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CANADIAN JEWISH ARCHIVES

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

Nous nous souvenons

NEW SERIES
NUMBER SIXTEEN

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

ON THE EARLY HARTS

Part 2

Compiled by
DAVID ROME

NATIONAL ARCHIVES
CANADIAN JEWISH CONGRESS

MONTREAL CANADA
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Participation leads to Holocaust
Remembrance is the root of redemption.
(Bar Shalom Tov)

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NATIONAL ARCHIVES

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THE TIMES

The Jews of Lower Canada were almost entirely Ashkenazi Jews of the German-English tradition. A study by Rudolph Glanz of "The Jews in America during the Colonial Period" traces some of these survivors of war-decimated seventeenth century Europe and of the genocidal Chmielnitzky as they wandered across Lithuania, Poland, the German states into Amsterdam and into Britain where the crystallizing concept of the New World was to call them, if only because it pointed to distance, perhaps to safety. Thus the concept of the Pole merged into the German into the English, into the American-Canadian. Jewish humour and folk-geography spoke of Polish and Lithuanian Jews as deriving from "behind Berlin." And for more than a century anglicized Germans were a nation unto themselves, all of which complicates the Spanish-German-Russian periodization and sociology of Jewish studies on the western continent.

This came at a low point in the thousands-year-long history of the Jewish people: world Jewish population not more than one million. At the end of the eighteenth century American Jewry is estimated to have numbered something over 2,000. In that perspective the hundred or so Jews in Lower Canada were no nullity in the continuity-survival strand of the Jewish people even then.

Without purposeful design they established their communities not only in London but in the English port cities as well, so that Canadian Jewry has its roots in Portsmouth and Plymouth as well as in the cosmopolis; a very few of them seeped into America and into the northern colonies.

Glanz notes that the well established Jews in the older Sephardi diaspora centres such as Italy and North Africa did not migrate to found centres in the New World, and similarly the important families in Sephardi North and Central American communities such as Barbados did not venture often unto the mainland and its north.

The German-origin Jews tended to cluster in tiny groups. Often their slow movements coincided with their Christian neighbours -- persecuted sectarians, mercenaries. Their coming is often associated Glanz notes, with the coming of other migrants from the continent, as passenger lists show.

Some of the Jewish migrants originally were lowly camp followers, some were translators, some handled currency. So emerged the concept of sutlers, commissary. Some enlisted.

So we have Jacob Calnek, that "Hebrew of the Hebrews" of Granville and Clements in Nova Scotia. He had joined an Ansbach battalion in Middle Franconia, Bavaria, which was hired out, together with other Hessians, to the English by the rulers of Hesse for gain to fight in what the eventual victors call the War of American Independence. "The war lost and over, he obtained the support of Sir Guy Carleton, and by virtue of his commendation was given a grant of land in Clements, Nova Scotia.

"His military days being over he sent for his wife, also Jewish, and having some means were able to establish themselves with some comfort and solidity. But a fire destroyed their home and all their wealth shortly after, and they had to leave their home and settled in another part of the province, in Granville. There they lived out their full lives as pioneers in British Canada, and among the first Jews in the maritime provinces, and only twenty years behind the first Jews in Canada." (Toronto Daily Hebrew Journal; Calnek. A History of the County of Annapolis, ed. by A.W. Savary. Toronto, Briggs, 1897).

Among these migrants such common Ashkenazi names as Hart, Franks, Hays, Mayers, Lyon, Joseph, Solomon, Abrahams (some of these names at one time were common to Jews and Christians but during this period they became largely Jewish names). Sephardi names are more scattered, are found less often in groups.

This is the continental background of the several dozen Jewish wanderers out of the newly emerging Jewish frontier North American society who reached the northern end of the world, in Lower Canada and in Nova Scotia. (Rudolf Glanz, "Jews in America during the Colonial Period," in The Jewish Review, vol. 4, no. 1, Apr. 1946, Pp. 36-60, Yiddish)

Most of them were relatively wealthy, and they formed a part of the society of the colony. Almost all of them had brought capital with them. They were merchants, importers, army suppliers, wheat exporters, money lenders, wholesalers, bankers, pioneers in shipping later in telephone, telegraph and water works. Although they were not among the owners of the great fortunes in the colony, among its titled higher estates or shapers of its policy and law, they had a very high middle role, inconspicuous in the total history of the nation, with a place all its own, unique and evanescent, in the annals of the land.

This was the eighteenth century, and Jews were just beginning to win recognition and status as human beings, as freemen. This very concept was just emerging from history replete with serfs, liegemen, burgers, estates, city charters, community taxes, ransoms. Napoleon was still half a century away. Somewhere in the future there might come full equality, and it may happen that governing men might be drawn from all creeds and classes and origins.

The world into which Moses, Ezekiel and Benjamin, the sons of Aaron Hart, the prototype of the first Jew in Canada, were born was a free world of equality, possibly the first such free universe for Jewish children in two thousand years.

The constitutional framework of Lower Canada in which they lived confirmed the freedom potentialities.

As Hilda Neatby spells it out,

"In June 1774, on the eve of the American Revolution, the British government provided the former French colony on the St. Lawrence, 'the Province of Quebec,' with the first British colonial constitution to be cast in the form of an imperial statute. This statute, familiarly known as 'the Quebec Act,' which has not been repealed and which still forms a part of the Canadian constitution, was drawn up to meet the exigencies of a community alien to the people of Britain in language, law and religion. It later became a kind of model for the government of the many communities which were to be added to the empire during the next century...

"It might even be called one of the most enlightened laws of the century, an early example in the western world of a long series of hardly-won concessions to the freedom of the individual conscience....

"The other concession was even more remarkable... Britain in 1774 did grant to the inhabitants of a remote and conquered colony the liberty that Englishmen, Irishmen and Scots at home were not to enjoy for another half century. The Quebec Act provided that candidates for office within the province need make no professions for or against any religious doctrine, but should have administered to them a simple, if searching, oath of allegiance, the exact form of which was laid down in the Act. Current suspicion of the supposed deviousness of the Roman Catholic Church was shown by the inclusion in the oath of a repudiation of all 'Equivocation, mental Evasion, or secret Reservation' and a renunciation of all 'Pardons and Dispensations from any Power or Person whomsoever to the contrary.' The best commentary on this is the steady reminder of the Bishop of Quebec to his flock, even when Britain was at war with France, of their oaths and of their duty to 'the English King.') Since then, for two hundred years, Canada has enjoyed complete religious toleration, and, in spite of some regrettable episodes, a remarkable freedom from religious strife. This is an interesting Canadian first. Small and unimportant as Canada was in 1774, it was yet perhaps the first country in the western world to enjoy constitutional guarantees of complete freedom and civil equality to the two great systems of Christian worship and belief, hitherto mutually intolerant and hostile. Friendship and trust, for various reasons, did not come immediately, but the Act, unchanged, if not unchallenged, made such moral progress possible...

"The religious clauses of the Quebec Act remained unchanged, and were apparently scrupulously observed. But if one turns from what was actually done to what was planned and intended, from the bare bones of the Act to the wishes and expectations of those responsible for it, the policy of tolerations exhibits a somewhat different appearance. The Act was the legal framework of constitutional government in Quebec, published and known to all concerned. But the Governor of Quebec, Sir Guy Carleton, before the date on which the Act was to come into force (May 1, 1775), received, according to custom, an elaborate set of instructions which showed him how his superiors in Britain wished this Act to be interpreted...

"The British authorities may have been impressed by Carleton's request -- almost amounting to a demand -- that he might be allowed 'to use his own discretion in this very delicate business.'...

"And so, in spite of hesitations and afterthoughts, the operation of the Quebec Act in Canada can be cited as an example of those most precious human liberties, freedom of conscience and freedom of worship. Canadians may recall with that odd sort of pride reserved for matters for which one can take no credit, that in Canada Britain brought into force the first constitution enacted by statute and the first comprehensive charter of religious liberty."

Lower Canada was, in its own way, a remarkably promising base for the operation. Just because it was not a fourteenth colony, its pluralistic society was operating in a freedom universe of its own. As British-based as Philadelphia, Quebec and Montreal of 1807 were living under one of the most unfettering constitutions known to mankind at this time, a constitution at least as libertarian as the American cities, and possibly with wider possibilities than the citizens of London. And in the metropolis the imperial authorities guarded these rights even against encroachment by the powers whom London had established in the colony.

Certainly Catholics in conquered Quebec had rights which papists in England scarcely dreamed of. But even more than privileges granted them as a gift was the dynamic, the regulation of the contest and the provision of a political arena where, for example, the French Canadians could organize and campaign peacefully but effectively for every conceivable extension of rights and possibilities of survival and expansion.

Without even outlining the political and inter-racial condition of the period, we need only cite a few paragraphs selected almost at random.

"Soon after the establishment of the new constitution, allied interests began to form parties for the purpose of mutual benefit and protection.

"The British commercial interests of Quebec and Montreal formed the basis of the Tory or official party. It was intensely loyal to the crown and to British institutions; it sought the industrial and commercial development of the province. On the other hand, it was extremely intolerant of the customs and institutions which in any way interfered with its ideas of religion and government or with the material expansion of the country.

"From this party the executive council had been selected. It was predominant in the legislative council, but now it was with difficulty that its representatives could secure election to the House of Assembly...

"On the other hand, the French Canadians as naturally became a political party. The defence of their national institutions presented a policy broad enough to attach all true French Canadians. The leadership of the French-Canadian party had passed from the noblesse to the lawyers and notaries...The introduction of representative government and popular elections created in the public platform a new and powerful political weapon, which the lawyer and the notary were best able to wield. As a general rule the lawyers, as well as the clergy, were descended from the middle or lower classes, and consequently were in a position of influence with the majority of the electors...This element in the assembly naturally formed itself into a political party distinctly French in its character, and determined to resist any encroachments which might be made on the privileges and liberties of the people whom it represented." (Duncan McArthur in Canada and its Provinces, vol. 3, Pp. 159-161)

The constitutional framework of Lower Canada in which they lived confirmed the freedom potentialities.

Fernand Ouellet notes that "the House of Assembly was open to all social and religious categories. The silence of the constitution in regard to Jews would permit Ezekiel Hart to be elected in 1807 as member for Trois-Rivières. He would be rejected twice by his Liberal opponents, while his Conservative supporters and Governor Craig would be the defenders of a liberal interpretation of the constitution. All of which shows how the reservoir of recruitment in the House of Assembly is broader than in England where fiscal qualifications and religious discrimination confine the choice of candidates to certain social categories." (Le Bas Canada, 1791-1840, Ottawa: Editions de l'Université d'Ottawa, 1976. P.43)

Indeed, as one Quebec journalist of the time was to note, even foreign-born Jews in America were declared natural born subjects, with the privilege of being sworn agreeably to their conscience. This honour the Catholics did not then obtain. Only a later enactment put Catholics on a par with Jews. This status of rights of Lower Canadians was protected by a provision that legislation affecting such rights required the approval of the Houses of Parliament before being given royal assent. ("An Elector of Three Rivers" in the Quebec Mercury of Feb. 29, 1808)

At the beginning of the nineteenth century the revolutionary situation of the world paralleled the great revolutionary periods in Jewish history. The mystery figure of Napoleon became another complicating personage on the arena upon which Canadian Jews were to play the drama of their history.

A.J. Livinson attempted to formulate Aaron Hart's view of the political society in which he lived.

"A manifestly big adventure was in the air: a new colony with political equality, the dream of the end of racial and religious discrimination was to be fulfilled. Aaron Hart had no illusions as to this happening, but his sons and grandsons had to experience 'liberty' in action to become disillusioned, and discover, to their utter amazement, that for them, British subjects though they be, political equality did not exist. This is one side of the medal that certain historians fail to consider aright." ("Some Considerations on Ezekiel Hart." MS)

The earlier generation had little time or inclination to socialize, and even less to play the time-consuming game and science of political history.

This was the eighteenth century, and Jews were just beginning to win recognition and status as human beings, as freemen. This very concept was just emerging from history replete with serfs, liegemen, burgers, estates, city charters, community taxes, ransoms. Napoleon was still half a century away. Somewhere in the future there might come full equality, and it may happen that governing men might be drawn from all creeds and classes and origins.

Their date is an epoch which was daily creating a new world in a revolution which transformed humanity more utterly than any other which comes to mind. Within Aaron Hart's life the enslaved universe of villages became one of science, of cosmopolis and of cosmopolitanism, of marching democracy, universal education, of technology without borders, of the meetings of peoples, races

and creeds. Not one thought, belief, premise or axiom has remained untouched, no institution intact as freedom after freedom was discovered or invented by adventurers of the imagination and of the mind from Paris or central Africa or Russian shtetlach, adventurers on the moon, in the id, in leisure, in the church mass and between boy and girl, in capital coordinated internationally in the world village.

But two centuries and the revolution is but beginning, it is not surprising that it is not yet digested; especially since waves of this scope have no ethical quality. They are irreversible, and can be seen to be wreaking havoc even more easily than as beneficent agents. Their ebb and their flow leave holocausts, gulags, Islamic reversals, destructive pollutions of the earth and immediate dangers of cataclysms of war, anarchy and of perils to inner space and from outer space. It is not surprising that nostalgia for a world that never was and condemnation of the very liberation obscure the ethically mixed greatness of the revolution labelled as the eighteenth century.

The optimism which welcomed the waves of their present tense have been checked during the past half century by the crass flow of evil threatening humanity. Some of these were produced by the organized reactions currently exemplified in Jewish minds by the name of Capt. Dreyfus; in other minds by his contemporary German racists and Roman anti-modernism, by Czarist reaction (black and red versions) localized in Kishinev and in vast archipelagos, by Muslim brotherhoods and by Hindu murderers of Ghandi -- the whole subsumed in the one word "Hitler."

A more active braking force grew from the fatigue of seeing the social chaos of society resulting from the upheavals, the menace to family, to person and to environment from the uncontrollable violence of the accelerating revolution which systematically destroyed any established and permanent unwobbling peg of veracity. The tempo of its science corroded each final truth as it was asserted, including the philosophy of its own revolution. The folly of optimism became one of the few assured certainties. A longing for the past -- traditionally the symptom of age -- became the common mark of recognition among the young. In the process the nature of the eighteenth century has been nearly lost to sight, and the world of Moses, Ezekiel and Benjamin Hart and their Montreal neighbours hard to reconstruct.

Its vast implications become more evident when we look closely at one spot where it had worked its changes. Any spot will suffice: love, speech, demography, athletics, any of the media new sensitivities to unrecognized violence and their roots in man, Jews.

From each point of examination it appears that just there the revolution worked its most profound transformation. Jewish historians think that here, too, they were the chosen people as they look at the before and after.

From the few Jews of the days of the Baal Shem Tov and of his Czar to the people of Israel and of New York, of Montreal, of Hollywood, of suburbs and of Harvard; to Saul Bellow and Bora Laskin and Agnon and Einstein and J.I. Segal, Einstein and Rachel Korn and Ben Gurion and Samuel Bronfman.

It was the transition from Yiddish to English, to trading and producing for the larger market, to generalised and safe travel, to commercial venture, to population shifts, to experimentation in religion and creating Judaisms, to education for living with the world.

The profound transition was as difficult for the non-Jews as it was for the Jews.

The religious leaders in both camps were never helpful. Many of the Jewish leaders had no confidence that Judaism could survive in the new climate of the earth; the Christians had to discard the violent contempt and the hatred of the centuries ever since the rejection and the crucifixion of the Saviour which seemed to be the basis of their creed of love and charity.

It was on February 4, 1807 that Napoleon had revived the Sanhedrin. A year later in March 1808, the Organic Regulation on the Mosaic Religion declared Judaism to be an official religion in France.

In this great liberation adventure of mankind, with its undoubtedly epic consequences for Jewry of all continents, it is difficult to trace, step by step, the civic equality given to the Jews to enjoy. It is an oversimplification to think that the more liberal legislation -- hard won, often ambiguous, often hedged with limitations -- suddenly flattened all barriers and barricades and ushered Jews into the parliaments of the western world, that it invited the Jews of Trois-Rivières into the House of Assembly at Quebec City. In fact, the annals of Jewish entry into the elected legislatures, and into public office, which follows at a substantial distance the complex record of enabling legislation, is quite murky. The 1830 election of M. Goudchoux as conseiller général of the Seine district is one of the early achievements.

David Salesbury Frank, formerly of Montreal, was one of the pioneers of this drive for right to office, as he was named American vice-consul to Marseilles in 1785; but this was not an elective position.

As the Napoleonic world offered the Jews citizens' freedom and demanded from them participation in society, there developed a political dimension that Judaism had not known for a millenium and a half. Each spot of geography had its own complex histories of liberation, rejection, acceptance, activism, personalities, constitutionalism. Humanity was not marching in locked step. But neither was it standing still. Some of these geographies were in British America.

If the first decade of the nineteenth century is generally seen as the period of Napoleonic liberation of the Jews, the perspective may be different in Canada. From the Lower Canada Catholic view, Napoleonic and all post-Revolutionary France was evil, and the emperor's emancipation of the Jews might well be seen as an example to be avoided; and this while Catholic Canada was engaged in a long struggle for its status and its rights.

Lower Canada Jews were observing this creative ferment, closely more or less uninvolved; they sensed the possibilities. Above all they were certain that they might find allies at the proper moment. They did.

Their victory came sooner than the Jews' victory in London.

The story of Jews in public service -- their desire to serve and their right to serve -- is very complex. All too often it is simplified into a chapter in the annals of western Jewish emancipation. It is very doubtful whether the Canadian Jewish settlers who began this effort thought of it in these terms, or indeed whether anybody did for a century and a half -- until historians imposed this pattern upon the shapeless ocean of fact.

Cecil Roth relates the Lower Canada experience with legislation regarding rights of Jews in other colonies. In the antipodes "Jews were from the outset on terms of equality with their neighbours." In Barbados political disabilities were removed in 1802. In Jamaica, which had been the most intolerant of British possessions, all legal disabilities were abolished in 1831. (History of the Jews in England. Oxford, Clarendon, 1941. Pp. 288-89)

Clearly Lower Canada in 1800 was blazing trails when Moses and Ezekiel Hart eyed the colonial legislature as their objective.

L. Rosenberg notes that in the United States religious tests disqualified Jews from holding certain offices; until 1868 in North Carolina and until 1877 in New Hampshire. (MS.)

At the very time that Ezekiel Hart was having his difficulties in Quebec City his coreligionist Jacob Henry (originally Jacob Gratz) was having trouble in North Carolina.

He had been elected to the state legislature in 1808 and again in 1809, when his right as a Jew was challenged under the law which said that only Protestants could hold civil posts. It became an important political issue, evoking heated expressions of opinion -- not the least an eloquent speech on religious liberty which entered the public literature of America. It was printed in The American Orator, and has been reissued many times.

His case was eventually resolved by interpreting the clause in question as not including the legislature as a civic post!

Similarly the question of Jews' political rights was an issue in Maryland since 1797. It was very much before the public, particularly in 1818, and was not settled until legislation was passed in 1825.

A.J. Livinson notes that "in America David Levy Yule (1811-1886) was the first Jewish Senator to Congress, from Florida (1845-1851); and Lewis Charles Levin (1808-1860) was the first Jewish Congressional Representative, from Pennsylvania (1845-1851). It is timely, also, to reflect upon the facts that Sir Moses Haim Montefiore (1784-1885) became Sheriff of London and knighted, only in 1837; and Lionel Nathan de Rothschild (1808-1879) was elected Whig member of Parliament for the City of London in 1847, and only allowed to sit in 1858."

All this in a colony which had a population of 250,000 French Canadians and 20,000 British Islanders in 1806. Also in the colony, 100 Jews.

In analysing the 1815 political situation Fernand Ouellet notes that "the proportion of anglophones in the Legislative Assembly is only 20%. (The Bureaucratic Party) has in fact reached the point where it could have its members elected only in the cities, in the two boroughs and in some counties in the seigneurial zone...In Trois-Rivières the influence of the Bell and the Hart families, supported by the clergy, explains the constant success of the party." (Le Bas Canada, 1791-1840. Ottawa, Editions de l'Université d'Ottawa, 1976. P.390)

Quebec historian Thomas Chapais points out that the last years of the eighteenth century and the first years of the nineteenth were relatively quiet, in inter-racial terms, politically. In 1805 came the first explosion of conflict which presaged the future. (Cours d'histoire du Canada. Quebec, Garneau, 1921, vol. 2, Pp. 174-75)

When Le Canadien was being organized, "Anglicanus" in the Quebec Mercury reacted in several articles which might have been too frank in revealing the intentions of very influential Anglo-Canadians.

"If the extent of French power and influence be contemplated with due attention, it must be admitted that too many rounds cannot be raised to oppose the overbearing torrent which flows with an impetuosity that will scarcely suffer the smallest check...This province is already too much a French province for an English colony. To unfrenchify it as much as possible, if I may be allowed the phrase, should be a primary object, particularly in these times, when our arch-enemy (Napoleon) is straining every nerve to Frenchify the universe. Gladly would he exterminate every vestige of the English language and the English name...My complaint is against the unavoidable result of an unnecessary cultivation of the French language, in a country where common policy requires its diminution, rather than its further dissemination...

"It behooves us strongly and decidedly to set our faces against the cultivation of French ideas and French manners; and particularly against the propagation of the French language as a mother tongue...A French education will form a Frenchman, whatever may be the government he is born under.

"A French system is an arbitrary system, because it is a military one...To oppose it is a duty. To assist it is not only impolitic, it is criminal.

"To a certain extent the French language is, at present, unavoidable in the province; but its cultivation, beyond what may be necessary, so as to perpetuate it, in an English colony, can admit of no defence.

"After forty years possession of Quebec it is time the province should be English." (Oct. 27, 1806)

A petition signed by 1450 Montrealers of British descent describes in moderate terms their view of their neighbours, their institutions and their plans:

"Notwithstanding the unlimited generosity which has been displayed towards the conquered, by confirming to them their Laws and Religion, by admitting them to a participation in the Government and in all the rights of British Subjects, and by continued demonstrations of kindness towards them, no advances had been made in effecting a change in the principles, language, habits and manners which characterize them as a foreign people. Such change...could not be expected while the conquered people were permitted exclusively to regulate their own Government, and thus cherish and maintain the national peculiarities which, it was equally the interest of the Parent State and of the Colony, should be gradually effaced by an intimate union with their fellow subjects of British origin...The proportion of English Representatives for many years past, has hardly ever amounted to one fourth of the entire number; and at the present time, of fifty members who represent Lower Canada only ten are English. This branch of the Government may indeed be said to be exclusively in the possession of the uneducated peasantry of the country, under the management and control of a few of their countrymen... Since the establishment of the present constitution, no person of British origin has been elected Speaker of the Assembly although, if regard had been had to ability, knowledge and other qualifications, a preference must have been given to persons of that description.

"A Legislative body...under the influence of the prejudices of a foreign people, without the requisite ability for the discharge of its functions, and from which persons, who by their knowledge, their property and their respectability and influence in society, would constitute its most eligible members, stand excluded...the most marked repugnance to every measure calculated to assimilate the Inhabitants of the country with their fellow subjects in other parts of the Empire and to promote its commercial prosperity...Hence the extension of British settlements has been impeded and the increase of British population by the tide of emigration...been prevented.

"Your Majesty's petitioners are grounded on the most exclusive facts: The French population of Canada, at the time of the conquest, was estimated at sixty thousand; and it is supposed may now exceed Three hundred thousand. The whole of this population...is as strongly marked by the characteristics of their foreign origin, as to language, manners, habits and dispositions, as they were at the time of the conquest...This population must retain its present ascendancy in the government of the country, and will not, of course, of its own accord cease to be French...The unreasonable extent of political rights which has been conceded to this population, to the prejudice of their fellow subjects of British origin, together with a sense of their growing strength, has already had the effect of realizing in the imagination of many of them their fancied existence as a separate nation under the name of the 'Nation Canadienne;' implying pretensions not more irreconcilable with the rights of their fellow subjects than with a just subordination of the Parent state.

"If, while it may still be done, the population of the two provinces be not gradually assimilated and identified in their interests by a Union, the differences between them from the causes now in operation and the collisions to which they will give rise, must have the effect of rendering the inhabitants of each a separate and distinct people, with the most hostile feelings towards each other, requiring only a fit occasion to urge them into measures of actual violence."

As early as 1806 the French Canadian nationalists had a very articulate voice in their Le Canadien, one of the great newspapers in the library of Canadiana. The editors complained,

"It is remarkable that the ministerial party has always been on the side of the Montreal merchants and has opposed the House of Assembly." (Jan. 17, 1807)

"Since the majority of the assembly is on the popular side, this arrangement created the impression that the people oppose the government...It also tends to perpetuate the odious division between English and French, a division which does harm to the country. As the entire ministry is composed of Englishmen, all the Englishmen in the Assembly support them out of prejudice, and the Assembly is thus divided into English on one side and Canadiens on the other." (Jan. 31, 1807)

INTERGROUP

In the meantime there was the fragile, remarkable New World reality where French and English aristocratic traditions and governments were living side by side and just north of the emerging American (and French) revolutions for a century.

Cardinal Bourbon, the first ecclesiastic of this rank to visit Canada, stayed at the Hart home at Three Rivers.

In Montreal the home of the Josephs was a social centre; Gov.-General Lord Aylmer was a frequent visitor in the home of Mrs. Henry Joseph. L. Franklin as mayor of Victoria, his brother Selim as member of the legislature of Vancouver Island, Nathan as member of parliament, Oppenheimer as head of Vancouver -- none of them have left any indication of discrimination against them.

Professionally young Jewish men entered law and subscribed to the requisite oaths of their professions -- the same oath that proved the stumbling block for Ezekiel Hart in the Assembly?

We have record of their informal moments in the offices of senior colleagues to whom they were articled, of their conversations -- friendly or otherwise -- with judges on and off the bench, of their positions in the attorney-general's office. The picture is invariably that of a free society which had accepted these men to its intimacy and friendship. Each felt free to dabble in politics, to speak up at public meetings. Jewish lawyers were associated with Christian confrères who were later named judges; their clients included church and government, and they served on crucial commissions involving the seigneurial system. When Jews held seigneuries across the province, there was no sign of resentment at the transfer of these aristocratic symbols and perquisites to them.

Long before the formal recognition of equality in 1832, Jews in Lower Canada, few as they were, held office and practised the professions without challenge. As early as 1768, Uriah Judah was Prothonotary of the Superior Court at Three Rivers. J. Kuhn was bailiff in Montreal in 1777.

Aaron Ezekiel Hart was the first Jew in Canada to be admitted to the practice of law in 1824 upon a good report of the chief justice. (PAC S series, internal correspondence, cited by Brodey, P.64)

T.J. Judah of Three Rivers was admitted on September 13, 1824.

Henry Hague Judah of Three Rivers was admitted to the Bar on May 29, 1829 and Aaron Philip Hart entered into law in 1830, at the age of 22. Eleazar David was admitted to the Bar in 1830 also.

Benjamin Hart and his brother Ezekiel were commissioned officers well before formal emancipation, the latter serving as captain in the war of 1812.

We do not know exactly when Samuel David of Montreal was commissioned in the militia, but we have a record of his going with officers to review militia at Lachine in 1803 and again in 1804; on the latter occasion also to dine with the militia officers at Lachine. In 1812 he went to the governor's levee with militia officers. In 1813, having participated with David David, Alexander Hart and others in the action against the American invaders at Prescott in November, he was gazetted a major in the Montreal Gazette. A fortnight later he served on the court martial which tried Major Dunlop.

In April 1823 he was gazetted lieutenant-colonel of the Long Point regiment of militia, probably the highest military rank attained by a Canadian Jew until the First World War a century later.

His father Lazarus David had granted the new congregation in Montreal permission to build the first synagogue in Canada on his land, the law not providing for the congregation to hold land in its own corporate right. Lazarus David was, in the due time, buried in the community House of Life, the first Jew to be laid to rest there.

