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CANADIAN JEWISH ARCHIVES

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

Nous nous souvenons

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

NEW SERIES
Number twenty-eight

ON THE JEWS OF LOWER CANADA and 1837-38 Part 1

Compiled by
DAVID ROME

NATIONAL ARCHIVES
CANADIAN JEWISH CONGRESS

MONTREAL CANADA
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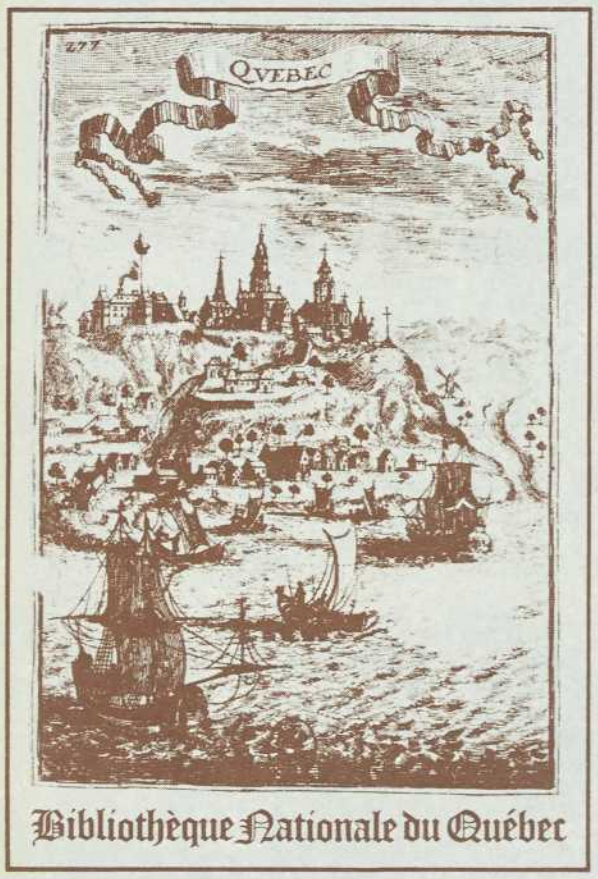

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Pour Gard Jerusalem,
Lest Gard Israel,
Gardez-moi Dieu.

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Remembering is the road of redemption.
(Bar) Sham Tov

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CONTENTS

Sometimes events, unplanned, converge upon time to shape into a drama for the distant observer, a drama which begs for a unifying meaning, a meaning which if imposed would be a distortion of its elements.

For the hundred or so Jews residing in Lower Canada in 1837-38 the disparate events on their diaries were remarkably important in many senses. Important even 150 years later.

Yet even the protagonists -- and not all of them knew each other in the small colony -- could have related the exciting events into any sort of pattern. Nevertheless their lives, the lives of their progeny, and the history of Canada were so unalterably shaped by the revolution of those years that to this day the nation has not been able to resolve the issues that exploded then; much of the revolution is still fermenting.

And the multiplicity of Jewish reactions -- and the reactions of their enemies -- has still not yet coalesced.

As readers of the archival record we can only assemble the documents and strive for objectivity and usefulness by the imposition of our own chronological pattern.

These records of the year fall into two interesting segments.

One is the continuation of the events of 1831 and 1832, when the legislature of the seething colony ceased its bitter conflicts to accord its Jewish residents religious and political equality. The years of 1837-38 saw the realization of the dreams of many years: the organization of the community; the establishment of a register of these enfranchised Jews, the organization of a congregation and the construction of a synagogue. They were following the laws of their ancient tradition and their halachah.

The same years faced the "emancipated" Jews with their first civic challenge: the rebellion called for voluntary enlistment in the military defence of the established government. This, we had noted earlier, (Canadian Jewish Archives, no. 20, Pp.146-150) evoked a remarkable, possibly unprecedented response, and we find an impressive documentation of the Jewish military presence on the active fronts. Some of this documentation has formed parts of the biographical records of these families. (Canadian Jewish Archives, no. 19, Pp. 75-98)

But the particular record of Benjamin Hart, who seems to impose himself willy-nilly centre stage of any drama during his lifetime, is here absorbing again. Appreciative of the rare privilege of having his commission of the peace from Her Majesty's hands but a few weeks earlier, he appears at the heart of the legal and military process designed to quiet the unrest. It was a role that did not go unnoticed, as we shall see.

