, 1974. The Local History Room was also researched, but no new information was gained. The *New York Times* archives were reviewed, but no new information was evident in these records.

The Center for Jewish History Genealogy Institute contained certain pictures and archived newspaper articles, which were reviewed for this study. Many of the articles were also available at the New York Public Library's Local History Room.

David Rumsey has made many historic maps available to the general public online, which were studied in detail (www.davidrumsey.com). However, much of his information did overlap with the New York Public Library's Map Division.

The Old York Library at CUNY's Graduate and University Center houses a private collection of New York City documents. This collection contains numerous histories, guide books and pamphlets about the different religious institutions of the city. However, there was only limited information pertaining to the Shearith Israel Congregation. The documentary research found that most secondary sources appear to all stem from the City Register archives of Grantor/Grantee records. Many histories also quote each other. At the Old York Library two walking tours of New York mentioned the cemetery as a place of interest. *A History of the Churches, of all Denomination, in the City of New York from the First Settlement to the Year 1846* by Jonathan Greenleaf was also reviewed.

The Congregation Shearith Israel was also contacted and a thorough search of their archives was made. Dr. De Sola Pool (1952) utilized the same archives to prepare his detailed historical book of the cemetery, *Portraits Etched in Stone*, which documents the history of the Congregation. Since the archives of Shearith Israel are difficult to access and not organized in any particular fashion, De Sola Pool's exhaustive research was paramount to understanding the history of the cemetery. A number of other New York City histories and source books were examined for this study as well (see Bibliography).

III. RESEARCH RESULTS

A. Boundaries

Documentary and cartographic sources were consulted in order to attempt to establish more accurate boundaries of the Shearith Israel Cemetery, which dates to the late 17th century, as it changed in size and configuration over time. However, the earliest maps of what is now Lower Manhattan did not depict most of the land north of "the wall" which demarcated the northern boundary of the city (where Wall Street now lies). Therefore, documentary evidence was sought to establish the approximate size and location of the cemetery.

Because of the paucity of primary sources, it was necessary to reconstruct the probable history of the burial ground through secondary sources. That history is long and complicated and required exhaustive research and documentation. The bulk of the supporting documentation is appended to this report (see Appendix). It corroborates the summary presented below.

After the first group of Jewish people arrived in New Amsterdam in 1654, they petitioned to establish a burying place. Two years later the Common Council allotted them a point of land outside of the city property, reportedly near what is now the intersection of St. James Place and Chatham Square. It's precise location and size is unknown and there is no primary evidence indicating when and if it was utilized. It may have been part of or adjacent to the Shearith Israel Cemetery which is the topic of this study, or it may have

been located closer to Chatham Square. No records of the Common Council or deeds exist detailing its precise location.

In 1681 the Jewish population purchased the cemetery land within the APE from William and Margaret Merrett (Stokes 1922:514). The 1683 headstone of Benjamin Bueno de Mesquite in the cemetery indicates it was in use by this time. The cemetery was described as lying near fresh water, and measuring 52 feet by 50 feet (de Sola Pool 1952:10). In 1729 it was enlarged when a tract at the southeast corner of the burial ground was purchased to Luis Gomez and his three sons (Stokes 1922:514). This addition extended from the southeastern boundary of the cemetery north to Chatham Square (Ibid).

With the additional lands purchased in 1729, the Congregation of Shearith Israel found itself in ownership of a reserve of property that wasn't needed for many years to come. To generate income they leased this unused tract to their neighbor, John Roosevelt (de Sola Pool 1952:36). During its use, burials within the cemetery were reportedly dug deep and sealed, with tombstones laid flat on the ground (Ibid.:25).

Cartographic sources depict the expanded cemetery in 1735 (Buchnerd 1735). Later plans place it either on or below elevated land adjacent to a swamp (Grim 1813, Figure 3; Maerschalc 1755, Figure 4). In 1755 the cemetery appears to lie directly in the proposed route of Oliver Street, within the APE (Figure 4).

In 1766-67 the cemetery is shown on an elevated ridge (Ratzer 1766-67, Figure 5). At that time the cemetery appears to be bounded by Bancker Street on the south, with no other streets shown around it. On a 1771 survey of the cemetery, Maerschalc indicates the cemetery land is roughly between 448 and 459 feet in length by between 45 and 53 feet in width (Figure 6). The "Burying Ground" is portrayed as distinct from the remainder of the property owned by the congregation, and is set off as a much smaller lot measuring roughly 141 feet by 53 feet. In 1776 the cemetery is not depicted, but its location is shown as sloping downhill from northeast to southwest (Holland, Figure 7). By 1797 surrounding roads have all been laid out, and Fayette Street (now Oliver) had been established bordering the eastern side of the block that the cemetery stood on (Taylor Roberts 1797, Figure 8). Stokes states that the street extended across part of the cemetery. Therefore, it is possible that there may be burials beneath Oliver Street outside of the APE.

During the 18th century some of the lots owned by the congregation, but not used by the cemetery, were leased and some were developed. These were eventually sold to help pay off fees imposed by the City on the Congregation for the widening of Oliver Street across their property. Most of these lots lie outside of the APE, but some may be in the path of what is now St. James Place.

When the 1807-11 *Commissioner's Plan* was created, the cemetery fell on a block bounded by Park Row, Oliver, Bancker, and James Streets. However, since its location and size are not outlined, it is unclear if the cemetery was limited to the confines of the

block (Figure 9). The plan called for the further widening and straightening of Oliver Street. This was realized in 1833 when Oliver Street was again widened over the property. At that time it was reported that burials in the path of Oliver Street were removed and the site fronting the street was covered with buildings (Stokes 1926:1717). Individual lots and buildings are visible on an 1852 plan, which shows the cemetery on the interior of what is now city Block 279, surrounded on all sides by structures (Dripps 1852, Figure 10).

When New Bowery, now St. James Place, was laid out in 1855, it crossed the original cemetery and divided the block into two separate sections. The remaining cemetery was left fronting the east side of St. James Street (Perris 1857-62, Figure 11, Photographs 1-3). The street width within the APE has remained unchanged since it was originally laid out (Figures 11-15).

In summary, the documentary evidence does not clarify where the original ca.1656 Jewish burial ground was established, and if it was ever used. Resources only suggest it was in the vicinity of what is now St. James Place and Chatham Square. The ca.1681 land purchase to establish a Jewish burial ground was definitively in the APE in and adjacent to what is now Block 279. Additional land purchases and subsequent encroachments have modified the boundaries of the original cemetery, and what is left intact remains on the east side of St. James Place. The 18th and 19th century maps and atlases portraying the location of the cemetery are not detailed enough to determine exactly where the original boundaries of the cemetery were, and the only boundary survey of the property lacks reference points. Therefore, the location and greatest horizontal extent of burials at this cemetery can only be surmised and apparently extended north, east and south of the boundaries of the extant cemetery into Oliver Street, and St. James Place – perhaps as far north as Chatham Square.

B. Interments

Primary documents detailing the number, location, and age of burials within the cemetery are lacking, so secondary sources were consulted. Although there are no records of burials at the Shearith Israel cemetery prior to 1683 there is one grave marker from 1669. However, it is possible that this date was inscribed on the marker at a later time by someone who believed that the earliest burial dated to 1669. Regardless of the date of first interment, at one point the congregation did appear to own land as far north as Chatham Square. However, historians state that “the oldest burials were in the section nearest to Madison [then Bancker] Street” (Inskeep 2000:36).

De Sola Pool states that the 18th century interments were in the “rear portion...toward Madison Street [then Bancker], away from Chatham Street [now Park Row]...” And by 1751 a house was erected by the community on the most valuable section of land which fronted on Chatham Street. A receipt for building materials is in congregation archives, but it is unclear at this time what the house was used for. It has been described as a simple frame (wooden) house, and was said to be only good enough for a “wheelwrights’

house” (De Sola Pool 1952:37-38). However, it is not clear if a wheelwright ever actually occupied the dwelling.

The hillside the cemetery was built on or adjacent to began to exhibit erosional problems in the same year – 1784. A retaining wall was needed to stabilize the cemetery, which forced the purchasing of additional land located between the burial ground and Bancker Street (now Madison) to the south and west of the cemetery. This provided enough additional space to relieve pressure on the wall. The congregation purchased this additional land from their neighbor, Isaac Roosevelt (a State Senator) on July 15, 1784 (De Sola Pool 1952:39).

In 1789 Bancker Street (now Madison) was graded to a new lower level, which left the cemetery “twenty steps above street level” (De Sola Pool 1952:72). With the removal of the supports the hillside began to collapse. In order to further stabilize the hill, the Congregation applied for a loan to build another retaining wall (it is unclear exactly how many different walls were built). This action caused many burials to be disturbed. There was some difficulty in the construction of a good retaining wall apparently and the burials did begin to shift. According to De Sola Pool, all the burials which needed to be dug up were transferred to northeast corner of the “present enclosure” and no other person was buried in the “upper part” of the cemetery. The entrance at the north side was leveled to match the surrounding land, but it is unknown how much grading was required (Ibid.). The leveling appears to have been done in 1790 when Peter Cypher [Sifer] (sic) was paid for the “ridging” and Abraham Isaacs for “reburying (sic) the dead.” In fact, all of the men in the Congregation were mobilized in the fall of 1790 to work in the cemetery (De Sola Pool 1952:75-76).

In 1791 Isaac Classon was hired to grade more of the cemetery’s hill adjoining Roosevelt’s land as it kept caving in. More burials were then removed and the ground again leveled (De Sola Pool 1952:78). It is unclear where in the burial ground the bodies were removed to, but evidence suggests that these were some of the oldest burials. The southeast part of the grounds towards Bancker Street (now Madison) was reportedly the original land granted to Mesquita in 1681, and was quite destroyed by sliding earth. It seems possible that the oldest burials were affected, i.e. Bueno de Mesquita and others, which “were originally situated beyond the present eastern limits of the Chatham Square ground nearer to Madison Street in and immediately adjoining the 1681 ground” (Ibid.:81).

The “graves rescued in 1792” were reportedly moved back to northwest part of the grounds, away from low-lying Madison Street (then Bancker) section to the higher Park Row (the Chatham Street) section. De Sola Pool states that, in fact, these burials were re-interred back in their proper place (1952:81). This portion of land may be in St. James Place now (originally New Bowery). He further states that “[253] of them which in 1792 were set where the New Bowery [St. James Place] has been cut through, now, after a second transfer, are reposing in the 21st Street ground” (Ibid.:81-82, see below). So, it seems that there was an attempt to move all burials that were going to be disturbed by the

construction of the New Bowery (now St. James Place; See *Dripps* 1852, Figure 10, for further map illustration).

In June of 1800 the Congregation attempted to bury their dead on public land as their existing cemetery was running out of space. The Minutes of the Common Council record that “a petition of the Congregation of Shearith Israel for a part of the public burying ground for the particular use of their congregation was read and postponed” (MCC 1784-1831 vol. 2:641). Instead, they secured more private land elsewhere in the city. As the congregation grew and more burial plots were needed, additional cemeteries were created. Shearith Israel eventually had a cemetery at 76 West 11th Street, operating from 1805 to 1829, and another at 98-110 West 21st Street which was used from 1829 to 1851. After laws were passed in the mid-19th century prohibiting burials in Manhattan, the congregation looked outside of Manhattan for burial land, and eventually consecrated ground in Newtown, near the boundary of Queens and Brooklyn for their new cemetery (Jackson 1995:195-6).

Neighboring buildings were constantly encroaching upon the entrance lane to the cemetery, and it was virtually closed in by the early 19th century. In fact, when the City created their street plan in 1807-11, the entrance lane to the cemetery was not depicted on maps as a passable road (Figure 9). The Congregation petitioned against their neighbors and tenants because of these encroachments. Also, they had to fight to stop a neighbor from excavating a basement which was to be dug on the border of the burial ground. The trustees were afraid that this would precipitate further retaining wall problems. They eventually allowed the foundation to be dug but made the neighbor build a stone foundation, presumably because it would also act as a retaining wall (De Sola Pool 1952:49).

On March 31, 1823 an “ordinance respecting the interment of the dead” (De Sola Pool 1952:576) passed due to a Yellow Fever epidemic of 1822 which was thought to center around Trinity Churchyard – the oldest and largest burial ground in New York City. De Sola Pool reports on the “saturated state of that ground by human remains” in 1822 (Ibid:577). Four distinct provisions were written into the 1823 ordinance: 1) prohibiting use of graves; 2) prohibiting use of vaults excepting family vaults; 3) prohibiting any more construction of vaults south of Grand Street; and 4) proscribing regulations with regards to the opening and using of vaults. The report then suggests, in a continuation of the idea of saving the health and welfare of the citizens of New York City, that perhaps burials should cease in Manhattan altogether. This concept was partially adopted by 1825, when it was decreed that there would be no more burials south of Grand Street (MCC 1784-1831 vol. 14:576-80.)