Of his brother Moses and of some of his doings in Windsor we shall read further in this chronicle.

Samuel Becancour Hart pointed out as far back as 1833 that Jews had served as grand jurors several times before that time and had, in the presence of the most eminent advocates of the province, taken all the oaths administered to them on the Pentateuch or Five Books of Moses -- even if there was legislation in effect in another direction at the time. (Brodey, P.44)

The relations between the various groups in colonial Canada have always been complex, and the pattern changes with our outlook, with time, with our experiences and our interests. For we inevitably read ourselves into the past; a grave injustice to the past and to ourselves.

Clearly between the French-Canadians, Anglo-Canadians, Indians and the Negroes, the Jews in early Canada formed a small and distinctive group, closely related to the English, but far from completely identified with it.

Under English public law, "Jews who were British subjects by birth or by naturalization had the civil right to enter the colony, to settle there, to move about freely within the colony, to trade. Their rights to contract and hold property, to transmit property by will and otherwise, to sue in the courts, to be a witness, to contract marriage were never questioned." (Mr. Sperber, in A.D. Hart, ed., The Jew in Canada. Toronto, 1926. P. 461)

These are not privileges to be taken for granted in the eighteenth -- or twentieth -- century.

The presence of Jews in the newly conquered colony on the American continent was immediately noted. As early as 1766, when a number of Quebec merchants criticized him, Gen. James Murray denied any intention to persecute Roman Catholic subjects, and noted the presence also of Jews, Quakers, Puritans, Anabaptists and Presbyterians. (Murray Letter Book 3, Pp. 241-43)

When the Rev. John Stuart applied to the government in 1781, for a bounty to establish an academy at Montreal for instruction of youth, he sent a copy of the advertisement he had drafted for the information of General Haldimand.

The General responded on November 3, "As I shall always have an Interest in the Success of So Laudable an Undertaking, it will meet with Every Encouragement in my Power. to Contribute. While it is conducted to the Satisfaction and for Benefit of the Public, the Bounty allowed by Government shall be appropriated to that purpose, and I very heartily wish you Success in it. -- Your Advertisement will be Published tomorrow, but I directed the Words 'Principally Intended for the Children of Protestants' to be left out, as it is a distinction which could not fail to Create Jealousies, at all times improper, but more particularly so at present. Nor can the Benefits of such an Institution be too generally felt, and I trust that in the whole Tenor of your conduct you will manifest the same Readiness in the Reception of Children of the Established Religion of the Country, and Pay the same attention to their Education as to those of Protestant."

Clearly the intention of Gen. Haldimand was for the protection of Catholic interests. Mr. Stuart's acknowledgement of December 17th broadened his social area to include Jews.

"I beg leave to thank you for your kindness in appropriating the Bounty allowed by Government to the Academy which I have instituted here in Conjunction with Mr. Chrystie.-- I am extremely flattered by your condescending to interest yourself in the success of the undertaking; and I shall therefore exert my utmost Abilities to Deserve Your approbation.

"I am glad Your Excellency ordered the Paragraph to be expunged out of the Advertisement, as it would have Exhibited an Idea to the Public that was Foreign to my Intentions.-- I was informed that in my application for the Bounty it would be proper to call it a Protestant Seminary; but did not advert to the construction that this would necessarily bar from those of a different Religion. -- So far from having a Design to open a School on so narrow and illiberal a Plan, we have admitted every Person that has offered, Protestants, Catholics, Jews, etc., and Your Excellency's Direction on that Head shall be attended to with the utmost Punctuality. -- No Distinction shall be made on the score of Religious Sentiments. -- No Partiality shown, either on that or any other Pretence. My Constant Study shall be to merit the continuance of Your Good Opinion, and to administer impartial Justice to all, of every Denomination, whose Education may be intrusted to my care." (P.A.C. Haldimand Papers, B158, P. 257; B159, P.165, cited in Report of the Archivist of the Province of Quebec, 1948, Pp. 325-26)

The history of Quebec by Fairley Lamarche notes that "In 1768 John Franks set an important precedent by modifying the formula of the oath he took 'Under the true faith of a Jew' instead of 'of a Christian'. (P.341)

Residents of the colony who were not British subjects, Jews and others, were not slow in their pursuit of the much desired fullest status.

One of the voices we hear at this time is that of Elias Solomon whom we first meet in 1761 in Quebec. According to Vaugeois, he was the agent in that city of Samuel Jacobs. The business records of Jacobs show a settlement of accounts with Elias Solomon that year.

We find him among the "merchants and other inhabitants of the City and District of Quebec" who presented an address of welcome to Gov. Sir Guy Carleton in 1766. (PAC Microfilm B-23, Series C042, vol. 5, Pp. 290-91)

In 1770 Solomon was in Montreal, seeking a trade license for the upper country on April 11 (noted by Brodey; Canada Archives, S series, Internal correspondence). We next hear of him in 1775 in Quebec City, where he was applying for a liquor and/or shop license.

In 1778-80 we find him in Quebec City in an unexpected capacity. It was in his home that one of the sons of Samuel Jacobs of St. Denis boarded while attending school in the capital city. Although the charges as itemized -- £70 for two years -- do not seem excessive, they were disputed, as so often occurred among the litigious members of the community (which accounts for much of our documentary sources deriving from court records). The consequent correspondence is a further source of light upon the qualities of the remarkable Jewish pioneer of St. Denis.

Solomon was among the British merchants and traders in the Province of Quebec, Jewish and Christian, who petitioned the London government on November 24, 1784 for a constitution for the colony. (Sack. History of the Jews in Canada. Montreal, 1945. P.66)

By 1784 Elias Solomon had occasion to sign a petition "of your Majesty's Ancient and New Subjects, Inhabitants of the Province of Quebec."

With the new Constitution for Canada of 1791, legal questions arose as to the civil rights (the franchise and the right to be chosen for office) of residents who were not born British subjects. Such questions concerned various groups, including Frenchmen who returned to Quebec some time after the Conquest, other Roman Catholics residing in the colony before the Conquest -- and Jews. The government was adequately aware of the presence of Jews and of other minorities in the colony. The questions became more pertinent as the government admitted the importance of this not inconsiderable group.

Alured Clarke wrote that many of them were "respectable tradesmen, and the character of all of them as good subjects stand unimpeached." (March 1, 1792, vol. 58-1, Pp. 231-39)

Solomon joined the group of Quebec residents who were not English citizens either by birth or by naturalization, described as respectable tradesmen, in petitioning on March 3, 1792 to ascertain how far they may be entitled to participate in the rights and privileges extended to their fellow citizens. The Petition recited that they were natives of Europe, born without the Dominions of Great Britain. It mentioned the Proclamation of October 7th, 1763, securing inhabitants residing in, or resorting to, the new Colony of Quebec the enjoyment and the benefit of the Laws of England; and that several of the memorialists wishing to avail themselves of the Benefits of the said Proclamation did resort to, and have resided in the Province for many years; that they were dutiful and loyal subjects; that they were "informed doubts have arisen whether under the clause of the new Constitution natives of Europe born without the Dominions of his Britannic Majesty who have resorted, and settled in this Province since the Conquest and Cession of it are capable of voting at an election of a member to serve in the Assembly, or of being elected at any such election.

"Your memorialists are apprehensive that, if the doubts which have arisen and been circulated be well founded, they will be deprived of the rights of Citizens, namely, the right of electing, or of being elected to serve in the Assembly.

"That your memorialists are induced to believe that the British Parliament is too just and wise to deprive a very numerous description of laborious...etc., subjects of the rights of citizenship; and that, though your memorialists and others who reside in the Province under a similar situation are not expressly mentioned or named in the said 22nd clause, yet they humbly hope and believe that the King and Parliament of Great Britain did mean and intend that residents of the Province, from whatever country or climate, possessing the qualifications as enacted in the 20th clause and falling under the Exceptions of the 21st clause of the British Act, should enjoy all the rights and privileges of natural born subjects of His Majesty by naturalization or by Conquest and Cession."

The petitioners based their appeal on a very important English 1740 law which, they believed, would enhance their civil status. They petitioned to Lieutenant-Governor Alured Clarke to remove doubts of their capacity to be elected and to prevent the inconvenience that may arise therefrom.

They wrote,

"That such reasonable hope of your memorialists is founded on the known and invariable justice of the British Legislature and on the Statute of Parliament passed in the 13th year of the Reign of His late Majesty, George II, Chapter 7th, section 12, which enacts 'That Foreigners who have resided, or shall reside, seven years or more in any of His Majesty's Colonies in America, and shall not have been absent for more than two months at any one time during the said seven years, and shall take and subscribe the Declaration appointed by 1st George 1st, Chapter 13, and make and substitute the Profession of the Christian belief appointed by 1st of William and Mary, Chapter 13th before a Judge of the Colony and receive the sacrament in some Protestant Congregation in Great Britain or some of the said Colonies in America, shall be deemed His Majesty's natural born subjects to all intents.

"That your memorialists have taken and subscribed the oaths; and have made, repeated and subscribed the declaration of Profession, and otherwise conformed with the Provisions required in the said statute of 13th George 2nd, or are ready to do so.

"That your memorialists, having resorted to the colony since the King's Proclamation of 1763, Do humbly deem themselves, and others in a similar situation by the said statute of the 13th year of the Reign of his late Majesty George 2nd, entitled to enjoy all the privileges of His Majesty's natural born subjects in common with the rest of their fellow citizens to all intents." (Public Archives of Canada, Q series, 58, Pt. 1)

The 1740 Imperial act referred to, 13 George II, Chapter 7, is entitled, "An Act for Naturalizing such Foreign Protestants and Others Therein Mentioned, as are Settled or shall Settle in any of His Majesty's Colonies in America. It opens,

"Whereas the increase of people is a means of advancing the wealth and strength of any Nation or Country; and Whereas many Foreigners and Strangers, from the Lenity of our Government, the Purity of our Religion, the Benefit of our Laws, the Advantages of our Trade, and the Security of our Property, might be induced to come and settle in some of His Majesty's Colonies in America, if they were made Partakers of the advantages and privileges which the natural born subjects of this Realm do enjoy; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of June in the year of our Lord, one thousand seven hundred and forty, all persons born out of the Ligeance of His Majesty, His Heirs and Successors, who have inhabited and resided, or shall inhabit or reside, for the Space of seven years or more in any of His Majesty's Colonies in America,

"...Or, being of the people called Quakers, shall make and subscribe the Declaration of Fidelity, and take and affirm the Effect of the Abjuration Oath, appointed and prescribed by an Act made in the eighth year of the Reign of his said Late Majesty entitled an Act for granting People called Quakers such forms of Affirmation and Declaration, as may remove the difficulties which many of them lie under; and also make and subscribe the profession of his Christian Belief, appointed and subscribed by an Act, made in the first year of the Reign of their late Majesties King William and Queen Mary, entitled An Act for exempting their Majesty's Protestant subjects, from the Penalties of Certain Laws; before the Chief Judges or other Judge of the Colony wherein such persons respectively have so inhabited and resided, or shall inhabit and reside, shall be deemed, adjudged, and taken to be, his Majesty's

natural born subjects of this Kingdom, to all Intents, Constructions and Purposes, as if they and every of them had been born within this Kingdom; which said Oath or Affirmation and Subscription of the said Declarations respectively, the Chief Judge or other Judge of every of the said respective Colonies is hereby enabled and empowered to administer and take; and the taking and subscribing of every such Oath or Affirmation and the making, repeating, and subscribing of every such Declaration, shall be before such Chief Judge or other Judge, in Court between the hours of nine and twelve in the forenoon; and shall be entered in the same Court and also in the Secretary's Office of the Colony wherein such person shall so inhabit and reside;

"II. Provided always and be it enacted by the authority aforesaid, that no person, of what Quality, Condition or Place soever other than and except such of the people called Quakers as shall qualify themselves and be naturalized by the Ways and Means herein before mentioned, or such who profess the Jewish Religion, and shall be naturalized by virtue of this Act, unless such person shall have received the Sacrament of the Lord's Supper in some Protestant and Reformed Congregation within this Kingdom of Great Britain, or within some of the said Colonies in America, within three months next before his taking and subscribing the said Oaths, and making, repeating, and subscribing the said Declaration; and shall, at the time of his taking and subscribing the said Declaration produce a Certificate signed by the person administering the said Sacrament, and attested by two credible witnesses, whereof an Entry shall be made in the Secretary's Office of the Colony, wherein such person shall so inhabit and reside.

"III. And Whereas the following words are contained in the latter part of the Oath of Abjuration Videlicet (upon the true faith of a Christian), and whereas the people professing the Jewish religion may thereby be prevented from receiving the Benefit of this Act, so Be it further enacted by the authority aforesaid, that whenever any person professing the Jewish religion shall present himself to take the Said Oath of Abjuration in pursuance of this Act, the said words (upon the true faith of a Christian) shall be omitted, out of the said Oath in administering the same to such person, and the taking and subscribing the said Oath by such person professing the Jewish religion, without the words aforesaid, and the other Oaths appointed by the said Act in like manner as Jews were permitted to take the Oath of Abjuration, by an Act made in the tenth year of the Reign of his late Majesty, King George first, entitled an Act for explaining and amending An Act of the last session of Parliament entitled, An Act to oblige all persons being Papists, in that part of Great Britain called Scotland, and all persons in Great Britain refusing or neglecting

to take the Oaths appointed for the security of His Majesty's Person and Government by several acts herein mentioned to register their names and Real Estates; and for enlarging the time for taking the said Oaths, and making such registers and for allowing further time for the inrollment of Deeds or Wills made by the Papists which have been omitted to be inrolled pursuant to an Act of the third year of His Majesty's Reign; and also for giving Relief to the Protestant Lesees, shall be deemed a sufficient taking of the said Oaths, in order to entitle such person to the Benefit of being naturalized by the virtue of this Act.

"IV. And be it further enacted by the authority aforesaid, that a Testimonial or Certificate under the Seal of any of the said Colonies, of any persons having resided and inhabited in the Space of seven years or more as aforesaid within the said Colonies or some of them, to be specified in such Certificates, together with the particular time of residence in each of such respective Colonies (whereof the Colony under the Seal of which such Certificate shall be given to be One) and to his having taken and subscribed the said Oaths and of his having made, repeated and subscribed the said Declaration; and in case of a Quaker of his having made and subscribed the Declaration of Fidelity, and of his having taken and affirmed the Effect of the Abjuration Oath as aforesaid; and in the case of a person professing the Jewish religion, of his having taken the Oath of Abjuration as aforesaid, within the same Colony, under the Seal whereof such Certificates shall be given as aforesaid, shall be deemed and taken to be a sufficient Testimony and Proof thereof, and of his being a natural born subject of Great Britain, to all Intents and Purposes whatsoever and as such shall be allowed in every Court within the Kingdom of Great Britain and Ireland, and also in the said Colonies in America...

"VI. Provided always, and it is hereby further enacted, That no persons who shall become a natural born subject of this Kingdom by virtue of this Act shall be of the Privy Council or a Member of either House of Parliament, or capable of taking, having, or enjoying any Office or Place of Trust within the Kingdoms of Great Britain or Ireland, either Civil or Military, or of having, accepting, or taking any Grant from the Crown to himself or to any other Trust for him, of any Lands, Tenements, or Hereditaments within the Kingdoms of Great Britain or Ireland; any Thing herein before contained to the contrary thereof in any wise notwithstanding."

The naturalization act of 1740 happened to be of greater interest to Elias Solomon, the sole Jewish signatory, than to all the others, many of them of German origin, to judge by their names.

For this Act 13 George II, cap. 7, 1740 was particularly important in the history of Jews in the English empire. (Brodey, Pp. 10-20) It expressly absolved Jews from using the formula "in the true faith of a Christian" on any oaths they might find occasion to take.

Mr. Solomon could have cited the New York case of Moses Lopez, who received naturalization in New York on April 13, 1741 by the following certificate:

"Know ye that it appears unto us by good testimony that Moses Lopez, of the City of New York, merchant, being a person professing the Jewish religion, hath resided and inhabited for the space of seven years and upwards within some of our colonies in America, and that the said Moses Lopez, on the twenty-third day of October last, betwixt the hours of nine and twelve in the forenoon of the same day, in our Supreme Court of Judicature of our Province of New York, before our judges of our said court did take and subscribe the oaths of allegiance and supremacy and the abjuration oath, pursuant to the directions of an act of our Parliament of Great Britain, made and passed in the thirteenth year of our reign, entitled 'An Act for Naturalizing Such Foreign Protestants and Others therein Mentioned as Are Settled or Shall Settle in Any of His Majesty's Colonies in America,' and that the said Moses Lopez's name is registered as a natural born subject of Great Britain, both in our said Supreme Court and in our Secretarie's office of our said province, in books for that purpose severally and particularly kept, pursuant to the directions of the aforesaid act." (American Jewish Archives, Cincinnati; reprinted by Blau and Baron. The Jews of the U.S., Pp. 200-201)

The English law is of particular interest in the history of Canadian Jewry outside Quebec. Here the chronicle is largely that of custom not raised or challenged.

Historian A. Brodey assumes that the unquestioned law at the base of Jews' rights to office and to exemption from the noxious law is the act of 1740. In view of this act, "an express act of the British parliament, the laws as to the oaths would be inapplicable in regard to natural born Jews." (P.164) All this until an 1833 Upper Canada act, 3 William IV, chap. 12, disposed of the necessity of taking certain oaths in many cases.

Dr. Felsenthal of Chicago remarked as early as 1883 that it is strange that this act has been overlooked by historians of Judaism, although it is probably the first legislative enactment in Christendom in favour of Jewish emancipation and of perfect equality of Jews before the law. The law left nothing to be desired by the Jews in the American colonies in regard to their juridical and political status.

In a 1792 case, there was complete vindication from London as the English law officers confirmed that persons who come under the provisions of that act are capable of voting or being elected to the assembly.

But, as so often happens in the history of Canadian liberties, the attorney-general of the colony, in this case, J. Mark, raised doubts in regard to the qualifications of certain members of the legislature, particularly some Roman Catholics, including some French officers who retired to France after the conquest and then returned to Canada. Eventually this minor agitation died down, and only one, de la Valtrie, was objected to.

(When the point of this law was raised later in the case of Ezekiel Hart in the Legislative Assembly, his opponent Bédard argued that the 1740 act had been modified in some regard by the later English act 6 Geo. III, chap. 53, which called for all who occupy public office to take the oath in the usual manner. He also argued that the 1740 act might have privileged English-born Jews and Jews naturalized in the colony, but made no reference to colony-born Jews. Bédard did not accept the a fortiori argument that if a naturalized citizen in the colony enjoyed a certain right, certainly the colony-born Jew also had that right. He turned the argument on its head: if a colony-born Jew did not have a certain privilege, certainly a naturalized Jew could not possess that right.)

But a fuller treatment of this debate must wait for its place in our history.

Attorney-General J. Monk noted that "some of those persons have been appointed to the Legislative Council, and others chosen to become members of the House of Assembly." (March 10, 1792; P.A.C. MG 11, series Q, vol. 58-1). "Some of them have been considered as characters deserving the countenance and protection of Government. They have remained here as subjects, have held estates by purchase or inheritance, have been appointed to offices civil and military (militia) and some in the Legislative Council before the late Act. But under the terms of this Act will now be brought to a discrimination unfavourable, if not what they consider prejudicial to the rights and honours they have hitherto enjoyed. The cases are interesting, nor can I account...the consequences that must result from such an exclusion of persons so distinguished and of such numbers as are now Inhabitants of Lower Canada under the above circumstances." (Nov. 9, 1792, vol. 60-2, Pp. 468-72)

In London the Colonial Secretary Dundas requested the Lower Canada Solicitor General and His Majesty's Advocate Attorney to report on the petition. Their response:

"We are of opinion, that Persons born out of your Majesty's Ligience who have been naturalized by any special act of the British Parliament, or who come within the act of the 13th of His late Majesty, Chapter 7 for naturalizing foreigners generally in your Majesty's colonies in America, upon the terms and conditions therein expressed, and that foreigners who were resident in Canada at the time of the Conquest and Cession thereof and as such were included in the Capitulation, are capable of voting for, or being elected members of the assembly of Lower Canada, and that foreigners who do not fall within one or the other of those descriptions are not capable of voting for, or being elected members of the assembly in that Province." (P.A.C., Q series, 58, Pt. 1, P.238)

TIME: NAPOLEON; PLACE: TROIS-RIVIERES

There is some interest in the early Canadian newspaper reports dealing with Napoleon's policies towards the Israelites. The Quebec Mercury of October 27, 1806 carried a July 19 dispatch from Paris to the effect that,

"The assembling of the Representatives of the Jews of France, now met in this capital, engages general attention. It is remarkable, that it is near 2,000 years since that nation has been convoked in an assembly by public authority."

The same issue reported from London on August 12:

"The opening of the Jewish assembly at Paris took place upon a Saturday, the day on which the Jewish law forbids every kind of employment. This, no doubt, was done designedly. Bonaparte delights in outraging all ancient prejudices and habits --. We have little doubt that he intends to force the Jews to change their day of Sabbath. The speech, with which the assembly was opened by the Imperial Commissioners, is remarkable for nothing but its insolence and impiety. In the height and excess of their impious zeal, they dare to attribute to their idol one of the attributes of the Almighty, the attribute of Omniscience. Our readers will easily collect from the questions proposed to the Jews, that Bonaparte means to make the Jews liable to the laws of Conscription --. He treads upon tender ground -- let him beware -- the religious propensities and attachment of men were never outraged with impunity -- he has yet to learn, perhaps, the lengths to which religious fanaticism will carry the human heart."

A later article in the same newspaper, entitled "Napoleon and the Jews," ostensibly a "translation of a Hebrew letter from A. I. S. S. dated Paris, September 23, according to the Western calculation, to S. P. S. Esq., London," reprinted "from a late London Paper" in the Quebec Mercury of January 12, 1807: It is not surprising that Napoleon's Sanhedrin and the sprouting of Zionist aspiration at the time found form in such fanciful distortions.

"Rejoice with me, my dear brother, in that deliverance, which after a lapse of so many ages, is at length wrought out for us. The bondage of Israel is terminated; the shackles are burst asunder. A mighty deliverer hath appeared in splendor, and stretched forth a powerful arm to minister to our glory" The great Emperor and King, a chosen son of the stock of Israel, hath planned our restoration to the land of our fathers. You have doubtless heard the glad tidings! But few, except the faithful, knew that our august Emperor and King was of the Royal Seed of David. This our glorious Prince, who despiseth all forms, and setteth at nought all human rules of action, hath not permitted us to publish, and proclaim to the Gentiles, and declare his genealogy, which is as follows: from David to Napol, he reckons nine generations -- from Napol to Joseph, 17 -- from Joseph to Jerome 23 -- from Jerome to Lazar 6 -- and from Lazar to Napol, who was distinguished in our holy tongue by the holy cabalistic epith of Ben-ab-her, i.e., the Son of the Father of the Mountain, in allusion to Sion. Now it came to pass that Napol Benabher, after the dispersion of our nation, went and sojourned in one of the Isles of the Gentiles where, in compliance with the prejudices of the inhabitants, and to conceal his Royal descent, he Italianised Benabher into Bonaparte!

"From him is our Emperor and King descended; of this doth he now make his boast, and called us together to prove his high descent and restore Sion. And he has also vouchsafed to inform us that the great Talleyrand is no less a personage than the Sage Abitophel, resuscitated, to regulate the world by his Councils; who hath in his turn, made known unto us, that the Emperor and King, with his whole Court, will in grand gala, in presence of the Empress, and Queens, and all the Princesses of his august House, submit to the operation enjoined by our holy law: And moreover he hath commanded the Pope and Cardinals in full conclave, together with all the Kings of his creation, to submit to a curtailment, which will secure to us a compleat triumph over the uncircumcised!"

But a few weeks later the Mercury reverts to the theme in a paragraph,

"It is said the Jews in Frankfort on the Main are delighted with the Emperor Bonaparte, and hail him as the Messiah they have long expected. (Is his character in the prophesies?)" (Feb. 16, 1807)

This is in a paper whose Trois-Rivières agent is Ezekiel Hart, and in Berthier it is Judah Joseph (vol. 1, no. 1, January, 1805). Hart was also the Trois-Rivières agent for the Courier de Québec (June 27, 1807). As we will have occasion to note, these are not merely addresses of convenience or the easy way to get your favorite paper.

"Napoleon's questioning of the Jewish members of the Synod of Paris," the Courier de Québec told its readers on April 12, 1807, has elicited "answers, some of which have already transpired. The answers given by the deputies to the third question 'Can a Jewish woman marry a Christian man, or can a Christian man marry a Jewish woman; or does the Law forbid Jews to marry except among themselves?' This has elicited a response along the following lines,

"The Law of Moses clearly forbids both sexes of the Jewish people mixing with unclean people. But this law does not apply to French men or French women since these are not expressly named by Moses!!!"

"As to the nuptial benediction to be given by the rabbis, this ceremony as the deputies say, is not in use among Jews. Only the consent of the two parties was and is essential.

"As to the sixth question, whether they recognize France as their fatherland, at first there was an affirmative response, but afterwards, they say, scruples arose in regard to 'the fatherland'. It will be very curious to see how the deputies will get out from this complexity without renouncing their belief in the Messiah and their possession of Judea."

There was, of course, the constant Christian expectation that Jews would convert to the faith of the majority. The Quebec Mercury reported that,

"Mr. Joseph Samuel C.F. Frey, (the converted Jew) preaches a stated lecture, at Mr. Bell's chapel, in Jewry-street, London, every Saturday evening, at seven o'clock.

"It is in contemplation to collect together the converted Jews from different parts of this kingdom, and from the Continent (of whom more than twenty have been heard of) and to form them into a Christian church. This important measure, if practicable, may be the means of exciting among the posterity of Abraham a spirit of inquiry into the truth of Christianity. It would afford also a refuge to those who, on embracing the religion of Christ, are usually obliged to leave father, mother, and substance; and we hope it would also tend to stir up the zeal of those who are called Christians.

"A prayer-meeting among a few converted Jews is already commenced, on the Friday evening at Mr. Frey's apartments, No.1, Little-Prescott-Street, Goodman's fields; where his brethren are invited to converse with him." (Mercury, Oct. 28, 1805)

The image of the Jew in the new folklore of the age also emerges from such humour as newspaper editors supply in their fillers. So the editor of the Courier de Québec tells his readers,

"The Jews of Constantinople maintain that Moslems will not enter Paradise. Where are we in this situation? Altogether out of the running. In this case we will need tents not to suffer from the harsh climate.

"The Great Vizier used this pretext to increase the house tribute the Jews had to pay, and the Jews are still paying it." (Apr. 25, 1807)

Curiosity about Jews remained constant and unsatiated. The same Mercury, of July 27, noted,

"The Jews have been accused of undervaluing the female sex; the reproach does not seem to be altogether void of justice, if we may judge from the following sample of their conduct.

"The men are said to offer up a daily prayer, in which is this passage: 'Blessed be the Creator of heaven and earth for not having made me a woman,' while the female, with all becoming humility, responds, 'Blessed be thy Name for having made me as I am.' At Berlin and Hamburg where there are many Jewesses of great learning, and the strictest virtue, they have begun to omit a ceremony so degrading to the female character."

Among such curious bits of knowledge about Jews is one reported by Jean-Paul Delagrave in his Les Journalistes-démocrates au Bas Canada (1791-1840). He cites an Homme de bois who writes in Le Canadien of December 1823 about the wisdom of delaying the reading of the Bible, as the Jews do, until maturity of age will bring appreciation and respect. (Ottawa, Editions Delagrave. P.206)

Of course the anonymous writer is wrong in ascribing to the Jews such a practice in regard to the study of the Bible. It does express the Jewish custom in relation to the study of the Caballah.