Yet few have noticed that the Jewish participation in the months of the revolution were not all on one side. Lower Canadian Jewish brothers were divided in their New World loyalties, and one can speak of Montreal Jews versus Trois-Rivières Jews (not to refer to him of St-Mathias) in the fratricide of the time. (Canadian Jewish Archives, no. 20, Pp. 183-223)

We are suddenly frightened to find a plot probably without an equal in the history of the continent to kill all the Jews of Montreal, possibly related to the persons of Benjamin Hart and his comrade-in-arms, Moses Judah Hays.

The tracing of the elements of this well-documented conspiracy takes us even deeper into the heart and the mysteries of 1837-38, a time span which hides many other secrets, myths and truths of the heart for Canadian history, a time section of veritable Biblical quality for the citizenry of our country. The quiddity of the revolution and of the characters and the relationship of the revolutionary leaders -- not least of Papineau -- the nature of the father figures of our history are at the heart of this instant of our Jewish history. At this point chronology becomes insufficient for the reader of Jewish time; psychology, aesthetic poetry, ethical integrity and we know not what else are called on for an understanding of the experiences of our founding fathers at the time of the firm establishing of the congregation and the community.

But this epoch of 1837-40 is also a unique period in the history of Quebec and of Canada; in no sense does it form a segment of a longer period of time. It is not even a portion of a constitutional era. These months stand by themselves with their own events and personalia; men at this time act roles which are disparate with their words and deeds of earlier or later calendars. Without planning and not on their own initiatives they create a new nation: the Province of Canada which, often within their lifetime creates another nation, Canada.

Citizens with an interest and/or a stake in bono publico voiced their reactions and views to haphazard concepts which were thrown out for attention. These did not necessarily bear upon events as they developed; only later did historians knowledgably trace in the welter of the chronicle a pattern of decision making.

In this record of the democratic civic process, remarkably, Benjamin and his sons again are highly visible. The tiny Jewish community is intimately integrated into colonial life, possibly more so than for another century and a half.

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SECTION ONE: THE CONGREGATION

THE CONGREGATION

The days following 1832 was the period of realization and development of communal and civic freedom which was opened by Lower Canadian legislation of the early 1830's.

The society of Lower Canada had passed two laws in its legislature and had in various other ways vigorously affirmed the rights of Jews to religious equality and to full political equality. (Canadian Jewish Archives, nos. 24 and 25)

The several Jews in the colony displayed a unity and a purposefulness in establishing their congregation which deserves observation of each of its initial steps.

Continued From...

The legal and constitutional aspects of Jewish religious life in early Canada are, of course, of great importance. (Canadian Jewish Archives, nos. 24 and 25) Indeed, they seem to have been essential to the continuity of the community as the experience of 1779 has proven.

But the quotidien religious institutional life of the small community are of the greatest immediate value.

It is surprising to find organized religious observance in Montreal as early as 1828 in the unexpected form of matzoh baking.

If Montreal Business Sketches published in 1864 is correct "Clarke Fitts, biscuit manufacturer, was preparing the Passover bread for the festival observed by our citizens of the Jewish persuasion" by that year. (D. Rome. The Early Jewish Presence in Canada: a Book Lover's Ramble through Jewish Canadiana. Montreal Jewish Public Library, 1971. P. 32B)

Religious services were held in Montreal at least in 1829, if not earlier. This appears from Benjamin Hart's letter to Isaac Valentine, dated Oct. 14, 1833. (Canadian Jewish Archives, original series edited by Louis Rosenberg, no. 1, 1955, Pp. 6-7) He refers to "proprietors and contributors to this Shool who have been members and seat holders for three years and upwards."

He proposed a list of persons who would take seats in the new synagogue then being planned. These total 30 gentlemen and 25 ladies.

That many apparently met in Hart's home, for 1834 congregation minutes, before the construction of the building, refer to "the synagogue at B. Hart's."

This accords with memories which have come down to us that they met on Friday evenings and/or on Saturday mornings in Hart's home.