These new city ordinances made the land the Congregation had been holding for future use unusable. In response, they sold the portions of the cemetery which had never been used for burials. The houses on the cemetery’s rear lots (Bancker Street numbers 35, 37, 39, 41) were sold and, although apparently in bad shape, they were insured by the Manhattan Fire Insurance Company (De Sola Pool 1952:114). It seems that the City had ordered the fronts of their structures taken down for the widening of Madison Street and

the Congregation determined they couldn't afford this (Ibid.:115), so they sold them. Robert Swanton and David Bryson and their heirs owned some of this land until 1843 according to the Grantor/Grantee records reported for Block 279 at the New York City Register's Office.

In December 1829 "A Petition of ML Moses stating that in the year 1824, his late Mother's remains were Interred in the ground of the Hebrew Congregation at Greenwich Village, that agreeably to an Ordinance if the Board 11th Street is shortly to be opened through that Ground, and praying for the permission to remove said body to the Old Cemetery fronting Oliver Street was read and referred to the Police Committee" (MCC 1784-1831 vol. 18:381). It is not known whether this petition was granted, but if it was this 1829 re-burial would have been one of the last interments at the St. James Place cemetery.

Shearith Israel historian De Sola Pool states that what survives of the cemetery today is the original nucleus of the cemetery (De Sola Pool 1952:12).

C. Disinterments and Reinterments

No primary documents detailing the number of disinterments and reinterments were encountered in the archives of the Shearith Israel Congregation. Secondary sources state that when St. James Place (originally New Bowery) was laid out across the cemetery on Block 279, bodies in its path were "taken by the city" (Grinstein 1945:325; Compare Figures 10, 11). At that time reportedly 253 graves were moved to the congregation's burial ground on 21st Street in Manhattan and three to Queens. Of these, only 70 bodies were reportedly identified and put in separate coffins (Inskeep 2000:36). Stokes states that permission was granted to remove "some of the bodies" buried here (Stokes 1926:1860). Whether the omission of a reference to "all of the bodies" was intended or not, it does bring up the issue of whether burials were potentially left under St. James Place (then New Bowery). De Sola Pool states that the burials which, in 1792, were set where the New Bowery would be cut through are "now reposing in the 21st Street ground" (De Sola Pool 1952:81-2).

IV. SENSITIVITY FOR HUMAN REMAINS

Research could not clarify the exact number of burials originally interred, and the number later re-interred elsewhere. An intensive investigation into the documentary records of the Congregation Shearith Israel, as well as the pertinent New York City archives, was undertaken and these types of records do not seem to exist, either in the Congregation's archival material or in any of the New York City documentary repositories. Research indicates that in the path of proposed New Bowery Street (St. James Place), burials were moved to any one of the three later cemeteries owned by the Congregation, but there is no exact number of burials or reburials indicated in these records. Even if all of the documented burials were accounted for, there is always the possibility that undocumented burials, or older burials that were in poor condition and unable to be removed were left within the APE.

When St. James Place was cut across the cemetery, land where the cemetery formerly lay was lowered by about three feet (Photograph 3). The only soil boring taken in proximity to the cemetery reported fill down to 9.5' below grade (Boring MI-28, Raymond International Inc. 1974). Beneath the fill to 20' below grade was a level of brown sand, gravel and boulders. This boring was taken directly where historic structures surrounding the cemetery once stood, and the fill probably represents demolition from these structures. The water table was encountered at 26.5' below grade (Ibid.). No borings were available where the cemetery once lay outside the footprint of developed city blocks, e.g. within the present St. James Place roadbed.

An 1820 burial laws prohibited burial less the four feet below the surface (Stokes 1926:1611). Burial laws in effect during the period when the cemetery was active (pre-1831) required that bodies be buried anywhere from two to six feet below grade. However, the elevation of the street bed is currently about 3' below the cemetery's surface, suggesting that burials could still lie several feet below grade. Therefore, the site of the former burial ground at St. James Place may potentially be sensitive for grave shafts and burials there were not removed when the street was opened in the 1850s, from the surface down to about eight feet below grade.

V. CONCLUSIONS AND RECOMMENDATIONS

The Cemetery of the Congregation Shearith Israel is presently located on the portion of Block 279 that lies on the east side of St. James Place between James and Oliver Streets (Photographs 1-3). Originally the congregation's land-holdings included a tract of land much larger than its present size. This study determined that historic burials could potentially still be located in what is now St. James Place, and perhaps even as far north as the vicinity of Chatham Square. It is known that the City of New York required the removal of multiple burials prior to the construction of St. James Place (originally New Bowery) and the straightening and widening of Oliver Street. However, no records could be located documenting original interments or number of disinterments. Therefore, it is possible that the APE is still sensitive for burials which were left *in situ*.

Burials are probably not more than about eight feet below grade. Although they may have originally been deeper, since some of the original surface was removed when St. James Place was created, the area of sensitivity is no longer as deep. Therefore the St. James Street section of the APE between James and Oliver Streets is potentially sensitive for human remains which were inadvertently left behind when the cemetery was relocated in the 1850s. The section of the cemetery which was actively utilized in the 18th and 19th centuries that once lay where St. James Place now extends is considered highly sensitive for potential burials. In addition, since some references were made to the ca. 1656 cemetery being established near the intersection of St. James Street and Chatham Square, the section of the St. James Place roadbed and sidewalks extending to and including the intersection with Oliver Street is also considered sensitive for burials, but is considered only moderately sensitive due to lack of concrete documentation (Figure 17).

Due to the possibility that human remains from the Shearith Israel cemetery may be extant in the APE for the Chatham Square Station, Historical Perspectives recommends avoidance of this parcel through project re-design. If avoidance is impossible, then field testing of the site prior to construction and/or archaeological monitoring during construction, in accordance with the *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State (1994)*, the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716, September 29, 1983)*; and the Advisory Council on Historic Preservation's handbook *Treatment of Archaeological Properties (1980)*, would be necessary.

RPA-certified professional archaeologists, with an understanding of and experience in the recovery of skeletal material, would be required to be part of the testing team. Prior to any archaeological field investigations and/or project construction, a protocol defining the testing plan and procedures for handling skeletal material would be developed in consultation with SHPO. The Shearith Israel Congregation would also be consulted regarding the appropriate treatment and disposition of human remains should any be encountered. Representatives from MTA NYCT and FTA met with the Shearith Israel Congregation in November 2002. The representatives of the Congregation requested to be present during any archaeological testing so that they could properly handle any remains, if found, and rebury them in another appropriate location.

BIBLIOGRAPHY

Augustyn, Robert T. and Paul E. Cohen

1997 *Manhattan in Maps 1527-1995*. Rizzoli, New York.

Bridges, William

1811 *Map of the City of New York and Island of Manhattan as laid out by the Commissioners (Commissioners Plan)*. William Bridges, New York.

Bromley, George W. and Walter S.

1897 *Atlas of the City of New York, Borough of Manhattan. From actual surveys and official plans / by George W. and Walter S. Bromley*. G.W. Bromley & Co., Philadelphia.

1911 *Atlas of the City of New York, Borough of Manhattan. From actual surveys and official plans / by George W. and Walter S. Bromley*. G.W. Bromley & Co., Philadelphia.

1955 *Manhattan Land Book of the City of New York*. G. W. Bromley, New York.

1974 *Atlas of the City of New York, borough of Manhattan. From actual surveys and official plans*. G. W. Bromley, Philadelphia.

Buchnerd, Mrs.

1735 *Plan of the City of New York In the Year 1735*. Repository: The New York Public Library, I. N. Phelps Stokes Collection.

Burrows, Edwin T. and Mike Wallace

1999 *Gotham: A History of New York City to 1898*. Oxford University Press, New York.

Carter, Robert

1838 *A Familiar Conversational History of the Evangelical Churches of New York*. Robert Carter, New York.

Colton, Joseph H.

1836 *Topographical Map of the City and County of New York and the Adjacent Country*. Published by J.H. Colton & Co., New York.

De Sola Pool, Rev. Dr. David

1952 *Portraits Etched in Stone: Early Jewish settlers 1682 to 1831*. Columbia University Press, New York.

Dripps, Matthew

1852 *Map of the City of New York Extending Northward to 50th Street*. M. Dripps, New York.

1867 *New York City County, and Vicinity*. Prepared for Valentine's Manual, by M. Dripps, New York.

Greenwald, Frank

1933 *The Cemeteries of New York City before 1830*. Manuscript Collection of the New-York Historical Society.

Greenleaf, Jonathan

1846 *A History of the Churches, of All Denomination, in the City of New York, from the First Settlement to the Year 1846*. E. French, New York.

Grim, David

1813 *A Plan of the City and Environs of New York as they were in the years 1742, 1743 & 1744*. David Grim, New York.

Grinstein, Hyman B.

1945 *The Rise of the Jewish Community of New York, 1654-1860*. The Jewish Publication Society of America, Philadelphia.

Inskeep, Carolee R.

2000 *Family Historian's Guide to New York City Cemeteries*. Ancestry Publishing, Orem, Utah.

Jackson, Kenneth T.

1995 *The Encyclopedia of New York City*. Yale University Press, New Haven, Connecticut.

Kearns, Betsy, Cece Saunders, and Faline Schneiderman-Fox

2003 *Second Avenue Subway Phase 1A Archaeological Assessment*. Prepared by Historical Perspectives, Inc., for Allee King Rosen and Fleming, Inc., New York.

Maerschalc, Francis

1755 *A Plan of the City of New York from an actual Survey Anno Domini-M,DCC,IV*. Gerardus Duyckinck, New York.

McComb, John

1789 *The New-York Directory and Register for the Year 1789*. Hodge, Allen, and Campbell, New York.

Minutes of the Common Council of the City of New York (MCC)

1905 *Minutes of the Common Council of the City of New York, 1675-1776*. Dodd, Mead and Company, New York.

1930 *Minutes of the Common Council of the City of New York, 1784-1831*. Published by the City of New York, New York.

Montresor, John

1766 *A Plan of the City of New-York & its Environs to Greenwich on the North or Hudson River...Surveyed in the Winter, 1766*. Mary Ann Rocque, London.

Perris, William

1857/ *Maps of the City of New-York*. Third edition. William Perris, New York.
1862

Ratzen, Bernard

1766/ *...Plan of the City of New York*. As printed in Augustyn and Cohen, 1997.
67

Ratzer, Bernard

1766/ *Plan of the City of New York. Surveyed in 1767*. As printed in Augustyn and
67 Cohen, 1997.

Raymond International, Inc.

1974 *Soil Borings*. As reported in the *Lower Manhattan Access, Technical Memorandum - Geotechnical Assessment of Second Avenue Subway South, Volume 2: Appendices II-VII*. Prepared March 2001 by SYSTRA Consulting, Inc., for the Metropolitan Transportation Authority. Appendix LL-2.

Robinson, Edward

1885 *Atlas of the City of New York*. Robinson, New York.

Sanborn Map Company

2001 *Insurance Maps of the City of New York: Borough of Manhattan*. Sanborn Map Co., New York.

Stokes, I.N. Phelps

1922 *The Iconography of Manhattan Island*. Vol. IV. Robert Dodd, New York.

1926 *The Iconography of Manhattan Island*. Vol. V. Robert Dodd, New York.

Taylor, B. and J. Roberts

1797 *A New and Accurate Plan of the City of New York*. (Taylor-Roberts Plan).