A remarkably forward-looking paragraph appeared at this time in the Mercury, anticipating in 1808, from what was happening in and to Turkey, the ineffable event of 1948:

"The Jews -- As the Turkish Government will most likely fall, its Territories will probably be divided between the empires of France, Russia and Austria. In such case it is presumable that the restoration of the Jews to the Holy Land will take place under the auspices of the French emperor. His attention to that unfortunate people during the last year, and his promises of his good offices in their behalf in future, indicate his intention of collecting and restoring them; and by thus acting the part, acquiring the reputation of a second Cyrus."

In a lighter vein the Protestant Mercury told a "Jewish" story from Boccaccio in a political letter about corruption in the United States. To cite from medias res,

"I hope he will make a visit to Pennsylvania in October next, to observe how genteely we blackguard each other just before an election. Surely Mr. Rose will never bear to return to the corruption of St. James. He will rather be converted into an American republican, if he reasons as the Jew did in the following story, told, I think, by Boccaccio.

"Some hundred years ago there lived in Paris two very good friends, but one was a devout Christian, the other a determined Jew. The Christian took infinite pains to convert his friend to the true faith, using all sorts of argument and persuasion, but in vain. At length the Jew, to satisfy his friend, told him, he would go to Rome, and if he found the Pope and the Cardinals, the Viceregent of God and the heads of the Christian Church, as good and holy as such persons should be, he would willingly become a Christian. -- This proposal was not liked by his friend. He endeavoured to elude this test of his faith. But the Jew was resolved and accordingly went to Rome. -- After making all the inquiry in his power, and diligently exercising his own observation, he returned to Paris. The friends met, the Christian having given up all hope of converting the Jew, after what he had seen at Rome. The Jew informed him that instead of pure, upright, holy persons, devoted to God and their religion, he had found, at the heads of the Christian Church, every species of debauchery and sin; avarice, lewdness, cruelty, oppression, drunkenness and gluttony. -- From all which, continued he, I am satisfied yours is the true religion, and resolved to become a Christian forthwith. His friend stared and inquired how he drew such a conclusion from such premises. -- Why, said he, as, notwithstanding these enormous vices, this horrible corruption, your church, is not at once demolished by its own rottenness, but continues to prosper and thrive, I am convinced it must be under the particular care of Providence, and the true religion of God." (Quebec Mercury, Feb. 22, 1808)

A report of a minor English law case in the Mercury of March 28, 1808 is of some interest.

In ascertaining the marital status of an English Jewess, the Court of King's Bench at Guildhall called up the cantor at the wedding, one of the witnesses, and a Hebrew teacher who translated the Ketuvah. This was reproduced in its entirety in its English translation in the Quebec newspaper -- surely for the first time.

The young Canadian theatre reflected relatively early a revolutionary positive attitude towards the Jew which is identified with Richard Cumberland in England. His The Jew of 1794 was imitated by Thomas Dibden on the boards of London's Covent Garden four years later in The Jew and the Doctor. In this play Abednego the Jew brings up a Christian girl from her infancy and eventually makes possible her marriage to her true lover by giving her a dowry of £5,000. As Montague Frank Madder notes, contemporary documents testify that the play drew abundant tears from both Jews and Gentiles in the audiences. (The Jew in the Literature of England. Philadelphia, Jewish Publication Society, 1939, P.122)

The Dibden play was an early step in the historic movement in British thought and emotion which brought that nation from the medieval Shylock image of the Jew into the more complex and the more accurate conception of the Jew.

This play was brought to Canadian audiences in 1806 by "Mr. and Mrs. Ormsby who took the lead in the late introduction of theatricals into this province." The Quebec Mercury adds in this context, "Persons unacquainted with a theatre cannot form the most distant idea of the life of drudgery and anxiety led by the sons and daughters of Thespis to gain a precarious livelihood without a resting place which they may call a home, and often subject to the hard buffetings of fickle fortune's severest frowns." (May 5, 1806)

In 1805 the company played at the Patagonian Theatre: tickets were on sale at Sturch & Knechlin's Tavern, at Murray's Coffee House and at the Gazette Printing Office. (Mercury, Oct. 14, 1805)

By Jan. 1806 the company was performing at the New Theatre on Garden St. (Mercury, Jan. 6, 20 and 27, Feb. 10, 17 and 24, March 3, 17 and 24, Apr. 7, 1806)

Dibden's "pleasant farce" was announced on Apr. 28, 1806 for performance next week.

Although not announced for that date the company put on the Dibden play on Apr. 7, 1806. The Mercury called it a popular afterpiece and commented on the performance,

"The novelty of this lively entertainment was greatly enhanced by the Dramatis Personae having been filled by officers of the garrison, and when it is considered that it was the first time any of the gentlemen ever trod the boards, it was a pleasing surprise to have witnessed a degree of correctness in the conception of the characters, and a spirit and justness in the execution, rarely met with, except among performers of the first rate talent. To enumerate the particular excellence of each is scarcely necessary, because the parts were cast with so much judgment, that every performer seemed calculated to shine..

"The testy but good-natured Old Bromley was finely contrasted with the benign and benevolent Abednego; and the nonchalance and fashionable ease of the Bond Street Buck was not less successfully opposed to the sententious formality of the worthy Doctor. Young Bromley was sustained with the perfect polish of a gentleman, and the loquacity of the Valet left nothing to be wished for. The female characters (by professional performers) well merited the applause they received for supporting them so correctly and with so much feeling.

"The audience (crowded, brilliant and respectable) seemed to appreciate the merits of the entertainment, which proves that truth and nature are not less felt at the Theatre of Quebec than at Drury Lane." (Apr. 14, 1806)

It was produced at the Quebec Theatre in a program in which it followed The Tragedy of Cato on Tuesday evening, April 29, 1806.

For Canadians who are aware of the bicultural nature of the nation it is helpful to note that the French language theatre was as much alive in Quebec at this time: the English-language Mercury carried among its French advertisements the announcement of a comedy Le Jeune homme à l'épreuve and the comic opera Madame Angot to be performed on Apr. 14, 1806) and the bilingual Gazette de Québec reported that Messrs. Canadiens presented Le Malade imaginaire and Les Précieuses ridicules by Molière at Le Théâtre nouveau. Tickets were on sale at F. Romain, librarian, and at the Taverne du théâtre. (Feb. 25, 1808)

The Three Rivers situation needs to be taken in context with the entire continental -- and even wider -- movement to grant rights to the growing Jewish community.

Although various legislative and legal steps were taken in some European lands on various levels of emancipation, it is a moot question whether or where any Jew actually sat in legislative assembly. The equality proclaimed by the French Revolution was but gradually translated into life, and realistic observers like Aaron Hart were slow to accept that all doors were indeed freely open to their sons.

In France the extreme "libertarians" of the terror tended to shut, nationalize synagogues or despoil them. Their restoration, initiated in 1795, was slow and varied from town to town. In Carpentras and in Avignon not until 1800. (Z. Szajkowski, "Les Synagogues sous la Révolution," in L'Arche)

Canada as a concept being still sixty years in the future, it is not altogether surprising that no one in the Canadas seemed to be aware of what had already happened in another North American colony of England far to the east.

Soon after the conquest it had a military establishment side by side with an old landed gentry. Lambert has noted the social coloration of its inhabitants.

From its earliest times it developed a tradition of quality which resulted in, and from, the presence of personalities active and well known throughout the province. The names of Papineau, Coffin, Viger, Montour, Bell, Gugsy, Vallières de St. Réal, Bureau, De Bonne, Foucher, Ogden, Berthelot, Vezina, Tonnancour, Badeaux, Kimber, and Boucher de Niverville ring in the annals of the province. Later generations heard of Dawson, Fiset, Langevin, Gérin-Lajoie, Duplessis and Balcer.

Its history has attracted, and formed, a school of investigators who gave solid intellectuality to the area: Sulte, Tessier, Biron, Malchelosse, Douville, Vaugeois. Something rare: these intense lovers of their Mauritian people, in many cases, developed their historiographic discipline on the dealings and even on the documents of the Harts -- which did not fail to foster a love admixed with hatred of the tribe.

The powerful structure of Trois-Rivières society fostered a powerful local bureaucracy, necessarily conservative, and therefore seen with suspicion by the revolutionary nationalists. It is therefore not surprising that Le Canadien wrote,

"The present condition of dependence of the Borough of Trois-Rivières is known to all. For some years the House of Assembly has been continually engaged in seeking to exclude the members of the Borough sent to the Assembly.

"Judge De Bonne, who has been sitting in the House during the last two sessions, was elected at Trois-Rivières when he could not find a place elsewhere. Then they elected Judge Foucher who provided the House with the same activity. Finally, the Jew whom the House has excluded at its last two sessions, has been elected again. It is a truly rotten borough where anyone can be elected.

"Once there were a number of good Canadian families at Trois-Rivières. All have fallen. There are no longer any independent Canadians.

"The present condition of this borough is an example of the fate that awaits Canadians if they do not make good use of the constitution. They should keep their eyes closely on Trois-Rivières as a salutary example which will keep them from falling into a similar situation.

"This lesson is the only benefit we can draw from the evils already beyond our repair, a generalized evil; there are always exceptions." (July 1 and 8, 1809).

Writing of life in urban Trois-Rivières of 1800, Abbé Tessier notes,

"Needless to speak of the power of the Harts. Three of Aaron's sons had stores each at Three Rivers, and a fourth (Alex -- D.R.) had moved his business to Montreal. At Three Rivers the Harts were kings."

Recalling the election of Ezekiel Hart, M. Tessier writes, "At that moment the other member for Three Rivers was Judge Foucher. A judge and a Jew -- it was enough to exasperate the patriots. So Le Canadien did not hesitate to call Three Rivers a 'rotten borough.'

"In 1809 public opinion began to react to the excesses of Craig, and the Jew Hart was not reelected. He devoted himself to his flourishing business, which he continued to control together with his brothers Moses and Benjamin. Other traders -- Philip Burns, importer and wholesaler, Malcolm Fraser and several French Canadian shopkeepers of lesser scope -- could not eclipse the power and the self-confidence of the Hart brothers."

One of the basic sources for the historians' tale of the period is the logbook of the traveller John Lambert. His Travels Through Lower Canada and the United States of North America in the Years 1806, 1807 and 1808 appeared in London. (Richard Phillips, 1810. 3 vol.)

Thus a vivid moment out of the minutiae of Ezekiel Hart's life is recorded for us by John Lambert, who tells us about "a little member of parliament." But Gerald E. Hart, in his annotations on Lambert presently in the McCord Museum, identifies him as Ezekiel Hart, and the tall colonel as Mr. Shank:

"The trade of Three Rivers is confined chiefly to the supplying of the inhabitants of the town and surrounding country with European goods and West India produce. The family of the Harts, who are Jews, carry on nearly all the business that is transacted in the town. There are four brothers, three of whom reside in Three Rivers, and have separate stores. The other, Alexander Hart, resides at Montreal. They are said to be possessed of considerable property and, besides the stores which they keep, deal largely in furs, potash, &c. One of them is a manufacturer of pot and pearl-ash, and a brewer of ale and spruce beer. They purchase most of the furs brought down from the interior by a small party of Indians who pay an annual visit to Three Rivers. This trade, which a century and a half ago was the total support of the town, is now greatly diminished. The agents of the North-west Company are scattered over every part of the interior, and much money has been sunk in order to monopolize the whole of the fur trade. But a few of the Indians from the back country choose to bring their furs to the Harts at Three Rivers, and receive European goods and money in exchange, very often to a considerable amount. An Indian once gave Mr. E. Hart 60 guineas for a clock and five guineas for a brilliant ring to decorate the finger of his squaw. A store-keeper of Three Rivers told me that an Indian one day asked him the price of a small chest of gun-powder tea which he had in his store for sale; but thinking it was only idle curiosity that made him ask, he told him, rather roughly, to go about his business. Upon this, the Indian immediately went to another store, a few doors further, and gave four or five guineas for a little canister of that fine tea, which he carried away with him under his dirty blanket. Many of the Indians, who are fond of dress, will go to a great expense in the purchase of silver ornaments, and superfine scarlet or blue cloth, coloured silk, etc., with which they decorate themselves in a costly manner. During their stay, they encamp about a mile from the town, and are generally in a state of intoxication the whole time, so that when they return in the Autumn to their hunting grounds they have most commonly spent all their money. They are then obliged to go in debt to the Harts, sometimes to the amount of several hundred dollars, which they punctually repay in furs the following year. But if they die in the meantime, the money is lost.

"There are but few other stores of any consideration in Three Rivers, and they are kept chiefly by French people. Mr. Burns, who keeps a store by the waterside, has the advantage of the rest, being a licensed auctioneer; so that, whenever he finds business a little flat, he advertises an auction on the morning of the market days, when the Habitants come over from the opposite shore to dispose of their provisions, and frequently takes thirty or forty pounds on those occasions. The stores of Canada contain almost every description of goods that can be named, and exhibit a motley collection of woolen-drapery, haberdashery, hosiery, linen-drapery, grocery, cheese-mongery, stationery, iron-mongery, and the contents of the oil-shop, the gin-shop and the wine-vaults. The storekeepers charge from 50 to 100 percent profit upon most of their goods, and sometimes a great deal more. The Harts import a considerable portion of their goods from England, the rest they purchase at the Quebec auctions; they also deal largely in pot and pearl ashes and furs, which they remit to England.

"The market is held twice a week on the post arrival days; and in general the supplies are scarcely sufficient for the consumption of the town. The country people come from Champ-lain across the St. Maurice River, and from Bécancour on the opposite shore of the St. Lawrence. They arrive at Three Rivers in summer as early as five o'clock in the morning, and most of the inhabitants are in the market-place frequently an hour before their arrival, in order to have their choice of the provisions. By eight o'clock the market is generally over. A law prevails which forbids the country people from selling their provisions before they are taken to the market-place, but the gentlemen (for the ladies very rarely go to market) are so eager to purchase, that they go down to the waterside, look over the provisions in the canoes, single out whatever they prefer, and follow the Habitants into the Market, where they purchase it. In consequence of this eagerness some curious scuffles frequently take place for the possession of a brace of partridges, a quarter of lamb, or a fine salmon.

"A little member of parliament (Ezekiel Hart), one morning, having singled out a couple of fowls in the Habitant's canoe, followed the man to the market, intending to purchase them. It so happened, however, that a tall colonel (Shank) of the army at that very moment fixed his eyes upon the same fowls without knowing that any person had bought them (as it were by anticipation) before him. No sooner, therefore, did the Habitant arrive in the market-place than the Colonel immediately pounced upon the fowls,

and asked the price of them; for it is a custom in the Canadian markets to take possession of the article first, and bargain afterwards; otherwise, while one was haggling another would throw down the money and go off with it. Scarcely had the Colonel grasped the poultry when the little Member of Parliament, whose attention had been called off by a fine large salmon that had just arrived, looked up in the officer's face and cried out, 'Sir, they are my fowls.' 'How came they to be yours,' said the officer, 'when I followed the man from the market?' 'I followed him first,' replied the other. 'But I got possession first,' rejoined the officer; and as possession is nine points of the law he was determined to keep the poultry. Some sharp words, however, escaped from the little man and the officer shook a large stick over his head, which caused the Member of Parliament to jump from one side of the market-place to the other, for one blow would perhaps have annihilated him, upon which the officer marched off triumphantly with his fowls."

Lambert describes the Three Rivers condition at the very period under our consideration (also in the second edition, corrected and improved. London, C. Cradock and W. Joy, 1814):

"The genteel society of Three Rivers is very small and consists of the officers of the Canadian regiment, the provincial judge, sheriff, English and French advocates; the Protestant and Catholic clergy; the grand voyer of the district; the colonel of militia; and the family of the Harts, who are the only merchants or storekeepers that are classed among the gentry of Three Rivers. The persons whom I have enumerated form with their families, and a few other individuals, the whole of the higher order of society in that town. It might naturally be expected that among so few the utmost harmony and good-will would prevail; but unfortunately, that is not the case, for not half a dozen people in the place can be said to associate together in real friendship.

"In a small town it happens that the private histories of its inhabitants are easily known to each other, and it is seldom but there is something in them which affords room for satirical animadversion. One of the greatest weaknesses of human nature is the delight which people seem to take in pointing out the blemishes of their neighbours rather than their good qualities. They think by such exposure to hide their own defects, and that they will not be suspected of doing that which they condemn in others; it is this which gives rise to what is called scandal. In small societies, there is also a continual struggle and competition for pre-eminence;

everyone wishes to be thought of more consequence than his neighbour; and whether it is birth, riches, personal qualifications, or the possession of an office, each prides himself on that which in his opinion gives him a superiority over the rest, whom he treats with contempt in proportion as he values his own consequence. These, to be sure, are frailties to which mankind are more or less subject; but they are such as should be corrected and guarded against as much as any other faults which we may be guilty of. Perhaps there is no crime more injurious to the well-being and comfort of society than scandal; it destroys the peace and happiness of individuals, introduces discord in families, and cuts asunder the social and friendly ties which ought to bind us to each other. All confidence is destroyed between man and man, and each becomes a spy upon the other's conduct; slight blemishes are then magnified into heinous vices, and good actions distorted into selfish views or ostentatious extravagance. In short, it unhinges the human frame, and transforms the image of God into a friend of darkness.

"Notwithstanding the society of Three Rivers is thus broken and disjointed at times, it is something in its favour that the bickerings and disputes which prevail among the inhabitants are engendered by the elections which have taken place within the last two or three years, and not by malicious or quarrelsome dispositions. Before that period the people of Three Rivers, I am told, were remarkable for their friendly and social habits. The best friends, it is said, become the worst enemies, and the election of Mr. Ezekiel Hart to a seat in the provincial parliament seems to have been the torch which has set the whole town in a blaze." (Pp. 35-42)

CHALLENGES TO EQUALITY

Toronto historian Arthur Brodey has noted that the first challenge to Jewish equality was raised in Canada in 1797 by the Hon. Peter Russell, in the cases of Moses David of Sandwich and Levy Solomon of Cornwall, in the Province of Upper Canada.

Moses David was born in Montreal, the son of a very prominent Jewish landowner Lazarus David (1734-76). Malcolm H. Stern gives 1768 as the approximate year of his birth. (Americans of Jewish Descent, a Compendium of Genealogy, New York, Ktav, 1971, P.37) He resided for many years in Detroit, where he is recorded as serving on the jury in 1794. He married Charlotte, the daughter of Aaron Hart.

The British ceded Detroit in 1796 to the United States and David, "so soon after as he possibly could, followed the Royal Standard and was one of the first builders in the Town of Sandwich (now Windsor). He has on many occasions shown his zeal for the advancement of His Majesty's Service as a true and loyal subject." He settled at Sandwich which, being near Detroit, became an important military and judicial centre. (Canadian Achievements, Detroit River District. Algonquin Historical Society, Cowan. P.179, cited by Brody) David was one of its first settlers.

Before 1803 he had been an ensign in Askin's battalion of the Essex County. That year he and Charles Askin were slated for lieutenantcies when the next vacancies should occur. (John Askin Papers, 1766-1820, Burton Historical Society Records, editor's note, Quaiffe, vol. II, P.645)

He remained there until his death in 1814. Shortly before he passed away, according to a letter surviving among the Burton Historical Society papers, he was seeking permission from a Colonel Croghan to leave the place.

He died in 1814 and "was buried there on a twenty-five foot square lot, surrounded by a wall, which he had set aside during his lifetime in the backyard of his residence. A marker was later erected in his memory. One wonders why this member of a prominent Jewish-Canadian family chose to be buried at Sandwich rather than in the hallowed ground of the Spanish and Portuguese cemetery at Montreal." (Irving I. Katz. "Moses David of Windsor and His Family," in Michigan History, June 1963. Pp. 156-60)

His widow, Charlotte Hart David, died on January 5, 1844.

In 1797 a number of petitioners applied for land grants, among them Moses David.

On July 31, 1797, David reminded the authorities that he had resided in the province for a year, had served in the militia of both Upper and Lower Canada, and had not previously obtained any land from His Majesty. (Public Archives of Canada, Land Petitions, Upper Canada, 1803 D; Minutes of Council Land Book, E, Upper Canada, 1802-4)

In 1801 David petitioned for "a park lot in the rear of the Town of Sandwich, considering himself entitled to His Majesty's Royal Bounty generously held out to all his loyal subjects, and most particularly to the first builders in the Town of Sandwich."

To quote from his later petition of March 9, 1803, "In expectation that the same would have been accorded, agreeable to Mr. President Russell's (?) letter to the Magistrates of the Western district. He understands that his petition has been rejected, under the idea that his Religion precludes him from any grant of land in His Majesty's Colonies."

Brody notes that an endorsement on the party petition bears the notation that "The petitioner belongs to the Lower Province."

Several years later, on January 8, 1803, Moses David had occasion to petition Russell again, and he insisted on fair treatment, as several others had received lands in Sandwich since his application. (Public Archives. Upper Canada Land Petitions, "D" 1803; Minutes of Council Land Book, "E" Upper Canada, 1802-4)

He supported his claim by an appended certificate.

David persisted in a petition on March 9, 1803 in which he appealed to the Lieut.-Gov. Hunter that "Your Excellency will be pleased to take his case into your consideration and grant him such relief as to Your Excellency may seem meet."

This petition was referred by the Lieutenant-Governor's office on the 9th of May 1803, to the Executive Council for report by order of the Lieutenant-Governor, and on the 10th of May, 1803, under the signature of H. Alcott, Chairman, and approved by Hunter, Lieutenant-Governor, the petition was recommended in the following terms: "Recommend that the petition to be complied with upon the petitioner producing a certificate from the church warden of Sandwich that he has erected a house and premises on his town lot."

Brody concludes, "The transaction was then completed, as appears by the Receiver General, receipt of the officers' full fees, the number of acres amounting to 27. It would seem from this document that what might have prompted the Committee to finally grant him land was that he was a loyal soldier because he came under the regulations of a military man. Also the special regulations and promises as to the Town of Sandwich."

David had purchased land in Sandwich, as appears from a report of the surveyor general in 1808, under the regulations of 1797. No question arose as to his right to own the land and to erect a dwelling on it. (Ontario Archives Report, 1906)

Levy Solomon, like Moses David, was the son of a prominent Jewish Montreal businessman who was also named Levy Solomon; a similarity of names very unusual among Ashkenazi Jews. The younger Solomon was born in 1771 and died in 1832.

Three months after David's first petition, on Oct. 23, 1797, Levy Solomon Jr. wrote to Russell from Cornwall that he wished to become a settler in the colony, that he had not received any lands as yet, asked for such quantity as he may be entitled to receive; enclosing a certificate from the Justice of the Peace at Cornwall certifying that Solomon, a resident of two years, has appeared before him and had taken the oath of allegiance.

On the verso of Solomon's petition of 1797, over a signature that Brodey believes to be that of Chief Judge Elmsley, appears the decision in Canada of a Jewish disability: "Jews cannot hold land in this province." (Public Archives of Canada. Land Petitions Upper Canada, "S"; Minutes of Council, Land, Upper Canada; Ontario Archives Report 1931, P.109)

Brodey concludes that no racial or religious prejudice entered into the decision. It was the law as seen by the Council that decided the ruling.

Shortly after this experience "the same Levy Solomon petitioned on behalf of Moses Hart, of the Province of Lower Canada, Merchant, for land, stating that Moses Hart had purchased several rights to military land from discharged soldiers and non-commissioned officers, and that the said soldiers had not drawn any lands, except such as is expressed in their respective certificates which were recited as annexed (but which I have not been able to find) and that the said Moses Hart was desirous of obtaining those lands in the Province of Upper Canada. According to the endorsement on the back, this petition was not recommended." (Brodey) Whether or not the same policy was enforced here is not stated, but a petition following so closely upon that of Levy Solomon, in fact one which came up at the very same time for decision, would most likely have been rejected for similar reasons. (Public Archives of Canada, Land Petitions, Upper Canada, "S", Minutes of Council; also Ontario Archives Report 1931, P.109)

At about the time of Solomon's petition for a land grant he was corresponding with Simon McTavish regarding the manufacture of tobacco. (May 13, 1800; P.A.C. MG 29, A5, vol.27)

The younger Levy Solomon was active in business in Montreal, Albany and New York. His son, Lucius, born in 1803 in Albany, married a Seixas in Philadelphia in 1824.

Two years later Lucius L. Solomon became the father of twins who were named both in the New York and Montreal synagogues.

When he died on March 5, 1830 he was described in the Montreal Gazette (March 11, 1830) as partner in the firm of Levy Solomons & Co. Thus the business name survived for some sixty years.

In one area of law and of life there were no problems for Jews in Upper Canada.

On July 6, 1817 the Attorney-General D'Arcy Boulton reported to Secretary Lieut.-Col. Cameron that "Marriages in this Colony are celebrated...in instances of certain religious sects such as Quakers and Jews, etc., who are governed by the same rules, as the same sectaries in England." (Public Archives of Canada, Colonial Office Records, MG 11, Q vol. 322-1)

During the discussion on a Marriage Bill, Mr. Bidwell proposed an amendment on January 10, 1831, because in his view the draft bill, to quote the report in the Montreal Gazette of January 24, 1831, "limited the right (of solemnizing matrimony) to the Societies of which the Ministers were members...A more liberal Bill had passed both Houses of the Legislature upon a former occasion by which the right of performing the marriage ceremony had been conferred upon Ministers of all Christian denominations, without any limitation of the kind now contemplated." He moved...to refer the subject to a Select Committee.

The Solicitor-General had no objection to allow the ministers of different religious persuasions to solemnize marriages, under certain restrictions.

Attorney-General: his bill was more liberal in its provisions and general in its application than that proposed by Bidwell... who intended to limit the right of marrying to a few sects -- to Christian denominations only -- while he proposed to extend the right to all religious denominations, whether they were Christian or not, for he conceived it just and right to confer the privilege on the latter as well as on the former. "Suppose," said the Hon. and learned gentleman, "that there were a congregation of Jews in this town, or in any other part of this Province, would they not be entitled to the protection of this House, and to the privilege it now proposed to confer, as much as any other sect or denomination?" He thought they would, and he, for one, "would not consent to withhold that privilege from them."

On January 17, 1831 he again said, "He would allow the Jews that privilege, because they were acknowledged as the people of God, although they had fallen from their high estate." (Montreal Gazette, Feb. 5, 1831)

There may well be a connection between this Upper Canada debate and the famous 1832 Lower Canada law to grant Jews all civic privileges.

The date is 1830. By this time, as we shall see, the problems of all religious minorities in Lower Canada were being radically resolved.

THE FIRST TO SIT?

In virtually medieval, monolithic, pre-1760 Quebec, Jews were not permitted entry. The French followed the same course as the Portuguese in excluding Jews.

In the Iberian case there might have been an important Portuguese chapter in the early history of Canada and the New World if Portugal had not made a grave error in exiling its Jews, the Portuguese ambassador to Canada, Eduardo Brazao, wrote in Revue d'histoire de l'Amérique française.

Late in the fifteenth century Lisbon had become the centre of a great commercial empire. "But this greatness fled by like a lightning, through Portuguese fault. In expelling the Jews (1496) we deprived ourselves, on one hand, from the one class of our society which held the key to our domestic economy; on the other hand we alienated the most powerful international freemasonry known: that of the Jews, who directed European finance and commerce."

The ambassador proceeds to quote authorities, both Jewish as well as anti-Semitic, to indicate that the Jews were the only residents of Portugal at the time who were not "lazy and vain, almost without any scientific or literary culture." ("Les Corte-Real et le Nouveau Monde," vol. 19, 1965, pp. 184-201)

Similarly, the ambassador wrote, the course of history might have been different if the powerful Colbert had been more powerful, and had been able to mobilize Jewish commercial interest in trade between France, the West Indies and Canada. But anti-Jewish feeling prevailed in spite of his warnings to the Intendant at Aix and to others that "he should not listen to the statements against the Jews that are made to you." Later he wrote that France should ignore the jealousy of Catholic merchants towards Jews and Protestants. "It is important to judge sanely whether the commerce which they lead, by the contacts they have in all parts of the world with others of their sect, is of a nature to be beneficial to the state." (Cornelius J. Jaenen. "Le Colbertisme," in Revue d'histoire de l'Amérique française, vol. 18, 1964, Pp. 252-66)

The French, being more open to the Jews, gained from the persons of the Portuguese émigrés -- or expelées -- the Gradis family at least at Quebec.

