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

NEW SERIES
Number twenty-seven

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

ANTI-SEMITISM II

THE PLAMONDON CASE AND S.W. JACOBS

Part 2

Compiled by
DAVID ROME

NATIONAL ARCHIVES
CANADIAN JEWISH CONGRESS

MONTREAL CANADA
1982

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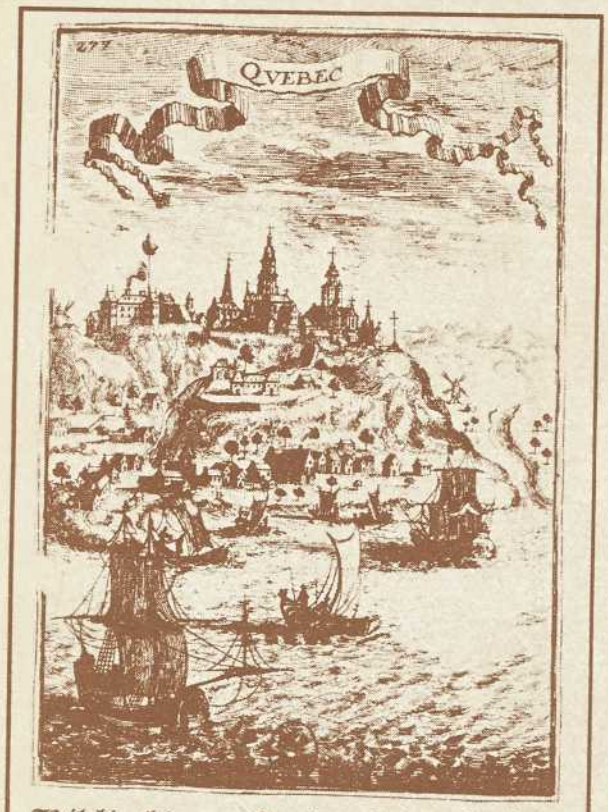

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CONTENTS -- PART II

Rabbi of Shaar Hashomayim

Inevitably, the case attracted the keenest attention. In fact, the most important newspapers of the Catholic community were no less on trial than the libelling notary. The court room was full, and so vociferous was the crowd that they forgot where they were. Judge Malouin had to threaten them with expulsion if they continued to disturb the proceedings. (Report in Action sociale. "Les Juifs vs. Ed. Plamondon; L'enquête a été commencé ce matin devant l'Hon. Juge Malouin; le procès prômet d'être intéressant," May 19, 1913. Report, May 27: "La Cause des Juifs; les plaidoires ont été terminés hier après midi et la cause est en délibéré.")

Jacobs called upon Dr. Herman Abramowitz, rabbi of the Shaar Hashomayim Synagogue of Montreal, as his important expert witness.

Rabbi Abramowitz was well known to Action sociale, for its Léon Trépanier had interviewed him at great length (issue of Oct. 28, 1910) and had presented the thirty-year-old rabbi, a graduate of Columbia and of the Jewish Theological Seminary, as one of the leading personalities of Montreal -- indeed of Canadian -- Jewry.

Rabbi Abramowitz was born in 1880, in Russia. He was brought to America as a child, at the beginning of the vast Jewish immigration to the Americas, and received his education in New York schools. He was ordained in 1901. The following year he was named to Montreal's prestigious Shaar Hashomayim Congregation, the second oldest in Canada, in 1902. (Jewish Times, Oct. 9 and Nov. 7, 1902)

It is interesting to observe that Trépanier was most interested in the Zionist movement and its possible influence on Canadian Jews, and in the Jews as enemies of agriculture and of militarism, and on the Jewish question which seems to have become a problem for French Canadians.

The rabbi graciously referred to generosity as a basic trait of the French, and ascribed the hostile articles in the press to lack of knowledge.

He denied absolutely that "the Jew has become so complex a problem that it can arouse fears among any national group in the country. According to the English constitution, all have equal rights. Instead of fighting each other, we should work in harmony for the greater good of the nation.

"But aside from these considerations, why do you find it necessary to point constantly to the Jew rather than to the English, the French or other nations? If you study this matter without prejudice or partisanship you will find that the Jew is the least disturbing moral or material element in any country.

"Show me one who has become a charge upon public charity. On the contrary, we take care of our own poor and at the same time we contribute to Catholic and Protestant institutions. You will not find Jews accused of drunkenness, for we are a sober people."

After telling Trépanier about the thousands of Jewish farmers in western Canada Rabbi Abramowitz said,

"We also have Jewish farmers in Quebec. They have even introduced a new industry here, the growth of Turkish tobacco which was tried for the first time last year by a Jewish farmer. The Department of Agriculture having said it was very satisfied with the results, a Jewish company was formed several months ago which sent two groups of farmers to Ste. Sophie in Terrebonne and to Macaza in Nomingue. The company risked $16,000 but the first crops were good."

The rabbi had no comments on freemasonry, with which he was not affiliated. He had no knowledge of the so-called Judeo-freemasonry and would not discuss this theme or French politics.

He repudiated Rome's mayor Ernesto Nathan, disapproved of his language, and protested all Jews being condemned for the errors of one. "There is Otto Langhi, an Italian Jew who works to create harmony between Italians of all faiths. My religion teaches respect for all creeds."

Trépanier asked the rabbi about a number of alleged passages in the Talmud; the Montreal minister told him,

"You do not know the character of the Talmud. There is not a complete and authoritative translation. It is a collection of rabbinic traditions and maxims, theories and opinions, precepts of our ancestors composed during the five centuries before and after the beginning of Christianity. It is the equivalent of the Ottawa Hansard and, like the Hansard, it contains truths but also false statements, even jokes, legends; in short, many matters that do not concern us. We take from the Talmud that which we find good. The Talmud only recorded all that was said and all that was done in its time.

"In France one by the name of Drumont has spent much time on it, but he cannot cite one authentic precept which does not conform to the rules of humanity."

Trépanier asked him whether the conversionist movement among Jews is good or useful for the intellectual or social advancement of the Jewish race.

"What would you say," the rabbi sought to explain, "if I asked you whether the Protestant evangelisation of French Canadians is good for them?

"In all justice you must believe he is as sincere in his beliefs as anyone else of any denomination; the more so as he has proven the sincerity of his faith during centuries of much persecution without weakening.

"I do not believe in the conversion of a bad Jew into a worse Christian. God has permitted several varieties of faith to exist and has taught that harmony should reign among them.

"There is nothing mysterious about the Jew, and nothing to cause you to fear. He is a human being like all others; neither better nor worse than others; he asks only to be treated justly by those among whom he lives.

"Canada has given shelter to several races and several faiths, thanks to its just laws and its constitution which protects all religions."

The cordial interview was faithfully printed, but three days later, on Oct. 31, 1910, the editors followed it up with their "Notes and Comments" in which they said that his remarks were contrary to truth and to history. The editors answered the Rabbi's explanations and reserved their right to return to their original position:

The newspaper had never been unjust to the Jews, for it had "insisted on the Jews' right to worship. Their religion is false, but when sincerely held it constitutes a peaceful element in public security; Jews must not be molested in their persons, must not be insulted, beaten or stoned. Jews can count on nothing more amicable than this from us. We do not have the duty of defending Jews, but we do have the obligation of protecting Christians.

"Jews detest agriculture; there are only 6-8,000 Jewish farmers among the 40,000 of them in Canada.

"Jews detest militarism; very few of them are in the army in Germany where they are accepted, even if not as officers.

"The Talmud remains a book of much wickedness and blasphemy." (Oct. 31, 1910)

Rabbi Abramowitz Testifies

Jacobs wrote Rabbi Abramowitz on May 12, 1913,

"I fear that we will have to press you into service by asking your attendance in Quebec for the trial. The case will be called on Wednesday morning; consequently it will be necessary to take the afternoon train tomorrow at two. If you are coming, it will also be necessary to have either Rabbi de Sola, or Rabbi Gordon. We will have some difficulty in getting Mr. de Sola, because he is so busy, and it will be for you to arrange as to which of these two gentlemen will accompany you."

Proceedings were to have begun before the 15th of May or earlier, and Rabbi Abramowitz was in attendance, but with the approach of the Sabbath the rabbi felt that his duties made it necessary to leave for Montreal, and he so attested in affidavit to the court.

Jacobs requested an adjournment on the 15th for this reason. His opponents contested this request, but the judge granted it. (Soleil, May 16, 1913)

The Daily Telegraph of May 19, 1913 reported that "the hearing of the Jewish libel case was begun in the Superior Court at 10.30 o'clock this morning, and was presided over by Judge Malouin. A large crowd had assembled in the corridors of the Court House long before that hour, as much interest has been aroused in the case, the issue of which is to be most important.

"There were present in the court this morning, the Rev. Dr. Abramowitz of Montreal, who is to be an important witness in the case, Mr. Louis Fitch of Montreal; Mr. Bennett English, official representative of the Baron de Hirsch Institute and Mrs. Langstaff, secretary of Messrs. Jacobs and Papineau-Couture....

"Mr. Ortenberg...testified that the effect of the lecture became noticeable immediately afterward -- his intimate friends forsook him, and a marked deficit in the sales receipts was noticed for some time afterwards. The plaintiff also stated that disturbances took place and voluntary damage was done to private Jewish houses and to the Synagogue. These continued, he stated, till about the time of the retirement of Mr. Leduc from the editorship of La Libre parole. He also stated that the alleged statements issued concerning the Talmud were all false.

"Mr. Foley, Clerk of the Recorder's Court, testified that some young boys had been brought up before the court on the charge of breaking windows at the Synagogue and waylaying and insulting the Jews. Several of these were condemned and duly fined." (Telegraph, May 19, 1913; Soleil, May 20, 1913)

"Dr. Abramowitz was the principal witness. He was on the stand nearly all day. He gave expert testimony on the Jewish religion.

"He also produced one of the volumes of the Talmud, which he said contained records for centuries before the Christian religion, and five after Christ. He read the pamphlets written and published, and the reports of the lectures that were published in the Libre parole defamatory of the Jewish race and religion, declaring that they were false and malicious statements, and had no confirmation in the Talmud. He explained that the Talmud was a book of records that were in existence for over eight centuries, counting five after Christ, and did not in the least refer to the Christians as stated by the defendants.

"He denied that the Jewish ritual called for the blood of Christians at the feast of the Passover. These charges were made against the Jews in the Middle Ages and were the cause of massacres, and papal bulls were published in protest of these charges by Pope Innocent; and, also subsequently, by other Popes, were denounced as untrue. Cardinal Vaughan and the Archbishop of Canterbury, bishops of France, Britain and Russia, likewise denied them.

"The charges that the Jews were despoilers of Christian women and property and abettors of revolution were false. There was nothing in the Jewish history or its religion to support this prejudice. The laws of the Jew taught that we should love our neighbours, and to refrain from anything that should reflect on the Jewish race.

"Witness referred to the fact that Napoleon called a council to look into the question of the Jews in France, when the Jews answered all questions satisfactorily. He said it was impossible to translate properly the Talmud, and in the early days they were so persecuted as to be deprived of the means of education.

"Witness said he had a knowledge of William of Norwich. It referred to the dead body of a boy who was found in the 12th century at the time of the Passover and made as an excuse to massacre the Jews, who were falsely accused of the boy's death.

"Witness spoke of the liberty and freedom given to the Jew in England, where they rose to the highest offices in the kingdom. He cited Disraeli as coming from the race, and pointed out that three members of the British Cabinet today were Jews. Members of the faith have taken a leading part in Christian nations and that Baron Rothschild, Nathan Strauss, Jacob Schiff, Oscar Strauss, Lord Reading, Lord Mayors of London and the Mayor of Rome were all Jews." (Gazette and Soleil, May 20, 1913)

He testified that he "had studied the Talmud paragraph by paragraph, and that there was nothing in it that incited the Jews against the Christians. It did not teach the Jews that Christians were idolators. On the contrary, the Jewish teachings maintained that the Christians were not idolators.

"The Talmud was a record of manuscripts that existed before the days of printing, and were considered authoritative, as it was founded on the Jewish laws in the time of Moses."

He knew of Edouard Drumont's writings against the Jews, but he had not read them, nor did he know that the writer was a Jew.

"Rabbi Abramowitz said that he'naturally took an interest in the case. The Jews were divided into two religious sects -- one known as the Reform and the other as the Orthodox.' He belongs to the latter which represents the old school of the race.

"'We affirm that the same doctrine that was handed down by the Pharisees which was authoritative at the time of Christ,'he said.

"Mr. Bedard, counsel -- 'I suppose you belong to the system that condemned Christ?' Question objected to and objection maintained.

"Dr. Abramowitz: 'The volume of the Talmud that I produced in court yesterday is the only Talmud in existence and an authoritative edition, and I consider that it contains the only production of the manuscript....recorded in those days...and never altered to my knowledge. The Talmud may have been changed, but not by Jews themselves. I consider the Talmud authoritative, for it contains the Jewish law founded at the times of Moses; and handed down from generation to generation until the present day. The Talmud is divided into two parts, which I have studied. It is an immense encyclopedia.

It is not fiction or a novel, but the study of a lifetime, as one has to study paragraphy by paragraph more than once. There should be no hostility between the Jew and the Christian.'

"'I have no knowledge of books written by Savine, published in 1900 at Paris. I do not know Mgr. Paquet of Laval University, or his works, published on the Old Testament.'

"Witness stated the Jews never objected to Christian children singing hymns. The schools of New York are all public schools in which no religion is taught, and in those schools supposed to be non-sectarian, objection was raised to Jewish children being compelled to sing Christian hymns."

Quebec Residents Testify

Montefiore Joseph was next called. He stated that he was of Jewish persuasion, and had been a resident of Quebec all his life, his ancestors having been Quebecers ever since 1835. He then stated that the several statements uttered by Mr. Plamondon concerning the alleged Jewish doctrines were unfair and absolutely false. The alleged charges of ritual murder, etc., were non-Jewish. 'Such charges would have the effect of injuring the Jewish community of Quebec,both commercially and socially.' said Mr. Joseph. He stated also that as far as he was acquainted with the Jews of this city, they were quiet, law-abiding and respectable citizens. He denied the truth of the statement that Jews were refused insurance policies.

Rev. Canon F. G. Scott, outstanding church figure in Canada, (father of F.R. Scott, humanitarian and poet), resident minister of the St. Matthew's Church for the past 17 years, told of his college career and studies for the ministry in the Church of England, which included the study of Hebrew; he had read commentaries on the Talmud.

Rev. Scott said he had a fair idea of Jewish life. "I never saw the statement made that the Jews looked upon Jesus Christ as a Christian idol, or the statement that the Jewish religion sanctioned the debauching of Christian women, or that Christ was an animal, or saw anything in the Jewish ritual against the Christian people. Those charges had time and again been repudiated by Catholic popes, bishops and priests, who protested that the charges against the Jews were untrue. Charges that had died out 500 years ago were reported in Quebec today. The Jews were upright, respectable people and no such belief against them prevails in any part of the civilized world today.

"In olden times these charges were trumped up against the Jews to extort money from them as debauchers of Christian women and slayers of Christian children, which were not true. I have read the pamphlet, the outcome of Mr. Plamondon's lecture, and it seemed to me somewhat similar to pamphlets published by extreme bigoted Protestants against the Jesuits, but even went further to revile the Jews in charges that were absolutely false. Everyone had a right to his religious belief, but no one had a right to make false attacks meant to incite the passionate feelings of one religion against another.

"In Canada we have freedom of religion and speech, and he could go into his pulpit and preach against the Catholics or the Jews, but he would be doing a wrong. If he were a Jew he would be afraid of his children being attacked as a result of these false charges. Even Roman Catholics and Protestants were convinced that the blood charges against the Jews were false. He had studied Hebrew at Bishop's College and at King's College in London and was supposed to read Hebrew, but had not studied the Talmud. But the teachers of the students sure would have brought to their knowledge any such precepts if they existed in the Talmud." He said he had many Jewish friends.

The Rev. Dr. Young, a resident of the city for 27 years, rector of the High School of Quebec and Anglican minister from Lennoxville, testified to having studied the Talmud in its entirety and to have found no word of evil in it.

He also paid a glowing compliment to the Jewish children of the schools who constituted some ten percent of his student body during the past decade. They are easily the best in intelligence and obedience, he said. "The charges are absolutely wrong, to say the least," said the doctor.

Mr. David Liebling, merchant of this city, also testified before the court. He had heard of the lecture, he stated, and had seen the pamphlet for sale. His trade was also harmed to a considerable extent, he stated, as a result of the lecture. With reference to the alleged charge of employing Christian workmen on Sundays, he said he had never done so. Mr. Goodman and himself had controlled the St. Lawrence Clothing Co. at No. 145 St. Joseph street, he stated, and had never worked with Christians on Sunday. (Telegraph, May 21, 1913)

It is of sociological interest that the anglophone Christian witnesses for Ortenberg spoke out of personal acquaintance with Jewish residents of the city; those who were to testify for Plamondon stated that they had never had any contacts with Jews.

Defendants: We Told the Truth

The defendants sought to establish the truth of Plamondon's accusations against the Jews rather than merely his right to make them.

The defendants argued that they had acted in the public interest and there was no action in the case. It was a question of theory, a polemical question. As to the plaintiff, a Jew cannot be a British citizen any more than he can be a French citizen. He is a citizen of the world, for he had no patrie. He is here, but as a danger to all of us, and eventually he makes slaves of those among whom he now lives. Mr. Plamondon had simply cited to his audience authorities that he had read and had studied. They raised the questions of the liberty of the press and of the freedom of speech. The journalist had a mission to perform in calling attention to existing dangers. (Quebec Chronicle)

In detailed pleading before the courts on June 6, 1910, and again for two weeks before the lower court in May, 1913, the defendant argued that he had not referred to individuals, and that Jews in Christian countries had raised the gravest political, religious and social problems, etc., wherever they established themselves. They remained isolated, worshipped the golden calf and had no other ambitions or occupations than those of drawing money from Christians and seizing their capital by usury and exploitation, etc. They mentioned that insurance companies in Quebec had refused to insure Jews.

For some years, they charged, the Jews were chased out of Europe by the governments of the Christian nations; they arrived in great numbers in Canada, and especially in the Province of Quebec, where they infested the cities and countryside, where they have become a social plague, making great competition for the regular business of Christians, etc., all to immediate damage of the Christians and of the Christian institutions of this Province. They claimed that they were reciting public facts published in innumerable works on the peril of the Jews, and that they were true.

Plamondon argued that the Jewish question which he discussed in his lecture was a subject often and long discussed, written of and spoken of like other historical matters.

Christians have always taken the necessary measures to defend themselves against Jews whom they know as their enemies. After a census made in this parish, some time before the lecture, Mgr. Gauvreau warned his parishoners against the invasion of the Jews.

He considered that there was too great an incompatibility between the beliefs, practices and customs of the Jews and Christians for them to be able to get along. He believed that an immigration of Jews is something for Christians to fear.

Plamondon stated that Jews continue to prosper as before and that one of them, Mr. Lax, had even telephoned him to thank him for the publicity he gave them. (Action sociale, May 21, 1913)

He had no personal animosity against any Jew in particular. He spoke of them only as a people. In his work he had specifically discouraged maltreating Jews.

The books cited by Plamondon's defence constitute a reading list for the French anti-Semite. Abbé Lagrange, Le Messianisme chez les juifs; Rohrbacher, Histoire de l'église; Vial, Le Juif sectaire; Rohling, Le Juif talmudiste, révisé par l'Abbé Maximilien De Lamarque; L'Abbé Joseph Lémann, L'Entrée d'Israel dans la société française et les états chrétiens; Gougenot de Mousseaux, Le Juif et la judaisation des peuples chrétiens; D.M. Drach, L'Harmonie entre l'église et la synagogue; Drumont, La France juive; Lucien Brun, La Condition en France depuis 1789; Mgr. Delassus La Solution de la question juive; Copin, Albancelli, Comment je suis entré dans la franc maçonnerie et comment je suis sorti.

His authorities included Abbé Charles' La Solution de la question juive, and A.F. Savine, Le Talmud et la synagogue moderne. One of these works offered 10,000 francs to anyone who could disprove one of the accusations against the Jews.

Gougemont de Mousseaux, like Drumont, was among the acknowledged teachers of Quebec anti-Semite Raoul Renault. (La Croix du Canada, Jan. 8, 1895)

It is not necessary or pleasant to examine the authorities on whose work these leaders of Quebec Catholic action and thought was based. A page from Léon Poliakav's Histoire de l'antisémitisme, L'Europe suicidaire, 1870-1933 (Paris, Calmann-Levy, 1977) deals with one "work which utilized arguments already known but which (in 1871) were taken up by the press and discussed at public meetings to reach much larger audiences, much vaster than all publications issued before the twentieth century.

"The Juif talmudiste by Chanoine Auguste Rohling, which centres mainly on the theme of ritual murder, was only a plagiarism of the classic Judaisme démasqué of Eisenmenger (1700). But Rohling's title as professor at the Imperial University at Prague lent his work a greater authority. His very ignorance of the Talmud came to serve him, for his gross errors or falsehoods which were denounced by more serious theologians multiplied the polemics and ensured a greater publicity for his book. In 1885 he lost a libel suit so scandalously that he was forced to leave his chair at the university.

"That did not prevent him from retaining his following across Catholic Europe; so far, indeed, that in 1889 three versions appeared in France from three translators; Victor Palmé and Albert Savine, both of Paris, and Father Maximilien de Lamarque in Bruxelles. The dozen ritual murder trials initiated against Jews in the Germanic area, all of which with but one possible exception ended with acquittals, (the exception being the condemnation of Leopold Hilsner in Bohemia in 1899, where the jury established the accusation of murder but not of ritual murder) can be in a large measure attributed to his agitation which was accorded authenticity in Rome by the official Civilta Catolica." (Pp.27-28)

The creation of A. Rohling had reached Quebec some twenty years earlier through L'Etoile africaine, and Le Courrier du Canada had published excerpts in January 1895. Thence these were further disseminated by La Croix du Canada "Le Code juif" on Jan. 9 and 15, 1895 who added further excerpts from La Croix de Paris.

Dr. Joseph S. Bloch, scholar and parliamentarian, whose unmasking of Rohling led to his removal from his university position -- but not discrediting him in Quebec -- narrates the German scandal in his Israel and the Nations. (Revised by Harry Schneiderman. Berlin, 1927. On the dedication page a quotation from Johann Reuchlin: "The Talmud was not composed for every blackguard to trample upon with his unwashed feet and say he, too, knew it.")

"Rohling's insidious agitation from Munster contributed more to the spreading of the anti-Semitic poison in the German nation than all the incendiary meetings taken together...

"He used the quackish trick of declaring in every new edition of his books that 'he was ready to pay the round sum of 1000 Talers if Judah managed to get a verdict from the German Association of Orientalists that his quotations were fictitious and untrue.' He knew perfectly well that the German Association of Orientalists was composed of Sanskrit scholars, Egyptologists, Islamist, Sinologists, Arabists, etc. and only to a very small extent of scholars who had specialized on the Talmud. The pompous appeal to the German Association of Orientalists as umpire was, therefore, simply buncombe...

"I made up my mind to grapple with the author of these incendiary writings. I wrote a long article in a very popular Vienna paper. It had a sensational success. Over 100,000 copies were rapidly sold, a second and third edition had to be issued to satisfy the enormous demand. The article was reprinted again and again, and was translated into Hungarian, Polish, Czech, Italian. I proved that the gentleman 'who had been appointed professor of Hebrew Antiquities by His Majesty the Emperor' had not the slightest qualification for such a chair. I proved by incontrovertible evidence that he was neither morally nor scientifically fit to criticize the Talmud; that his quotations from the Talmud, the Shulchan Aruch, and the Zohar were egregious falsifications, and in part sheer fictions; that he gave out Biblical passages as Talmudic tests, that he did not know the Church Fathers, that he slandered the Talmud on account of utterances which are literally to be read in the Fathers, and that he made it his practice to offer himself to the law courts as false witness on the strength of his official position...

"Unasked and uncalled, he intruded himself on the courts on the occasion of the ritual murder trial of Tisza Eszlar, offering to take an oath that it was an extremely sacred ceremony with the Jews to shed the blood of a non-Jewish virgin, that this blood was very acceptable to Heaven and procured to the Jews the mercy of God.

"There was nothing left but to brand the man publicly and thus to compel him to appeal to the law, and to produce his quotations, his arguments, his whole learning before the law. This I did in a series of articles in the Wiener Morgenpost...

"The man was made to understand also officially that prevarication was no longer possible and that in face of such charges nothing was left him 'the professor appointed by His Majesty' but to appeal to the law. Thus compelled by necessity, not voluntarily, Rohling brought in an action for libel in the Vienna Law Court...

"I declared at court that I was ready to prove the truth of all the charges I had brought against the professor and requested the Law Court to appoint official experts who were to examine and to elucidate all the passages concerned...

"At the end of June 1885, the Report reached the Vienna Law Court. It comprised 190 sheets. Copies were made and transmitted to both parties. The translations of the experts exposed Rohling's lies and falsifications in their whole wickedness: not one of his assertions

held. All of them, all, with no exception whatever, melted like snow in the sun. The trial was looked forward to with extreme eagerness on all hands. Already the term was fixed: on the 18th of November the cause célèbre was to begin.

"Presently, a surprising thing happened: immediately before the public trial, Rohling withdrew his charge. He forestalled the verdict of the Court by speaking his own verdict. Without even the attempt at vindication, he pocketed the ignominious charge of having sworn false oaths before law courts.

"By this act of suicidal cowardice he was branded, and with the stigma of perjury on his brow he could no longer remain lecturer in the University of Prague. He was sentenced by the Court to pay all the costs, and the minister of public instruction pensioned him off." (Pp. XXIX-XXXV)

Among Plamondon's sources: Mgr. L.-A. Paquet, Laval theologian who disseminated anti-Jewish teachings which stain the literature of Quebec nationalism and Catholic learning. His Droit public de l'église, issued in 1908, was greeted by Mgr. P.-E. Roy of Quebec and by Bishop F.-X. Cloutier of Trois-Rivières, Bishop Paul Larocque of Sherbrooke, Bishop A.-X. Bernard of St. Hyacinthe and by Father A.-M. Lepicier, professor at the University of the Propaganda at Rome whose approbations preface the second, 1916 edition. This version has the nihil obstat of Father J.-E. Grandbois and the imprimateur of the cardinal.

