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CANADIAN JEWISH ARCHIVES

FOUNDED BY SAUL HAYES, O.C., Q.C., LL.D., F.R.S.A.
FIRST EDITOR LOUIS ROSENBERG, F.R. Econ.S., F.S.S.

Nous nous souvenons

Forgetfulness leads to Holocaust;
Remembering is the root of redemption.
(Baal Shem Tov)

NEW SERIES
NUMBER EIGHTEEN

ON THE EARLY HARTS

Part 4

Compiled by
DAVID ROME

NATIONAL ARCHIVES
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MONTREAL CANADA
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ISSN 0576-5528

Bibliothèque Nationale du Québec

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AGAINST PANET

While the legislative proceedings were going on in public, the Executive Council as a Committee of the Whole was proceeding in its inquiries on the same matter, at the request of the governor -- whose personal views and wishes were probably known to them, and were soon to be made known to the whole world.

The day before the Assembly met, on April 9, Judge Edward Bowen handed down an opinion in a Case,

"In administering the Oath to be taken by every member of the Legislative Council and Assembly, as enacted by the 31 of His present Majesty, chap. 31 are the Commissioners appointed to Administer that Oath bound to swear the members upon the Holy Evangelists only, agreeably to the Christian mode, even should a member from religious motives decline to take the said Oath unless administered to him agreeably to the custom of the Religion he may profess?

"So, should a person of the Jewish persuasion be returned to serve as a member of the Assembly, and the Commissioners swear such persons upon the Old Testament with his hat on, as in certain cases is admitted?

"If not, and that such persons, who may perhaps have publicly professed himself of the Jewish Faith, might notwithstanding be willing to take the said Oath after the manner of Christians, ought or ought not the Commissioners in this latter case to administer the said Oath to such person?

"Opinion:

"In answer to the first part of the Case, I am clearly of opinion that the Commissioners, appointed by His Excellency the Governor in Chief to administer the Oath to the members of the Legislature under the Act of the 31 Geo. III C.31, are bound to administer that Oath in the Customary manner upon the Holy Evangelists, and not otherwise, to every member presenting himself to them and offering to take that Oath, without inquiry as to the Religion he may profess.

"Upon the second part of the case I am of opinion that a person presenting himself with an Indenture of Election to serve in the House of Assembly as the Representative of any County, Town or Borough in this Province who refuses to take the Oath in the ordinary manner upon the Holy Evangelists, and being a person of the Jewish Persuasion, and therefore demanding to be sworn upon the Old Testament with his hat on, ought not to be admitted by the said Commissioners to take the Oath in such manner. But that they should grant the Person a Certificate if he demand one, that he has presented himself requiring to take the Oath after the Jewish Ceremony, which they had refused to administer. Or the Commissioners may certify that fact to the House of Assembly and pray the opinion of that House whether they should or not admit the person to take the Oath according to the form of the Religion he so professes,

"The latter part of the case is answered by the foregoing." (P.A.C., Records of Provincial and Civil Secretaries' Offices, S. series C.R., G4, A1, vol. 103, Pp. 32614-16)

Bowen was at the beginning of his political career. Several months later, on Nov. 13, 1809 he entered the Assembly as member for William Henry, and sat there until May 23, 1812. Nine years later, on Oct. 20, 1821 he was named to the Legislative Council where he served until its dissolution in March, 1838. In 1835 he was Speaker of the Council.

Just for the completeness of the archival record, though it probably has no bearing on the opinions or the acts of the times, we might note that the name of Judge Bowen was connected with the first major case of anti-Semitism in Canadian history.

Some twenty years after the Ezekiel Hart experience, a Jewish lawyer, barely out of his articling, accused him before the legislature of various errors and faults which incapacited him for the bench, of which prejudice was not the least. It was a protracted case, led by the scarcely mature Mordecai Adolphus Hart (see Dictionary Canadian Biography SV), and Justice Bowen was probably saved from utter disgrace by the cataclysm of the suspension of the entire legislature and of the colonial constitution in the events of 1837. He died on Apr. 4, 1866.

April 10, 1809:

The Assembly met on Apr. 10, 1809, with Ezekiel Hart in his seat.

Sulte notes that "Parliament opened Monday, Apr. 10, 1809. It is clear that Mr. Hart took care to vote to keep judges in the House. At the same time his friends spread a rumour that he had become Christian during the past year, but this did not at all hinder the debate about Jews."

At the opening session, the formalities:

"It is His Excellency's pleasure, that you, Gentlemen of the House of Assembly, do forthwith repair to the place in which the sittings of the House of Assembly are usually held, and there choose a fit person to be your Speaker; and that you present the person who shall be so chosen, to His Excellency, in this House, on Thursday next, at one o'clock, for his approbation.

"And the Members being returned, Louis Bourdages, Esquire, one of the Knights Representatives of the County of Richelieu, stood up, and addressing himself to the Clerk, (who standing up, pointed to him and then sat down,) proposed to the House for their Speaker, Jean Antoine Panet, Esquire; in which motion he was seconded by Joseph Le Vasseur Borgia, Esquire, Knight Representative of the County of Cornwallis.

"The Honourable Pierre Amable De Bonne, one of the Judges of the Court of King's Bench, and one of the Knights Representative of the County of Quebec, stood up, and addressing himself to the Clerk, (who standing up, pointed to him, and then sat down,) proposed to the House, for their Speaker, Denis Benjamin Viger, Esquire, in which motion he was seconded by John Caldwell, Esquire, Knight Representative of the County of Dorchester.

"Debates arose; after which,

"Mr. Justice De Bonne moved, seconded by Mr. Dénécheau, that this House do adjourn till tomorrow, at three o'clock afternoon.

"The House divided upon the question,

"Yeas 6 Nays 35

"So it passed in the negative.

"The question upon the first motion being then put by the Clerk; viz:

"That Jean Antoine Panet, Esquire, be Speaker of this House?

"The House again divided, and the names being called for, they were taken down as follows:

"Yeas:

"Messieurs Louis Roi, Martineau, Viger, Huot, Chagnon, Duclos, Robitaille, Fortin, Bernier, Hébert, Poulin, Mure, Michel Caron, Durocher, Augustin Caron, Férreol Roi, Le Gendre, Louis Turgeon, Joseph Turgeon, Delorme, Trestler, Jones, Meunier, Mondelet, Bourdages, Duchesnay, Blackwood, Borgia, Bédard, Badeaux, Papineau, and Langlois.

"Nays:

"Messieurs Dénécheau, De Salaberry, Caldwell, M'Gillivray, Gray, Justice De Bonne, James Cuthbert and Hart.

"And there being a majority of twenty-four for the affirmative;

"The Clerk, in consequence thereof, declared Mr. Panet duly elected; and he was then conducted to the Chair by Mr. Bourdages and Mr. Borgia; where standing on the upper step, he returned his humble acknowledgements to the House, for the great honour they had been pleased to confer upon him, by choosing him to be again their Speaker;

"And thereupon he sat down in the Chair; and then, the Mace (which before lay under the Table) was laid upon the Table.

"Mr. Mondelet, addressing himself to Mr. Speaker elect, then moved that this House do adjourn till Thursday next, at noon.

"And the House adjourned accordingly, 'till Thursday next at noon." (Also in Quebec Mercury, Apr. 17, 1809)

Hart had voted against Col. Panet.

The vote was a crucial political event, a polarization and a demonstration. The reticent Gazette de Québec, published the lining up of the Assemblymen, and later Le Canadien recalled how each Member of the House had acted during that moment of parliamentary history.

Lieut. Col. Panet represented the Upper Town of Quebec in the Assembly from 1792 to 1808 and then from Huntingdon to 1814, when he again sat for his Quebec seat, when he was elevated to the Legislative Council in 1815. He had sat on the bench from 1794 to 1797. But he was a leader of Bédard's group and a shareholder in Le Canadien. The Governor could have no faith in the sponsor of a periodical he called libellous and seditious, and dismissed him from the militia together with Capt. Bédard.

Denis Benjamin Viger (1774-1861) was a cousin and usually an ardent supporter of L.-J. Papineau. At this time he had just entered the Assembly for Montreal and was later to sit for Leinster (1810-16) and Kent (1816).

He was sent to England in 1828 to place French-Canadian grievances before the Imperial Parliament. In 1830 he was appointed to the Legislative Council in a conciliatory gesture by Sir James Kempt. Viger returned to England in 1831-35 as London agent of Lower Canada. Though a leading patriote he took no part in the Rebellion of 1837-38. Nevertheless, he was arrested in November 1838 and held for 18 months without trial. In the legislature of United Canada he represented Richelieu, 1841-44, and Trois Rivières, 1844-47. In December 1843 he was appointed to the Executive Council and served for some months on the provisional council. Later he held the office of president of the council and served on the Legislative Council 1848-58.

The election of Panet as speaker was a matter of particular offence to the governor, as Hart must have known and as we learn from the governor's despatch to Lord Castlereagh of June 5, 1809. Writing to the Colonial secretary to explain the brusque dissolution of the Assembly, Governor Craig recalled that he had given "your Lordship an account of a party which exists here and which is far from inconsiderable in strength. It was with concern that I saw the number of Persons returned to the House of Assembly, who might upon good grounds be looked upon as their adherents; and it was very early understood that they were preparing for the adoption of every Measure which they considered as likely to Embarrass Government and shew their own power & importance. Their first step was to elect Mons. Panet for their Speaker. This I have reason to believe was intended as a sort of experiment upon my temper & firmness; if I had rejected Mr. Panet, they would have chosen another instrument equally adapted to their views while it would have served as a fair pretext for the ill humour that might be apparent in their further proceedings; and on the other

hand if I admitted Mr. Panet they supposed I could only do so under the influence of intimidation, and they should then consider themselves at liberty to go any lengths they pleas'd. Upon a little reflection I chose the latter alternative, I thought the refusal of Mons. Panet would be making him individually of more consequence that I wish'd to have the appearance of attaching to the whole of the Assembly, & I thought what I proposed to say to them in my Speech would do away the idea of my acting under the impression which they supposed, at the same time that under the conviction of the Spirit by which they were actuated, I was willing that, whatever took place, should arise solely from themselves, I therefore approved of Mr. Panet on the principle of the choice being a matter which concerned themselves more than me."

As Tassé put it, "Hart naturally was associated with the English party which, strongly supported by power, wished to conduct affairs their own way and to control legislation absolutely. The Assemblymen of our origin, as is well known, resisted them valiantly. Led by wise and distinguished men, they were determined not to give an inch. It is not surprising that in the excitement of battle they followed their passions and sought to humiliate their adversaries by expelling one of their members. It was an act of reprisal and led to the disappearance from the scene of a man whose vote was always contrary to their own. Under other circumstances it seems improbable that the French deputies would have insisted on eliminating Hart because he was a Jew, any more than they would have tried to expel Judge De Bonne and Foucher if they had remained loyal to the national party." (pp. 409-10)

Hart's vote, his first parliamentary act, was therefore very meaningful to every man in the Chamber and to many outside it.

Hart had sat in the House.

He had voted.

April 15, 1809:

On April 15 the Assembly discussed the text of an address to be sent to the Governor in reply to his speech at the opening of the session, a debate that parallels our own reply to the Speech from the Throne.

Towards the end of this debate two amendments to the final paragraphs of the draft address were proposed by assemblymen from Bédard's group, each of them stating that His Excellency was receiving poor advice and information from his counsellors about the character and the interests of various portions of the colony's settlers. There were recorded divisions on the amendments, and Hart voted on each occasion. His vote supported the original draft document and helped to defeat the Bédard moves.

He had voted on a Speaker, and he defied the overwhelming majority, against Jean-Antoine Panet in the presence, inter alia, of Louis-Joseph Papineau. Le Canadien of Apr. 15, 1809 listed the members of the House, marked those present (including Hart) and those who voted against Panet as speaker during the historic division; and he had voted on the routine business before the Assembly.

AGAIN, HOUSE VS. HART

We read in the Journals,

"On April 17, 1809 Mr. Mondelet moved, seconded by Mr. Louis Roi;

"That the resolve of this House, in the last Session, whereby it was determined that Ezekiel Hart, Esquire, one of the Representatives of the Borough of Three Rivers, professing the Jewish Religion, cannot take a seat, nor sit, nor vote in this House, be now read.

"Mr. Plante moved, in amendment, seconded by Mr. Durocher, to insert before the word, 'be', in the last line, 'and who is returned as a Member of this House, and is now sitting in it as a Representative for the Borough of Three Rivers.'

"The questions of concurrence, being severally put upon the amendment, and upon the main motion as amended, they were agreed unto, unanimously by the House: --

"Accordingly the said resolve of the House on the 20th February, 1808, was read by the Clerk." (A report of these proceedings also appeared in the Quebec Gazette of Apr. 20, 1809 and in Le Canadien of Apr. 26, 1809, P.95)

The wording in the report in the Mercury of Apr. 24 is is slightly different.

"The Resolves of the House, during the last Session, whereby it was determined thatEzekiel Hart, Esq., one of the Representatives of the Borough of Three Rivers, professing the Jewish Religion, cannot take a seat, nor sit nor vote in the House, and who is returned as a Member of the House and is now sitting in it as a Representative for the Borough of Three Rivers, were then ordered to be read. After which the House adjourned."

April 19, 1809:

On the 19th, "Mr. Mondelet moved, seconded by Mr. Trestler, to resolve, that Ezekiel Hart, Esquire, returned as one of the Representatives of the Borough of Three Rivers, to serve in the present Provincial Parliament, and who is now sitting in this House, is the same Ezekiel Hart, who was returned to serve in the Fourth Session of the Provincial Parliament, in the room of the late Honourable John Lees, for the aforesaid Borough.

"Mr. Justice De Bonne moved, seconded by Mr. Mure:

"That this House do now resolve itself into a Committee of the whole House, upon Mr. Mondelet's motion.

"The House divided on the question,

"Yeas 12
"Nays 24

"So it passed in the negative.

"Mr. Mure, now moved, in amendment to Mr. Mondelet's motion, seconded by Mr. Justice De Bonne, to strike out all the words after 'that,' in the first line, and insert the following, 'a Committee of seven Members be appointed to examine the Journals of the House of Commons of Great Britain, for precedents of expulsion from that House, or of persons declared ineligible to sit therein, wherein such persons were re-elected, and to report the proceedings thereon.'

"The House divided on the question; and the names being called for, they were taken down as follows: viz.

"Yeas,

"Messieurs Gray, Blackwood, Badeaux, Mure, De Salaberry, Coffin, Dénécheau, Caldwell, Ross Cuthbert, Justice De Bonne, M'-Gillivray, and James Cuthbert.

"Nays,

"Messieurs Borgia, Bédard, Mondelet, Louis Roi, Trestler, Planté, Jones, Papineau, Huot, F. Roi, M. Caron, J. Turgeon, Viger, Duclos, Poulin, Hébert, Durocher, Langlois, A. Caron, LeGendre, Delorme, Robitaille, Meunier, Chagnon, L. Turgeon, Bernier and Bourdages.

"So it passed in the negative.

"On motion of Mr. Bourdages, seconded by Mr. Jos. Turgeon;

"Ordered, that Mr. Mondelet's motion, be amended as follows; viz:

"After 'Resolve' leave out all the other words and insert, 'that this House do now receive information, through the Members thereof, or any of them, whether Ezekiel Hart, Esquire, returned as one of the Members of this House, to set therein, in the room and stead of the late Honorable John Lees, is the same Ezekiel Hart who is returned as elected to serve in the present Parliament, and who has already taken his seat, as one of the Representatives for the Borough of Three Rivers, and the same who was declared incapable of sitting and voting during the last Session.

"The question was now put on the main motion as amended, which was agreed to.

"Ordered, that the House do now receive the said information.

"The House accordingly proceeded to receive the said information:

"And, Mr. Mondelet, and Mr. Bourdages, in their places, severally informed the House, thatEzekiel Hart, Esquire, returned as one of the Members of this House, to sit therein, in the room and stead of the late Honourable John Lees, is the same Ezekiel Hart who is returned as elected to serve in the present Parliament, and who has already taken his seat, as one of the Representatives for the Borough of Three Rivers, and the same who was declared incapable of sitting and voting during the last Session.

"And Mr. Mure, in his place, informed the House, that Mr. Hart, who now sits in the House as a Representative for the Borough of Three Rivers, is the same Ezekiel Hart, Esquire, that was returned to serve in the last Provincial Parliament for the said Borough, in the place and stead of the late Honourable John Lees.

"Mr. Justice De Bonne moved, seconded by Mr. Trestler;

"That this House do now adjourn till Friday next.

"The House divided upon the question, and the names being called for, they were taken down as followeth; viz:

"Yeas,

"Messieurs Trestler, M'Gillivray, Jas. Cuthbert, Dénecheau, Hart, Ross Cuthbert, Justice De Bonne, Caldwell, Huot, Jones, Mure, Gray, Blackwood, Planté, De Salaberry and Badeaux.

"Nays,

"Messieurs Bourdages, Borgia, Bédard, Mondelet, L. Roi, Papineau, Coffin, Viger, Poulin, A. Caron, J. Turgeon, M. Caron, Duclos, F. Roi, Hébert, Durocher, Langlois, LeGendre, Delorme, Robitaille, Meunier, Chagnon, L. Turgeon and Bernier.

"So it passed in the negative.

"Mr. Mondelet now moved to resolve, seconded by Mr. Durocher;

"That Ezekiel Hart, Esquire, who sits in the present Parliament as one of the Representatives of the Borough of Three Rivers, is the same Ezekiel Hart, who was returned as one of the Representatives of the said Borough, in the last Parliament, and was declared incapable of sitting and voting in the last Session; as he professed the Jewish Religion.

"The House divided on the question;

"Yeas 35
"Nays 5

"So it was carried in the affirmative, and --

"Resolved, accordingly.

"Mr. Coffin moved, seconded by Mr. Blackwood;

"That this House do now adjourn till Friday next.

"The House divided on the question:

"Yeas 19
"Nays 20

"So it passed in the negative.

"Several Members having retired, the names of those present were taken down, as follows; viz:

"Mr. Speaker,

"Messieurs Louis Turgeon, LeGendre, Mondelet, Bourdages and Joseph Turgeon.

"And at twelve o'clock, at night,

"Mr. Speaker adjourned the House for want of a Quorum.

In the meantime Hart remained in his seat and voted.

On Apr. 18 Bourdages had moved that"judges in this Province, in accord with the laws and customs of Parliament, cannot sit or vote in this House." Judge De Bonne sought to amend this motion by proposing that the free and independent electors of each city, town, borough or county in this Province have, by virtue of the constitution, the sacred and inviolable right to nominate, choose and elect any person or persons in whom they have put their trust and whom they consider the most proper to represent them in the House of Assembly; provided that such person or persons are not disqualified or rendered incapable of representing them by our constitutional Act of the 31st year of the reign of His Majesty, or by any subsequent act of the Legislature, or by effect of any condemnation in any of His Majesty's Criminal Courts.

The House sat in committee on these motions on Apr. 21. The following day, on Saturday, Apr. 22 there was a vote on postponing consideration of the Bourdages motion to July 30; again a polarization, with Bourdages, Bédard, Louis-Joseph Papineau and a dozen others opposing the delay; and De Bonne leading the move for this delay. The vote ran 23:17 for the postponement of consideration. Hart voted in support of Judge De Bonne. The judge did not have the decency to abstain from voting in a clear situation of conflict of interests.

Again Hart had voted; again on the government side, even though De Bonne and Judge Foucher had not proven themselves trustworthy supporters.

Similarly on the 21st of April, as the Assembly prepared to sit in assembly on the eligibility of judges, a motion was made to postpone the procedure for three months. The members divided equally on this delaying proposal. The speaker cast the vote against the delay. In this vote, too, Hart voted for the delay, as did Judge De Bonne.

Again Hart voted, on the government side. Again the judge did not have the decency to abstain. If either of them had not voted, the results would have been radically different.

Again, on Apr. 22, as the House prepared to discuss the question of the judges a motion to postpone the procedure until July 30 was voted on and passed.

That proposal passed 23:17 with, again, Hart's support and, of course, again De Bonne's.

"An elector of Three Rivers" wrote to the Quebec Mercury:

"Mr. Editor,

"The Assembly last year refused a seat to one of the representatives of this town. That this was a direct infringement of their charter, very few I believe will deny. I find no reason assigned, except one given by an expounder of the laws, that he paid no obedience to any prince, that he reserved such obedience for a prince Messiah. The absurdity of such reasoning I need not descant upon, although it appears to have had a sway. -- I therefore propose the following query -- Whether that act has not invalidated all the laws they framed?