The French excluded anyone not a Roman Catholic from their colonies, to make certain that in the great New France of the future -- where they foresaw great cities, much trade, much piety, an impressive francophone universe -- there would be but one faith, one language, one loyalty to king and patrie.

Jews in France, even while nursing the young colony with the mother milk of their capital and establishing its economic lifelines of supply and watching over the interests of Versailles on the frozen St. Laurent, were by law forbidden to accompany their captains and their ships, and had to conduct their long-distance negotiations and their planning by very slow mail.

French Canada was to be clean of Jews. That was the original intention of its 1627 founders. That year the edict of Armand-Jean du Plessis, Cardinal de Richelieu, ordained that the company created by the prime minister of Louis XIII may permit the entry into New France only of French Catholics. (Edict of May 7, 1627, Article 3)

The Black Code of 1685 begins with the order, "We enjoin all our officers to drive from our Islands all Jews who have set up residence there whom, as enemies of the Christian name, we order to leave within three months on pain of confiscation of body and of possessions and the galleys." (Jean-Paul de Lagrave. La Liberté d'expression en Nouvelle-France, 1608-1760. Ottawa, Editions de Lagrave, 1975, Pp. 43-47)

Protestants did in some cases evade the ruling but Jews never, the brief adventure of Esther Brandeau notwithstanding. The revocation of the Edict of Nantes in 1685 was another nail in the coffin.

Although the law barred Protestants as well as Jews, the ample record shows that there were various types of Protestants in the colony, at least after the commission of 1599 accorded to Chaudin, that of Mons in 1604 and the 1627 Charter of the Compagnie des cent associés, in spite of the anti-Protestant clauses in the 1588 monopoly concession of Canada to Noel and La Jannaye. Marc André Bédard traces the continuous presence of Les Protestants en Nouvelle-France in his Laval University thesis of 1973. But the ban on Jews was total and effective.

Gérard Malchelosse emphasizes that Colbert, the great minister of Louis XIV, had indirectly shut off entry of Jews into New France by forbidding the admission of those not professing the Roman Catholic faith. The minister and the King thereby rendered a great favour, Malchelosse concluded. ("Les Juifs dans l'histoire canadienne," in the Cahiers des dix, vol. 4, P. 167; Denis Vaugeois. Les Juifs et la Nouvelle-France. Trois-Rivières, 1968. P.53)

An exception in this record of 150 years of blankness reads like a pre-medieval evil legend. From the register of the archbishopric of Quebec: Marie-Joseph, daughter of Jacques Fournel and Marie-Joseph Pelletier of Pointe aux Trembles, born in 1738, was kidnapped by a Jew by the name of Daniel Hardiment when she was thirteen years old. (Cyprian Tanguay. A Travers les registres. Notes recueillies. Montreal, 1886. P.152)

As Louis Rosenberg put it,

"Canada as a nation is what it is today, and will be the nation of generations to come, because of the labour and enterprise of the immigrants of the past, present and future who have made and will make Canada their home and the home of their children.

"Jews are by no means among the most recent of the ethnic groups who have settled in Canada, for there were Jewish settlers in Nova Scotia as early as 1750, in Quebec in 1760; and in Ontario, in British Columbia, the Yukon, and the prairies (or what was then known as the North West Territories) they were among the earliest settlers. The majority of Canada's Jewish population are the children of the Jewish immigrants who came to Canada since 1880 in search of security and freedom from prejudice and persecution in the European countries in which their ancestors had lived for centuries."

But Nova Scotia is older as a Protestant controlled country than Quebec. Louis Rosenberg notes, "The first Jews who settled in Canada came from England to Rhode Island and moved to Halifax in 1751. They were English-born merchants, trading with Britain and the West Indies, the children of Jews who had come from Germany. In Halifax they were engaged in import of British manufactured goods and the export to England of timber, potash and dried fish."

Jacob Rader Marcus, the foremost historian of early Canadian Jewry, noted that Nova Scotia was very much on the minds of English Jews in the eighteenth century when they hoped to rid themselves of the burden of their poor by sending many of them to this northern colony as well as to the Carolinas and to Georgia. Indeed, that was how the Jewish community of Savannah came to be founded. (American Jewry. Documents. Pp.203-4)

The Non-Importation Agreement made in 1765 by the merchants of Boston and Philadelphia, and the outbreak of the War of Independence, saw the early Jewish residents of Halifax leave, some for England and others to these New England colonies.

A handful of English Jews accompanied the British armed forces in their well-experienced function as suppliers to the troops, to the navies and to the civilians; they followed closely upon the track of the armed men. They were the procurement organizations, the supply lines and the P-X's of two centuries ago. It was always venturesome, often profitable and sometimes a risky occupation. This is evidenced by the still unsettled, well-receipted and well-documented claims even upon the victorious army of George Washington which may be found in the Archives of the Harts.

Grants of land were the traditional rewards for imperial service in those days. These were, and still often are, regarded as the surest and most lasting guerdons and benefits. After all, is not that the origin of seigneuries, lordships, dukedoms, baronies, marches and even crown -- not to speak of concessions?

But such is the state of man on earth that even these are uncertain, as the de la Penhas found after having Labrador promised to them.

There is documentary evidence to prove that there were Jewish merchants in Halifax in the period from 1749, when Halifax was founded as a British garrison town and naval station, until a few years after the American Revolution.

Jewish traders based south of the thirteen colonies, such as the prominent New York merchant Moses Franks, dealt with Newfoundland and Nova Scotia.

C. Bruce Fergusson provincial archivist of Nova Scotia, wrote,

"When the great harbour of Chebucto was transformed into a strategic strong point as an offset to a Louisbourg restored to France, this town, which was the only colony in America established wholly at the expense of the British government, beckoned to colonists to the south. Before long New Englanders and others swarmed into this port for opportunities in trade and settlement. Jews were among their numbers.

"Governor Cornwallis, Provincial Agent Christopher Kilby, and Victualling Contractor Chauncey Townshend turned to New England, New York, and Pennsylvania for some of the supplies and credit needed, and such men as Moses Levy and Israel Abrahams, as well as such firms as Levy and Franks, of Philadelphia, were soon drawn into their orbit. Within a year of the founding of Halifax some of these merchants and traders were doing business in this new town, and by another year -- if not earlier -- some of them had taken up residence here. These included Israel Abrahams, Isaac Levy, Nathan Nathans, Isaac Solomon and perhaps Naphthali Hart, Jr.

"The surviving portion of a list of settlers at Halifax in 1752 contains the names of Israel Abrahams and Nathan Nathans. Abrahams' household comprised three males and seven females; Nathans' was composed of five males over 16 years of age. But these were not the only Jews here at that time. Rev. William Tutty, a Church of England clergyman in Halifax, converted and baptized a German Jew in 1752.

"Nathan Nathans was obviously one of the permanent Jewish settlers at Halifax. He was here in 1751. He was at first a partner in the firm of Levy and Nathans. When the death of Isaac Levy terminated this merchant-partnership, Nathans joined with Naphthali Hart, Jr., in the firm of Nathans and Hart, which in April 1752 was doing business 'At their Dwelling House in Hollis Street, opposite to his Excellency's' -- the Governor's residence then being on the site of Province House. Two years later, on May 4, 1754, the co-partnership of Nathans and Hart was dissolved. Shortly afterwards Naphthali Hart, Jr., removed to Newport, Rhode Island, and late in 1761 Naphthali Hart, Jr., then still in Newport, and his former partner, Nathan Nathans, still at Halifax, were summoned to appear in court to answer the suit of Naphthali Hart and Isaac Hart, both of Newport, Rhode Island.

"For a time Nathan Nathans had an establishment on Russell's Island (Now Horseshoe Island) from which he carried on the mackerel fishery. During the early 1770's that quaint and lively celebration, known as the Festival of St. Aspinquid, was held at Nathans' place on the North West Arm, seven days after the first new moon in May. Elegant dinners were provided, with venison, ham, moose tongue and various kinds of fish; cannons and muskets were fired; toasts were drunk to the King and Queen, the Prince of Wales, the Governor, fishing and agriculture, the memory of St. Aspinquid (Grand Sachem of all North America), and to the chiefs of the twelve tribes who were friends and allies of the English. Nathans lived on at Halifax until his death in 1778, his funeral taking place on November 19 of that year. He had been a resident of Halifax for 27 or 28 years.

"Meantime Israel Abrahams and other Jews also engaged in business here. Israel Abrahams and Company were active in 1752; and in the same year Abrahams tried an experiment in making potash, which he brought to the attention of the Lords of Trade in London.

"Shortly after the foundation of Halifax, a burying ground was set apart for the Jews. By 1758, however, it must have been decided that the old St. Paul's Cemetery would be used for all denominations, for on November 2 of that year a committee of the Assembly and Council reported in favour of using that piece of land where the Jews' burying ground was as a site for a Workhouse." (Jewish Communities in Nova Scotia," in Journal of Education, series 5, vol. 2, no. 1, Oct. 1961, Pp. 45-48)

Rosenberg speaks of four Hart brothers -- Isaac, Abraham, Naphtali and Samuel -- who came from Rhode Island in 1751 and settled in Halifax.

Samuel Hart (1747-1810) was in Halifax in 1780's. Quite a wealthy merchant, he had encountered no difficulty in taking his seat for Liverpool Township in 1793 in the Legislative Assembly of Nova Scotia and holding it until 1799.

The elections were relatively quiet, as was usual in that period. Charles Bruce Fergusson described the political situation in his Introduction to his edition of the Diary of Simeon Perkins, 1790-96, (Toronto, Champlain Society, 1961, Pp. XXXII - XXXIII).

Simeon Perkins was a friend of Samuel Hart. His very informative diary gives us many moments from Hart's business life and from the election:

"On Oct. 9, 1792: One Mr. Wilkinson, who is said to be a clerk to Mr. Hart of Halifax, comes with Stephen Snow and has brought some goods from Halifax.

"Nov. 4, 1792: Mr. Hart's Schooner sailed for Halifax.

"Dined on March 27, 1793 with Mr. Hart in company with Maj. Millage and Charles Dickson, assembly member for Onslow."

Rival groups in Halifax supported Andrew Belcher, who has sat in the Assembly here, Samuel Hart, and George W. Sherlock in their aspirations. Belcher was supported by Loyalists and their friends, while Hart and Sherlock were supported mainly by pre-Loyalists and their friends. Hart, who was a large creditor of many people in Liverpool, sent his clerk to the town to promote his interests and, if possible, ensure his election.

Perkin's diary for Feb. 7, 1793 records,

"Mr. Wilkinson, Clerk to Mr. Samuel Hart, came in Capt. Burges, a Yarmouth Schooner, with Letters from Mr. Hart to myself and to a great Number of Gentlemen in this Town, on the Same Subject. He is Supported by Messrs. Benjamin Green, Esq., Mr. Benja. Salter, J.M. Freek Bulkely, Esq., Wm. Cochran, Esq.; & Mr. Blowers write favourable. Mr. Sherlock writes also that he is willing to serve again. Mr. Bulkeley & Mr. Cochran mention him with Mr. Hart.

Several other Gentlemen have wrote to different people in favr of Hart." (Green, a merchant, was colonial treasurer, judge of the inferior court of common pleas. He had been administrator of the government after 1766 and sat for Halifax township in the assembly, 1782-85.

(Freek had sat for Sydney in the Assembly from 1786 to 1793 and for Halifax county from 1793 to 1796. In 1792 he was named secretary of the province and clerk of the Council.)

"Feb. 8th -- Mr. Wilkins has made considerable Interest with the People for Mr. Hart. Many of Our people are concerned with him in dealing: he has credited many of the common people, & by that means has a great Influence. The Majestrates have not declared who they will Set up.

"Mr. Wilkins called on me in the Evening, & gave me another letter from Mr. Hart, & told me he was about to Send a Shallop to Halifax. I conclude to git Some Rum for the purpose of the Election, &c."

Campaigning went on for Belcher, Hart and Sherlock, and the "principal gentlemen" of the town met to consult about the election.

The Feb. 18th entry reads,

"The Gentlemen mentioned last Saturday met this day at the House of Benajah Collins, Esq., and held a Consultation on the Subject of Election. The most prevailing Opinion was, that we aught to Choose all our representatives in the Country, but Some Gentlemen are so intangled with Mr. Hart, by promis or encouragement, that they do not go heartily into the Measure. Benajah Collins, Esq. and myself Offered our Service on Condition that all the members are Chosen here & no otherwise. The Law for regulating Elections was read, by which it appears that the Candidate must have Some real Estate in the Town or Country which he represents, which, if we understand the Law, appears to me will cut off Mr. Hart from any Pretentions. The Sheriff is to read the Law to Mr. Wilkinson tomorrow.

"Feb. 19th -- The Sheriff waited on Mr. Wilkinson, and Informed him of the Law respecting Candidates for Election. Mr. Wilkinson answered him that he was prepared on that Head. The Friends of Mr. Hart Seem disturbed at the meeting of the Magistrates, and are more determined than Ever, and Urged Mr. Wilkinson the more, as he Says, to Set up, which he is determined to do, and to appearance will carry his point.

"Joseph Bangs, Junr. Calls on me for the Rum I Borrowed Some time ago. I have it not in my Power to return it. Capt. Hopkins is So good as to git me 4 Gallons from Mr. Wilkinson. I did not Chuse to ask him for it myself, as I have appeared oppisite to him in the Matter of Election, it being my decided opinion to Chuse all the members here, if possible."

On March 4th elections took place:

"For two Members of Assembly to represent the County and one to represent the Town of Liverpool, Mr. Sheriff Freeman Opened the Election by reading his writ for the Town & proceeded to poll for the Same. Mr. Samuel Hart, of Halifax, was Set up by Major Nathl. Freeman, as a Candidate for the Town, & no other Candidate Setting up, Mr. Hart had all the Votes & was declared duly elected. The Poll was then opened for the Country."

The two members for the County were resident members, but Hart had so much influence with the people that the idea of choosing all three representatives from the inhabitants had to be abandoned.

"Apr. 24, 1793: I have now Some Expectation of gitting home in a Schooner belonging to Chester, Covey Master. Mr. Hart has been about Chartering her.

"July 24, 1793: The Schooner Hope, John Freeman Master, arrives from Antigua, with Rum, in 19 days. He brings the Master of a Brig, Mr. Hart, of Halifax freighted, in which Brig Sold her Cargo at Hispaniola & went to the States, & on her return found She could not get in there. So that the Cargo is like to be Lost. The Brig is Sold.

"Nov. 20, 1793: Cool morning. Wind N.W. Capt. Elisha Hopkins, Junr., in the Brig Princess Amelia, Sails for Halifax. She is freighted from Halifax to Jamaica, by Mr. Samuel Hart, heads of Fish at 37/6, Barrels at 9.

"Jan. 24, 1796: Warm day. The Snow has decayed very fast in the Night & all day, but turns Cool again towards evening. Capt. Covey Sails for Halifax with Boards, as did the Industry, Jos. Barss, Master, yesterday or day before. The Boards are Sold by Benajah Collins, Esq., as I understand, to Mr. Samuel Hart, of Halifax."

On April 16, 1796 Perkins received a copy of the Law to abolish the capitations act, sent him by Mr. Hart.

'May 18, 1796: Messrs. Newton & Thomas have received advice from Henry Newton, (partner of S. Hart) that Mr. Hart's Powder, which Capt. Hughes brought here, consigned to Benajah Collins, Esq., is Liable to Seizure for not having a permit from the Excise office, and Mr. Hart has Sent a writ against Mr. Newton, a Capias by oath for £400, and Arrested Mr. Newton for the Same. Bartlet Bradford, Esq. and my Self are his Security for his Appearance at Court. They consulted me on the Law. I cannot find the Law for laying a Duty on Powder is annulled, and if it is not, the officers have Acted right. They Keep the Powder in Custody, as before, in Mr. Collins' store.

"Dec. 28, 1799: I got a New harness for my Sleigh, from B. Bradford, Esq., a midling good one, with plated Buckles, &c., charged at £8.10, which is too much. He had it from Mr. Hart. We git it fixed.

"Oct. 9, 1801: I make out a memorandum how Mrs. Bradford Aught to make her dividends of payment to her Creditors out of one third of the Sales of the Brig Venus, which one third is to be paid in hand, viz., 153.6.8., to pay Mr. Hart £100; Mr. Wm. Lyon £20; Mr. Benja. Salter's Estate, £33.7.8."

Hart's was a significant legislative career -- three quarters of a century before his successors in Ottawa and England, four score years before Franklin defended his seat in Victoria, three score before Judah (who may not have identified as Jewish) in the Union Government in Kingston, and a dozen years before Ezekiel Hart was deprived of his Three Rivers seat in the Quebec Legislature.

Hart married Rebecca, the daughter of William and Sarah Byrne of Philadelphia. They had one son Moses Montague, and three daughters, Ester (or Hester), Sarah and Rebecca. They were christened at St. Paul's Anglican Church in Halifax.

On October 6, 1801 he purchased Maroon Hall with its 800 acres for £655. The place was named for the Maroons of Jamaica, escaped slaves who fought for their freedom. When they were captured, they were dispersed as far afield as Nova Scotia.

Maroon House had been built in 1792 by Francis Green, Sheriff of Halifax, son of the Hon. Benjamin Green.

It was built as a summer residence on one of the finest situations in Preston, a broad circular elevation commanding a wide view of the country around and the ocean beyond. When Preston was chosen as a settlement for the Maroons, Mr. Green's property,

with the rest of the district, was purchased by the government for their accommodation. The house, which was only a limited building for summer use, was re-constructed and enlarged at the expense of the government of Jamaica, and the result was a square, double, two-storied house, containing ten rooms each with three doors and four windows -- capital ventilators when the north-east wind swept around the old Hall, and the cutting blizzards of winter piled the snowdrifts against the casements. A room in the Hall was sometimes used as a chapel and sometimes as a school; and it was there that the dances and other entertainments were given, at which the black gentry and their wives displayed their West Indian finery.

When the Maroons evacuated Preston, the lands were again at the disposal of government. Maroon Hall with its thousand acres of upland and forest was advertised for sale in the Nova Scotia Royal Gazette, 10 Sept., 1801. This advertisement announced that the Hall, together with the whole of the remaining Maroon property, would be sold by Charles Hill, auctioneer, at the Wentworth Tavern, on 28th Sept., 1801, in order to close the affair. Twenty-four houses with other buildings, lands, etc., in Preston, were described and offered for sale.

The sale of Maroon property extended from 12th Dec., 1800, until 2nd Nov., 1801; total proceeds, £6,792 6s.3d. (MS. Records, vol. 419)

"Maroon Hall, an excellent house, in an elevated situation, with an extensive view of the sea-shore, the house is 40 feet by 40, two storey high, four well finished convenient rooms on a floor, a cellar under the whole, with a never-failing well of water in it, a barn 40 feet by 25, and a good stable adjoining a store 40 feet by 20, a sheep hovel, fowl-house, and other out-houses, it will be sold with eight hundred acres of land, a good proportion of which is excellent hardwood, and twenty-five acres of the land is under improvement, from which has been cut near twenty ton of hay this year, besides oats, potatoes, etc. Also a garden consisting of an acre of ground, well set with fruit trees, such as apples, pears, cherries, plums, etc."

Mrs. William Lawson tells her story. "Here he his family spent the summer months of every year. They were gay and fashionable people, and Maroon Hall knew its merriest days during their occupancy. Dinners and dances, at which the army and navy with the aristocracy of Halifax were entertained, were of frequent occurrence in this luxurious and hospitable home.

"After a few happy years however, reverses came. Business difficulties resulted in Mr. Hart's failure; the greater part of his handsome fortune was swept away. Its loss and the embarrassment which ensued preyed upon his mind until mental depression ended in insanity. The unhappy father, in the absence of a hospital where his distress might have been alleviated, was taken to the Hall, and confined there under the charge of a manservant.

"In the house where he had dispensed his hospitality so generously he was a miserable prisoner, tortured by the cruel illusions of an unsound mind, and often so violent that he had to be chained to iron stanchions, the marks of which remained upon the floor as long as the house stood. After a year or two of terrible mental misery and great suffering, he died at Maroon Hall on Wednesday morning, 3rd October 1810, aged sixty-three years." (History of the Township of Dartmouth, Preston & Lawrencetown. Halifax, 1893, Pp. 180-81)

An official commission (Acts, 1809, cap.14) had decided on June 28, 1809 that Mr. Hart was insane and had been for three weeks then last past.

After the death of Samuel Hart the house and property were again on the market. From its being within easy reach of Halifax, its beautiful situation, its broad fields and well-wooded pastures, it was considered to be a desirable purchase either for a farmer or a country gentleman. It was a quarter of a mile to the east of the southeastern end of Lake Loon, and on the summit of a hill which commanded a very extensive view of the surrounding district. The place had been much improved during Mr. Hart's tenure. The lane leading from the highway to the house was set on both sides with stately trees. A great spreading willow stood on each side of the gate; vines and roses trailed over the porches; an orchard was well stocked with young trees; and the grass land yielded an abundant crop.

The next purchaser was John Prescott.

Rebecca, widow of Samuel Hart, died on Apr. 24, 1817.

MOSES HART

Of Aaron Hart's children, and of their progeny in turn, readers of Canadian history, and not only of antiquarian genealogy, have occasion to read much.

An understanding of the social and political developments concerning Lower Canada Jewry during the first decades of the 1800s must include the remarkable figure of Moses Hart, 1768-1852, Aaron's eldest and trusted son, difficult as it may be to love him.

In part by his own design we have a ready documentation of his life, much of it almost designed to mislead us about him.

"Born flighty and undisciplined, content to be ever impenitent...this man of questionable fame who cast a passing discredit upon his family name," as Raymond Douville put it, was the ever beloved eldest son of Aaron Hart, perhaps the first Jewish child born in Canada. His father treated him more seriously than he did his more consistent and virtuous second son Ezekiel, younger but by two years.

Moses is graven in Quebec history for his scandalous life and his remarkable ideas. In both phases he did much to perpetuate and to document the record.

As to his immorality, the reader need not apologize for him. Suffice the titillation that comes with reading the story that once was so sad in Raymond Douville's "Années de jeunesse et vie familiale de Moses Hart," in Les Cahiers des dix, No. 23, 1958, pp. 195-216; La Presse, Nov. 26, 1954)

Of course, the father was concerned about his education, and he sent him to Moses' uncle Henry, then living in the metropolis of Albany to study, as well as to Plattsburg and Burlington.

But young Moses took it upon himself to move on to New York. Wherever he travelled in the northern states, there were friends, family and business associates -- and a line of credit -- in the small Jewish communities. The style of living of the faith-group, including synagogal and festival observances, could be maintained pleasantly and with social benefits. Conversation with experienced men of affairs was available. Indeed Moses' education, travel and visits are constituted links between Aaron and his scattered friends, business traders and contemporaries and helped him keep his perspectives broad in spite of his confinement to a small area on the St. Lawrence.

A letter to Eleazar Levy of New York reflects the father's solicitude for his children and his warm, intelligent relations with an old friend formerly of Lower Canada, now residing in New York.

"Your favour of May 24th, I received. It gave me pleasure to see the handwriting of my former acquaintance. I have wrote to you more than once, but never received my answer.

"My son Moses went to York. I was not apprised of his going there. He was sent by me to Albany; he found it necessary to go to York, which I did not know until after he arrived there either. My two youngest sons soon came down. I was at the greatest loss who to address them. Too, I didn't know a person on earth that could have given me so much happiness to have advise them on their education as you. But how could I with propriety have solicited such a liberty, not knowing your good intents on this subject? The want of a real friend on this occasion has been severely felt by me while they stayed at York the second time. My son Moses was at York near totally unknown to me. I have constantly enquired after your health and welfare by every opportunity. This letter will be handed you by my second son Ezekiel."

He loved to loiter in the American cities and even carried out business commissions for his father. It is hard to tell from Aaron Hart's letters how much he was displeased by his son who was not always following orders strictly and was drawing freely upon the credit resources available to him. Was there a streak of indiscipline in the old man, himself fairly severely constrained by the rules of hard working businessmen, that saw forbidden freedom flourishing in his surrogate?

When Moses was twenty-four, and father was becoming older, Aaron set him up in an establishment at Nicolet and had even enjoyed calling the place Hartville. It was when that enterprise failed that the father organized a firm with the three sons for trading at William Henry. The contract provided special conditions for Moses if the son should wish to withdraw from the firm, all this at the expense of father. The son would then become the bookkeeper of the enterprise at Three Rivers, "honestly and equitably, by double entry, balancing accounts the first of each May and attending to all correspondence."

Later father set him up quite independently in business at Sorel to remain there for five years; independent, but in close business contact with father.

At Sorel we begin to see the characteristic pattern of his initiative, quite distinct from his father's. Aaron was to admonish him but gently.

Noticing that anglophone loyalists and other immigrants, often penniless, were given free lands, he set under way a petition for such a grant for himself and for six others. The petition was repeatedly refused because the tract was reserved for emigrants expected from Europe.

Gerald E. Hart believes that he was in shipbuilding there, a predecessor of the Simards in that town where, as Bouchette wrote much later, "some large tonnage have been constructed". When Moses Hart left Sorel in 1801 the industry declined, Gerald Hart states. Douville believes it was some time earlier.

A petition from Levy Solomon, residing in Cornwall in the eastern region of Canada, to the president administering the government of Upper Canada, on Apr. 20, 1797, is illuminating of Moses Hart's business habits.

Solomon petitioned on behalf of Moses Hart who had purchased several rights to military lands from discharged soldiers and commissioned officers. But these soldiers did not have the necessary documents except as is expressed in their respective certificates. Now Mr. Hart desired to obtain these lands in Upper Canada and wished the Administrative officer to allow him to locate them, as we have seen. (P.148 above)

Moses returned to Trois-Rivières and did attend to the business of his father and brothers. One of his early triumphs was securing a plot of land near the Ursulines convent for the setting up of a brewery. Construction difficulties arose, but were overcome. A coupon system of marketing was instituted which would not seem anachronistic a century later. During Aaron Hart's final two years he began to receive intimations about his son's ways which were serious and ominous.

Moses had cast his eyes upon his cousin Sarah Judah and proposed to marry her. Here began a complex and tragic story which Douville spelled out colourfully. It is women's tragedy, played out in the years before the love tradition of the romantic revival and of more recent liberation had begun.

A marriage within a Jewish family had to be negotiated, literally contracted; but Moses decided to do the negotiating himself, and his way. He began by spreading rumours to discredit and to humiliate her father, his uncle, his mother's beloved brother and his father's respected friend of decades. Then he turned up with a draft contract which would give her to him "at the price of a good negro wench." At the same time he urged the girl to leave the family and come to him -- not to Trois-Rivières but to Louiseville or Berthier. A few months before Aaron's death the union was consummated.

Possibly the household was tolerable for a few years, but by 1807 it became an issue for the courts, with testimony of dangerous violence and insults and humiliations; separations and "reconciliations". She died at her father's home, after years of shame and illness, a quarter of a century after her wedding.

Months after his father died he claimed £500 from the estate for marrying in accord with father's taste.

His last years were spent with Mrs. Mary McCarthy. While some readers have asked whether they were married, she is described in later official records as the widow of Moses Hart. (Records of Fief Hertel and Linctot of which she is described as part owner in 1861 in Pierre-Georges Roy. Inventaire des concessions en fief et seigneurie fôis et hommages et aveux et dénombrements conservés aux Archives de la Province de Québec. Beauceville, L'Eclaireur, 1927, P. 31)

Nor was his wife the only victim or the only mother of victims of his pathological cruelty towards women and his children. His mother and his brothers were antagonists in countless legal disputes for half a century; some of them of importance far beyond the personal and familial.