The Quebec authority of Mgr. Delassus and of his three-volume La Conjuration antichrétienne was confirmed by Mgr. Paquet who wrote of him as "an ecclesiastic writer whose sense and wisdom equal his erudition and his doctrine." The Quebec theologian also recommended Bertrand's La Franc-maçonnerie secte juive as "casting a light on the still obscure origins and on the tangled and meandering development of this organization." (Le Droit public de l'église; l'organization religieuse et le pouvoir civil. Quebec, L'Evénement, 1912. P. 182, 185)

Even before it was published La Conjuration had been offered at a reduced price to members of the Association catholique de la jeunesse canadienne and to other young people. (La Vérité, Aug. 22, 1908)

Plamondon pleaded that "he had never intended to attack the Jews. He simply meant to warn the Christians of the danger that was menacing them as a result of the permanent establishment of the Jews in their midst. Nor did the works he had read tend towards any attack of the Jews. They simply warned, as a warning would be issued against an enemy.

"Asked if he thought it wrong to deal with or sell property to Jews, witness said he did not know it was wrong to deal with or sell property to Jews, until some time prior to giving his lecture. He even offered to sell his own property to one of the plaintiffs, Mr. Ortenberg, but now apologized for making the offer, because he did not know what an enemy the Jew was until he heard Curé Gauvreau preach in St. Roch Church and say Christians should not encourage or sell their property to Jews, for if things continued as they had begun, St. Roch Church in 25 years hence would be a Jewish synagogue.

"Under cross-examination by Mr. Cimon, the defendant stated that he had never studied either Hebrew or the Talmud, and that he had been a regular contributor to La Libre parole.

"Asked as to whether he thought that the testimony of Rev. Dr. Abramowitz was false, he answered that he did not believe it. 'If', said the defendant, 'the authors whom I have studied and consulted were wrong in their statements, then I have been deceived; for when I delivered my lecture, I did so with the firm conviction that I was uttering statements that were true.'

"He then admitted, upon further questioning, that he did not know l'Abbé Lamarque, whose work he had consulted. He had not been aware that Lamarque's work did not contain a bishop's signature of approval.

"'Personally,' he stated, he never had any disagreement with any of the Jews of the city.

"Yesterday afternoon, a further number of witnesses were examined, and more evidence in the case was adduced. Mr. L. Lazarovitz, one of the plaintiffs, stated that he, as president of the congregation Bais Israel, which office he had held for seven years, had taken the action against the defendant for the alleged injury done to the Jews of the city by the lecture. He had also known the defendant as a respectable citizen, and hearing of the intended lecture, had attempted to prevent it, if possible. He also suffered losses as a result, he stated, and also mentioned that as far as he was acquainted with the Jewish law, M. Plamondon's statements concerning the Talmud were false." (Daily Telegraph, May 21, 1913)

Father Love

Among the priests who appeared as experts for the anti-Semites one bore the delicious name of Father Joseph-Gillaume-Arthur D'Amours who held degrees in theology and in canon law from Rome (1898). Born in Trois Pistoles July 15, 1865, he was ordained at Rome on June 4, 1898. He was the director of the ecclésiastiques at the Seminary at Rimouski and became superior of the school. Later he was chaplain at the St.-Jean-de-Dieu Hospital at Longue-Pointe, then was attached to the Ecole normale de Québec of the Frères des écoles chretiennes, was editor-in-chief of Action sociale and ministered to the St. Roch parish where Plamondon lived.

One of the sources of learning was Mgr. Paquet in whose Le Droit public de l'église Father Love had read that the Talmud urges every good Jew to curse Christians at least three times a day; to consider them as animals and to destroy them, if possible, by theft and usury; to pray that God may exterminate their kings and princes, for they neither wish nor can assimilate with the Jews. (Soleil, May 22, 1913); Evénement, May 22, 1913)

Chanoine Lionel Groulx, no partisan of the Jewish cause, calls him the virtual director of Action sociale, but A. Beaulieu and J. Hamelin, in their La Presse québecoise, list him as editorialist.

Groulx did not appreciate his role in Quebec nationalism. He called him a man of dangerous influence, a clever sophist, though a clumsy journalist, deadly to the national thinking evoked by the Congrès de la langue française. (Mes mémoires, vol. 1, pp 138, 284)

"L'Abbé D'Amours, editor of L'Action sociale, was called to the dock. After a brief testimony given by him in which he declared that as a priest and journalist he had taken an interest in the Jewish question and had read something of the works mentioned by the defendant, the case was adjourned and is proceeding this afternoon."

The appropriately-named priest testified that he had never had any contact with Jews except for one case involving the conversion of a young Montrealer.

But he believed that, since the Jews do not assimilate in the land of their adoption, they retain their faith and their traditions, and are inclined to work only for the interests of their own race to the detriment of all others -- the growth of Jewry in our country is not desirable. He regrets that our civil code did not adopt the wise legislation of the Catholic Church in regard to Jews. According to this law, the lives and the freedom of worship of the Jews ought to be protected, but precautions are needed to ensure society against usury which is their outstanding fault and to exclude them from public office. This legislation has never been repealed.

He also referred to Mgr. Paquet of Laval as one of the authorities who made the same charges against the Jews as did Plamondon.

The priest had never made a special study of the Jewish question. "I know it as do all educated men in general who have studied history and who know what is going on in the world, who have an education like my own.

"Question: You or your newspaper have advised your readers to avoid as much as possible having Jews assimilate with French Canadians?

"Response: The assimilation of Jews to French Canadian should naturally come through baptism, by the acceptance of the Catholic faith. French Canadians are Catholics, and the first condition for assimilation with French Canadians is to enter the Catholic religion, for then they would cease to be Jews; they cannot assimilate and yet remain Jews -- By assimilation I mean adopting the thoughts common to the Canadian people, the common interests, their mentality. To achieve this union of thinking and feeling a Jew must adopt the Catholic faith."

Father D'Amours testified that "one of the main objections to the Jews in Quebec was the fact that they refused to become assimilated with the people in whose country they settled, and that for this reason the popes and other ecclesiastical authorities had for centuries passed legislation restricting the relations between Catholics and Jews. Such legislation he thought wise, because the Jews had always shown themselves ungrateful towards the Papacy that had often protected them. He instanced the case of Mayor Nathan, of Rome, who had insulted the Pope and boasted of the fact that he had been elected Mayor of the Eternal City...

"The practice of usury was another strong ground for objection to the Jews. So far as he knew, all Jews in Quebec were engaged in commercial and industrial pursuits and none of them were tillers of the soil.

"Passing to the question of 'ritual murder.' Abbé D'Amours said the charge was a matter of history and had often been laid against the Jews. In the very early Christian times this accusation had been launched by pagans against the Christians; but this was the result of a confusion in the pagan mind between Jews and Christians, easily explained by the fact that most of the early Christian converts were Jews. Several of the children alleged to have been murdered by the Jews had been canonized by the Church. In the nineteenth century the accusation has been made at least twice, and the suspected parties arrested. In the first instance, at Damascus in 1840, the matter was hushed up. In the second case, which occurred in Russia in 1911, no trial has as yet taken place.

"Cross-examined by Mr. Couture, the witness said that he was testifying in his personal quality as a journalist, and had no mandate from the Archbishop of Quebec. He was not a Hebrew scholar and had made no special study of the Talmud and could not read Hebrew in the text.

"He had read the statements of several Jewish converts who understood the Talmud.

"Mr. Couture asked Abbé D'Amours whether he considered it any of the works of Chiniquy, after his secession from the Catholic Church, on Catholic topics, as authoritative for Catholics.

"Chiniquy was an apostate, replied Abbé D'Amours, and his views on matters of Catholic doctrine could certainly not be accepted as correct whenever they came into conflict with the statements of a Catholic ecclesiastic authority.

"Mr. Couture -- Then why should you accept as authoritative as regards the Talmud and the Jewish religion the opinions of so-called Jewih converts written after their apostacy from the Jewish faith and conversion to Catholicism?

"Abbé D'Amours -- Oh! That is different altogether.

"Explaining papal legislation of some centuries ago, the witness said: 'It forbade the employment of Christians as slaves by the Jews; as salaried employees; Catholics were not allowed to employ Jewish doctors or druggists, and Jews were kept out of any office or employ where they might be in authority over the Christian. Intermarriage was naturally forbidden'

"In most cities the Jews were relegated to special quarters, known as Ghettos.

"The witness was asked how it was that the popes of the early sixteenth century retained Jewish physicians.

"He replied that the authorities who made the laws could naturally dispense with them when necessary.

"Questioned as to the Papal Bulls repudiating charges against the Jews, the witness replied that he had not read them, and thereupon was requested to, and did translate the Bull of Pope Innocent IV., in 1247, addressed to the German clergy, calling upon them to repudiate the false charges of ritual murder alleged against the Jews, too often resulting in their being massacred, and further admitted that this bull had never been repealed.

"As regards the authority of the Catholic Encyclopaedia recently published under the imprimateur of Cardinal Farley of New York, the witness refused to express any opinion.

"Mr. Couture inquired of the witness how it could be possible for the Jews to become assimilated with the Christians when the Christians refused to have anything to do with them.

"He replied that the only possible assimilation would be by baptism into the Catholic Church; and without such baptism there was absolute incompatibility of mind, morals and character.

"The witness strongly denied that he had ever as a journalist discountenanced the coming of Jews into this province; indeed in his four years career as a journalist he had never interested himself as regards to the status of Jews in this country, and had never studied the question particularly.

"On being pressed, however, by Mr. Couture, he conceded that he had always advocated in l'Action Sociale keeping the Province of Quebec for French Canadians, and resented, in order to keep intact the French Canadian characteristics and religion, the invasion or assimilation of any foreign element whatever, without exception, 'as the Province of Quebec belonged to us.'

"Asked if he could give the text for the murder of Christians and debauching of Christian women in Terrac's library, and in other works, witness replied that he did not see any text to that effect, but cited a text from Mgr. Paquet's work in which it is stated that the Talmud says that a good Jew should curse the Christians at least three times a day and always consider Christians as brutes.

"Witness was asked what he had to say to the assimilation of the French Canadians with other nationalities; he replied that he desired the French Canadians to remain what they are in race and religion, as they are in their own country.

"Witness was asked if he had taken cognizance of the great meeting at the Mansion House, London, in favor of the Jews, which was attended by Cardinal Manning. He replied that he had heard of it, but knew nothing of the particulars.

"On being shown the British protest against the blood accusation brought recently against a Jew in Russia, signed by such men as Cardinal Bourne, Cardinal Logue and the Duke of Norfolk, the witness stated that he was ignorant of it, and that he could neither give his adhesion to it or discountenance it, as the question was too complex for him." (Gazette, May 22, 1913)

Father Nadeau

Abbé Jean-Thomas Nadeau, who was also on the staff of the Semaine religieuse, considered that the social revolutions in Europe were a Jewish effort to secure control of the disabled Christian societies, to climb to the pinnacle with the help of their servants, the Freemasons, and to put their feet on the throats of the Christians. (Action catholique, "En passant", May 16, 1919)

He saw the Russian revolution as the accomplishment of its Jews. "Their gold is probably no stranger to the events there. Their victory -- for it is a victory for them -- is a punishment for Russia. This power is plague from God." (March 17, 1917) At the Plamondon trial he gave evidence in support of the anti-Semitic lecturer.

"Abbé Jean-Nathan Nadeau, Professor of Greek and history, who had also studied at Levis in Quebec, was the next witness called for the defence, and said he had read the pamphlet containing the Plamondon lecture. The statements made in the lecture were facts of history, taken from the writings that had been taught him, and from histories he had studied. He had studied in the Catholic University of Lille, France and the facts alluded to went as far back as St. Jerome and St. Elphone, and were also chronicled in Voltaire's history, des Mousseaux, and at the time of Napoleon I.

"He spoke of a meeting at the Jewish synod, held at Warsaw, Poland, in 1590, at which, witness alleged, it was decided to strike out certain passages of the Talmud, that were said to have certain defamatory statements against the Christians, and the order was given to insert in the place where the passages formerly appeared a circle which would indicate to the rabbis what was meant, and they would teach their disciples the passages orally; so that all the anti-Christian statements which the defendants allege to have been taken from the Talmud have since that date not appeared in any Talmud. The witness proceeded to produce various works containing the accusations appearing in Plamondon's pamphlets, with the alleged reference to the contents of the Talmud.

"These passages are mainly in the works of Drumont, Abbé Charles and others. The passages referred to are alleged to be as follows.

"'The Christian is an animal; Christ was born in vice; kill the best of the Christians; do not return to the Christian his property.'

"Witness quoted from a lecture which was printed in Paris several years ago, in which the writer refers to the murder accusation, and quotes fifteen alleged murders for ritual purposes in various parts of the world, between 1875 and 1899 by the Jews.

"Under cross-examination, witness said that he did not know Hebrew, and had never read the Talmud. He could not state that Jesus Christ of Nazareth appeared anywhere in the Talmud. He admitted that all the works mentioned by him and from which he quoted opinions against the Jews did not bear the imprimatur of the Catholic Church. He could not say in what section of the Talmud the statements contained in Plamondon's pamphlet appeared, and did not know the meaning of the reference to the Talmud mentioned by him in the examination. Witness was handed two volumes of the Talmud and asked to point out a single place in which a blank was left and a circle placed, to indicate that something had been expunged. He replied that as he could not understand Hebrew it was useless for him to look at the Talmud.

"On being ordered by the court to answer the question directly, he said he saw no such circle. He added that he had read no books in favor of the Jew, as the libraries in Quebec contained no such works.

"Abbe Nadeau was recalled to the stand and he explained the meaning of the alleged charge of ritual murder. He stated that it was with reference to the alleged murder of Christian children by the Jews, in pursuance of their alleged faith. He could not however, state that the passage he quoted mentioned that the murder was committed for the express purpose of making use of the blood as was alleged."(L'Evénement, May 22, 1913; Gazette, May 23, 1913.)

Father Langlois

Father Langlois of the Séminaire testified that he had come across the charges in his readings, and quoted one passage in particular which seemed to confirm the alleged charge of Mr. Plamondon on the subject of Christ. He also quoted from Graetz, the Jewish historian, wherein the writer speaking of the Talmud says that its interpretation of law is very often superstitious and contrary to common sense. He had also seen articles, he stated, which confirmed the alleged charge of ritual murder.

"He admitted that he knew it as a fact that the Jewish question had always been a subject of much controversy, not only here but elsewhere. He had in mind among others an article on assimilation from the work of Mr. Bernard Lazare entitled L'Antisémitisme, wherein the Jew is spoken of as a creature unsociable and exclusive.

"Mr. Couture now undertook the cross-examination of the witness from the point of view of the plaintiffs.

"'Have you seen a translation of the Talmud in French?' asked the lawyer.

"'I have,' answered the witness. He had it in court with him. It was a translation made in 1831, consisting of two volumes. He could not say, however, that the translation was a complete one.

"'Have you ever seen either in the text of Talmud or in a pretended translation of the text the charges as laid against the Jews in the pamphlet, and can you swear that such accusations are taught them?' 'No!' answered the witness.

"'Have you read Graetz's work in its entirety?'

"'No.' 'Do you not know that he is very Semitic, having been a Jewish professor?' 'That may be.'

"The witness then admitted that he could not swear that the charges laid against the Jews were the identical ones he had heard of. Being ignorant of Rabbinical Hebrew, he had not studied the text of the Talmud."(Daily Telegraph, May 23, 1913)

Father Grandbois

Abbé Joseph-Emery Grandbois, professor of theology and Scriptures at the Grand séminaire de Québec, who had studied the Bible with the Dominicans at Jerusalem, spoke of different editions of the Talmud as varying because of excisions, a statement denied by Ortenberg.

He was a native of St.-Casimir where an anti-Jewish campaign was very active at this time, he was 41 years old at the time of the trial. He studied at Nicolet and at Quebec and was ordained by Bégin on May 10, 1896. Later he studied in the Bible school of the Dominicans at Jerusalem. He was accorded a doctorate in 1896 and was named professor of Holy Writ at the University at Quebec. He formally signed the Nihil obstat for the second edition of Paquet's Le Droit public de l'Eglise.

Abbé Grandbois affirmed the anti-Jewish conclusions in the Encyclopaedia Catholica.

In a general way, he said, we find in Catholic, Protestant and even Jewish writings comments about Jews and accusations of insulting Christ, and cited the ritual murder charges against a Jew in Kiev.

He quoted the convert-from-Judaism Father Drach to the effect that the Talmud contains sentences hostile to other religions, and interpretations of the law which are subtle, strange and contrary to common sense and reality.

"He mentioned that a revision of the Talmud, made at Basel, dealing with idolatry, had been suppressed, and no longer appeared in the Talmud. He quoted work by Abbé Lagrange entitled Le Messianisme chez les juifs as containing a similar statement, and further a passage from Travers Herford, indicating that rabbis had insulted Jesus Christ and His Mother. He also quoted Graetz as saying that the Talmud was written by many authors and contained many matters showing superstition and opinions on futile matters.

"The witness next mentioned Isaac's article on the Talmud and the Encyclopedia Americana, a French work called Questions actuelles, and another French work dealing with the blood libel. He quoted Bernard Lazare, a French Jewish writer, to the effect that Jews are exclusive and do not freely assimilate. Cross-examined by Mr. Couture, but nothing special was elicited." (also Soleil, May 23, 1913)

Counsel Cannon

The press reported,

"Mr. L.A. Cannon, associate of Jacobs, made a very powerful argument in reference to the evidence adduced at the hearing. He dealt especially with the testimony given by Rev. Dr. Abramowitz and his expert knowledge of the Talmud as a rabbi of the Jewish religion, and his emphatic denials of the charges made against the Jews in the lecture given by the plaintiff, Mr. Plamondon.

"He dissected the evidence and laid special attention to the expert testimony given during the hearing by Abbé d'Amours, Nadeau and Grandbois, who admitted under cross-examination that they know nothing of the Talmud, except the knowledge they had gathered from books published against the Jews by authors and commentators who had not established their charges by actual study of the Talmud.

"Mr. Cannon quoted in support of his argument the protests of various popes, cardinals and Catholic bishops against these charges, which had been written and published in earlier times to influence the passions of the ignorant masses against the Jewish religion and its adherents, that were provocative of race and religious hatred that often led to massacres."

The Ortenberg team was assisted by young counsel Louis Feiczewicz who became a noted figure in the years ahead in law and in community leadership under the name of Louis Fitch.

"Mr. Louis Feiczewicz, a native of Quebec, was the next to address the court. He spoke in English, and made a most eloquent presentation of the case.

"Mr. Feiczewicz said that he was born in Quebec, of Jewish parents, and was educated in Quebec, where he passed his boyhood days, and had nothing but the happiest recollections of his boyhood and of his native city.

"He was a Jew in religion, a native of Quebec, and naturally took a deep interest in the case, more especially as he knew that the charges made against his co-religionists were untrue and malicious in their falsity.

"His relations with the people of Quebec, when he lived among them, were most cordial; and he was deeply moved to think that now a discordant element had come forward to disturb the kindly relations by charges that were false and calculated to awaken the worst passions of a people against a race that had lived in the throes of prosecution from time immemorial, who were now respectable citizens of Quebec, and who sought to win the esteem of their fellow men in this free Canada, the land of their adoption.

"In feeling language Mr. Feiczewicz pleaded the case of the Jews, and dwelt at some length on the evidence adduced by the witnesses for the defence, charges which were proven in cross-examination to be fabrications written by authors who in no instance did, or could, show their authority for their false accusations on the Talmud." (Press report of the trial)

S.W. Jacobs Speaks

On May 23, 1913 Samuel W. Jacobs, counsel for the plaintiff read an address before the Superior Court at Quebec which is of great historic interest.

Of course it was an important statement in the case which was a landmark in the history of Canadian decency, equality and rights. But equally important, it spelled out the social philosophy of the Jewish community of Canada, and particularly of that articulate and deeply rooted sector of the community of which Jacobs was a leader, represented institutionally at the period by the Baron de Hirsch Institute of Montreal.

It deserves careful reading not only as the justification in law of the plaintiff's case. It was the cri de coeur of a people passionately aware that it was coming to live a new life in a new world where the dreams of the individual Jewish citizen and the common dream of the group could be realized, and this in an age when mankind so vitally required it.

This society was spiritually devoted to this good dream, a profound vision not alien to its annals.

Suddenly this young Jewish group became aware that, juxtaposed, there were villainous bearers of the most vicious hatreds from the old world spreading their lore among the populace of the same province; and this with an authority, articulation, learning, with a unanimity and an effectiveness all too vividly evocative to Jewish sensitivity.

Quite aside from the sin of comparing the purely ugly with a more libertarian statement, it may be said that formally the Plamondon pamphlet and that containing the Jacobs address in the joint cases of Ortenberg vs. Plamondon and Lazarovitch vs. Plamondon (Montreal Jewish Times Publishing Co., October 1931, 31 p.) are perfect representations of two opposing positions of which one will always be considered diabolical.

The Address

In his address of May 23, 1913 Mr. Jacobs, K.C. stated,

"I am sure that none of the parties who have participated in this case are dissatisfied that it has now reached its termination.

"We have been engaged before this Court for the past week in discussing matters of a most unusual nature, which, fortunately, do not come before the Court except at long intervals.

"This is not an ordinary case by any means. It is one where a great deal of passion might have been engendered between the parties. On our side, we belong to one religious persuasion, the Counsel in the case, the witnesses in the case, and the plaintiffs in the case. On the other side, another religious persuasion is arrayed against us. But I think it will be at once admitted that this is not a case between Roman Catholic on one side and Jew on the other. It is an action in damages for libel, and the rules provided by the laws of this country must be applied in this libel case, as in any other case of the same nature.

"The law upon which we rely, and upon which we say that judgment must be rendered in our favor, is Article 1053 of the Civil Code, which provides that: every person capable of discerning right from wrong is responsible for the damage caused by his fault to another, whether by positive act, imprudence, neglect or want of skill.

"If we have shown that Plamondon and Leduc, the defendants, have done something which has injured the plaintiffs in this case, whether these plaintiffs have been mentioned directly by name or implicity, then I say that we are entitled to judgment.

"Now, I submit, it has been clearly shown that both Plamondon and Leduc are able to discern the difference between right and wrong. They are intelligent men. One of them belongs to the legal profession. He belongs to an important branch of the legal profession, that is, the notarial profession, a profession which teaches men to be careful, which teaches men to see that, before they put their signatures to any document which renders it authentic, that it shall be truthful, that it shall be clothed with all the formalities required by law, because a document of that kind lives long after the notary public, who has put his signature to it, is in the dust.

"And then we have the printer, the other defendant, the man who circulated this story. He knows something concerning the law of libel. It is part of his business to know it, because printers are before the courts every day, charged with making reckless statements, and, if any person ought to know something of the law of libel, it certainly is the printer, even if he knows nothing else.

"So that both these gentlemen, I think it will be assumed, know the difference between right and wrong, as the Code puts it. In any event, there is a presumption in their favor.

"The Article of the Code then goes on to say that the party who is able to discern the difference between right and wrong is responsible for the damage caused by his fault to another.

"Let us see, therefore, if there has been any damage done in this case. Has there been any damage proven?

"It will be unnecessary for me to go into the facts at any length, because your Lordship, sitting on the Bench, was able to follow the evidence very much more clearly than the Counsel, whose attention is divided between the witnesses in the box, the clients at their side, and lastly, their opponents, keenly anxious that the interests of their own clients shall not suffer by any inadmissable questioning of witnesses, and so forth.

"We have here, in the City of Quebec, about seventy-five families of Jews. Practically the entire City of Quebec is, therefore, Christian. At any rate I hope it is. And these gentlemen, the defendants evidently fearing that some great danger threatened them in this City of Quebec, thought that it would be wise to warn the parishioners of St. Roch's that there was a danger in their midst, which ought to be guarded against; that there was a cancer eating into their vitals which ought to be removed; that there was a disease in the City of Quebec which could be cured only by baptism, and in order to accomplish their object they considered it necessary to circulate in this free British country the most atrocious slanders, and outrageous statements which were supposed to have been buried in medieval oblivion, but which were resuscitated, as your Lordship probably knows, during the famous Dreyfus case, that almost wrecked the great French republic; and your Lordship will remark that most of the books, which were cited here before this court--to the production of which was so strenuously objected on good, legal grounds, were published in Paris during the time the Dreyfus case occupied the attention of the country, to the exclusion of everything else.

"I have only to mention two of the books which were exhibited to the Court, called Le péril Juif, published in Paris in 1898, when the excitement was at its height, to give the Court an idea of the class of literature upon which the defendants rely to prove their case.

"We are told that, inasmuch as these books were published and used at one time in France with some effect, that such matters are the subject of legitimate controversy in Quebec, where at this time seventy-five respectable families have been living for some years.

"While I readily admit that the remarks which were published by Plamondon and Leduc are reproductions of slanderous and libellous statements made in France during the Dreyfus case, I claim that these men cannot escape responsibility by declaring that they published in good faith what they read in these books. 'We don't know whether these things are true or not.' they said. 'We don't know the Jewish people of the City of Quebec. We simply read certain books written by Edouard Drumont, and others of that ilk, and basing ourselves upon these statements, and believing that they were true, we thought we are justified in delivering and publishing the lecture in question.'

"Now, who are Plamondon and Leduc? Are they connected with the church? Are they members of the Roman Catholic priesthood? Are they theologians? What are they?