"The laws have not come into contestation before the courts; I conceive it is the duty of the judges there, to keep a vigilant eye, that the constitution of the province, the parent of all the laws, be no ways invaded. And that constitution requires, that the laws shall be framed by, at least, fifty representatives; and fully defines the case in question, and the remedy to be recurred to." (Apr. 24, 1809)

As a sample of "Jewish" humour of the time we cite an Epigram from Le Canadien of April 29, 1809,

"Les Arabes! les Juifs! ouf! ouf, je n'en puis plus:
Ose-t-on écorcher les gens de cette sorte?
Pour enterrer ma femme exiger vingt écus!
J'aimerois presqu'autant qu'elle ne fût pas morte.
-- L. Pons"

In the meantime the matter was taken up by the Executive Council at its meeting in the Council Chamber in the Gov. General's House on the 19th of April, in the presence of the Governor, the Chief Justice, Thomas Dunn, François Baby, Pièrre A. De Bonne, John Young and Jenkin William,

"His Excellency proposed to the Board the following Queries -- Viz --

"1st. Under the Act of 31. Geo. 3d. Chap. 31., is a Jew eligible to sit in the House of Assembly of this Province?

"2d. If he is eligible, and the House should by Vote exclude him assigning no other reason but that he is of the Jewish Religion, is it not the duty of the Governor to protect such Jew equally with every other Subject of His Majesty in the enjoyment of a just right?

"3d. Is it not the duty of the King's Representative to prevent the House of Assembly from assuming a power beyond what is allowed them by that Act on which their existence is founded; and is not the declaring any person not to be eligible to serve in Parliament who is not so declared by that Act, or the excluding or expelling such person when chosen, an assumption of such power as is beyond what is so allowed them?

"4th. If the House persists in such a Measure by their own Vote, and not by a Bill proposed to pass the two other branches of the Legislature, is it not the duty of the Governor to dissolve them?

"5th. Should the House of Assembly attempt by Vote to expel any Member not convicted of any Crime, or who has not been guilty of any Breach of the Privileges of the House, or conducted himself contrary to the rules of the House, is not such a person entitled to the protection of His Majesty's Governor?

"6th. Can such protection be given by any other step than by a Dissolution?

"After deliberation the same were referred for the consideration and report of a Committee of the whole Council. (P.A.C., State Records of the Executive Council, Lower Canada. RG 1, E 1, vol. 33, Pp. 504-6; reproduced by Arthur G. Doughty and Duncan A. McArthur, eas., Documents Relating to the Constitutional History of Canada, 1791-1818. Ottawa, Public Archives. 1914; also in Le Patriote, Nov. 23, 1933: "La Clique du château protégeait le Juif Hart.")

The report was not long in coming. But the proceedings were confidential, and the members of the Assembly were not informed that there was a question about the validity of their proceedings.

As we shall see the response came during the crucial debate of May 15, 1809

A QUARTER OF A CENTURY BEFORE HIS TIME

On April 24, 1809, in a most unexpected move, a member who has hitherto -- and, it might be added, hereafter -- not been very active in the Jew debate rose to propose a measure which put him among the foremost political liberators of the Jewish people in the world.

A quarter of a century before Lower Canada did in fact grant its Jews civil rights equal to those enjoyed by their neighbours, anglophone Blackwood and francophone Joseph Turgeon proposed a farsighted resolution of the Hart question not by a resolution regulating internally its own rules of membership but by a bill which would establish the wider law of the land. So the Journals of the Assembly for that day read,

"On motion of Mr. Blackwood, seconded by Mr. Joseph Turgeon;

"Ordered, that Mr. Blackwood have leave to bring in a Bill to remove doubts respecting the eligibility of persons, professing the Jewish Religion, to sit or vote in the House of Assembly.

"He accordingly presented the said Bill to the House; and the same was received and read for the first time .

"Resolved, that the said Bill be read a second time on Friday next." (also in Le Canadien of April 26, 1809, and Mercury of May 1)

John Blackwood, later the Hon. John Blackwood, was the member in the Assembly for Quebec's Upper City from Dec. 14, 1805 to March 1, 1810. On Apr. 9, 1813 he was named to the colonial Legislative Council where he sat until his death on June 24, 1819.

Joseph Turgeon was the Assembly member for Leinster from June 18, 1808 to Oct. 2, 1809.

April 28, 1809:

The formalities of the expulsion of Mr. Hart continued on April 28, even as Blackwood's motion was under consideration.

"On motion of Mr. Mondelet, seconded by Mr. Durocher;

"Ordered, that the entries in the Journals, containing the information given to this House on the 17th February, 1808, concerning the Religion of Ezekiel Hart, Esquire, be read on Monday next."

At the same time Mr. Blackwood's

"A Bill to remove doubts, respecting the eligibility of persons professing the Jewish Religion, to sit or vote in the House of Assembly was, according to order, read a second time.

"Mr. Blackwood moved, seconded by Mr. Joseph Turgeon;

"That the said Bill be referred to a Committee of five members.

"On motion of Mr. James Cuthbert, seconded by Mr. Solicitor General;

"Ordered, that the consideration of Mr. Blackwood's motion be postponed 'till Wednesday next." (also in Quebec Gazette May 4, 1809, in Le Canadien of Apr. 29, and in Mercury of May 1.)

Joseph Tassé believed that "these violent discussions led to the declaration of political liberation of the Jews in Canada coming sooner than it might have. So, some years after the expulsion of the Jew Hart, when calm came again to the spirits of the people, the representations of the Israelites were benevolently received, and everyone hurried to render them justice and to confer upon them, by the act proclaimed in 1832, all the civil political and religious liberties of the citizens of this country." (P.408)

May 2, 1809:

On May 2, 1809 "The order of the day for reading the entries in the Journals, containing the information given to this House, on the 17th February, 1808, concerning the Religion of Ezekiel Hart, Esquire, being read.

"Mr. Mure moved, seconded by Mr. Blackwood:

"That the said order of the day be postponed until Friday next.

"The House divided on the question:

"Yeas 9 Nays 6

"So it was carried in the affirmative; and,

"Ordered, that the said order be postponed 'till Friday next.

May 3, 1809:

The following day, on the 3rd of May,

"The order of the day, for taking into consideration a motion made by Mr. Blackwood the 28th of April last, for referring to a Committee of five Members of the Bill to remove doubts respecting the eligibility of persons professing the Jewish Religion, to sit or vote in the House of Assembly, being read;

"On motion of Mr. Blackwood, seconded by Mr. Mondelet,

"Ordered, that the said Order of the day be postponed until Monday next." (also in Le Canadien, May 13, 1809, and in Quebec Mercury, May 8, 1809)

MAY 5, 1809

On May 5 the Assembly gave much time to the Hart problem it had created.

"The order of the day for reading the entries in the Journals, containing the information given to this House, on the 17th February 1808, concerning the Religion of Ezekiel Hart, Esquire, being read;

"The said entries were accordingly read by the Clerk.

"Mr. Mondelet moved, seconded by Mr. Robitaille, to resolve that the Members of this House, in whose presence Ezekiel Hart, Esquire, took the Oath, at the opening of the present Parliament, do inform the House, how he took the said Oath.

"Whereupon Mr. Mure moved in amendment, seconded by Mr. Blackwood, to strike out all the words after the word 'Resolve,' and to substitute the following, 'that this House will resolve itself into a Committee of the whole House, tomorrow, to consider of the manner in which the Oath required to be taken by the Members of this House, before sitting and voting therein, was administered to Ezekiel Hart, Esquire, a Member of this House for the Borough of Three Rivers, at the opening of this present Parliament.

"The House divided on the question of amendment, and the names being called for, they were taken down as followeth; videlicet:

"Yeas,

"Messieurs L. Turgeon, J. Cuthbert, Moore, Justice De Bonne, R. Cuthbert, Gray, Mure, the Solicitor General, Blackwood and Jones.

"Nays,

"Messieurs Huot, F. Roi, Martineau, M. Caron, Delorme, Durocher, Robitaille, Planté, Papineau, Coffin, J. Turgeon, Mondelet, L. Roi, Langlois, Bédard, Borgia and Bourdages.

"So it passed in the negative."

We note the votes of Turgeon, Blackwood and De Bonne among the few supporting the delaying and exploratory amendment.

"The question was now put on the main motion.

"The House again divided;

"Yeas 17 Nays 10

"So it was carried in the affirmative; and,

"Resolved, accordingly.

"And the House proceeded to receive the said information.

"And Mr. Bourdages and Mr. Duchesnay, in their places, respectively acquainted the House, that they were present, when Ezekiel Hart, Esquire, one of the Representatives of the Borough of Three Rivers, did take the Oath: that the head of the said Ezekiel Hart, was uncovered, and his hand on a book. That when the said book was presented to Mr. Blackwood, one of the Members who was sworn with the said Ezekiel Hart, he, Mr. Blackwood, asked the Commissioners appointed to administer the Oaths to the Members, what book it was? That the said Commissioners answered; 'It is the New Testament': that Mr. Blackwood said, it is very well, kissed the book, and presented it to Mr. Hart; who kissed it also.

"Mr. Mondelet now moved to resolve, seconded by Mr. Martineau:

"That Ezekiel Hart, Esquire, professing the Jewish religion, as appears by the entry of the 17th February, 1808, in the Journals of the last Session, and inasmuch as he did at the opening of the present Session, take an Oath on the Holy Evangelists, which could not bind him, and did thereby profane the Religious institution thereof, cannot take a seat, nor sit, nor vote in this House.

"Whereupon, Mr. Bédard moved in amendment, seconded by Mr. Papineau, to strike out all the words after, 'Religion,' and insert the following, 'cannot sit nor vote in this House.'

Mr. James Cuthbert moved, seconded by Mr. Mure;

"That the consideration of Mr. Mondelet's and Mr. Bédard's propositions, be deferred until the fifteenth of May; and that in the meantime, communication thereof, with the preceding resolution, be given to Ezekiel Hart, Esquire, by the Clerk of this House; in order that he may thereupon act as he may be advised.

"The House divided on the question, and the names being called for, they were taken down as followeth; Videlicet:

"Yeas

"Messieurs Moore, J. Cuthbert, Mure, Jones, Coffin, The Solicitor General, Blackwood, R. Cuthbert, Justice De Bonne, L. Turgeon and Gray.

"Nays

"Messieurs Joseph Turgeon, Martineau, Durocher, Delorme, Langlois, Robitaille, Huot, F. Roi, Mondelet, Planté, L. Roi, Papineau, Bédard, Bourdages and Borgia.

"So it passed in the negative.

"Mr. Justice De Bonne, now moved, seconded by Mr. Blackwood;

"That this House do adjourn.

"The House divided upon the question;

"Yeas 10

"Nays 17

"So it passed in the negative.

"The question was now put upon Mr. Bédard's proposed amendment; a division again ensued; and the names being called for, they were taken down as followeth; videlicet:

"Yeas

"Messieurs Durocher, Joseph Turgeon, F. Roi, Delorme, Langlois, M. Caron, L. Turgeon, L. Roy, Bourdages, Huot, Planté, Bédard, Mondelet, Borgia, Papineau, Robitaille, Coffin and Martineau.

"Nays

"Messieurs Moore, J. Cuthbert, Justice De Bonne, Gray, R. Cuthbert, Blackwood, the Solicitor General, and Mure.

"So it was carried in the affirmative.

"The question being put upon Mr. Mondelet's motion, as amended, the House divided; and the division proving to be the same as the last; videlicet:

"Yeas 18 Nays 8

"Resolved, that Ezekiel Hart, Esquire, professing the Jewish Religion, cannot sit, nor vote in this House."

On this question, Le Canadien notes, "there was some little debate on the necessity of giving delay to Mr. Hart.

"It was observed that he had been in the House all evening when this matter was brought up the first time, and that he could have remained there if he had wished, and that if he had had himself made a Christian since last year he would not hve failed to inform the House of this." (May 20, 1809)

The version of the proceedings of the Assembly given by Le Canadien, although somewhat at variance from the official Journals and admittedly composed without the benefit of access to the Journals, is not to be dismissed. The Assembly at this time even discussed its procedures, the powers of the speaker and the editing of the Journals. (Le Canadien, May 27, 1809, P.114)

J.A. Robert Pichette calls the Planté proposal comedy in high colour...It was so nonsensical that he could find no one to second it, since all the members knew perfectly well that Hart had always been a Jew. Even if he was ready for any compromise to keep his seat it was doubtful whether he would go so far as to renounce the faith of his ancestors. ("Ezekiel Hart, premier député juif au Canada," in Bulletin du Cercle juif.)

The battle was not yet ended. Assemblymen Planté and Caron wanted to do Hart a favor and simultaneously to enrich Christianity. The Journals of the Assembly take on a tone of legendary mediaevalism as they record the opening session of May 6, a Saturday at that:

"Mr. Planté moved, seconded by Mr. Michel Caron, to resolve;

"That all the proceedings of this House, yesterday, relating to Ezekiel Hart, Esquire, which took place after the information given by Messieurs Bourdages and Duchesnay, be rescinded; and that in lieu thereof, the following be inserted:

"'Resolved, that Ezekiel Hart, Esquire, professing the Jewish Religion in the month of February, 1808, as ascertained by the Journals of this House, cannot sit nor vote in this House, until he can make it appear to this House, that he hath embraced the Christian Religion, at the time he was elected Representative for the Borough of Three Rivers, to serve in the present Parliament; and that a copy of this resolution be communicated to him, by the Clerk of this House.'"

May 6, 1809:

But another, more serious step is now taken by De Bonne. Hitherto we have not heard him as defender of the rights of the Jews. But these very days he was attending the Committee of the Whole of the Executive Council set up, as we have seen, on April 19, and he might have been privy to the forthcoming report. So we read in the Journals of May 6.

"Whereupon Mr. Mure moved in amendment, seconded by Mr. Justice De Bonne, to strike out all the words from 'professing,' inclusive, and to substitute the following, 'having been duly returned as a Member of this House for the Borough of Three Rivers, and having taken the Oath required by the Act of the 31st of His Majesty's Reign, Cap. 31st, has a legal and constitutional right to sit and vote therein.'"

Here, too, we learn additionally from Le Canadien (May 20) that, "the Chair objected to receiving this motion, which gave occasion to debates on this point and on the right of the chair to receive motions which had been seconded. It was received, either by the Chair or by decision of the House on appeal from the Chair, and received 6 votes in favor and 16 against."

To continue with the Journals of May 6, 1809,

"The House divided upon the question, of amendment;

"Yeas 6 Nays 16

"So it passed in the negative.

"And the question being put upon Mr. Planté's motion, the House again divided, and the names being called for, they were taken down as followeth; Videlicet:

"Yeas, Messieurs Planté and Michel Caron.

"Nays, Messieurs Huot, F. Roi, Durocher, Lewis Roi, Robitaille, Viger, Judge De Bonne, L. Turgeon, De Salaberry, Blackwood, Jones, Gray, Jos. Turgeon, Duchesnay, Bourdages, Mure, Papineau, Borgia and Bédard.

"So it passed also in the negative."

Joseph Tassé adds to the record of that day:

"The expulsion of Hart was decided upon for the second time. But Judge De Bonne, who had at first opposed the Jewish member, was not embarrassed to make an about face in order to ingratiate himself with the minority and with the governor. He was in favour of declaring on May 6 that, having taken the oath required by Chapter 31 of the act passed during the 31st year of His Majesty's reign, Ezekiel Hart had the legal and constitutional right to sit in the House, but his motion was lost since it received only six votes and was opposed by sixteen." ("Droits politiques des Juifs en Canada." in Revue canadienne, vol. 7, 1870, Pp. 407-25)

Hart was among the dozen members of the legislature listed as having left Quebec by May 6, in a report in Le Canadien of May 6, 1809.

May 8, 1809:

On the 8th of May,

"Mr. Mondelet, Member for the East Ward of Montreal, rose in his place, and acquainted Mr. Speaker, that there was a vacancy in the representation for the Borough of Three Rivers, the Assembly having, on the fifth day of May instant, resolved, that Ezekiel Hart, Esquire, professing the Jewish Religion, cannot sit nor vote in this House." (Journal and in Le Canadien, May 13 1809, P.109 and May 20, 1809, P.112)

Le Canadien refered to this information by Mondelet of May 8 as the bill to exclude Jews being given second reading. (May 20, 1809)

But there was still the effort made by Mr. Blackwood. The same day,

"The order of the day, for taking into consideration a motion made by Mr. Blackwood the 28th April last, for referring to a Committee of five Members, the Bill to remove doubts respecting the eligibility of persons professing the Jewish Religion, to sit or vote in the House of Assembly, being read;

"The House proceeded to take the said motion into consideration.

"And the said motion was read;

"And, the question of concurrence being put thereon, the House divided; and the names being called for, they were taken down, as followeth; viz.

"Yeas,

"Messrs. Moore, Duchesnay, Justice De Bonne, Louis Turgeon, Jones, Blackwood, Gray, Mure, Jos. Turgeon, Jas. Cuthbert and Dénéchau.

"Nays,

"Messrs. M. Caron, Delorme, Bourdages, Durocher, Ls. Roi, Robitaille, Papineau, Borgia, Mondelet, Bédard, Planté, De Salaberry, Viger, the Solicitor-General and Ross Cuthbert.

"So it passed in the negative." (also in Le Canadien of May 13, misdated May 31, P. 109, and May 20, 1809, in Mercury of May 15 and in Quebec Gazette of May 11.)

This was the legislative end of the foresighted but premature effort of Mr. Blackwood. Among those who killed it, the same Louis-Joseph Papineau who was to guide the passage of the measure in 1832 and its final reaffirmation by a special legislative commission two years later.

The Journals of the Assembly do not always provide the voting record of each of the members in the complex Hart proceedings.

For lack of a better source, we can examine the voting record of the members in three divisions on related questions on which we have the voting record of members: the divisions of Feb. 8, 1808 on receiving Hart's petition, the vote of March 14, 1808, and the vote of Apr. 17, 1809, after the elections of 1808, on Mure's motion for a study of precedents on expulsions.

The voting pattern is not very clear, but some positions emerge clearly, and certainly each of the members understood the full implications of this vote.

Only two or three members of the House were consistent in support of Hart: Richardson, as long as he was in the House, for the first two divisions; Mure and Pyke, both Anglophone. Berthelot voted for Hart in these divisions, but spoke otherwise. These five were all of the government party.

Hart's opponents included Anglophones and Francophones, government men and reformers. Attorney-General Sewell and Bédard led the opposition.

Nevertheless, for the first vote, to give Hart a hearing, even the leader among his opponents broke rank and agreed to hear him. But Blackwood and J. Cuthbert, Anglophones, joined De Bonne, Taschereau, Viger and other Canadiens to deprive Hart of even this courtesy.

The conditions altered greatly by the time of the third division. A large number of new faces appeared in the House. Of those who voted on the third division, 20 came in during the June, 1808 elections. Only five of them supported the Hart interest in the third division.

Le Canadien notes that on the main question the debates were brief and similar to those which had taken place a year earlier; but somewhat more brief.

Audet notes that Joseph Badeaux, Hart's fellow-member for Trois Rivières, absented himself from the assembly during this vote, although he attended to vote against Judge De Bonne. (Les Députés des Trois Rivières, 1808-1838. Trois Rivières, Les Editions du Bien publique, 1934. P. 10)

The difference between Bédard and Mondelet arose as Hart's opponents sought a justification for their act of expulsion. Mondelet's motion would base this expulsion on Hart's crime of desecration of the House.

Bédard felt unsure of being able to prove either consecration or desecration, or the crime involved in such "desecration". A strain of decency might have held him back from condemning Hart for an action he had himself forced upon him. Or it might have been a sense of humour, even black humour.

The result of Bédard's motion was to base the expulsion upon the unexplained ground of being a Jew, as if this undefined condition was a crime; not a word even of an oath, etc.

The anti-Hart vote by young Louis Joseph Papineau can be explained superficially as partisan. Nevertheless, it relates the party again to an anti-Jewish proceeding, and attaches the name of a prophet of French Canadian group awareness to an important action against the Jewish group in the colony. For many decades the stain of anti-Semitism will attach to the movement for the fullest aspirations of the group, and the presence of the Papineau name at this parliamentary division in Quebec history will not be helpful.

Papineau was sufficiently alert and active in the exclusionist debate to help ensure a measure of dignity to the final resolution. It was he who seconded the amendment which deleted the offensive allusion to Hart's imputed hypocrisy in taking an oath in a form imposed upon him but which could not bind him. In fact the House forced him into sacrilege and then punished him for it. It was a legalistic procedure worthy of the inquisition jurisprudence of old Spain.