The day Aaron Hart died a new Moses Hart was born, or at least released. Primarily, a new business hand was at the helm of heritage; not the wandering playboy's but the persistent, concentrated, self-enslaved manager's in the counting house, pursuing unsmiling every asset, claim and advantage, driving his notaries, lawyers and debtors to their limit, without hunter's or fisherman's love of playing the sport. Douville explains that "of the fortune painfully amassed by Aaron Hart nothing stable remained except questionable problems of seigneuries and numerous pieces of land -- all this in part because the continuous misunderstandings between the four brothers, misunderstandings to which Moses contributed more than anyone else by his eccentricities. This was certainly one of the principal reasons why the dynasty of which Aaron Hart had dreamed and to which he consecrated the last years of his life failed, at least in relative terms."

Moses inherited the seigneurie of Sainte-Marguerite and the Marquisat du Sable, although the father sought to protect the progeny of his son from their father.

With an efficiency that outdid his father's he set about to define his rights and holdings positively. On March 4, 1801, not long after father had gasped out his last breath, Moses Hart inquired from P.E. Desbarats,

"I forgot to mention that my father has left me the Marquisat du Sable, situated in the town, along the Coteau St. Louis, belonging to the Jesuits. I am not certain whether I can exact lods e rents or not, also where it begins. As you are in a situation where I can get information, I will therefore thank you to send me a copy of the concession of 3 acres of land, commonly called fief Robineau, situated at the water side in this town. It was conceded in return 20th February, 1657, to Jacques Le Neuf Sieur de la Potherie, who held the fief Niverville, in this town, of 40 acres, in return got the same altered en fief sous justice the 7th April, 1660, as he then held 10 more acres which was the Marquisat du Sable belonging to me. I will, therefore, thank you to examine the same if he got the ten acres likewise, altered, en fief sous justice, 7th Avril, 1660, by some instrument of writing and please inform me also..." and again on March 31, 1801,

"I thank you for a copy of the concession of fief Robineau, situated at water side in this town, it was conceded in return 20, February, 1657 -- three acres in superfiecery."

But Moses survived the father and indeed was one of the executors of the estate. He set to work on the carefully composed will, particularly on his mother's rights and on his brothers' nerves. The mother suspected that the design upon the will may have begun before the father had finally shut his eyes.

The legal, legalistic and accounting conflict began immediately. Whatever the outcome may have been, Moses remained in the counting house so beloved of the father and so fruitful.

Moses Hart's Brewery in Trois-Rivières was advertising Burton Ale, mild ale and Porter at 75/- to 55/- per hogshead, "warranted equal to Quebec and Montreal ales", in the Quebec Mercury. (Apr. 21, 1806)

With an avidity that might have pleased his father, he added the seigneurie of Gaspé on Sept. 21, 1829, by purchase at sheriff's sale from the estate of the Hon. Henry Caldwell. (Roy, Pp. 50-51)

He held the seigneurie of Grondines with its 130-200 arpents. In 1809 he advertised,

"To be rented, for one or more years, the Domaine Farm of Grondine, consisting of about four Acres in front by 150 in depth, likewise the Meadow's, Grist, Saw and Wind Mills, pleasantly situated on the River St. Lawrence."

Always in need of good men, he added to the announcement that he wanted a good steady miller. (Mercury, Nov. 13, 1809)

He had the lands of John Prentice Cushing at Shipton and at Brompton sold at a sheriff's sale on May 23, 1808. (Quebec Gazette, March 31, 1808)

Then he acquired the seigneuries of the Ecureuilles and considerable holdings in the south: at Warwick, Drummondville, Grand St. Esprit, St. Célestin, Brompton, Kingsey. (Douville, Pp. 185-87)

Upon his passing the Courval Seignury was inherited by Alexander Thomas Hart; the fief Godefroy became the property of Sarah Dorothy and Charlotte Hart; and Samuel Judah Hart and Reuben Moses Hart inherited the Gaspé and Bélair seigneuries. (Roy, P. 262)

Not long before the abolition of the seigneurial system in Lower Canada the Courval seignury was described in its cadastre abrégé as the property of the heirs of A.T. Hart. Its 555 tenants provided them with an annual income of £293. The seignury was appraised at \$35062.

By then the Seignury de Godefroy was divided. One part was owned jointly by Charlotte Matilda Hart, the wife of C.E. Belle; and by Sarah Dorothy Hart, the widow of N. Desilets. This portion was the home of 379 tenants who gave the owners £71 in revenue. It was valued at \$9455.

Roy records that the Dutoit seignury was owned in 1861 by the heirs of Moses Hart (P.151; inventory prepared by Commissioner Henry Judah), as was part of the fief of Hertel and Marsalet.

In the early 1840's a commission was named to inquire into the state of the laws and other circumstances related to seigneurial tenure in Lower Canada. One of its prime documents cited in its report is a letter from Moses Hart, dated June 4, 1842 which vigorously defends the position of the land holders. Hart is cited by Georges Baillargeon. "La Tenure seigneuriale a-t-elle été abolie par suite des plaintes des censitaires?" in Revue de l'histoire de l'Amérique française, vol. 21, no. 1, P.66.

Hart wrote the commissioner,

"I received the several papers which you did me the honor of submitting to my consideration. As I cannot answer the questions satisfactorily, having kept defective accounts from an overplus of business, I will go to the main object, that of lightening the burthen of the Seigniors on the Censitaires.

"The intended sketch of a Bill for that purpose will not answer; it is highly defective, unjust, burthensome, and reducing the Seigniors to penal Laws. It is said that the lods et ventes or $8\frac{1}{2}$ per cent operates as an unequal land tax; but no notice is taken of the most grievous feature in the system, the quint or 20 per cent on the sale of the Seigniors, exacted by the Crown; that the one should so exceed the other, is extremely unjust, they ought to be on a par, for, some Seigniories are sold often, while others are never sold; the same with lands, some are sold often, while others are never sold; besides, the Crown can exact from the Seigniories the relief, aveu et dénombrement, and fealty and homage, while the English have stripped the Seigniors of their most powerful and lucrative right, that of haute, moyenne et basse justice, on establishing Courts in their Seigniories, and that without giving them any remuneration, except a more rigorous exaction of quint; and Lords Dalhousie and Aylmer proceeded as far as to cause partial suits to be entered against Seigniors for quint, a step never taken by any Governor, French or English, preceding them, thereby saddling them with excessive Law fees, although the established maxim of both English and French Law is, that the Crown shall not exact or pay Law fees; and while the Court at Three Rivers justly refused those fees, the cases were carried by the Crown Officer to the Court of Appeals, who gave them against law, and increasing the Prerogative of the Crown.

"The Seigniors are often compelled to perform fealty and homage, to bar the retrait lignager; and so lenient was the conduct of the French Crown to the Seigniors that they suffered them to perform it without paying quint; not so with the English; who never suffered it, although, in my opinion, the Crown is not entitled to quint, for having deprived the Seigniors of haute, moyenne et basse justice, conformable to their grants.

"This harsh treatment has been increased by the English, by suing the Seigniors for small strips of land which they took possession of from a liberal construction of their titles, and for what purpose, but to give those lands away in free and common soccage to others, without giving the Seignior a preference.

"I come now to the Censitaires who, in purchase of land, are to pay the Seigniors lods et ventes or $8\frac{1}{2}$ per cent. In large purchases it is often commuted at a less sum, and the Seignior is often deprived of it by a petition exchange.

"2.--The retrait conventionnel, or the right of the Seignior to take the land at same price; this conveys no loss to the purchaser, -- many titles and Sheriff's titles frequently do not contain it, and it is frequently prescribed by 30 years.

"3.--The right of banalité is of little benefit to the Seignior, without his Mill makes as good flour as the neighbouring Mills.

"4.--The cens et rentes are in general small annual land rents.

"5.--The fines are seldom exacted, and are too trifling to notice.

"In my opinion, a Law should be passed reducing the quint and lods et ventes to 6 per cent, that the cens et ventes and re-trait conventionnel remain, that the relief, aveu et dénombrement, fealty and homage, retrait lignager, fines, reservation of mines, and banalité, be abrogated.

"That the Crown with the Seignior, the Seignior with the Censitaire, and Arrières Fiefs, be at liberty to commute voluntarily with each other, for such sum, for free and common soccage, as they may mutually agree upon. That a liberal construction be placed on the titles of Seigniors, and if they are deprived of any part of their lands, that the same be granted to them on free and common soccage, that quints, lods et ventes and cens et rentes, be executory under certain forms, and carry a privilege, and that ungranted Seigniorial lands may be alienated on the tenure of free and common soccage.

"I am of the largest Seigniority holders in the District, and I think that, one or two of you, gentlemen, ought to have possessed Seigniories, though I doubt not of your impartial conduct. A great cry has been raised against the Seigniors though their treatment to their Censitaires, in general, has been generous.

"The arrears of lods et ventes and cens et rentes are often lost, or if sued are hurried in excessive disproportioned Law fees.

"The reason of my reserving the retrait conventionnel is to prevent sales being made at a less value, to reduce the lods et ventes. Some Seigniors demand high rates of cens et rentes, though they thereby materially injure their Seigniories and themselves, for the lods et ventes will be less, and less frequent." (Report of the Commissioners Appointed to Inquire into the State of the Laws and other Circumstances Connected with the Seigniorial Tenure in Lower Canada, laid before Legislative Assembly, Oct. 4, 1843. Kingston 1844. Appendix F., no. 1; Rapport des Commissaires, etc., Montreal, 1844. Appendix, P. 142)

E.R. Adair clarifies the revenues which the holders of seigneuries received. "In many cases the seigneur was little better off than the more prosperous of his tenants. It is true that they paid him rent but that was rarely sufficient to permit him to live a life of distinguished idleness; of the annual cens et rentes, cens was a mere token payment of very little value, and the rentes were never oppressive and were often much lighter than might reasonably have been expected. Rentes could be paid in money or in produce or in both. Moreover the amount to be paid was settled at the time of the grant of land to the habitant, and could not be altered by the seigneur until the grant expired; if it were not so settled, the seigneur had to be content to receive no more than what was the customary rent on surrounding seigneuries. Lods et ventes were larger, but they were not annual payments, only occasional ones; they were levied whenever the land changed hands by sale, gift or inheritance that was not in the direct line; they might amount to one-twelfth of the value of the farm, though normally a smaller sum was accepted." ("The French Canadian Seignury" in Canadian Historical Review, vol. 35, no. 3, Sept. 1954, P.197)

Abraham Rhinewine recalls one of the accounts of Moses Hart's eccentricities that were long current in Trois-Rivières,

"He built two steam vessels, the Hart and the Toronto. He soon became the rival of Mr. Molson, the father of steamship navigation in this country, but he did not always succeed in anticipating him in the improvements which every year brought in the development of these ships. When he was told one day that the Hart could not compete in speed with its rivals, he calmly replied,

'I am well aware of that, but if my steamboat does not go fast, at least it goes straight.' What is still more amusing is that the engineer of the Hart was in love with a blonde girl in Three Rivers and would often appear at his master's office in Three Rivers to warn him that the boat was tired. In such a case, he would invariably receive the order to give it a rest near the islands at the mouth of the St. Maurice. His love went on all the better for that." (Looking Back a Century, On the Centennial of Jewish Political Equality in Canada, revised and enlarged by Isidore Goldstick. Toronto, Kraft Press, 1932. Pp. 91-92)

His banking venture was characteristic of Moses Hart at his most ambitious and creative. His ambition flew high. Whether or not he thought of the contemporary equivalent of the Rothschilds and whether or not it envisaged international operations, as Douville suggests, his project which was encouraged by his quieter brother Ezekiel was daring.

On May 9, 1837 Hart drafted a letter,

"Having established a private bank last year for the convenience of the town stiled Hart's Bank, being desirous of continuing the same, I request a license from His Excellency." But the petition was not sent until Nov. 15, 1839.

Arthur Daniel Hart explained the background of Moses Hart's project in a letter to B.G. Sack,

"Hart's bank was established in 1835 at the time when numerous banks in New York had failed and when the government of Lower Canada had, at the request of the leading merchants, suspended specie payments. A number of wealthy merchants started their own banks, issuing bills which the public accepted; in fact I am told that the bills of the private banks were in greater demand than even those of the Bank of Montreal, as the French Canadians of the day knew the owners of the banks and their standing, and had greater confidence in them than in corporation.

"In 1839, members of these banks petitioned the government for charters. None were granted at the time, although some ten years later a charter was granted to John Molson. In the interval, Hart's Bank had withdrawn their petition.

"The bank was in existence from 1835 to 1852 when Moses Hart died and it was discontinued. It did not fail nor suspend payment, but simply called in their outstanding bills." (Letter to B.G. Sack)

The petition of Moses Hart, Alexander Thomas Hart and Ezekiel M. Hart to Governor General Charles E. Poulett Thomson, reads,

"Your petitioners, with others who may join them, are desirous of establishing a Bank for the utility of the Town of Three Rivers, and its vicinity, with a capital of Twelve thousand five hundred pounds Currency, divided into one thousand shares of fifty dollars, to be located in the said Town, and called Hart's Bank.

"Wherefore your petitioners humbly pray. That an Ordinance may be passed and sanctioned, by your Excellency and Special Council, for the purpose of incorporating them, and their associates, with the privilege of carrying on the banking business, under the name and style of Hart's Bank, with a capital of twelve thousand five hundred pounds Currency, divided into one thousand shares."

There were replies from the authorities telling him now to proceed with his application and again assuring him that the matter will be taken up. (June 14 and Dec. 26, 1839)

On July 1, 1841 he petitioned the new Legislative Assembly of Canada in regard to a bank at Three Rivers. The petition was read on July 5. Then silence.

Bourne of Montreal printed beautiful Hart's Bank notes in denominations of \$1, \$3 and \$5 finely illustrated with an engraving of a winter sleigh; also anonymous 5 pence (dix sous) and 20 pence (40 sous) dated at Three Rivers in 1837. (Congress Bulletin, Feb. 1944) The cost of the printing: £5.15.0, but these may be only drafts or proposals. But the Hart Papers do have business records indicating inconclusively some banking operations under that name.

Indeed, one of these documents, probably of legal interest only, is dated at Three Rivers on Aug. 24, 1838. It is a Hart's Bank document, a note whereby Moses Hart promised to pay \$1 on the order of A.T. Hart, the whole witnessed by notary William Burns. Other notes of the same type are dated Aug. 6, 1838, March 12, 1839 and Apr. 4, 1839.

It is difficult but necessary to note that this man who could threaten his mother soon after he was orphaned that her claim to a share in the estate was not as solid as she thought, this monotonously cynical, self-indulgent and unlikeable man had another, a positive aspect to his life which in no sense justifies, but is related to the preponderant evil side.

It was the rebel Moses, the man dissatisfied with the institutions and positions of society, even its morals, the rebel who felt enabled to speak out against what he saw as wrong and to act against what the people who were wrong judged to be right. Some of the strength to speak out thus and to act thus came from his knowledge of his riches; counting his wealth was a confirmation of strength. Even as a youth he spent moneys during his travels, in part to confirm that he was indeed the eldest son of the rich Aaron Hart. In his formal petitions he did not hesitate to introduce himself as the major landowner in the colony, and even in his father's lifetime he did not restrain himself from petitioning for a grant of free land, something which his equally rich father never dared to do.

Also in his father's lifetime he dared wet his toes in politics, to which his father reacted strongly.

But his major project for world reform came in the field of religion a decade after parental restraint was removed. He had long meditated on the evil that Christianity had brought into the world, in particular Roman Catholic Christianity. He wrote, but did not publish, long disquisitions against the church, and in particular in the defence of the Jews who were accused of conspiring in the death of Christ. Fanatical anti-papist work in English at this date was not rare during this period of anti-Catholic discrimination, but a reading of Hart's disquisition shows less Protestant fanaticism than Jewish fear and hatred and deistic anti-clericalism. The love of freedom of thought, fear of churchly oppression, of religious obscurantism seem to be his dominant concern.

It is difficult to identify the Moses Hart we know from his acts with his powerful admonition to the Jews to avoid the precipice of Christianity. (D. Rome. The Early Jewish Presence in Canada, a Booklover's Rambles through Jewish Canadiana. (Montreal, Jewish Public Library, 1971. Pp. 16A-18)

But his well-known effort in this area was his proposal of a General Universal Religion which appeared in two editions (1815, 1818). He seems not to have been "opposed to religion or rite" and he apparently gave much thought to a religion which would accomplish the social and personal functions of a faith and yet avoid the divisions and other faults which he found in the creeds he knew. His 58-page book is described as a 'vague religious system and prayers for all circumstances of life.' It opens with a preface appealing for a unity of mankind which might 'tranquelize the jarring religionists of mankind under one banner... and seat religion on the bed of truth, virtue, and brotherly love... to proclaim religion the most noble, yet the most comprehensive science; the most sublime and magnificent, yet open to the meanest capacity, and to make religion the consoling prop of mankind.'

His introduction discusses evidence of the existence of God, largely in logical requirement that all that is must have a creator, must have had a beginning and need not have an end. The wonders and precisions of our universe, the beauty and harmony of the whole, the provision of our needs and the miracle of our reason are such that we ought 'to blush that we cannot join hand and sentiment in pouring out our highest gratitude, and that in the most dignified style, to the Author of all creation... Reason teaches us to hope that after this life our spirits will be called to a new life,...according to our merits.'

This is followed by a series of oaths, invocations and prayers on a variety of personal occasions, such as the Solemn Initiation oath administered to every young person, a marriage ritual, prayers for a woman in childbirth, appellation of a child, prayers for children and for adults, grace at services for the weekly day of rest and the three seasonal festivals of the year (spring, harvest and winter), prayers for the sick, for those in storm, for voyages at sea, for soldiers before and after battle, and funeral services. There is also a series of ten commandments of civic decency, a statement of deistic theology and a calendar of the festivals he formulated to the year 1840.

Hart claims to have received a Jewish Education, which gave him the knowledge that not Moses but Esdras is the author of the Five Books, but that Moses did write thirteen other books, 'and from the captivities of the Jews, every vestige of these Books had long disappeared...We may presume, that the Jews were originally a species of Deists.' In his book 'the prayers are brief, and avoid repetition; the ceremony is moral, poetical, and musical... it contains no flattering miracles, to gratify the ear of the credu-

lous; nor yet does it presume to lower the exalted dignity of the Creator, by familiar intercourse, to please the creature, as inculcated in the Testaments; and which has been the means of their gigantic promulgation among mankind.' (The Jewish Presence in Early Canada, Pp. 18-22)

Jacob Rader Marcus, dean of the historians of early American and Canadian Jewry, studied "The Modern Religion of Moses Hart" (Hebrew Union College Annual, vol. 20, 1947, Pp. 585-615; also in his Early American Jewry, 1655-1790, vol. 2, 1953, Pp. 490-91) very thoroughly, seeking to relate the Trifluvian Jewish businessman to the various theological and philosophical movements current in Europe and the U.S., most interestingly to the Robespierre institutions. Indeed, Marcus endows Moses Hart with learning and reading nearly as vast as his own, even though nothing in the records of the early Harts gives any indication of reading, possession of books or subscriptions to journals. It can be said at most that Hart did breathe the air of his time and that every word in his compilation reflects concepts that were common in his time, new and old.

His dates being what they were, they included, as Prof. Marcus points out, deism, liberalism, naturalism, rationalism, universalism, anti-clericalism and the penetration of the French Revolution into the life of a Jew who lived in a quiet Canadian town. (P. 614)

The totality of his proposal is difficult to evaluate, since in the history of religions there is no scale that explains why one system of teachings at one time or another comes to be accepted and another fails. In this case it suffices that Trois-Rivières did not become another Sinai or Olympus or Augsburg or Medina, nor did Moses Hart devote his entire life to propagating his ideas on the Creator.

He affirmed his Jewish nature constantly and firmly and asserted the superiority of the Jewish tradition over others, but he showed few signs of affiliation with the institution of the Jewish religion. One possible exception: when, in Aug. 1844 the Montreal congregation was arranging for the engagement of a Reader and Shochet and for the maintenance of the synagogue, Moses Hart pledged £5.0.0 the most generous on the roll of contributors.

And he remembered Chanuka morning in 1824, to present Adolphus M. Hart with a gift book; an unusual observance of the Maccabees festival; or was it the first Jewish observance of Christmas in Canada?

A few Americans of like temper were in contact briefly with Moses Hart. In this strange life of near-total absorption in business and in money grabbing, he took time off to indite an address which he prepared for a public meeting at Champlain or Albany held on Nov. 5, 1821. His address to this meeting reads,

"To the delegates of the people of the State of New York, assembled in Albany to study (?) the Constitution.

"The subscriber begs permission to state that he framed a book of religious ceremony stiled Modern Religion. That his composition has very little merit to claim, simply that he has endeavoured, so much as his humble abilities would admit, to spread the most profound respect for the Great Creator, and in this pretension, he flatters himself, he will be sanctioned by every good man.

"It may be asked under what authority he has presumed to fabricate a system of new religion. He will answer that he was prompted to the undertaking under the sacred canopy of truth, and he will add that, without noticing the ambiguity in which ancient writings are wrapped prior to the discovery of printing... That were ancient authorities only to prevail, a bar would be forged indiscriminately in modern improvements, and we should long ere this, have been hurried into the most savage state of barbarism. He hopes that it will not be considered inclement to the weighty concern which had drawn you together to state what there exists in your code of penal law. They pleaded the law of blasphemy, and that by the calm determination of your courts it was gravely pronounced to be drawn from the fountain of your Constitution. Alas, how many intelligent men have suffered persecution under this gloomy law. He wishes to ask under this motley law, where can a man take shelter for asserting in religious matters what he conceives to be truth. A man for any discreet expression of youth, towards ancient religious principles when a law is ready to open its mouth to devour him as a vile culprit, a law dangerous and undefined as it is vague and cruel, hatched to link church and state together; to render an established creed predominantly; to banish the investigation of natural truth; to shackle the mind, and to lash the opinions of men to the arbitrary construction and caprice of a judge: by fine imprisonment and pillory to any degree that suits his whim; while the defendant is deprived of the common right of proving truth in his justification.

"Does the Christian Church stand in need of injustice for its support? Does the morality of youth become tainted from mere dispersion of opinion? Is the State endangered from expansion of religious discussion? Such is the reason given for the durability and urgency of this law.

"The first principle of morality consists of truth; and flimsy must be the structure of that church if with its millions of defenders it can be shackled by mere solitary opinion. (As an instance he begs to lay before you a law decision which occurred in Washington County in 1810, and is fully detailed in the report of the Supreme Court by W. Johnson, vol. 8, where Ruggles, for a mere expression which he conceived to be true, was sentenced to \$500 fine and three months imprisonment. The expression clearly bearing the construction of contumely, though it may be of youthful indiscretion, was moderately defined into malice against church, state, morality, and which punishments the learned part of your community will consider but as a species of inquisitorial torture.) Are deists or assertors of the True Creator to be humbled with the dust and cannot they offer their sentiments by speech or writing free from any ascetic terror cruelty? He hoped he needs no further apology for drawing your attention to the undefined rule of blasphemy, and consign it to your superior talents to determine whether in a free state a man believing in the Great Creator is to be killed, for condemning what he conceived to be an indignity offered to His attributes, and whether the vestige of any such law ought not to be blotted out of your Constitution.

"If the door of opinion is to be closed, where will freedom and truth reign?

"Assembled in the noble task of modernizing your Constitutional Charter of Equal Rights, may there be engraven therein that as all religions are free and coeval for ever, that no person shall henceforth suffer persecution for any tenet, opinion, or religious publication." (Hart Papers, A-G1)

There is relevance to Moses Hart's paper for the Albany meeting in a note in his papers which refers to a case before the Court of the King's Bench at Trois-Rivières.

From this it appears that one Nathaniel Lovet of Shipton was accused of throwing a Bible into the fire in the home of his father-in-law. He was found guilty of blasphemy. From notes which Moses Hart prepared for a letter to the editor on this question, it appears that the case was heard at a "criminal session for the District of Three Rivers by Chief Justice Jonathan Sewell with I. Ried and Guy Perrault, his assistant justices. The Chief Justice, in charging the grand jury, stated that the Christian religion engraven in the law of the land; that any printing, publishing tending to scandalize the Christian religion, the Holy Scriptures, or Jesus Christ, come under the laws of blasphemy.

"On the next day a bill of indictment was found by the grand jury against Nathaniel Lovet, charging him with having at his own hands taken a Bible out of the hands of his wife and threw it in the fire, and over her remonstrating that it was the work of God, he replied that it was the work of the devil. Lovit was brought out of jail, where he had been lodged some time, arraigned, tried and convicted the next day, and on the following day was brought up for judgment. The Chief Justice intoned at length into the enormity of his crime, which was particularly severe, he said, the murderer only committed a crime against his fellow creature, but his crime was not only levelled against every tie which linked society together, but was further a crime against heaven itself. That opinions like his, which were disseminated lately in a certain country, had caused the death of an emperor of thirty millions!

"That were opinions like his to take root, laws, the trial by jury, would be annihilated and the credibility of an oath would disappear, as that rested only on the belief in the Holy Writ and in Heaven and Hell.

"That Locke and Newton proclaimed the truth of the Holy Scriptures, and were their beliefs to be upset by an ignorant, unlettered man?

"He added that a goal was a place not only of punishment, but of reform: doubted not that the man would soon repent and return with a clean soul unto the bosom of Jesus' Church, and thereupon sentence him to one year imprisonment, to stand twice in the pillory and before his enlargement to give security for \$800 for five years.

"As he is a very poor man, he may probably remain all his lifetime in a loathsome dungeon for want of the necessary security and for burning an English Bible at his own family fire-side, a Bible which 70% of the inhabitants of Lower Canada, Roman Catholics, not only dare not read, but hold in the utmost detestation.

"The honourable judge, like a true inquisitor, after converting him by his holy creed, purifies his soul with a cruel punishment.

"Lovet is an American and craves the charity of persons in the United States, particularly those who believe in the Creator and think like him, that if the Scriptures are the word of God, they will stand forever and the verdict of man cannot then avail them; if, on the contrary, they are false, the sooner it is ascertained the better...

"As this is the first instance of the law of blasphemy being introduced into this province, when the most numerous of the inhabitants consist of Roman Catholics,...

"Blasphemy forms a part of the common law of England and is an offence punishable by fine, pillory and imprisonment, and that to any extent. If it is an offence, can it form a part of the criminal law of England, and is the common law of England introduced into the criminal law of the country?

"The court held that the Christian religion forms a part of the law of this country and under this assumption a defendant is banned from forming his justification. The court did not explain which religion, but I presume they meant the Gospel. If there is this case, then this is the prepondering established religion of the land.

"He is the first person convicted on the odious blasphemy code of England, although not in force in Canada."

Continuing Moses Hart --

"...It is not my intention to dwell on his punishment or to lighten his offense; my design in bringing this case before the eye of the public is to know from many of your learned correspondents in the law if the English laws of blasphemy and penal statutes of religion can be so safely and calmly introduced into this country when nearly the whole population consists of Roman Catholics who entertain an aversion, not only to the English Bible, but to the English ritual.

"The Constitution of this country formally forbids the passage of any religious penalty, without the concurrence of the parliament of the United Kingdom, and as the laws of blasphemy were framed to give the preponderance of an established religion over the others, it behooves the legislature of this country to take this matter into their serious consideration."