"To my mind, each wishes to constitute himself a modern Godfroi de Bouillon,a twentieth century Crusader, an up-to-date Peter the Hermit, crying from the housetops that the faith is in danger, and that Jerusalem must be saved at all costs. The similarity ends there, for while the early Crusaders were backed up by the Church; when they preached the necessity of Crusades against the infidel, the whole world listened, the result being that the church was enabled to pour its armies into Jerusalem to rescue the sepulchre from the heathen. But in the present instance, I fail to see that the church is supporting these gentlemen in their 'holy' work. It is true we had before us in Court as witnesses, three clergymen of the Roman Catholic Church, gentlemen for whom I have a certain respect, connected with Laval University, the university of which I have the honor to be myself a graduate. They were brought here mainly as experts, (at least I fancy they were) upon the Talmud, to prove that the statements made in the lecture in question were to be found in that work.

"Abbe D'Amours,the first witness examined, tells us that he is a journalist and that he pays some attention to matters affecting society; and we were somewhat interested to see how he would dispose of the questions which arise in this case, as to the teachings of the Talmud, because, after all, your Lordship, when the matter is boiled down it amounts to this: Is there anything in the Jewish belief or in the Jewish ritual which is antagonistic to Christianity or not? Is there anything in the Jewish belief or in the Jewish ritual which would force the Christian community to take measures which the defendants said should be adopted against those professing the Jewish faith?

"We filed in the case--it forms part of the record--a copy of the Talmud, which Abbe Nadeau said has been called a monster; this 'monster' was put in the case. We placed on the stand a learned rabbi from Montreal, who was brought here to instruct us in the case. And we said: Do you know anything about this book? and his answer was: I have studied that work since I was eight years of age; for twenty-five years I have studied that book, and I wish to tell the Court, under the oath which I have taken, that there is absolutely not one word of truth in the statements made by the defendant Plamondon concerning that book, in his lecture of the 30th of March, 1910.

"Your Lordship could not fail to remark how Dr. Abramowitz was cross-examined by my learned friends on the other side. They examined him as if they were treading on thin ice. They were aware they were in the presence of a man who knew what he was talking about, who had made a special study of the Talmud, and who was able to state what it contained, from cover to cover.

"My learned friend, Mr. Lane, who has the distinction of being one of the best known lawyers in this Province, simply asked him a few questions as to how the Talmud is divided; the divisions of that great work, what is the Mishna, what is the Gemarrah and a few other generalities. And when he had asked him these questions the cross-examination was at an end. Other questions were put to Dr. Abramowitz by Mr. Bedard to ascertain whether certain portions had not been expunged during the mediaeval ages; the object of Mr. Bedard's questions being to show that the work formerly contained the incriminating passages but that it was found expedient by the Jews of former days to suppress the most offensive portions. But I would draw your Lordship's notice to the fact that the defendant Plamondon stated succinctly that the Talmud 'contains' these passages and not that they have been expunged, but when he found that he could not substantiate that, his Counsel cross-examined our chief witness, in this form: 'Is it not true that there are blanks in the Talmud, which blanks represent certain expurgated matter, which was removed in the 15th century?'

"So that these defendants are now in a predicament; for if the Talmud does not now contain the statements made by Plamondon, what becomes of their charge? The ground is absolutely removed from the underneath their feet.

"But he says: The Talmud formerly contained the obnoxious matter. He attempts to swap horses when cross-examining the stream, and he tells us: Well this was in the Talmud in the 15th century; it is not there now.

"We might have answered: Therefore your case is not proven; but we did not. We said: What the Talmud contained in the 15th century, it contains to-day; there are no excisions, no suppressions, no charges; what it was in the 15th century, it is to-day, the same it has been at all times.

"Now, if the matter complained of were ordinary statements of a merely controversial nature, of a polemical description, matter for theological discussion, does the Court think that we would have been here to have a trial on the question of our religion or on the question of what we teach? Certainly not.

"We are here because of the scandalous and dastardly statements contained in this pamphlet, which we say is liable to produce a breach of the peace, if the people who listened to this lecture believed them. Because, I say frankly, that, if these statements, made by Plamondon are true, then the Jews have no right to live in any civilized country in the world; they ought to be thrown overboard from the ships on which they cross the Atlantic; they ought not to be received among respectable and law-abiding citizens, because they are a danger to the security, the life and the property of every citizen in any part of the world in which they are to be found; but it is to show that these charges are abominable falsehoods that we are before the Court, and we ask the Court to examine our books and our teachings, examine these charges, examine these depositions, and say after listening to the evidence whether the charges made by this man are true or whether they are not malicious and slanderous libels for the publication of which the defendants ought to be held amenable to the law.

"I want to draw your Lordship's attention to this curious fact; there is not one crime of serious nature mentioned in the Criminal Code, which is not charged to this community in Quebec and to the Jewish people in general. Every crime in the Criminal Code, that is sufficiently serious, is imputed to Jews. They start off with murder, and not ordinary murder; because after all, a Jew may sometimes kill a Christian and a Christian can kill a Jew; that would not be an extraordinary matter; but in order to make it more dangerous, in order to stir up the passions of a respectable and of a pious community, we are told by these 'great' men that the Jews require the blood of innocent Christian children for the Passover festival, and this was stated at a meeting given under the auspices of a religious society connected with the Catholic Church.

"Mr. Bedard, in the course of his cross-examination, referred particularly to the fact that similar statements had been made in Europe, and that they had never been refuted. I think he has filed in the record a book on the cover of which it is stated that, the writer or publisher agreed to pay 10,000 francs to any person who can disprove these statements. Well, now, if they have never been taken up before, they are taken up to-day in this Court of Justice, in this ancient city of Quebec. We challenge Mr. Bedard, or Mr. Plamondon, or

Mr. Leduc, or any one on the other side to prove that these statements are true. We don't need the 10,000 francs; we have all the money we want. But it is the good name, the fame and reputation of an entire community that is at stake and to vindicate which we are here to-day.

"I can only liken the defendants to a dangerous class of criminals who are attempting to make away with something we hold sacred. It is not our property they are stealing. We don't charge them with being the ordinary garden variety kind of thieves. But we charge them with attempting to steal something more precious than our property, and that is our reputation. And in this connection, I would like to say a word or two about one of the Abbes here yesterday, an expert on the Talmud. When he came into the box, he was good enough to file a copy of Shakespeare, as applying against us. Well, now, if he had read his Shakespeare thoroughly -- and I have no doubt he has -- he knows that there is a passage somewhere to this effect:

"'Who steals my purse steals trash;
'tis something, nothing;
'Twas mine, 'tis his, and has been slave
to thousands;
But he that filches from me my good name
Robs me of that which not enriches him
And makes me poor, indeed.'

"That is what Shakespeare said; and never could it be more properly applied than to the case at present under review.

"The defendants come before the Court to-day and ask for a dismissal of this action, because they say they have evidence to the fourth or fifth degree that these charges are true. I will refer, in a few moments, to the kind of evidence which they have adduced to substantiate their charges.

"After charging Jews with the murder of Christian children, for ritual purposes, they go on to say that it is considered a pious and virtuous act to debauch Christian women; these are two fairly serious charges. Your Lordship knows that, under the Criminal Law any one of these charges, if proven, would have the effect of condemning the accused to death.

"There is a third crime for which the law provides life imprisonment and this is arson, setting fire to buildings, and we were a little surprised that the lecturer did not credit this also to the Jews in his famous or infamous address. He must have overlooked it, however, for we find after he has been sued, and after he files his defence to the suit, he coolly tells us in paragraph 19 of his plea that fire insurance companies in Quebec refuse to insure Jews, so that the omission to mention this serious offence is thus corrected and Jews are declared to be guilty of all the serious offences provided against by the law of this country.

"We are charged with murder -- and not on an ordinary kind of murder, as I have just pointed out -- we are charged with rape -- we are charged with setting fire to our houses.

"I would draw your Lordship's attention to the paragraph in the plea which says that, in the City of Quebec, insurance companies will not insure Jews. Last night, when the Court rose, we were told that the only witness they would have this morning would be an insurance agent, who would swear that Jews are not insured in Quebec, but we have just been told by the defence that it has closed its case, without any proof being offered on this count.

"There has been no attempt made to prove that. Why has there been no attempt? The defence have failed to make any proof whatever concerning this serious allegation, because it was impossible, because it is a lie, a fabrication, cut out of the whole cloth. The charge was a sort of 'arrière pensée,' an afterthought. I almost fancy these gentlemen went through the entire Criminal Code before preparing the lecture. They took the most serious offences found in the law, and charged them up against us. But evidently they overlooked the offence of arson, and when drawing their defence, discovered the omission, and they must have said so themselves: 'We may as well throw this in too,' and that is why we see in their written and formal defence the statement that Jews set fire to their premises. When they found that the charges were not sufficiently complete, inasmuch as the Criminal Code referred to arson, about which the lecture is silent, they said: 'We will also throw that in for what it is worth.'

"What is your Lordship to say of the mentality of men who will do anything of the kind?

"Had there been anything of that nature in the City of Quebec, it would have been an easy matter to prove. Surely no honest and respectable man would come and charge his fellow-citizens, in a pleading before the Courts, in a formal way, with an offence of this kind, unless he had personal knowledge or information from a proper source that insurance companies do not write fire risks for Jewish applicants.

"When we asked Mr. Montefiore Joseph whether he had any difficulty in getting insurance, he simply smiled. I thought that possibly there might have been some Jew in the City of Quebec who had been refused insurance, because, after all, we have to give the Jews the right which every class has; we have the same rights as other citizens, among which is the right to commit offences if we so wish. There would be nothing at all surprising to find some one who has been refused by insurance companies in the City of Quebec.

"Now, the very fact, my Lord, that there has not been a word proven on the witness stand to that effect, would show clearly that every Jewish citizen in the City of Quebec has a right to be insured, and is insured.

"This statement is just as scandalous and as false as the others. Perhaps, worse, because Plamondon can state: 'In the other matters with which I charge you, I obtained my information from Drumont. I found it in this book or in that book. I was acting in good faith.' but when he makes a statement that Jews cannot secure fire insurance, and does not attempt any proof to substantiate it, we see that it is a base falsehood, for which he ought to be held responsible, if for nothing else. He must stand convicted not only before this Court, but in the eyes of the community, as a foul and malicious slanderer and libeller, and held amenable to the law for his recklessness and mendacity.

"With regard to this blood ritual charge, my Lord, we have had here books before us on the question, but we have not had a tittle of legal evidence from any one of these gentlemen to prove the truth or the veracity of this charge. We have shown the defence on the witness stand various Bulls, published at different times by the Papal authorities, concerning the fearful accusation against an entire race, protesting against their truth, in the vernacular and they were obliged to admit that these Bulls are quite correct and authoritative.

"We have produced and filed the Catholic Encylopaedia which your Lordship knows is a monumental work, published by the Catholic Church in the United States, with the imprimatur of Cardinal Farley, Archbishop of New York, and I notice on the title page of each book, this further statement : 'Nihil obstat! Remy Laforte, Censor.' Evidently every article has been censored by somebody in authority.

"The list of contributors contains a large number of gentlemen of the Roman Catholic Church, prelates, priests of the Society of Jesus and other ecclesiastical authorities. I invite the Court's inspection of this work.

"In order that your Lordship may see how the head and princes of the Roman Catholic Church have always looked upon this charge of ritual murder, made against the Jews, you have to go back to the year 1250, and you will find that the people in authority in the Roman Catholic Church even in those days were more tolerant and less bigoted than intelligent men in the City of Quebec in the 20th century.

"I do not intend to read to the Court the article in question, which is to be found under the title 'Jews,' at page 336, and continue on to page 404 of volume 8. I merely wish to read a portion of the Bull of Innocent IV cited in that article.

"Writing to the bishops of France and of Germany, the latter Pontiff says: 'Certain of the Clergy, and Princes, Nobles and Great Lords of your cities and dioceses, have falsely devised certain godless plans against the Jews, unjustly depriving them by force of their property, and appropriating it themselves; -- they falsely charge them with dividing up among themselves, on the Passover, the heart of a murdered boy. In their malice, they ascribe every murder wherever it chance to occur, to the Jews. And, on the ground of these and other fabrications, they are filled with rage against them, rob them of their possessions, without any formal accusation, without confession, and without legal trial and conviction, contrary to the privileges granted to them by the Apostolic See. They oppress the Jews by starvation, imprisonment and by tortures and sufferings, they afflict them with all kinds of punishments, and sometimes even condemn them to death, so that the Jews, although living under Christian princes, are in a worse plight than were their ancestors in the land of the Pharaohs.

"'They are driven to despair in the land in which their fathers have dwelt since the memory of man. Since it is our pleasure that they shall not be disturbed, we ordain that we behave towards them in a friendly and kind manner. Whenever any unjust attacks upon them come under your notice, redress their injuries, and do not suffer them to be visited in the future by similar tribulations.'

"Then the writer of the article goes on to say:

"'The protestations of the Roman Pontiffs do not seem to have been heeded in the Christian states generally. In 1254, nearly all the French Jews were banished by St. Louis from the King's domain.'

"Continuing, the article speaks of the conditions of the Jews in England, at that time.

"The whole question is most ably discussed in this encyclopaedia, which, I imagine, would be authoritative for my learned friends, inasmuch as it has the imprimatur of the proper authorities.

"Now, I do not propose to take up 'seriatim' the various charges contained in this declaration, but just simply wish to refer to a few of the most important.

"'Ceux qui suivent Jesus-Christ sont des idolatres.

"'Jesus-Christ est un idole, engendré dans le vice et dans l'adultere.'

"The defendants say the Talmud contains these charges and many more, and you must have expected, my Lord, that there would have been some one here for the defence to point out the chapter and verse, where these charges are contained. It is true that none of these gentlemen, who have given testimony in this case have any deep knowledge of Hebrew. Abbe Nadeau is brought here as a professor of history, I understand. If I can gather from what he says, he would be a much better professor if he were receiving more that $100 a year, and could buy books. But, he said: 'I only get $100 a year, and I am unable to buy books, consequently I am at a disadvantage.' I agree that he is at a disadvantage. A man who gets $100 a year cannot buy many books, but a man who gets $100 a year, I should fancy, could divide up that money in such a way that he would buy books dealing with both sides of the question. Instead of buying four or five on the one side, why not purchase, say, two books on one side and three on the other? But he saves up to buy them all on the one side, and he comes here and tells us one side, because, I suppose, he felt that if he knew both sides, he might find himself in a state of equilibrium, and unable to give strong enough testimony for the side which subpoenaed him.

"He said: 'I know what the other side pretends, because I read it in my books, my anti-Semitic books.' He tells us this, bluntly and cooly, this professor of history, who was in the box yesterday. It is as if I were to put forward in my factum, my case before the Court, as I understood it and in order to discuss the evidence it would be necessary for me to refer to my opponent's case, as I also understood it, and certain portions of my opponent's case would thus appear in my factum. I might then say: 'It is useless for the Court to read the other factum, because the matter involved is contained in my own factum. It is unnecessary for you to have the other'; that is exactly the position in which the learned Abbe is.

"He exhibits several books here. We admit that the books are strongly anti-Semitic. He says the references to the Talmud are contained in the foot notes. He proceeds to tell us what these references are. He does not even know what the abbreviations signify. He does not even know what the phrases mean. He knows absolutely nothing concerning the Talmud, except what has been written in these books against it.

"Now, what proof have we before this Court, my Lord, that the parties who wrote these books know any more than the Abbe Nadeau or the Abbe d'Amour, or the Abbe Grandbois?

"Tomorrow our good friend Abbé Nadeau might write a book about the Talmud. He no doubt feels qualified to do so because he is pretty well 'renseigné' on anti-Semitism. He might write a book, I say, and he might reproduce these very same statements made by Drumont, Abbé Charles, Abbé Lagrange and Abbé Delassus. He might reproduce it word for word even to the foot notes, and to the various references about which he could give us no information on the witness stand.

"Next year, let us say, that in St. Louis, or in New Orleans, or in San Francisco, there is a trial of this kind going on. The parties in the case will go to their libraries; they will find a book there by the Abbé Nadeau, of the Seminary of Levis, one of the oldest and most ancient of the colleges in the Province of Quebec, and they will say: 'Why, here is a book from a man who knows something; here is a work of a man who lives in the Mother Diocese of all America. We will take that book, and we will go into Court, and we will say: 'We know nothing about Hebrew, or the Talmud, but we have read what the Abbé Nadeau says; we have studied Abbé Nadeau, and we refer you to that learned author.'

"And if they are asked: 'What are these references? Have you ever read the original?' 'No, we have not; but we have read what the Abbé Nadeau said. The Abbé Nadeau is a great man, and he must know what he is talking about.'

"It is just for the purpose of avoiding such spurious evidence that the law has declared that secondary proof must never be allowed, when authentic records can be referred to. For that reason, the law has ordained that, when the veracity of a certain document is put into question, we must have before the Court people who can speak with authority on the matter, and not those who only learned of it in the fourth, or fifth, or sixth degree.

"Now, it is the same with the Abbé d'Amours, who is intelligent, and, I doubt not, an able man, in his own profession. I could not but admire the way in which he gave his testimony in the box, a man of the world, a journalist, and, I hope, a conscientious priest. He told us: 'I know nothing at all about Hebrew, absolutely nothing, but these are matters of polemical controversy, and consequently we can discuss them; they are matters that are interesting the world over.' But we say, polemics must be conducted in a decent and respectable manner; there must be decent controversy, as the law says, when we are publicly discussing any matter.

"The Criminal Code, for instance, Section 198, gives the definition of blasphemous libel:

"'Everyone is guilty of an indictable offence and liable to one year's imprisonment, who publishes any blasphemous libel. Whether any particular published matter is a blasphemous libel or not is a

question of fact; provided that no one is guilty of a blasphenous libel, for expressing in 'good faith and in decent language,' or attempting to establish by arguments, used in good faith and conveyed in 'decent language,' any opinion whatever upon any religious subject.'

"That is the Criminal Code on the nature of blasphemous libel, and the same rule applies to the civil as to the criminal law.

"So that, even if the defendants were acting in good faith, it is for the Court to decide whether, when they published the lecture, decent language was used, such as the law declares must be employed when discussing such matters.

"Lord Chief Justice Coleridge, in the case of the King vs. Ramsay and Foote, (to be found in 15 Cox Criminal Cases, 231), decided that the publication of any matter, which has reference to God, Jesus Christ, the Bible or the Book of Common Prayer, intended and calculated to wound the feelings of mankind, or to excite contempt and hatred against the church or religion, or to promote immorality, is blasphemous; but that matters couched in decent and proper language and published and intended in good faith to advance religious opinions, which the publisher regards as true, are not blasphemous merely because their publication is likely to wound the feelings of those who have contrary opinions, or because their general adoption might tend by some lawful means to alterations in religion or in the constitution of the church. 'If the decencies of controversy are observed,' said the Lord Chief Justice, 'even the fundamentals of religion may be attacked, without a person being guilty of blasphemous libel.' I do not think there will be very much difficulty in coming to the conclusion, after reading this famous 'conférence,' that the language that has been used by Mr. Plamondon is the reverse of decent.

"Abbé d'Amours said that he discountenanced attacks upon Jews, that is, he was strongly against depriving them of their property or doing them any bodily injury, and he would be one of the first to discountenance it.

"Now, I ask your Lordship, do you consider that, if the community of St. Roch's came to the conclusion that these charges made by Plamondon were true, that they would simply sit idly by and allow these people to live amongst them? That, I think, is a fair proposition. The answer to it is: If the Christian inhabitants of St. Roch's believed these charges to be true, and were convinced that Jews practiced a religion which ordered them to commit such offences, is it not reasonable to conclude that they would and ought to take the most stringent means of ridding themselves of such a danger lurking in their midst? History, unfortunately, has shown what happens when an ignorant mob, whose feelings have been worked upon by demagogues, rises in fury against a handful

of people who may not partake of the religious views of the majority, especially when the rabble are told that the work of putting to the sword those who are helpless is a holy work and one which is bound to bring its reward.

"I referred a few minutes ago to the action taken in past days by the Papal authorities to prevent outrages by ignorant mobs against the helpless Jews, and to the protection extended to Jews by the Roman Catholic Church, and I think I can convince the Court that the Church still holds the same humane views with regard to the 'ritual murder' accusation as it did in earliest time.

"Only recently, the modern world was stirred to its depths by a 'ritual murder' accusation, identically similar to those of mediaeval days, made in Russia, against Jews, under circumstances which would go to show that the Russian peasant is being taught to believe that Jews require the blood of infant Christian children for the Passover festival.

"The Russian people are very pious, and, perhaps, they differ in that respect from people of other countries, for they are both pious and bigoted, and when this trumped up charge of ritual murder was formally made by the Russian authorities, it was felt throughout the world that unless some campaign of education were made, to correct the impression gained, with regard to this outrageous charge, massacres of Jews would result, and thousands of innocent people either put to death or driven from their homes. It was, therefore, decided by leading non-Jews, Christian theologians, men of letters, scientists, politicians and others throughout the world, to publish joint protests, pointing out that this was ohly another attempt to revive in the City of Kieff an accusation which had remained buried for centuries, but which seemed to come to life in the twentieth century. as vigorous as when it first showed its face in the twelfth century.

"With the Court's permission I will read one or two of the protests which were given wide publicity in the press last year. Every country in Europe joined in the movement. This is the British protest:

"'We desire to associate ourselves with the protests signed in Russia, France and Germany by leading Christian theologians, men of letters, scientists, politicians and others against the attempt made in the City of Kieff to revive the hideous charge of ritual murder-known as the 'blood Accusation'-against Judaism and the Jewish people.

"'Animated by the sincerest friendship for Russia, we can have no idea of meddling with the domestic concerns of that country. Much less do we wish to prejudice in the slightest degree the course of the criminal trial with which this accusation has become identified. In the terms of the published protest of our Russian colleagues and friends, and in their intimation that they welcome support from other countries, we have the best assurances that our motives will not be misinterpreted.'

"'The question is one of humanity, civilization and truth. The 'Blood Accusation' is a relic of the days of witchcraft and black magic, a cruel and utterly baseless libel to the churches in whose name it has been falely formulated by ignorant fanatics. Religious minorities, other than Jews, such as the early Christians, the Quakers, and Christian missionaries in China, have been victimized by it. It has been denounced by the best men of all ages and creeds. The Popes, the founders of the Reformation, the Khalif of Islam, statesmen of every country, together with all the great seats of learning in Europe, have publicly repudiated it.

"'It is the more necessary that these testimonies should be renewed, because, among the ignorant and inflammable populace of Eastern Europe, the 'Blood Accusation' has often given rise to terrible outbreaks of mob violence against the Jews, and there is grave reason to fear that its present resuscitation may, endanger many innocent lives in the crowded Jewries of the Russian Empire.'

"The document is signed by the Archbishop of Canterbury, first; secondly, by the Archbishop of York; thirdly, by Cardinal Logue, Archbishop of Armagh and Primate of all Ireland; fourthly, by Francis, Cardinal Bourne, Archbishop of Westminster; fifthly by the Duke of Norfolk; sixthly, by the Duke of Northumberland; then follow the names of Lord Roseberry, Lord Selborne, Lord Halsbury, Field Marshal Lord Roberts, Lord Cromer, Lord Liandaff, a prominent Roman Catholic, (who, your Lordship will remember, before he was raised to the peerage, was Sir Henry Matthews, Home Secretary during the trial of Mrs. Maybrick; he died a few weeks ago), Lord Milner; all the bishops of the Anglican Church; all the judges of the High Courts in England; Justice Cozens-Hardy, Master of the Rolls; the Lord Chief Justice, and so on, page after page of the leading people in England, and among them I notice our own Sir Wm. Osler.

"Your Lordship, we all know of the alliance between France and Russia, which has existed for some considerable time. One would fancy that, for diplomatic reasons, important people in France would not wish to be quoted in an affair of this kind, but this is what the French protest contained:

"'The undersigned, friends of Russia, and strangers to Judaism, denounce to public opinion the absurd accusation of ritual murder brought against the Jew Beilis, of Kieff.

"'They affirm as follows:

"'1o. That, so far from requiring blood for its rites, the religion of Israel prohibits its use both for ceremonial purposes and for food, and that, this absolute prohibition is rigorously respected by all the Jewish sects.

"'2o. That in all ages and in all countries, religious minorities have been victims of this same calumny--the early Christians under the Roman Emperors, as well as quite recently the missionaries in China.

"'They express the hope that such accusations may no longer find credence in any civilized country.'

"And that is signed by Anatole France, Henry, de Regnier, of the Académie française,and scholars and members of the institute, professors at the College de France, the Sorbonne, and the Ecole Normale Supérieure, and, in fact, all the leading professors at all the universities in France.

"Mr. Bernard. -- What is the date of that protest?

"Mr, Jacobs. -- May 10th, 1912.

"Mr. Bedard. -- Two years after the action.

"Mr. Jacobs. -- Two years after the action. They thought it necessary that some step should be taken of this kind, when they found that such statements were still being made, and by intelligent people, in different parts of the world.

"Rev. Canon Scott, (at page 2 of his testimony), is asked the following:

"' Q. -- In this pamphlet, there is a further statement in connection with ritual murder, in which it appears that Christian children are killed by Jews for the sake of their blood for ritual purposes. What do you say to that?

"'A. -- I have to say this. It gave me a nice feeling. I am an archaeologist and I like old-fashioned things, and I find more old fashioned things in Quebec than I do anywhere else. This old-fashioned idea died out in the Middle Ages. It was preached against by Popes, by Cardinals, our own Archbiship of Canterbury and Cardinal Vaughan, I believe, and the Duke of Norfolk, who is a Roman Catholic, have all signed the paper, saying that it is nonsense; that it is not true. It

pleased me in one way as an archaeologist, because I found surviving in Quebec, very ancient -- just like an old house, you are pleased to look at it, but as a human being, I am very sorry it was made. I think it is a terrible thing to revive these old charges.'

"Now, I think I have pretty well convinced the Court that charges of this nature do not even deserve the dignity of the word 'absurd,' as attaching to them. They ought to be dismissed from the minds of intelligent men. I am sure that this trial will do some good, if it will bring to the attention of the citizens of Quebec the knowledge that no person, outside people of the Plamondon and Leduc stripe, believe such nonsense. Some of those who may have had ideas of the kind will see that they have been treated to stories and tales, the falsehood of which has been exposed as far back as the thirteenth century, and only revived during the past few years for reasons I have already mentioned.