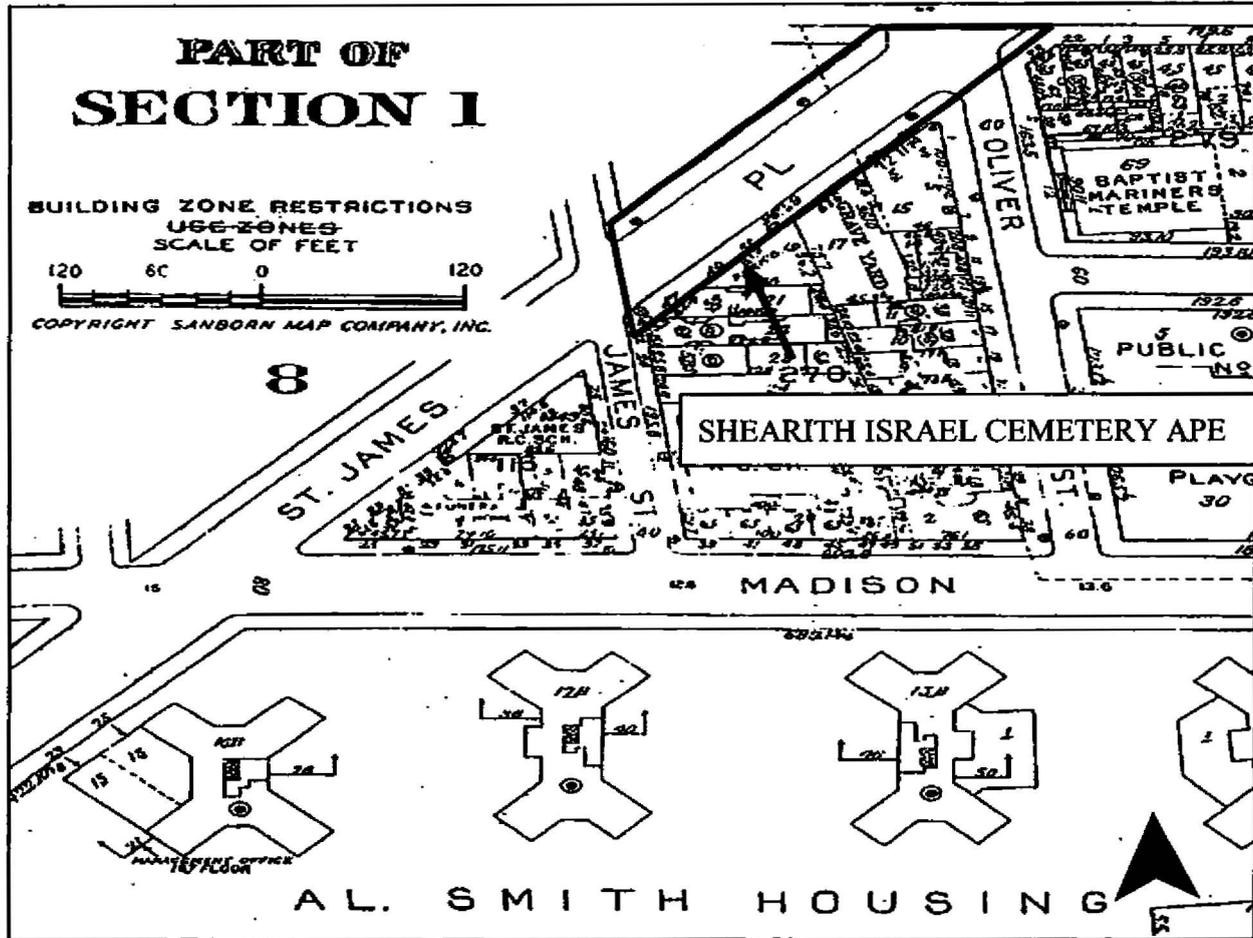


FIGURE 2

Insurance Maps. Sanborn 2001.
Shearith Israel APE, St. James Place between Oliver and James Streets.

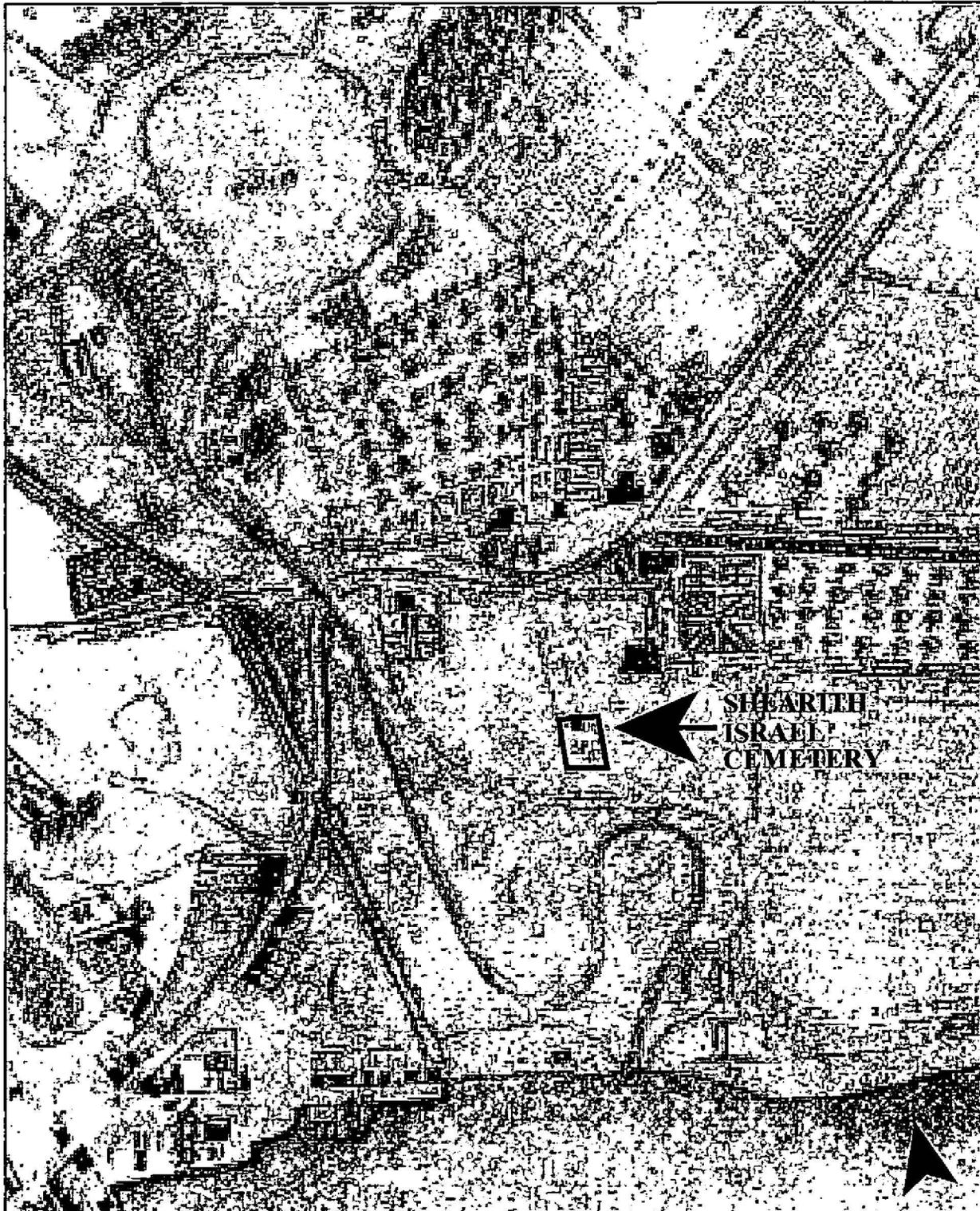


FIGURE 3

*A Plan of the City and Environs of New York as they were in the years
1742, 1643 & 1744. Shearith Israel APE. Grim 1813.*

No scale.

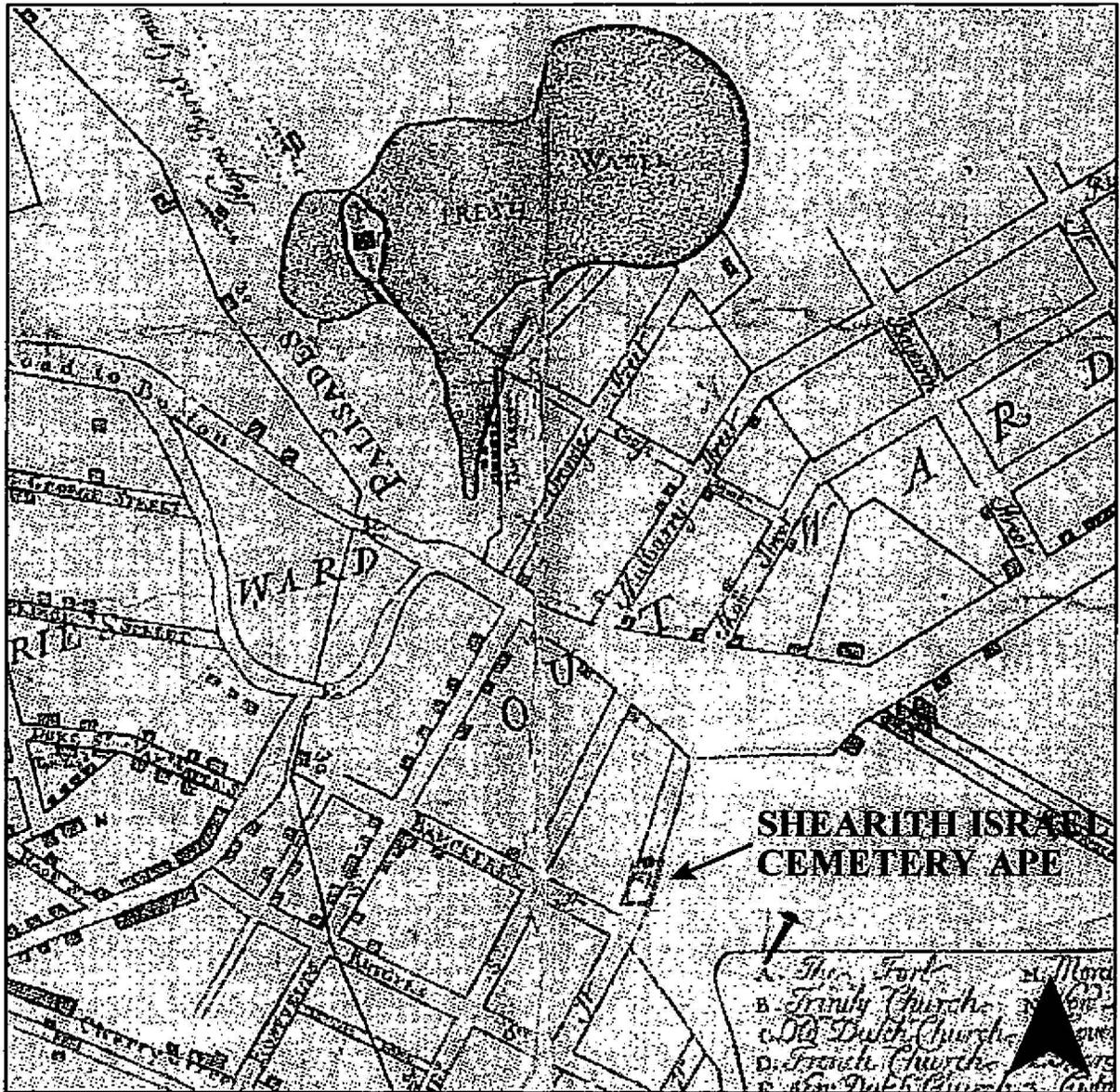


FIGURE 4

*A Plan of the City of New York from an actual Survey
Anno Domini-M,DC C,IV.
Shearith Israel Cemetery APE. Maerschallck 1755.*

No Scale.

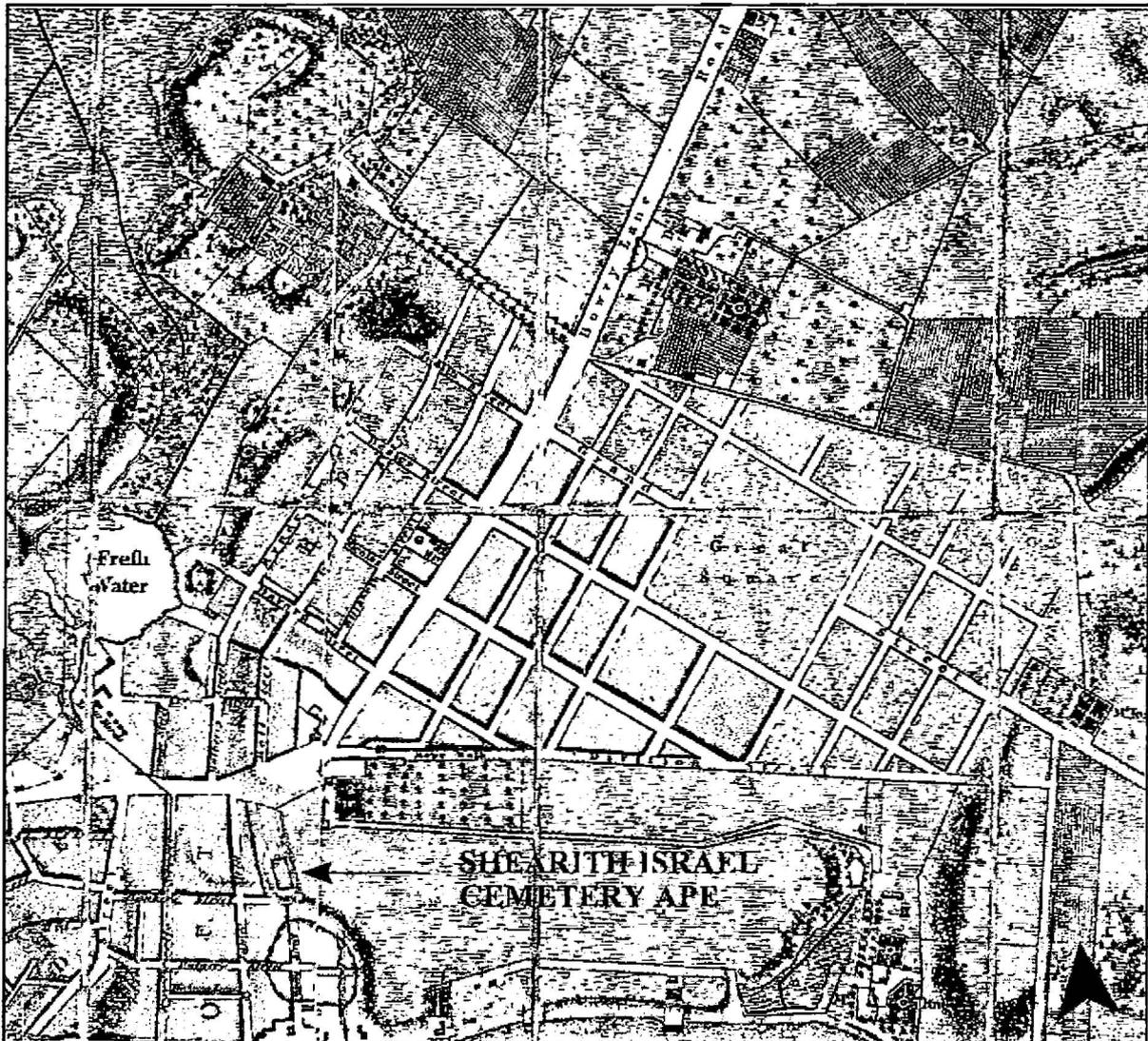


FIGURE 5

*Plan of the City of New York. Shearith Israel Cemetery APE.
Ratzer 1766/67.*

Scale: 1" = Approximately 500'