Remarkably, a John Levi of Montreal spoke a similar idiom. In compliance with Hart's request, he sent him a number of hymns, but appended,

"Let it be perfectly understood that I am by no means an advocate for the dissemination of the doctrines to which they allude, as I consider that every man has a right to entail perdition on his soul in his own way. It would still be congenial to my feeling to witness an overthrow of bigotry, to see the hand of moral feeling fire the unhallowed dance of upstart fanaticism, and lay prostrate those whose crimes are shadowed by the cowl. To speak impartially and dispassionately I aver that of all religions ours is the true one. We are taught to believe in the unity of God, and to swerve from this point is violating the Divine mandate. Few in this work are able to adhere strictly to all the forms prescribed by our ancient lawgivers, but it is our bounden duty to do what we can, and thereby we secure respect from other sects, esteem from our friends and, what is superior to all, self approbation." (Hart Papers G1-AH1)

With a self-assurance, even a fearlessness, that were surprising in a Jew at this period in Catholic Quebec history, where but half a century ago no Jew was permitted to set foot, in a colony of the Britain where neither Jew nor Catholic could vote, Moses Hart proposed to institute a Napoleonic society marked by anti-slavery, anti-clericalism and secular coeducation. Prison reform with a more indulgent treatment of those confined was among his concerns, and decreasing resort to capital punishment.

When opportunity arose for a school at Trois-Rivières in 1801, Moses Hart busied himself with finding a suitable man to take charge. So he wrote on Oct. 4, 1801 to Alex Hay,

"The Governor has offered £60 per year for a master of a school or academy at this place. I mentioned to Mr. Thomas, who is the leading person here in that business, and some others, that I did not know a more fit person than yourself, provided you were inclined to undertake the charge. They have requested me to know your sentiment, and if you are inclined you will be immediately recommended by the inhabitants to the Governor.

"Exclusive of the £60 you may rest on its bringing you in £80 or £90, and perhaps more."

An 1829 letter from Father Lejantel, curé of Becancour, to Moses Hart brings to life the concerns of the Jewish seigneur.

"Some two years ago we had the honour of your first visit when you became seigneur of our parish. You were good enough then to ask us whether we had a schoolhouse. To our embarrassment we were forced to say that we did not. From the polite and honest manner of your address on the subject we understood that when this would take place, you will be our protector.

"We are now meeting to deliberate on this question, which is why we take the liberty of inviting you to assist our effort, particularly at this juncture when the greater part of our people have been reduced to poverty by two consecutive crop failures. In addition to the encouragement given us by the House of Assembly, some service on your part will entitle you to the sincerest appreciation and love of your protégés."

An unexpected act of generosity is on the records of the Church of England St. James stone church at Louiseville, Upper Rivière du Loup. That 1820 edifice stands on land donated by Moses Hart. ("The Quebec Diocesan Archives," in Rapport de l'Archiviste de la Province de Québec, 1946-47, P.208)

In 1839 he asked the Canadian authorities for aid in establishing "an Academy for the education of the youth of both sexes. I do not mean that children should be divested of religious instruction, for this could be given them at some other place as their parents might think proper; but, to make the Academy encourage every sect, no particular prayer should be used, so that virtue and respect for the Great Creator would be inculcated." (Marcus, P.614)

His wisdom extended far and high. For he remembered that when His Majesty "landed at this town, I was a young man, a private at the head of the line of militia to receive Your Majesty." so it behooved this loyal Trifluvian citizen to concern himself with His Precious Health. "Having noticed that Your Majesty is subject to gout and other similar complaints, I have experienced and studied and the purpose of this address is to recommend to Your Majesty to use as much common salt as possible to your food, and to take once or twice each day one teaspoon of common salt dissolved in milk or other beverage..."

Just to ensure that we do not take Moses' humanitarianism too seriously -- and to observe a saignant slice of the life of the time -- we read his letter to Mrs. N. Sower of Sorel of 1798.

He had a commission from Mr. Sower while in Quebec City and immediately upon arrival "had the needful done with Mr. Blackwood and Scott in arresting Phillis at Mr. James Gray's, and she was conveyed on board a vessel by a constable at 10 o'clock at

night, under charge of Scott. The vessel went off in the night, and I hope he has delivered her safe to you before you receive this. Scott will inform you of the other particulars. He got \$12 from Mr. Blackburn and the constable got a guinea, which he merited, as he exerted himself.

"She has interested the Attorney-General, and several others here in her favor by very lamentable stories of her treatment, and I am afraid if she gets away again it will be attended with difficulty to reclaim her. She has said that if she is obliged to remain in your house she will commit suicide or do some mischief to your family. She is willing to be sold, and there are people here, she says, will purchase her. All this urges me strongly to recommend to you to dispose of her, and Mr. Blackwood is of this opinion also."

All too habituated to court rooms he complained of the workings of the law. So he demanded from the legislature a bill which would reduce legal costs. At the time of the French, he recalled with uncharacteristic nostalgia, justice was well administered by the Intendant, without lawyers. It is time we stopped thinking of London as the final recourse of Canadian law. It is ridiculous to seek justice 3,000 miles away. (Hart Papers, L.A.-7)

There is frustration in Moses Hart's confession in a letter to his nephew Henry Hart of Aug. 3, 1846. This litigious man summarized his successes in his failures. "There is no greater curse than law. I been sorely troubled all my life with bad laws. I have lost upwards six thousand pounds by bad laws. There is no country that bad laws are so badly administered and so expensive as this."

His bitterness about Lower Canada law, and its French element in particular, encouraged him to write to Lord Bathurst on Downing St. a score of years earlier,

"I beg leave to inform your Lordship that I am a native of this place, 57 years old, that I am the oldest Canadian in Canada and the richest man in the District of Three Rivers. I mention these circumstances to add that I consider myself well versed in the concerns of this province, and enabled thereby to convey information to your Lordship, when it should be your wish. The abuses existing here are numerous. Education is almost prostrated and neglected. We have parishes on the St. Lawrence of 200 to 300 families, among whom only 4 or 5 can write their names.

"2) -- We have a wretched Code of Civil justice, made up of a medley of the worst parts of the French edicts, coutume de Paris, and a host of contradictory commentations; and that resting on the arbitrary and uncontrolled decisions of Judges, and addled with enormous Law fees; established as it occasionally pleases the Judges.

"3) -- We have no safety or secure title in the purchase of lands.

"4) -- Several places of profit is here heaped on the same man and that man often deficient in talent. Our Little House of Assembly consists of 50 members, attended by about 30, have not only usurped the title but the privileges of parliament, are about 4/5 French Canadians, and led by lawyers, have on occasions evinced strong symptoms of illiberality, and mischief, inimical to change and English customs, and instead of bettering the system have, in many instances, rendered it more insupportable.

"The Legislature Council is not entitled to much praise, and both require a remedy which can only be effected by an union of Upper and Lower Canada, of the present members subject to augment their number, to be assembled at Montreal until altered, a restriction of taking the name or privileges of parliament, religious opinion to be for ever free and equal, and no Judge to vote in either house, and in 5 years the English civil laws, to take effect throughout Canada.

"There are about 50,000 English Canadians in Lower Canada, whose rights are prostrated, they are yoked to foreign Laws and customs, on a British province; laws which they detest, are deprived of full Jury trials in civil suits register offices, and bankrupts Laws.

"It is to the Imperial parliament, who ought to remedy the errors committed in establishing the French Laws in 1774, and subsequently dividing the Province. An union of the two provinces and the establishment of the English civil Laws, I am positive in asserting, is the wish of a numerous body of French Canadians, and in many parishes a numerous majority for, and numbers have repented signing against the Union.

"The province was divided without consulting the people, and the union, a measure of the highest necessary importance, ought not to be delayed.

"If it is your LordShip's wish, I will frame the Bill for an union. The tenure bill which past the Imperial parliament last year, is an excellent bill, except that part of it which authorises an escheat office, ought to be suffered to go into operation. The men in power would convert it into an engine of injustice, by taking away land from the honest purchasers, to bestow it on favorites. We do not want escheat commission to force settlements in the woods, it would retard it."

And he closed with a generous offer,

"I can refer your LordShip for my character to any person from this province, and actuated with a desire of being useful, permit me to solicit that your LordShip will please order me to be nominated a legislative or executive councillor of Lower Canada." (Douville. "Les Opinions," Pp. 138-40)

His resentment of French common law in effect in the colony persisted; his loyalty to British constitutional traditions, if not to British social institutions, was related to his liberalism. So in 1838 he pretended to speak in the name of Trois-Rivières inhabitants when he wrote Lord Durham that the worst part of the narrow, despotic and unintelligible laws of France continue in use here. And judgments are often rendered contrary to equity, law and truth. (Raymond Douville. "Les Opinions politiques et religieuses de M. Hart," in Cahiers des dix, no. 17, 1952, Pp. 140-41)

He drafted a letter to an editor,

"Our civil laws are the corrupt, old, unintelligible civil laws of despotic France branched out in a labyrinth of stupidity, contradiction and nonsense, and some of our Judges decide by haste, passion, supposition, generally on the wrong side..."

Moses Hart's aversion to the French legal tradition in the colony led him to arrogant and autocratic expressions such as his letter to H.W. Ryland after receiving an official communication in the French language:

"I beg leave to observe that I am descended from English Parents, and reprobate the French, their language, principles and proceedings, and conceive it a hardship and insult to be compelled to receive a summons in a language I have not been educated in, and not attested by any Judge or Magistrate...I therefore beg leave to request that His Honor the president may be pleased to appoint several English magistrates to this Place, and that Mr. Thomas may be ordered to attest his Summons and Addresses them in English to those possessing the English language..." (Douville, P.141)

Douville found Hart inconsistent as he noted that on another occasion Hart showed himself very appreciative of the French language. But a closer examination of the circumstances may be revealing of a very significant Jewish cultural stance.

Douville notes that Hart's daughters Sarah and Charlotte were taught in French by the Ursuline nuns at Trois-Rivières and that he had written to the sisters that he insisted on French, not English, training for them. In this the father was reflecting a long standing proclivity among Jews for a more worldly education for their daughters than for their sons, a tradition to be observed even among Chassidic Rebbe'im for many decades. It may be stretching the evidence to note that the two sisters in this case both married outside the faith.

A number of his political letters survive in draft form. Perhaps the wisdom inscribed there extended to a decision not to send them.

So a letter to Sir Charles Bagot, first conceived in Jan. 1842, when he assumed office as governor, reads,

"Altho unknown, permit me to approach your Excellency and to offer my congratulations for your safe arrival.

"I am a native of this Town, 73 years, have been in England and often in the United States. I have always been active and loyal, and have rendered important services to my country without fee or reward. My religion, while bowing down to the Great Creator, is free from superstition. Being always warmly attached to the Union of these Provinces I was strongly prepossessed in favour of the late Governor on his arrival. I write his Secretary, Mr. Murdoch, several letters, conveying the most wholesome advice, which had he listened to I flatter myself he would have been alive and popular.

"It pains me to speak ill of the dead, when I could not approve of his actions, which militated against his professions. I dropt writing.

"In taking up my pen to address you personally and confidentially I will never ask any favour without it is founded on justice. Mr. Murdoch can show my letters. My motive on the present occasion is to make you popular, and we a contented people; and shall cease writing, when that appears to be your wish.

"The late Governor, being the highest of the three branches, ought to have selected the largest of the Landholders in the different for the middle branch, and the third or Popular branch ought to have been based on the most perfect freedom and justice.

"The Union Bill came out September 1840 and the Governor, instead of calling them together, he convoked his ill selected special Council, and with closed doors passed a number of important laws permanently contrary to the meaning of that act, and before the model of those laws got among the People they were passed.

"The People were coerced in their winter carriages, and a model substituted too narrow to drive horses abreast and ill adapted to the woods of Canada.

"An expensive, unintelligible register Bill enacted, I sent Mr. Murdoch the draft of a concise, clear register Bill on a sheet of paper providing for every case. A new modelled expressive Bankruptcy Bill enacted.

"The rich domains of the Province above £30,000 per annum given to a gang of self-created (en blanc) and they foreigners, a useless horde of Police men at £30,000 a year created when a few watchmen answered the purpose better. They have not got a footing in this Town, and our affairs jog on better without them. By a (en blanc) supply Bill they made the lower Province insolvent.

"Taxes imposed on Quebec and Montreal without representation.

"A number of new unnecessary Judges and Magistrates appointed with salaries, District Councils, Municipal Councils with 200 or 300 new offices appointed unasked for by the People, and (en blanc) to the influence of the Crown.

"In the winter the United Legislature was called to be pinched on in the little expensive Town, the suburbs of Quebec and Montreal disfranchised, elections held in remote corners of Counties. Freedom of elections tramped underfoot, by officials and (en blanc) if any invasion is made on this right it will vitiate their proceedings (en blanc) have been made, which with the other acts of the Late Governor has rendered a loyal and peaceable people callous, among these acts is one diminishing some of the current coins without remuneration (not yet sanctioned another creating a horde of Judges (Country) with large salaries. In the rich state of New York we see four Judges in each County who perform all the Law business gratis.

"The order of the day to create places with salaries has begun and when will it end? Upper Canada in a wild gigantic plan of bringing Square rigged Vessels into the Lakes has squandered upwards of a million and a new (en blanc) of 1½ millions has been fabricated, which can be repeated yearly for perhaps 50 millions would not finish the job, and then it would be of no use and not wanted.

"To say of these numerous evils, I will not suggest to your Excellency's wisdom any remedy without it would be your wish.

"The Union and all Bills ought to spring on Justice and some of its clauses ought to be remodelled.

"Judges and some of the Lawyers have immense salaries. During the last American War provisions were very high and Sir George Provost of his own generously gave the Judges £1000 from £500 and where it has stuck since. Enormous disproportioned law fees. A Lawyer here bought a suit of £31 for Seignurial dues no defense was filed and he got £26 taxed Bills.

"We have a number of crimes punished by death contrary to the present laws of England.

"Usury laws kept in force.

"I take the liberty of naming John Neilson of Quebec and Austin Cuvillier of Montreal, persons capable of giving good advice." (Douvillie, in Cahiers des dix, Pp. 142-44)

On October 2, 1842 Moses Hart wrote to Louis-Hippolyte La Fontaine, a fortnight after his election as member of the executive council and as attorney-general of Lower Canada, in the cabinet known as the Baldwin-La Fontaine Ministry, which lasted until Dec. 11, 1843,

"Permit the first person who applied for a change of tenure several years ago from the Council. My papers went to Mr. Stewart and Mr. Ogden, attorney-general, and I never (received) the change of tenure or my papers. Mr. Ogden asked large fees although the Act did not mention him, nor his fees.

"I wish to enquire the favour that you will please oblige my papers without I may obtain the change of tenure.

"I further beg leave to congratulate you and Mr. Baldwin on your recent appointments which have propped up the drooping spirit of the English Canadians by hopes of seeing better laws.

"...Perhaps one of the largest landholders and although a seat on the Council might be considered my right...I want to offer my zealous support if I am called to a seat in the Council."

Similarly he wrote to Lord Metcalfe, successor to Sir Charles Bagot, on Dec. 26, 1843,

"I beg you will refer His Excellency the Governor in chief that I am the oldest English Canadian in Canada and the largest landholder in this district and am well versed in its affairs. That I very much approve of His Excellency conduct toward his late advisors, and think I would be of service to him and the Country if called to the Legislative or Executive Council..."

Not destroyed by the silence that greeted his volunteer offer to serve on the highest appointive councils of the colonies, Moses Hart deigned to run for a seat in the United Colonies' Legislative Assembly for Nicolet in 1844. When the count of votes seemed unfriendly, he was convinced that this was due to a series of illegal irregularities and he petitioned the parliament on Nov. 24, 1844. But the wrong remained unrighted. (Hart Papers, E-E4)

Moses Hart was laid to rest, upon his passing in 1852, in the Alexander St. cemetery at Trois-Rivières, as his wife Sarah had been, when her day came; in the cemetery which had been the cause of his most violent conflict with his brother Benjamin. (P.92 above)

Other of their children there: Areli Blake Hart, 1800-1857; Elon, died at 11 months in 1810; Orabrio, 1803-24.

After some years, their remains were transferred to the Coteau, but even there they found no permanent rest. At the beginning of the century all the Three Rivers departed were removed, under scandalous conditions of great complexity, to the burial ground of the Spanish and Portuguese Congregation on Mount Royal in Montreal.

On the demise of Moses Hart the president of the Montreal synagogue, William Benjamin, wrote to Mrs. McCarthy that 'Mr. Hart's father and many of his family have, after their death, a perpetual 'Escoba' for the rest of their souls always said to the synagogue which, if you think necessary, the fee will be \$100.'

There is no response on record.

A reasonable man is respectfully frightened of his recent past and does not push too far, especially when he is more than left alone. He is left alone to live in peace and to work what he can, even wealth. The traditions of a man in business for gain are strong. He knows Hart would be far-ranging and honest against the guile and wiles of public politics. There was neither security nor this power there. Besides, he had little inclination or time to play the conspiracy game and politics of political history.

There is a significant but delayed exchange of views Hart concerning a matter from the political arena. It was not until his death that he was in touch. He was in touch with the common good and the good of the general community. It was not the young who were the young.

We have here the tradition of earlier decades of Jewish experience which was danger in political consciousness. In London, the minutes of the Spanish-Portuguese congregation as late as 1817 specifically forbade members to vote in general elections, and Ryan Solomon, together with other Pennsylvania Jews, told the state officials in 1783 that Jews are not particularly fond of being representatives of the people in assembly or civil officers and magistrates in the State. (Yale H. Brown, "American Jewish History: Problems and Methods," in Publications of the American Jewish Historical Society, no. 19, Pt. 3, March 1936, p. 20, note 1)

On the basis of these facts the president of the
Montreal Synagogue, William Benjamin, wrote to the
Chief of Police and many of his family have since
their death a personal "Black" for the rest of their lives
always said to the synagogue which, if you think necessary,
the fee will be \$100.

There is no response on record.
The fee will be \$100.

The fee will be \$100.

The fee will be \$100.

The fee will be \$100.

The fee will be \$100.

The fee will be \$100.

The fee will be \$100.

"YOU WILL BE OPPOSED AS A JEW"

Aaron Hart and his growing sons lived in this political and social climate in which the Jewish presence was at least noted, and Hart was quite aware of it; at least in the negative sense that he avoided reliance upon its developments and confined his personal, social and business actions with the set, recognized limits firmly established in the far-flung traditions of the Empire. He abstained from stretching these limits or seeking to benefit from questioned rights or from innovated principles. Hart was satisfied with the fruits of this policy but, as he grew older and as his progeny matured, he was not certain that his sons would be equally content, especially his more adventurous eldest son Moses.

A reasonable man is respectfully frightened of his recent past and does not push too far, especially when he is more than left alone. He is left alone to live in peace and to earn what he can, even wealth. The traditions of a man in business for gain are strong. So Aaron Hart warned his far-ranging son Moses against the guiles and wiles of fickle politics. There was neither security nor true power there. Besides, he had little inclination or time to play the consuming game and science of political history.

There is significance beyond the personal in the elder Hart counselling abstention from the political lists. It was not failure of aggression. Least of all was it disinterest in the common good or shirking of duty to the general community. It was not age braking the tempo of the young.

We have here the tradition of earlier decades of Jewish experience which saw danger in political conspicuousness. In London, the statutes of the Spanish-Portuguese Congregation as late as 1817 specifically forbade members to vote in general elections, and Hyam Solomon, together with other Pennsylvania Jews, told the state officials in 1783 that Jews are not particularly fond of being representatives of the people in assembly or civil officers and magistrates in the State. (Salo W. Baron. "American Jewish History: Problems and Methods," in Publications of the American Jewish Historical Society, no. 39, Pt.3, March 1950, P.209, note 2)

The Moses Hart record of half a century that followed justifies what may have been the father's estimation of his son's political future. It is to violate the order of chronology to examine Moses Hart's letter book, but it explains why the father addressed himself to son Moses rather than to sons Ezekiel or Benjamin; although the latter did not seem to evince any such interests while their father was alive. Or else Aaron Hart knew his children.

The father might have felt that Moses was capable of what was probably the most unusual proffer of service on the Legislative Council or the Executive Council (Hart Papers, E-G-4).

Prof. J.R. Marcus believed that the elder Hart's attitude derived from the strong anti-Jewish sentiment which he had met during his forty years in the French-Canadian city of Trois-Rivières. He believes that Hart was treated as a Jew by the drunken men he engaged for his fur trading and by the polite rural aristocracy. He felt that "the old man was right. When one of his younger sons was candidate for office a dozen years later, all that the father had predicted came to pass."

To which Hervé Biron objected,

"But Marcus does not note that (later) Hart was elected by the majority, that is, by French Canadians, and that he was expelled by the Bureaucrats, that is, by the English, and by some other French Canadian profiteers who exploited the people. The Catholics seem to have maintained no hostility to the Harts.

"Which leads us to believe that good relations existed between the Hart family and the religious authorities, the vicar-general and curé, as well as the Ursulines. The latter conceded a piece of land to Hart on which he built a brewery.

"The rich man had his children educated by them. It was a Hart who donated the land on which the Cathedral of Trois-Rivières now stands; he lent the Ursulines as much as £8,000, sometimes without interest. With all his generosity, would he have been so kind to them had he been overwhelmed with racist or religious sarcasm? I do not believe so.

"Although Dr. Marcus does not say explicitly that the Catholics entertained anti-Jewish views, we would have preferred him to draw the conclusion that the facts demand that at least the religious authorities showed no hostility to Hart." ("Aaron Hart, le premier Juif des Trois-Rivières," in Le Nouvelliste, May 18, 1953, P.13)

The concept that politics are not for Jews is echoed a century later by the great political personage Sir John A. MacDonald in a letter to Aaron Hart's grandson, Arthur Wellington Hart,

"The fact is that the Jews as a body have taken perhaps a wiser course in avoiding the worries of political life and have preferred to push their fortunes in the various professions and industries open to everybody in Canada."
(Quoted by John Murray Gibbon. Canadian Mosaic, P.402)

Aaron Hart and his Trois-Rivières family were notably absent from the Jewish liberation movement which was, in any case, quite inconspicuous. But to say this is not to take into account Aaron's eldest son, Moses Hart's considered views on Jewish participation in the political process and, above all, the father's clear instincts about the complex character of his son.

As Marcus wrote, "Aaron had no political ambitions. In spite of the fact that he was a large landowner, he had no desire to play the role of an English gentleman or to ape the French seigneurs. He had no illusions with respect to the attitude of his neighbours toward Jews. He wanted to be a successful merchant, nothing more. Three Rivers owed a great deal to him, for he was its most enterprising citizen...Aaron Hart, for example was not accorded any political rights in Three Rivers, yet he was a devoted citizen. It was his town; he was to spend forty years there, to become, probably, its wealthiest if not its most eminent citizen. He was glad to work in the community for good government, better schools, better markets, better courts."

In this dawning of freedoms which was sensed -- or today's historians trace a possible aroma -- of freedoms not yet fulfilled two centuries later, there was particular reason for the one or two Jewish families in Lower Canada to be exhilarated, possibly more than anywhere else. It would be too much to expect Aaron Hart -- busy as he was and his eyes so close to the Trois-Rivières market and registry office -- to have observed the Quebec Act. Nor were his sons students of evolving constitutions. But the latter were, at the least, not so tightly constrained by bonds which the father had inherited from a hundred generations and ancestors. The sons felt free because their neighbours were acting in full awareness of the particular freedom of the basic law of the province.

So during his last months Aaron Hart wrote his son,

"At this moment, rec'd your letter of yesterday. I should in one Pind be glad you wase elected a member of the House. But consider the expense of Quebec is one thing. But what I do not like it for that you will be opposed as a Jew. You may go to Law, but be assured you never will get a jury in your favor, nore a Party in the House for you...That will be more disgrace than the Honour will give you as to any Jew." (Douvillie, P.125)

He counselled against friends who directed him to this mode of achieving distinction; such friends are better not encouraged. It is very much better to be an honest merchant than to be known across the country in this way. He strongly recommended the potassium trade. If Moses can find some hardworking and honest workers to engage, he would soon realize a handsome profit in this field, since prices are rising.

"All I want is to see you happyer than I see you now, and in a good way to live a life of a man of good character and respected."

The father might have guessed that he was wasting pen, ink and expensive paper.

The generation that followed Aaron Hart did not heed his advice closely. Both Moses and Ezekiel in turn sought elective office, and Benjamin fought for a valid commission as justice of the peace. When young Benjamin Hart needed signatures of citizens and militiamen to support his claim for a commission, he found backing from hundreds of Three Rivers people, including ranking church officials. When Ezekiel Hart ran for a seat in the legislature against a French-Canadian opponent, he won with the votes of French Canadians.

Politically, most of them tightly allied with the British authorities. But their business contacts brought them close to the Americans, sometimes too closely. In consequence, after the war of the American Revolution a number of them left for the United States, just as a number of Jews came north to settle under the British flag.

Harts as often sympathized with the activist Canadiens as with the anglophones, and A.M. Hart was Barthe's aggressive lawyer at the trial of the rebels in 1837.

In their search for fulfillment the energetic sons and grandsons obtained military commissions, appointments as justices of the peace, seats in the legislature, and even sought a place on the legislative council. Montreal, Three Rivers, Nicolet, Buckingham were the arenas of their ambitions.

The patriarch's advice to his progeny that they abjure electoral preferment went unheeded. The well known instance of this disregard is that of son Ezekiel, 1807-9. But it is not the only one.

The father knew his beloved son Moses well and was prescient of his future intentions. He would not have been surprised that in 1802, two years after the father had been laid to rest, Moses would be the first man to be appointed High Constable under the Police Act for Three Rivers. Gerald E. Hart reported that the original order was in the hand of Sheriff Blackstone.

Nor would father have been too greatly surprised to know that his son Moses was in 1809 High Constable at Three Rivers. A note survives from H. Blackstone, Sheriff, dated Oct. 20, 1809 (year unclear) calling on him and the Constables to attend the Court of Quarter Sessions of the Peace. (McCord Museum)

One of Moses Hart's many unrequited desires was public office, and in this area of life his father did speak out to him to discourage him with unwonted directness.

As Hervé Biron wrote of Moses Hart,

"If he has come to know the splendours of fortune, he has also tasted the barbs of political failure. He multiplied initiatives but was rewarded only with disappointments. He prayed, protested, stormed and offered to all the governors; tried to force the doors of councils, but never penetrated therein." ("Les Archives du Séminaire des Trois-Rivières," in Recherches historiques, vol. 51, 1945, P.49)

Father Aaron Hart was aging in June 1796 when his son Moses issued an appeal To the Worthy Free Electors of the Borough of William Henry (later it came to be known as Sorel).

"Encouraged by the flattering sanction of several of my fellow-burghers, Permit me to do myself the pleasure of stepping forward, and soliciting the favour of your patronage, and suffrages, in my behalf, at the approaching election, for a Member to represent you in the provincial House of Assembly.

"Should I be so happy as to succeed, in attaining so highly honoured a Seat through your confidence; I may then presume to trust, you will at all times be convinced; that an active execution of my Abilities, for the interest of the Borough of William Henry, and this my Native Country, will be, as it has been, the leading guide of my Conduct."

Whether or not he presented himself as a candidate in the July 20 elections, Moses Hart was not elected, and Jonathan Sewell, soon to be named chief justice of the colony, occupied the seat which he held until August 22, 1808. He then served as an influential member of the executive council of the colony from May 5, 1808 until he resigned in September 1830. On January 5, 1809 we find him presiding over the legislative council. During the storms of 1838 he returned to the executive council, where he sat from June 28 to November. A year later he died.

Moses did get on the grand jury, as mother wrote Ezekiel on March 7, 1799 (c/o Dr. Judah in New York; McCord Museum Papers)

Elections took place in Quebec's Upper Town on March 7, 1820. Joseph-Remi Vallière de St. Real was the successful candidate, but he was contested by Mr. Hart. At one point during the count, when Vallière de St. Real had 117 votes, Hart had one. (Quebec Gazette March 9, 1820, P.A.C. code RG4, D1, 1820)

F. Ouellet writes of Hart being defeated in 1824 at St. Maurice. (Le Bas Canada, 1791-1840. P.401) Moses Hart to whom his father's admonition was addressed, again sought the Nicolet seat in the parliament of the United Provinces of Canada in 1844.