"The people who are responsible, as I said, for these accusations are men who are no friends of the Jews in France. Your Lordship will notice that every one of the books produced here is a French book. I think there was one book translated into French from the German. There were eight or ten books exhibited which were French.

"There are but 100,000 or 150,000 Jews in France; there are 11,000,000 of Jews throughout the world, living in every part of the civilized world. How is it that, if these charges are true, they should only be limited to France, and that they should only be published during the Dreyfus affair? How is it that in London there has not been a single book of the kind published? How is it that in the whole of the United States we do not hear anything of that kind? How is it that in Austria, Italy and Turkey we do not hear anything of that sort? It was only in France during a certain decade, during the decade of the Dreyfus case that we heard of it. It is unfortunate that these books of Drumont should be permitted to be published. They should be put on the proscribed list, and not permitted to enter into this country, because they stir up people against their fellow citizens.

"I have here in my hand a little paper called L'Etudiant, published by the students of the University of Laval, in Montreal. In its issue of the 8th of November, referring to the influx of Jews into this country, the following statement was made:

"'Et au bout de cinquante ans, comme dit Drumont, il n'y aura plus de Canada, plus de société, plus de famille. Il n'y aura que des prostituées, des cabotins, des pornographes, des financiers véreux, des politiciens tripoteurs, des maitres-chanteurs.'

"As a graduate of Laval, I felt it was my duty to bring this matter to the attention of the head of the college. This article was published on the 8th, and a few days later I wrote the following letter to Mr. Justice Mathieu, who is the Dean of the Law Faculty:

"'My dear Judge:

"'As a graduate of Laval University, and one of your former students, may I ask that you interest yourself in the matter of the publication of L'Etudiant, a newspaper which calls itself the official organ of the students of Laval. Last Friday's issue contains two columns devoted to a scandalous attack upon Jews.

"'I know Laval students well enough to be sure that the writer does not express their views, and I feel that the unwarranted attack upon people of my race was rather the work of some outsider, who unfortunately was able to secure the publication in the paper of these vile and slanderous statements.

"'I am confident that it is only necessary to bring the matter to the attention of the heads of the university to obtain their assurance that nothing further of the kind will be permitted to appear in the paper.'

"Now, here is the answerof Mr. Justice Mathieu, which I trust your Lordship will permit me to read:

"Montreal, 4 Decembre 1912.

"'Mon cher Monsieur Jacobs:

"'J'ai bien retardé à repondre a votre lettre du 16 novembre dernier, attirant mon attention sur certaines attaques contre les Juifs, publiées dans le journal l'Etudiant. J'ai dans le temps, aussi sévèrement que j'ai pu, blâmé cet écrit, en présence de tous nos étudiants en droit et en loi, et j'ai raison de croire que ces attaques injustifiables ne se renouvelleront pas. Nous avons eu déjà plusieurs Hébreux parmi nos étudiants; vous avez été de ce nombre, et votre conduite et votre succés nous flattent beaucoup.

"'Nous gardons un excellent souvenir de tous ceux de votre race qui ont étudié avec nous, et c'est avec bien du regret que j'ai appris cette publication injustifiable.'

"That is the opinion, my Lord, of the head of the University of Laval, of Montreal. That is the opinion of a man of the world; that is the opinion of a Judge of the Superior Court, who has sat for twenty-five years on the Bench, and who has now retired with honor, devoting his entire time and ability to the classes of Laval, as Dean of the Faculty. He has lived in the City of Montreal practically all his life. That is the view of a man who lives in a city where there are 60,000 Jews. He has had them before him like citizens of other persuasions during the entire time that he was on the Bench. He knows

something concerning these people. He has lived among them, and he has tried their cases. The view he expresses is the intelligent opinion of a cultured and polished gentleman, and it is the view expressed by every intelligent and educated Catholic gentleman with whom I have ever spoken on the question of the bitter hatred against Jews in certain quarters, fomented by certain people who have some ulterior motive for stirring up feeling against that race.

"Yesterday, at the Chateau Frontenac, where there is being held a convention of the Royal Arcanum, a gentleman remarked to me that he came down to Quebec to attend the convention, this city being selected for its antiquity and quaintness, and for the history that surrounds it; 'but,' he said, 'I had no idea that you would also provide for our entertainment, a mediaeval trial, such as this.' He wanted to know if the City of Quebec, to attract people from every part of the United States and Canada, provided visitors with the further attraction of mediaeval trials.

"I would like to say a word or two on the remarks made by the Abbé d'Amour as to the rights which he says Jews ought to enjoy in Christian countries. I heard a priest of the Gospel, a Doctor in Theology, a man at the head of an important newspaper, a man who moulds the opinion of thousands and thousands of his co-religionists, blandly tell us, in a British Court of Justice, that a rule alleged to be recognized by his church should be applied, whereby Jews ought not to be molested in any way, but they ought not to be permitted to achieve any position of importance in a Christian country. That was the opinion expressed by a so-called learned and cultured man.

"I do not know whether, when he said the word 'Christian' country, he wished it to apply to a British country, or whether he wished it to apply to a country purely Roman Catholic, because I imagine that what would apply to a Jew would also be applied to a Protestant, by this pious and tolerant Abbé. I hardly know what he wished the Court to understand by it. In fact, I was so overcome at the moment, by the statement, that I could scarcely believe my senses. But there it is in cold print, and is now being circulated throughout the length and breadth of Canada and the United States, that an editor of an important newspaper, a Doctor in Theology and a Roman Catholic priest, if he had his way, would exercise 'Christian charity' towards Jews, and that would be the charity to permit them to live. But, as to having any power at all in the land, as to permitting them to take part in official functions, to occupy any public position, he would deny to them that right, until they become baptized.

"Now, the only comment I wish to make on the statement put forward by Abbé d'Amour is that I do not think it expresses the proper and intelligent Roman Catholic view, concerning people who do not accept that faith. It was not the view of any important Roman Catholic prelate in authority in any part of Canada, or the United States, or England, or any British country. It simply expresses the view, I hope, and I think I am right, of the editor of L'Action Sociale.

"Some years ago, at the time of the first outrages against Jews in Russia, in 1882, they were driven from their country at a few weeks' notice, obliged to quit the land in which they and their fathers had lived for hundreds of years, obliged to leave behind all their property, and everything which they owned in the wide world. They landed on the shores of the different countries that offered a haven to them. They came to England in large numbers, and a relief fund was collected for the sufferers.

"Who do you think was the leading spirit of that relief committee? No less a person than the great Cardinal Manning, a great churchman and a great Englishman. He interested himself in the work, and it was largely by his efforts than an immense fund was raised and these poor refugees put in positions where they could earn a livelihood. They took root in the soil, and prospered.

"And, I think, we are all pleased to think, that in return for the kind treatment received at the hands of England they have done some service to the state. We find that the English Jews are respected by their fellow-citizens of other faiths, and have obtained some prominence and some importance. We point to the fact that, given equal opportunities, the Jew is as good a man as any other. We do not say he is any better, but we say, wherever given the same rights as others, he is able to do as well as others, and to-day we have in the British Government no fewer than three ministers.

"Surely that must be a great surprise to the Abbé d'Amour. We have sixteen members of Parliament in the British House of Commons, all, elected by their Christian fellow-citizens who have confidence in them.

"We have numbered among our brethren, as your Lordship knows, Sir George Jessel, as great a judge as ever sat on the English Bench, one of the greatest judges of the 19th century, a former Solicitor-General in Mr. Gladstone's Cabinet.

"I need not go over the entire list. I do not want to abuse my rights, but I wish to say that in countries like England, where there is no antipathetic feeling against our people, the Jew rises to positions of eminence, and I have yet to see that England is suffering by the fact that there are Jews in authority there.

"We have been told by the gentleman from Lévis that the Jews are responsible for revolutions; that they are responsible for the attacks upon the Papacy; that they are responsible for this, that, and the other thing. And I only trust, for the sake of the good name of the Province of Quebec, that these views are held by a very limited few, and that they are expressed only by gentlemen who are in receipt of $100 a year.

"With regard to the position of our people here, in the City and in the Province of Quebec, I suppose it would be a surprise to some of the gentlemen who testified in this case to know that the Province of Quebec is the first province, in any British country, which gave Jews rights similar to people of other persuasions.

"In 1832 the act, 1 and 2 William IV, chap. 57, was passed by the Legislature of the Province of Quebec, as then constituted, declaring that thereafter Jews should have the same rights as others of His Majesty's subjects. The bill was introduced by the great Louis Joseph Papineau, the eminent exponent of French-Canadianism at the time. He could not understand how it was that Jews living in a country like ours, composed of different races, should be denied rights possessed by others. His mind was so constituted that when he saw inequality and injustice practiced by those in authority against those who were not, he insisted that the abuse should be reformed, and this law was passed by the Legislature of Quebec, the first law of the kind in any British country. It was only in 1858 that a similar measure was introduced and passed in the English House of Commons, followed later in other British colonies throughout the world.

"I think we in the Province of Quebec ought to be proud of the fact that we were the first people who gave to the Jews rights which had been denied them up to that time in every British country.

"That act for us is our Magna Charta. That is the great charter of our rights in this country, and under that act we demand before the Courts of this Province the very same rights as other people have. We have always received them, and I am sure we will continue to receive them. We want no more, but we certainly will be satisfied with no less.

"Whenever we have come before the Legislature of the Province of Quebec, from time to time, pointing out little anomalies in the law which existed, so far as Jews are concerned, changes and amendments have invariably been made at our request, because when the laws were originally promulgated they merely referred to Protestants and Roman Catholics. Your Lordship will find throughout many of the preambles to the Statutes these words: 'Whereas certain of his Majesty's subjects professing the Roman Catholic belief, and whereas certain of His Majesty's subjects professing the Protestant belief, -----' We found no provision had been made for Jews. When we brought to the attention of the Legislature of the Province of Quebec these anomalies, they were corrected. It was done unanimously by the Legislature.

"I need only refer, in recent years, to some with which I myself had to do; for instance, up to within five or six years ago, marriage licenses could only be issued to Protestant ministers of the Gospels. In the case of Roman Catholics a dispensation is obtained from the Bishop of the diocese. But there was nothing said with regard to Jews. As soon as I brought the matter to the attention of

Sir Lomer Gouin, he introduced a bill amending the act, which declared that marriage licenses could thereafter be issued to ministers and clergymen of the non-Catholic faiths, so as to include Jews.

"Again we found, with regard to the publication of banns in the matter of marriage, there was an anomaly. The law declared that banns were to be published for three Sundays consecutively before marriage. When we pointed out that our day of rest was Saturday, and the law, as it stood, could not apply to us, the Civil Code was amended, in so far as Jews are concerned. Publication of the marriage banns may now be validly made on Saturdays, for the benefit of citizens professing the Jewish belief.

"Then, again, we found that, by a judgment of the Court, delivered by Mr. Justice Davidson some years ago, there was no provision made in the Public Instruction Law for the education of Jewish children in the public schools. The Jewish people paid their taxes into certain panels, but they had no correlative rights to have their children educated in the public schools, because the law did not provide for Jews. So we came to Quebec, and asked that we be attached for educational purposes in the City of Montreal to the Protestant School Board, and an act was passed, in 1903, by the Legislature, giving effect to this.

"There has not been a single act referring to Jews and giving them, from time to time, greater measures of civil rights, which was not passed unanimously by the Legislature of Quebec.

"If these gentlemen who have spoken about the rights which Jews ought and ought not to enjoy, were really patriots, if they felt in their heart of hearts that Jews are a danger to the community, does your Lordship not think that they ought to have presented themselves before the various Committees of the Legislature, when bills of this kind were under discussion, and said: 'No, we do not want these people to have these rights, because they are enemies to our race; they are enemies to our faith; they commit ritual murder; they debauch Christian women, and we ought not to permit them to live amongst us at all'. Do we see this view taken by anybody in authority? Not at all. We have never seen or heard of such reactionary views until Abbé d'Amour comes into the box to-day and makes the statement to which I referred.

"Now, my Lord, I am afraid I have taken up too much of the time of the Court, and I am about to conclude. But I wish to refer to the fact that the Jewish community in the City of Quebec obtained incorporation for a synagogue. It has been shown by a recent act passed by the Legislature that they are given power to keep registers of civil status, and have equal rights to those enjoyed by citizens of other faiths. They are consequently recognized by the Government of this country. That may be wrong, or that may not be wrong, but the Legislature is the proper authority to pass on such matters, and to say what is in the interests of the country, and what is not.

"We have not heard of 'L'Action Sociale,' or those whom they influence, going to Ottawa to protest against Jewish immigration into this country. I want 'L'Action Sociale' to know that Jews are coming into this country in very large numbers year by year. We have in the City of Montreal 60,000 Jews. We have in the City of Toronto 30,000 Jews. We have in the City of Winnipeg 20,000 Jews, besides large numbers in the country districts. And the Government, far from prohibiting immigration of these people, invite them to come, provide them with homes, provide them with farms, and so forth.

"I think, notwithstanding the statements made by the reverend gentleman, that we do assimilate with the other people of this country for all practical purposes, in the same way as people of other sects and other religions.

"The view of the clergyman, who gave his testimony here yesterday, was that there could be no assimilation unless there is baptism. I deny that there can be no assimilation except by baptism. We practise the religion of our fathers in the way in which our fathers did. That is all we do, and we mean to continue to do so in this free and enlightened land.

"In other matters, when we are out of the synagogue, we are like others. We enter into the life of the community; we take part in the work of development of this great country, in the same way as people of other sects; and I say that for anyone to go on the witness stand and declare that we cannot become part and parcel of this country unless we are baptized, is an insolent assumption, whether made by priest or minister, whether he is of the Catholic Church or whether he is of the Protestant Church.

"I assert that Abbé d'Amours has no right to make any such statement for the Catholic Church, because, I say that is not the rule adopted by the Catholic Church. If it was we would have had some person here from the Archbishop's Palace, giving testimony on that matter. We would have had Monsignor Bégin, or some person sent by Monsignor Bégin. But we have nothing of the kind.

"We have the editor of 'L'Action Sociale,' who simply made himself, and perhaps one or two others, the laughing stock of the whole community, when he told the public that the only way a Jew can be assimilated is by baptism into the Roman Catholic faith.

"What if our friends, the Protestants in Ontario, were to say to Abbé d'Amours: 'You cannot assimilate in Ontario because you belong to the Catholic faith; you ought to belong to the Protestant faith.' If the view expressed by d'Amours were to be logically followed, baptism from one faith into the other would have to be the rule as soon as a man decided to remove from one province to a sister province, where the majority might consider that to be a good citizen, the newcomer must

join the church to the numerically larger body. I say the thing has only to be mentioned to carry with it, on its face, its own refutation.

"I am glad to have an opportunity of voicing the view of the Jewish people against an opinion such as that expressed by the clergyman who gave his testimony here yesterday.

"Now, your Lordship can understand what an important case this is for us.

"Suppose it were declared that the case has not been made out. It would go forth throughout the length and breadth of this country that charges of the most serious nature were made against our people, and the suit against the libellers, when taken was dismissed.

"The judgment when rendered will have to declare whether we have the right to live in this country or not, and if the Court finds that the charges made against us by Plamondon and Leduc are true, then we must leave this country. We will not be able to stay in this province for a single day. Our lives, our property would be endangered, and not be safe for a single moment.

"Why did Innocent IV, think you, publish Bulls against these charges? Purely for the purpose of avoiding massacre. Why did Cardinal Logue and Cardinal Bourne publish a signed statement such as they did? Purely to avoid massacre.

"I say that unless we have some judicial opinion expressed on this question, by this Court, we dare not think of what will happen to this innocent and industrious handful of people in St. Roch's, exposed to the hatred of an angry mob.

"At this moment there are two cities in the world where charges of ritual murder against Jews are on the list of trials -- Kieff and Quebec. One in darkest Russia, the other in enlightened Canada, with this difference, that it is impossible to bring the Kieff case to trial, because the prosecution, for reasons known to themselves, are unwilling.

"In Quebec, a British city, with British courts of justice, the lawyers decided two or three weeks ago to inscribe the case on the calendar for trial, and now it is disposed of. That is the difference between the British system and the Russian system, and I know further that when judgment will be rendered in each case, the poor wretch who is on trial for his life in Kieff will get Russian justice, and Plamondon and Leduc, the defendants in this case, will get British justice."

For the Defence

At the closing session of the hearings the counsel for the defence Maîtres Bédard, and Eusèbe Belleau, summarized their case.

Me. Eusèbe Belleau argued that Plamondon had only repeated historic facts of public notoriety in his lecture, dealing only with the Jewish race and nowhere affecting the plaintiff. The defendant did not know the plaintiff and the lecture contained no imputation against him. He only incriminated the Jewish race, its teachings and its religious and social practices, all of which are published in the press and in numerous works on the Jewish peril. Furthermore, he acted in good faith and in the public interest. He argued:

"Let us put aside the responsibility of the defendant for any attack on the synagogue. This institution incorporated as Bais Israel by an act of Edward VII might have claimed indemnity if they could prove their case. They prefered criminal action against the authors of the disorders. But the plaintiffs do not possess the quality to claim reparation of prejudice caused to the synagogue. The defendant neither advised nor encouraged this act and no attempt was made to prove that those who gave way to excesses against the synagogues or Ortenberg attended the lecture. It concerns youngsters 12 to 15 years of age over whom Plamondon had no control and who received their deserved punishment.

"A defamatory libel written or published is a crime, an illicit act, intentional, causing prejudice. An essential element of the crime is that the person be named. Without a designated person there is no crime of injury. (Darreau. Traité des injures, volume 2, chapter 7, p. 345 et seq.; Dallas, Repertoire, s.v. Diffamation: To complain of being defamed it is necessary for the person to demonstrate that he has been named; Guyot, vol 9, s.v. injure: Compensation for damages can be prosecuted only by him who was injured .... a third party can prosecute when it rebounds on him; so a husband,.... priest for damages caused to his religion, a company for injuries to one of the group offended in the course of his functions.) That is the unquestionable doctrine, and we can multiply citations and authorities ad infinitum.

"The cases cited by Guyot deal with a group which is constituted; nothing of this sort exists here. The Jew is not a body possessing civil personality: it is an abstraction, a race; it is not even a people, nor a nation.

"In effect, what is a people? 'A multitude of people of one country living under the same laws.' (Guérin, Dictionnaire des dictionnaires.) What is a nation? 'A gathering of people living in a territory, whether or not subject to the same government, enjoying for a long time interest sufficiently in common to be seen as belonging to the same race.' (Guérin. s.v. Nation)

"The Jew is neither one or the other; but it may be said that there is a Jewish race, for a race is no more than a multitude of people from the same country who resemble each other by common features. If there is a Jewish race there can also be what we call the type of that race. What the defendant sought to portray in the first place was the type of this race, and he properly entitled his lecture, 'The Jew.

"Each race has its own type, the French, the Scottish, the English, the Canadian.

"Upon what sources could the lecturer rely for his information? Clearly, from works which are the most faithful portrayal of customs at all times: names, chronicles, history, theatre, etc. We find this type of Jew in Shylock, in Marlowe's Barabbas, in Sheridan's School for Scandal and in many novels and plays which were popular in Europe for two centuries. We find it in all English, French and German works which have dealt with the Jewish question for a century, in which the Jew was considered as wandering, without a homeland, who loved neither soil nor labour, usurious, seeking enrichment only by despoiling Christians.

"If this picture of the Jewish type which we find everywhere, even in the work of the most celebrated artists, does not please the Jewish race, who hold the mandate or the mission to prosecute on its behalf?

"The defendant did not ever state that the plaintiffs were of the Jewish type. He has not spoken of them; he does not know them.

"Do I not have the right to denounce the faults and vices of nations and races? But every day the American press tells us that the negro is lazy, drunken and debauched. Some of their newspapers wage war to the death upon Japanese whom they consider an undesirable race for their country. Mormons are seen as preaching immoral principles; they are accorded a territory they must not quit. Some countries banish certain races. I do not know whether anyone has even been investigated for saying the most injurious things against negroes or for disputing the teachings of the Mormons.

"The second part of the Plamondon lecture deals with the doctrines of various Jewish sects; which touches the right to criticize doctrines which are considered subversive of the religious or social order.

"The Jew, as we consider him generally, is a member of a sect. That is what the Grande Encylopaedie tells us under the term Juif.

"When the Jews were enfranchised in England, it was not as Jews but as those professing the Jewish faith (Halesbury, New Law, no. 1594 et passim) This accepted form is exact. In effect, what remains of the people chosen of God if not numerous sects who even in the times of Christ divided the Jews: Saduccees, Essenes, Pharisees, etc? Those of the Jews who had faith melted into the great whole which constitutes the Christian world. The Jewish sects of to-day are the descendants of those who too filled the synagogue and whom Christ whipped as profaners of the Temple. We claim that the defendant had the right to criticze these Jewish teachings as he had done in his lecture.

"There is no longer any crime of opinion. The state here is Christian and I have the right, as member of this state, to criticize the doctrines of other sects. Section 198 of the Revised Statutes of Canada (chapter 146 of the Criminal Law) describes a criminal offense and permits the free discussion of doctrines. By virtue of this principle do I not have the right to criticize the teachings of Mormonism, the Koran, the Talmud, etc?

"In France there is no offense of opinion. (Le Poitevin, La Presse. volume 1, Pp. 398-99.) The principles of the freedom of the press enunciated in French law are, with but few exceptions, the same as those of English public law. They appear unquestionable to us.

"But, we are told, if we have the right to criticize doctrines which you call perverse or dangerous, you do not have the right to rouse citizens against each other and, if you do so, you are responsible for damages caused.

"We must not confuse civil and criminal law, and this is what the learned counsel have done; the citations they have brought in support of their claims contain exactly this principle: there can be criminal recourse without civil recourse. Odgers says, 'A libel may be indictable though not actionable.' (4th ed., pp. 427-29)

"When I attack a doctrine, and the commands of the Koran or Talmud is it a response to ask, here is a Talmud; find these commands there? And because I do not have the advantage of being able to read the Talmud in the original laws which Hebraisers say they have found, can I be prosecuted for making a similar statement? And if I find in writings recognized as authoritative the quotations which are not to be found in some editions, have I not the right to use these citations which form part of the critical domain?

"For when we say that the facts contained in the lecture are true, we mean historical truths. As we shall soon show, among opinions which are equally current I am free to choose the one I believe to be the good one, even if I may err. (Odger, 3rd ed., p. 137; Starkey, 5th ed., p. 723; Le Poitevin, volume 2, pp 308-9).

"Finally, in support of our claim that there is no action for a sect, a race, or an abstract being which does not represent a civil person, we find a decision in the Cour de la cassation in a case identical to our own. We need only substitute the term freemason for the word Jew and we find an application of the principle we have enunciated; with the sole difference that our case is still more favorable because in the case in question the city in which the pamphlet against the freemasons was published there were only eight freemasons who claimed to be designated in the writing in question.

"The Cour de cassation held that freemasonry was a sect whose teachings are open to criticism, however violent, and that freedom of press and the freedom of opinion permitted writers to use quotations, ancient chronicles and histories to maintain their claims. (Bellaz, Recueil périodique de 1894, p. 24 et seq.)

"Another action which aroused great interest because of the counsel in the case was that of homeopathic doctors vs. the Union médicale. (Tribune judiciaire, p. 82 et seq.). The civil tribunal of the Seine sanctioned the principle which we have just enunciated: that there is no action for a collectivity of persons professing certain scientific doctrines when they are not named in the incriminated document.

"The same decision was reached in England when it was ruled that there was no action for a lawyer who felt injured when someone said that all lawyers are thieves.

"The defendant claims that he had only repeated in his lecture what appears in books dealing with the Jewish question of the last fifty years; these facts are of public notoriety and matter for legitimate discussion, and that they are true.

"As we have said, we are dealing with historical truth. How can a historical fact be proven before a tribunal? Naturally, not in the same manner as a contract. The historical fact is what we find in best accredited historical works, and which are generally taught in the schools. So, to prove that the Babylonian Talmud exists, it naturally is not necessary to produce the original of this Talmud. Encyclopedias, histories and scientific studies are admissible or, at least, should enjoy great credit as proof before the courts. Besides, this is juridicial theory and is accepted in nearly all countries of the world. We find it in Taylor, On Evidence, volume 2, p. 1179, no. 178 under the heading, Books and Chronicles of Public History, and in Potevin when he deals with historical criticism in volume 2, p. 323, no. 748.

"Noone questions the existence of the Law of the Twelve Tables, although only several tables have been found, for they have all been reconstituted by the quotations found in the writers of Roman law.

"The same is true of the original Talmud. Authors which deal with the Jewish question have reproduced the quotations which they have found in other writers who have translated the Babylonian Talmud.

"The defendant tells us that he was inspired above all by the work of Dr. Rohling, translator, and commented by Lamarque. The facts stated in the lecture are also found in many works noted in the course of the enquête to establish their authority and notoriety. The priests of high competence, Abbé d'Amours, Nadeau and Grandbois have testified that the work of Father Lamarque was based on historical and polemical work of great value which are taught in European and other universities and have been the object of polemics for many years.

"These are the authors to whom the court can refer, for they are in all libraries:

Abbé La Grange. Le Méssianisme chez les juifs

Rohrbacher. Histoire de l'Eglise, vol. 15

L'Abbé Charles

Graetz. Histoire des juifs

Abbé Lémann

Des Mousseaux. Le Juif. chaps. 4-5

Abbé Drach

E. Drumont. La France juive; Testament d'un anti-Semite

Les conférences publiées par La Bonne presse, 1908

Mgr. de Lassus. La Conjuration anti-chrétienne, vol. 3

Lucien Brun

Michelet. Histoire de la France

Mgr. Paquet. Droit public de l'Eglise. 1908

Les Bulles de Gregoire et Boniface XIV

Copin-Albancelli. Conjurations juives contre le monde chrétien

Chiarim. Talmud de Babylone. Vol. 2, P. 307

J. Darmstetter. Coup d'oeil sur l'histoire du peuple juif

Les Ordonnances de Louis XIV

A.S. Chamberlain. Les Assises de la civilization

B. Lazare. L'Anti-sémitisme

Mgr. Deploige

B. Disraeli. Coningsby

"In Mgr. de Lassus we find the report of the famous case instituted against the Westphalia Mercure which had published "Le miroir des Juifs" where all the charges which appear in the Plamondon pamphlet are included. The paper was acquitted for the same reasons which we invoke in support of our defence.