It is mild comfort to note that we are at the beginning of Papineau's great political career. He had just taken his seat in the Assembly for the first time, on June 18, 1808, for the Kent constituency, which he was to hold to March 22, 1814. We have no record of his participation in the debates or discussions, but when the question bell rang he was there, and on the side of the excluders. He remained in the Assembly for many years, as member for Montreal West from 1814 to March 27, 1838; for 18 months of this period, from Aug. 25, 1827 to Dec. 4, 1828, also as a member for Surrey and for Montreal County briefly, Nov. 22, 1834 to Nov.3, 1835.

He was early recognized as a parliamentary leader and was elected as speaker of the Assembly at the beginning of 1815 and was in the chair until Jan. 10, 1823 and from Jan. 1825 to March 24, 1838. He presided over the Assembly during the 1827-33 years when the legislature recognized the Jewish religious community and when it accorded its members full civic equality. He is therefore credited by historians as the Quebec leader who emancipated the community from the restraints which it had suffered hitherto. But he certainly played no such role in 1808-09.

Fernand Ouellet notes that Louis-Joseph Papineau early in his public career "affirmed his solidarity with the Canadian party and its chief leader Pierre Bédard, in spite of his father's warnings. We even find his name behind Bédard's anti-Semitic initiatives. He soon became one of the most influential members of the party." (Louis-Joseph Papineau, Un être divisé. Ottawa, La Société historique du Canada, 1967. Brochure no. 11, P.10)

After the War of 1812 "the influence of Papineau continued to increase and gained ground even in the Quebec region. So when a successor had to be named to Bédard and Panet, Papineau was named to both functions as head of the party and as speaker of the House of Assembly."

His case set the pattern for a Quebec phenomenon, of public figures actively hostile to the Jewish community becoming champions of the community's rights. Papineau's grandson, Henri Bourassa, is a notable case, followed by Olivar Asselin, André Laurendeau, and others.

An indication of a totally different phase of the Ezekiel Hart affair appears in the private correspondence of Jacques Viger. In his letter of Apr. 23, 1809 to Mme. Viger he refers to the attempt at expelling Hart from the Assembly because he was Jewish and of the Hebrew religion. The promoters of this effort were Bourdages and Durocher followed by his cohort (son cajeu). ("Inventaire de la Saberdache de Jacques Viger," in Rapport de l'Archiviste de la Province de Québec, 1955-57, P.85, no. 34)

BAD JEW?

The proceedings in the Assembly on the surface seem to have complicated the Hart issue. His readiness to remove his hat and to take the oath on the New Testament could be taken to mean that Hart was prepared to act as if he were a Christian, although he never accepted the Christian faith, nor did he indicate a belief in any Christian dogma or even any weakening in any adherence he may have had to the Jewish creed or synagogue. He did violate a Jewish law that forbade him to appear head uncovered and to put his hand on the Christians' testament.

What Hart was doing was to proceed with a prescribed course of action which was considered sacred to this society. This society was forcing him, he implied, to follow this procedure, arbitrarily said to be requisite before he could take his seat in the legislature, even though all knew that in his case these actions were not binding upon him and were a hollow stage act in his own view and conscience. It was a daring, provocative and sacrilegious act on his part, particularly as his Judaism was well known. Without a word on his part he was telling his opponents that they had forced him -- and were therefore responsible -- for his mocking of their faith, their formulae, their narrowness. By his act he was telling them that, if they insisted on posture and uttered words rather than sincerity and obligation, he would conform when forced; but all this with a mutual understanding that his oath was conventional mummery on his part. By further implication he even asked whether the Christians had in their turn also gone through a meaningless children's play when each of them had taken his oath.

His manner of taking the oath challenged not only their religion but the entire social and historic tradition of Christianity. Regardless of the intensity of belief and adherence of each of the members to this communion, Hart's act was a critique of each of them.

Those who fought him quickly understood precisely the subtlety of his challenge. Every subsequent word in the debate showed it.

This was not always clear to some Jewish historians who questioned Hart's procedure.

B.G. Sack comments on these proceedings,

"But not without turbulent demonstrations, not without sharp clashes between the two political parties, did this resolution gain the approval of the Assembly. Lengthy and virulent debates fanned already aroused passions to burning intensity. These debates clearly reflected the attitude toward Jews of their friends, as well as the attitude of those who, for purely political reasons, had become their enemies. In them, too, the spirit of the times was faithfully mirrored. For the first time the Legislative Assembly of Lower Canada had witnessed the sorry spectacle of racial prejudice and anti-Semitic hatred, cloaked in weighty, legalistic phrases, incited as a direct result of political bickering. Fortunately for the Jews, the effusions of their enemies did not gain wide currency nor did they leave a lasting impression. Almost typically medieval anti-Jewish prejudices were re-echoed in the arguments of Hart's political opponents. Obscurantist and illogical, they displayed no trace of the liberalism that later suffused Canadian thought. The Attorney-General of the Province, for example, attempted to bar the Jewish member-elect from the Legislative Assembly on the flimsy pretext that,although the validity of oaths sworn according to Jewish custom was of necessity recognized in the Courts of Justice, it was hardly essential that a Jew sit in Parliament!

"Under the leadership of Pierre Bédard, the antagonism of the French deputies to Ezekiel Hart soon assumed an outright anti-Semitic character. Basing their thesis mainly on evasive technicalities relating to the invalidity of a Jewish oath, they respected the letter and spirit of the law only to the extent that it helped them to achieve their ends. The line they adopted was expressed in this syllogism: the Jew Hart had not sworn in the same manner as the others; in the eyes of Christians his oath was invalid; therefore, if his oath was invalid, he was not entitled to sit in Parliament. In support of this argument the Attorney-General even invoked Canon Law, from which he cited a passage to the effect that all oaths must be taken on the Evangels. Since Canon legislation was recognized by English law, the implication was that the Jewish deputy's oath could not be considered legitimate even in English law and it followed that he was not qualified to retain his mandate." (History of the Jews in Canada. Montreal, Canadian Jewish Congress, 1945, Pp. 83-84)

Isidore Goldstick -- paedagogue, historian, student of Yiddish literature, who revised Abraham Rhinewine's Looking Back a Century, on the Centennial of Jewish Political Equality in Canada (Toronto, Kraft Press, 1932. 147 p.), translated Hanan Ayalti's Jewish Proverbs (N.Y. Schocken, 1942) and Poems of Yehoash (London, 1952) -- was shocked to conclude that "Hart was not

the immaculate conception of idealism". Insisting on his intention to correct prevailing misconceptions rather than deliberatley to shatter a popular "illusion," he nevertheless "almost succeeds in knocking Ezekiel Hart from his pedestal." ("An idol among Iconoclasts", in Jewish Standard, Sept. 30, 1932)

"What was Ezekiel Hart's counter move when he was debarred from the House? Did he, at the cost of his seat, stiffen in his obduracy against taking an oath that was offensive to Jews, or did he show a disposition to yield, to sacrifice his religious scruples in order to validate his membership?

"It appears that a sense of reverence for the memory of this pioneer in the struggle for the enfranchisement of the Jews in Canada has prompted the writers on the history of the Jews of this country either to pass over in silence certain data or to put an interpretation on them not borne out by documentary evidence...

"Hart petitioned the House against this ruling, invoking certain statutes to show that his oath was legal, but adding -- and this is significant -- that although he is convinced of the validity of his oath, 'yet he will not object to have the same readministered to him in the usual form'. Was Hart prompted in this action by his political ambitions, or was strong pressure brought to bear on him by his English supporters to take this course so as to leave the French members no subterfuge for disqualifying him?

"Evidently they did not count on Hart's willingness to be sworn in as a Christian. The suggestion left them nonplussed. In their subsequent deliberations the French representatives chose to ignore the proposed concession of the Jew from Three Rivers. Having reiterated their view as to the inadmissibility of the oath taken by him, they proceeded to listen to the testimony of several members respecting his religious persuasion. The evidence thus educed led them to resolve 'that Ezekiel Hart, Esquire...is of the Jewish profession of religion,' Here was a hint that he might be barred from membership on purely religious grounds, irrespective of the form of his oath. This resolution was carried on Wednesday, February 17.

"On Saturday of the same week the threat contained in the resolution was carried out when the Assembly divided, 21 to 5 (the English members constituting the minority), on the resolution 'that Ezekiel Hart, Esquire, professing the Jewish religion, cannot take a seat, nor sit, nor vote in this House'. Here was a decisive blow at Jewish political rights in the Lower Province. This resolution, however, at least had the virtue of candour. Hart's manoeuvre had forced his enemies out into the open; they could no longer take shelter behind a pretext nor invoke the fiction of their zeal for the constitution.

"What was Mr. Hart's next move? When new elections were held in Three Rivers the same year, he was a candidate again and was returned by an increased majority. This time he was not going to lay himself open to the danger of expulsion for not conforming to the constitutional requirements as regards the oath. He was accordingly sworn in on the New Testament and to the well-known Christian formula. The Journals of the House and other evidence leave no doubt on this score.

"It is surprising, therefore, to find the following statement along with others on the same subject, in so scholarly and well-documented a work as B.G. Sack's account of the history of the Jews of Canada (in The Jew in Canada) "...it is hardly credible that one who was not ashamed of his religion and had at the outset so bravely insisted upon his rights as a Jews, should afterwards recant and go back on his racial pride for his personal honour, by taking the oath of a non-Jew.'" (Edited by A.D. Hart. Toronto, 1926. In the version of the Sack history which appeared in book form in Montreal -- Canadian Jewish Congress, 1945, P. 43 and Harvest House, 1965, P. 89 -- Sack's wording is slightly altered but not modified.)

Goldstick continues, "Yet this is precisely what happened." He cites the Journals of the House which reported on Hart's taking the oath in the Christian manner.

"The object of this inquiry is patent enough. The testimony was given by Hart's enemies, manifestly not for the purpose of proving the constitutionality of his oath but for the purpose of discrediting and humiliating him for his profanation of the 'Holy Evangelists' by taking an oath on them when, as a Jew, he did not believe in them. Was it also intended as a rebuke to him for renegading?

"The hostility to Ezekiel Hart which, as we have seen, was originally motivated by political considerations, had by now assumed an intensely anti-Semitic character. Some of the French members, not content with the form of the motion as carried and probably apprehensive that the question of the oath might emerge once more, were now determined to give the "coup de grâce" to Mr. Hart's political aspirations and clinch his exclusion (and that of any of his co-religionists) from the House. Consequently they attempted to put through a resolution declaring him debarred from membership 'until he can make it appear to this House that he hath embraced the Christian religion'. The majority of the House were, however, decent enough not to allow this vile personal attack. No doubt they felt that the end desired could be gained best by the passage of a bill specifically disqualifying Jews from holding seats in the Legislative Assembly.

"It has not been the aim of this article to dethrone a Jewish hero. The writer is not averse to doing homage or joining in the chorus of praise, sung by the students of the history of the Jews of Canada, to the many incontestable virtues of the notable Jewish citizen of Three Rivers. The sole purpose of the discussion has been to correct, in the interests of historic fidelity, some details of the story as hitherto told, and to prevent the perpetuation of a fable."

Similarly Hyman Edelstein wrote,

"The very record itself of this 'backsliding' on the part of our first Jewish 'M.P.' is humiliating to all self-respecting Jews. It is clear that Hart's personal ambition transcended the claim of his ancient religion; no 'Kol Nidre' would include his oath as deserving of the Lord's pardon, like that of the Marranos who secretly preserved their faith while outwardly observing the rites of the so-called Christianity to which they had 'sworn' allegiance -- but 'sworn' only under immediate peril of a horrible death. No such peril faced Ezekiel Hart."
("Ezekiel Hart's Oath" in Jewish Standard, Aug. 15, 1959, Pp.4-7)

It is not a grave issue that Edelstein and Sack are treating, but being raised it is not to make a mountain where someone may have seen a molehill to define the question. This is not the first time in Jewish history that the religious quality of a martyr is brought up, possibly to cloud the ethical lines of confrontation. Dreyfus was not the first or last.

It was Maimonides who brought his constant clarity to our help by his definition: whoever has suffered under whatever circumstances, who, if he had not been a Jew would not have suffered, is a martyr.

The Journals of the Lower Canada polity clearly include Ezekiel Hart in this category.

A HIGHER AUTHORITY

On April 19, 1809 Governor Craig had posed before his Council a series of "queries respecting the eligibility of Jews to sit in the House of Assembly."

The Committee of the Whole Council met on May 9, we might note those present:

"His Excellency Sir James H. Craig, K.B. Governor-in-Chief, The Hon'ble The Chief Justice, The Lord Bishop of Quebec, Thomas Dunn, François Baby, Pierre A. De Bonne, John Young & Jenkin Williams, Esq.

"His Excellency communicated to the Board the Report of the Committee of the Whole Council in Answer to the Queries proposed for their Consideration on the 19th of April last (headed by Mr. Sewell).

"Approved and ordered to be entered.

"The Report:-

"To His Excellency Sir James H. Craig, K.B. Captain General & Governor-in-Chief of the Province of Lower Canada &c &c &c.

"Ezekiel Hart had, of course, not turned Christian, and remained an observing Jew for the rest of his long life. It appears, however, if we are to take the testimony of the French historian, Benjamin Sulte, that his friends in the House had spread the rumour, when he made his second appearance there, that he had embraced Christianity the previous year. If this report was current, he certainly gave some colour to it, first, by declaring his willingness to take the Christian oath in 1808 and, secondly, by taking it the following year.

"Report of a Committee of the whole Council -- Present, The Hon'ble the Chief Justice in the Chair, The Lord Bishop of Quebec, Mr. Dunn, Mr. Baby, Mr. De Bonne, Mr. Young and Mr. Williams -- On His Excellency's Reference, in Council, on the 19th April last, of certain Queries relative to the eligibility of Jews to sit in the House of Assembly.

"May it please Your Excellency,

"The Committee is of opinion that a Jew may be elected to the House of Assembly of this Province and may sit and vote upon taking the Oaths required by Law in the customary manner.

"This opinion is founded upon the following Reasons --

"By the Statute 13 Geo. II, Cap. 7 It is enacted that all Foreigners naturalised by that Act 'shall be deemed adjudged and taken to be His Majesty's natural born subjects to all intents, constructions and purposes whatsoever as if they and every of them had been or were born within the Kingdom', and it is self evident from the second Section of this Act that Jews are comprehended within its intention.

"By the Statute 31 Geo. III, Cap. 31. Sec. 2. it is enacted that there shall be in each of the Provinces of Upper & Lower Canada a Legislative Council and Assembly to be 'composed and constituted in the manner therein after described.'

"By the 14th Section of the same Act it is enacted that His Majesty may authorise the Governor, by an Instrument under the Great Seal, to Summon and call together an Assembly in and for the Province, and the Statute then proceeds to declare how this Assembly is to be 'constituted and composed', for which purposes the 14th, 16th, 18th and 19th Section provide for the division of the Province into Counties for the Appointment of Returning Officers, and the issuing and execution of the Writs of Election. The 17th Section enacts that the number of Members shall not be less than fifty and the 20th having declared the qualification of the Electors. It is by the 21st Section provided 'that no person shall be capable of being elected a Member to serve in the Assembly or of sitting or Voting therein who shall be a member of the Legislative Council or a Minister of the Church of England or a Minister Priest Ecclesiastic or Teacher, either according to the rites of the Church of Rome or under any other form or profession of Religious Faith or Worship.'

"By the 22d 'that no person shall be capable of being elected who shall not be of the full Age of Twenty-one years and a Natural born Subject of His Majesty, or a Subject of His Majesty naturalised by Act of the British Parliament, or a Subject of His Majesty having become such by the Conquest and Cession of the Province of Canada.'

"And by the 23d 'that no person shall be capable of being elected who shall have been attainted for Treason or Felony in any Court of Law within any of His Majesty's Dominions, or be within the description of persons disqualified by any Act of the Legislative Council and Assembly of the Province assented to by His Majesty, His Heirs and Successors.'

"Such therefore is the manner in which the Assembly is to be composed according to this Act, and, these being the only disqualifications, it follows that any Candidate who has been naturalised by any Act of the British Parliament (and consequently a Jew naturalised by the Statute 13th Geo. II. Cap. 7.), or who is a natural born Subject (which the Son of a Jew so naturalised must be if born in the Province), who is not a Member of the Legislative Council, nor a Minister of the Church of England, nor a Minister Priest Ecclesiastic or Teacher either according to the rites of the Church of Rome, or under any other form or profession of religious faith or Worship, nor under Twenty-one years of age, nor attainted for Treason or Felony, nor within any description of persons disqualified by an Act of the Provincial Parliament must be eligible to a Seat in the Assembly.

"The Committee is further confirmed in this opinion by the 42d Section of 31. of Geo. III. which enacts 'that whenever any Act or Acts containing any provisions which shall in any manner relate to, or affect the enjoyment or exercise of any religious form or mode of Worship, or shall impose or create any Penalties Burthens Disabilities or Disqualifications in respect of the same...every such Act or Acts shall, previous to any declaration or signification of the King's Assent thereto, be laid before both Houses of Parliament of Great Britain.' The irresistible inference from this Section being that a disqualification to sit in the House of Assembly on account of any religious Tenets cannot be created without an Act of the Legislative Council & Assembly of the Province assented to by His Majesty with the concurrence of the Houses of Lords and Commons of the United Kingdom.

"The Committee is of opinion that the Protection of His Majesty's Government is equally due from Your Excellency to all His Majesty's Subjects, and that Your Excellency is bound as far as possible to prevent the House of Assembly from assuming a Power beyond what is allowed to them by the Constitution.

"The Committee is also of opinion that the expulsion of any Member upon any Principle of 'general' Disqualification not declared by the Act of the 31. Geo. III. Cap. 31, or by some Provincial Statute would be an Assumption of Power beyond what is allowed them by the former Statute -- But

"The Committee is also of opinion that it will not become the duty of Your Excellency immediately to dissolve the Assembly if by vote only they should expel a Jew without assigning any other reason except that he is of the Jewish Religion, and that a dissolution, if it should finally be adopted for such Cause only, ought for the present to be suspended.

"The Committee is of this opinion for the following, among other, reasons: because in such case the House would act Judicially, so that admitting them to be wrong they must be presumed to act from an error in Judgement, and not corruptly, unless the contrary is most manifest. It seems therefore to the Committee advisable, before any steps whatever are taken, that the error of their Proceedings should in point of Law be established by the opinions of the highest legal authority to which recourse can be had in England, and be notified to the House by a Message recommending an Act disqualifying Jews, or in some other shape, if their Proceedings should by such opinions be proved ultimately to be erroneous; a Wilful instance of a similar Expulsion after such Steps on the part of the Executive Government might under Circumstances make it the duty of the Governor to dissolve the House.

"The Committee also find that Mr. Ezekiel Hart was by the last House of Assembly expelled 'because he professed the Jewish Religion' and for no other Cause, so that the present House has the sanction of a precedent expressly in point.

"The Committee is of opinion that any Member expelled by the House of Assembly who is not legally disqualified, or has not legally forfeited his Seat, is entitled, in common with all other Subjects who are unjustly aggrieved, to the justice and protection of His Majesty's Government so far as that can be extended to him without prejudice to the interests of the rest of His Majesty's Subjects in general, and they do not perceive that such protection can be given by any other step than a dissolution; but, upon the expediency of an immediate dissolution on account of such expulsion as is the particular object of Your Excellency's present Reference, the Committee humbly beg leave to refer to what they have before stated.

"All which is most respectfully submitted to Your Excellency's Wisdom.

"By Order (signed) J. Sewell. Chairman" (P.A.C., State Records of the Executive Council, Lower Canada, RG 1, E1, vol. 33, Pp. 511-19; reprinted by Arthur G. Doughty and Duncan A. McArthur, editors, Documents Relating to the Constitutional History of Canada, 1791 - 1818. Ottawa, 1914. Sessional Papers, 29c, Pp. 356-59. This volume also reprints the deliberations of the Assembly. These two sets of documents are also reprinted by Rabbi J.J. Price in the Publications of the American Jewish Historical Society, no. 23, 1915, Pp. 43-53)

This report of May 9, 1809 was placed before the entire council the following day by Governor Craig and was there approved.

The distinguished and often influential Executive Council had advised the governor very clearly, at least on the Hart aspect.

It had made it clear that Hart was entitled to his seat in the legislature; that certain steps were available to him in pursuance of his rights, and certain measures were available to the governor in protecting the rights of the subject; that dissolving the legislature on this point was inadvisable.