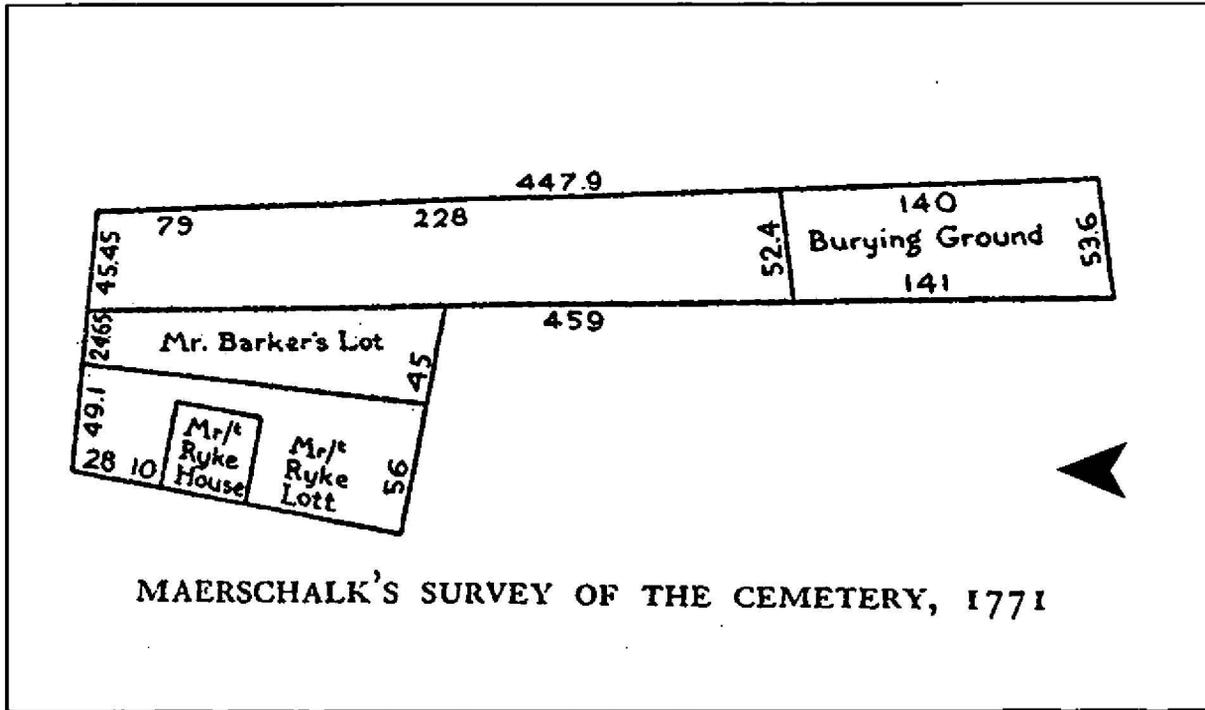


FIGURE 6

Maerschalk's Survey of the Cemetery, 1771.
De Sola Pool 1952.

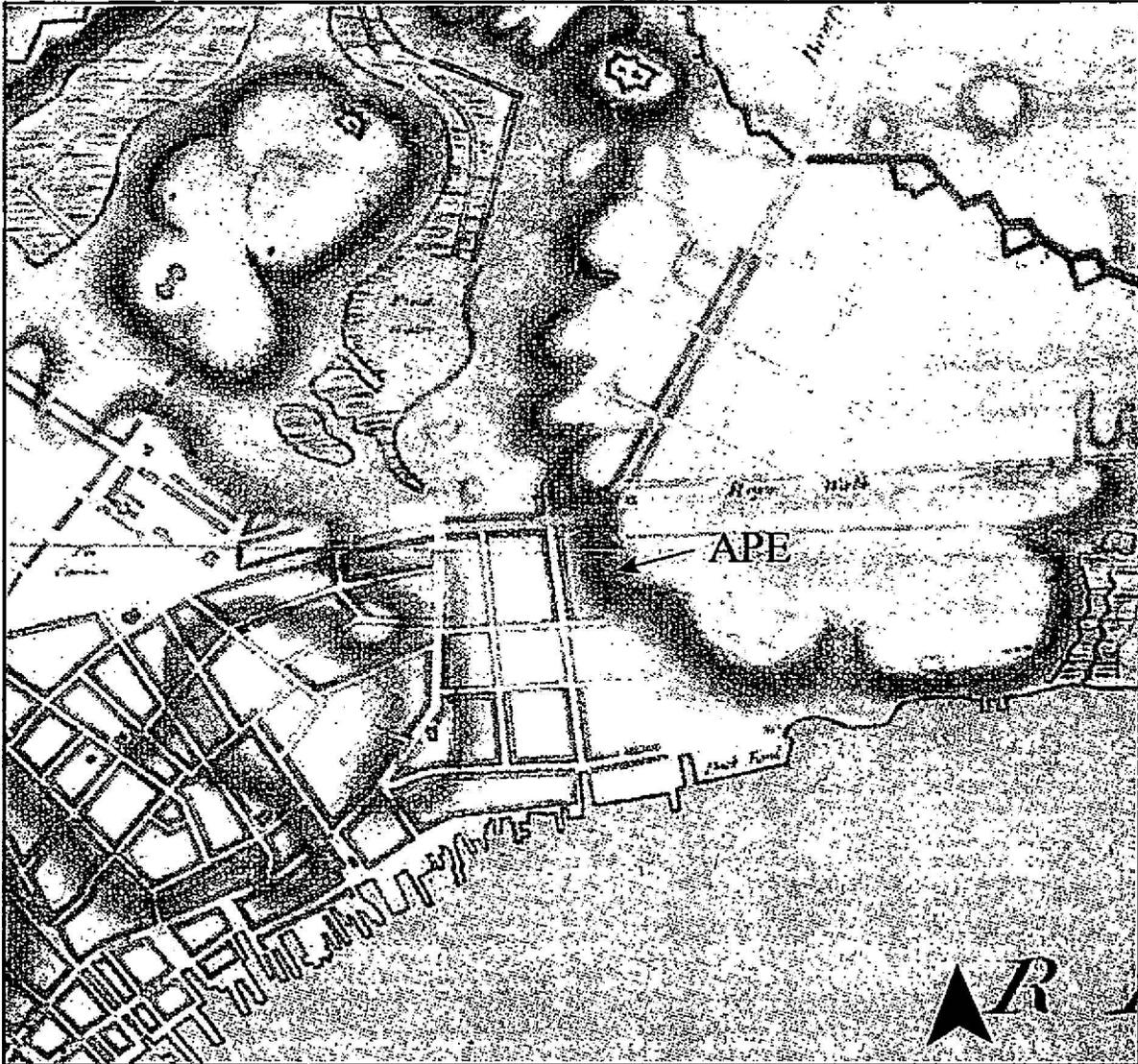


FIGURE 7

A Plan of the City of New-York.
Shearith Israel Cemetery APE. Holland 1776.

No scale.

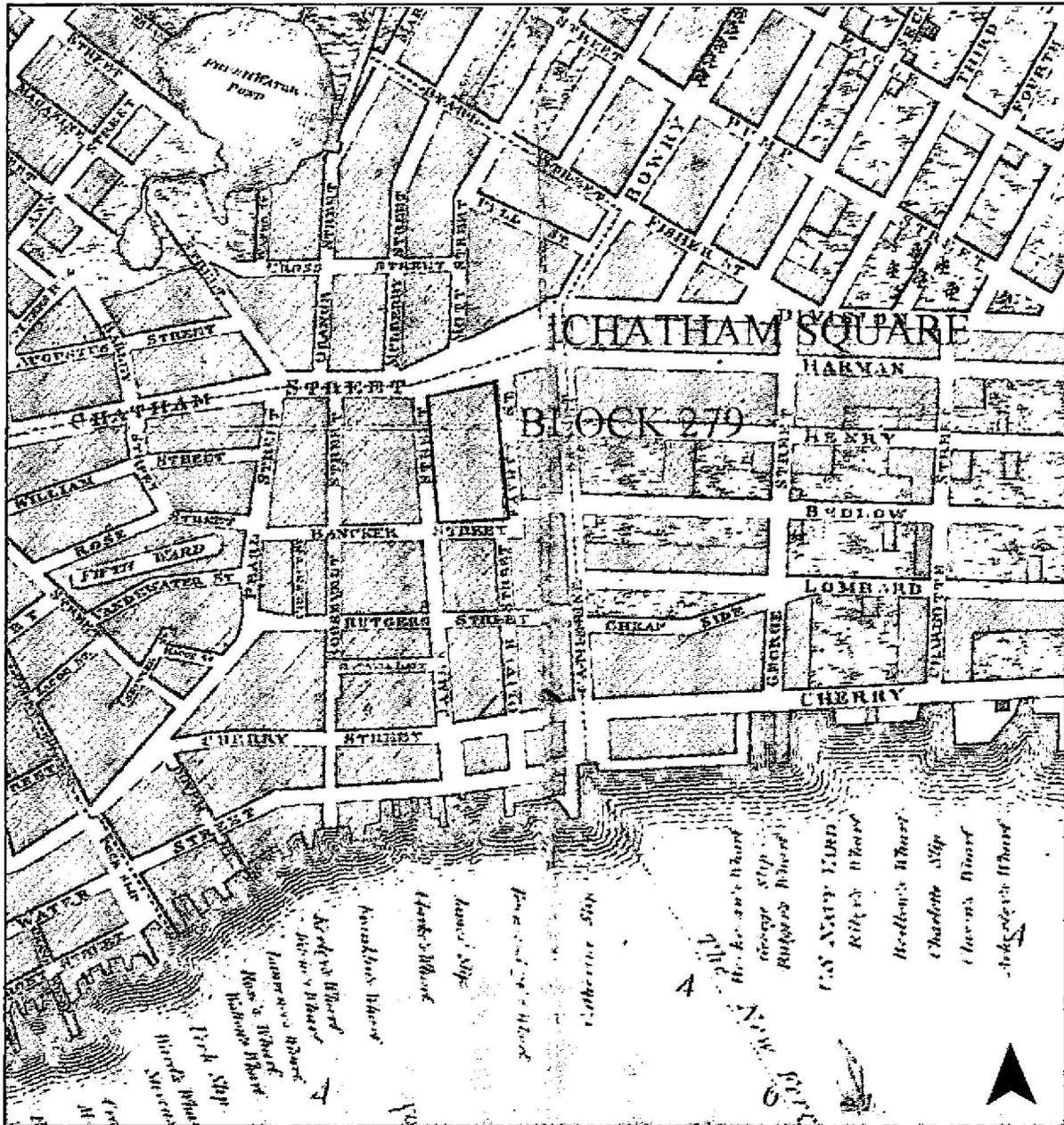


FIGURE 8

A New and Accurate Plan of the City of New York in the State of New York in North America. Shearith Israel Cemetery APE. Taylor Roberts 1797.