"As to the excisions from certain parts of the Talmud, Mgr. de Lassus and several of the authors cited by us relate the circumstances under which they were made. They tell us that they followed the mid-16th century synod of Warsaw of which historians tell us.

"Father D'Amours has testified on church legislation in regard to Jews; he also told us of the legislation in all Christian countries until recent times. In effect we learn that the Jews received their political rights only later in different European lands, according to Mgr. Paquet (vol. 1. p. 288). In France on Sept. 27, 1791, in England between 1848 and 1858; in Denmark in 1849; in Austro-Hungary in 1867; in Germany from 1869 to 1871; in Italy from 1860 to 1870; in Switzerland from 1869 to 1871; in Bulgaria and in Serbia in 1878 and 1879. The Jews in Russia, Rumania, Spain and Portugal, according to Mr. Anatole Leroy Beaulieu, were not yet liberated in 1893.

"The question of ritual murder was also the subject of many discussions in Europe. The lectures published by La Bonne Presse in France deal fully with this question as do Les Questions actuelles, vols. 15-16, 1892, Pp. 138-42, and later, on Sept. 30, 1911, on 'The Ritual murder at Kief,' after La libre parole, as cited by Father Nadeau. The papal bulls which were noted in this trial also mention it and it has been the subject matter of the press of the entire world in recent years. It is now before the courts at Kiev and before the Douma.

"It is interesting to refer to the opinions of some of the great thinkers in regard to the Jewish people to note that the views stated by the defendant do not differ from what those expressed in the works on this subject.

"So Portalis in his memoire on the Jewish question (1806) says, 'The Jews everywhere form a nation within the nation, and are neither Frenchmen, Germans, Englishmen nor Prussians; they are Jews.'

"Maury told the constituante on December 23, 1789, 'To call Jews citizens is like saying that Englishmen and Danes can become French citizens without ceasing to be Danes or Englishmen. The Jews have lived for seventeen centuries without mingling with other peoples,' and Charles Maurras has said, 'By definition the Jew is a destroyer and a parasite.'

"In Coningsby (Paris ed., 1844. P. 184) Disraeli tells us that the world is managed not by persons who, it is believed, are doing so, but by others; and it is Jews who control diplomacy.

"The learned Jewish convert Drac tells us that the Talmud is a collection of strange aberrations containing the turpitudes of rabbinical cynicism.

"In his L'Angleterre juive (Pp. 70-71) Théodore Dedalus presents us with a picture of the Jewish race which conforms on all points with what our lecturer has told. In the Jewish Encyclopaedia there is also an admission of what the Talmud states in regard to the birth of Christ.

"Our lecturer has stated that the Jew is a man apart and that his presence in our midst is not desirable. We have cited Portalis, De Maury and Charles Maurras, each of whom stated that a Jew cannot be a citizen. He is without a country, condemned to wander over the entire world. Several years ago a movement began for the repatriation of the Jews in Jerusalem, with Sir Moses Montefiore at its head. The movement did not succeed, and efforts to colonize Jews always failed.

"The Jew is at the head of all internationalist and socializing movements, and it is to Karl Marx that we owe these principles of extreme internationalism which gave birth to a school whose pupils, like Harvé, would place the national flag on a dung hill. They are therefore a social danger since these teachings are a peril for the security of the established order.

"The plaintiff has argued that it is against the public interest to publish any writing of a nature to excite the hatred of Christians against Jews or vice versa.

"The antagonism between Christians and Jews exists ever since the death of Jesus Christ, and at all times it was the subject of the most acrimonious discussions. It is wrong to pretend that anti-Semitism was born in France during the Dreyfus case, for it existed long before the Dreyfus case and the Panama case have given it new strength.

"Dr. Abramovitz has praised the liberalism of Napoleon who accorded Jews their freedom. It is extremely interesting in this context to read an article on Jews by the great jurist Merlin in his Repertoire. There we note that at that period all the accusations mentioned by Plamondon in his lecture were levelled against the Jews, and that the order according Jews relative freedom demonstrates that the great statesman was not convinced of their innocence, for he put many restrictions to these concessions. We find that the replies given by the rabbis and by the so-called Sanhedrin are exactly the same as were given by Dr. Abramovitz; neither are more convincing than the other.

"We might add that the term Jew in the French language, which is the expression of popular language, has a very particular significance which does not bring honor to those decked out with it. So Larousse, Bescherelle and Guérin tell us that the word in popular language describes 'whoever carries out shady deals and is given to usury.' If it is an insult to call a Christian a Jew, using the term in the sense which the dictionaries give it, it should not be an insult to apply it to a Jew.

"To conclude, the defendant has only exercised the right and privilege of every citizen and every journalist, since he is prosecuted as such for putting his fellow citizens on guard against what he considers a danger.

"It is the right recognized by the law of men in public affairs, preachers and fathers of families. In the case before the Court of Appeal (Blanchard v. Richer, 20 L.C.J. 146), Judges Sir A.A. Dorion and Ramsay have laid down the principle that a priest, having responsibility for the preservation of the faith and morals of his parishioners, has the right to denounce, provided he does so in suitable terms, all those who he has reasonable grounds to believe are violating these.

"As journalism fulfils a veritable public duty, they have all possible latitude in these matters.

"We therefore believe we may conclude that the plaintiffs, not having been named particularly in the lecture, are not entitled to redress; that the defendant, having only portrayed a type which conforms to the facts of history, has only exercised the freedom of discussion. We also believe that, as a journalist, he has the right to criticize the doctrines of the Jewish sects and the teachings of their rabbis which he considers dangerous to the public order.

"We also say that there is no action for the defamation of a race or an abstract being who does not constitute a person in law; that the plaintiff holds no mandate from his coreligionists; that the right of criticism is open to all in the case of a group which preaches doctrines considered dangerous. Furthermore, we conclude that the defendant cannot be held responsible for damages caused in the exercise of his right, and by persons over whom he had no control.

"If the court reaches another conclusion, it would constitute an attack on the freedom of the press, on the liberty of discussions; it would declare the existence of an offense of opinion when our doctrines state that no such offense can exist because there can be no judge to determine such an offense since opinions are by their nature free and, so to speak, unattachable. Plamondon was not accusing the Quebec Jews of today but of tomorrow."

J.A. Lane

J.A. Lane argued for Plamondon that the lecture had been a criticism of the Talmud, and only the authors of that work could appear in defence of its teachings. In this case it is not the authors of the Talmud or the rabbis who come as plaintiffs, but those who hear these teachings. They complain that the doctrines laid out by Plamondon are not those that are taught them.

Plamondon did not say that this or that teaching is practiced as taught them. He did not say that such teachings are practiced in Canada. He did not allege that the plaintiffs or their coreligionnaires in this country or in this city had already put into effect the acts which would follow from the Talmud teachings; and I cannot see how the plaintiffs can act against Plamondon for what he alleges is taught by the rabbis and by the Talmud.

It may very well be that the Jews of Quebec to whom these teachings are presented may not accept them and do not intend to carry them out. They may find themselves in the position of a young prince of the middle ages who interrupted his history teacher in the midst of a lesson to say, "you know, I don't believe a single word you are telling me," to which the teacher replied, "neither do I, but history teaches us these things, and I must tell you this."

Suppose the priest of the St. Roch parish was accused of preaching contrary to public order and morals, it would be he who could complain of such accusations, and not his listeners who heard these sermons.

It is not the rabbis who complain of Plamondon's attacks; it is the audience, or their children who complain of Plamondon's accusations.

To prove that these accusations are false the plaintiffs have submitted what they claim is a complete copy of the Talmud, apparently in rabbinic Hebrew, and asked Plamondon and his witnesses to find there the teachings mentioned in his speech. Since noone in the court understands or can read this language they argued, "you see, these statements are not there."

It is easy to appear to win such an argument. But if everyone who would speak of a certain work needed to be able to read it in the original, human knowledge would be greatly limited. So we could never speak of the histories of Herodotus, Thucydides and Xenophon unless we knew Greek, nor of the work of Caesar, Sallust, Suetonius or Titus Livy without Latin. This would be absurd, for very many have learned of the ancient historians in translation, and we find true scholars who tell of antiquity without having read the first treatments that appeared on their subjects.

They follow Renan who, having learned Hebrew,refused to discuss exegesis with anyone who had no knowledge of that language. In vain did they plead that, though without Hebrew, they had learned from the authorities who knew Hebrew perfectly. He remained stubborn.

We do not believe that Plamondon needed to learn Hebrew before he lectured on the teachings of the Talmud, for we often speak of the doctrines of the Koran or of the Talmud, in good faith, on the authority of translations or authorized commentaries.

Besides, even if Plamondon had set himself to learning Hebrew of the Talmud, he would not be much further advanced, for as Rabbi Abramovitz has told us, the Talmud is one of the most difficult works to understand and to analyze, a veritable hodgepodge of gibberish of contradictory or varying teachings.

So when our learned witness states that a particular statement is not taught in the Talmud, it does not imply that it is not written there.

He has also spoken of the numerous commentaries on the teachings of the Talmud which do not always agree on the conclusions regarding these teachings. So that even for those who know rabbinic Hebrew, there remains the most arduous task of deciphering the true teachings given by the authors of the Talmud.

Can it therefore be said, in the light of this, that Plamondon spoke imprudently when we see that those who made a special study of the Talmud cannot agree on the exact nature of its teachings? He has utilized information cited in different works which are widely distributed, often in several editions, are known to the informed public, are extant in general education and are found in most large libraries available for easy consultation. It would be strange indeed if he were prosecuted for reproducing what he found in these works.

It has been shown that Plamondon had not seen an article in the Catholic Encyclopaedia or a statement regarding Jews signed by a number of distinguished citizens. Did he need to have read all that has been written on the subject? The principle of free discussion permits him to speak, to express himself on the basis of a number of works; that is, the freedom to criticize inherent in the quality of a British subject.

He has only exercized his right to discuss the legitimate question whether it is desirable to permit the Jews to invade the St. Roch area of the city of Quebec which is essentially a French Canadian area; as open a question as whether the State of Californis should permit the Japanese to acquire land and settle there permanently.

It is as much a question of public interest whether there is an advantage in letting Jews establish themselves in our midst as it is to know whether it timely to let Hindus and others into Canada. So Plamondon, speaking against the Jewish invasion and the Jewish conquest so to speak, was dealing with a public matter, subject to public discussion; consequently, as a British subject, more than as an alien, he had the right to express himself and to communicate his ideas to his audience, as he has done. (Starkie. On Slander and Libel, 6th edition, p. 259-60; Canada—Revue vs. Fabre, 6 C.S., 446-48; Spottiswoode vs. Campbell. 32 L-J. Q.B., 183)

Since Plamondon acted in the exercise of his rights, malice would have to be proven before damages could be adjudged. But the principles in this matter clear him. (Canada-Revue vs. Miller, Supreme Court, pp 194, 209-11, 227; Manitoba Free Press vs. Nagy, 39 Supreme Court, 348)

As for damages suffered by the synagogue, the plaintiffs cannot claim under the heading for it is the property of a legal corporation and not theirs. This also applies to the property of Mr. Ortenberg, or compensation for insults he suffered.

This also applies to alleged loss of trade. Article 1053 of our civil code does not imply obligation of damages for the consequences of such facts or acts under circumstances. I am not necessarily responsible for all damages caused by my acts; my acts would need to be illegal acts, with injury to the rights of others.

But, I maintain, the Jews have no right to the French Canadian clientele, no acquired rights, no absolute rights. French Canadians are free to buy from them, or not to buy. So when I advise Canadians not to patronize Jewish merchants, I am not injuring their rights, and I am not responsible for damages which follow from my words or from my counsel. (Judge Doherty in Canada Revue vs. Mgr. Fabre. 6 R.O. CS 473)

The damaging act must be an illicit act, which is why it is called an offence or a quasi-offence. Illicit acts do not give rise to action in damages.

Whoever does what he has to do causes no damage. But the injury to another's right is an offense, but only when there is bad intention. Damages need to be proven to be the natural consequences of the evil means used.

Are we sure that those who ceased purchasing from the plaintiff did so because of the lecture in question? There is no proof of this. Plamondon did not incite his hearers to violence; nor does this follow from his lecture. His words might have been distorted by others who drew unwarranted conclusions from them. (Revue légale, new series, P.307)

The Christian religion is protected by our laws; it is part of the nation's common law. That is why blasphemy against God and against this religion are punishable by our law. (Criminal code, art. 198, Pp. 172-73; Crankshaw, Criminal Code, 3rd edition) The Jewish and other non-Christian religions are not now so protected, for the principles which they maintain are not considered part of the public right. If our law permits the free discussions in good faith of the facts and the teachings even of Christianity, they accord and tolerate an even larger measure of freedom of discussion of the principles of other religions. (Starkie, 6th edition, Pp. 624-25)

Obviously the discussion of the dogmas of these other religions must not be in seditious language. If such language is used it is up to the public authority to intervene. In fact recourse to seditious language is a crime in common law and is punishable according to the provisions of articles 132 and 134 of our criminal code. (p 126; Crankshaw, 10th edition)

The public authority did not intervene but, when it does not, it does not lie in the hands of ordinary citizens to avenge the public order by actions for damages; for then we would have as many such actions as there are citizens.

Attorneys have told the court that if this action is dismissed, the consequences for the plaintiff and for the Jews of Quebec would be disastrous; possibly the need to pack up and leave.

Surely they do not intend to ask the court to express itself on this emotional question. The court need only apply the law here, as in all cases, without regard to the consequences. May I be permitted to recall the words of a judge who is well remembered on the Quebec bench: if judges had to consider the possible and impossible consequences of their judgments, they would never hand any down.

A judgment other than the one we solicit would make it impossible for anyone to speak of the Jewish religious teachings without laying himself open to action by any Jew; just as it would make it impossible for a Protestant to accuse Catholics of being idolators without risk of action by any Catholic.

If in Quebec a citizen cannot deliver a lecture on a subject that affects a nation, a religion or a sect and to convey to his hearers the results of his studies and to declare his opinions without risking action for damages by any individual belonging to this nation, practicing this religion or being a member of this sect, the freedom of discussion, the freedom of criticism, the freedom of opinion, the freedom of speech will have ceased to exist.

Me. Couture Responds

Responding to the defense, Maître Couture argued that an action in damages was justified regardless of the alleged absence of evil intention on Plamondon's part. Odgers states that in a defamation case intention has no bearing. The words are defamatory, and the onus of proof of veracity is on the defendant.

Yet the defence did not even attempt to prove the truth of Plamondon's statements. It was informed by the court action that statements in the offending lecture would be challenged. If you were men of honour and of good faith, you would have retracted the accusations. You had three years to inquire, to find someone -- and such sources exist somewhere in the world -- to come to this court and read these incriminating passages in the Talmud. If they are there it would be easy to find someone; you claim to have the references in translation. It should then be easy to find someone who knows Talmudic Hebrew to tell Rabbi Abramovitz, read this passage; tell us that it is not true that the Talmud permits the abuse of an infidel woman. We could then proceed seriously.

But, on the contrary, their own witnesses have been compelled to admit that they were unable to find any of the text complained of, even in their alleged historical quotations from authors they cited. They might as well have come into court and tried to prove that Jean d'Arc was a heretic by leaning on the judgment of Cauchon and certain isolated texts, leaving aside all other authorities established to the contrary.

Instead we have defendant Leduc hiding behind his wife, and Plamondon hiding behind a person who is deceased.

They have based themselves on authorities? They searched the writings of persons they do not know. Fathers Charles and Vial are not known to us. Instead the defence bases itself on random quotations, when they might have easily found someone to read the texts for us. We have even seen Fathers Nadeau and D'Amours citing from Migne what is not in that text.

Judge Panneton has just ruled (Maillé vs. Canada Publication Co.) that the fair comment defence and that based on common interest exists in English law only since 1891, has alrady been introduced into a number of Canadian provinces, but not yet in Quebec.

It is ridiculous if not worse to accuse the Jews of mutilating Talmud, as the defence tells us they did by the decision of rabbis assembled in synod in Warsaw to avoid antagonizing the Christians. The meeting in question was not a gathering of rabbis but a synod of Roman Catholic archbishops and ecclesiastical authorities who forced the Jews to take certain chapters out of the Talmud for a time during the 17th century. As to the powerful reproach that the Jews are the same everyhere: as Mr. Belleau had put it, the Jew in the Netherlands is a Netherlands Jew. He retains his religion, his practices, his beliefs.

But this is exactly what is most admirable, and what is common to all men of heart and of faith. There are Catholics everywhere, and in France are they not Catholic Frenchmen; in Canada they are Canadian Catholics, in the United States they are American Catholics, in Germany, German Catholics? Are persons professing Catholicism therefore being accused of refusing to be loyal citizens of their countries in which they reside, and are they to be expected to set aside their religion completely because the state religion in their country is not their religion, as Father D'Amours proposes, or because they live in lands which recognize no religion? The reasoning of our learned colleague applies as strongly and as justly to Protestants, to Catholics and to Muslems as to Jews.

Dictionaries permit words to be used in an opprobrious sense, as when a Dominican who was called a Jesuit threatened action for libel. But this is not serious converse. Plamondon was not pretending to present a caricature or an exaggeration, but a controversy with direct and outrageous application concerning the plaintiff.

A minor correction: it has been stated that the Jew was not and could not be a farmer. But historicalaly the Jew was a farmer. In Palestine the Jew was essentially a farmer, in effect doing no other work. But when persecutions began in the middle ages, when he was forbidden to own land, how could he continue to farm? Today, when they enjoy the same freedoms as others, you find them in the north, in Saskatchewan, in other Canadian provinces, returned to the soil.

In England the Jews and the Catholics were liberated at about the same time. So Catholics won the franchise there abour 1829, when they attained the posts of Lord Lieutenant of Ireland, Lord Chancellor and other positions. Only three years ago was the oath of allegiance taken by the King Defender of the Faith revised to remove terms offensive to Catholics, and the King is no longer obliged to swear that Roman Catholicism is a superstitious idolatry. These terms were never applied to the Jewish religion.

Specifically, we are before a case where the plaintiffs suffered. General accusations had been levelled at a small and clearly known group constituted as a corporation by statute, citizens of Quebec. The accusation levelled at persons who are here and whom you know and who are like others, are specified in the Plamondon pamphlet: they teach and they believe that murdering, raping and robbing their neighbour are meritorrious acts; these are actions deep in their hearts, actions to which they conform, which they passionately desire to carry out to our imminent peril.

The defence speaks of damages which possibly may come to be suffered by future generations, but were not suffered by any persons living to-day. It is as if some said that Mr. Lane is a thief at heart. He may not yet have stolen, but he awaits his chance.

It has been stated in error that when a corporation is defamed only the corporation and not its members have recourse to damages. To the contrary, in such cases all its members enjoy protection. When the employees of the Canadian Pacific are defamed, each of these workers may sue. When the Bar of Quebec is defamed every lawyer in the province may institute proceedings. (Odgers, Starkey and others)

Plamondon was compared by the defence to teachers of history who amuse their classes with stories that neither the instructors or the pupils believe. That is fine, but when we narrate stories which we do not believe, when we repeat unverified assertions -- we must limit ourselves to innocent tales which will not arouse passions and send out young innocent children of twelve or fourteen to attack absolutely inoffensive law abiding persons.

If you wish to alter the laws, do so by legal means. Change the law and obtain legislation, if you can, to keep out an element which you believe undesirable. But do so legally. If there are bad citizens, deport them.

But when you have accorded to a certain group rights equal to the others, do not come to arouse passions because their ancestors committed this or that crime five or ten thousand years ago, crimes which incidentally, you have not proven -- and throw them into the St. Lawrence.

Judge Malouin Issues Verdict

"The case was declared closed and Judge Malouin said he would take the case under consideration and notify the lawyers interested when he was ready to give judgment." (Quebec Chronicle, May 27, 1913)

Judge Malouin rendered judgment in the Superior Court on the morning of October 22, 1913. It was entirely in favour of the defendants who were allowed costs.

The judge recalled that Plamondon had dealt with his subject matter only as a matter of philosophical, social and religious opinion. He had spoken of the Jewish race in general and had made no imputation against the claimants in particular. He cited many foreign works.

"Under the circumstances is the plaintiff entitled to damages?

"The law states that if the writing in question contains no defamatory allegation or imputation in regard to persons, but consists of a more or less violent and passionate discussion of the philosophical, social or religious opinions attributed to a corporation or a religious sect or an association, there can be no defamation. (2 Le Potevin, p. 308).

This principle has been maintained by the cour de cassation in a case quite analagous to the one before me.(Daliou, Recueil périodique, 1894. Pp. 25-26)-

"These are the facts: In December 1890 or January 1891, the Catholic mission at Tannarive, acting under the authority of Father Cazet, Bishop of Soruza printed and published a pamphlet in the malgache language under the title N.Y. Franasao (The Freemasons). This pamphlet consisting almost entirely of citations taken from many more or less old publications, it stated that 'in order to recruit followers, have recourse to methods which advance their commercial interests and their search for pleasure; that they work to estrange all classes of society from their daily occupations as well as from their religion; that their aim is to overthrow the state by destroying its laws, its wealth and its religion and customs, and all this by lying tactics; that it does not balk at murder to enforce obedience to the oaths of its members; that it works towards the destruction of family, welfare, the corruption of manners, the abolition of marriage and of burial; adultery; contempt for family duties, notably the help due from children to their aged parents, and the suppression of the established system.'

"Iribe and Rigaud, founders of the masonic lodge recently formed at Tannarive, began action against the publisher of this pamphlet. The court at Aix upheld the case because: although the statements did not name any person and appeared to deal only with the teachings of the freemasons, they clearly pointed with reprobation to Iribe and Rigaud, the founders of the lodge, and constituted defamatory imputations in regard to them.

"But the Cour de cassation reversed this ruling on the ground that the incriminating pamphlet, and particularly the passages criticized at the trial, did not contain allegations or imputations of any determinable person; that a close examination of the pamphlet showed only general comments, at times violent but never exceeding the limits of free discussion of philosophic, social and religious attributions to freemasonry.

"This principle has been adopted into English law.

"The plaintiff has cited, among other cases, Rex vs. Gothercale reported in Odgers, P. 427, where it was decided that it is also a misdemeanor to libel any sect, company or class of men without mentioning any person in particular provided it be alleged and proved that such libel tends to excite the hatred of the people against all belonging to such a class and conduces to a breach of the peace.

"But we should note that this decision was rendered in a criminal case and was cited with several others under the heading Criminal Law, and that the author adds, in referring to these cases, 'A libel may be indictable though it be not actionable. Thus in either of the above cases would an action be for want of a proper plaintiff.'

"These authorities lay down the principle which, in my opinion, should decide the present suit.

"The defendant incriminated only the Jewish race, its teachings, its religious and social practices without attacking the plaintiff in particular or attributing any precise fact to him.

"I am of the opinion that the plaintiff, not having been named nor particularly described, has no civil recourse against the defendant, and consequently I dismiss the case with costs.

"Having reached this decision I believe it is useless for me to study the other questions raised." (Action sociale, Oct. 22, 1913; /1913/ 14 Dominion Law Reports, Pp. 549-52)

Disappointment

Marshall, president of the American Jewish Committee, wrote Jacobs on November 11, 1913.

"I had previously learned of the decision of the trial court, Rev. Dr. Mendes having received clippings from the Canadian papers, which I presented at the meeting of the American Jewish Committee held on Sunday. I feared that the court would take the technical view on which the decision is based, and I am apprehensive that the appellate courts will be inclined to take the same position.

"The decision in the Beilis case may tend to qualify the feeling of elation of the French press. It might be useful for you to publish in the Canadian papers the vigorous protest of the Christian clergymen against the blood accusation, which was addressed to the Czar and which, although not forwarded through official sources, nevertheless left its impress upon the public mind, not only here, but throughout the world. I shall have the Secretary of the American Jewish Committee send you a copy. The signatures embrace forty-seven of the principal churchmen of the United States, including Cardinal Farley and at least twenty Bishops of the Roman Catholic Church.

"I shall be very glad indeed to be kept informed of the further proceedings in your case.

"While in Montreal in September, during the meeting of the American Bar Association, I intended to call on you, but I was able to spend but a single day there, being called back to New York by business engagements."

The ruling was a bitter disappointment.

In London the Jewish Chronicle recalled on November 7, 1913,

"The recent decision given in the Quebec lawsuit to the effect that it is not possible in law to libel or slander a body of men such as a community of Jews, even though the statements be grossly libellous if applied to specific individuals, is not in accordance with an English judicial decision given in somewhat similar circumstances. In 1732 a paper was published in London in which Jews were accused of being accustomed to murder coreligionists who contracted marriages with

members of non-Jewish communities. A definite instance was quoted and the murderers described as Jews lately arrived from Portugal, living near Broad Street. The publication roused the populace to such a pitch that anti-Jewish riots broke out and all who answered the description given in the paper were attacked. At this juncture proceedings were taken in the Court of King's Bench against the author of the libel, and despite the defence that no particular Jews could show that they were pointed at more than any others, the accused was found guilty on the ground that the whole community of Jews had been attacked."

The early Yiddish Winnipeg periodical, edited by B.I. Goldstein, The Israelite (Der Yid) carried an article by B.G. Sack, "Regards to Russia." (November 21, 1913),

"The damages claimed by the plaintiffs are not important. It is the principle, the basis of the claim, that is central. Terrible accusations have been made against the Jews. Jews have been frightfully libelled."

When Judge Malouin handed down his judgment, it was immediately made clear that his ruling would be appealed.

B.G. Sack was indignant over the Malouin verdict. "Jews were even accused of ritual murder, the very charge laid against Beilis in a trial that has evoked a storm of protests from the entire civilized world.