But later, presumably as the community grew and became more organized, services were convened on Notre Dame St. near the courthouse, not far from the site of the first synagogue. (Jewish Messenger, vol.62, no. 15, Oct. 7, 1887, Pp. 2-3)

The Register

Days after the proclamation of royal assent to Act 9, Geo.IV, cap. 75 in Quebec on Jan. 18, 1831 -- or days earlier -- the Jewish residents of Montreal began to apply the provisions of its first clause which instructed the prothonotary of the court of the King's bench to register Jewish residents above the age of twenty-one. (Canadian Jewish Archives, new series, no. 24, P. 107)

Prothonotaries Frank and Morragh in Montreal opened such a register, which was maintained for over sixty years and which constitutes a remarkably eloquent document of Canadian history. (Canadian Jewish Archives, original series, edited by Louis Rosenberg, no. 6, May 1962)

This terse register is particularly precious since earlier statistics and lists of Canadian Jews are very scarce. Hyam Myers (Canadian Jewish Archives, no. 23, Pp. 40-45) appears in a 1773 (ca.) census of the Protestant population of Quebec. (Original in Archives of Séminaire de Québec; microfilm in National Historic Sites Commission, Ottawa)

Father Honorious Provost of the Centre de recherche of Le Séminaire de Québec has examined the various recensements. He located 9-year-old Isaac Samuel Jacobs residing, as did also two Cuthbert brothers, with John Fraser in 1775, in a manuscript listing of the English population of that period. (Canadian Jewish Archives, no. 22, Pp. 41-51)

That year Elias Solomon, age 55, was residing with his wife and three daughters. (MS. in Séminaire collection, fonds Philéas Gagnon, carton polygraphie 37, no. 1; Canadian Jewish Archives, no. 22 Pp.41-51)

"The first Jews of Quebec were thus anglophone, and counted with the English," Father Provost notes.

In 1791 Solomon is listed as a merchant on rue Sous le fort, in the first Quebec directory of Hugh McKay. He is again listed on that street (23) the following year in the census prepared by Curé Joseph-Octave Plessis; and in the 1795 and 1798 censuses.

"Canadian censuses begin to note the religious affiliations of the inhabitants only in 1831. Only their numbers appear in the summaries in 1876 (vol. 4), and every ten years after that time." (Letter from Father Provost, Sept. 7, 1981)

As we have seen, there were 48 Jews living in Montreal in 1830. (Canadian Jewish Archives, new series no. 24, P.6)

It is difficult to compare this statistic with the figures in Louis Guy and Jacques Viger's Dénombrement du Comté de Montréal fait en 1825 (Montreal, Claude Perreault, 1977) which tells of a total of 28 Jewish men and 28 women in the nine divisions.

Of these 17 Jewish men and 23 women were living in the city. A Jewish woman was living in Faubourg Ste-Anne; 4 men and 2 women in Faubourg Ste-Marie, and 7 men and 2 women in Faubourg St-Laurent.

This Dénombrement describes lot no. 540 which was inhabited by Julien Perreault. The family consisted of 5 adults; 2 single men and 1 married man, all between the ages of 25-40; and 1 married woman and an unmarried woman -- both between 14 and 45.

The Dénombrement notes that the building on Notre Dame St. was the synagogue. This structure was the subject of Benjamin Hart's dramatic appeal to the Jews of Lower Canada. (Canadian Jewish Archives, no. 24, Pp. 3-6)

As Benjamin Hart and his associates wrote in their petition of Sept. 11, 1832, "the prothonotaries of the district of Montreal did, immediately after the passing of the act, open and keep a register to remain of record wherein any person..." (Canadian Jewish Archives, original series, no. 6, May 1962, p. 8) That act was proclaimed on Jan.31, 1831.

The 1831 register is presumably in the order of arrival in Canada or according to their reaching a state in their settlement and integration; the register enables us to recreate the growth and development of Montreal Jewry during half a century.

There are no dates of entries, but from the dates of birth known to us of six among the early signatories we conclude that the record began in 1830. However, the year 1831 not being three weeks old on the day of the proclamation of the act, we can assume that the first fourteen entries were made in 1831.