On May 15 "An Elector of Three Rivers" published a letter in the Mercury:

"Your obliging manner, in having inserted in the Mercury several of my letters, emboldens me to trouble you with another. I cannot however, introduce the present one without bestowing a merited compliment to your assiduity, in rendering your paper a true emblem of the liberty of the press; zealous not to impeach, unjustly, the character of any private or public body, and strenuous to sound forth the least alarm of any public or private grievance.

"The House of Assembly, having unjustly exiled the member from this town last session, the same subject has been again brought forward; and an elaborate and sedate question arose; whether he was the same person he was last year; and the puerile test question has been reagitated. On that article, I beg to call the attention of the House to a matter of no less importance. Whether the Catholic members ought not to be sworn, agreeable to the dictates of their religion, on a crucifix? -- For how can they be rigidly sworn, on a book they dare not read? This subject is now brought before the House in a more unquestionable shape, by bill. I do not mean to criticize the privilege of the House of Assembly, to introduce any Bill on the broad basis of religion, to exclude any particular sect.

I mean to canvas the justice of such a law, and investigate whether the few Jews of this province, merit to be stripped of their inherent, natural rights. Have any of them prowled into the religious thoughts, or attempted to convert the youthful, unskilled or artless Christian? -- This they unequivocally deny; or has any mischief resulted from their toleration? I know of no one solitary instance. It is certainly of importance to allege some ostensible reason. I believe none can be reconciled, but what are turgid, problematical and hyperbolical. Reason having unfurled her delightful standard, to sweeten and adorn the present age, the present act, were it to pass into a law, would convey a spirit of dogmatical persecution, more befitting the gloomy ages of popedom, and heathen mythology, than the present enlightened one, when men of the first talents, have asserted their opinions, that no one sect have a right to impose shackles on another; that no one religion ought to preponderate over another; perhaps few persons can be found, but enthusiasts and bigots, but will admit the cogency of these maxims. But, prior to this act becoming a law, if it pass the House, it has to parade the other branches of the legislature and both Houses of Parliament. If I cannot assert it will meet their disaprobation, I may at least indulge a belief that it will excite their risibility, when they know this act is intended to operate against a mighty host, of the tribe of Levy, consisting of about two families.

"The Protestants may, in time, outnumber the Catholics in Canada. It is rather singular that this latter sect, have entered with such avidity and incongruity in this excerpt; who are, of all other sects, the most impatient and unruly, under any penal or test restraint. I do not intend to cast any undue reflection on that sect or any other. There are many worthy and good people of that sect. Let every man freely enjoy his religious sentiments so far, that he does not trench on or invade those of any other, which I consider to be highly ignorant, gross and illiberal."

CRAIG HAD HAD ENOUGH

But Craig had had enough, and not only in the Hart case.. The political situation has become such that he, as a person in the governor's seat, would tolerate it no longer. He set aside the advice of the Committee on the Jews' question and the option open to Mr. Hart.

On May 15, 1809, a date thus engraved in Canadian history, he convened the Legislative Council and the House of Assembly and delivered a formal speech to them. It was, of course, impelled by many considerations. But bearing the Hart case in mind, it is clear that some of the words had had direct and sole reference to the Jewish issue:

"Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

"The advanced state of the Season, your private convenience, and the happy change that has taken place in the relations between His Majesty's Government and that of the United States, from which we may reasonably look for a permanence of the public tranquility, together with other circumstances, have induced me to put an end to this Session: and upon a full consideration of the events by which it has been marked, I feel it to be a duty which I owe to His Majesty and to the Province, to recur, as speedily as circumstances will permit, to the sense of His Subjects, by calling a new Parliament.

"Gentlemen of the House of Assembly,

"When I met you at the commencement of the present Session, I had no reason to doubt your moderation or your prudence, and I therefore willingly relied upon both. Under the guidance of these principles, I expected from you a manly sacrifice of all personal animosities, and individual dissatisfaction, a watchful solicitude for the concerns of your country, and a steady perseverance in the executing of your public duty, with zeal and dispatch. I looked for earnest endeavours to promote the general harmony of the Province, and a careful abstinence from whatever might have a tendency to disturb it; for due, and therefore indispensable, attention to the other branches of the Legislature, and for prompt and cheerful co-operation and assistance, in whatever might conduce to the happiness

and welfare of the Colony. All this I had a right to expect, because such was your constitutional duty; because, such a conduct would have been a lasting testimony, as it was the only one fought for by His Majesty's Government, of that loyalty and affection, which you have so warmly professed, and which I believe you to possess; and because it was particularly called for by the critical conjuncture of the times, and especially by the precarious situation in which we then stood, with respect to the American States. I am sorry to add, that I have been disappointed in all these expectations, and in every hope on which I relied.

"You have wasted in fruitless debates, excited by private and personal animosities, or by frivolous contests, upon trivial matters of form that time and those talents to which, within your walls, the public have an exclusive title; this abuse of your functions you have preferred to the high and important duties which you owe to your Sovereign, and to your constituents; and you have, thereby, been forced to neglect the consideration of matters of moment and necessity which were before you, while you have at the same time virtually prevented the introduction of such others, as may have been in contemplation. If any further proof of this misuse of your time were necessary, I have just presented it, in having been called on, after a session of five weeks, to exercise His Majesty's prerogative of assent, to only the same number of Bills, three of which, were the mere renewal of annual Acts, to which you stood pledged, and which required no discussion.

"So much of intemperate heat has been manifested in all your proceedings, and you have shown such a prolonged and disrespectful inattention to matters submitted to your consideration by the other branches of the legislature, that whatever might be the moderation and forbearance exercised on their parts, a general good understanding is scarcely to be looked for, without a new Assembly.

"I shall not particularly advert to other Acts, which appear to be unconstitutional infringements of the rights of the subject, repugnant to the very letter of that statute of the Imperial Parliament, under which you hold your seats, and to have been matured by proceedings, which amount to a dereliction of the first principles of natural justice; and I shall abstain, from any further enumeration of the causes by which I have been induced to adopt the determination, which I have taken, because the part of your conduct, to which I have already referred, is obviously and in a high degree, detrimental to the best interests of the Country, such, as my duty to the Crown forbids me to countenance, and as compels me to have recourse to a dissolution, as the only constitutional means by which its recurrence may be prevented."

(To interrupt this text of the governor's harangue, Le Canadien comments on this reference to "unconstitutional infringements on the rights of the subject," that "This passage alludes to the resolution excluding Mr. Hart, a Jew. This same Mr. Hart had been excluded last year by resolution in the same terms. Nevertheless the Assembly had received nothing but praise from His Excellency at the end of the session." (June 10, 1809, P. 125)

To continue with our text,

"Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

"I shall give the necessary orders for calling the new Provincial Parliament, as soon as convenience will permit; and having no other object, and confident that no other will be attributed to me, but to preserve the true principles of the free and happy Constitution of the Province, and to employ the power entrusted to me by His Majesty, to the only end for which I have received it, the good of his subjects, I have an entire confidence in the electors, to whom I shall recur; trusting that by the choice of proper representatives, further mischiefs may be obviated, and the important interests of the Colony, considered in the next Session, with less interruption, and happier effect.

"I will not conceal from you, that it has been very much with the view to obviate misrepresentation, if possible, and to enable the people to judge of the grounds, which have been afforded me, for the conduct I have adopted, that I have entered into any detail upon this subject; the task has been painful to me in the extreme, and I turn from it with peculiar satisfaction, to offer to you, Gentlemen of the Legislative Council, the acknowledgments that are due to you, for that unanimity, zeal and unremitting attention, which you have shewn in your proceedings. It rests not with you that so little has been accomplished for the public good. To a considerable portion of the House of Assembly, my thanks are equally due. I trust they will believe, that I do them the justice of a proper discrimination, in the sense I entertain of their efforts, to avert that conduct, of which I have so much reason to complain. By this, Gentlmen, you have truly manifested your affection to His Majesty's Government, and your just estimation of the real and permanent interests of the Province."

After which, the Honorable Speaker of the Legislative Council, said:

"Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

"It is the will and pleasure of His Excellency the Governor in Chief, that this Provincial Parliament be prorogued, until Wednesday the Twenty-first day of June next, to be then here held; and this Provincial Parliament is accordingly prorogued until Wednesday the Twenty-first day of June next." (also in Le Canadien of May 20, 1809)

Thomas Chapais, the classic historian of the dominion, considered the Hart case a contributory element in Craig's decision, adding to the provocation of the Judge de Bonne case.

"In the meantime," he writes in his Cours d'histoire du Canada, (vol. 2, Quebec, Librairie Garneau, 1921. P. 196), "the case of Mr. Hart, again before the Assembly following the reelection of the Jewish merchant at Trois Rivières, had stirred the wrath of the governor. After a prolongued debate, the majority had voted his expulsion. Sir James Craig felt that the chamber had exceeded its right.

"Under the impress of this double grievance, he submitted to his impulses of his authoritarian temperament and resolved upon a little coup d'état in the form of prorogation."

Always basing themselves on British constitutional and libertarian traditions these francophone militants for power for their cultural and linguistic group rejected "the governor's right to make critical comments such as are to be found in his address on the proceedings of an arm of the legislature which is absolutely independent of his authority. The respect due to this branch of the legislature is quite as sacred and quite as inviolate as that owing to His Excellency himself. And these reflections are even less proper coming from His Excellency since it is His Excellency who is charged with ensuring respect for this arm of the legislature as for all the other parts of His Majesty's government.

"The address shows the representative of the King as violating the rights and privileges of the House of Assembly in the manner in which he received information on the basis of which he made these critical comments on its proceedings. The

representative of His Majesty can know of the proceedings of the House of Assembly only through its Speaker. He recognizes this Speaker at the opening of each parliament as the spokesman for the Assembly and he promises him solemnly (a promise which in fact is of right) to interpret favorably all the proceedings of this House which will be transmitted to him by this spokesman. This promise was solemnly made from the Throne, at the opening of parliament. And the address represents His Excellency as having violated this solemn promise and this privilege of the House of Assembly to be heard favorably. It presents His Excellency as proceeding by means of a sort of espionage practised in the House of Assembly. For how has His Excellency been informed on the debates which took place in the House of Assembly on matters of form which are dealt with in the Address?

"Furthermore, His Excellency is represented as having infringed upon the freedom of debate in the House of Assembly which should not be questioned outside its own walls." (Le Canadien June 10, 1809)

Bédard's Le Canadien commented on one aspect of the governor's address of dismissal, "If, for example, the governor himself had prepared this speech in question, it is quite certain it would not contain those elements which are powerful and forceful, and which can cause harm if every one in his position in the government doesn't do his work well. It is certain that in this speech he was assisted by poor counsellors in law. For the entire address is based on the supposition that the Chamber acted against the Constitution in excluding a Jew and in seeking to exclude a judge. It is certain that His Excellency had not taken the trouble to study the law in this matter in order to establish an opinion. It is clearly the opinion of one of his legal counsellors. If His Excellency believed that he could trust this legal counsellor, as he certainly should be able to trust him, -- if everyone had carried out his responsibility here, the House of Assembly would not have appeared in the eyes of His Excellency as criminally guilty of the most violent infractions against the Act of the Parliament of Great Britain, and in this case there would not have been so much to complain about this closing address. Here is a case where virtues can cause harm; however, His Excellency is not the less to be praised for his firmness, even though in these circumstances this virtue seems to have had evil effects as a result of the fault of poor advisers." (Le Canadien, July 1, 1809)

These references to the governor's advisors is not by any means only a formal fawning upon authority. It is, of course, an attack upon the executive structure, but it has a basis in constitutional thought, and Le Canadien spells it out,

"I have met several who are not among the least capable thinkers in our midst, and who have not yet examined the address carefully, who do not believe it should be attributed to His Excellency, and I believe this will be the more clear after some attention.

"It is not to be taken, as some take it, as lessening the praise or merit due to the representative of His Majesty to believe that he does not prepare his addresses himself. The reputation of an author or as expert in parliamentary forms cannot add much to that of a governor or a general. Nor is it to say that those qualified for the management of the whole are those who are capable of carrying out each part. But that it is impossible for them to watch over each part and to be occupied with the details. When His Majesty sends one of his best generals to our help when we require it, it is not for him to engage in every detail. He trusts to be able to place this care in the hands of his privy councillors and his law officers who are well honored and well paid for this. If they abuse their office by diverting it to their private ends they need expect to be called to account sooner or later." (June 10, 1809)

Le Canadien cited Blackstone (Bk.1, chap.7) to the effect that the law presupposes that a branch of the legislature can perform no (punishable) act of evil; in such a case the law is incapable of any remedial measures. For if the two Houses of parliament or one of them were recognized as having the right to reprimand the King or each other, or if the King had the right to reprimand one or both Houses, the branch of the legislature thus subject to reprimand would at that moment cease to have supreme power. The balance of the constitution would be upset.

For such reasons all oppressions which might derive from one of the branches of the supreme power must necessarily be beyond the reach of any written law or regulation. If, unhappily, such a case should ever happen it would be up to the prudence of the time to provide new remedies for new evils. (June 3, 1809)

Le Canadien returned to the Hart question, in a long footnote running through two issues, to an analysis of the constitutional situation in Jamaica. Readers of Jewish history will know the close relationship between Jamaican and North American Jewry during the century 1725-1825. Le Canadien in its issues of June 24 and July 1, 1809, wrote:

"The right of the House of Assembly to enact laws is a right that cannot be questioned; and this right, once admitted, the powers of the House of Assembly can be deduced from it with the greatest clarity and the greatest certainty, for they extend to all that is necessary for the exercise of this right. The purest reason makes this principle shine forth. The denial of any power needful for the exercise of this right would be a denial of this very right, and any power beyond it would be a superfluity, and consequently unjust. The powers of the House of Commons of Great Britain itself, as a branch of the legislature, cannot be more extensive, nor have any other foundation; for any extension beyond it would be an encroachment upon the rights of the people and upon the rights of the other branches of the legislature. So this principle, simple as it is, grants to the House of Assembly all possible breadth. At any time, therefore, when it can be said that a certain power is needed by the House of Assembly to enact laws, it can be concluded that the House of Assembly possesses such power. It had recently been questioned whether the House of Assembly of this province had the power to exclude a member by a resolution without this member being expressly disqualified by the act of the constitution or by an act of the legislature passed since. Here is how the above reasoning may be applied in this case.

"The House of Assembly can exercise its power of passing laws or, what amounts to the same, it cannot be an independent branch of the legislature without having within itself the power to maintain its independence and the honour and respect which are due to it; to this end it required the assistance of other branches of the legislature, it is evident that it would by this fact be dependent upon them; and it would consequently cease to be an independent branch of the legislature.

"But the House of Assembly cannot conserve its independence and honour and respect which are due it without the power to exclude members against whom there is no disqualification established in the law; for example, a member who may have been elected by means of influence which visibly, publicly and notoriously violated the liberty of the electors; a member who had drawn public contempt upon the House either by the infamy of his conduct or by the public prejudice attached to his state.

"Such power is so essential that it would constitute a contradiction within the act which established the House of Assembly as a branch of the legislature if it did not grant it this power.

"The powers of the House of Assembly thus established, it devolves upon it to judge the particular circumstance which will call on its application. It is not even bound to use them only in such cases where it would find examples in the proceedings of the House of Commons of Great Britain; or to exercise them only for the same reasons and in the same circumstances. It would be absurd to state, as some have stated, that it can act only in the same cases, for the same reasons, and in the same circumstances, considering that these cases, reasons and circumstances may never be the same; it is this which shows how the means indicated here of establishing the powers of the House of Assembly is more just, more perfect than those which are founded on the analogy between the House of Assembly with the House of Commons of Great Britain and on the premise that it has the same powers.

"According to the principle set forth above, the House of Assembly can draw its powers from the same source from which the House of Commons draws its powers, that is, a need even to utilize these powers, so that they may vary according to its own needs.

"In the case which was presented recently in the House of Assembly in the matter of Ezekiel Hart, there were members who said that it was not because of any prejudice in the country against the Jews that they desired to exclude them from the House. But supposing that there really was a particular prejudice against them in this country, and that a Jew could very well be admitted to the House of Commons in England, would not this prejudice be a sufficient reason to exclude them here? For the admission of a Jew into the Assembly of this country would have the effect of casting it into contempt, what matter whether it comes from prejudice or from a good reason? Let the Jews dispel this prejudice, if it is one, and let them wait until they have dispelled it before they present themselves."

Le Canadien analyzed the governor's address,

"The address states, 'I shall not particularly advert to these acts which appear to be unconstitutional infringements of the rights of the subject, repugnant to the very letter of that statute of the Imperial Parliament under which you hold your seats.' This passage alludes to the Resolution which excluded Mr. Hart. The same Mr. Hart had been excluded the year before by a resolution in the same terms; nevertheless, the House of Assembly had received nothing but praise from His Excellency at the end of the session.

"It may be noted that Mr. De Bonne was then of the opinion that Jews should be excluded from the House of Assembly. He said that for him as a Catholic he did not need to enter into long reasonings; that Catholics (other than Canadian) were also excluded from parliament, and that Jews should also be excluded; that otherwise the Jewish religion would be preferred to the Catholic, which Catholics should not do. This year the opinion of Mr. De Bonne is that we would be more cruel than the Jews who cried out, 'Crucify him,' if we persisted in excluding Mr. Hart.

"The address continues, 'While the infractions appear to have been conducted by proceedings which amount to a dereliction of the first principle of natural justice.' This passage alludes to the rejection of the motions of Mr. Plante -- and of Mr. James Cuthbert, which were intended to give Mr. Hart an opportunity to prove that he had become a Christian in the course of the past year.

"Mr. Hart was in the House during the first evening when his case was discussed, and he was there since the opening of the session. He had an opportunity then, as he had had earlier -- particularly after notice had been given in the House that his case would be discussed -- to show, or at least to state, that he had become a Christian since the last session. He did not say anything, nor did his friends. On the contrary, it was perfectly well known by them that Mr. Hart had not become a Christian. And it was made particularly clear by what was said in the House that he had left deliberately in order to make it possible to delay the case. After all it had seen and heard, according to the knowledge of its members, and after it had heard all that had been said during the debate on the regularity of the proceedings, the House decided that Mr. Hart had not become a Christian during the past year. How could His Excellency, who had seen and heard nothing of all this, been able to believe that he could judge on this better than the House of Assembly? If anyone believes that the House had judged erroneously it would be easy to demonstrate this: let someone say, if they can, that Mr. Hart had become a Christian. The rest is only slim pettifogging."
(June 10, 1809)

Le Canadien had long insisted on the principle that the powers of the Assembly to legislate were meaningless without the ability to regulate its membership. Bédard shifted ground as he dealt with this issue at length on June 24 and July 1, 1809 in a "Letter from a Gentleman in London to his Correspondent in Jamaica." A controversy had arisen in that colony which, Le Canadien said, had a bearing on the Lower Canada situation: the supremacy of the assembly, in this case in the right to command information; in Quebec it was in regard to regulate its own membership population.

It might be noted that at that time constitutional developments on that island influenced, and were closely related with, events in the British North American possessions, not least in relation to Jews.

François-Xavier Garneau noted the grave differences between the Assembly and the governor, differences which he felt could be dealt with only by dissolution. "From the heights of his Château St.-Louis he saw the conduct of the Assembly as audacious. The debates about Ezekiel Hart, Trois-Rivières deputy whom they expelled for the second time, because he was of the Jewish faith, provided the pretext for the prorogation of parliament after a session of thirty-six days." (Histoire du Canada, vol. 7, P. 82)

On July 8 Le Canadien announced that the next issue would contain the debate in the Assembly on the Hart case. Unfortunately that issue is missing from all surviving sets of this periodical.

As Sulte continues the story,

"In the middle of June, 1809 the governor toured the province, stopping at Trois-Rivières, at Sorel, at Montreal and at St.-Jean. He travelled with great pomp, accompanied by a large entourage. The 'loyalists' presented him with warm addresses.

"That of Trois-Rivières was particularly remarkable. We read there, 'The happiness which is ours when we see for the first time the present representative of our well beloved Sovereign in our midst...We offer you our solemn declaration that we disapprove of the efforts lately made against the integrity of the free constitution which we owe to the munificence of the British Parliament. If anything can equal our disapproval of the infactions of the law which we conceive as so clearly defined, it is certainly the satisfaction we feel at the decisive measures (the dissolution of the parliament) that it has pleased Your Excellency to take in order to prevent their recurrence.'

"In any case, as a comfort, it is good to read a letter in the same journal, of July 8, 1809, signed C.M.D., where it is said that this piece (the address of loyalty) had been signed in haste; it had been prepared by 'a coterie of four or five, some of whom had places in the government, and which they had people sign at the eleventh hour, so that more than one is embarrassed at thus censuring the branch of the legislature which is defending the people's rights.'