"What is basic is that the court was called upon either to justify these lies cast in the face of the entire Jewish people or to brand them as shameful and unjust.

"The issue revolved about one question: are the Jews what Plamondon says they are, or are they not?

"But the judge evaded these questions of principle; he ignored them as if they had not been raised before him.

"Madame Justice has justified these treacherous accusations, these low accusations against Jews, even to ritual murder, and gave them judicial approval.

"The Province of Quebec has shamed the entire country and has blackened the face of the Canadian people.

"It seems as if a hand stretched across the Atlantic in warm friendship to Russia, in sympathy and consolation, at a time when the entire world condemns it, hails protests on its head for reviving the ritual murder libel. 'Despair not, my friend. When all turn from you in disgust, we are with you, at your side.'

"The ruling of the Quebec court must not discourage us. We know the environment in Quebec too well to expect justice here.

"If we stop at this decision, we will hand the anti-Semites too powerful a weapon against us. We will simply vacate the field to them, and anti-Semitic hate will spread across the land.

"Preparations are being made to bring the case to a higher court; if necessary to the Privy Council in London. It is a long and hard road Montreal Jewish leaders are embarked on, but the objective is great and important, worth the sacrifices."

He devoted a full article on July 6, 1913 to the anti-Semitism of the Association canadienne de la jeunesse catholique which finds that the Jew is the enemy of their national continuity. "Le Juif, voilà l'ennemi. At each of their conventions they appear with new resolutions to attack the Jews. The Jewish issue is never removed from the agenda of the annual meetings of the association. This year no less than in other years they resolve that their members do no business with Jewish people; the "famous" lecture which our friend and admirer Plamondon had delivered was sponsored by this organization.

"In their desperation they attack under the slogan of minority rights and of constitutional liberties. At one point with the cross in their hands, at other times with the French flag. In their blindness they see the Jew as a dangerous enemy, a powerful suppressor of their language, who doesn't permit French Catholics to sit in the Ottawa Cabinet, who prevents them from having French schools across the country where their children could be taught.

"Not long ago one of their leaders in Quebec City had prophesied that English and Yiddish would become the two dominant languages of the province. Regardless of how small and poor the Jewish community here is, bereft of power and influence, they would see the community persecuted and repressed, and the gates of the country blocked to those of our people who might wish to enter."

In a Climate of Ritual Murder

. There was no jubilation among the winners in the legal contest, but the anti-Jewish campaign took on another even more dangerous form, centering on a parallel court conflict -- in Kiev, Russia, where Mendel Beilis was accused of murdering a Christian child for ritual purposes.

On this case the world was divided into two ideological camps: those who believed the horror myth of ritual murder, centering on Kiev, the heart of black Russia and on Catholic Rome-Paris, and on the other side, rational western Europe and America. In this very gross division Quebec City stood divided from Montreal.

On November 5, 1913 Action devoted its editorial on "Ritual Crime" to establish that this is no legend but a reality, and that for an enlightened and sincere Catholic the case of St. Simon of Trent, for example, is not from the realm of legendry; for a Pope had attested that the child was killed by Jews out of hate of Christ. This position of Action is confirmed by International Rome Agency, based upon the documentation of "testimony" of the Jews accused of the murder at the time, 425 years earlier. Action did not seem to realize how it was discrediting the sources of its religious and historic views by citing them to confirm one of the most obvious falsehoods that ever tainted the human mind.

On November 6, under the title, "How Far?", it editorialized, "Ritual murder exists, we wrote yesterday, concluding the article with unassailable proof to that effect. How far can we hold Israel responsible? It is difficult to be precise; but the blind imprudence with which these compatriots of the criminals stand behind it justify any conclusion...

"The ritual crime may not exist among the Jews, if one thinks of a sacrifice of Christian blood, prescribed by Mosaic Law, in the synagogue; but it does exist as a murder committed by the Jews out of hatred of the Christian name, such as St. Simon of Trent...

"Has anyone ever dared deny the event of the Golden Calf, or has anyone called the record of the children sacrificed to Moloch an old wives' tale? The idol worship in various forms was so common that on several occasions prophets rose against those who participated in this. And no one denies the existence of this evil on the ground that Mosaic Law forbade such worship...

"We are told that the Talmud, which the popes and Christian kings had often ordered burned because they considered it a baneful work, does not speak of ritual crime.

"A former rabbi of Moldavia who had converted and became a Greek monk, of whom J. Beaudoin wrote in the Paris Vigie, spoke of the secret of the blood.

"A relatively small number of Jews know well the questions of ritual murder, and an even smaller number might be disposed to practice it."

Russia seems to have been the golden land of these hate-crazed Catholics of Quebec; if only because the czarist regime, in which the church played a dominant part, persecuted Jews.

Justin looked with admiration at Russia's law which confined Jews to certain "territories" and certain villages and limited Jews' movements and occupations. He cited with approval the program of "The Congress of Nobility which is conducting the anti-Semitic campaign in Russia...

"Clearly Russia has applied virtually the ancient church legislations in regard to Jews.

"It would be desirable in the interests of Jews and Christians alike to have all peoples who suffer from the Jewish plague adopt the wise policy of the Russians.

"Sooner or later we in Canada will also have our Jewish problem, as they have in Russia, Austria, and France." (La Vérité, July 22, 1911)

When the Russian authorities arrested Mendel Beilis and charged him with ritual murder, it seemed to these Quebeckers that they were about to receive a confirmation of their own hate teachings from the tribunal of a twentieth-century court. Their anticipation was the keener for the certainty that the Kiev court was neither under Jewish influence nor prejudiced in favor of the Jews.

The Russian accusation against Jews of murdering Christian children for religious ritual purposes were fed Quebec readers in all seriousness, from the Russian Novoye Vremya via the Paris Journal des débats through La Vérité of July 3, 1911.

This Quebec weekly hoped that Canada may not be the scene of such Jewish atrocities. Its trusted authority and source of documentation and proof was largely Abbé Caubé's Ames juives. (Apr. 16, 1910; May 20, 1911)

The Quebec daily, whose name was soon to be altered, significantly to Action catholique, reaffirmed that Jews murdered Christian children, and triumphantly cited the current case in Russia where the government was again repeating the crime of accusing Beilis of such murder. "The accusation by the public minister of Kiev is there, precise and terrible, and public opinion is awaiting anxiously the outcome of a trial which will resound the world over."

La Vérité confirmed that Jews practise ritual murder, referring to Drumont's La France juive which lists in its closing chapter many such accusations, one as recent as 1840, in Damascus. "We should not be too severe on the Christians who, in their exasperation, resort to bloody reprisals," it wrote on May 20, 1911, hoping that Canada may not become the scene of such a crime. This only two months after the Kiev child had been murdered.

For La Vérité's Lumen, who pretended to expert knowledge, there was nothing new or surprising in the accusation. "Whoever knows the Talmud," he wrote on April 20, 1912, "and is familiar with the hatred of Christians to be found in this work made sacred to the Jewish sect, will recognize the crimes committed against the followers of Christ."

Characteristically, Action sociale carried a report on October 13, 1913 under the headline, "The First Sensation at the Beilis Trial; Witness is Accused of Inducing a Child to Commit Perjury." But above the actual story the editor placed a note: "It is with reservations that we publish the dispatch sent by the press agencies which, as is known, are generally in the pay of high Jewish finance."

These declarations served to prove to Jules Romain of the Vérité that there was an attempt to orchestrate the expression of anti-Russian opinion and to silence the legal tribunals of that country. "There is nothing odious or barbaric in the Russian process. What is odious and barbaric is the action of the assassin who bled his victim to death with 47 knife wounds." (Oct. 25, 1913)

A.-C. Jean complained in Le Semeur, "Does not our press suffer to a considerable degree from Masonic influence through the Associated Press of the Jews, masters of a large portion of commerce, through advertising?" (vol. 6, no. 7, Feb. 1910, Pp.176-77)

With the Malouin judgment, Action sociale intensified the campaign against Beilis and turned it more directly into an attack on world Jewry. Indeed, the issue which carried the report of the judgment, Oct. 22, 1913, also editorialized on "The Protesters and the Suckers" about the impropriety of those who call meetings in many cities and sponsor ridiculous manifestations in regard to the case now being tried in Kiev.

"We would understand if the accused had been summarily condemned without opportunity to defend himself. But this has not been the case. He has not yet been condemned. Furthermore, the case has taken months to prepare, and the very duration of the trial in the presence of the world press shows the care which the judges are giving it.

"The most elementary propriety, simple loyalty and the most common sense demand that we await the result in silence before agitation and protest. But no; frenetic activity is continuing without even an indication that the trial is conducted poorly, that the rules of justice are not being observed, that Beilis does not have the facilities for his defence. The outcry is so loud as if noise was the only means of getting Beilis out of a bad situation. The Jews are using a method which should antagonize thinking people who are guided by other considerations besides noise."

If Russian justice finds him guilty it will not be because he committed ritual murder but because he has taken a life similar to his own; it will be as a murderer. There is nothing there to dishonour his race. Even if he is convicted, and if it proves to be a case of ritual murder, the Jews may well be silent, Action wrote, because Moses and the prophets sought to extirpate such abominable practices from the Jewish tradition, to cite Drumont. "We never stated that ritual murder is a part of the Mosaic religion, even though it is affirmed that the Jews, the masters of our capital cities and of our capital, indulge in molochistic sacrifices. We never said anything of the sort, and we even argue with Jewish and with Judaizing writers in recalling the energetic efforts made by Moses, by the prophets and by the representatives of the Jewish priesthood to extirpate from the Hebrews the abominable practices of their neighbouring peoples and to

inspire them with a horror of blood. Why do the Jews use their capital and their influence to snatch the least of their people from the hands of justice? They serve ill the cause they pretend to defend."

Action sociale failed to understand Jewish concern over the Beilis case. Under the title "Solidarity" it wrote,

"A crime has been committed at Kiev; no one denies this. Someone is guilty; everyone is prepared to admit this much. But when justice proceeds to try a man accused after two years of meticulous and prudent research -- why this sudden commotion spreading quickly to the farthest reaches of the world? Why this effervescence which leads prominent men and public bodies to speak up on a matter of which most of them know nothing?

"Because the accused is a Jew.

"But he is either guilty or not. If he is guilty, why do his fellow Jews turn heaven and earth to free him? If he is innocent why not apply their considerable resources to help the defence enlighten the judges?

"Two possibilities exist; the Jews do not have a sense of justice as we understand it, or --

"The crime known as ritual murder is not, in their eyes worthy of punishment but, to the contrary, he who commits it deserves the veneration and the support of his coreligionists.

"Many Jews consider themselves above the ordinary law of the lands of their residence. In the Dreyfus case some of them have shown that loyalty, and the most elementary rules of justice, before which Christians habitually incline, scarcely embarrass them...

"Those who are actively seeking to influence the outcome of the trial because of their conviction can only be from among the adepts in ritual murder. The tenacity in defence of the accused shows their high esteem for one sufficiently courageous to go so far in his fidelity to his religious principles...

"These men of conviction furnish their adversaries shining proof of the horrors of which they are accused." (November 7, 1913)

The readers of Action sociale were confirmed in their anti-Semitism by a regular news service "Rome et le monde" distributed from Rome by the Agence internationale Roma.

With its Rome dateline the A.I.R. reported that "as the proceeding of the trial began the Judeo-masonic press of the entire world immediately organized to publish accounts and prejudiced impressions in favour, not only of the accused, but also of the ghetto, and denying the historic veracity of ritual murder among Talmudic Jews. Newspapers such as the Messagero of Rome, the voice of the Judeo-masonic blocs, spread the protests of the Hebrew church, that is the synagogue of France, across their columns denying the existence of ritual murder in the Mosaic religion, calling for such a verdict; this as if the Jewish religion of our time was not that of the Talmud which teaches the spoliation and extermination of Christians by every possible means. The Catholic press would do well to take care not to publish such reports of the Beilis trial disseminated by the news agencies and newspapers in the service of the synagogue sect.

"In the meantime we have reports from Warsaw. The Jews of Russian Poland, like those in the empire are in an indescribable fervour because of the trial. They fill the synagogues where they pray that God may send His thunder upon the infamous Goyim, the Christians who arise against the Sons of Israel.

"On Oct. 7 they fasted for a victory in the Beilis case. The 'Emancipated' Jews, who play the comedy of joining the Christian world, share in their own spheres in the attitudes of the zealots." (Ibid., Nov. 11, 1913)

" It is as if an order had gone forth from powerful Israel to intimidate the anti-Jewish press by suits, etc., so as to surround the Jewish peril in the entire world by silence.

"Newspapers which are not prepared to enter into the plan of the ghetto are isolated by every possible means; they are drowned when possible; they are barraged by endless administrative instruments.

"If the newspapers attack the Jews frontally, instead of taking pen in hand to prove by fact and history that their opponents were wrong, the brave sheenies find it more convenient and safer to deny everything and to harrass them by prosecution and, when the occasion offers, to seize, to grind down, and to silence the newspaper...

On Oct. 23, 1913 the newspaper wrote of "Israel in Hot Water":

"Whenever Israel hears the mention of ritual crime it reacts like to the mention of a rope in the home of a hanged man.

"A Jew is accused of ritual murder in Kiev, and 3000 miles away the Jewish press and the entire press which Jewish gold can buy, (and the Jew possesses the science of purchase since the days of the Pharisees and of Judas), the press which is inspired by the great news agencies which are under Israelite control, the newspapers which are remarkable for their stupid fanaticism against Catholicism and, in our country, the papers which oppose our religion and our nationality from near and from far, join to make a martyr out of the accused man in Kiev.

"This fact illustrates vividly the procedures of international Jewry when one of them is involved. We see again the scenes from the days when traitors like Dreyfus and Ullmo sold France out to the foreigner...

"The Judeophile and Judeomanic press in many countries, the defenders of Beilis, uses freely the copious incoherent despatches distilled by Judaizing news agencies, distributed by the peddlers of adulterated merchandise. So the press passed silently over the testimony of Father Pranaitis, Doctor of Theology, former professor of the Catholic Academy of St. Petersburg, specialist in the jargons or patois in which were written the Talmud, the Zohar and other sacred books of the Jews. His declaration, published in a pamphlet of 43 pages, is crushing to the Jewish case in regard to ritual murder."

The Quebec campaign waged by Action sociale was fed by overseas sources whose very names and addresses linked the ritual murder myth to adherence to the Christian faith. Tardivel obtained his facts about Canadian Jews from Vera Roma (Nov. 7, 1908).

Agence internationale Roma

A reader who respects the Catholic Church must be embarrassed that this institution provided the documentation for this anti-human diatribe and did not provide an authoritative and condemnatory response.

La Vérité was terrified when it learned, from the Revue internationale des sociétés secrètes associated with Mgr. Jouin, that Jews were migrating to the Holy Land, that they engage in agriculture and trade there; that they had founded Rishon Le Zion and that the Jewish National Fund was buying land (March 1, 1913). A few months later it traced the history of Zionism to Mordecai M. Noah, La Vérité's L. Hacault having discovered P. Wiernick's History of the Jews. (July 26, 1913)

But Agence Roma reported that the Zionist movement, "the mirage of Palestine, the promised land, the homeland for which they wept and desired with exalted nostalgia, has begun to evaporate in the cold winds of reality...Realizing that the Territorialist movement is bankrupt, the Jewish leaders are now promoting the nationalism of every Jew in the land where he lives. This is winning many adherents, for it is the traditional Jewish program." (Action sociale, Oct. 15, 1913)

The Arabs, the Agence reported ten days later, are concerned about the Zionist movement which had recently held its congress in Vienna and are planning an anti-Zionist Arab congress of their own. (Ibid , Oct. 25, 1913)

The A.I.R. issue of Oct. 22, 1913 reported on American Jewish protests against the boycott of Jews in Poland, a campaign seen as dangerous as the pogroms of Kishineff and Bialostock. Another report told of a disturbance at a Jewish journalists' gathering at Vienna.

On Nov. 5, 1913 it told of a Jewish father of a girl in Poland who converted to Catholicism. The father kidnapped her and attempted to bring her back to her ancestral faith, but she was released by the police. The Agence reports that such incidents are common in Poland. The service also told of French and German Jewish pacifists.

In Minsk a gang of young Jews surrounded a Catholic priest and threatened him, calling him "Pranaitis". (Agence Roma, in Action, Dec. 30, 1913)

A report of Jan. 3, 1914 dealt with an appeal by Warsaw rabbis urging Jews to observe the ritual law of "Shatnes" textiles. The Agence Roma saw it as a form of boycott against Christian tailors.

It was from this source that the Quebec daily learned that "The Russian Ministry of Justice was preparing all materials in regard to Jewish ritual murder to be dispatched to Kiev for study by the judges in the case of Beilis accused of murdering Yuschinsky. These materials include translation of relevant passages from the Talmud." (Action sociale, Oct. 22, 1913)

"It is thus that we see the hold that Israel has over the entire world. These are not the only little tricks used by the descendants of those who crucified Jesus. They need to prevent the indiscreet from telling the public about the facts and deeds of the synagogue."

Action reprinted on Nov. 8, 1913, a long article on the Beilis case from the Paris L'Univers, under the title, "The Plague of the World," written by Maurice Talmyer to explain "the remarkable world tumults unchained by the Jewish sect so that we can see the doings of the nomadic and subterranean power and its objectives and machinations as brought to light by Drumont. The report in the Revue internationale des sociétés secrètes, Aug. 20, 1913 by Albert Mouniot reveals the stupefying artistry by which a strongly organized conspiracy can change the simplest and clearest story into an imbroglio of inextricable shadows."

The "real" story as told by Talmyer is one of the clumsiest of crime fictions concocted by eight-year-old children. The connection between the murder of the Yuschinsky child and Jews is that Mendel Beilis wore a black beard and that the wounds on the body of the boy had cabbalistic marks, whatever that means.

The plot thickens for Talmeyer when, after Beilis was accused of murder for ritual purposes, "700 rabbis from all over the world united impudently to intimidate Russian justice by their solemn prevarications. Their lawyers boldly claimed to be more powerful than all the Russian courts, all Russia's regiments and even than the Czar himself. According to such newspapers as Le Temps Jews hold the fate of Russia in their hands and they can force the crown itself to become Jewish if it does not wish to crumble, and all because a worker in a Jewish brick kiln appears before the courts."

The Russian newspaper, the conservative and anti-Semitic Kievlianin, with thirty years of wisdom and prosperity, has now joined the Jewish cause. Talmeyer is reminded of the Paris Le Figaro, also conservative, old and experienced, also suddenly become the champion of Dreyfus. "Even then it was confounding to see the openness of the Jew becoming the mortal enemies of any country which accepted them. We can only point to the sickly exhibitionism with which it proclaims itself the plague of the world."

"If we wish to be informed precisely about this Kiev case in which Israel sees itself implicated, we need to read the solidly documented studies which appeared recently in the Revue internationale des sociétés secrètes and in La Bastille, both excellent publications edited by specialists in Jewish masonic affairs.

"We must not lose sight of the ever growing control of the world by the monstrous Jewish spider web." (Oct. 23, 1913)

On November 4, 1913, Action sociale editorialized under the title, "The Tactic on the Beilis Case",

The Quebec daily dug up, if it did not invent, a Jew converted to the Church who spoke about people tortured to death by Jews. (Oct.16, 1913. It cited Drumont's "study" of the abominable practices of the Jews such as ritual murder. (Richard Jones, L'Idéologie de l'Action catholique, 1917-39. Quebec, Presses de l'Université Laval, 1974, Pp. 71-73)

Le Messager canadien du Sacré Coeur protested no less vigorously than J.P. Tardivel's La Vérité against French Canadians prarticipating in such declarations and becoming "valets of Israel."

To the Quebec allies of the Russian torturers, Mendel Beilis remained a villain who had got off free because of the generosity of the admirable Russian judicial system and through coordinated, lying detectives who were bribed, greedy or terrorized witnesses, a scaffolding of deceit and calumny, according to France antimaçonnique, cited by La Vérité.

The reporting press at Kiev and the world's news agencies were all corrupted by Judeo-masonry. (Nov. 20 and 29, 1913)

After he was freed La Croix of Montreal reported that Beilis fled to the U.S., out of fear of assassination or of renewed arrest and prosecution on the basis of "important new evidence" of his guilt. (London Daily Mail, Nov. 18, 1913; La Vérité, Dec. 20, 1913)

With his acquittal in Kiev, and the Canadian parallel of the Ortenberg case not finally settled, such Quebec papers as La Vérité commenced an intense campaign to establish the fact that Jews do commit murder for ritual purposes and that the church so teaches; quoting the Revue internationale des sociétés secrètes and a number of church documents and Catholic histories to "prove" that Jews are indeed thus guilty.

Another Quebec Voice

Benjamin G. Sack, Montreal correspondent for the New York Yiddish Tageblatt (often under the nom de plume of Ben Zakai) reported on the Canadian reaction to the Beilis case in Kiev.

"The French clerical press, published and edited by priests, is strictly controlled by the church. They seized upon the murder of the Yushchinsky child as upon manna, and they write of the 'knife wounds' found on the body of the child in the style adopted by the Ruskaya Znamya and the Dvuglavi Oriol, so that they leave no doubt in the minds of their readers that it was Jews who committed the crime for reasons that are clear.

"The French anti-Semitic press is exploiting the Beilis case for its own ends. It openly accuses the Jews of doing all in their power to pervert Russian justice, to dictate to the judges the verdict they should hand down, and to deceive world opinion through falsified news reports prepared with the aid of the press agencies under their control.

"Specifically, these newspapers cannot understand the anti-Russian protests against the prosecution of a Jew on charges of ritual murder. This the more since such protests, which they call 'ridiculous and unbefitting manifestations,' took place under their very noses. They were particularly distressed when the French Canadian Catholic mayor of Montreal attended a Jewish protest meeting and 'made himself more ridiculous there together with the Jewish crowd.' Even more intolerably, the following day the sanctity of City Hall was desecrated when City Council unanimously voted to protest the ritual murder accusation.

"This was too much for Action sociale. 'Where are the times when the Montreal Council condemned the Jewish mayor of Rome?' it asked, chiding it for meddling in foreign affairs. 'Was it proposing next to vote sympathy resolutions for the Poles, the Czechs and the Hungarians?'

"This tone was followed by other anti-Semitic papers, and it is believed that some aldermen regretted on the morrow having voted for this daring and unconsidered resolution of sympathy.

"Nor is Quebec alone. In Winnipeg there is a small French paper, the Liberté, issued by the reactionary Archbishop Langevin, whose influence extends all over Western Canada. This leaflet published an attack on the Jews in connection with the Yuschinsky murder, again affirming that the Jews have murdered many Christians as part of their religious ritual, and that they have been caught in the act. The reader of this article could well believe that it had been written for the Zhemshchina, or reprinted from a Russian proclamation calling for pogroms.

"Equally striking," Sack notes, "is the utter silence on the Beilis case in the usually friendly English-language press of Montreal, unlike, for example, the Winnipeg Tribune and the Free Press. These dailies attacked the Liberté on their editorial pages. But the Montreal newspapers did not find it necessary to devote a paragraph of editorial to an event which is concerning the greatest newspapers of Europe and America, not even on the local protest meetings.

"Not that they suspect their Jewish readers of using Christians' blood for their religious ritual. But they are faced with the charges against Beilis before the courts. And 'What if?...' Beilis may be innocent, but it would be daring to express an opinion, especially since the case involves principles which are hard to disentangle. It is wiser to be silent.

"It is clear that anti-Semitism in Canada is not confined to certain social groups, and it is also not limited within certain geographic limits." (Nov. 3, 1911)

The world press was horrified at the court proceedings, that a court should actually, serously, try a Jew in the twentieth century on such charges! The newspapers of the world reflected this indignation.

The hostility to Mendel Beilis accused of ritual murder in Kiev, which was being disseminated by Action catholique was in contrast with the sympathy for the Jews in Russia widespread in anglophone Canada. Liberal opinion in England led in a declaration of protest against the very concept being entertained by a court of law. Among those distinguished citizens who signed it was the Canadian physician Sir William Osler.

The Beilis case was further evidence of a schizophrenic Canada. Even while the Quebec newspaper was supporting the prosecution, west of Quebec protests against the Russians came from many sources, including the municipal governments of Toronto, Ottawa and Winnipeg. These were proving very embarrassing to the Russian diplomats charged with maintaining the prestige of the Czar's regime. The ambassador found it necessary to inquire from the Canadian government whether such protests were legal. (Eugénie Masour-Ratner. "Les Coulisses policières" in Le Monde juif, vol. 18, no. 32, Jan. 1963. P.49; based on A.S. Tager's Russia, The Beilis Case; La Vérité, Nov. 1 and 29, 1913)

The very issue of Action sociale which reported the Malouin verdict, Oct. 22, 1913, also reported that the Montreal City Council unanimously adopted a resolution,

"Whereas this Council wishes to offer its sympathies to their colleagues and fellow citizens of Jewish origin on the occasion of certain accusations tending to spread the belief that the Jews of Russia are guilty of ritual murder,

"That the conduct of the Jewish population, as elsewhere, justifies the Council in believing and declaring that these accusations are ill-founded and unjust."

The motion had been proposed by Councillors Blumenthal and Boyd.

Two years earlier Boyd had protested against Council condemning the Jewish mayor of Rome, Ernesto Nathan.

Immediately after the adoption of the resolution on the Kiev trials, Councillor Ménard introduced a balancing motion protesting against the insults levelled against Catholic scouts in Rome, among whom there were a number of Montreal scouts. This motion passed in spite of the opposition of Councillor Judge who had been silent during the debate on the Beilis' motion. Now he stated that Ménard's proposal had no place on the Council agenda; religious questions and affairs in Italy were not properly the subject of city deliberations; the cosmopolitan populace was living in amity, and foreign religious problems were not the proper concern of City Council.

The Montreal correspondent of Action foresaw that at the next sessions of the council, motions of sympathy for Poles, Bohemians, Galicians and others will be proposed by Councillors who have voters from these groups in their constituencies. There is even a plan to put foreign affairs permanently on the agenda.