Even these fourteen names tell us much of the community at the time and of its future.

Some of the names are classic in our history.

The first is not from Montreal; an old man for the time, the Berthier patriarch of a founding family, Henry Joseph, age 55 (Canadian Jewish Archives, no. 19, pp. 4-15); also Samuel Joseph, age 29, also of Berthier.

The Joseph signatures recall a tragedy of their time. The men who signed them, father and son, did not live to attend the first meeting for which the register provided. As E.C. Woodley has narrated it, father hurried from Montreal to the bedside of his son, Samuel, dying in the 1832 epidemic -- to join him in illness and in death. (Canadian Jewish Archives, no. 19, p. 14A)

Samuel H. Abramson performed an act of historic piety when he transcribed the inscriptions on the tombstones over the graves of these early Josephs after they had been removed for re-interment in Montreal,

"The ancient Jewish cemetery of the Spanish and Portuguese Congregation in Montreal contains some of the most fascinating tombstone inscriptions on this continent.

"The tombstones vary in size, design, disposition and inscriptions. Some of the older ones lie flat on the graves, after the custom of the Sephardic Jews. Most, of course, stand upright in the manner preferred by the Ashkenazic Jews, who believe that monuments are erected to be seen and should stand upright.

"I copied some of the oldest and most interesting of the inscriptions. In the interest of historical accuracy I make public these epitaphs so that neither the ravages of the years or of man may obliterate them entirely.

"Size and epitaphs usually vary according to the means and modesty of the heirs of the deceased.

"The epitaph of Henry Joseph has a Biblical flavour which is rather annoying because it bears no secular dates. The epitaph reads as follows:

"'Sacred to the Memory of Henry Joseph.

"'Universally respected for piety, integrity and benevolence. He was a faithful Husband, an affectionate Father and sincere Friend.

In the prime of his life and full career of usefulness he fell a victim to the pestilence which desolated this province and was buried in Berthier on the 23rd day of Sivan, 21st June 5592, Aged 57 years and was reinterred here on the 16th day of Heshvan, 14th November 6517. (sic)

"'Also of Rachel Solomon, the beloved wife of the above who departed this life on the 27th day of Tishri, 9th October 5616, Aged 75 years.

"'A virtuous woman, her price far above rubies.
Her children arise and call her blessed
A woman that feareth the Lord
Let her works praise her in the gates.

"'They were lovely and pleasant in their lives and in their death they were not divided.'" (Toronto. Daily Hebrew Journal, Sept.10, 1942)

B. Hart, Businessman

Benjamin and Alexander Hart had been granted 200 acres of land with the usual allowance for High-ways on Sept. 26, 1808 by Sir James Craig at Wendover in the Trois-Rivières district. (Register C in PAC, Lower Canada Land Papers, Reels C-2494 and 2498)

The record shows us several instances of Benjamin Hart's aggressiveness in defence of his claims as early as 1811.

A hitherto unexplored document dated as early as May 20, 1808 indicates an even earlier boldness. It is addressed to the Governor General and is signed by Benjamin and Alexander Hart at Three Rivers,

"We think it our duty to lay the enclosed papers before His Excellency the Governor General for his inspection. Notwithstanding the reception we had from the late President which we can only ascribe to the idea that a man holding such a high and respectable situation as Mr. Justice Hoerker does in this Province, could not be guilty of the charge laid against him by us. If he can clear himself to the satisfaction of His Excellency the Governor General, we stand responsible for the consequences. If His Excellency is desirous of having any further information on the subject, we are ready to give it." (PAC, vol. 78, P. 16, reel C-2643)

When Levy Solomons of Albany, N.Y., then living in Montreal where he had been born in 1771, the son of Lucius Levy Solomon, made his will on Sept. 29, 1820, he named Benjamin Hart as one of the executors, together with Francis Thain of the firm of McTavish, McGillivray & Co., also of Montreal, and three Albany businessmen. Alexander Hart witnessed the signature.

Solomons described himself as trader in tobacco, snuff and chocolate.

The testator died in 1823 in New York, and the executors had occasion to distribute the assets in accordance with its terms.

His wife Catherine Manuel Solomons (1768-1852) was the niece of the pioneering Lower Canada Jews, Uriah and Samuel Judah.