"Governor Craig was the guest of Mr. Ezekiel Hart during this visit, in the house on rue des Forges which was one of the oldest houses in the place where, before and after this period, several distinguished personages have enjoyed a very refined hospitality. This house is now being demolished."

Many chroniclers narrate that when Craig came back to Lower Canada as governor thirty years after his days of service at Trois-Rivières, he did not forget the hospitality and friendship he had found in the cultured Hart home, for Aaron Hart and his sons followed a traditional love of study. Craig, now a mature man of talent and pleasant disposition, found the company in the rue des Forges' home to his taste. We are told that, days before or after this visit by Governor Craig to this historic home, on August 22, 1809, a son was born to Ezekiel and Frances Hart.

We find the record of his circumcision in the minute book kept by Rabbi Lyons of the New York Shearith Israel synagogue. His entry for Iyar 4, 5570 notes the circumcision of "a son of Mr. Ezekiel and Mrs. Frances Hart of Canada, aged 8 months and 2 weeks, and named him Ira James Craig..." The young man grew up to be a magistrate.

A letter to the editor of Le Canadien, May 27, by "Freterick" who pretended illiteracy, made fun of the governor. "Il tire que sti pauvre chuive être bas aussi ponne grédien gomme les audres suifant li acte du barliment."

In the broadened debate the Hart issue was nearly lost. That constant writer, "An Elector of Three Rivers," was concerned with criticism of the composition of the Assembly; "dashing the plain letter of their free and liberal constitutional act, they proceeded to plunge into resolves, destroying the rights of persons." (Mercury, May 29, 1809)

The Mercury's own mock-illiterate, John Baptist Bothsides will run for office. "My mother is French...To my mother's side I promise by the great N.B. that I shall support P.--; that I shall oppose the Jews...Such of my mother-side...as have been raised by my father-side, and raised above their level...do fly about the country, on or before the election, with their usual harangues, to direct the minds of the people against my father-side; against the Jews..." (Mercury, June 5, 1809)

In the same issue "Brevity" notes the opposition claim that, by the dissolution, their right to freedom of elections has been prejudiced. "Can anything be more apparent than that they conceive they have the exclusive right of violating the elective franchise, of which they avail themselves in the most arbitrary manner, by voting out and attempting to vote out from the House of Assembly, men who are legally, constitutionally, regularly and formally placed there, and whose conduct is unimpeachable. Thus in the most despotic and violent manner, oversetting and attempting to overset, the rights and franchises of both elected and electors.

"If a choice is to be made between men who have thus trampled underfoot the elective franchise, and those who have supported it, can there be room for a moment's hesitation?"

The thinking of "An Elector of Three Rivers" sheds a light on administration ideals and views at this time:

"I profess myself a Canadian, and have been led to consider that the Canadians, from religion and habits, entertain rather a disgust to the English. If such do, or do not exist, it is certainly the incumbent duty of every Canadian paper, to endeavor to soften that dislike, and draw their modes to English habits, which they readily admit to be superior to their own; and hence a spirit of enterprise would soon root out that ignorant superstition which is allowed to canker industry. The Canadien, however, thought fit to move in a different sphere; no improvement was aimed at. Warlike stories of their ancestors were echoed; and their savage inroads into the former British Colonies magnified. For what purpose? Surely humanity shudders at the idea that such atrocious cruelty, should ever again disgrace the plains of America. Many other trials of envious and vindictive calumny I might dwell upon, were I not disposed to pass them over, and hurry to the scene, which the late numbers of the Canadien have presented to view, respecting the proceedings in the House of Assembly. They do not hesitate to recommend a re-election of the same men, and pronounce their conduct perfectly constitutional, in the resolve adopted,

depriving a member of his seat, on account of his religion; without, however, offering the least shadow of a reason for such opinion. On this subject I should be glad to see given, by some of your correspondents, the names of the members who moved for the excluding resolves; and those against those measures; or the members between whom his Excellency drew a line, that the country may be informed prior to the ensuing election.

"If the House had not been dissolved, what confusion would have ensured; they would, undoubtedly, have proceeded to declare the judge's seat vacant by resolve, because he uttered the French language more correct than themselves; and, if I may be allowed to form a conjecture, they would have then devoted two or three sessions, to turn the Protestant members out, by resolve likewise. If they had once obtained the force of a law to a resolve, they could then deprive a man of his property by resolve, as safely as his clear and fixed rights. A member of the House asserted, that none but Catholics ought to be admitted. I cannot consider a resolve in any of these cases, other than a mean subterfuge for a Bill, which they suspected might not pass into a law; and none but a dastardly papist could frame and contemplate such a resolve; and none but as ascetic papist speaker would allow such a resolve to stain the pages of a Legislature, in this enlightened age.

"We have the best and worthiest Governor that ever ruled this country; and no enlightened, liberal Canadian but what highly approves of his wise and energetic speech to the House. Yet the falsest colourings are given to this speech. A copy of the address from this Town, to his Excellency, is likewise given; but his answer is craftily suppressed. The most scurrilous language is then opened upon this Town, on the occasion, among other base and unmerited insinuations, stiling it a rotten, dependent Borough.

"I need not go into a confutation of such an impudent and foul assertion, which breathes sedition throughout. From the little despicable dependent sheets of the Canadien, only devoted to the ravings of a few ignorant parfait Notaries, coutume de Paris lawyers, and catechism students, nothing but vulgarity could be expected. These appear the only books they have read. But alas, Jewish persecution is next hinted. This is the old dogmatical language of men, who look upon every sect to be damned but themselves; who kneel down and mumble prayers to pieces of wood, stuck upon the Highways, and whose tenets are made up of a jumble of popish Edicts." (Quebec Mercury, July 31, 1809)

It was the anti-Canadian statements in such publications as Carey's that led Denis-Benjamin Viger to compose Considérations sur les effets qu'ont produit en Canada la conservation des établissements du pays, les moeurs, l'éducation, etc., de ses habitans; et les conséquences qu'entreneraient leur décadence par rapport aux intérêts de la Grande Bretagne, par un Canadien. Montreal, 1809). In the reply which this pamphlet provoked, An Apology for Great Britain in Allusion to a Pamphlet Intituled "Considerations, etc. par un canadien"(Quebec, 1809), Ross Cuthbert referred to the tolerance prevailing in his motherland,

"The Christian with all his secessions and varying opinions, the Turk, the Jew, the profusion of the sects of the east, with their chosen pomp, or harlequin rites, move on to their altars, in the full blaze of day, with a firm step and unaverted eyes, tranquil and secure within the limits of British dominion." (P.4)

Wallot speaks of the various fantasies that developed about the Hart case, e.g., about Craig being a frequent visitor to the Trois-Rivières home. But Craig left Quebec City only once during his electoral campaign of 1809.

Sulte wrote that "upon Craig's recall to England in 1811 he sent Ezekiel Hart his portrait which the Trois-Rivières family treasured as a souvenir of old relations and of the stormy times through which the two friends had lived."

But Wallot states that publisher Neilson had printed this portrait and sold it by the hundred in 1810-11. (P. 164)

As Wallot sees it, "His lively and sudden zeal to exploit an allegedly anti-constitutional gesture of the Assembly did not stem from a fine sense of justice and toleration towards the Jews. His predictions of last August, his generally belligerent tone, even the orientation of his questions to the Executive Council all outline clearly his desire to pounce on the least pretext to assert his authority. He wished to checkmate the Assembly, to discipline it. By shattering it he hoped also to impress the people and have them elect a more docile, more 'loyal' Assembly. Consciously or otherwise he sought to capitalize on the errors of the Assembly to eject an unsubmitting and dangerous party which had dared to defy his leadership and to criticize his policy and his counsellors.

The facts therefore shatter a certain historical tradition which present Craig as symbolizing the spirit of justice combatting the racist prejudices and the anti-constitutional acts of an irresponsible and demagogic House of Assembly. It is as difficult to exonerate one as the other..."

Historians, especially Anglo-Canadian scholars, become easily indignant about the anti-Semitism manifested by French Canadians in this case. They exaggerate its importance, in the general climate of the age, especially in Britain and in certain American states. (e.g., Maryland, North Carolina, etc.) They shut their eyes to the attitude of some Britishers who attacked from behind the shelter of the law. Craig himself, indifferent in 1808, came to the aid of Hart in 1809 for purely political reasons.

'Without denying the anti-Semitism of some persons, the incidents must be put in the context of a much broader conflict: the effort of the Canadian party to secure a sure majority in the Assembly...their rancour and tenacity against De Bonne and other placemen, its attempts to expel vulnerable members of the other party from the Assembly, judges, agents of the English executive, Hart, unquestionably a Jew but also member of the English party...

"In short, in this persecution of Hart -- as elsewhere in the question of the ineligibility of judges -- many elements met in a complex union: the struggle of the two ethnic groups on the poliitical level, social and religious anti-Semitism, personal rancours, vacancies in the law.

"To consider the Hart case apart, as an isolated manifestation of only anti-Semitism is to overextend its religious and racial reach and to sever its political and national repercussions." (P p. 119-21)

LONDON REACTS

On June 5, 1809 Governor Craig wrote Lord Castlereagh to report his action in dissolving the Assembly. After outlining the offence given him by the Assembly in its general conduct, in its election of Panet as Speaker, its attempt to oust judges, etc., he wrote,

"The next point which occupied their attention was the expulsion of a Mr. Hart, a Jew. This they disposed of by a Vote 'that Ezekiel Hart, professing the Jewish Religion, cannot sit or vote in this House.' On both these occasions they proceeded with the utmost violence, refusing to listen to any argument founded upon the Act of the 31st of His Majesty, & altho' they did not, as far as I can learn, explicitly deny the Supremacy of the British Parliament or the force of that Act, yet they openly declared that they were the sole & only judges of their own proceedings, not to be controlled or bound by any other power. In the case of Mr. Hart they called only for evidence of the mode in which he had taken the Oath, which was proved to have been, precisely in the same manner, as every other Member had taken it. They did not call upon him to avow or deny his religion; they called for no evidence on the Subject, and for any thing that appears on the face of their minutes, Mr. Hart may be a Christian; nay indeed his having taken the Oaths on the New Testament would prima facie, carry the evidence that he is so; but even as a Jew, we are here decidedly, and the Executive Council to whom I submitted the Subject was unanimously of opinion, that He is eligible, provided he takes the Oaths as required by the Acts of Parliament."

After again summarizing the unsatisfactory conduct of the House, Craig wrote,

"Add to these considerations, that the expulsion of Mr. Hart appeared to me to be in direct violation of An Act of the British Parliament, which I could not countenance, and on maturely reflecting on the whole, I determined not only to prorogue but to dissolve them also. Having come to this determination I thought it might be as well to prevent their coming to some violent or absurd resolution, which was to be expected, if they had had any intimation of my intentions, and I took my measures so, that they had not the slightest suspicion of them, till the Salute was firing on my entrance into the House."

Craig's June letter was received in London in mid-July and was answered in two letters on September 7. In the first, an official reply, Castlereagh wrote,

"I received & laid before the King your letter of the 5th of June last detailing an account of the causes which had led you to dissolve the Legislative Assembly of Lower Canada after a severe censure of their conduct.

"I have no doubt that in the Measure you have taken you have been solely influenced by a Sense of your Duty to His Majesty, & as you represent that it is approved by the English Part of the Community & the sensible Part of the Canadians, I shall entertain a hope that it may not be attended with any prejudicial effect.

"I am at the same time to impress on you this Counsel, that if any unfortunate difference shall arise hereafter between you & the Legislative Assembly, which may render it necessary for you to advert to their Proceedings (which should always be done cautiously) & in consequence thereof to prorogue & dissolve them, you will take care to use all such temperate & chosen Language as may not leave it in the Power of the Legislative Assembly which may afterwards be chosen to question the Propriety of your sentiments as affecting their Privileges or the Constitution." (P.A.C., Q series, G 11, Q 97A, Pp. 127-28)

But in another letter the same day he gave it as his feelings that Craig's strong action was unwise, noting that it did not prevent the offensive procedure from recurring.

"Having written to you officially upon the Subject of your letter relating to the dissolution of the Legislative Assembly, I think it at the same time right to express to you my private sentiments.

"Nothing appears to me more difficult or delicate to manage than a Provincial Assembly constituted like that of Lower Canada wherein almost all the Privileges of the House of Commons of Great Britain are claimed or exercised; where there exist little means of influencing the Members and inducing them to coalesce with the Government; and wherein, from the example of the American States, and the very nature of a popular Assembly, strong, active and turbulent minds have great incitements and opportunities to raise themselves into imaginary or real Importance by opposing the Administration.

"And the Difficulty becomes thus great from another peculiar circumstance that there is no means whatever of punishing an Assembly but by Dissolution, & that this Method, when the conduct of the Assembly is popular, is sure to fail of success, and to increase the Evil it is intended to cure.

"It is therefore of the utmost consequence to take care that in any difference which may arise between a Governor & a Provincial Assembly he should not advert to any particular proceedings of the Assembly, that is not clearly unconstitutional and illegal; and that, when the improper opposition arises from Discussions of a mixed nature, where they can plausibly plead their Privileges and Rights in favor of their Conduct, however improper, no future allusions to such conduct should be made by the Governor on which the Assembly might fasten a Complaint.

"The two Grounds of Complaint against the Assembly which you specify are their Proceedings for preventing Judges sitting in the Assembly, & for endeavouring to expel a Member on the allegation of his being a Jew, altho' he had taken the regular Qualification Oath on the Gospels...

"With regard to the Endeavours to expel Mr. Hart for being a Jew, it was obvious that a real Jew could not sit in the Assembly, as he could not take an oath upon the Gospels; it was therefore competent to the Assembly to inquire whether Mr. Hart had complied with all such Requisitions as might be legally necessary to prove his bona fide conversion to Christianity, and that he took the Oath without mental Reservation.

"I state these Points, not from any doubt of the Assembly acting in the spirit you represent, but to shew, that supposing the next Assembly may meet with a similar Disposition & Temper to that for which you dissolved the last: It is probable they will renew the discussion of measures against which your Censure was pronounced & will make such assertions of their Rights of free Discussion and Debate as may lead to more Embarrassments than have yet arisen." (Pp. 129-32)

This Craig-Castlereagh correspondence is also reproduced in W.P.M. Kennedy. Documents of the Canadian Constitution, 1795-1915. (Toronto, Oxford, 1918. Pp. 250-57) Joseph Ménard cited these documents in his Le Patriote of Dec. 7, 1933 to prove that "A Jew Cannot Sit in the Legislative Assembly".

In the light of the London reaction to Craig's report, Hector Garneau, grandson of classic historian Français-Xavier Garneau, wrote, "Thus they judged that the Canadiens were within their rights in passing the resolutions in regard to judges and to Jews." (F.-X. Garneau, Histoire du Canada, P. 86 note)

THIRD ELECTION?

Ezekiel Hart having been declared unseated on May 9, 1809, the parchment writ for a by-election was issued on the 9th by W. Ryland, Clerk of the Council (P.A.C., R G 4, B72, vol. 10). It called for the proclamation of a by-election within 15 days of receipt of this writ by the returning officer.

The federal archives report that "no evidence survives to show that a by-election was held or that E. Hart may have proposed himself as a candidate in such an election. A writ for the general ection of Oct. 23, 1809 was issued on Oct. 5, 1809. (Memorandum from Miss P. Kennedy, Oct. 28, 1971)

As Sulte tells it,

"The following October there were elections. A great change had taken place in public opinion. Mr. Hart did not wait to the end of the campaign before withdrawing. Others said that he had stood as candidate contrary to his own feelings. At the moment of his withdrawal this was the condition of each of the candidates: Bell, 80; Badeaux 79, and Hart, 32." This is confirmed by the Quebec Gazette of Nov. 2, 1809.

For long there has, however, been uncertainty whether Ezekiel Hart was a candidate in the 1809 election. Gerald Hart wrote that Ezekiel, though offered re-election, refused to accept it, possibly upon the advice of the Governor, as any subsequent attempt to take the seat would have involved a long and costly contest at law." (McCord Museum)

Pierre-Georges Roy notes that Hart ran in the October 1809 elections, but Bell and Badeaux, having a majority in the first day of voting, Hart retired from the contest. "This was the coup de grace for the political ambitions of the Jew Hart. The House of Assembly was not annoyed by the question of the Jews for several years." ("L'Emancipation politique des Juifs au Canada," in Recherches historiques, vol. 11, 1905; also cited in Patriote, Nov. 2, 1933)

This confusion is reflected in part in Le Canadien of December 9, 1809, where the editor corrects an earlier report about the elections, "We should mention here that Mr. Ezekiel Hart did not present himself for re-election, as we have learned since."

Surveyer and Audet record that "New elections took place in October and, though urged by his friends to stand again, Mr. Hart felt that he should refuse in order to put an end to the agitation which his earlier candidacies had caused."

The Bulletin des recherches historiques of May 1905 tells us that "in October of 1809 new elections were held across the province. The candidates stood at Trois-Rivières: Messers Bell, Badeaux and Hart, but the two former having taken the lead during the first day of voting, Mr. Hart withdrew from the contest."

A paragraph in the Mercury of October 30 describes the election:

"The election for this borough took place on Tuesday last -- we have not yet had a harder contest, previous to the commencement of the Poll, than on the present occasion. A shew of hands, however, conveyed clearly the sense of the Electors. A Poll was demanded, and when the unsuccessful candidate withdrew, the numbers stood -- for Mr. Bell 86 -- Mr. Badeaux 79 -- Mr. Hart 32, Messrs. Bell and Badeaux were of course declared duly elected.

A bit of humour peculiar to the age comes in a letter from feigning illiterate Freteric to his "comrade" in Le Canadien of Nov. 25, 1809 after the election inwhich he reports that many candidates proscribed by the governor were elected, and others who had not been candidates in the past and some who are more evil than the devil, "and they did not elect the poor Jew, the worst of them all."

The Quebec Gazette of Nov. 2, 1809 may give us a clue to the mystery, and it is indeed surprising. It is the only document that gives us the full names of the candidates in the Trois-Rivières elections: Moses Hart!

Adolphus Mordecai Hart wrote to Benjamin Sulte, "The children of Ezekiel Hart inherited more trouble than benefit from the bitter quarrels which began in 1808 and which left memories deep in the 1860's."

"Nothing can be more true," added Sulte, "I remember it like yesterday."

The Ezekiel Hart episode entered deeply into the consciousness of French Canada and was carefully analyzed by its historians such as Joseph Tassé ("Droits politiques des Juifs en Canada," in Revue canadienne, June 25, 1870, Pp. 407-25), Benjamin Sulte who supplemented this article with his "Les Miettes de l'histoire" (on Pp. 426-43), P.-G. Roy ("L'Emancipation politique des Juifs au Canada" in Bulletin des recherches historiques, vol. 11, Mar., 1905, Pp. 89-91, reprinted in one of the first issues of the hostile Action sociale, Oct. 5, 1908).

There was never any approval of the exclusion; most often a coupling with the act of 1832 which rendered such hostile discrimination impossible in the future.

Roy closes his summary,

"Since 1832 Jews therefore have been enjoying all the privileges of British subjects.

"We have often been called backward. In England there were long discussions about giving political rights to Jews. It was only in 1858 that the doors of parliament were opened to them. We were therefore more than twenty-five years ahead of Old England in this regard.

"As we search we may find other circumstances where we taught our motherland a lesson."

But in the menacing 1930's the Arcand-Ménard Le Patriote reviewed the "British constitutional doctrine established by the Minister for the Colonies in 1809" to conclude that it established that "a true Jew cannot act as a member because he cannot take his oath on the Evangelists; in order to sit rightfully, a Jew must legally prove his conversion to Christianity; and that in order to sit he must legally establish that he took the oath without mental reservation."

Le Patriote found himself in accord with St. Thomas Aquinas whom he quotes, "Jews must be kept in a condition of inferiority in a Christian society." It therefore headlined its review of history, "(Peter) Bercovitch and (Joseph) Cohen are Sitting Illegally" (in the Provincial Legislature). (Nov. 9, 1933)

Two score years after the affair -- and not for the last time -- Canadians searched their hearts for the meaning of the sad story of Ezekiel Hart and the fine story of the 1832 rehabilitation of Canada's good name.

In mid-century, the Canadian newspapers told of the efforts of British Jews to secure civil rights.

News from London about the progress of the Parliamentary Oaths Bill for the emancipation of the Jews was generally followed in Montreal. The Pilot carried a report on July 17, 1849. On the 19th of July it carried a long, pro-Jewish analysis of the issue culled from the pages of the Daily News of London, and a long editorial in the same vein on July 22.