Reports in the New York daily Tageblatt of October 22, 1913 said that "Montreal Condemns Czarist Government" as it told of the protest meeting in the Gaiety Theatre with the participation of Mayor Lavallée and Godefroy Langlois, M.L.A.; and "Toronto Protest Against Russia" at Massey Hall.

The historic horror of this accusation is deeply etched in Jewish memory. In 1956 the Toronto descendants of Jews from Stashov (in Poland) recalled that "many years ago the parish priest there noted in his history of the town that the church tower and its bell were erected at the expense of a local Jewish man who had been accused of ritual murder. That had been his punishment!" (David Graubart, in Daily Hebrew Journal, Oct. 25, 1949; cited in Anniversary Souvenir Edition of Stashover Young Men's Society. 1956)

Seeking Clarification from Rome

Lord Rothschild had written to Papal Secretary of State, Cardinal Merry del Val for a statement countering the accusation made in Kiev by Father Justinus Elisciewitsch Pranaitis of the Roman Catholic Province of Turkestan.

The affirmations of the cardinal in this direction did not convince Parisian Arthur Latt, associate of Louis Veuillot, or Quebec's Action sociale or La Vérité. (Action sociale, Nov. 26, 1913; La Vérité, Nov. 8 and 22, Dec. 6 and 13, 1913)

On Nov. 11, 1913 Action carried a Paris report of the A.I.R. as reported by La Croix. For these enemies of the Jews were ready to dispute and to discount the formal statement of a leading cardinal. Anti-Semitism was a superseding religion.

"Increasingly the international campaign in favour of the Jews centres on the Kiev ritual murder case. Appreciating the implications all over the world of a Kiev court affirmation that the Jews still commit ritual crimes, Israel devotes all its influence and much of its money to create a public opinion that would deny absolutely the existence of ritual crimes. It knows that the anti-clerical press alone cannot persuade the believing peoples of their thesis. Israel has exploited the good faith of some Christian personalities in placing their personal opinions before the public.

"So the Jewish and Judaizing press have spread wide a letter which His Eminence Cardinal Bourne is said to have sent to the Chief Rabbi in London,

"'I regret to learn that an accusation of ritual murder has surfaced again in Russia. As you are aware, the Catholic Church has always, to the best of my knowledge, recognized that this accusation has no basis in the religious faith or in the practices of the Jewish people. I am confident that this will soon be universally recognized, and that the crime that was committed will not be attributed to motives which have no existence in reality.' (translation from the French)

"If this letter is authentic, it is clear that the good faith of His Eminence has been exploited. In fact the Catholic Church, far from denying the existence or the practice of ritual murder among Jews, has canonized the child Simon of Trent as a martyr, killed by

the Jews of that city on the Passover of 1475. His Saint's Day is still observed the 25th of March, the day of his martyrdom. That is the only manner by which the Catholic Church can concern itself with the question, for clearly it cannot enter directly into the thinking of ecclesiastical statements.

"The fact of ritual murder is a purely historical question. It may not have reality in the religious faith or practice of the Jewish people (if by practice we mean habitual or official practice), and yet be a historically true fact. The Catholic Church has not ever had to deal with the 'foundations' of ritual murder, for the question does not enter into its teaching; any more than into the 'foundation' of the Muslim hatred of Christians, a hatred which has no basis in the Koran. On the historical basis the Church has encountered it in the two-year-old infant killed at Trent by the Jews for the ritual crime of Passover. It canonized the little martyr. That is all. It is enough."

Agence Roma reported that "the attendance of Jews at these protest meetings in Berlin against the ritual murder trial was so great that the police had to control the crowds. Prominent Jews such as Oppenheimer, Kiele and the former member of the Duma Lavin spoke at these gatherings which constitute a remarkable manifestation of international Jewish agitation in the Beilis incident, an agitation which recalls the Dreyfus case." (Ibid., Nov. 29, 1913)

When the attorney general of Cracow suppressed two issues of the Polish Glos Narodu which carried anti-Semitic articles, the editor of the Agence Roma pointed out to the readers of Action, "An international signal from omnipotent Israel intimidates the anti-Semitic press in order to silence all reference to the world-wide Jewish peril." (Oct. 20, 1913)

Whatever the response of Cardinal Merry del Val to Lord Rothschild, it was sufficiently ambiguous for Charles Dupuy to argue in the Paris Le Soleil, reprinted in Action sociale of Nov. 19, and in La Vérité of Nov. 22, 1913, that the cardinal did not express an opinion on the question at issue.

It is not excluded from the Jewish lord's arguments that "some Jews, upset and fanaticized not by the teachings of the Bible but by the doctrines set out in the Talmud, may have sacrificed Christian children.

"It is evident that there have been ritual crimes. If Judaism as a religion is not responsible for them, Judaism as a Talmudic sect has often been accused and convicted of having committed murders of the type which have provoked the charges against Beilis.

"The papacy has never confused Biblical Judaism and Talmudic Judaism; and if it does not hold the Jewish religion responsible for the crimes of the Talmudists, it does not guarantee the innocence of the fanatical Jews who have often confused the worship of Jehovah with that of Moloch, as history proves. Would Mr. Rothschild deny that, as has often been stated, in their state of wandering, it has happened that Jews denied the true God and have sacrificed to the golden calf?"

The writer turns against the Jews the words in which the Jewish lord thanked the papacy for the protection which the Holy See extended to Jews on occasions "when the peoples, exasperated by their exactions and usuries, sought reprisals and restitution...

"We know how the Jews gave witness to their gratitude once they were emancipated. They were the most perfidious and most hateful defamers and persecutors of the church. They opened their treasuries to revolutionary factions, to masonic lodges; we find them everywhere -- in France, in Austria, in Germany, in Belgium -- accomplices of all attacks upon Catholic beliefs and Christian initiatives. They were the instigators and financiers of all sects which aimed at the extirpation of Catholicism. The Jew Nathan, mayor of Rome, like Lord Rothschild an English Jew, insulted the despoiled yet ever -blessing Sovereign Pontiff.

"Mr. de Rothschild invokes the spirit of charity and tolerance; it is to the Jews he should so be addressing himself; it is their iniquitous acts, their monstrous attacks he should be condemning and diminishing.

"Beilis is not the only victim of intolerance, and Cardinal Merry del Val was very gentle to the Jewish lord by not reminding him of the hundred years of sectarianism and the demoralization by cosmopolitan Jewry which the arrogant and persecuting Jew will expiate, in Paris as in Kiev.

"May the Papacy still be heard by the world in that hour of revenge; only it will be able to prevent those reprisals from being too onerous and the punishment too cruel."

A long "Letter from Rome" on "The Jewish Question: Israel between Kiev and Rome", dated Oct. 31, 1913, begins with a description of the Russian situation on the eve of the Beilis verdict,

"The importance of the Kiev ritual crime case becomes the more evident as even newspapers as liberal as the Journal des débats speak frankly of the crime. The case now comes to justice not only before the bar of Russian justice, which is always embarrassed whether it condemns or acquits, but also before public opinion.

"Besides, the social political climate in the land of the czars is more than ever hostile to the Jews. Russian Poland has organized a financial and commercial boycott of the Jews to defend itself against the mortal stranglehold; the Poles are even aided in their great need by the Russian government.

"So the judicial recognition of Beilis' ritual crime in Russia and elsewhere would be uncomfortable for the twelve tribes. We can understand why they are embattled. They are not satisfied with denying that he has committed a crime, or at least a ritual crime. They stubbornly maintain that there is no such crime. Israel has put its golden axe to the roots: there is no ritual crime. The liberal press, a fief of that great Jewish fortress, the bank, is similarly engaged. The improvised specialists, who would be hard pressed if asked for even a historical résumé of the question, are bellowing: There is no ritual crime.

"But Israel is aware that there is quite a forest to which its axe has no access, the Sacred College of Cardinals at the Holy Roman Church. One word from there speaks more loudly than the entire liberal charivari. And Israel has marched to overcome this word.

"Their Eminences Cardinals Bourne (and they say Agliardi) said that they do not believe that ritual crime exists. We bow in all sincerity before the good faith, the charity and the noble frankness which led them to state their opinion. It stands to honour the Church whose princes can openly tell their worst adversaries of the Church that they do not believe them guilty of such a crime...

"The response is simple. On the strictly historical question the choice is between the good faith and honesty of one opinion, and the value of another who has studied the history and the religion of Talmudic Israel. The simple Catholic priest, Father Justinus Pranaitis, a scholar of the first order, is not only a perfectly honest man, but also very competent in Talmudic studies, which is why he was called in connection with the Kiev case.

"In order to crush the testimony of the good Father Pranaitis, no less a man than Lord Rothschild addressed an inquiry to Cardinal Merry del Val, Secretary of State to His Holiness, regarding the authenticity of a report of Cardinal Ganganelli (later Pope Clement XIV) to the Holy Office and of a letter from Pope Innocent IV.

"The cardinal stated it as his opinion that no such crime exists. All honour to the conscience of a man who, convinced of a truth, did not fail to testify accordingly in all sincerity, in the light of truth and justice as they appeared to him, even though this was in favour of the worst enemies of the Church. Here again is brilliant proof of the love of truth, love and charity of the Roman Church. But that is all. The historical question of the existence of ritual crime will not be decided by the personal opinion of Cardinal Ganganelli.

"If Pope Innocent IV were convinced in all conscience that ritual crime does not exist and if he had solemnly proclaimed this fact, this would be greatly to the honour of the man and of the Holy Seat. But the historical question would remain what it is, for it does not escape authority like all strictly historical questions; for it has nothing to do with Catholic doctrine or morals or with the pontifical magistracy. It is a matter of loyalty and good sense.

"We reach absurdity in this question: Innocent IV writes in 1247 to deny the existence of the ritual crime while from Trent in 1475, recognised canonically, comes the beatification of the small martyr Simon, victim of a ritual crime.

"All this if Pope Innocent IV had denied the existence of ritual crime. But it is false to say he denied its historical existence. Suffice to read the text of his letter.

"The Jews of Germany had recourse to the pope to complain that some Christian princes and noblemen exploited the ritual murder (which they much denied, and with cause) as a pretext to seize the goods of the Jews even to the loss of life, aroused the populace against the ghetto and pronounced sentence arbitrarily against them without due process. According to these complaints, it was sufficient for a body to be found during the Holy Week for the cry of ritual murder to be raised and the ghetto to be ravaged and despoiled.

"Innocent IV wrote to the German bishops (and for similar reasons to the French bishops) vigorously condemning this abuse of justice and of Christian charity. He repeated the Jews' complaints, and this may have led some to believe that the pope denied the existence of the ritual crime. He had written:

"Desirous that the Jews not be thus unjustly vexed, we call upon you to be favorable and compassionate towards them; to prevent rash procedures, actions by prelates, nobles and men of power in this regard, and you shall not permit that by such or similar acts the Jews shall be unjustly molested.

"Where in all this is the pope's alleged denial of the existence of ritual crime? He did not even touch the question...Nevertheless by means of extravagant deformation this was made to appear. The Jews covered the lord with plaudits for his correspondence with the cardinal which was made to appear as concerning bulls of the Church."

The "Letter from Rome" was again distributed by the Cahiers romains, the monthly supplement of the Agence internationale Roma, and was again reprinted in Action sociale, Dec. 1, 1913, and again by the Agence, on Dec. 3, 1913.

The Lie Continues to Rumble

Even as Action sociale was trying and condemning those who were defending Beilis -- and the Jewish people he was chosen to represent -- the Russian court found in his favor and exonerated him from the charges. For the Quebec daily (November 12, 1913) this only proved that "The Lesson of Kiev" as Action sociale saw it, was that it was wrong to criticize the Slavic anti-Semites for trying Beilis. The critics had shown a lack of loyalty, justice and sincerity. Jewish pressure upon the press agencies were blinding the public. The Russians had acted with consummate prudence and had acted calmly, with dignity and impartiality; the Russian clergy called for calm acceptance of the verdict. But the murder of the child remains; the two principal witnesses have both died under suspicious circumstances. The fresh body stabbed 47 times remains as proof that individuals and sects are about who are capable of coldly committing equal atrocities. The Kiev verdict proves that Christians do not condemn Jews without proof. In fact, the Russian jury has destroyed the fiction of a Christian plot against the Jews.

"Reports indicate that Jewish leaders in London and other European capitals intend to continue agitation in regard to ritual murder. So much the worse for them. The Catholic press is not seeking battles, but they owe it to themselves not to falsify history, and they surely will not fail in their duty if they are forced to do so," the Quebec periodical wrote,

Action continued to dwell on the Jewish practice of ritual murder. In its response to the Chronicle, its editors relied on Drumont who insisted that only a few Jews practised it. For its ultimate "proof" Action drew on a medieval church document from Trent, where a holy innocent child was allegedly cruelly murdered by the Jews out of hate of Christ. (November 17, 1919)

After Beilis' acquittal the Quebec Chronicle summarized

"Now only Russia -- the Russia of the Knout and of Siberia -- and Action sociale continue to believe that accusation was well-founded." (Action sociale, Nov. 17, 1913)

Unfortunately, the voice of anglophone Quebec was premature. Action argued, with Drumont, that it was only a few Jews, who set aside the teachings of the Bible and were not necessarily following Talmudic injunctions, who were committing this horror. This, the Catholic paper wrote, is confirmed by Catholic historic documentation.

Action was concerned about the socialists of the Paris Association des jeunes Juifs, as reported in the Univers. It was alarmed that a speaker told the youth association that "the Beilis case opens the case against Nicolas II, and ensures the eventual predominance of a race which had attained summits of civilization when Europe was still barbarian." (Editorial,December 10, 1913)

The newspaper also found support in passages of the French-Jewish philosopher Bernard Lazare, the author of L'Anti-sémitisme, son histoire et ses causes. (Pp. 352-55)

Abbé Antonio Huot, in anti-Jewish lucubrations over many years, persisted in repeating the horrid accusation against Jews. On Nov. 24, 1913 he delivered a lecture on the subject before the Cercle Garneau of the Association canadienne de la jeunesse catholique in the presence of Notary Plamondon and Benjamin Ortenberg.

The first part of his lecture dealt with the "Jewish question" in general, and he concluded it by urging restoration of ancient church legislation in regard to Jews.

Abbeé Huot drew upon the teachings of the Jew-turned-priest Abbé Lémann, to confirm his conclusions; nor was he the first Québécois to learn Jew-hatred from this convert to Catholicism.

The second part reiterated the accusation of ritual murder by Jews. He closed with a prayer for the conversion of the Jews to Catholicism. The press report in Action sociale concluded, "So truth leads true Christians to charity." (Nov. 25 and 28, 1913)

Ortenberg, who was in the audience, offered $500 to the Académie if the abbé would prove his statements: he would, in addition, withdraw the charges he had himself made against Plamondon and Leduc in the courts. (Report by Ben Zakai, nom de plume of B.G. Sack)

Dr. J.-A. Couture and Action sociale criticized the Chronicle for not reporting the Huot lecture, particularly since the English-language newspaper had not shown friendship to the priest in its issue of Nov. 24. (Action sociale, Nov. 26, 1913)

Father Huot's speech was issued as a 37-page pamphlet by Action sociale catholique in its 10-cents series, no. 2: La Question juive, quelques observations sur la question du meurtre rituel.

Among other aspects he faced the report submitted by Cardinal Ganganelli to the Holy Office which discredited the horrible libel and had always been accepted as the Catholic quietus of one of the shameful stains on Christianity. But not to the satisfaction of the Quebec priest, who was armed with support from Les Cahiers romains of 1913: the cardinal was only expressing a personal opinion, not at all binding upon others; indeed, an opinion that ran counter to the views of others and, above all, counter to the historic record. (Le Patriote, May 30, 1935)

A decade later, in 1926, Father Huot was still dealing with "La Question juive chez nous" in L'action catholique of Quebec of May 17, 18 and 19, issued again as a pamphlet by Action sociale with a letter from a reader. (16 p.)

La Vérité of Nov. 20, 1913 recommended his new Le Poison maçonnique in its columns on Dec. 23, 1911 (on Huot see also Canadian Jewish Archives, new series, nos. 2,3,5,6,8 and Clouds in the Thirties, sections 1,3,4)

Not the least or the greatest of Abbé Huot's confusions was to attach this accusation to Kabbalists and to the Chassidic movement, a "discovery" that truly excited and enlightened Lumen of La Vérité. (Dec. 20, 1913)

If Jews are not satisfied with the Catholic conclusions, Jules Romain advised, they can call for rehabilitation by court trial. ("Eglise et le meurtre rituel," Nov. 15; "Les Crimes rituels et l'Ancien Testament," Dec. 13; "Réponses aux négateurs du crime rituel," Dec. 27, 1913)

The Appeal

The appeals in Ortenberg vs Plamondon and Ortenberg vs Leduc were entered on the agenda of the Court of King's Bench, Appeal Side, sitting in Quebec City for the session of Oct. 1914, as nos. 2 and 3 in the order of cases.

B. Figler in his biography of Sam Jacobs (S.W. Jacobs, K.C., M.P. 1871-1938, with foreword by H. Carl Goldenberg. Montreal, 1970) recalls that"On Oct. 2, 1914, at the close of the Day of Atonement, Jacobs left for Quebec to plead the case in appeal. He declared in an interview that should the appeal prove unsuccessful he was prepared to take the case to the Privy Council.

"The appeal was heard before the Quebec Court of Appeal presided over by Sir Horace Archambault, Chief Justice,and Justices Trenholme, Cross, Carroll and Roy ad hoc." (Rapports judiciaires de Québec, 1915, vol. 24, Court of King's Bench, Pp. 69-78, 385-88)

The Appeal Court on Dec. 28, 1914 under the presidency of Chief Justice Sir Horace Archambault reversed the decision of Judge Malouin.

The Appeal judges held that "The declaration...discloses a wider cause of action, namely, that of an action in damages for words maliciously spoken...'It is a general rule that an action will lie against anyone who has without just cause or excuse published words which are untrue, if their publication has caused the plaintiff pecuniary loss. This is so although the words are not defamatory... The action will not be one of defamation; it is an action on the case for maliciously acting in such a way as to inflict loss on the plaintiff.'"

As the Gazette summarized the ruling,

"Though an individual cannot claim damages on account of a libel upon his race or religion, he may, if the libel be directed against a more or less restricted section of which he forms part and if he be in a position to prove that he has suffered damages thereby, enter a claim against the author and propagator of the libel." (Dec.29, 1914)

Chief Justice Archambault

Chief Justice Sir Horace Archambault ruled,

"The appellant, Ortenberg, a merchant of St. Rochs, belonging to the Jewish race and religion, complains that the respondent Plamondon, in a lecture delivered by him, attacked the Jew in general and the Jews of Quebec and the plaintiff in particular. Leduc, the other respondent, printed the lecture.

"Ortenberg says that the lecture in question attacks him in his honor and his well-being; as a result of this lecture he was insulted and assailed, and has lost a portion of his trade, and he asks for $500 damages.

"The respondent pleads that he did not attack the plaintiff personally, but Jewish race, and its methods, and that he had in mind the 'Jew' collectively; that the accusations are true and in the public interest, and had for object to put the Christian population of the Province of Quebec on its guard against the Jewish invasion. In addition, he says that the lecture contains, in substance but the accusations made against Jews in the Old and New Testaments, in numerous works published on the Jewish peril during the past fifty years at least, and in the press: that the facts related are of public notoriety, legitimate matter for polemical discussion, like all other social, political or religious questions.

"The plaintiff inscribed in law against certain paragraphs of the plea. This inscription was reserved for the trial judge, and, in the present state of the record, it is, perhaps, useless to decide if this inscription was well or ill-founded.

"The judgment dismissed the action for the reason contained in the following considerant:

"'Considering that, according to law, if the writing complained of contains no defamatory allegation or imputation against any person, but confines itself solely to a discussion more or less violent and impassioned, of philosophic, social or religious opinions against a corporation, a religious sect or an association, there is no defamation.'

"The principle is well-established and there is no doubt that had the court of first instance believed that the plaintiff was sufficiently designated, the respondents would have been condemned.

"The object of the speaker is seen at the commencement of the lecture:

"'Although from the pulpit our revered pastor told us long ago that the Jew is not only a stranger but an enemy in our midst, yet few people believe that this fellow with the timorous and cringing look constitutes a real danger.'

"Plamondon tells us that his lecture is an attack against the Jews of the entire world, comprising those residents in Quebec; that he excepts none; that the accusations comprise all the Jews, with no intention, however, of attacking any one in particular; that is the gist of his deposition.

"The lecture itself may be resumed in these words:

"It is stated that the Talmud teaches Jews 'that our Lord Jesus Christ is an idol, begotten in vice, and in adultery: that the followers are, therefore, idolators, that the Goyim (the non-Jew, and particularly the Christian) is an animal; that he who returns to a non-Jew a lost article commits a sin because he adds to the power of the impious; that our learned Rabbis (It is a Rabbi who speaks), were right in teaching that an Israelite is permitted to practice usury towards the Christian (Goy); that if a Christian needs money, a Jew may willfully deceive him, he may compound usurious interest until the amount is so high that the Christian is unable to pay without selling his goods; that it is permitted to abuse the wife of the unfaithful, that is, a non-Jewess; that he who causes the blood of the impious to flow, that is to say, of non-Jews, offers a sacrifice to God; that the best among Christians should be strangled, that a Jew who has the power ought, under any pretext whatever, to publicly put heretics to death; that a Jew accused of murdering a man (a Christian) may swear that he has not killed a man, making the mental reservation that it be merely an 'animal that he has killed.'

"The lecturer continued:

"'Are not these precepts of the Talmud taught, explained and commanded to the Jew by his spiritual advisers, the Rabbis in the synagogues, edifying? For us poor Goyim, rape, adultery, theft, usury, murder and false swearing are abominable crimes which our religion rejects and prohibits. If we commit them we are afflicted with remorse and sadness. To a Jew these heinous crimes are considered such virtuous acts that his religion teaches and commands him to practice them, and he retains in his mind as pleasant a memory of them as if he had performed a good deed. You ought to begin to see that the Jew is a man in a class by himself and that his presence in our midst is not desirable.

"The lecturer then went on to cite certain traits and characteristics attributed to the Jewish race and accused the race of being guilty of ritual murder, and he continued:

"'The few facts which I have related to you are taken, it is true, from countries other than ours. But the Jew, bear in mind, is the same in all places and that which he has done elsewhere he will certainly do here the day he believes himself sufficiently strong to attempt it. Has he not already shown among us his tendency towards oppression, and his irresistible desire to attack our religion?'

"After quoting an article from the Progrès du Saguenay on 'Sunday Labor and the Jews,' the lecturer made the following comment:

"Even in St. Roch, Sunday labor, which this writer denounced severely and with much eloquence, is performed by the Jews. There is a factory at 115½ or 117 St. Joseph Street where, parties worthy of belief have told me with righteous indignation, regular labor is performed every Sunday in the year.

"'This is the first encroachment of the Jew among us. Are we going to be so blind, so weak as to submit without protesting?

"'Will you continue, ladies, to purchase from these Jews garments made on Sunday, in contempt of our holy religion, which they now silently treat with scorn, awaiting the time when they can show their hand publicly without danger?

"'Will you continue, gentlemen, to rent, or what is still worse, to sell your houses to these people, thus permitting them to obtain a foothold among you, and assist them to realize their fond dream of enslaving us?'

"I do not intend to enter into a discussion of the theories and opinion of l'Abbé Lamarque, and other authors upon whom the lecturer relies. Suffice it to say, that for the purposes of the present case it has not been proven that the Talmud teaches that murder, adultery, theft and other crimes which, if practised against Christians, become for Jews virtuous acts. Abbés D'Amours, Grandbois and Nadeau, who were heard, state clearly that they base their opinions upon reliable authors, but not one of them has read the text of the Talmud, nor can he read it because he has not sufficient knowledge of the language in which the work is written.

"The accusation to my mind resolves itself to this: The Jew is obliged to obey the teachings of the Talmud. The Talmud teaches that these crimes are not crimes towards Christians. The Jew is the same everywhere, and after having mentioned all the abominations attributed to the Jewish race, the lecturer said:

"'Do you understand that the Jew is a being living by himself and that his presence in our midst is undesirable; that which the Jew has done elsewhere, he will do here as soon as he is able?'

"After stating that the lecture was not a personal attack, the respondent declares that what he said applies to Quebec, that he makes no exception to any Jew in Quebec, of all the accusations charged against the Jewish race.

"Among those who heard the lecturer were certain urchins who, a few days afterwards, threw a stone, smashing a window of the house belonging to the appellant, who was also insulted on the street, and, in addition, his business suffered.

"Without doubt, attacks against a race, no matter how violent they may be, cannot give rise to an action in damages; writers may state everything they think against a collectivity of people with this restriction however that, if any one of the individuals of such collectivity is aimed at specially by the defamation, and suffers damage, he is entitled to an action at law. If the collectivity is numerous there is no right of action, because the injury in that case is not deemed to indicate any one person. Whether the collectivity is or is not sufficiently numerous to give the right to an action is a question of fact left to the discretion and wisdom of the courts."

Judge Carroll

Judge Carroll noted that Judge Malouin had formulated the principle at issue well: There is no doubt that if he had believed that the plaintiff had been described sufficiently clearly, the defendants would have been condemned.

"Plamondon states that his lecture had accused all the Jews in the world, including those in Quebec; none were excepted, that the accusations were levelled at all Jews without, however, intending to attack anyone in particular. That is the substance of his testimony...

"Stating that his lecture was not a personal attack, the defendant declares that what he said applies to Quebec, that he does not exclude any Quebec Jews from his accusations against the Jewish race."

In his decision Judge Carroll made a clear distinction between degrees of specificity and individualization of persons under defamatory group attack: either all the members of a group defamed without exception, or some designated members or easily recognizable members are attacked, or the objectionable actions are imputed to some members of the group who cannot be determined. In this case the persons attacked are identified sufficiently clearly for the claimant to obtain judgment.

"Without doubt attacks against a race, no matter how violent they may be, cannot give rise to an action in damages... if the collectivity is numerous there is no right of action, because the injury in that case is not deemed to indicate any one person. Whether the collectivity is or is not sufficiently numerous to give the right to an action is a question of fact left to the discretion and wisdom of the Court...