To her he bequeathed "all my household furniture, silver plate, and plated ware, china, glass, and wearing apparel, which my dwelling house will contain at the time of my death;" also "the interest of the sum of twelve thousand dollars at seven per cent per annum which interest will be taken from my most clear property and will be paid to my said

every three months during her lifetime from the day of my death which legacies will in lieu of the dower and of the other matrimonial advantages I have made to my said wife by our marriage contract but not otherwise.

"I give and bequeath unto Levy Solomons my son, the use, during his natural life of my timepiece marked Levy Solomon, and after his death the use of the same shall revert to his eldest son or daughter in default of sons and in default of issue to my eldest son remaining, and so to continue in my family as long as that article will exist, which use will begin only at the day of the death of the said Catherine Manuel, who will enjoy the same during her lifetime.

"And as to the remainder and residue of all my property both real and personal, moveable or immoveable estates whatsoever, I give and bequeath the same unto my children, share and share alike."

Fate confirmed his will and his widow benefitted from its provisions for many years. Her name occurs in the congregation records of 1833 and she contributed $100 to the building of the synagogue. She passed away in 1852.

But for three of his sons it was different. Adolphus A. Solomon died at Albany in 1828 at the age of 23, and four years later the younger Abe L. Solomon also passed away there at 22. The eldest Lucius Levy Solomons died in Montreal in 1830.

Painfully, "As my son Samuel David Solomons hath been subject to fits and as his health may have injured his mental faculties so much that when he will have attained the age of majority, he would be unable to take care of his property, I hereby authorize the said Catherine Manuel my wife, after my death and before the said Samuel David Solomon shall have attained the age of twenty-one years, to declare whether or no she is of opinion that the said Samuel David Solomon is or will be able to manage his property; and if she declares that my said son is, in her opinion, unable to manage his property, and will also in her opinion, continue to be so unable, I bequeath unto my said son Samuel David Solomon the annual rent of six hundred dollars per annum, payable unto him by my universal legatees quarterly during his lifetime, and should he have issue lawfully begotten, I bequeath unto such issue the same proportion in my property as my other sons shall have, to take possession of the claim after the death of the said Samuel David Solomons their father; which rent of six hundred dollars per annum will be in lieu of the legacy made to my said son by the fifth article of my present will which will remain void as far as regards the

said Samuel David Solomon. But if my said wife do not make the declaration before mentioned, or if she declares that the said Samuel David Solomon is able to manage his property then the said fifth article of this will shall remain in its full force and the present article will become void." (L.M. Lande. Canadian Historical Documents, no. B.546) Samuel David Solomons lived to the age of 61, until 1869.

At this time, upon the death of Hannah Hart at Three Rivers in 1837, B. Hart was named executor of her estate, together with Abraham Joseph of Quebec. (Joseph diary, July 8, 1837)

From the same busy year of 1837 there survives in the rare book room of McGill University a formal "Acquittance and discharge" from Mrs. Charlotte Hart, older sister of Benjamin Hart and widow of Moses David, of a sum of £500.

Apparently this amount had been placed for the use of Dorothea Hart, wife of Aaron Hart, and mother of Moses, Benjamin, Alexander and Ezekiel as well as of Charlotte and other children, on Jan. 23, 1801 (when Charlotte was only fourteen). In 1809 this money accrued to the brothers, including a half which had been placed for the profit of Charlotte back in 1801. In 1827, when their mother died, the brothers affirmed their undertaking to pay this sum to the sister -- a payment which was made at her home in Montreal Nov. 14, 1837.