Scale: 1" = Approximately 500'



FIGURE 9

*Map of the City of New York and Island of Manhattan
as laid out by the Commissioners.
Shearith Israel Cemetery APE. Bridges 1807-11.*

Scale 1" = Approximately 650'



FIGURE 10

*Map of the City of New York Extending Northward to 50th Street.
Shearith Israel Cemetery APE. Dripps 1852.*

Scale: 1" = Approximately 200'

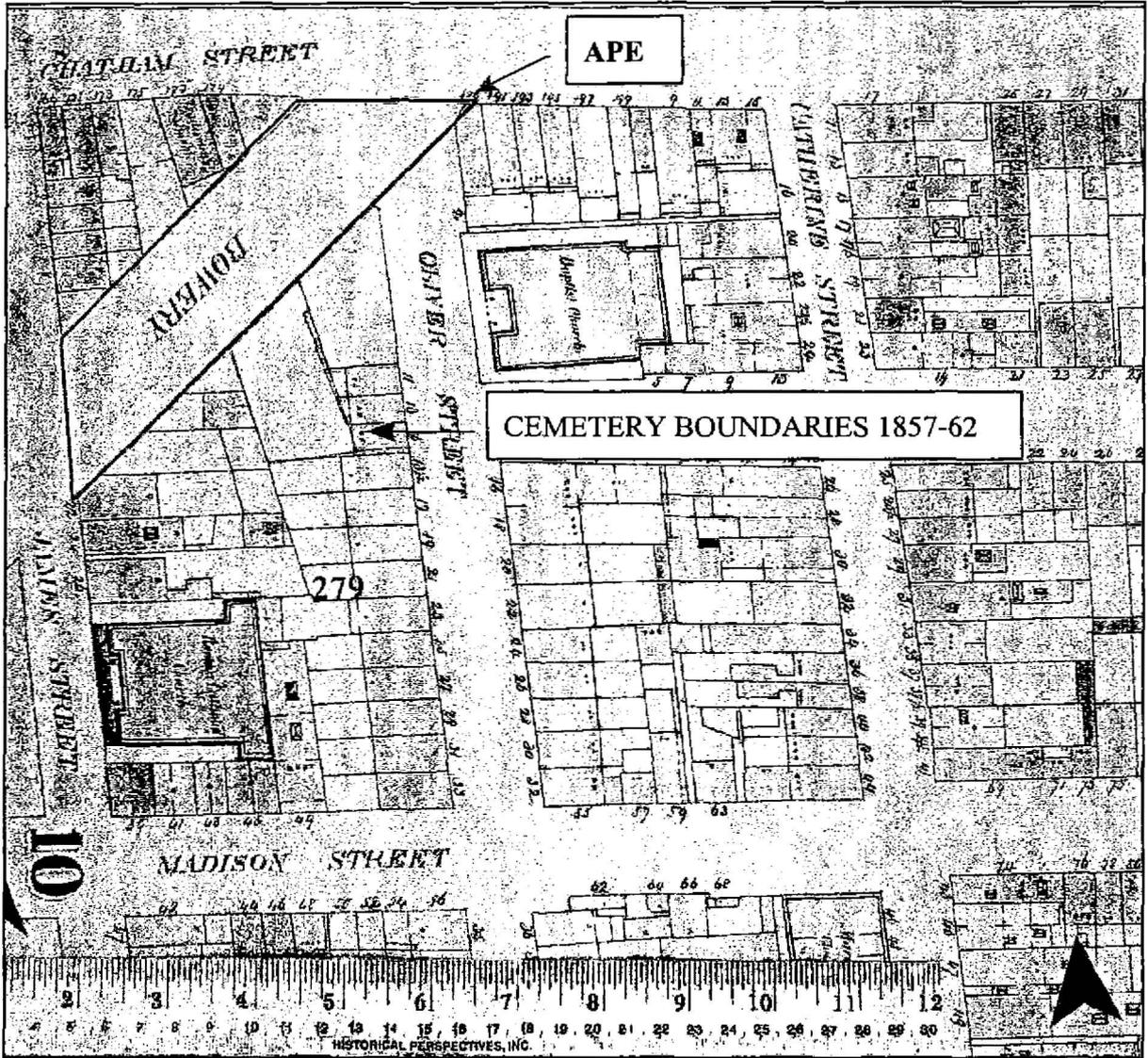


FIGURE 11

*Maps of the City of New-York. Shearith Israel Cemetery APE.
Perris 1857-62.*

Scale 1" = Approximately 115'

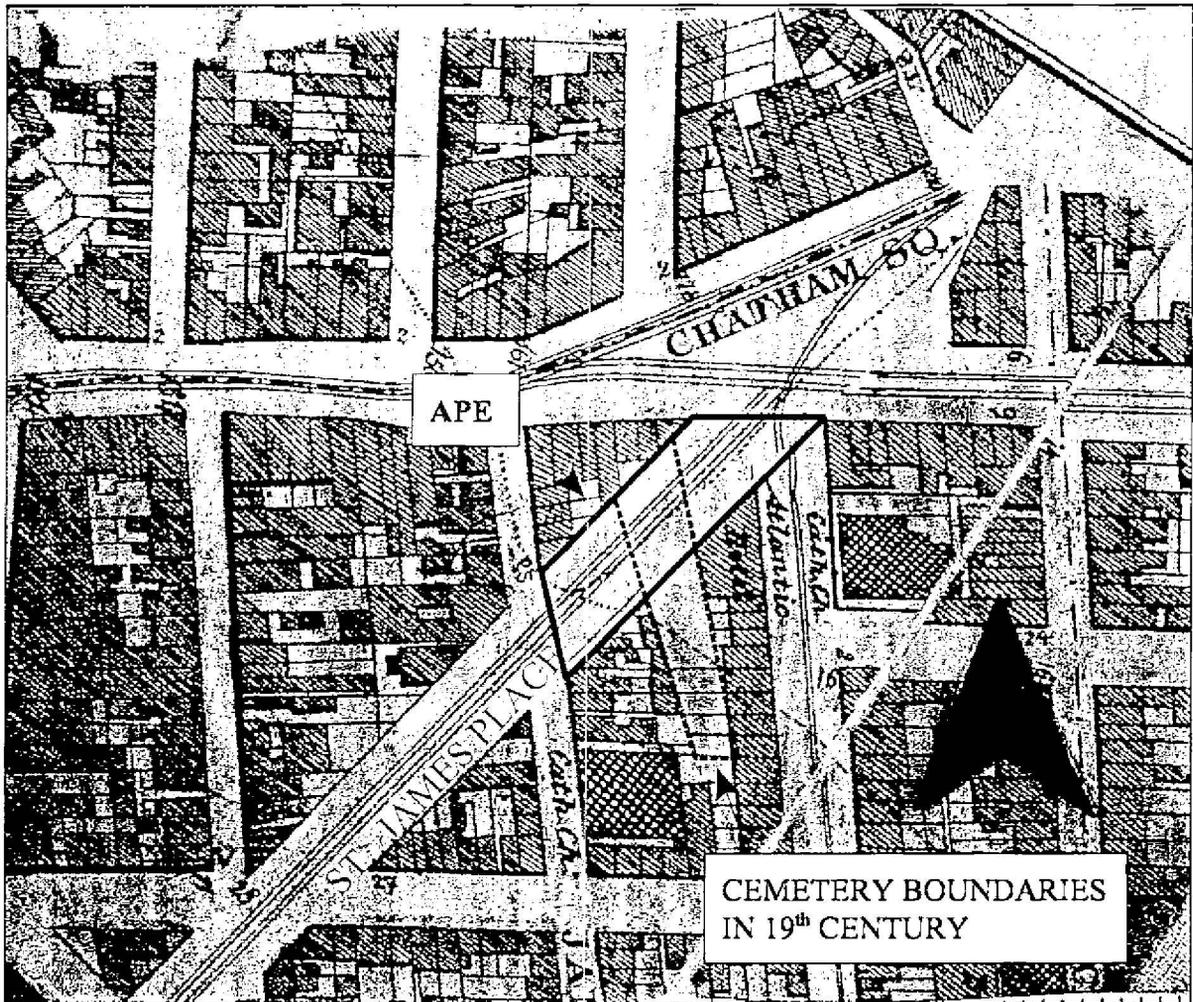


FIGURE 12

New York City, County, and Vicinity. Shearith Israel APE. Dripps 1867.

Scale: 1" = Approximately 190'

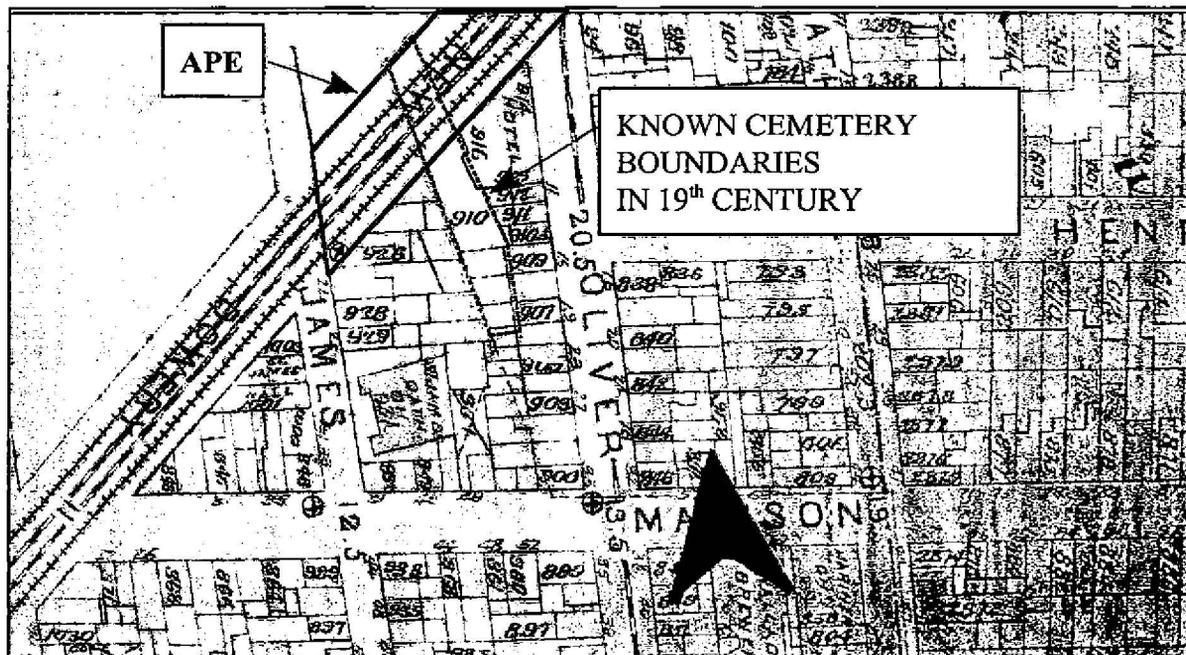


FIGURE 13

Atlas of the City of New York. Shearith Israel Cemetery APE.
Robinson 1885.

Scale: 1" = Approximately 190'

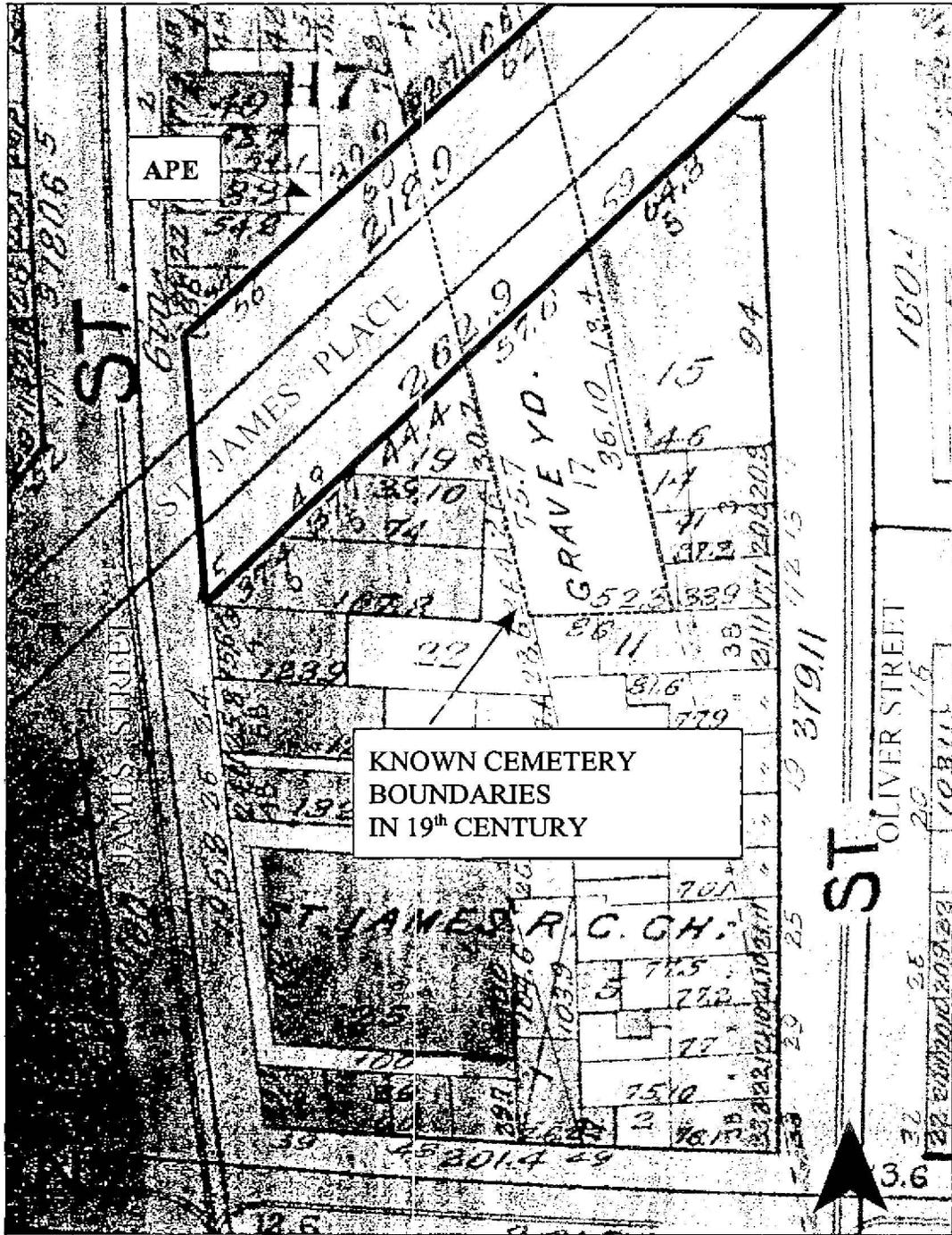


FIGURE 14

Atlas of the City of New York, Borough of Manhattan. From actual surveys and official plans. Shearith Israel Cemetery APE. Bromley 1897.