"By imputing to this restricted collectivity all the crimes of the Jewish race, they are sufficiently indicated, and I adopt as well-formed the full judgment of the Tribunal Civil de la Seine, Corinaldi & Ors v Feuillebois Renaud:

"'When a defamatory or injurious imputation indicates a number of persons sufficiently considerable not to cause to any of them personal wrong, individual action belongs to none of those persons, the defamatory matter being in such case so general and vague that it is in a way indiscernible; but it is otherwise when the number of the collectivity is sufficiently restricted that the defamation or injury, without indicating them particularly, attacks them personally; in that case, each of them must be given the right to exercise for himself, on his own account, an action for defamation.'

"There is a great difference between this case and the case decided by the cour de cassation, Abbé Cazet v Tritse and Rigaud. In the latter Freemasonry was attacked. No precise facts were ascribed to the five or six Freemasons established at Tannarive where Abbé Cazet had printed his pamphlet. What the pamphlet had discussed was the Masonic project considered abstractly. Not a name was mentioned, no allusion to any act was attributed to any individual in effect described in the publication. The attention of the inhabitants of the country may have been drawn to any person designated by public notoriety as being a member in Freemasonry; but this is not sufficient to change a general discussion into a personal attack, in which one of the essential elements of a crime disappears.

"The Jewish group in Quebec is made up of 75 families in a total population of 80,000. This is no case where the injury is addressed to so large a group that it is lost in the larger numbers.

"In the case of the Assumptionists v Ternate we read that Ternate had published a number of defamatory articles in the Lanterne. The defence claimed that they had not attacked members of the order individually but the association as a moral person and had not included the members who were not in a quality to complain individually. The articles had, among other injurious statements, said that the Assumptionists had excelled in matters where crookedness competed with hypocrisy and such terms as burglars, sharpers in soutanes, filchers, adventurers and blackmailers were used. The court decided that these attacks could be seen only as applying to persons; that these apply only to men and are not applicable to a discussion of an association, its organization, its work or its tendencies. It continued, 'It is impossible to see in these imputations an attack only on the association, that they relate only to the precise acts committed only by Assumptionists who act at present; these insults and defamations attack all the Assumptionists who constitute a limited collectivity.'

"In a note at the end of p. 53, the arretiste expresses himself thus:

"'When a defamatory allegation is directed against a group of people three situations are possible: The members of the group may be attacked without exception, or certain members designated or easily recognized may alone be indicated, or, finally, the defamatory matter being only attributable to certain members of the group, it being impossible to indicate the guilty parties. Those in the two first clauses present no serious difficulty; the right to sue individually is given to every one defamed; however, their number may be so large that no one could be really affected. On the contrary, if the number of people indicated is restricted, suspicion attaches to all, and the action exists for each of them. Thus it may be mentioned as contrary to the present state of the law a judgment which refused to one of the members of a Republican majority of the House of 1876, who took part in the vote given by 363, the right to complain individually of the defamatory allegations directed against any majority.'

"In a word, the question at issue may be resumed as follows: Is the attack directed by the respondent against the Jew a general attack against the Jewish race, its methods, its doctrines, the activities -- an impersonal attack, or, are the persons forming the Jewish community of Quebec sufficiently designated in this lecture? I am of opinion that they are sufficiently designated, that the plaintiff was included in this slander, that he has been injured in his sentiments and in his well-being, and that he ought to obtain judgment.

"In England the Lord Chancellor has said in the case of Lefanu v Malcomson,

"'If a party can publish a libel so framed as to describe individuals, though not naming them and not specifically describing them by any express form of words, but still so describing them that it is known who they are, as the jurors have found them to be here, and if those who must be acquainted with the circumstances connected with the party described may also come to the same conclusion and may have no doubt that the writer of the libel intended to mean those individuals, it would be opening a very wide door to defamation, if parties suffering all the inconvenience of being libelled were not permitted to have that protection which the law affords. If they are so described that they are known to all their neighbours as being the parties alluded to, and if they are able to prove at the satisfaction of a jury that the party writing the libel did intend to allude to them, it would be unfortunate to find the law in a state which would prevent the party being protected against such libels.'

"And Lord Campbell said,

"'Whether a man is called by one name, or whether he is called by another, or whether he is described by a pretended description of a class to which he is known to belong, if those who look on, know well who is aimed at, the very same injury is inflicted, the very same thing is in fact done as would be done if his name and Christian name were ten times repeated.'

"Is the attack by the respondent against the Jew a general attack against the Jewish race, its methods, its doctrine, its activities -- an impersonal attack, or, are the persons forming the Jewish community of Quebec sufficiently designated in this lecture? I am of opinion that they are sufficiently designated, that the Plaintiff was included in this slander, that he has been injured in his sentiments and in his well-being, and that he ought to obtain judgment.

"Let it be clearly understood: the respondent is not condemned because he attacked the Jewish race or religion, nor for having repeated the accusations which historians and pamphleteers have made against Judaism in general, nor because he denounced with reason Sunday labour; but he is condemned for having attributed to all and each of the 75 Jewish families of Quebec the wish to commit the abominable crime of which the race is accused, when they have obtained sufficient strength to so commit these offences.

"In that there is personal defamation.

"The defendant has stated in his factum, 'Naturally, nothing should be done to revive hatreds and it is a Christian duty not to molest Jews. Besides, they have nothing to complain of since they have here equal rights which the Province of Quebec has conferred on them in 1838 during the election of Mr. Hart in Trois-Rivières, even before England.'

"Certainly, nowhere has freedom been better understood or better protected than in this province; and if the civil liberties conferred on the Jews has been of benefit to them, the defendant seems to fear that they might forget this blessing by heaping opprobrium on them, as in the fine thought of Sainte-Beuve, 'If there are benefits that carry obligations with them, there are insults which enstrange and unbind.'

"I believe the defendant to be of good faith. He intended to perform a public duty. But he has done an injustice to the rights of the claimant. The expenses are considerable. He is ordered to pay only $50, but he shall pay all the costs; Leduc is sentenced to pay $25 and costs."

Judge Cross

Judge Cross agreed. His text not being available at the date of publication of the judgment in the Rapports judiciaires, the editor found it necessary to include them in the following issue "in the light of the importance of the case, the remarks, including questions, of fact and law are closely related, and are published in extenso." (P.385)

He said, "It is proved that the anti-Jewish sentiment which followed upon the delivery of the lecture was such that persons who had dealt with the appellant shunned him, that his business fell off noticeably, and that he was insulted by youths in the street as 'le Juif', and the shutter of his dwelling was broken by a stone thrown by the youths.

"Those effects will be found to have been what might have been expected when it is considered that there are only about seventy-five Jewish householders in Quebec, that the appellant is a dealer in clothing at St. Roch's in Quebec near where the lecture was delivered; that he in fact lived across the street from the respondent's own dwelling house, that a crowd of youths might applaud in front of the respondent's house and jeer in front of the appellant's house without changing place.

"I do not grasp what the respondent means by saying in his plea that he did not know the appellant at all.

"Respecting what the respondent said at the lecture, it can be said that what is charged in the plaintiff's declaration to have been said was in fact uttered.

"The lecture consists largely of quotations from books or pamphlets of more or less known writers wherein the Jew is described in terms such as to make him an object of detestation from almost every possible point of view. After having made a number of such quotations, the respondent summarized thus:

"'Thief of our property, corrupter of our women, murderer of Christian children, the Jew is also the maker of revolution wherever he is free to perform his habitual perfidies.'

"So far, it may be that the lecture might be considered as a mere pronouncement upon 'la question juive', that is, an opinion upon a general question of a racial, or religious, or social kind, upon which there could be no ground for recovery for personal defamation.

"It is, however, to be observed that, towards the end of his lecture, the respondent made reference to the matter of non-observance of the Sabbath. He said that there was a garment making shop at No. 151½ or 117, St. Joseph Street, wherein Sunday work was habitually carried on, and added in conclusion:

"'It is the Jews' first attack on us; will we be spineless enough to suffer it without protest?

"'Will you, ladies, continue to buy from these Jews the garments which he manufactured on Sundays in contempt of our holy faith which they are already mocking silently, awaiting until they can safely outrage it openly?

"'Will you, gentlemen, continue to rent or, even worse, to sell your homes and so permit them to set foot among us and to help them realize the dream they cherish of enslaving us?

"'Our restless homeland awaits your reply.'

"I have already indicated what effect that sort of thing might have been expected to have, and what effect it, in fact, did have upon the appellant. He was subjected to affront in public, and his business was damaged.

"I cannot agree that the respondent's utterances amount merely to a non-actionable denunciation or controversion of a race, or religion at large. They were that and, as regards the appellant, they were more. They were an invitation and incitement to a boycott of the handful of Jewish traders in the City of Quebec. The invitation to boycott was accepted and acted upon.

"The respondent is answerable in reparation of the wrong which he thus caused to the appellant.

"In E. Hulton & Co. vs. Jones (1910) A.C.20, 26 T.L.R.128, it was held that 'if in the opinion of the jury the language used is defamatory, and a substantial number of persons who know the plaintiff would read the alleged libel as referring to him, damages are recoverable, even although the writer or publisher may neither have known of the plaintiff's existence, nor have intended to refer to him or any other particular individual.'

"That view was given effect to in this Court in La Presse & Giguère, Que. 17 KB. 268.

"Those are cases of libel. I however consider that it would be a mistake to test the appellant's right of recovery in this action by rules applicable only to actions of defamation or libel. The declaration in this case discloses a wider cause of action, namely that of an action in damages for words maliciously spoken, such a cause of action as I find described in a modern treatise as follows:

"'It is a general rule an action will lie against any one who has without just cause or excuse published words which are untrue, if their publication has caused the plaintiff pecuniary loss. This is so, although the words are not defamatory, i.e., although they do not injure the reputation of the plaintiff, either personally or in the way of his profession or trade, so that no action of libel or slander will lie...The action will not be one of defamation; it is an action on the case for maliciously acting in such a way as to inflict loss on the plaintiff. -- Enc. of Laws of England -- Wood-Reuton, Tit. "Words causing damage", 2nd ed., p. 828 -- citing Royal Baking Powder Co. v. Wright Crossley & Co. (1900) 18 Rep. Pat. Cas. at p. 99 & p. 104.'

"The respondent pleaded that the statements made in his lecture are true, but he has failed to prove the ground of defence. He is in the position of having maliciously caused damage to the appellant. It is merely a case of applying art. 1053 C.C.

"I would maintain the appeal and give judgment for damages in the appellant's favour." (Rapports judiciaires de Québec, vol. 24, 1915, Pp. 69-78, 385-88)

First Reactions

The day of the judgment the Gazette wrote editorially,

"The case is one of the most interesting arising out of the mixed character of this province's population that has attracted attention for many years. Events have developed a certain anti-Jewish sentiment among classes of the people, some of them educated. In the case that led to the litigation one of the defendants prepared, and the other printed, statements derogatory to the Jews as a people, restating the charges that recently in Kiev led to the trial of an innocent man on a charge of ritual murder; alleging certain modern libels to the effect that people of the Jewish race cannot get insurance on their property, and generally repeating the slanders that have been urged against the Jewish people in many countries for many years; indeed for many centuries. The effect of this circulation of such matter in a community would be varied. Men of strong and intelligent minds would refuse to be turned against men and women living quietly and lawfully today, even if it could be shown that their forefathers in other lands and other countries had been guilty of grave crimes and followed weird superstitions. Many, however, who have not been trained to reason for themselves, and who retain strong respect for the printed word, might accept the voice of prejudice as the word of wisdom, and the unlettered, hearing of what those more learned than themselves had declared, would be carried away into hatred. The case was interesting also from the nature of the evidence given, which dealt with the teachings of the Talmud and the older traditions of Judaism. The reading of some of the testimony was as instructive as the study of books on the matters to the fore. As has been said, the decision of the court of first instance was in favor of the defendant, partly on the ground that, as it is not possible to indict, it is not practicable to libel a whole people. There are, or there were at the time in Quebec, however, only 75 Jewish residents. It seems to have been considered by the Court of Appeal that, while a whole people could not be libelled, a tax of an unjustified character directed against a whole people might cause assessable injury to certain isolated sections of that people in a community liable to be influenced by what it might be told to their disadvantage. On this ground damages totalling $75 were granted. The sum is insignificant; the principle embodied in the judgment is far-reaching. The lesson will probably be effective." (Dec. 29, 1914)

On January 18, 1915 Action sociale wrote editorially,

"As it does not appear that there is going to be an appeal in the Plamondon-Ortenberg case in which the court of King's Bench gave judgment several weeks ago, we are going to allow ourselves a brief commentary on a judgment which has already given rise to many comments.

"Naturally, we will not undertake to comment on the judicial aspect of this document because such matters are beyond our competence. A case is rarely ever pleaded without the lawyers on the opposing sides finding the means of quoting one or several authorities or several precedents which will give them the basis for a judgment. Our intention is merely to dwell on two points on which we humbly claim to be beyond our conception of logic and common sense.

"First, the court throws out the evidence of Abbé D'Amours, Grandbois and Nadeau because they have not read the Talmud in the original, and it charged them with not having a sufficient knowledge of the language in which the work is written.

"The Honourable Judges of the Court of King's Bench have created a precedent which seems to us to be very dangerous if the public takes this decision seriously, and will ask of courts of justice their opinion on works of science or literature or about the value of the commentaries to which that work gave occasion.

"Law courts ordinarily avoid giving pronouncements in questions of this type and they are right, because they are absolutely incompetent in matters of this nature. And if they decided a piece of evidence to be worthless because its authors had not read the Vulgate in the original or Homer in the original, they only succeed in causing all thinking people to shrug their shoulders.

"There was no need to declare 'It is enough for us to say for the purposes of this case that the Talmud taught it'. What the Talmud says or does not say is not within the competence of a judicial tribunal any more than it is their function to declare that Jews or Christians are right when they support, basing their arguments on texts, some absolutely contradictory doctrines on the subject of the Messiah."

On the 19th the same newspaper wrote,

"The second consideration which we wish to submit to our readers on the subject of the Plamondon-Ortenberg judgment is drawn from the following paragraph on which the judgment seems to be based:

"'Let one remember that Plamondon is not condemned because he attacked the Jewish race or religion, or for repeating accusations which historians and pamphletteers have brought against the Jews in general, or because he rightly attacked Sunday work; but because he attacked about 75 heads of Jewish families in Quebec City and because he attributed to all and each of them the wish to commit the abominable crimes of which this race is accused, when they will be strong enough to commit them here.'

"And further on:

"'The Jewish community of Quebec City is made up of seventy-five families out of a population of 80,000. This is not the case of an insult directed against a group which is large enough to state that it is lost in the population as a whole.'

"If we understand this clearly it meant that if the Jewish population of Quebec City was more numerous, not one of the heads of its families would have possessed a legal recourse against the lecture of Plamondon because the latter attacked no individual person in particular, and that thus the insult would be no longer a personal one but a collective one.

"This principle, if it was maintained, would have no more validity than the one concerning historical proof and evidence which we attacked yesterday.

"In effect, if the claims of legal tribunals to settle historical controversies cannot be supported, that of only allowing discussions in the case where certain people gather in sufficient numbers in a given place is hardly more so.

"Where would science or simple intellectual culture be if, at the time of the holding of a lecture on contentious historical questions, the lecturer would be compelled to find out if the persons whose nationality was being discussed were sufficiently numerous in the district? Does not one see, on the other hand, the confusion if legal tribunals learn when it is very possible that there is a difference of opinion on the number of persons and families in the district and fix it at one hundred restrictions in one case and at one thousand in another? Does one see the restrictions that would be placed on book stores if all the book sellers who had the idea of selling the Plamondon lecture in a pamphlet form or the works of Lamarque or those of Drumont, or some other works of the same kind in districts of the city where Jewish families were too numerous, would be subject to legal prosecution?

"Let us push this line of reasoning a little further. No one should think that the tribunal made that type of judgment because it was only a question of the Jews. The principle can be applied to all races in general. Let us take the particular case of the German race. They are under heavy attack, God knows, at the present time. They are accused of crimes of all types; and serious authorities one of whom, a distinguished French lecturer, was the guest of L'Institut canadien, maintained that German bad faith, brutality and ambition are the direct fruits of German culture. We know that there are not many German families in Quebec City. We would be surprised if there are more than seventy-five. Not a single member of this group had had the idea of having recourse to the courts. M. De La Prade attacked their race so directly in his lecture. It is true that in the present state of affairs, it is elementary common sense for them to keep quiet. But later, when peace is signed and things have returned to normal, the terrible present conflict will again be a subject for free discussion. Scholars will draw from it subjects for many debates. There will again be discussions of kultur, and of spying, and of the espionage so cleverly organized in every country, and of the systematic scorn of the Germans for treaties and for human rights. There will be lecturers who will maintain with the support of historical proofs that these justly condemnable acts are the result of the mentality which has been created by German education. Perhaps these lecturers will go so far as to maintain that the Germans are the same everywhere, and the race of barbarous traitors and spies has not been destroyed. And if the business of German residents of Quebec City suffers as a result of these attacks against the members of this race, and if they have the idea of seeking legal redress in the Courts, will there be a judge who will condemn the lecturer because he has not read the texts of Bernhardi or because the German community of Quebec City is so small?

"And will it be no longer allowed to discuss historical events in which Russians, Turks, Italians and Chinese have played a more or less distinguished role because, in the district where the lecture is to be given, there are only one or two representatives of these races?

"That is where a principle of the type of the one put forward in the Plamondon-Ortenberg case would lead. Therefore, it is not surprising that so many serious minded people regret seeing invoked this judgment of the Court of King's Bench."

The Saturday Mirror of May 31 commented under the heading "Libelling a Race",

"A very interesting story would have been lost to the Canadian public if the Quebec courts had not decided, for the time being at any rate, that an individual is entitled to sue for damages for an alleged libel affecting, not himself personally, but the race to which he belongs. The Ortenberg-Plamondon case, whatever its merits, is a lamentable exhibition of the extent to which the Jewish and French-Canadian races have not lived in peace and harmony in the city of Quebec. There have been spasmodic indications of a rather similar state of feeling in this city, but as a general rule we in Montreal are too busy making money and looking after the development of Canada to have time for religious squabbles. The events which gave rise to this case -- the deliverance and publication of the alleged libel, and the anti-Semitic riots which are declared to have followed it -- took place in the year 1910. Getting a case into court for hearing is not precisely the quickest thing we do in the Province of Quebec, and a good deal of water has gone under the place where the Quebec Bridge once was between the date of the riots and the date of their discussion before Judge Malouin. It is some consolation to be able to hope that the incidents of 1910 could not be repeated in 1913, any more than the Dreyfus case could be repeated in France in this year of grace. Zola might have found some interesting material in Quebec in 1910 for a postcript to his historical novel, La Vérité."

On the Case

The ugliness of the case seems to have struck French Canada, even the men and the institutions who themselves preached the same venom from tribunes of authority and who supplied Plamondon with the platform whence he uttered the address which sparked the legal action. Indeed, even the very articulate anti-Jewish press was restrained on this case, sub-judice, and wrote more to attack Beilis than to defend their compatriot in Quebec.

The Quebec Daily Telegraph called it "A Jewish Vindication":

"All rightminded citizens will rejoice at the judgment of the Court of Appeals in the case of Ortenberg v Plamondon and Leduc. The fanatical element here and elsewhere cannot be too soon made to understand that the slandering and stirring up of prejudice and strife against a race is as dangerous and as bad as the defamation of individuals.

"In this free country, under the protection of the British flag, the Jews have as much rights as any other race; and so long as they conduct themselves as good citizens, which they undeniably are, no one is justified in decrying or injuring them in their persons, their business or their property, simply because they worship God differently from others and have customs and observances peculiar to themselves. One of their advantages over a good many other elements is that they do not figure in the dock of the Recorder's Court very often."

The case attracted world-wide attention, especially since it was priests from the archdiocese of Quebec who had appeared in court to make dangerous and ridiculous accusations against the Jews and their religion. (Ortenberg v Plamondon, Canadian Law Times, 1915, vol. 25. P. 262; Gatley. Law and Practice on Libel and Slander, P. 112; 2nd ed. 1936, P. 123; third ed. 1974, Pp. 86-87; Quebec K.B. 1914, 69 and 385, reversing 14 D.L.R. 549; Nicholls. Responsibility for Offences and Quasi-Offences under the Law of Quebec. 1938. P. 102 and American Annotated Cases, 1915, c.347)

It was an important ruling, a vindication of Western justice in the face of the anti-Semitic attack on truth as a spearhead of genocide. But in the decades ahead it proved a weak reed in its own province.

David Reisman called it the "often cited but never followed case," ("Democracy and Defamation -- Control of Group Libel," in Columbia Law Review, vol. 42, May 1942, P. 766), and Melvin Fenson noted in 1964 that the case is referred to in neither the Canadian Abridgment nor the Canadian Encyclopaedia Digest. Yet it is held to be a striking exception to the general problem of particularising the plaintiff, a difficulty which constitutes the major stumbling block in bringing civil suit in group defamation." ("Group Defamation: Is the Cure Too Costly?" in Manitoba Law School Journal, vol. 1, no 3. 1964. Pp. 255-82)

Fenson notes that "despite the general reliance on Ortenberg v. Plamondon as proving the possibility of a successful civil action arising from defamation of a large collectivity, the case on close reading reveals itself to be the traditional exception that proves the rule. It borders very closely on those instances in which defamation of a class is held to be a cloak for defamation of an unnamed individual. This probably accounts for the reference in the reasons for judgment to Le Fanu v. Malcolmson in which general statements regarding Irish factory owners were held to refer to the particular plaintiff.

"Further confirmation of the suspicion that Ortenberg v. Plamondon did not really turn on the issue of group libel is found in the reasoning advanced by Cross, J. He grounded his judgment on an action on the case for maliciously acting in such a way as to inflict loss on the plaintiff."

Indeed, M.H. Myerson wrote that the Ortenberg judgment indicates that "there is no remedy when the defamation is directed against the collectivity, when the members of this collectivity are so numerous that the defamation is not directed against any person in particular." ("Group Libel Law Recommended," in Revue de barreau, vol. 13, 1953, Pp. 218-39)

The Ortenberg decision is unique in that recovery was allowed by the court for a member of a group (called a "restricted collectivity") which numbered 260 or more. It is the sole exception to the apparently prevailing view of Canadian courts (inferred from the absence of case reports to the contrary) that no particular plaintiff is hurt, or can show anything but the most speculative claim for damages, when a large group is defamed.

The court by its decision protected Mr. Ortenberg, but its ruling is not a general protection for Jews against such attacks by libel, as Morton Gerald Freiheit noted in his "Free Speech and Defamation of Groups by Reason of Color or Religion,"

"It was here recognized that, though the wording was couched in general terms, in effect, taking into account the particular circumstances, it could be said to be directed at the plaintiff, singling him out as the object of defamatory attack. In reality this case merely affirmed the rule that it is unimportant by what manner a person is referred to, so long as that person is identifiable as being the object of the attack. Whether one is called by one name or another, it is of little importance so long as it is reasonably able to be taken to refer to the plaintiff personally. In the Ortenberg case, the plaintiff was personally singled out, 'visée spécialement' because, though the attack was upon a religious class as such, in that locality there were only a few persons of such faith.

"Under this interpretation, where the plaintiff cannot point to himself as the one intended, as distinguished from the rest of the members of that class, no action lies. This is the interpretation accepted by Quebec jurisprudence (Goyer vs. Duquette, 61 B.R. 503: 'Defamatory imputation against a collectivity, in an advertisement inserted in a newspaper, creates no opening for an action for recovery in benefit of one of the members of this collectivity if it arises from an enquête that the claimant was not visé and attacked personally.') And since this is the interpretation given, it renders such recourses ineffective as a mode of combating the literature in question. It is only in very peculiar circumstances that the individual plaintiff can claim to be singled out as the object of an attack." (Revue juridique Thémis de l' Université de Montréal, vol. 1, 1966, P. 132)

Bernard Figler's narrative of the Plamondon case closes:

"A strange conclusion to this case occurred four years later. In January 1919 the following letter appeared in the Canadian Jewish Chronicle:

"'It may be of interest to some of your readers to know that the famous Mr. Plamondon of our city, who some years ago blackmailed the Jews in general, is now serving a term in prison. He is supposed to have transacted some crooked business for an amount of some $3,000. The priests are pleading for him on the ground of insanity. M.G.'"

The same issue of the Chronicle carried the following editorial: "It happened to Haman, too":

" When we read the story of Mordecai and Haman we are apt to sigh and say, "Gone are the good old days when the enemies of Israel received their just deserts." But every once in awhile history repeats itself, and many a modern Haman succeeds in hanging himself on the gallows which he had himself erected.

" And we, Jews in the province of Quebec, have been worthy of seeing one of our enemies work for his own destruction. On another page of this issue will be found a letter that brings us the glad tidings that one, Plamondon, who figured so prominently in the sensational Quebec libel case, is now serving a term in prison.

" This modern Haman used the time-honored weapon of all anti-Semites by bringing forth the blood accusation in the twentieth century! Now that he has so much time for contemplation and introspection it might not be a bad idea to send him a copy of the Megillah so that he may ruminate on the fate of his predecessor."

In a letter of Nov. 22, 1928 to Joseph Gross of Philadelphia, S.W. Jacobs, M.P. provides us with the later chapter of the Haman story,

"J. Edouard Plamondon, a couple of years afterwards, was found guilty of embezzlement as trustee of a considerable sum of money. He belonged to a prominent family, and before his conviction representations were made that he was insane, so that he had the choice of going to prison or to the asylum, and chose the latter. What has become of him since, I do not know." (Public Archives of Canada. Manuscript Division. Jacobs Papers)

In the 1930's the wave of anti-Semitism set in motion by the Germans was more difficult to hold back than that of the anti-Dreyfusards. In Britain the Board of Deputies examined the law of libel against communities. In his study on their behalf, George J. Webber gave maximum attention to the Quebec case.

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