On the eve of the Montreal disturbances Benjamin Hart was receiving merchandise from overseas: 8 cases of superfine West of England broadcloths and 3 cases of fancy cassimeres. Also, per the Hannah Grayson: 10 hogsheads and 20 qr. casks of gold coloured sherry, J.M. Mosley, Cadiz; 6 hogsheads superior port, Martinez, Jones and Gossiot, oporto; 40 qr. casks brown sherry; 47 doz. bottled port and 100 doz. bottled sherry. (Morning Courier, Oct. 9, 1837)

A few weeks later he was advertising 100 firkins of Upper Canada butter. (Ibid., Nov. 27, 1837)

An advertisement of Benjamin Hart on St. Helen's Street in the Herald of June 16, 1838 gives us an intimate picture of his business:

"For sale

"850 casks dudley nails, 3½ at 32 and 7 at 10
"horse nails, Deck diamond head spikes - 4 at 7 inch
"chains - 1-4, 5-16, 7-16, 3-8, ¼ inch.
"50 boxes I.C. and I.X. pins
"60 dozen frying pans

"35 dozen shovels
"400 boxes Steal's soap
"150 boxes English mould candles
"280 barrels of Warrens liquid and paste backing
"20 hogheads refined sugar
"150 boxes pipes
"35 kegs epsom salts
"27 tierces #1 London and XX white paint
"8 tierces blue, green and yellow paint
"135 casks white lead, stained ochre and red red
"1800 boxes Crown glass, 7½ by 8½, 7 x 9, 8½ x 9½, 8 by 10, 9 by 12 and 14 by 10
"225 boxes and crates wine porter, castor oil bottles
"120 crates Crown glass
"15 casks ½ pint tumblers
"Very few cases very old bottled port and sherry wine."

On July 7, 1838 Benjamin Hart advertised "Wanted as a nurse, a middle-aged woman to take charge of a child of 20 months old. She will be required to sew and wash for the child. Wages are no consideration. Unexceptionable references must be given. A Protestant of English or Scotch birth would be preferred."

Signed B. Hart, corner of Recollets and St. Helen's Street.

Advertisement by B. Hart and Company --"Coals for sale by the subscriber 750 chaldrons superior grate coal, and 100 chaldrons Smith coal in lots to suit purchasers."

Similarly he advertised 850 casks Dudley nails.

The Montreal Herald of July 28, 1838 reported the arrival of 20 barrels of ashes by the Lachine Canal for B. Hart and Company.

On Oct. 16, 1838, the same paper carried an advertisement by B. Hart and Company of St. Helen's Street,

"Just received by the subscribers, agents to the Roslyn Gunpowder Mills, Merrick and Hay's -- FO, F, SF, FFF and cannister powder."

He was elected steward of the St. George's Society of Montreal at its quarterly meeting of Jan. 10, 1838. (Montreal Herald, Jan. 11, 1838)

M.J. Hays

Moses Judah Hays, whose name is coupled politically with that of fellow-Justice of the Peace Benjamin Hart, was one of the leading citizens of Montreal, enjoying the widest respect, in part because of his ownership of the city's water works.

At the age of 30 M.J. Hays was employed with the Royal Engineers Department in Montreal as clerk of the Works Stores at £127.15.0 per annum, with a per diem allowance of 7/-; £20 per annum for lodging; half a room allowance for fuel and candles, with full rations and provisions. (PAC, Reel C-2939, vol. 403, P.149; vol. 404, P.99)

In mid-June 1826 Hays applied for a strip of land in the rear of a lot which he had purchased and where he had built a dwelling house fronting on Dalhousie Square. He offered to pay for it at two-thirds the rate he had paid for the first lot.

The officers of the Royal Artillery pursued Mr. Hays' petition. David Ross stated that the land had already been committed to Mr. Skakel, but Hays secured a note from Skakel declining the lot of ground. (June 13, 1827). "We have now to request that you will cause Mr. Hays to be put in legal possession of this lot on the terms recommended by the Respective officers in Quebec in conformity with His Lordship's instructions."

Military Secretary H.C. Darling had his reservations: "The street projected in the rear of the Memorialist's house has but 30 feet in breadth and as the strip of ground adjoining is represented as of no use to His Majesty, His Lordship conceives it probable the Magistrates or Commissioners who were employed in the disposal of these lots may wish to add this additional space to the Street:- On this point His Lordship desires you will obtain correct information by reference to Mr. Ross or Gerrard on which His Lordship's decision will depend. Should the ground not be desired for the Street, His Lordship will not object to Mr. Hays receiving a grant of the portion he has applied for on the terms recommended."