Scale: 1" = Approximately 75'

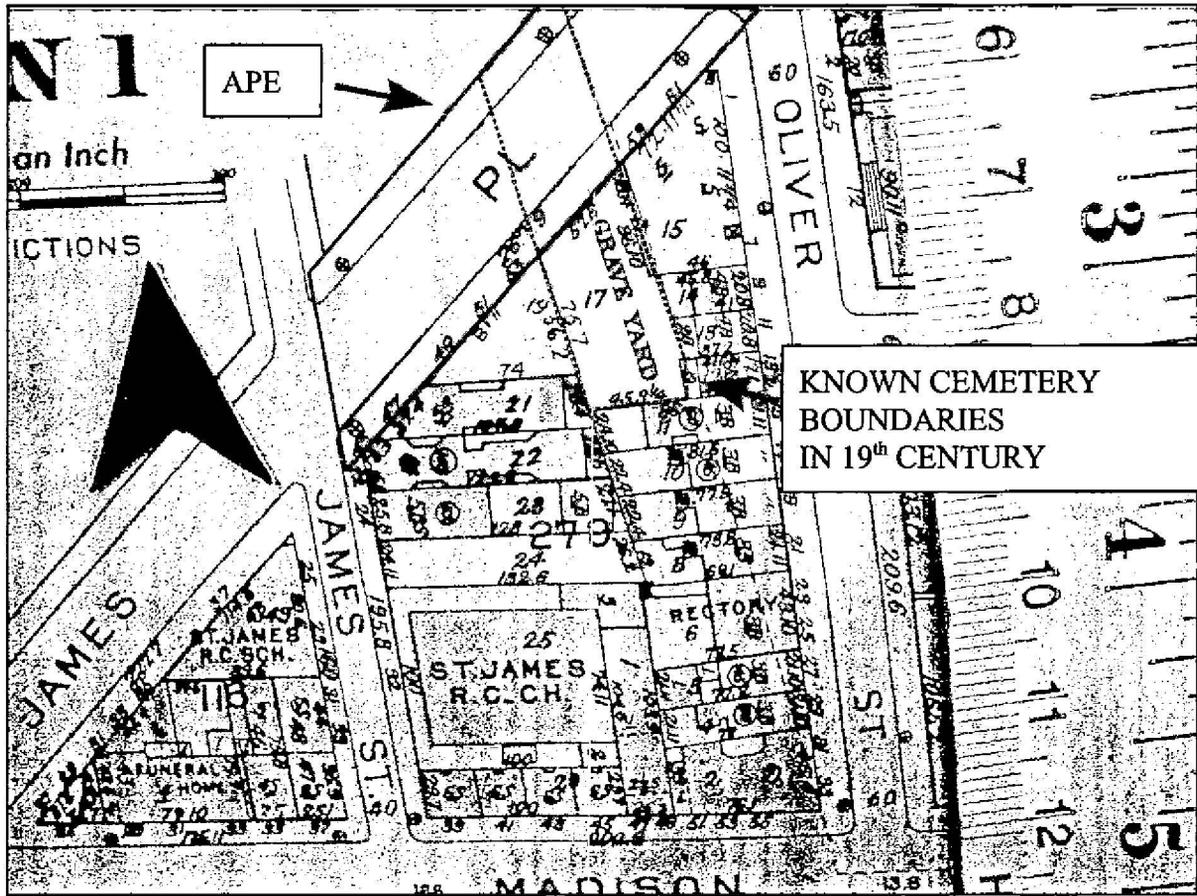


FIGURE 15

Atlas of the City of New York, borough of Manhattan. From actual surveys and official plans. Shearith Israel Cemetery APE. Bromley 1974.

Scale: 1" = Approximately 100'

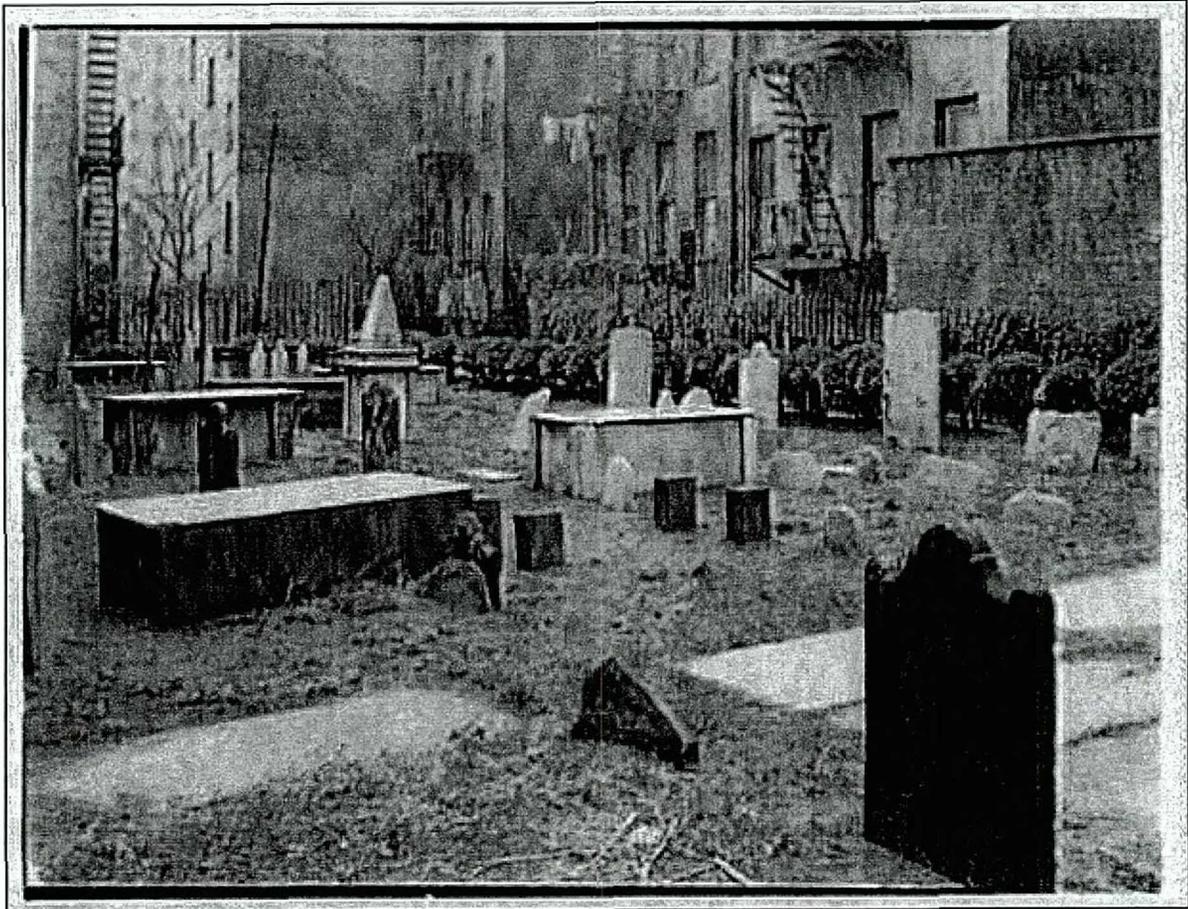


FIGURE 16

Shearith Israel Cemetery, ca.1950.

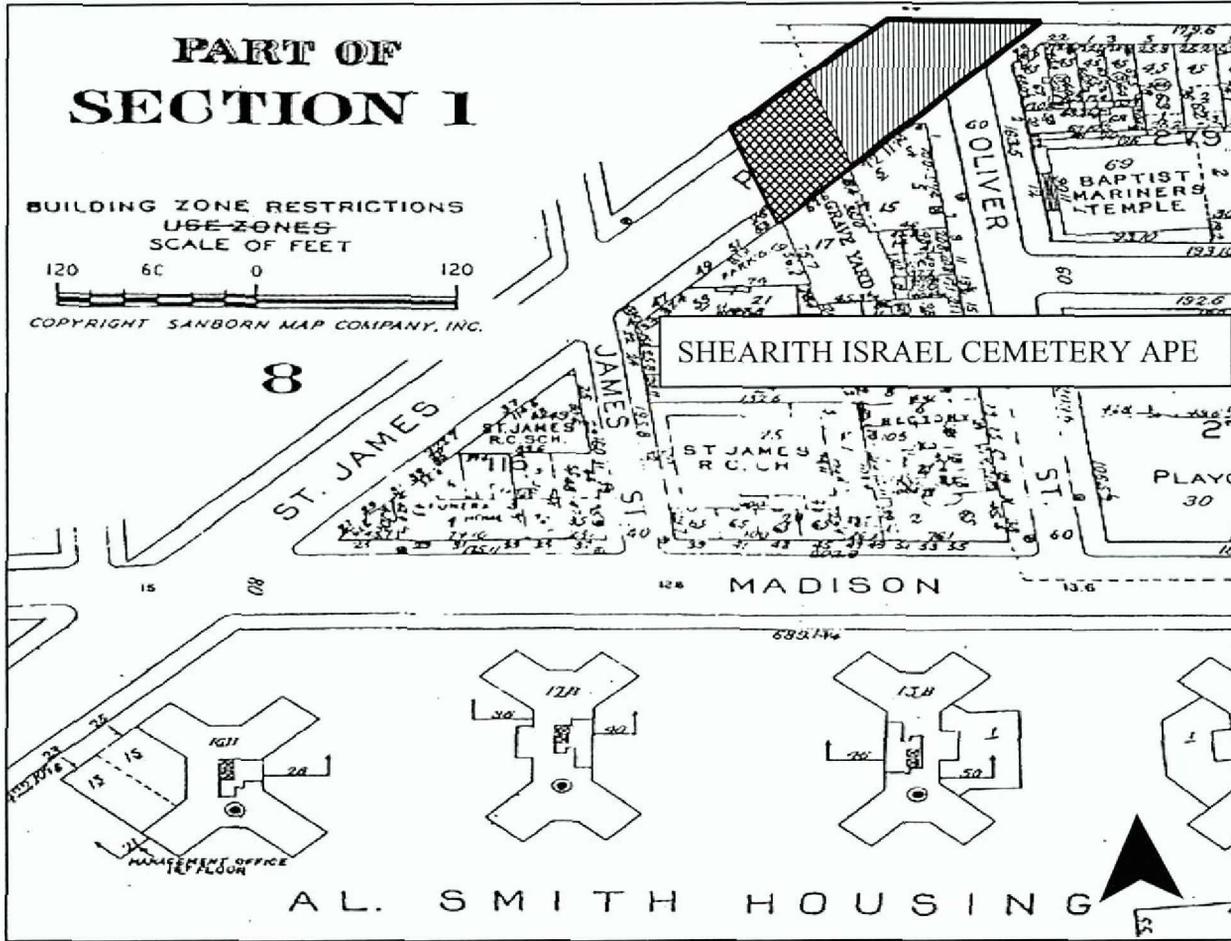
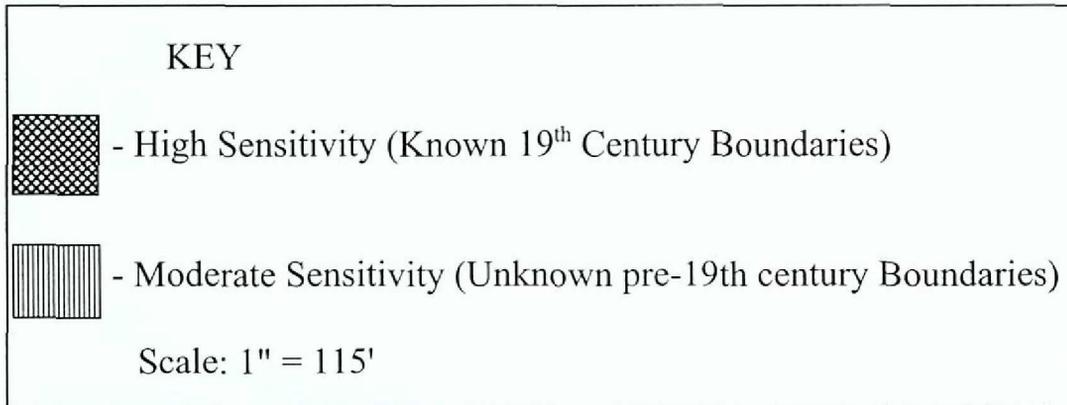


FIGURE 17

Areas of Potential Sensitivity for Burials.