YOUNG EZEKIEL

The dramatic story of Ezekiel Hart is a strange one because the eventful three years which have placed him in history do not fit into any of his other years. But for them Ezekiel would have been like his brother Alexander, an inconspicuous, unnoticed and unremembered son of Aaron Hart, quite unlike his brothers Moses and Benjamin, and probably all the happier.

It seemed as if someone -- possibly his brother Benjamin, younger by nine years -- had pushed him on the stage for an undesired and unrehearsed role for which Benjamin felt himself not yet ready, a role due to an older brother.

Indeed, this whimsey may be the factual truth: after all, Benjamin's was the only voice we hear in his support during the election campaigns, and during the entire three years we never hear Ezekiel's own protestation, claim or defence. The drafts of the petitions in his case which have come down to us are probably in Moses Hart's handwriting. (An expert will probably tell us)

Yet, Ezekiel was not merely a standin but deeply involved and offended, intelligent and dignified, content, in an ancient Jewish tradition to let the wickedness of his unchecked opponents speak in his defence. Because he did not limit the significance of his case by his own definition, the issues ran deep in the unconscious of his society and caused lasting pain.

Ezekiel Hart was born at Trois-Rivières in Lower Canada May 15, 1770, the second of the children of Dorothy and Aaron Hart; Moses was older by two years. We have this date from the father who inscribed it in the family Bible. The date accords with the formal announcement of his demise in Le Canadien of Sept. 22, 1843.

This year of birth is also given in a letter from his son, Aron Ezekiel Hart, written on September 18, 1843, to John Neilson to inform him of his father's death. (Cited by Julius J. Price in the American Israelite, June 14, 1917. F. Surveyer and F.J. Audet give the year of his birth as 1779 in their Les Députés des Trois-Rivières, 1792-1808. Trois-Rivières. Editions du bien publique, 1933. P.80. Tessier also gives this year of birth when he states that Hart was 28 when he sought election in 1807. Trois-Rivières, 1535-1935. P.141. However, Clarence I. de Sola gives 1767 as the year of his birth in his article on the Canadian Harts in the Jewish Encyclopaedia, s.v., P.242)

The father was very solicitous about the welfare and the training of his children. "Unlike his elder brother, Ezekiel developed habits of moderation which even astonished his more spectacular father. He became one of the most attractive personalities in the Hart dynasty." (Douville, P.184)

The two sons enjoyed the same advantages of travel, education and business training. The Platon St. store was no less an effective school for all the brothers than the teachers sought out for them in distant New York.

"Young as they were he initiated them in the secrets of the trade where they would learn skill, patience and economy as guarantees of slow but certain profit. He took time off to detail the ways by which he succeeded and by which they too would achieve success." (Douville, Pp. 116, 184, 187)

Ezekiel was living in the home of Ephraim Hart while in New York to receive his education. His host was one of the outstanding Jews in the United States, a member of the Senate of New York by 1810, a pillar of the Hebrew congregation and its school, original member of the stockbrokers' guild (precursor of the Stock Exchange) and probably the wealthiest Jew in the community.

By the time Ezekiel was twenty-two, in 1792, Aaron entered into a formal partnership with Ezekiel in Aaron Hart and Son to develop the Platon St. store and its furs trade. By a legal contract Ezekiel bought a 40% interest to be paid for by anticipated profits assured by promissory notes. The father invested £1000 in the venture.

The following year Ezekiel spent some time in New York on business and other more binding matters. The younger Benjamin was in Philadelphia at that time and he wrote to brother Ezekiel in New York. (McCord Museum, Hart Papers, No. 18655)

The father's letters to Ezekiel in New York are profoundly revealing just because he was totally unaware of the epistolary art or of the skills of writing which would have steam-rollered his personal quirks and the several linguistic traditions which gave his speech and his thought so much that was his own and that belonged to the Yiddish, mercantile, German-English sub-society.

A letter typical of Aaron Hart's family style survives in the McCord Museum, written to his son, Ezekiel in New York where he was to be found care of Mr. Bernard Hart, on September 13, 1793.

"I have your letters number 1 and 2 from Shinsborogh and your letter from Albany. I think you have come off very well, and only lost your hat and cap...You didn't lose your head for it's been very light for some time past.

"I observe what you write about my affairs as well as my late brother's in Albany, but cannot write anything about it until I hear further from you. If they should pay the bond, they must pay the interest also. You are right about a lottery. I wouldn't have any of their tickets.

"I hope to get down to New York for the holidays. We have nothing to mention, as you have all the French news before us.

"We are all well and wish you a happy and better year than your former year; that you consider well what you did the past year. Pray to God to send more happy years. I hope you will soon see your brothers and write me about them. You will remember me to Uriah and family. Tell him I have nothing particular to write to him, only to put him in mind to speak to T. Franks about his father. Our harvest is not so good as was expected to be. We had fine weather. God send you a good year."

The father's anxieties about his sons far from home, exposed to the perils of distance, of travel and epidemics, are reflected in the letter to Ezekiel of Sept. 26, 1793.

"I received your letters of 5th and 6th in last Tuesday Post which have made me unhappy and uneasy in my mind and body. Shall not have any comfort till I hear from you that my dear boys Benjamin and Alexander are in some place of more safety and more that disorder does not range. I cannot write at this present time; my trouble is too much for me till I hear from you and Ben and Alex.

"All I can say is you will get payment if you can for my bond with the lawful money. If land should be better than money you may take land..."

"If any expense attans the moving of the boys let me know and I will send a bill by first post. I am not able to write more. Lord Dorchester is arrived. Expect letter by tomorrow's post. 27 vessels arrived home." (McGill, McCord Museum)

The father's letters to Ezekiel provide us glimpses into the life of the family and even restore the sound of his speech,

"Please inquire if David Franks left any property, as his father is in grand want of some help..."

"As the postage is high, I desier you will not miss one post on any account, but write. A letter will do for me and mummy. You may derect them all to hir if you fear it will afront hir your not writing to hir. I shall not take it amise..."

"I hope your next will better explane if you intend to mary, and in what famely its in. Then shall write fully on that business..."

"Three or four Jues died of the plague...I and the pen is at amost tyerd of writing, so God bless you." (McCord Museum, Hart Papers)

A letter from father to Ezekiel in New York written in October 1793 displays the paternal concern also for sons Benjamin and Alexander. It displays a familial simplicity, and even a primitiveness of humour.

From the warmth of these letters we can sense his closeness with his children to whom he was Dada; that last syllable recalls the Yiddish Tatè, unless it was the integrated family term for Daddy.

Among other lights which these letters cast is on the courting traditions of this world as well as on family links.

The letter also records the uncertainty of a young man soon to be married, putting father to the test in regard to capital.

The father's anxious response clearly arises not from financial considerations and not from reasons of prestige or social status but out of concerns of psychological, economic and family health. Here is the Jewish middle class in action in a question of lasting import,

"I have your letter of 20th of Sept. and I am sorry I had not better account about Ben and Alexdr. Only 6 or 7 miles distance. I am not easy nor satisfied with you or Judah. They should been removed 50 miles or more.

"When you wrote your letter you had only been in New York 17 days. In that time you had the pox and prickly head. I think you have made great haste to get the better of so many of them. After all the misfortunes you had on the lakes and disorders in Albany. I also think you made haste with your moneys in your way to New York...

"You say nothing in your last about my affairs in Albany. You will not pay on my account to Uriah Judah, not a single shilling. If he wishes money let him write to me.

A later 1793 letter to Ezekiel in New York (c/o Alex Zuntz) is a revealing admixture of his concerns with the Hebrew education of his children and his anxiety to collect, through whatever mediation, the moneys owed him by the Americans, at this date already for some twenty years.

"As you are so much in want of money I here in inclose a bill for £30. I think with you that money goes off at full sale in New York. I had a letter of Ben and Alex by same post. They both write worse than they did when left here. But I was happy to read it...

"You say you have sent for them to New York. You will look out for a good House for them to board at, as I do not wish them with Mr. Lewes. He has fully deceived me before; had them with him, near 10 months to learn Hebrew, but they did not no anything of it when they left New York. He put them to a school where nothing but the younger children went to. I am sure he did not use them nor me well in so doing.

"You write constantly some unknowing story of some girl. I have wrote to you to know her and family. Then you will have my further answer...

"I have fully wrote to you about Uriah. You are not to give him any more. You may give Ben and Alex 5 dollars each for pocket money.

"You must not lose sight of the Albany business and get it settled by law or any better way. You write to your mother about a Mrs. Haysen. Her husband, if you see him, Col. Hayzen, he can be of the greatest service to me about the paper money to get it paid. He knows that the provision was sent from Montreal to the army before Quebec and the slages were changed here. They were sent in camp with that paper money you have. If I had not received it from them they would not have brought down a single load more. He must remember that. Mr. Halshed is another that was in camp, and can be of great service. It was him that brought the money to my brother at Albany in 1784. I think also a Mr. Tucker. He was quarter master, knows of my taken the money from the sleighmen by order and desire of Gen. Wooster. There was a young freeman that was also son of freeman of Quebec, Mr. Myers, knew Halstead well and was a partner with Joe Myers. You will inquire for them and of them if you can see them. Benden is another that can prove that Gen. Wooster depended on my doing the army all the service necessary here...

"You finish your letter in an odd manner. You say there is no handsome girls in New York, only one, and that girl you wish to marry. You ask my consent. You say you want half the business and £100 for expenses. After you say it may be all will be over before you receive my letter.

"In answer to all, as far as I can make of your letter of 20th of Sept. First, you must let me hear what her family is; second, she must be of very mean family if her friends cannot be at the expense of the wedding; 3rd. Your expense should be no more than the shule expense, a new suit of clothes.

"You will answer me the first of this, and then I shall be able to write you more fully.

"I think you have made the best of your time to have done all that business in 17 days, and to have so many disorders in the time. I must say you have done more than one in a thousand can do in so short a time.

"I should be very glad you was married to a Jew girl of a good family and character. All that your letter does not inform me of. Till I have again from you I can say no more on that head. I think 2 or 3 months should be in an affair for life.

"You will see what is to be done with Benjamin and Alex. I do not like where they are for some time, till the danger is over. And as you do not like to go to them, you may get Uriah Judah to send them to you at New York. When you see them you will be a better judge to write to me fully about them.

"As I am unhappy and quite uneasy about them, and have been so since I had your letter of 7 Sept. with the melancholy news. Pray look after them and do the best you can to make them happy and well. That will make me happy.

"Pray write fully about your affairs, as fully as you can. Also about the two boys.

"I think you should go to Albany to see and get my affairs settled, for your writing from New York to them is as bad as from here.

"At any rate see that you marry a girl of good family. Then she will make a good wife. Of a bad family should be avoided if possible. I do not think you will get one with money. But one without money should have as much as her wedding clothes and expense of the wedding. It is the smallest her friend can do for any girl. After I have yours shall write more fully. I am not in a state to write news. I do assure my head is not easy, nor my mind for doing it."

A scribbled note: "He is \$250 a year for their board, lodging, washing and mending."

Another note: "You will let me know if you had any letters from Benjamin and Alex since you have been in New York, and let me hear what they write. You will mention fully about your marriage." (McCord Museum, Hart Papers; M 18653)

Remarkably, on Jan. 17, 1794 Aaron wrote,

"I am surprised and know not what to make of it. Last Tuesday Post Day 14th Jan. brought six Philadelphia newspapers and 2 New York papers of 27 and 28th of Dec., not your direction and no letter from you or anybody. I cannot tell what to make of your neglect in not writing to us.

"I wrote to you the 6th Dec. inclosed a bill for £30, hearing no account of your receiving it.

"The 3rd Dec. I wrote to you that we were contented with your choice of a wife; at same time inclosed you our bill for £50, that bi time might be lost; to all of them I have no answer. Mr. Alex Ellice wrote me from Albany that he inclosed you Mr. St. Onge bill and letter keep them. He seems to think that the executors of my late brother will not come to a settlement, that Mr. Ten Eyck has not yet qualified himself by oath to take on him the Executorship. Make inquiry to find if not yet done if any advantage can be hindering him from doing it; be of service;... You will not fail to make inquiry what steps had best be taken with Mr. Ten Eyck and take advice as in my former letters to you.

"I also wrote to you the 7th Inst. inclosing a letter for Phyn... with Mr. Jesop's bill for... and that you are to give them an umbrella that went by Doctor Carter of William Henry.

"Herewith you have a letter for P. E. and I went second bills and G.Y. Tonnancour and Bosin certificates inclosed. Send it by first ship. I need not mention anything I have wrote to you over and over. If you marry, do it soon. If you want more money by staying longer than you thought to do let me know. What am I to do with Mr. . . . papers against Mr. Antell. Make some inquiry about David Franks' affairs."

On December 20th father agreed and in February 1794 Ezekiel married Frances (Fanny) Lazarus, ward of Ephraim Hart and niece of Mrs. Ephraim Hart. (Née Frances Noah) The ceremony took place in New York. Douville notes that this was Aaron Hart's first occasion to display his riches on the social level outside his family, his homes and his country. (P.118)

Concern with settling his brother's estate in Albany is also on Aaron Hart's mind.

"The Post last Tuesday brought me letters from Ben and Alex and U. Judah but none from you which surprises me. I wrote to you the 5th and inclosed your set of bills on P.E.I. for £30 that hope you have received with my former bills. In my last I wrote my mind short and fully. You must understand my meaning that I shall be glad to see you here with a wife and that I will allow you £80... for your expenses if that sum is wanting and that you see if anything can be done with my paper money.

"If Mr. A. Ellic has done nothing for me at Albany you will get advice of a counsel to let me know how I am to act in my late brother's affairs....

"I forgot to mention that Moses was here 14 days past. He says that when he came to New York he found grandmother sick, that they informed him that it was for want, that I did not send her money sufficient to find her and the two boys in board that she had not one gown to put on.

"I wonder if £80 sterling I sent her was not more than enough for her and the boys.,.,

You must not believe a word they say. They only wanted to milk me and her and me spent of my money for a long gown, furs and doctor's bill.,.,

Put them together and see the amount for not quite 9 months. The boys were in New York. Besides £30 to Seixas, and about £6 more due him. Order Uriah to pay him." (McGill, McCord Museum)

Before the ceremony Isaac M. Gomez, "respects the attendance of his friend E. Hart and expects the favour of his company tomorrow morning to partake of a family dinner and will take no denial" on Jan. 4, 1794. (McCord Museum, Hart Papers; M 18659)

Young Isaac M. Gomez was the clerk of the New York Congregation Shearith Israel in 1790 when it was formulating its by-laws. (J.R. Marcus, American Jewry Documents, Eighteenth Century. Cincinnati, Hebrew Union College Press, 1959, P.163)

In his later years he compiled Selections of a Father for the Use of his Children taken from classical sources. Ex-President John Adams commended the work in a letter to Gomez. (Pp. 440-42)

The hostess of the family dinner, Abigail Gomez was the daughter of Aaron Lopez. She had married Gomez but four years earlier. (J.L. Blau and S.W. Baron, The Jews of the United States, A Documentary History. New York, Columbia University Press, 1963. Pp. 828, 981)

In accord with a beautiful convention developed particularly by Sephardi Jews, "offerings were made by those present," each of the same amount, 1.6. The list survives in McGill University's McCord Museum. (Hart Papers, P.18660) It not only enshrines the names but puts them in an order of family closeness: The bride, her parents and brothers; his parents and brothers; his sisters; his uncle Uriah Judah, the brother of his mother (who had been in Montreal by 1768) and family; Mr. and Mrs. Hart, Eleazar Levy, friend of Aaron Hart since the days when both accompanied Gen. Amherst into Montreal; the Hazan of the New York Congregation and his family; Mrs. Judah and her family; Kitty Catherine Manuel, (1768-1852) daughter of Lucius Levy Solomon who was in Montreal as early as 1760 and who died in Montreal in 1792 (She was related to Moses Hart); Hester Gomez; Leah Abrahams; Bernard Hart who was to be the grandfather of Francis Bret Harte; Samuel Hart, the 19-year-old brother of Ezekiel; Bernard Barnabas Samuel Judah who was to be consort of Catherine (Kitty Hart), sister of Ezekiel (He was the son of Samuel Judah and nephew of Uriah Judah and of Mrs. Aaron Hart); Alexander Asher Hart, the 11-year-old brother of Ezekiel; young Benjamin Phillips of Philadelphia (born in 1776) who, in the convention of the occasion, spoke "for all the strangers," not members of the family, and his niece Phila, ten years his senior, and Mr. Nathan who subscribed "Kol Hahomdin Bakan" (and all others who are standing here).

A daughter of Ephraim Hart, Constance, married Benjamin, brother of Ezekiel.

An indication of the warmth that Ephraim Hart felt for his namesake Aaron appears in a letter from the heartbroken New Yorker to Three Rivers written on March 16, 1795,

"It is long since I wrote to you, being in expectation of receiving a letter from you as promised by you and Ezekiel (your son). However, I'll not stay for punctilios (punctilios; I shall not stand on ceremony). Shall at all times be happy to render you and yours every service in my power.

"My family have been this 7 weeks much deranged on account of my second son, Asher, being sick that time, and God knows whether he ever will recover his former health. (This) prevented my giving more attention to my friends.

"I have from time to time regular forwarded your letters for England and will ever take care that your orders shall be punctually attended to.

"The bearer of this is my oldest son, Samuel, who being willing to see some part of the world and find a place where he may be able to do business for himself, he not being very partial to N. York, I have consented to his going to Canada, or wherever he should find more agreeable to himself, when I shall be willing to assist him, what in my power, to promote his interest.

"I therefore recommend him to you and Mrs. Hart attention. And beg any advice or service you can give him, you'll not spare of doing it, for which I shall at all times be obliged to you, and in return do the same to any of your offspring.

"So with wishing you, Mrs. Hart, and the rest of your good family health and happiness, and simhat y(om) t (ob) ad meah shanim ('may you have joyous holidays, for a hundred years')." (Hart Papers in Three Rivers, reprinted by J.R. Marcus in his American Jewry. Documents. Pp. 73-74)

If the Canadian did not respond (in any case, Samuel died within the year), one of the reasons was Aaron Hart's constant reticence about his affairs.

Relations with Ephraim Hart remained affectionate over the years. On Jan. 29, 1799 the New York elder wrote Ezekiel. The Trois-Rivières younger man had been calling upon his services which were fulfilled to the best of Ephraim Hart's abilities.

"Yours by post of the 11th with 2 letters inclosed, I this day rec'd and forwarded the letters, one by a Bristol ship, and the other by way of Liverpool.

"You complain my not writing often. You may rest assured I cannot satisfy my correspondence in business in answering all their letters, having no one to write for me; and my business at this time will not afford to keep a clerk; neither must you depend on my giving you the particular prices of the sundry articles in your business. I am getting old and infirm; cannot go out sometimes for weeks together, the best person whom you should apply to for information of prices current would be your brother-in-law B. Judah. He is young and can do more to your satisfaction.

"We shall be happy to see you, Fanny and the dear children. Mr. Hart is, thank God, getting day by day better in health; from Solly we have not heard since he went from this, which is about 2 months. Bills of Exchange, net 60 days sight sell from 6 to 7% below Bar; Beaver and wheat I have not learned the prices.

"Please to make mine and Mrs. Hart's compliments to your father and mother, also our love to Fanny and the dear children in which Joel and Judith joins." (McGill University, McCord Museum)

Canada-born girls were formally named in the New York synagogue; so Ephraim Hart, uncle and guardian of Mrs. Ezekiel Hart, wrote from the American metropolis to Ezekiel Hart in Three Rivers on June 21, 1801. "I had your daughter named yesterday in the Synagogue by the Hebrew name of 'Chayah', which denotes to live, and in English Harriet, the above is one of my daughter's Hebrew names."

Ezekiel Hart entered the family business with his father and brothers. One partnership with his father was dissolved by 1799.

Among the two dozen Jewish citizens who signed a 1784 petition seeking reform in the basic law of the colony, specifically a constitution "based on fixed and liberal principles," (B.G. Sack, 1945, P. 66) we find Ezekiel Hart's signature. Also in a 1799 petition.

In 1800, when his father died, Ezekiel was one of the executors of the estate.

Aaron Hart, healthily aware that his days must end sometime, reorganized his partnerships with his sons and formed a new company together with Moses, Ezekiel and Benjamin with a capital of £5000 which he invested. With an approaching sense that demise was inevitable the contract provided for his wife if he were to die within three years. Indeed, Moses not certain that he wished a part of the company, was not provided with a share in case of dissolution; 60% was retained by the father, 30 for Ezekiel and only 10% for Benjamin.

The record of Ezekiel's enterprise grows in volume. He purchased the Jean-Baptiste Corbin property on rue du Haut-Boc on which hops were raised, and was considering the d'Aillebout property near the Ursulines monastery for a brewery. There were reservations on all sides as to the propriety of such a plant in that location until Moses Hart entered the issue and broke down everybody's scruples. (Douville, Pp. 126-27)

He acquired forty arpents on Cap de la Madeleine. (Dec. 21, 1796; McCord Museum. Hart Papers, P. 18661)

Younger brother Benjamin wrote Ezekiel (?) on business matters; Moses had gone to Quebec City for a week or so. He required merchandise for Belair for their Indian trade. "They want them for 20th April...Not a word about the store. I have agreed with LaCroix for 400 planks and 200 boards...Inquire the price of essence of spruce. We have just yours from Albany. We are sorry of the fever. My Father says if any danger he insists you will return and endeavour to bring in my sister Kitty if Barney will allow it, so that she remains here till danger is over."

Kitty was Catherine who had married Bernard (Barnabas) Samuel Judah on Aug. 30, 1797. He was the nephew of Mrs. Aaron Hart and of Uriah Judah and the son of Samuel Judah. Kitty and Bernard Samuel Judah were so attached to the Hart family that when a son was born to them within the year of the patriarch's passing they named him Aaron Hart Judah.

A letter from mother to Ezekiel, in New York, (c/o Judah on Broadway) on business, portrays home from an almost childlike view. It is all the more remarkable when we note the date, March 7, 1799, when the children referred to are all adult. Mariam was born in 1772 (she died in 1800); Kitty (Catherine) was born in 1776 and Charlotte was born in 1777.

The letter evokes an interest in the state of the woman in that century of the Harts.

"We have had no letter from you since the one sent from Sand Bar. John Frazer was here. He said you all slept at his house on Thursday night.

"All well after Alec left you. The children are well. Every one thinks Mariam looks better than ever. Kitty had one slap the day you left us. Mariam has had none. That is all the blows that they have had. Every one pets Mariam. No one dare take Kitty on or speak to her. Poor Kit will be glad when Mariam is gone. She stands no chance with her. Kitty makes her own and sisters' breakfast and tea. Ever since you are gone they only dine with us.

"Remember and bring a tin tea pot and milk pot and tea spoons for Kitty...Mariam goes to bed at 7. Kitty at 8. They never stir until 7 in the morning. Then all the home is roused with them. We have not once been disturbed in the night. Charlotte dresses them the first thing after breakfast. She is very good to them, and keeps them clean and never has given them a cross word. Mariam is very fond of Tanty Charlotte...

"Tell Betsy to bring for C. as much fine plain net, black, for her to make a veil. She will know what it is...and mustard spoon.

"Moses is on the grand jury...A letter came to you from Mr. E. (Ephraim) Hart a fortnight ago. We all think it was a very odd stile and a very unfriendly letter. He is very angry with you for troubling him with your letters to forward and writing to him to know the prices of things.

"Frank requests you to inquire what situation his sister Becky is in at Mr. Blackbourne, South Second St., between Chestnut and Walnut St., Phila. Don't advance her any money."

One of the children adds,

"I am sorry to inform you that young Hartell of the R.C.V. is now taking his trial at Montreal. Four charges are brought against him, and if the one is proved, he must be shot. This day's past will give us the judgment.

"Tell Betsy, if she has not purchased the books, to rather buy some flower seeds, and I wish you would buy some garden seeds for us, such as mellons, cocombers, califlowers, peas (early) shallots, cabbages (red), radishes, turnips and all other kinds you can get." (McCord Museum, Hart Papers, P. M 18668)

This letter notwithstanding, Ezekiel was the heart of the Trois-Rivières family to whom the older Ephraim Hart continued to write affectionate letters seeking family contact; this even though it was Benjamin Hart who was to marry his daughter, Harriet Judith, Aaron was to last but another year. So he wrote on Aug. 27, 1799,

"I cannot imagine the reason of your not writing a word this three months. I received but one letter from you since you are home, which I immediately answered. It is necessary to keep up a friendly correspondance, to write sometimes by post, and not wait for opportunity. A good many people take letters and never deliver them. I therefore hope you will not be remiss in future in writing even by post. This will be handed you by your sister Kitty." (August, 1799, McCord Museum)

Ezekiel sent Mrs. Ephraim Hart a marten which would be made into a muff, for which he was thanked on Nov. 6.

With his father's passing at the end of 1800 Ezekiel inherited a substantial estate, but no less years of litigation with his brother Moses who was one of the executors, as was Ezekiel. The family strength was all but shattered by litigious obstreperous Moses, and Ezekiel and Benjamin suffered deeply, as probably did their mother; she was drawn into the ugliness. It was with many complications that Ezekiel acted as the administrator of some of his mother's proceeds of the family estate. So, on Jan. 17, 1801 he was authorized, in a legal document by the executors of the estate, to invest £3000 in Montreal for the benefit of the mother and two of the sisters. (Gerald E. Hart Papers in McCord Museum)

Ezekiel Hart was authorized, in a legal document of Jan. 17, 1801, by the executors of the estate, to invest £3000 in Montreal for the benefit of the mother and two of the sisters. (Gerald E. Hart Papers in McCord Museum)

On July 2, 1803 the brothers Moses, Ezekiel, Benjamin and Alexander entered into an agreement to sell the properties deeded them by their father.

A business letter from Ezekiel Hart to James Reid in Montreal regarding collection of accounts payable of October 5, 1804 survives in the Baby Collection at the Université de Montréal.

Ezekiel Hart continued his business activities throughout what must have been the absorbing years of his political career.

His standing advertisement in the Quebec Mercury continued throughout the spring of 1806 to offer casks of nails, plated ware, dishes, trays from the manufacturers in Stowbridge, at his Trois-Rivières store; samples are to be seen also at Fleming & Grant's in Montreal (Apr. 21, 1806).

Sheriff's sales of property provide a distorted view of the nature of a man's business, but the legal notices in the Gazette de Québec for that period reflect much of the business life of the Trois-Rivières Harts.

So the Quebec Mercury of Jan. 6, 1806, advertised a sheriff's sale at Three Rivers of a land 3 x 20 arpents in the seigneurie of Pierreville belonging to Gideon Alexander on May 5, 1806 at the suit of Ezekiel Hart.

On Sept. 7, 1807 a Melborne lot owned by John Stinson was sold by Sheriff Gury on the order of Ezekiel Hart.

An unencumbered Trois-Rivières lot opposite Place d'Armes reaching to St. Antoine St. belonging to the Michel Gamelin Launières was ordered sold by him on Apr. 29, 1807.

Within a period of a few months we read in the Gazette notices of sale on March 3, 1807 at the offices of Sheriff L. Gury at Trois-Rivières of a number of lots at Shipton belonging to Elmer Cushing at the suit of Ezekiel Hart. Other of Cushing's Shipton lots were similarly announced for sheriff's sale on July 27 and other lots on May 23, 1808 and Jan. 23, 1809.

Other Shipton lots were thus sold on his suit on Feb. 13, 1809, the property of Joseph and Jacob Brown, and those belonging to James Hicks and Gordon Lawrence were sold on Mar. 6.

On Apr. 20, 1807 two lots on the St.-Maurice, adjoining the property of Ezekiel Hart, belonging to Pierre Turcot, farmer at Fonds du veau were similarly announced for sale at the suit of Hart.

The same day two lots at Melborne belonging to Peter Cramer and three lots at Stoke, the property of John McCullough of Melborne, were also sold. Other Melborne lots, the property of David Clarke were thus sold on March 20, 1809.