Ross, one of the commissioners for the disposing of the government property in the rear of Dalhousie Square, continued to block the transfer. The objection which he communicated to Gen. Darling on Oct. 3, 1827, was that "I fear or foresee that if the land is immediately given Mr. Hays, before the other proprietors in the same line are settled with, they will think themselves agrieved, and will not hesitate to say that an injustice is done them, if they do not get their lands at the same price. I think that, were Mr. Hays put in possession, his deed might lay over to be executed to him after the other lots were sold."

Ross did not prevail there and Military Secretary Darling was instructed by the Justices to notify Hays that they are prepared to pass to him the title of the said lot upon the terms agreed upon. (Jan. 29, 1829)

But this was not the end of the affair, as Hays had reason to pursue on Nov. 1829. "Possession was given me in the month of December last, since which time I have tendered the amount to Mr. Ross and requested a deed, but Mr. R. informed me that his power as Commissioner had ceased; I will therefore thank you to inform me to whom I am to apply for a deed being ready to pay the amount."

Indeed the Office of Ordnance in Montreal at this time wrote to the respective officers of His Majesty's Ordnance at Quebec that "Hays is desirous of paying for the piece of ground if the Commander of the Forces will be pleased to direct some one to receive the money." (PAC, Reel C-3154, vol.606, 1826, Pp. 38-39; 1827, P.40,35; 1828, P.48; 1829, Pp. 142-43)

This little adventure in officialese is very characteristic of how businessmen of the age spent their years in the colony.

We read in the Montreal Herald of December 16, 1837, M.J. Hays advertised "a first rate pair of carriage horses, well broke to harness, for sale, sound and in first rate condition -- the property of a lady, having no further use for them." The address is the Montreal Waterworks.

On April 7, 1838 that paper wrote,

"We understand that the Waterworks Company have it in contemplation to keep their carts constantly employed during the summer, watering the principal streets in dusty weather, provided the public will forward and defray the necessary charge.

"It is a usual saying that in Montreal we have 6 months snow, 3 months mud and 3 months dust per annum, and as we do not wish the snow away, and cannot get rid of the mud, we should at least exert ourselves to lay the dust, which can only be done by the public seconding the views of the Waterworks Company. The dust costs more by spoiling coats, hats and suit dresses, besides drinking ginger beer and soda water, than would ten times pay the expense of watering the streets."

In May 1838 the Waterworks submitted to the commander of the Forces "an estimate of the expenses for continuing the water pipes from Dalhousie Square to the new artillery stables for supplying the barracks, cookhouse, smithy's forge and horses.

"50 yards	1½	inch pipe	18.15.0
50 "	1	" "	15. 0.0
20 "	5/8	" "	4. 0.0
3	1	" cocks	1. 2.6
1	5/8	" "	0. 5.0
70 "		digging	5.16.6
25 lbs.		solder	2. 3.9
			47. 2.11

"The Montreal Waterworks Company tender to supply the above mentioned buildings with water at the rate of Twenty-five pounds currency per annum which includes Men, Women and Children, Cook-House, Smith's Forge and Horses."

The Montreal Herald wrote on May 12, 1838:

"We are delighted to understand that the magistrates have at last voted the sum of 750 pounds for the making of Notre Dame Street. The vote was, as what was to be expected, unanimous; and it was certainly high time that all parties should agree to execute a work of universal utility, after having spent so much of the public money in objects of partial benefit to the suburbs. Singular coincidences sometimes do occur in a world of endless variety; and we are willing to believe that the local connection of good roads and magisterial residences in the outskirts of Montreal is nothing more than a singular coincidence.

"It is to be hoped that Notre Dame Street will ere long cease to be the laughing stock of certain quarters of the St. Lawrence suburbs and Griffin Town.

"During the whole time of our residence in Montreal, that principal thoroughfare has been almost impassable, having been rendered worse and worse every year by what were to it anything but improvements. In justice, however, to the proprietors of the Montreal waterworks, we mention what to us,and we believe to most others, was previously unknown, that after having laid their new water pipes in the fall of 1833 or 1834 along Notre Dame Street, they offered to either leave the street as they had found it or to pay to the authorities the estimated cost of such a work. Intending soon to pave the whole street, the authorities accepted the latter offer as the more advantageous to the public, and for all the inconvenience that followed, the citizens have to blame not the water company but the town council and the magistrate. The intention to which we have alluded was most probably postponed from a laudable regard for the welfare and prosperity of the suburbs.