Historical Perspectives, Inc.



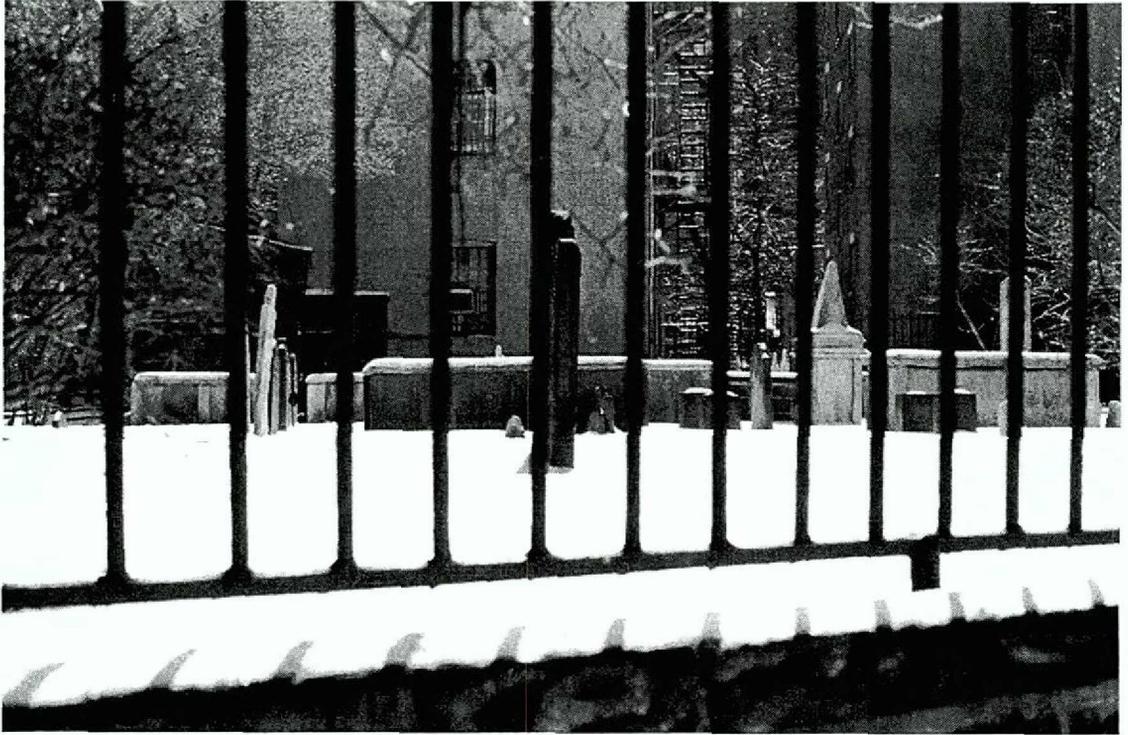
PHOTOGRAPH 1

Extant Shearith Israel Cemetery and St. James Place APE, facing east from west side of St. James Place.



PHOTOGRAPH 2

Western wall of extant Shearith Israel Cemetery. Facing southeast from St. James Place.
Note the cemetery is about three feet above the existing grade of St. James Place.



PHOTOGRAPH 3

*Extant headstones and above-ground vaults at Shearith Israel Cemetery.
Facing southeast from St. James Place.*

Appendix

Detailed Documentary History of Site:

Documentary research indicates that first Jewish people arrived in New Amsterdam on September 7, 1654. They came from Bahia, Brazil when the Dutch evicted all of their Jewish subjects from the city (MCC 1653-1674 vol. 1:240). At that time the directors in New Amsterdam through the Common Council granted permission for the Jews to reside and traffic in New Amsterdam (Stokes 1922:155). In July of the following year the Jews requested and were permitted to purchase a burying place, but the Common Council noted that there no immediate need for a cemetery since there were no recent deaths. Instead, it was determined that a grant of land belonging to the Dutch West India Company would be made when the need arose. Apparently the Jewish population did not wish to bury their dead in the common burying ground (Ibid.:158).

In 1656 the Jews of Amsterdam renewed their request for a burying place, and the Common Council appointed two Dutch men to “point out a little hook of land situate(d) outside of this city for a burial place” (Stokes 1922:165). This plot of land was reportedly near the intersection of what is now St. James Street and Chatham Square. The parcel would have been about half way between the Collect, a fresh water pond once located approximately where City Hall Park now lies, and the shore of the East River near what is now Cherry Street. Its precise location and size is unknown, and it is not certain if this cemetery was ever actually utilized. Therefore, it is possible but not certain that this early 1656 cemetery existed somewhere near or in the APE near St. James Street and Chatham Square.

Unfortunately, the original Deed of Sale for the 1656 cemetery purchase by the congregation by the city of New Amsterdam can not be located, so there is some question as to whether the St. James Street cemetery within the APE is in fact the first cemetery owned and used by the early Jewish population. According to De Sola Pool (1952) the only existing transaction documenting the original purchase of land for the cemetery in the APE is a confirmatory deed dated August 7, 1701. This deed describes a parcel purchased from William and Margaret Merrett by Joseph Bueno [de Mesquita], as lying at fresh water with a length of about 52 feet and a breadth of 50 feet (De Sola Pool 1952:10). However, it is not certain if this 1701 confirmatory deed reflects the transaction of 1656 or to a later purchase in 1681 (see below).

Stokes also states that the original deed to the burying ground was lost. However, he further notes that the *Publications of the American Jewish Historical Society* (No. 27:39) reports that the deed was in existence in 1784. He states that this document also reports that the cemetery within the APE was bought from William and Margaret Merrett but in 1681, rather than being part of a Dutch Land Grant in 1656. Stokes is unclear whether the parcel purchased from the Merretts, which constitutes the cemetery within the APE, was associated with the land conveyed in the 1656 land grant. He believes the St. James Street cemetery was not originally part of the Dutch land grant because the Merrett

property was privately owned – rather than falling within what was once considered Dutch free land (Stokes 1922:514).

Although the earliest date of interment at the cemetery within the APE is questionable, the 1683 tombstone of Benjamin Bueno de Mesquita suggests it was in use by that time (Stokes 1922:514). It is quite possible that the cemetery within the APE was only utilized after the 1681 purchase.

In 1677 a Captain Nicholas de Meyer obtained a patent for a piece of land located near the edge of a hill and fresh water, which was eight rods square (roughly over an acre), to erect a windmill. According to Stokes, the lot was “lying north of the present Park Row, on the northwest corner of Duane Street” (Stokes 1922:313). The land was partitioned in 1691, except for “the Jews burying ground & the De Meyer family vault” (Ibid.). By 1698 William Merrett, mayor of New York, had acquired the property. It then passed through the lands of Teunis and Jacobus de Key, John Corbett, and Roy Willey.

A request was filed by the Congregation on August 23, 1728 for Council permission to bury in new land which had been purchased because their first cemetery (the one within the APE) became full. They had originally tried to purchase land adjoining the old cemetery but thought they would not be able to do so. Instead, they asked for the right to bury their dead in the newly purchased lots nearby. Their petition reads:

Petition by Principle Inhabitants of City of Hebrew Nation read to Mayor, Recorder, Aldermen and Assistants 'The humble Petition of the Inhabitants of the City of New York being of the Jewish Nation Sheweth (sic) That your petitioners some years since purchased a small piece of land beyond the fresh water for a burying place for the said inhabitants, but the said burying place being now full, your petitioners would have purchased some more land adjoining there to, but it being in dispute they could not have the title to the same. Whereupon your petitioners were obliged to purchase 2 lotts (sic) of land lying near the Cripple Bush or Swamp being the Numbers 84 and 85 which contain 50 foot in breadth and 112 foot in length but your petitioners would not presume to make a burying place thereof without the leave and lycence (sic) of this Corporation first had and obtained.' (MCC 1675-1776 vol. 3:447)

The document was signed by Abraham Isaacs, Joseph Nunez, Baruch Judah, Isaac De Medina, Daniel Nunez, Daniel Gomez, Jacob Hayes, Lewis Gomez, Rodrigo Pacheco, Mordecai Gomez, Jacob Franks, and Nathan Levy (Ibid.).

Although permission was granted for the purchase, plans were abandoned because the land adjacent to their existing cemetery near Chatham Square became available (Ibid.:174). Expanding the boundaries of their existing cemetery was preferable to creating a new cemetery elsewhere.

On December 17, 1729, Roy Willey of London sold his land near the existing burial ground to Luis Gomez and his three sons, Mordecai, Daniel and David, for 30 pounds. The property was located “at [the] Southeast corner of the Jewish burial place” and extend[ed] to the “highway” (the present line of Chatham Square) (Stokes 1922:514). Historian De Sola Pool confirms that this tract was purchased in 1729 to enlarge the 1681 plot (De Sola Pool 1952:25). Gomez purchased the land to create a burial place for the “use of the Jewish nation in general, acknowledging that they held the land in trust and promising that it should so remain” (Stokes 1922:514). No survey maps or plans were found detailing which lots this purchase encompassed, but on November 24, 1730, the Gomez family conveyed this land to the Congregation’s trust (Ibid.).

De Sola Pool suggests that the burial ground was probably walled in 1729 when the addition of land was made, but provides no primary evidence of this action (De Sola Pool 1952:26). Regardless, a new wall was built around the property’s perimeter in 1736. Plans began around this time to begin construction of the Congregation’s first synagogue as well (De Sola Pool 1952:27).

After the purchase of these additional lands in 1729, the congregation found itself in possession of a reserve of cemetery property for which there would be no use made for many years to come. To generate income, they leased it to their neighbors including John Roosevelt (the great-great-great-grandfather of Theodore Roosevelt and great-great-great-great-grandfather of Eleanor). Roosevelt had a “gentlemen’s agreement” with the Congregation to use the land for farming until its use became necessary (De Sola Pool 1952:36).

On November 15, 1731 the New York Gazette published a description of cemeteries in the city at the time. The article stated that Jewish burial practices “guarded against ferreting animals and against the misbegotten superstitious practices of heathen neighbors.” Graves were dug deep and perhaps even sealed, although to what depth they were dug and with what they were sealed is not specified. According to the article, precedents for these practices can be seen in Medieval Ferrarac. Furthermore, it was a “Sephardic and Oriental tradition” to lay a tombstone flat on ground (De Sola Pool 1952:25). Plans were made to have the graveyard protected even if all Jews were forced to leave the city. And, in fact, it appears that the majority of the Jewish population did just that during the Revolutionary War, ca. 1776 (Ibid.:38).

The earliest published plan to depict what was then known as the “Jews Burying Place” or “Jews Burying Ground,” was Mrs. Buchnerd’s Plan, drawn in 1735 but depicting conditions in ca.1732 to 1735 (Buchnerd 1735). This crude hand-drawn plan of the city depicts the burial ground to the north of a swamp far beyond the city proper, and reflects the size of the cemetery after the 1729 addition of lands. Grim’s 1813 *Plan from 1742-44* (Figure 3), which portrays the city in ca.1742-1744, was actually drawn from memory, so its accuracy is questionable. Grim indicates that much of the swamp had been drained, but a small stream was left running through it from the Collect, west of the site, to the East River. He places the “Jews Burial Ground” directly north of this former swamp, which is skirted by a roadway. The entrance to the rectangular burial ground appeared to

be located along the main road north of the cemetery, later named Chatham Street, then Park Row. While the cemetery's boundaries are demarcated, they are not necessarily concise due to the age of the map and the lack of permanent geographical markers that have remained unchanged over the ensuing centuries.

Similarly, *Maerschalk's Plan* from 1755 (Figure 4) designates the "Jews Burial Ground" as number 27. Again, the plan depicts a long entrance from what is now Chatham Square running south to a smaller enclosed area, which is presumably the burial ground itself. The burial ground is a small rectangle, and is depicted in what was then the planned Oliver Street roadbed (Figure 4). The cemetery is at a slightly different angle from the roads surrounding it, suggesting that the grid of streets in this neighborhood had begun to encompass the cemetery despite its irregular shape. Bancker Street (now Madison) is located to the south of the cemetery, and appears to stop at what is now Oliver Street south of the cemetery. Oliver Street terminates just south of the cemetery, with a lane continuing north along the cemetery's original access way. St. James Street runs to the east. While the route of Oliver Street is shown on the western side of the cemetery, there are no roads labeled nearby.