On July 27 the Montreal Gazette commented that "the marked return, or rather re-turn, of the Baron Rothschild for the City of London demands more than passing notice...The Jew Baron was returned over the Protestant Lord by the overwhelming majority of 6,619 to 3,184...

"The effect of this decisive expression of opinion, backed as it is by the intelligence of the whole country...will probably be that the Lords will not, for the third time, throw out the Jews Disabilities Bill, in favour of which the majority of the House of Commons -- that is of the whole country -- about as large as that in the City of London...

"Altogether, their Lordships are in what our neighbours the Americans...call 'a fix'. The difficulty is...not how to get in but how to get out. The former may be an act of sheer folly; the latter may imply both damage and dishonour.

"Canada was one of the very earliest Christian countries, we believe the third, France and the United States preceding her, in conceding to Jews all civil and political rights, and absolutely ignoring religion as connected with their exercise. The question arose a good many years ago, we believe about five and forty, -- but for the abominable burning of the Parliament Houses which has been such a God-send to the Radicals, we would get the date immediately -- in the case of the late Mr. Ezekiel Hart. Like Baron Rothschild, he was repeatedly rejected, and re-returned by a Christian constituency. The French at that time were emancipated, as now, in the House of Assembly, and they expelled him on the ground, as far as we could make out from the Journals, that by the common law of the land, of which Christianity was parcel, a Jew was incapacitate. On the other hand, it was held that it was a municipal right that every subject born in allegiance should be capacitate of every civil office, and that it was the right of a constituency that its choice should not be limited by anything short of statutory enactment. It was nearly Wilkes case over again. The Tories of Lower Canada, as they have always done, took the side of what really is civil and religious liberty and not of the despotism of a majority, and they beat the bigots. Mr. Hart gained his point, and it emancipated all his tribe. We may now safely appeal to all, if experience in Canada has developed any inconveniences, social, political or religious from treating Jew and Gentile alike."

The very following day the Pilot replied in a long editorial, rejecting Tory claims of freeing Quebec Jewry from earlier disabilities:

"We agree with our contemporary, the Gazette, that the triumphant return of the Baron Rothschild as member for the City of London...is an event of no trifling importance...

"But the Gazette says the Tories in Lower Canada have always taken the side of civil and religious liberty. In proof he refers especially to their conduct in relation to the Jewish Disabilities in Canada; the odium of the retention of which he throws on the French Canadians, and the merit of whose enfranchisement he confers on the Tories. We do not know whence the Gazette draws his historical allusions; but we are certain he is in every respect incorrect. Mr. Ezekiel Hart was elected in Three Rivers in 1808, in opposition to a candidate, the late Hon. Mr. Coffin,

who was, we believe, at all times a supporter of the then government. When Mr. Hart came to take his seat, he took the oaths, not in the customary form prescribed to Membersof Parliament, but in the manner peculiar to members of the Jewish profession. The subject was brought before the House, and the Attorney General, Sewell -- afterwards Chief Justice of the Province, and certainly a high Tory -- moved a resolution 'that it is the opinion of this House, that Ezekiel Hart, Esq., has not taken the oath in the customary manner.' The House eventually came to the vote by the majority of 21 to 5 'that Ezekiel Hart, Esq., professing the Jewish religion, cannot take a seat, nor sit, nor vote in this House.'"

"The names of the majority and the minority are not recorded in the Journals of the proceedings; but there is, we believe, not the least doubt that all connected with the Government were found in the majority. The Attorney General's argument appears to have convinced the House that Mr. Hart was ineligible; he cited various authorities to that effect, and in answer to the remark that a Jew's oath in a Court of Justice was deemed equally binding and valid with that of a Christian, he drew this distinction: that the taking of his evidence in a Court of Justice was justifiable as a matter of necessity, but there was no necessity that a Jew should be a member of Parliament. So much for Tory opinion in 1808. Mr. Hart was re-elected the same year and again expelled for similar reasons in 1809.

"In 1828-29, and in 1830 Bills were introduced and passed through the House of Assembly, supported by the whole of the French Canadians, extending certain privileges to Jews and persons of other denominations, but they were buried by our Colonial Lords is the Legislative Council.

"In 1831 the late Hon. John Neilson introduced the bill which is now the law of the land, and which extends to the Jews all the privileges accorded to her Majesty's subjects of every other denomination. In this measure, it is unnecessary to add, Mr. Neilson received the unanimous and cordial support of those French Canadians whom the Gazette so much calumniates. It was then through them, and not as the Gazette says through the Tory party, that the Jews were emancipated in Canada.

"As a specimen of the Tory liberality, of which the Gazette so loudly boasts, we furnish him with the following information, which we have been at trouble to extract -- especially for his edification -- from the Journals of the House of Assembly, session 1841 (sic), the year in which Mr. Neilson's Act was passed.

"On P. 102, we find a Petition of S.B. Hart, Esq. of Three Rivers, presented by the Hon. John Neilson, complaining of the exclusion of Jews from office. On the 26th July 1830 a letter had been written to him by Lieut. Col. Yorke, Secretary of Sir James Kempt, enquiring whether the petitioner was disposed to act as a Magistrate, and would qualify as such. He accepted and stated he was ready to qualify, etc., etc. The petitioner then states, . . ."

And the Pilot goes on to quote from Samuel Becancour Hart's petition to the Assembly, and continues,

"The chief law officer of the Crown in 1830 was the present Sir James Stuart, Chief Justice of Lower Canada."

The Gazette of August 1, 1849 wrote:

"We find in the Pilot of Saturday (July 28) a long article to prove that it was not the French Canadians who attempted to exclude the late Mr. Hart from Parliament on account of his religion. For our part we think it would be idle, even if we had the time for it, to go into any special pleading in the matter. The Pilot states one fact which is quite enough for us, and we give it in its own words,

"'The subject was brought before the House, and the Attorney General (Sewell, afterwards Chief Justice of the Province and certainly a high Tory) voted a resolution 'that it is the opinion of the House that Ezekiel Hart, Esq., has not taken the oath in the customary manner.' The House eventually came to the vote by a majority of 21 to 5 'that Ezekiel Hart, Esq. professing the Jewish religion, cannot take a seat, nor sit nor vote in the House.' '

"How this could be done excepting by the French Canadians, who were then the majority of the House, is difficult to imagine. The Attorney General, Sewell wished to get quit of Mr. Hart on a point of form, the matter of taking the oath, which he had taken, and which, being taken, was manifestly good; and all the better, that he took this the mode prescribed by his own religion. But the majority despised the evasion, and with frank honest bigotry, declared that Mr. Hart being a Jew was, ipso facto, incapacitate, which was exactly what was stated, and that Mr. Hart was twice expelled and re-elected by a Christian and Tory constituency. -- Twenty years afterwards, it is true, as the Pilot states, that the Canadians were more liberal.

"The opposition of Mr. Sewell was a personal one, Mr. Coffin, the opposing candidate, being an intimate friend. At that time party tactics were not defined as now. The facts are not so old as to be out of living memory, and the disenfranchisement or rather non-enabling Jew was, at that early period supported by the Canadian Tories, notorious. Mr. Hart died so recently as 1843, and has expressed his warm gratitude for the support he met with from the English population generally, and particularly from the Honorable John Richardson, and Messrs. Mure and Cuthbert, and other gentlemen then their leaders. Mr. Neilson's act of 1821 was merely declaratory of a victory substantially won by then, and that and the able report of the Journals of the House were prepared, we are informed, by the Hon. Henry Black, whose services to the cause of civil and religious liberty are also, we believe, gratefully remembered.

"But the merits of the general question are what we are more anxious about. The Pilot agrees with us that, whoever did the deed, it was a good one. Canada, as we stated, was the third Christian country in the world entirely to ignore religion as respected the exercise of civil rights, and, after forty years experience, no one can pretend that any inconveniences, social, political or religious have followed; and this is an argument which, we think, ought to have some weight at home, and, therefore, we used it."

Again, on August 2, the Pilot replied to the Gazette:

"The Gazette, on the Jewish Question, is again at fault. We recommend him to get better information than that on which he apparently relies at the present. How the Hon. Henry Black -- whose service in the cause of freedom we should be the last to depreciate -- can have written the report of the Journals of the House of Assembly of 1831, he never having been a member of that body until after the Union, will rather puzzle the Gazette to explain.

"For the information of the writer in the Gazette -- his tone and manner bespeak him to be of a different stamp to the individual who does the daily work -- we will add that he is also in error when he says that the opposition of Mr. Sewell to Mr. Hart's return was a personal one. If he will examine more minutely, he will discover that all the official influence in 1808 was brought to bear against Mr. Hart; in 1809, for certain reasons which we have not room to explain, it was used in his favour."

The Hart elections evoked notice for a long time, largely as a curious development, with little legal or moral significance. As an example, "J. Chron." writing in L'Univers Israelite of Paris in a long series on the development of New World Jewry, notes in September 1862, "and we believe that a Canadian Israelite was a member of the provincial diet before his English co-religionnaires were admitted to parliament." (P. 79)

One epitaph to the Ezekiel Hart case is to be found in Benjamin Sulte: "Adolphus M. Hart had written to me, 'The children of Ezekiel Hart drew more trouble than profit from the bitter quarrels which had begun about 1808 and memories of which still remain in 1860.' Nothing can be more true; I recall it as if it were but yesterday."

The Hart elections came up fleetingly in the discussions between William McDonell Dawson and Lord Rothschild in London. This story was told in the Proceedings at the Presentation of a Public Testimonial to the Very Reverend A.E. McD. Dawson, Ll.D., V.G., by the Citizens of Ottawa, Dec. 1890, cited by Francis J. Audet. (Les Deputés de la Région de Trois Rivières, 1841-67 , Trois Rivières, Les Edition du Bien public, 1934, Pp. 22-23. Quoting Father Dawson on his brother William's activities during the years 1858-61,

"The late Mr. William McDonell Dawson formed a company to make the little known lands of the northwest more accessible; the company took its name, the Rescue, from the name of a steamer which was used in the service of the west. While a member for Trois-Rivières he went to London, England to negotiate a loan for the construction of a railway across the North West Territories and the Rocky Mountains to the Pacific Ocean.

"The English capitalists Baring & Co. rejected the idea of such an enterprise as foolhardy as it was gigantic. But Mr. Dawson was not easily rebuffed. His friends in London obtained a letter of introduction to the Jewish millionaire Baron Rothschild.

" The latter received him with kindness, and Mr. Dawson took this opportunity to tell him that the city of Trois-Rivières, which he represented in parliament, had been the first constituency in the entire British Empire to elect a Jewish candidate to parliament. 'Then you know my friend Hart?' asked the baron. 'He is my fellow-citizen and I know him very well.'

"The subject of conversation changed, and they spoke of the North West. Mr. Dawson then showed him papers, treaties, accounts of exploration, etc. They seemed to interest him, and he asked for several days to study the case. They agreed to meet again in a fortnight.

"A new interview took place. The baron admitted that he considered the North West as a land of the future; it was only a question of development. 'How much would the building of a railroad cost?' Mr. Dawson was not in a position to say how much it would cost, but he added that surveying and other costs would cost several thousand pounds. 'We do not engage in affairs of such small scale,' the baron said, 'but perhaps you will be able to give me an idea, even an approximation, of the total cost of the enterprise?' Basing himself upon information he had on railway building, Mr. Dawson mentioned the sum of several million. This response seemed to satisfy the baron who assured Mr. Dawson that, as soon as the latter could conclude arrangements with his government, the money would be placed at the disposition of the project.

"If this magnificent offer had been accepted, the Canadian Pacific, now in operation and so successful, would have been built much sooner and a number of difficulties and embarrassments would have been avoided," said Father Dawson in closing his remarks.

The incident is also told by Sulte more dramatically,

"This reminds me of a very curious story I wish to tell,

"Some thirty years ago Mr. William Dawson (who died last month), in England to negotiate a share transaction for a Canadian corporation, met the head of the house of Rothschild. After chatting a few minutes, Mr. Dawson told him,

"'Do you know that I come from a part of the British Empire which was the very first to elect a Jew to represent it in parliament?'

"'Where was that?'

"'In Trois-Rivières.'

"'I am learning about it from you. I have myself gone through four or five such elections which I have won but, as you are doubtless aware, the House of Commons is always rejecting me, in spite of the people. It is understood that Jews cannot be Members.'

"'They will be in England as they are in Canada.'

"'That good colony! I would like to know it, your project? You want my name on your list? Put it there, at the very top, please.'

" The project succeeded. How many of us have ever known the details? I was one of those to whom Mr. Dawson was pleased to convey them. They have lost none of their current interest.

"'At this moment the Jews are at the centre of attention in all Europe. My article is therefore timely.

"After the book of Drumont who preaches a European crusade against the Israelites, there comes the edict of the Emperor of Russia concerning this race which has always fought but has never been crushed, though its members are scattered as dust amidst the nations of the globe with each flurry of hate raised by the sons of Jephet.

"The sons of Shem have become accustomed, even before the fall of Jerusalem, to suffer persecution; and since persecution has entered into their very nature, I believe that they would finish by disappearing or rather by melting into our diverse elements if we left them in peace.

"There is no danger that we may become wise enough to understand this."

But at the time it seemed different to a reader of the press that fought for French-Canadian interests.

THE YEARS AFTER

Ezekiel Hart continued his life in privacy.

John Lambert provides us with a vivid portrait of life in Trois-Rivières during the very days of Hart's crises, in 1806-10.

"On market days the Habitans come over from the opposite shore to dispose of their provisions, and frequently take thirty or forty pounds on those occasions. The stores of Canada contain almost every description of goods that can be named, and exhibit a motley collection of woollen-drapery, haberdashery, hosiery, linen-drapery, grocery, cheesemongery, stationery, ironmongery, and the contents of the oil-shop, the gin-shop, and the wine-vaults. The store-keepers charge from 50 to 100 per cent profit upon most of their goods, and sometimes a great deal more. The Harts import a considerable portion of their goods from England, the rest they purchase at the Quebec auctions; they also deal largely in pot-and pearl-ashes and furs, which they remit to England." (Travels, P.484)

Ezekiel Hart lived in an old homestead that was said to have been the palace of the French intendant before 1763. All his children were born there and lived there until they married.

Gerald Hart describes the homes of his ancestor,

"Apparently he had his residence on Forges Street in a house which tradition says belonged to the French Governors or Intendants, and is believed to have been built about 1724. The first storey wall was built of rubble stone, four feet thick, the rear wall under ground. It had a frontage of about 70 feet, and a very extensive garden and orchard, occupying four city blocks. The two upper storeys were of carpentered wood (mansard roof).

"Inner stairs led to the Garden and the dormitories. Several of his children were born in this house, and notably his son Ezekiel and his entire family were born in it, and the unmarried lived and died in it. The present 'Champlain Square' formed part of the grounds, on which also was the house in which the Canadian writer, Benjamin Sulte, then known as Vadeboncoeur, was born and brought up. The Hart House was occupied by the family until the last of them died about 1880. The present Public Market was built on land donated by the Harts to the City, with the condition, that should it cease to be used as such, it shall be returned to the family heirs. 'Hart Street' land was donated in like manner. It is the only official recognition of the family in the City.

"Sainte Marguerite Street, at the base of the Coteau, takes it name from being a continuation of Forges St., which forms part of the Seigniory of Sainte Marguerite, owned by Aaron Hart, and willed to his eldest son Moses, and which is still owned by a descendent's widow of the late William Hart. Other descendents bearing of course their husbands' names, live in the City, notably Mrs. Kiernan, Mrs. Dutvoye.

"The walls of the house were thirty inches thick, at the ground floor level. The upper level was also well built, but not as heavy. There was a tradition, recorded by Adolphus M. Hart, that the walls being so thick, it had been believed that they were put up thus to resist the attacks of the Indians. But Sulte scoffs at this in the light of the history of Trois-Rivières. The only savages that ever tried to attack the city were the Iroquois from Lake Ontario, and these were never observed north of Lac St. Pierre after 1664...I do not believe the house is any older than 1700. It was probably built around 1740 when the Forges St.-Maurice began, for it is right in the centre of the street called rue des Forges. It stands beside a rise in the land, so that the gardens behind the house are at much higher than street level. These gardens have been largely swallowed up by Champlain Square, Alexandre St., the Presbyterian Church, City Hall, the Cressé residence and the pumping station. But there still remains quite a large plot of land."

Another source has it that the house, then already sixty years old, was purchased shortly before Aaron Hart passed away. The heirs, we are told, extended the house by adding the second, wooden storey above the 30-inch-thick stone rez de chaussée so that it could serve as the social entertainment centre of old Three Rivers society. It had probably been acquired from the Rev. Jehosophat Mountain when the clerical gentleman was called to Quebec. Upon the passing of the patriarch the house became the property of Ezekiel.

A.J. Livinson refers to Ezekiel Hart receiving a cardinal of France at his home.

Sulte wrote on "Trois-Rivières. La Maison Hart, rue des Forges", in Le Monde illustré, March 11, 1893. Hart's original simple home was on rue Platon. Much later Hart acquired the house which entered legend on the basis of his own family history.

Vaugeois notes that in 1791 Aaron Hart became the first Jew in Canada to hold the title of seigneur. One may wonder whether there were precedents elsewhere. It was unlikely to have been in France, and in England as in Spain such titles were forbidden them at the time.

This new social condition -- new to the old owners and to the Harts -- is reflected in one of the first Jewish references in Canadian history, the petition of the Seigneurs of Quebec of 1766 who complain of the malign influence of the new class of Lower Canada businessmen over the administration.

As Michel Brunet interprets it, humiliated by the ostracism they felt in the very land they called their own and where they felt entitled to positions by virtue of their social status, the Canadian nobility were astonished by the audacity of the newcomers. They petitioned,

"Even the Jews, who are accustomed to respect the citizens of the countries whence they have come or where they were tolerated, did not hesitate in this province to put themselves above His Majesty's new subjects to whom this kind of persons were unknown hitherto." (Les Canadiens après la conquête, 1759-75, de la révolution canadienne à la révolution américaine. Montreal, Fides, 1980, Pp. 197-98)

Sulte fixes his memories of the old family tradition,

"When I look at these places after forty years, I seem to recall another world which I had known and loved in an earlier existence. Voices speak to me quietly from the ruins of these walls. The fine height of the cherry trees in the garden have been replaced by brick walls where pumps and policemen and a band meet the volunteers of Trois-Rivières; long ago children played on the grass, birds ate cherries to their fill and other less gluttonous birds sang their loves. Amidst great trees the bands of English regiments sounded warlike themes on festive occasions which the Harts generously sponsored. Now we see a street there not constructed for serenades.

"Before the Hart house there was a field where magnificent trees grew. Look at it now; stores, if you please! But we have progressed these forty years. This rue des Forges, which was important a hundred years before I was born, was in fact a cesspool. Now we can walk it without boots. In 1850 after a rain or a thaw only Eskimos would have ventured. Since there were no Eskimos at Trois-Rivières, the local population went to the higher land, to rue Bonaventure.

"The first time I saw gas lights on rue des Forges, it was to illuminate the puddles -- no sidewalks in a country which provided wooden planks to the entire world.

"Ezekiel Hart pursued his business career after this with success, retaining nevertheless his numerous contacts in the political spheres. There was a remarkable change in his ideas, now as markedly liberal as his attachment to the tories had been firm before. Towards 1835, when the 92 Resolutions held all parties spellbound, Mr. Hart invited Papineau, Jacques Viger, Roy de Portelance and other eminent patriots to a special dinner prepared for them at Trois-Rivières. All the English invited to attend excused themselves except for the late Benedict Paul Wagner, a man of much spirit and uncle of the celebrated Canadian poet, Mme. Hemans. The old resentments which had become almost deadened now awoke in the face of Mr. Hart's attitude, and pursued him to his death. However, when it came, there was a concert of praise and it ended with universal recognition of his good character and of his merit."

Historian Benjamin Sulte told this story several times. In Le Monde illustré he gives 1836, a time of popular excitement, as the date of Papineau's visit to the Hart home on rue des Forges which was literally surrounded by Trois-Rivières residents and people who came from the countryside to hear the great orator. "All 'respectable' English citizens," Adolphus M. Hart wrote to Sulte, "refused my father's invitation, unwilling to be associated with Mr. Papineau, except one of them, Mr. Benedict Paul Wagner, uncle of the celebrated poet Mme. Hemans, a man of rare intelligence and at least as good a man as the trifluvian English of the time." (vol. 9, nos. 462-63, March 1893, A rare picture of the rue des Forges home of the Harts appears on P. 533)

The journal of the Quebec anti-Semites a century later, who loved neither Papineau nor Hart, gives 1835 as the year of the beginning of their friendship. (Le Patriote, Oct. 12, 1933)

Sulte recalls Ezekiel Hart as an 'enlightened spirit, in the American style, devoted to business. He kept an open house. His sons continue the tradition."