On Oct. 31 he had the sheriff sell the Ascott property of Gilbert Hyatt and Bowman Chaddock's property at Raton. (Gazette de Québec, June 30, 1808)

On Sept. 7, 1807 a Melborne lot owned by John Stinson was sold by Sheriff Gagy on the order of Ezekiel Hart.

During the same period Moses Hart had the sheriff sell, on Aug. 31, 1807, lands at Clifton and Ely owned by Peter Tarbox of Labaye St.-Antoine, as well as a valuable but encumbered property at Trois-Rivières belonging to Gamelin Launière.

Ezekiel Hart sold the land belonging to John Craig Morris on the third range in fief Viewpoint adjoining the land belonging to Moses Hart. The sale took place at sheriff's auction on Apr. 11, 1808. (Gazette de Québec, Feb. 25, 1808)

On March 15, 1808 he had the sheriff sell a lot on St. Peter St., adjoining a property owned by Benjamin Hart, belonging to Joseph Dellerive. (Gazette de Québec, Feb. 11, 1808)

On Sept. 5, 1808 he had the sheriff sell Stopes and Melborne lots belonging to John McCullough. (Gazette, May 5, 1808) On the 26th of the month he had the 77-foot property of Etienne Ronvoyez on Haubot St., next to his own property, sold, as well as a number of lots at Wolfston and the fiefs and seigneurie of Tonnancour and Gatineau (known as Point du lac, the property of Nicholas Montour), and Shipton lots belong to Stephen Daniels. (Gazette de Québec, Aug. 25, 1808)

Ezekiel Hart had lots on Fief Bruyères opposite Trois-Rivières, belonging to Gregoire Laneauville of Becancour parish sold on his suit on March 13, 1809.

John Gilman's Melborne property was thus sold on March 27, 1809.

Daniel Ward's lot at Ascott was sold by the sheriff on June 5, 1809 on Hart's order.

The sheriff was doing well from the Hart brothers.

In 1808 Ezekiel Hart gave auctioneer's bonds. They were cosigned by Moses Hart and Henry Lazarus (copies in Archives of Hebrew Union College).

Sarah and Samuel David of Montreal wrote Ezekiel Hart at Three Rivers in Sept. 1810 regretting his absence from the marriage of his sister which took place on Sept. 5.

Gerard Malchelosse traces Ezekiel Hart's record in the military. Commissioned an ensign in 1803 and then lieutenant with the Eighth Trois Rivières Battalion which served in the War of 1812 until Nov. 1813, he was transferred to the First Trois Rivières Battalion and promoted to captain in 1816. He enjoyed this rank with the First Saint-Maurice Battalion in May, 1830, and then was raised to colonel. ("Les Juifs dans l'histoire canadienne, in Les Cahiers des dix, no. 4, 1939. P. 181, Sack, P. 98)

Remarkably a French letter was sent by Theodore Hart to Ezekiel Hart from Montreal on November 22, 1810. (McGill University, McCord Museum)

ELECTED TO LOWER CANADA PARLIAMENT

There survives a printed appeal to the Worthy and Independent Electors of the Town of Three-Rivers, undated, with a blank to be filled in for the date.

"Gentlemen,

"Encouraged by several of my Fellow-Citizens to offer myself as a Candidate to represent you in the next Provincial Parliament:

"Permit me to solicit your Votes and Patronage on..... the day fixed for the Poll by the Returning Officer.

"I have always been, and you shall find me, Gentlemen, on every occasion, animated by the most lively and unaffected regard for your success and prosperity. -- My interest is connected with yours, and should I succeed in attaining so important a station, be assured my exertions shall be to fulfill the duties thereof, to the utmost of my abilities, and that of the interest of this my native Place.

"I have the honor to be,
Gentlemen, and Fellow-Citizens,
Your faithful and Most Obedient Servant,
Ezekiel Hart."

John Lambert portrays the Trois-Rivières background,

"The family of the Harts having acquired very considerable property, they naturally wished to acquire importance with it, and the eldest brother started as a candidate at the election of 1807, upon the death of one of the members of the provincial parliament; though God knows there is but little consequence or respect attached to a seat in that house. The father of the Harts originally emigrated from England to Canada, and during the American war acquired

property to a considerable amount. He settled at Three Rivers, where he opened an extensive store. He died about six or seven years ago, and left the bulk of his property to his children, three of whom have since opened separate stores. By undefatigable attention to business, and profiting by the follies of others, they have each realized a large property, most of which, that is not employed in trade, consists of houses and land situated in seigniories and townships; the greatest part of which has been bought remarkably cheap at sheriffs' sales. Their property has thus given them much influence among the people in the town and district, many of whom are beholden to them for assistance.

"At the election, which was sharply contested, Mr. Ezekiel Hart was chosen. The idea of a tradesman, and a Jew, being elected a member of parliament naturally irritated the unsuccessful candidates and their party so much, that the flames of acrimonious party spirit immediately spread through the town, and have never yet been extinguished. Their violence has in some degree subsided, but the embers still smother in secret. When Mr. Hart attended at Quebec to take his seat, he met with violent opposition from the French members, upon the grounds of his religion; and though he took the prescribed oath, they would not allow him to sit. These gentlemen surely opposed him with a very ill grace, if it was merely on account of his religion; but I rather suspect, they wished to keep the majority on their side and, if possible, to get a French instead of an English member into the house. The laws which permit them to sit in the house contain no disqualifying clause on account of religion. When the parliament was dissolved in the summer of 1808, by the new Governor-General, Mr. Hart was again chosen for the town of Three Rivers by a large majority. As the parliament did not meet till the following winter, I had not an opportunity of ascertaining whether he was permitted to take his seat. In a country like Canada, where the number of French so far exceeds that of the British settlers, and where every religion is tolerated without any prejudice or hindrance whatever to its professors, surely it would be a great hardship to deprive a man of property, a good subject, and possessing abilities inferior to few who already sit there, of a seat in the provincial parliament, merely because he was a Jew. The laws of Canada do not authorize such a thing, nor ought the British government to suffer it. The whole family of the Harts, whatever might have been their origin, (and I have my doubts whether it is inferior to nine-tenths of the present British settlers in Canada) are respectable both of their conduct and situation in life; and it is generally allowed that, without them, Three Rivers would, in point of commerce, lose what little importance it at present possesses.

"The amiable family of Mr. Ross Cuthbert, as it is the first in the town for respectability, so it is the foremost in endeavouring to reconcile the differences of its neighbours, and to suppress the little jealousies and party feuds that agitate the place. Mr. Ross Cuthbert is the youngest of three brothers, who are proprietors of the seignior of Berthier. He is also an eminent advocate, and as much distinguished for his talents, and for his free, open, and generous character, as his sister (who resides with him) is distinguished for her beauty.

"The House of Assembly consists of fifty members, who are chosen for districts and counties, by those who are possessed of freehold property of the clear yearly value of £40. The members for cities and town are chosen by voters, whose property consists of a dwelling house and lot of ground, of the yearly value of five pounds sterling; or who have resided in the town for twelve months previous to the writ of summons, and shall have paid one year's rent for a dwelling or lodging, at the rate of £40 sterling per annum.

"No person is eligible to a seat in the House of Assembly who belongs to the Legislative Council, or that is a minister of religion, or not a natural born subject, or naturalized according to law or conquest: nor any person that has been attainted of treason, or disqualified by any act of the provincial parliament. All religions are tolerated in Canada, in the fullest extent, and no disqualification on that account exists for the purpose of preventing any person from a seat in the provincial parliament. Catholics, Jews, and Protestants, have all an equal right to sit, provided they are not disqualified from any other cause. The assembly is not to last longer than four years, but may be dissolved sooner, and the governor is bound to call it, at least once in each year.

"The oath of a member taking his seat is comprised in a few words. He promises to bear true allegiance to the king, as lawful sovereign of Great Britain, and the province of Canada dependent upon it; to defend him against all traitorous conspiracies, and attempts against his person, and to make known to him all such conspiracies and attempts which he may, at any time, be acquainted with: all which he promises, without mental evasion, reservation, or equivocation, at the same time renouncing all pardons and dispensations from any person or power whatsoever.

"The provincial parliament is held in the old building called the Bishop's Palace, situate between the grand battery and Prescott Gate, at the top of Mountain Street. The assembly remains sitting for about three months in the winter, and out of fifty members, seldom more than twenty attend."

Benjamin Sulte deals with the Three Rivers election in his "Les Miettes de l'histoire" which he published (Pp. 426-43) supplementary and following Joseph Tasse's "Droits politiques des Juifs en Canada", in Revue Canadienne, vol. 7, 1870, Pp.407-25). An abbreviated and slightly edited version of Sulte's article was included in his Pages d'histoire du Canada (Montreal, Granger, 1891. Pp. 403-32; also reproduced by Fabre Surveyer and F.-J. Audet in their Les Députés de Saint-Maurice et de Buckinghamshire, 1792 à 1808. Pages trifluviennes, série A, no. 9A. Trois-Rivières, 1934. Pp. 10-11; and in their Les Députés de Trois-Rivières, 1792 à 1808. P.80)

"The day came for the Hart family to think of taking its place in politics. At that time in certain quarters that was not as easy a matter as today. Unanimity among voters always seems to have been a rare virtue. Nevertheless, with the backing of their commercial influence, the three brothers daringly entered onto the electoral field of battle.

"According to Lambert, they were the only merchants admitted into Trois-Rivières society. These words, apparently so simple, recall much of the title tattle to those who can still trace them.

"Parliament was in session, in March 1807, when death came to the Hon. John Lees, member of the Executive and one of the two deputies for the city of Trois-Rivières in the legislative chamber. The end came at Lachine on Tuesday, March 3. He had been member for this city following the election of the first parliament in 1792, jointly with Mr. N. de Saint-Martin. The latter had been replaced in 1796 by Judge P.-A. De Bonne who was succeeded in 1804 by Judge Louis-Charles Foucher."

Judge Foucher had senior status, having sat in the Assembly for Montreal West from July 20, 1796 to 1800; then for York to 1804, when he was chosen for Trois-Rivières on August 6, which he was destined to represent until April 27, 1808.

Historian Sulte describes the Trois-Rivières election, basing himself largely on a report in the Mercury.

Four candidates contested the seat left vacant by the death of Lees. They were:

1) Matthew Bell, age 38, one of the lease holders of the Forges St.-Maurice, who led a princely life; he had been member for the St.-Maurice county from July 1800 to June 1804 and enjoyed a marked influence in Trois-Rivières for several years. Not at this 1807 election, but on November 23, 1809, he was to defeat Hart for this Trois-Rivières seat, and to hold it until 1814. Eventually he was named to the upper Legislative Council on April 30, 1823 and remained there until the fateful March 1838. He died June 24, 1849.

2) Militia Colonel Thomas Coffin, 45-year-old son of a United Empire Loyalist, registrar of the peace, coroner; whose family held a distinguished position in the colony. He had sat in the Assembly for St.-Maurice from 1792 to 1804. After this 1807 failure he was to sit again for St.-Maurice for a year, from June 1808 to October 1809. The following year he was elected for Trois-Rivières, which seat he held until March 22, 1814. In May 1817 he was named to Legislative Council, where he served until the suspension of the Constitution in 1838. Three years later, on July 19, 1841, he passed away.

Bell and Coffin were at the head of the English population of the city; for one reason or another they showed themselves hostile to the Hart candidacy.

3) Pierre Vezina, 35-year-old lawyer, officer in the militia, active, bustling, whose popularity was beginning to emerge.

4) Ezekiel Hart, our hero, age 37.

The election began Saturday, April 11, 1807. Judge Foucher, presenting the candidates, opened the proceedings with quite a long discourse, all in favour of Mr. Coffin. He ridiculed Hart for his low stature, for his pretensions to a political career.

B. Sulte records that Henry Blackstone, son of the famous English legalist, was living at Trois-Rivières, where he had married Mlle. Godefroy de Tonnancour. He was a frequent visitor to the Hart home and plotted vigorously for Hart during the electoral campaign.

Sulte, too, finds it remarkable that though Hart had handled considerable sums of public funds, no one ever accused him of fraud or of abuse of confidence.

The Courier de Québec and Mercury were shocked at the remarks of the judge. "No Spanish monk at his most ascetic zeal could have put forth more bitter invectives nor a less tolerant fire than the judge." the Courier was equally shocked that the judge should have used the occasion of a considerably lengthy speech to laud Mr. Coffin and to read from the proceedings of the Assembly concerning the taxes to be raised for prisons and the voting record of the members, including his own, for which he was applauded. (Apr. 18, 1807)

"The comments on the Harts were the opening shot in a great battle which was to last for years. The only response to this attack came from the mouth of Benjamin Hart, the best of the three brothers in public speaking, as I have come to learn from the public archives in the city."

A show of hands indicating that Mr. Vezina was in the minority, he withdrew in favour of Mr. Coffin.

The only voting place was in a building which had long served as a prison, on Notre Dame Street. The voting continued as long as the voters straggled in, even an hour apart.

By the end of the first day, the registrar showed 116 votes divided as follows: Hart 59, Coffin 41, and Bell, 16. The latter resigned at once.

Mr. Hart had not foreseen so rapid a success, which is why he was embarrassed when the reporting officer put some papers before him to sign at once to validate the election. "I cannot do work on the Sabbath day; wait at least for the setting of the sun."

But as he was pressed to do so, he put his repugnance aside and read the document. Seeing the words "In the year of Our Lord, 1807, he again was about to refuse to act. Finally he felt he got around the obstacle by signing, "Ezekiel Hart, 1807."

Indeed, on April 16, 1807 at the opening of the sessions of the House of Assembly of Lower Canada,

"Mr. Speaker acquainted the House, that the Clerk had this morning received from the Clerk of the Crown in Chancery, a certificate of the Election of a Burgess for the Borough of Three Rivers, in the place of the late John Lees, Esquire, deceased.

"And the said Certificate was read, and is as followeth, viz:

"Office of the Clerk of the Crown in Chancery, Quebec, 16 April, 1807.

"This is to certify, that in obedience to a certain Writ, signed by the Honourable Thomas Dunn, Esquire, President of the Province of Lower-Canada, bearing date the twenty-first day of March last; directed to the Returning Officer of the Borough of Three Rivers, for the Election of a Member of the said Borough, to serve in the House of Assembly, in the Present Provincial Parliament of Lower-Canada, in the room of John Lees, Esquire, deceased; -- Ezekiel Hart, Esquire, has been returned as duly elected in the place and stead of the said John Lees, as appears by the Return of the said Writ, dated the eleventh day of April instant, which is lodged of record in this Office.'

"Herman W. Ryland, C.C. in Ch.

"To Samuel Phillips, Esqr.

Clerk of the House of Assembly."

Sulte notes, "We are not concerned here with a great historical family. But Ezekiel Hart had the singular destiny of raising about his person the debate about the political emancipation of the Jews; thereby alone he enters into the group of Canadian legislative personages at the beginning of the century." (Pages d'histoire du Canada. P.401)

Several days after the election Ezekiel Hart wrote Chief Justice James Reid at Montreal about the proceedings.

Judge Reid, years later, on June 28, 1838, was named by Lord Durham to his Executive Committee where he sat for a decade, to his last months, until Jan. 19, 1848

Lord Durham had dismissed the members of the council as he suspended the constitution temporarily during the rebellion. He considered it essential to act thus, "to ensure the purposes of his appointment to office, in order that the administration be completely independent of all parties and of all persons in the province and free of all relations with them." He deemed it necessary to form a new executive council since during the deplorable events of the months of 1837 and 1838 "the dissensions and animosities had naturally reached such a point that it was not to be expected from any of those who had taken part in the conflict to be free of partisan spirit to the required degree." (Letter, from Principal Secretary Charles Butler, reproduced in Joseph Desjardins, Guide parlementaire historique de la Province de Québec, 1792 à 1902. Québec, 1902, P.26) It was under these circumstances that Reid had been chosen.

Hart received a most friendly and reassuring response.

"I was favoured with yours of the 14th inst. to which I would have sooner replied had it been in my power. -- I have now to congratulate you on your late success, and am happy to find that the confidence of the majority of your electors has placed you in the respectable situation of their representative, notwithstanding the opposition you experienced from your Opponents. --

"I am rather surprised to find that Judge Foucher should have taken such a warm part in the business, his declaration in particular to which you allude in respect of your not being eligible as a member of the House of Assembly, or entitled to hold real property in this Country, is certainly illiberal, and I will venture to say, wholly groundless, and could have been suggested only from the intemperate heat of the occasion. --

"The distinctions and disabilities respecting the election of Members of Parliament in Great Britain and holding real property there do not extend to this Province in most instances. There were political institutions which the temper of the times in former ages may have thought wise and beneficial in England but which have never been extended to her Colonies, and we find the Statute of the 31st of His Majesty, made in a more enlightened age, does not restrict the eligibility of members in any manner whatever. -- And if the disabilities respecting the election of members of the House of Assembly should hold in this Country as in England, it could never be permitted that a Judge could hold a Seat in the House, because he is within the prohibition. -- I believe, Sir, there can be little doubt on the question you propose. -- Your right to be elected and to sit as a Member of the House I consider to be equal to that of any other member in it." (Sept. 20, 1807)

Still concerned about possible difficulties, Hart consulted Jones, Phillips & Sons in London and punctually received a reassuring response dated October 7, 1807 "from the attorney-general of England Sir V. Gibbs which is so positive in my favour."

That opinion, dated the 24th of September, 1807, stated simply:

"I see no legal objection to the eligibility of a Jew who was elected and sits in the House of Assembly after having taken the usual oaths."

In a letter which Ezekiel Hart wrote to Jones, Phillips & Sons in London on May 26, 1808 he stated that "Last January 7 the Sessions began when the Oath was administered to me according to the wishes of the Commissioners."

It is in this climate, and in this borough, that we read in the Mercury of April 13 that:

"We hear that Ezekiel Hart, Esq. is elected, at Three Rivers, to fill the vacant seat, in our House of Assembly, of the late John Lees, Esq. This may be considered as a striking instance of the absence of religious prejudice, whatever may have been urged to the contrary."

The Courier de Québec reported from Trois-Rivières on April 11, 1807 that "Ezekiel Hart, esq., merchant of this city, has been elected to sit in Parliament in the place of the late Hon. John Lees." (P. 120)

The Mercury also notes, "The late Election, at Three Rivers, having somewhat agitated the public mind, the following has been handed to us for publication, as relevant to the question." Followed a long citation from Smollet's History of England, vol.3 P. 387, dealing with the 18th century legislation which gave relief to Jews who were natural-born subjects of the British sovereign.

We should note an important historical fact often blurred by subsequent events:



Regardless of the questions raised, Hart was the member in the Legislative Assembly of Lower Canada for Trois-Rivières from April 16, 1807 to May 15, 1809.

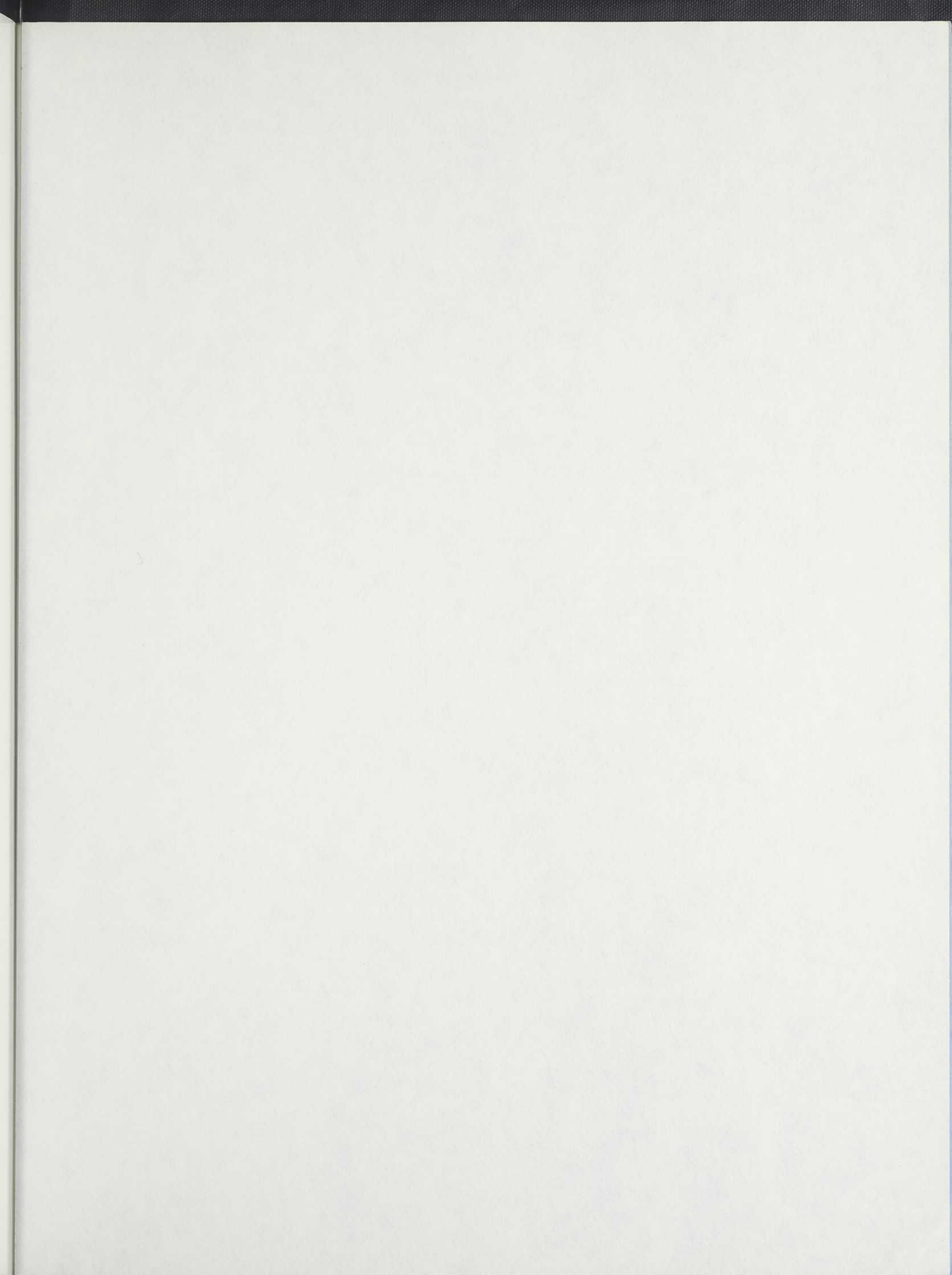
He had arrived in the House on April 16, 1807, took his seat that day. That fact was formally noted and he thus became a member.

That day the third session of the fourth parliament was dissolved, and the members returned home, not to reconvene until the fourth session of this parliament began again on January 29, 1808, a session that was to continue until April 14, 1808, when the fourth parliament was dissolved, formally on April 27, 1808.

As we shall see, when the fifth parliament reconvened in its only session of April 10 - May 15, 1809, Hart was a member.

Trois-Rivières had two members in the Assembly. The other Trois-Rivières seat was held by Judge Louis Charles Foucher, who had been chosen in 1804 and sat till 1808, and Joseph Badeaux who sat from June 18, 1808 to March 1, 1810. (Joseph Desjardins. Guide parlementaire historique de la Province de Québec, 1792 à 1902. Quebec, 1902)





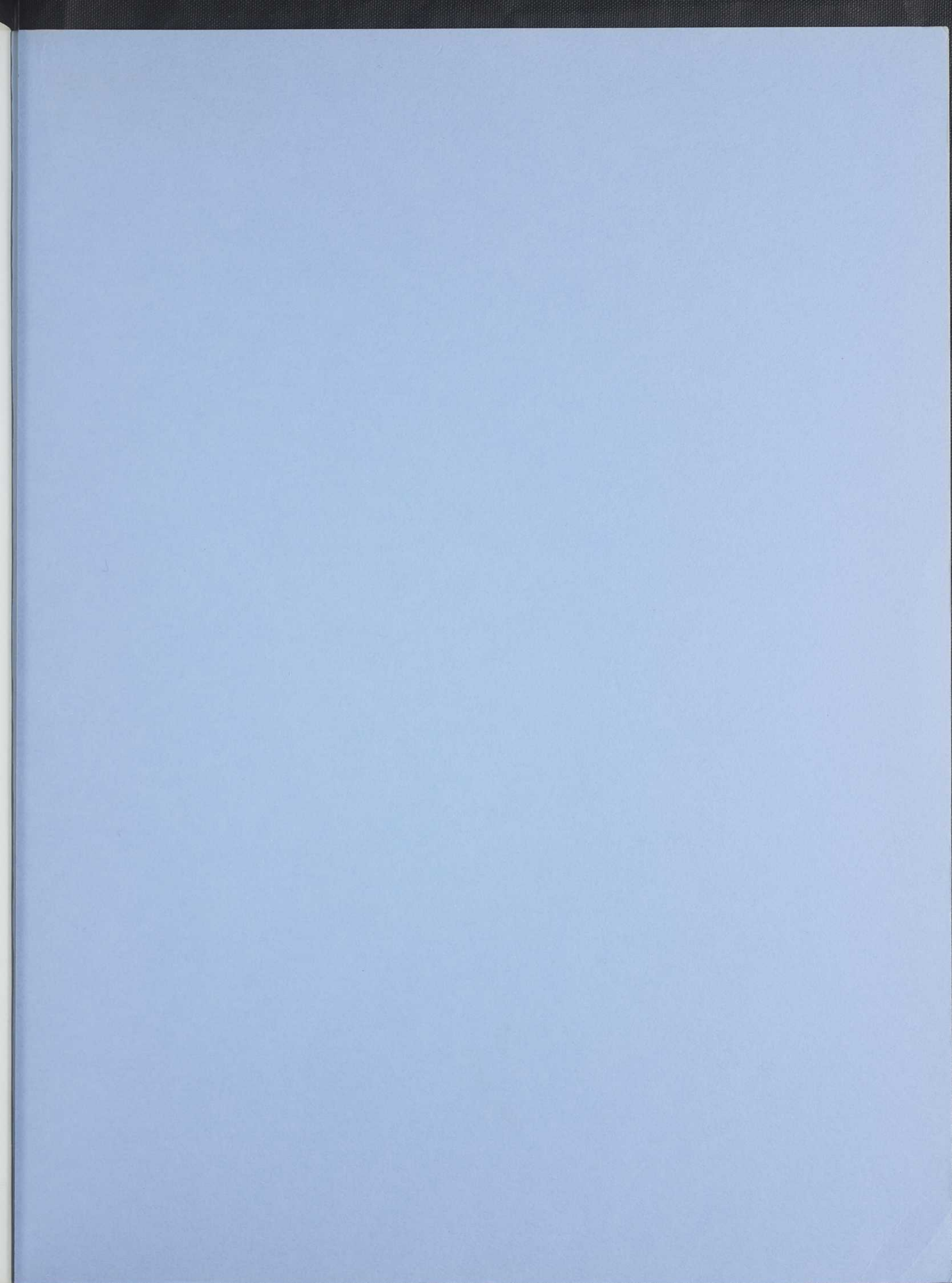
Regarding the question raised, here was the number
in the Legislative Assembly of Lower Canada for Trois-Rivières
from April 10, 1807 to May 15, 1809.

He had arrived in the House on April 10, 1807, took his
seat that day. That day was formally noted and he thus became
a member.

That day the third session of the fourth parliament
was dissolved and the members returned home, not to reconvene
until the fourth session began again on January 14, 1808.
The 12th session of the fourth parliament was held on April 27, 1808.

At that time, when the fifth parliament reconvened
in its only session of April 10 - May 15, 1809, he was a member.

Trois-Rivières had two members in the Assembly. The
other Trois-Rivières member was elected by Judge Louis Charles Fauriol,
who had been elected in 1804 and again in 1808. Joseph Bédard
was elected in 1805 and again in 1808. Joseph Desjardins
was elected in 1806 and again in 1808. Joseph Desjardins
was elected in 1806 and again in 1808.



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