The burial ground eventually became a part of Block 279 of the City of New York, and the block is documented in various Farm Histories as well as Tract Report No. 927 (City Register's Office). Although there are no specific references in the report to the cemetery, it details who owned other portions of the block and when it was subdivided. It is reported that:

The easterly portion, within the Hendrick Rutgers farm, was devised to him by Harmanus Rutgers, 18 Will 378, proved August 28, 1753. Hendrick Rutgers devised the property to his children, Henry Rutgers and others, 33 Wills 306, proved April 11, 1781, and they partitioned it into lots in 1784. The balance, within the 'Meadows,' passed to Anthony Rutgers, Christopher Bancker, John Roosevelt and Jacobus Roosevelt. Conveyance in lots were made at an early date, as per Reindexing Department, Map #278. (City Register's Office, Tract Report 927)

In 1755 the laying out of Bancker Street (now Madison) allowed easier access from the city proper to the relatively rural area near Chatham Square, which, in part, prompted land owners to subdivide their plots. The *Maerschalk Plan* of 1755 (Figure 4) depicts Bancker Street's location, and Stokes states that at that time the rear of burial ground was extended to it. After the Revolutionary War, Fayette Street (now Oliver Street) was constructed (see *Taylor Roberts* 1797, Figure 8) and "that part of [the] burial-ground which extended across this street was taken..." (Stokes 1922:663). Hence it is possible that the burial ground may also be under portions of what is now Oliver Street.

The location of the cemetery appears virtually unchanged on the 1766 Montresor Plan, but this map indicates that the cemetery is located on low-lying lands near the swamp to the south. The swamp is labeled with a note which reads: "the overflow is continuously filling up in order to build on" indicating that the area is in the process of, or slated for,

improving. The cemetery is located below and to the west of a bluff or ridge which has a windmill on top of it (Montresor 1766). The cemetery appears to abut the base of the terrace, with the ridgeline running along its eastern edge.

The 1766-67 *Ratzen* (or *Ratzer*) *Plan* (Figure 5) differs from the Montresor Plan in that it depicts the cemetery on a rise or small hill, uphill of a ridgeline which runs along its western side. Ratzer shows developed areas as red, while farmland or undeveloped land is shown in brown. The “Jews Burial Ground” is designated brown and abuts onto farmland to the east, indicating that it was still on the outskirts of what was considered the city at that time. The cemetery is still shown as roughly rectangular, and is bounded on the south by Bankers Street. The accessway to the cemetery from Chatham Square is undeveloped and unlabeled, as is the eastern half of the block on which the cemetery sits. However, the western half of the block is shown in pink, indicating it is developed. No structures are depicted on the map so it is not clear what types of development occupy the other half of the block. The blocks appear to have been fully conceptualized though, to the south and west of the burial ground. The alley/entrance to the burying ground is visible as is the central enclosure that it leads to.

Maerschalcck surveyed the cemetery in 1771 (Figure 6) because of an agreement between the Congregation and Hayman Levy. This agreement allowed Levy to rent a lot and build on it for himself and his heirs. There is no evidence that he completed any improvements to the lot, however. It is possible that his plans for construction may have been halted because of the Revolutionary War in 1776, as apparently the entire congregation left for Philadelphia when the British occupied New York City. They returned after the war, at which time the Congregation was finally officially incorporated in 1784 (De Sola Pool 1952:38).

The 1771 Maerschalcck plan portrays the “Burying Ground” as distinct from the rest of the congregation’s lot (Figure 6). At that time the “Burying Ground” alone measured 52.4’ on the north side, 140’ on the east side, 53.6’ on the south side, and 141’ on the west side for a total size of roughly 7,500 square feet. The entire parcel presumably owned by the congregation, was much longer measuring 45.5’ on its north side, 447.9’ on its east side, 53.6’ on its south side, and 459’ on its west side, or roughly 23,850 square feet. A smaller lot owned by Mr. Barker borders the congregation’s property to the west, and Mr. Ryke’s lot and house is west of Barker’s property (Figure 6).

Holland’s 1776 survey of the city depicts the burial ground much the same as on the other earlier maps except that the alley leading into it is not shown (Figure 7). This map also places the cemetery at the base of a hill which rises to the northeast. Surrounding streets do not appear to have changed from their locations and configurations on earlier maps. The cemetery is angled by about 15 to 20 degrees off of Oliver Street where it terminates.

The New York Directory plan for 1789 depicts the cemetery as covering an irregularly shaped block bounded by James Street on the west, an unlabeled street on the south, Oliver Street on the east, and Chatham Square, or Bowery Lane on the north (McComb

1789). The lack of detail on this figure makes it difficult to tell the exact boundaries of the cemetery within the block. By 1797, it appears that all of the streets in that section of Manhattan Island have been regulated (Figure 8; Taylor-Roberts 1797). The corner where Oliver Street previously stopped below the burial ground has been squared and turned into Fayette Street, which borders the eastern side of what is now Block 279. Henry Street cuts across Fayette Street from the east and terminates on the northeastern side of Block 279. No structures are shown, and neither is the cemetery or the alleyway accessing it. The block is now surrounded by Chatham (now Park Row and Chatham Square), Fayette (now enlarged and called Oliver), Oliver, Bancker (now Madison), and James Streets.

As of 1793 the wooden house built by the Congregation in 1751 located at 135 Chatham Street (now Park Row) was being rented to Michael McLachlan, whose occupation is recorded as “brewer.” It is stated that his partner, a William Buckle, an ironmonger, resided at 145 Chatham Street. In January 1794 the two men asked for permission to build a house next to what De Sola Pool calls the “brewery.” When it was finished, the congregation provided the men with a 21-year-long lease (De Sola Pool 1952:43). These buildings were probably located at the northeastern corner of Block 279, out of the APE, and were eventually separated from the cemetery by the construction of New Bowery (now St. James Place) in 1855. The buildings are no longer standing as the Congregation tore them down in 1819 at which time the Tradesmen’s Bank was constructed in the same area. This building has also since been razed. That corner of the block was affected by the revamping of Chatham Square in the mid to late 20th century (compare Figures 10 and Figure 15).

Throughout the 18th Century, the Congregation leased other lots on the eastern portion of the burial ground which they also were not using. A Mr. Crane was leased the “back of the burying ground” – measuring 73 feet in breadth and length to as far as the fence of Isaac Gomez Jr. for 60 pounds per year, which was to be paid quarterly (De Sola Pool 1952:45). Mr. Crane appears to have left by 1799 as a Giles H. Gibbs is listed as the tenant on the rear lots at 39 Bancker Street. Ezekiel Williams (listed as a Carpenter in the City Directory) was located at 41 Bancker Street and Henry Willis/Willet was also paying “annual rent for [his] tenanc[y]” (Ibid.:46). Also, in 1799, Samuel Chessman (a tenant whose occupation was also listed as a Carpenter) asked for permission to open a gate into the burying ground to dry his clothes. He was eventually allowed to do this and later, in 1833, a Jonathan Pattan at 50 Oliver Street asked for same right (Ibid.:46). In a mid-20th century photograph of the burial ground, laundry lines are seen suspended above the property (Figure 16).

McLachlan and Buckle are still recorded as tenants on Chatham Street in 1815. As of 1812 Williams, Chessman and Willet were also still there, but Gibbs was replaced by a Mrs. Judith H. Myers (De Sola Pool 1952:47). There is some confusion, though, because in secondary accounts McLachlan is reported deceased in 1808 and his tenancy replaced by John Dixon (Ibid:48). However, in 1815 the Congregation bought the house built by McLachlan and Buck, and removed it in 1819. At that time McLachlan’s name appears on the transaction suggesting he was very much alive (Ibid:108-9).

On the *Commissioner's Plan* of 1807-11 (Bridges 1811; Figure 9) no structures are visible and, neither is the Jews' Burial Ground specifically, although Block 279 is present. However, the extent of the proposed widening of Oliver Street is visible along Fayette Street. The map demarcates what will eventually become present day Oliver Street, and indicates that it crosses what was previously a section of the Congregation Shearith Israel's burial land.

In September of 1819 the Congregation Shearith Israel petitioned the City of New York asking for more time to pay for the assessment imposed on them for the opening of Oliver Street. This was referred to the Finance Committee (MCC 1784-1831 vol. 10:531), and the payment was eventually deferred until March of 1820 (Ibid.:557). In May of 1820, regarding the further straightening of Oliver Street, James W. Dominick and David Gardiner, neighbors of the cemetery property, submitted a petition to pay less money than was being asked of them by the City. An agreement was reached based on the precedent of Shearith Israel (MCC 1784-1831 vol. 11:164).

In 1822, after about two years of negotiations, the Congregation sold a portion of their land to the Tradesmen's Bank (De Sola Pool 1952:110-2). It was "resolved that the Trustees of the Congregation Shearith Israel be and they are hereby authorized and empowered to sell the property owned by this Congregation situated on Chatham Street between James and Oliver Streets, reserving all that part enclosed and occupied as a Burying ground at such time..." (Ibid.:111). The Bank is first seen on *Dripps* 1852, Figure 10, at the northeast corner of Block 279. It seems that the Congregation was forced to sell this property in order to pay back debt owed the City of New York because of the various widenings and improvements made to the streets surrounding their property (MCC 1784-1831 vol. 13:75).

In 1831 Henry Street was going to be extended through the original cemetery, but the Congregation managed to stop its construction based on Jewish burial law (Grinstein 1945:326). However, in 1833, Oliver Street was again widened over it the property (Compare Figures 9, 10), as efforts were unable to prevent it (De Sola Pool 1952:107). At the time it was reported that burials in the path of Oliver Street were dug up and the site was then covered with buildings (Stokes 1926:1717, *Dripps* 1852, Figure 10).

By 1836 all of the changes to streets proposed on the 1811 *Commissioners Plan* had been realized (Colton 1836). Oliver Street is widened, as previously planned, and Fayette Street is no longer present. This change allowed Oliver Street to continue in a straight line from its route to the south, but in the process it disturbed the eastern edge of the burial ground. At this time the block was depicted as developed, although only two individual structures were shown. The cemetery is not labeled as such, so its boundaries are unclear.

By 1852 mapping efforts had been improved, and the subdivision of the block is evident. The *Dripps* 1852 map (Figure 10) shows an area of open space in the center of Block 279 which corresponds to earlier depictions of the cemetery's boundaries, although it is not

labeled as such. The cemetery land is surrounded by structures on individual city lots, one of which is the Tradesmen's Bank which is located at the northeast corner of Block 279. The congregation originally owned the land that the bank was built on, first renting it to a brewer and later an ironmonger. When burials in Manhattan were outlawed after 1823, those lots could not be utilized by the congregation and were sold to renters who resold them in 1843. Surmounting debt to the City imposed for widening Oliver Street in 1821 was further impetus for selling the lots to generate capital (Minutes of the Common Council, 1784-1831 vol. 10:531).

Also by 1852 plans had been drawn for a new street to cross the northern half of the block (Figure 8). The proposed route of New Bowery (later St. James Place), is shown bisecting the cemetery land. This action would leave the intact portion of the cemetery fronting onto New Bowery (now St. James Place), while the remainder would fall in the route of the proposed road. Documentary research indicates that the congregation granted permission for the construction of New Bowery through their property and moved burials in its proposed route (an indeterminable number) to their other cemetery on 21st Street in Manhattan to allow for its construction (Stokes 1926:1860).

On the *Perris* 1857-62 plan (Figure 11) the construction of New Bowery is shown as completed. What remains of the cemetery now fronts onto the south side of New Bowery, with a small section shown on the opposite side of the street in front of the Tradesmen's Bank. The land the Tradesmen's Bank is sitting on is designated as 177 New Bowery, however the lots at numbers 175 and 179 New Bowery were also a part of the early burial ground.

The *Dripps* 1867 map (Figure 12) shows that the Jews Burial Ground is basically unchanged from how it was depicted on the *Perris* 1857-62 plan. An elevated train line runs over New Bowery (now St. James Place) and Chatham Street/Chatham Square. A structure is still standing where the Tradesmen's Bank was depicted on the *Perris* plan, and there are buildings on either side as well.

The *Robinson* atlas of 1885 (Figure 13) depicts the connection of the cemetery to the land across New Bowery by a blue boundary line drawn along the western side of the burial ground. The location, shape, and size of the cemetery appears unchanged from 1867. In 1897 (Bromley 1897; Figure 14) the old property line is also shown as blue, although this line one runs along the eastern side of the burial ground. The burial ground is now listed as a graveyard and is designated as Lot 17. Stores front onto the north side of New Bowery and the triangle of land created here when New Bowery was cut through the block has been fully developed.

From 1911 through 1974, the APE appears virtually unchanged (Bromley 1911, 1955, 1974; Figure 15).