The historian notes that both Moses and Ezekiel made a point of never refusing work to any man or lad who ever applied to them.

He records that, as the regiments went up and down the river during the war of 1812-15, Hart was constantly entertaining the officers passing through Trois-Rivières. He opened the doors of his home to them, and ensured endless barrels of beer for the entlisted men.

"The last time I heard the music of the English regiments at Trois-Rivières was the day the Crimean War was declared. A farewell banquet at the house on rue des Forges assembled the military leaders of the garrison before they left for the East. I took part by looking in through the windows; it was a hot day and they were half open. On the grounds across the street, were blowing the strains of Rule Britannia and the Grenadiers' March, causing the entire area to tremble.

"I often walked through the great garden or orchard, which went from rue des Forges to rue Bonaventure, without permission. It was a world for my little feet to run. I must say that I was born on a ground facing the orchard, on the cherries side."

It is curious to note that when the hostile Le Canadien was revived for a short time under the new title Le Vrai Canadien in 1811, its Three Rivers representative was none other than Ezekiel Hart.

We find him among the contributors to the Fire Society in September 1809 and again in 1812.

In 1817 we find Ezekiel Hart among the first shareholders of the Bank of Montreal. (The Centenary of the Bank of Montreal, 1817-1917, Montreal, Bank of Montreal, 1917, P.79)

In April 1817 Joseph Badeaux recommended Ezekiel Hart, together with four others, as administrators for the construction of interior communications in Buckinghamshire County. (Canada Archives, series S., vol. 122, Pp. 56, 82, cited in Sulte. Mélanges historiques. vol. 19, 1932. P.87)

In July 1821 he formed a partnership with his son, Samuel Becancour under the title of Ezekiel Hart & Son. Another association, with Benjamin Hart, known as Ezekiel & Benjamin Hart, was dissolved in May 1822. (Quebec Gazette, July 5, 1821 and May 2, 1822)

Sulte establishes that the Hart firm was engaged in exporting the handicrafts of the region, as John Lambert confirms. The Québecois historian writes,

"All that we imitated from the savages has become more comfortable, more beautiful, more durable -- in a word -- better made. I knew these embroiderers in bark who lived well from this work for they had an open market at good prices in England. The Hart firm sent to the London shops all they could buy of these tasteful, curious items. There were children's shoes, clever slippers for grownups covered with design, artistic flowers, eagle feathers, fruits done in wood neatly arranged along attached straps, delicious tiny Indian sledges, ravishing little rackets, dolls' clothes, table mats, plate covers and so many other things that seemed quite rare, not the work of novices or of the unskilled. All this came from a school of artists; commercial industry which seized upon the craft some years later could never recover the distinguishing touch which had been the admiration of connoisseurs. In mechanizing the work, the art was lost and now all has become banal." (Trois Rivières d'autrefois, 4th series, 1934, Pp. 20-27)

A paragraph in Lambert's Travels describes the setting in which Hart lands were situated,

"The seigniories of Nicolet, Godefroi, Beçancour, Gentilly, &c. on the south-east are extremely fertile, well-settled, and yield large crops of wheat. The small lake St. Paul, situated in Beçancour, and discharging itself into the St. Lawrence by a small river that runs through Godefroi, adds greatly to the value of the land in its vicinity; and the neat farms along its shores give it a delightful appearance. The village and seigniory of Beçancour received their name from the Baron de Beçancour, grand surveyor of the highways, and grand master of the waters and forests of New France. This nobleman resided about a century ago at the entrance of Beçancour River, formerly called 'Riviere Puante,' or Stinking River, in consequence of the waters having been infected by the dead bodies of a number of Indians who were slain while coming down the river in their canoes: their enemies lay in ambush, and sent a few of their warriors on the river as a decoy: the others fell into the snare and were massacred. The Baron carried on a lucrative trade for furs with the Indians who lived in the village, but his extensive seigniory was not settled till 1750. It now belongs to Colonel Bruyère of the engineers; and a small fief to Mr. Ezekiel Hart. Several of the Abenaquis Indians still inhabit the village of Beçancour, and possess a small island in the river."

The name of Bécancour is most grandly associated with the Harts. As described in the original concession of 1647, the Bécancour seigneury on the south shore of the St. Lawrence opposite Trois-Rivères between la Petite Rivière on one side and the Rivière Puante on the other, next to the side of the Petite Rivière conceded to Sieur Godefroy and next to the Rivière Puante conceded to Sieur Leneuf; in depth it extended to Lac St. Paul. The islands on the Rivière Puante were added to the seigneury. It was divided at one stage in its history among the heirs of Montesson and Pomercau. It fell to Aaron Hart to reconstitute it by purchase in 1791.

Not until 1817 were the Harts able to possess the entire seigneury. ("Bécancour et les Harts," in Naim Kattan, ed., Les Juifs et la communauté française. Montreal, Editions du jour, 1965. Pp. 106-111)

In 1858 Henry Judah, commissioned under the 1854 act for the abolition of feudal rights and obligations in Lower Canada, evaluated the seigneury, the property of the heirs of Samuel Bécancour Hart, among them Theodore Hart. Its area measured 5484 arpents and 71 perches. The cens and rates were evaluated at $2,700 and the ventes at $1330. The Harts received this sum and continued as the owners of some unconceded lands; for these they continued to receive "rentes constituées des habitants." It was not until 1835 and 1840 that it passed out of the hands of the former seigneurs to the lowly usurers of the villages and municipalities.

The Sulpician archives in Montreal contain an Act de donation, Feb. 25, 1845, of the arrière fief of Lambert Closse by Theodore Hart (1816-87), the son of Benjamin Hart, to his children (tiroir 22, no. 347D) and his act of foi et homage to the Séminaire de St. Sulpice for a part of fief Closse(May 9, 1845; tiroir 43, dossier 1). Other documents of his concerning the evaluation of this arrière fief date from 1862 to 1867 (tiroir 62).

Family property listings as of the late 1850's prepared by Gerald Hart (McCord Museum), show that lot 2 of the Fief Haut Boc, on Prison St., 88' x 116' contained the cemetery and was listed as the property of the heirs of Ezekiel Hart. (The Protestant cemetery nearby was not much larger, 100' x 200'.)

Similarly they still owned lots 306 and 207 on Notre Dame St.; lots 61, 64 and 65 of Fief Niverville; total evaluation then, ca. £1000.

Some property was still registered under the name of Aaron Hart, sixty years after his death.

In December 1828 Ezekiel Hart chaired a public meeting which petitioned the legislature to build a bridge across the St. Maurice River. He was chosen chairman of the committee appointed to realize this request. (Figler)

A sentence in a letter from his nephew in France gives us a glimpse of the company and the conversation in Ezekiel Hart's home in 1830.

Areli Blake Hart, son of Moses Hart, was in France at the time. What he observed brought to his mind subjects that had been raised by his uncle Ezekiel. So Areli Blake wrote his father on Apr. 12, 1830,

"You can tell the Governor and Uncle Ezekiel that France is the land of political and religious freedom; all the French are Deists, the shops are opened the same an another day of a Sunday. The women sewing at the window of a Sunday. The revolution and Voltaire had destroyed the Christian religion in this country."

Benjamin Sulte's French Canadian readers might have been a little surprised that these "English" Jewish families "did not assist Protestant services. They had a synagogue, probably the first in Canada, and a private cemetery. The synagogue burned 30 years ago," he wrote.

Idioms tell more than autobiographies. Ezekiel Hart excuses himself in a letter of 1839 to Aaron Ezekiel Hart in London,

"Esther wrote you to go by the Royal William a week past. I had only a place to write in her Magilla. That's all." Magillah, the Hebrew term for a scroll,often refers to the Scroll of Esther. In the Jewish tradition "long Scroll" refers to too long a disquisition.

(Formal interest attaches to this letter: curiously, to save paper at a time of shortage or great expense, the writer, after writing in the usual manner, turned the sheet at a 90 degree angle and the letter continued in clear lines across the former writing. This cross writing scarcely interferes at all with the other lines, and both are easily read.)

A rare family letter from Ezekiel to his daughter Esther, staying at the time with her grandmother in Montreal, is dated late Friday afternoon. It reads,

"Dear Esther, I rec'd yours yesterday. I have not heard from Aaron since you left us. From all I can learn I believe Meyer Levy is not so faulty as report tells. Although he has acted wrong! There is nothing new, only my rheumatism is in the shoulder. It plagues me much, divests me of sleep -- The poor are enjoying themselves today, Burns having given to each 4 large loaves bread on acc't of Mr. Ogden. I believe some hundred. The Quebec papers today are full of his proceedings therein, all to his honour and credit as far as I can discern. Last night several came to me to give my mite towards raising 15 Dos. to pay Dumoulin share of erecting the Hustings. I gave 2/-, as all before me had paid same. Fortier and many other Canadian names were on the list --

in consequence of Mr. Ogden's liberal donation of bread I could get no man to work today. Your letter is well written, tho' you say you are tired, so you may write often but don't write nonsense. Giggle as much as you choose but don't shew your teeth -- I am not in humour to write as they have been scribbling the stairs Li Li Li so much. I am not in my latitude or longtitude. I hope Mama and all are well, say to Sophie Miss Saulas has more pepperkins for her if she comes down with you again. Say to Aaron F. Hart Caroline rec'd his fine present of some cakes, no sugar in them! Worth abt. 5d. I may have to draw 1/3 for your packet! Tell him he better wake you up in the morning at 6 o'clock to buy me 5 or couple of geese at 2/- to 3/- as they are advertised in the papers at that price. Your affectionate father.

"Ask your Aunt Sally how her potatoes turned out. I sent her the few of my own. Some were never better. Those I got from Mr. Beaubien and from Quebec called Rough Coats not worth reaping. Very cold and disagreeable today. I am just told nobody talks about the Levy's case in Quebec. I think from what I can learn the justices there had have acted wisely in not having propagated the nonsensical story about him. He never was assaulted by any.

"I have opened this to say,

"6 o'clock. Just as I had written as above, Harriet came down and called me out to say, I believe, Papa, there is a battle. Dumoulin has knocked down Fortier opposite Grants Store. Sure enough it is the case. Dumoulin attacked Fortier and asked him how he came or dare to have put his name and subscribe 2/6 to any of his officers. Fortier replied, I think I own some right, on which Dumoulin knocked the poor man down. I am told Dumoulin paid 18 dollars to Tonnancour today. Tell Mr. Ogden this! The street is all fired about this, just Shabos."

Ezekiel Hart was a member of the Waterloo Lodge of freemasonry, as was his son Samuel Bécancour since 1824. (McCord Museum. Gerald Hart Papers)

Another son, Adolphus Mordecai was initiated into the Shawinigan Lodge in 1865.

The passing of Ezekiel Hart at Trois-Rivières on Saturday, September 16, 1843, after an illness of several weeks duration, was reported by Le Canadien of Sept. 22.

"A large number of friends of notable respectability attended the inhumation. Indeed, the entire citizenry of the city -- judges and magistrates among them -- accompanied him to his final repose thus paying their final obligation to a citizen who lived honestly and worked for the welfare of his friends and of his country. Although his was a religion which was alien to the Catholic faith, he was particularly esteemed and respected by those of the Catholic religion, as was indicated by the persons who acted as pallbearers. The respect he enjoyed among the citizens of this city, and among the Catholic citizens in particular, was proven even more clearly by his election to the Assembly in 1808 and his reelection in 1809 -- election successes which came only from the Catholic citizens. The Rev. Mr. Piza of Montreal was the minister at the burial ceremony."

The citizenry attended his funeral. According to the newspapers of the time, the stores were shut, the Court of the King's Bench, then in session, suspended to permit the judges to follow the cortège and the officers of the 81st Regiment attended in full dress.

Accounts of Hart's passing also appeared in the Quebec Gazette, Sept. 22, 1843; the Occident,vol.1, 1843, P. 408 and the London Voice of Jacob, Feb. 2, 1844)

On Sept. 11, 1834 he prepared his will which named his sons Samuel Becancour, Aaron Ezekiel and Ira Craig as executors.

When the sad moment came for them to act, on Nov. 30, 1843, they met to prepare a formal inventory of the estate.

This inventory confirms a remark by Sulte which recalls the remarkable similarity between Aaron Hart and at least Moses and Ezekiel among his sons: Ezekiel saved every broken bottle, any cracked chinaware, every piece of glass or worn mirror. This similarity is also striking when we examine the surviving business papers of these trifluvians and the inventory of what Ezekiel left behind him.

The lengthy document has not had the analysis of chroniclers as did the papers of Ezekiel's tempestuous brother Moses; yet they reflect a very solid businessman who not only held considerable property as far flung as Moses', but also was as intimately involved in the land history of the country and in the emotional and social implication of real estate transfers. It is a phase of early Canadian Jewish history which is bound to loom much more distinctly and meaningfully with time and study.

The McCord Museum preserves even the 1843 funeral arrangements: £2.10.0 for the synagogue, £5 for Mr. Piza, the minister down to the cantor, the grave diggers, the carter, the coffin and its carriers, crape and gloves, to a total of £24.3.1.

Two days after Ezekiel Hart passed away, his son Aaron Ezekiel Hart, wrote from Three Rivers on Sept. 18, 1843, to John Neilson, editor of the Quebec Gazette:

"It is with deep regret that I have to communicate to you the sad intelligence of the death of my father, Ezekiel Hart, Esquire, seignor of Becancourt, aged seventy-three, who departed his life on Saturday last (16th). I take the liberty of mentioning this to you, as I believe you are one of my father's dearest friends, as I may judge from the many times he has mentioned your name as of his earliest acquaintances in Canada.

"You can hardly fail to remember the prominent part he took in the affairs of the Province in the years 1808-09 which led to his expulsion from the Provincial Legislature; Sir James H. Craig, then Governor, refusing to sign a new Writ for the election of another member for this town, and giving as one of the reasons for the dissolution of Parliament at that period, 'that the members of the Assembly had attempted to disenfranchise not the least respected portion of His Majesty's subjects in this Province.'

"My father in 1808 was elected against his wish and by the almost unanimous suffrages of the electors of Three Rivers, who insisted, the day previous, that he should be present there, notwithstanding that there were three or four candidates at that election, and this alone by the Catholic community. On the dissolution of Parliament he was again returned in 1809 notwithstanding his previous expulsion.

"I can assure you that the esteem in which he was then held by the inhabitants of Three Rivers, he has carried with him to the grave, and that there is not a person in the community who cannot but bear witness to the high and honorable character that he has ever maintained.

"He was one of the surviving children of the late Aaron Hart who came to this country with General Haldimand, immediately after the conquest in the year 1775. He was throughout life an ardent admirer of the principles on which your paper has been conducted, and I think you will find him on your list, to be the oldest, or if not one of the oldest, subscribers in Canada.

"You will please excuse the hurried manner in which I have put these facts to paper. Indeed from the deep affliction in which his surviving family of seven are placed, you can hardly expect that my feelings will allow me to pay a more lengthy tribute to his memory." (Published by Julius J. Price in the Publications of the American Jewish Historical Society, no. 26, 1918, P. 257; the Quebec Gazette of Sept. 23, 1843 and in the Occident of that date.)

When the lot which his father had set aside as a cemetery for the family and for any member of the House of Israel was filled, Ezekiel made available a plot of land for the purpose on Prison St., a House of Life in use until 1883. Sulte noted that in his time the cemetery was still there on the south side of rue des Prisons. He also recorded that, like his father before him, Ezekiel Hart maintained a synagogue where, in Sulte's time, Badeaux St. met St. Antoine St.

Ezekiel Hart was buried, but not laid to rest, in the family plot at Trois-Rivières, for in 1903 his remains were disinterred because of anti-Jewish pressure in that ancient home of Canadian Jewry, and were transferred to the cemetery of the Spanish and Portuguese Congregation in Montreal on Mount Royal Boulevard.

Mrs. Ezekiel (Frances) Hart died late in April, 1821, age 52. We read notice of her passing in the Canadian Courant of Apr. 20, 1821 and in the Gazette of May 3, 1821.

In that age it was permitted for the Canadian Courant and Montreal Advertiser of May 2 to carry the following notice from Three Rivers of Apr. 25,

"Amid the funeral gloom which pervades this Town we should wrong our feelings did we not pay that tribute which they command us to the memory of Mrs. Frances Hart. Never has this Society been called upon to deplore a loss of more real worth and a being of more admirable virtues. In her death we have been deprived of the most excellent of her sex. Among her numerous acquaintances there is not a heart that does not deeply feel the calamity, nor an eye that does not stream with tears in memory of her kindness -- benevolence and friendship -- it is alone the remembrance of her virtues that can shed a ray of comfort to those friends. We have offered

them the purest sympathies of the heart, but alas! sympathy cannot soften the anguish of him of whom she was the partner and comforter, or furnish consolation to her affectionate children for whom her bosom glowed with all the sacred sensations of natural love. How bright were their prospects of ideal happiness, but now how changed! how fallen!

"Mrs. Hart's temper was mild and gentle, placid and benign; her generosity led her to praise the merits of others while she studiously concealed her own. Her heart was the fountain of affection and possessed all the finer feeling. She had a sweet-souled piety and genuine benevolence that extended the hand of sympathy to the afflicted, and of charity to the distressed. One of the loveliest attributes of her character was her fondness for domestic life, for she preferred the social circle of her family and friends to all the pomp and vanity of the world. In friendship human nature is sometimes warm but more frequently volatile and inconstant; her friendship was warm too, but steady and unchangeable. Indeed there was something so peculiarly striking in her character that it exerted universal admiration, and the feeling was so general that even the voice of friendship can say little to increase it.

"Had she but lived to see her infant children forwarded in life, the keenness of the calamity might have been in some small degree alleviated by the reflection that the ordinary period of life had passed. But alas! this consolation has been denied, for it has pleased Divine Providence to call her prematurely to a Happier and a better World."

Their children: Samuel Becancour Hart, who died in 1859 is one of the notable figures in the history of the community. His activities are told elsewhere in this chronicle of Canadian Jewry.

A daughter Esther Flora found herself in a situation which was unusual in the centuries-long history of the Canadian family:

Joseph Rémy Vallières, one of the colourful but less pleasant persons in the colony's public life, a protégé of Bishop Plessis, was called to the bar in 1812 and, about that time, added the phrase, probably from thin air, de St.-Réal to his family name. He served in the Assembly for Saint-Maurice (May 13, 1814 - Feb.29, 1816) and for Quebec Haute Ville (Apr.11, 1820— May 13, 1829) and

was Speaker of the House of Assembly from Jan. 10, 1823 to Jan. 8, 1825. In 1823 he was active in preventing the union of the two Canadas; he was chosen Speaker of the Assembly for this debate in the absence of Papineau. (F.-X. Garneau. Histoire du Canada, 8th ed. vol. 8, Montreal, Editions de 1'Arbre. P.74) He was succeeded by, as he succeeded, Louis-Joseph Papineau.

In 1829 he came to live in Trois-Rivières having been named to succeed the late Judge Bédard, recently deceased.

Widowed since the preceding April, he settled at La Maison de Gannes and became intimate with Esther Flora Hart. They enlisted the professional services of lawyer Alex Buchanan, who secured a marriage license in Montreal from Attorney-General Charles R. Ogden on July 28, 1831, but there is no record of a marriage in either the Protestant or Catholic registers. We are several months early to expect a Jewish register.

In any case they may have lived together without formal marriage.

The Encyclopaedia Canadiana lists Esther Hart as his second wife as of 1831, yet in 1836, when he married Jane Kerman, his marital status is described as widower after the death of Louise Pézard de la Touche.

To add moonlight to the romance, we recall that, a decade earlier, in 1820 when the judge was contesting the Quebec Upper Town seat, one of those running against him was a Mr. Hart.

More recently the angry judge was involved in litigation with her uncle Moses Hart over his debts to the Trifluvian money-lender.

At this time the judge suffered the humiliation of his life when he was sent off to prison for an hour by three lowly justices of the peace for his impertinence. He had appeared before them in a hearing about a road being laid near his property, and proceeded to teach them the law. He appealed the contempt case to the Privy Council with no success.

On June 28, 1838 Vallières was named by the governor to the Special Executive Council (June to Nov.) which held power during the suspension of the constitution.

In 1842 he was named chief justice at Montreal, where he died Feb. 17, 1847.

Esther is described as unmarried in 1843 and 1859 documents relating to the estates of her father and of her brother Samuel Becancour.

She passed away on Dec. 23, 1860. She was buried in the family Prison St. cemetery at Trois-Rivières but her remains were removed to Montreal in 1909. (R. Douville, "La Maison de Gannes", in Cahiers des dix, no. 21, Pp. 133-34)

Another daughter of Ezekiel Hart, Miriam Hadley, died unmarried.

A son, Aaron Ezekiel (June 24, 1803 - September 26, 1857) was admitted to the bar in 1824 upon a good report from Chief Justice Jonathan Sewell. (P.A.C., S series, Internal correspondence, cited by Brodey, P.64)

John G. Thompson certified that Aaron Ezekiel Hart "personally appeared before me and took and subscribed the oaths of allegiance, supremacy and abjuration and the oath for the faithful discharge of the trust hereby reposed in him" at Quebec on Nov. 30, 1824, a day after his commission as advocate had been issued.

This was a few months after T.J. Judah of Trois-Rivières was admitted to the bar on Sept. 13, 1824.

Chief Justice John Beverley Robinson on July 5, 1850, in Toronto, appointed him (by this time he is simply Aaron Hart) a commissioner "to take and receive, within the part of the Province of Canada formerly Lower Canada, all and every such affidavit as any person or persons shall be willing and desirous to make before you in or concerning any cause, matter or thing, depending or hereafter to be depending or in anywise concerning any of the proceedings of the said Court of the Queen's Bench or in any other court of law of record in Upper Canada," all in accord with Act 12 Vic., An Act to authorize the Judges of the Superior Courts of Record in Upper Canada to appoint Commissioners for taking affidavits in Lower Canada."

Aaron Ezekiel Hart was named ensign in the 5th battalion of the Quebec militia on Dec. 21, 1826; commissioned lieutenant on Nov. 30, 1830, captain in June 1831 and major in April 1857

A.E. Hart was admitted into freemasonry in Merchants Lodge of Quebec, no. 77 on the Grand Register of the United Grand Lodge of England on Dec. 12, 1825, and received his certificate from London. He joined the Society for the Encouragement of Arts and Sciences in Canada in June 1827.

Aaron Ezekiel Hart was the second of Charles-Clément de Sabrevois de Bleury in his pistol duel with Charles-Ovide Perrault, member of the Legislative Assembly for Vaudreuil, in Jan. 1836. The incident arose after a series of heated discussions in Quebec government circles on routine governmental measures. Hart and W.H. Scott, Perrault's second, decided that the principals should meet at 3 o'clock on the grounds near the road to l'Ancienne Lorette. "Scott was superb, firmly demanding simultaneous reciprocal apologies; otherwise, he chose the best arrangements in case of a duel. The pistols were discharged in the air. Everybody complimented Scott. E.B. O'Callaghan, who acted as doctor, gave the happy results to the Assembly and asked that the affair be considered amicably and honorably settled. But Perrault wrote his brother-in-law, Montreal bookseller E.-R. Fabre, that his opinion of de Bleury is lower than ever." ("Inventaire analytique du Fonds Edouard-Raymond Fabre," in Rapport des Archives nationales, 1972, P. 146)

On Nov. 1, 1849, at the age of 43, he married Phoebe David (1818-1903) daughter of Samuel David and granddaughter of Lazarus David, one of the founders of the Canadian Jewish community. Her mother being Sarah Hart, a daughter of Aaron Hart, she was also the granddaughter of that other founder of the community. She shared this grandfather with her husband; both were grandchildren of Aaron Hart. Rev. De Sola officiated. Her brother, Dr. Aaron Hart David was witness.

In the summer of 1837 we have record of his returning to Abraham Joseph a prayer book left at Hart's Quebec home last fall. Had there been High Holy Days services there in 1836?

Both Joseph of Quebec City and A.E. Hart, then of Trois-Rivières, contributed £2 annually to the maintenance of the Montreal synagogue in 1844 and 1845, when the Portuguese congregation undertook its responsibilities towards Rev. Abraham de Sola.

Other children of Ezekiel Hart:

Harriet, born May 18, 1801; died December 23, 1833

Carolyn Athalia (July 14, 1807 - Feb. 2, 1883) died unmarried.

Ira James Craig (1809-83) died unmarried.

Abraham Kitzinger was born on July 21, 1811; died January 13, 1838.

Adolphus Mordecai Hart, born April 11, 1814; married Constance H. Hart; died March 23, 1879; interred in the Prison Street cemetery at Trois-Rivières. He has entered the Dictionary of Canadian Biography.

Sulte wrote of Ezekiel Hart's children living in the family house on rue des Forges..."Adolphus Mordecai Hart, journalist, who had lived for seven years in the U.S. practising his profession, and author of three fine works: 1. Histoire de la découverte de la vallée du Mississippi, 2. La Vie dans le Far-West, 3. Practical Suggestions on Mining Rights and Privileges in Lower Canada...

"In 1837 Magistrates Hanson, Dickson and Gilmour, three tories, sentenced him to one hour's imprisonment and £5 fine for contempt of court during the case of 'a rebel' whom he was defending. Months earlier he had pleaded the case of J.-G. Barthe, journalist, and that of Richard Cook, saddler, accused of being a 'patriot'. These trials took place at Trois-Rivières."

Sulte's reference is a reminder of an important phase of early Canadian Jewish history: the very active participation of this Jewish citizenry on both sides of the conflict of the mid 1800's; it was a condition deriving from the intimate integration of the small Jewish group into the Canadian society of its time.

All these children and their mother Frances Lazarus Hart, except Katherine, were laid to rest in the Prison Street cemetery, to be reinterred in 1909 in Montreal. Katherine was interred at the Alexander Street cemetery; then to the Coteau, and from there to Montreal.

The record of Julia, another daughter is missing.

The family long remained in Trois-Rivières, until the city lost its centrality in Quebec economy and in Canadian Jewish history.

The Journal des Trois-Rivières reported in 1846 that Aaron M. Hart was among the victims of a series of robberies. (B. Sulte. Trois Rivières d'autrefois, 4th series, 1934, P.79)

The large Hart establishment in furs and agricultural products on Platon St. was the leading business advertising in the Journal des Trois-Rivières of 1847-48. Forty years later Sulte noted that their stone house was one of only two still remaining from this period. ("Marchands d'autrefois" in his Trois-Rivières d'autrefois. Montreal, Edouard Garand, 1931. P.81)

Ezekiel M. Hart is listed by Durand as practicing law in Trois-Rivières since July 8, 1858. He's almost an ancestor, Durand notes. (Louis D. Durand. Laborieux, diligents, débrouillards! Trois-Rivières, Editions du Bien public, 1959. P.292)

Family memories of the mid-nineteenth century retained by Notary Victor Abram recall working and living conditions in the forests about St.-Etienne on the property of the Harts. The land had hardwood and fir trees growing on it. A young laborer, probably from Pointe-du-Lac, was hired to chop down the trees, cut off the branches, saw them into four foot pieces and split them into heating logs to be sold by the cord. For this his pay was 25 cents a day.

In his forest solitude he had built a log hut and ate what he had brought from the family home and what he purchased from the Harts' store for his daily wages. When the job was ended, in the spring, he received as final payment a tub of fat and some lard which he took home.

The strong strapping young man worked until sunset. The Harts had lent him a small stove from the Forges Saint-Maurice which he carried on his shoulders with several lengths of pipe, on foot of course, to the hut where he was cutting the logs. There he kept as warm as he could in his hut, burning the branches he had cut from the logs with his own axe. If it became too cold he went to the pile of cordwood and took two or three of the cloven lengths, sawed them in two to fit his heater and listened to this green wood groaning miserably as he fell into sleep under his covers, dressed as he had been all day. (Louis D. Durand. Laborieux, diligents, débrouillards! Pp.239-40)

Moses E. Hart is listed by L.-D. Durand as a practicing notary in Trois-Rivières in 1880. (Laborieux, diligents, débrouillards! P. 292)

An oil portrait of Ezekiel Hart is the property of the Chateau de Ramesay, the gift of Edgard J.M. Hart. (Catalogue of Exhibitions in its Museum and Portrait Gallery, 1932, P.23)

Some years after his death the Montreal Numismatic and Archaeological Society exhibition of portraits featured three Trifluviens: Ezekiel Hart, the Rev. Onésime Joseph Leprohon and Judge Joseph-Rémi Vallières de St. Réal. (Alphonse Denis in Le Trifluvien)

In 1943 A.J. Livinson of Montreal set on foot a plan to honor Ezekiel Hart on the centennial of his passing. The interest of Henri Hébert, R.C.A., French-Canadian sculptor, and of C. Davis Goodman, M.R.A.I.C., architect, were enlisted. Livinson records, "Whilst the memorial was being designed I was privileged to visit the sculptor's studio in Montreal, and there saw the magnificent bas relief portrait medallion plaster cast of Ezekiel Hart, which is to form the centre of the marble plaque, which latter is to be in overall measurements three feet wide by five feet in height. Fortunately, M. Hébert had a photograph taken of the clay model.

"Some time in 1947, when priorities are satisfactorily adjusted and met, this late, yet very timely, memorial will be ready for unveiling. When the cotton drape is drawn aside, those taking part in the ceremony will behold a memorial that will be replete with symbolism, significant of the uphill fight for freedom and justice and liberty of humanity."

In the U.S., the National Broadcasting Company, in conjunction with the Jewish Theological Seminary, on January 11, 1953 presented a play on Ezekiel Hart, "The Ghost Who Sits in Parliament", as Chapter 370 in its continent-wide Eternal Light program. Written by Howard Merrill, its theme was the slow growth of "seeds on parched plains, the thoughtful sorrow, the slow germination in hospitable soil, the curiously delicate and deliberate chemistry which turns the seed to blossom."

Mr. Merrill's play looks ahead to 1832, when the same legislature pioneered in granting Jews all civil rights. In the closing lines Esther Hart says in 1832,

"You do sit here in Parliament, Ezekiel...In a sense, you have been sitting here since that first, clear, sunlit day, when you walked up the stone steps, as the new delegate from Three Rivers...You were never more present than when they passed that Bill for equal rights just the other day...and you will always be present... as long as these buildings stand, as long as there is a Parliament -- whether it be ten years or a thousand...you will be here...The embodiment of conscience...biting your lips, gripping the dais, refusing to yield..."

Rabbi Wilfred Shuchat continued on the network.

"More than a century has elapsed since Ezekiel Hart laid the basis for the security of Jewish citizenship rights in Canada. Since that time the Confederation of Canada has confirmed these rights not only for its Jewish citizens but for all minority groups. Jewish names have played an honourable role in the Federal and Provincial Parliaments, in municipal affairs, in the judiciary, in the armed services, and in the business and social life of Canada. Furthermore, the annals of Canada's Jews have confirmed the basic premise of Jewish history that freedom once achieved must be dedicated to God's service.

"These spiritual advancements were made possible by the political struggle first begun by Ezekiel Hart and his generation, and confirmed by the democratic foundations that unite Jews in Canada with their French speaking and English speaking neighbours."

Nancy Doyle wrote a short story on Ezekiel Hart, "The Oath" for the Canadian Jewish Outlook of July, 1962. (Pp. 21-22)

THE FAMILY SEES ITSELF

Of Adolphus' son, Gerald Ephraim, Sulte wrote, "He has published historical studies of merit. His collection of books, autographs, portraits, etc., was sold at auction in Boston and brought in a substantial sum."

Henry J. Morgan includes Gerald E. Hart in his brief list of the "galaxy of native talent sufficient to speak for itself", in his The Place British Americans have Won in History, a Lecture Delivered at Aylmer, L.C., February 22, 1866. Ottawa. Hunter Rose, 1866, P.21

G.E. Hart is listed by Louis D. Durand as a practicing notary in Trois-Rivières in 1880. (Laborieux, diligents, débrouillards! P. 292) Sulte notes that Gerald E. Hart lived in the ancestral Hart house on rue des Forges which was not destroyed until 1890, by then deserted and in a poor state.

A sister of Gerald Hart, Miriam Hadley Hart, familiarly known as Lalla, born in Brooklyn on Oct. 18, 1854, married Alfred Belasco of London and Montreal. Her name appears in the tragic transfer of the Trois-Rivières cemetery to Montreal. She died in London 1926 while visiting her brother. (Letter from Gerald Hart in American Jewish Archives, Cincinnati)

This letter is a remarkable saga of the origins of the Hart family as seen from the inside by a literate historian who is imbued with the passion of his family tradition. It is worth re-reading,

"As the Dictionary of National Biography of England, and many other volumes, will inform you, Aaron Hart was a British officer who settled in Canada upon the surrender of the country in 1760, and which has remained a British Colony and Dominion ever since, completing the Conquest that General Wolfe undertook and lost his life in the year previous at Quebec. Aaron Hart assisted General Jeffrey Amherst to raise a battalion of the 60th Royal American Regiment in New York City for the invasion of Canada, and it left New York in June 1760. Hart, acting as Commissariat Officer, arrived at Montreal in September to which the surrender was made by the French Governor-General de Vaudreuil on the 8th September, without a gun being fired though many lives were lost en route, especially in the St. Lawrence River Rapids which they descended.

In verification of this fact, I possess his Masonic Demit from Trinity Lodge No. 4 of the Registry of New York, dated June 1760 and some parts of the uniform he then wore. The Demit is pronounced by the Official of the Grand Lodge of England and also of New York and as older than any they had knowledge of in America, and the very Lodge is unrecorded as to its origin, history and personnel. I have published a résumé of this Seven Years War in monographs, The Fall of New France and The Quebec Act 1771 to be seen in all large public libraries. General Amherst was raised to the Peerage and rewarded generously.

"The only official recognition of these facts that I am aware of, took place on January 9th, 1921 though possibly earlier had occurred as our family papers suffered very materially from fires in the early days of Montreal and Three Rivers, when conflagrations of those cities were unfortunately very frequent, so much so that our records of ancestry are very incomplete and family honours. I know Aaron Hart was very wealthy as I have his memo book and that he entertained the Duke of Kent, Queen Victoria's Father. Admiral Nelson and others spent their visits in Three Rivers. My elder brother Emile, residing in New York, received a letter from the Rev. Edward Bank-Smith of Trinity Church, New York, stating that the Flag of the Royal American Rifles, which Aaron Hart had helped to form in 1760, was being presented by the present Regiment in England to the American War Department Chapel of St. Cornelius on Governor's Island Harbour of New York, through him as Chaplain of it and, upon searching for a descendant of one of the Officers of the Regiment at that time to make the presentation officially, he was informed of Emile and recommended to get him to act. Or, failing his not being able to do so as he was not in great health, to get me to officiate. His letter in my possession states these facts. This honor was entirely unexpected and unsolicited. My brother fortunately fulfilled the duty and Chaplain Smith published in 1923 a history of this presentation and the remarks my brother made, a volume entitled History of Governor's Island, Its Military History under three Flags. Both my brother and Mr. Smith have since died.

"The function was quite an elaborate affair. Over 600 invited guests attended including the Marquis of Carlsbrook representing King George and a representative of the Duke of Devonshire, the last governor-general of Canada and many other high military officers of both England and America were present and diplomats.

"Aaron Hart, after the Conquest, settled in Montreal and Three Rivers and upon a visit to London, England in 1764 married there a lady of very old English family. From this marriage their second son,Ezekiel,became our grand-grandfather on our father's side and on our mother's side Benjamin, a younger brother of Ezekiel was our grandfather so that we are doubly related to commisary Aaron Hart, our joint great-grandfather. I inherited the lovely fan he presented to his bride in 1761 and had it compared with those of the principal museums of New York, London and Paris. It was pronounced by the authorities of each place that they have nothing surpassing it or even indeed its equal in fineness of ivory filigree, chinoiserie work of the period. It is in perfect condition. Its centre motif being the monogram of his bride to be -- D. H. in the centre Dorothea Catherine of a "heart" shaped shield surrounded by doves and orange blossoms and leaves. At each side are Chinese pagodas; the stems are beautifully carved. I gave it to a cherished cousin, their eldest great-great-granddaughter residing now in New York as the rightful inheritor of it. Miss Edline Levin who is also doubly related, her grandfather and grandmother were first cousins.

"Aaron Hart died December 1800 and by his will,some ten pages of closely written notarial work,was possessed of considerable wealth, 21 French seigneuries, marquisates and fiefs as well as whole townships of land in the province of Quebec he divided among his very large family,males and females.

"Many of his relatives as well his wife's came to Canada later on from England, several settling in various parts of the present United States. Two of them,Ephraim and Bernard Hart,are among the original founders and signers of the charter for the present stock exchange of New York City. Ephraim Hart became our great-grandfather of maternal descent and from whom my centre name has been given. He died in New York 1819, leaving a large number of lots and properties situate in the business section of New York City, on Broadway, Worth, Grant and Canal streets and entire county of Orange, none of which have we inherited due to the destruction of the deeds by fire and the neglect of his widow as she abandoned the States after his death to settle with our relatives in Montreal. Of this property my mother traced to the present Astor family, some lots who never purchased them from our family, my mother claimed from them, but received replies 'prove your title by judgment' which she was unable to do for want of the original deeds destroyed by fire, and money for the litigation; and I myself later on received the same reply when I tried to get them to recognize our unpaid rights in the property.

I have a registrar's certificate of all this property, several pages in length which Ephraim Hart had at the time of his death, several lots were then unsold. He died intestate. It requires a plutocrat to fight inlaw, and we do not figure in that category, though our ancestors could have easily placed us in such a group had they entailed their property upon their lineal legitimate descendants in the manner of landed English aristocrats of ancient lineage. Bernard Hart is the reputed father of the great writer Brette Harte, but of him I have very few records.

"My sister Lala was born in Brooklyn, N.Y. at the time that her mother made this claim upon the Astor family where our father Adolphus Hart was then living as a practicing lawyer, he having been admitted to the Bars of Canada, Missouri, Louisiana, Ohio and New York. He was also a journalist and connected editorially with Horace Greely's newspaper. Upon the return of the family to Montreal, Lala was educated at the Notre Dame Convent school. She was very fond of skating and joined the Victorian Rink where numerous of her friends like herself obtained colds which resulted in more or less infirmities that remained with them in life. Deafness was the result of Lala's and which as you all know handicapped her throughout her existence, depriving her of all amusements as it became more and more incurable. As a girl she had a fair voice inherited from her mother but she was unable to continue this as she could no longer hear her accompanist even when played by herself. Her parents endeavoured to prevent her going to the rink but could not succeed. She was always very self-willed. She was fond of theatricals and took part in our home private charades in which I noticed the present Lady de Blaquiere (then Miss Lucy Desbarats) took part. But all this she had to abandon due to her affliction, notwithstanding her mother taking her to renowned aurists in America and Europe was pronounced incurable. She devoted herself, therefore, to household duties of which she inherited the Hart family trait in the female line of being excellent cooks, (Her mother published a cook book Household Receipts by a Montreal Lady)and housewives;none among them or even those of the present day became suffragists, women's rights petitioners, smoke puffers with painted cheeks and lips, bobbed hair, immodest and indecent dressed females or imitators of men;in short hermaphrodities which the Almighty never intended women to be, but the helpmeet of man, as He ordained. (Genesis 22nd seq.) She was generous by nature, had a happy faculty of making friends and keeping them, very fond of dogs as were also many of her relatives. An aunt had left considerable sums to their institutions to the deprivations of her own blood relations.

"So many have asked for my sister's portrait I attach one of her and myself taken about a year ago in compliance with the French law of residence;she was 71 and I,76 when we had both outgrown our good looks. The law did not permit any personal embellishments. I wonder how the painted ladies who patronized the casino complied with the requirements and looked in their natural selves. I am sorry to add that my sister's will,like so many others of our female relatives,do not show her or them to advantage as too many gross injustices exist in the distribution of their belongings and in passing over their own blood relatives to give to strangers and unconsidered allotments to them;in some cases too much, in others too little. My sister left out many friends; she should have included more deserving than some she mentioned. I can only attribute it to the fact that their wills were made after they had passed the three score and ten years which the Almighty seems to have ordained as the allotment of man and woman's period of full faculties of mentality. Laws exist dealing with almost every phase of human life. Why not have one prohibiting making wills after 70 years of age and decreeing that belongings should go to blood relations and next-of-kin in the proportion of their relativity to the deceased,and another law ordering banks to obey the expressed desire in writing of their depositor outside of any will when the said order is virtually and practically a checkmate inter vivos and a legacy coming under the will? That would be justice and common sense and prevent dangerous miscarriages as might have occurred in the present instance."

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