"We do not wish to insinuate that the suburbs ought not to enjoy good roads; we merely think that the city ought to have at least as good ones and perhaps better. But the truth is that the civic revenue is deplorably inadequate to its fair and legitimate object. The assessment ought to be doubled, and the addition would soon be felt and acknowledged by all to be not a burden but a blessing. Nothing pays itself as speedily as well-paved thoroughfares in the saving of cartage, clothes, etc. The primary aim should be to have smooth, dry, firm streets, and a financial enquiry should be purely subordinate and to refer merely to the mode of raising the requisite sums.

"It is much to be regretted that the existing legislature of the province, which we believe to be well-disposed towards public improvements, is incompetent to increase the rate of civic assessment. The withholding of such a power from special council is the more to be wondered at as a similar power was vested in the legislative council under the Quebec Act of 1779. Such an analogy ought to have been conclusive. Whether it was pressed on the attention of ministers by our friends at home, we cannot say."

Maj. J. Macbean commanding the Royal Artillery in the Montreal District referred the proposal to Col. Rowan, the military secretary in Quebec, for the attention of the commissary general. (June 8, 1838. PAC, Reel C-3243, vol. 749)

The Montreal Waterworks office advertised on November 29, 1838 that "the company, being anxious that tenants should have constant supply of water, requests that care be taken to protect the lateral pipes, etc. in cellars and elsewhere from frost, which can, owing to the inattention of servants and others, so frequently burst during the winter and for which the company do not hold themselves liable."

In May 1838 Hays had occasion to appear before a board of officers convened at the order of Sir John Colborne to inquire "into the inadequacy of the present scale of lodging allowance fixed for the different ranks in this garrison, in consequence of the great increase in the rate of house rent occasioned by the very considerable augmentation of troops and other demands for houses and by the increasing population of the city since the publication of the schedule of lodging money promulgated in 1819, and which has not since been altered.

"The Board, with the view of meeting the instructions conveyed in the military secretary's letter, deems it advisable to call upon Mr. Hays, who states as follows:-

"'I am an extensive proprietor of houses in this city in which I have constantly resided, and since 1825 I have also been engaged in business as agent for many individuals, owners of houses. I can state from my experience and knowledge in this capacity that the rent of private dwelling houses, particularly those of the second class and lower descriptions, has advanced fully from 10 to 12 per cent, and the increasing demand for houses for the accommodation of the garrison has had the effect of now adding an additional value for the rent of houses calculated for that purpose. I am aware of the allowance granted to the different grades in the public service, having been formerly many years in the Royal Engineers Department, and I am decidedly of opinion that it is totally inadequate to provide quarters suitable to their rank in society, or in situations convenient for the performance of their duties, and moreover, I am of opinion that there is no prospect of any material increase of building to meet the additional demands for houses for the military as well as for private purposes, as not withstanding the advance of rent, business do not now realize 6 per cent for their property, which is not a remunerating return for their capital laid out in building, and therefore have every expectation that rents will still advance in value.'

"'The Honble John Molson has had the goodness to state to the Board that he is the owner of a great many houses here but of a superior description, such as have not been usually accepted as officers' quarters. He does not consider that the rent of houses of this class has advanced in price, but houses of a second rate class, applicable for quarters for officers, being more in demand as well for this purpose as for private individuals, he has reason to believe that the rents have been considerably increased, at least from 15 to 20 per cent and the scarcity of this description with an increasing demand for them, will in all probability cause a further advance in the rents of such houses.'" (PAC, Reel C-3266, vol. 825, Pp. 77-79)

On June 12, 1838, M.J. Hays advertised: "Houses to rent -- 2 three storey, cut stone houses situated in St. Vincent and corner of St. Thérèse Streets, the property of the Honourable James Stewart. They are in good repair.

"A 3-storey house (cut stone front) in Great St. James Street, the property of Mrs. Michaels, in good repair.

"Two offices adjoining the Waterworks office on Notre Dame Street; they are adapted for the military being in the vicinity of all government offices.

"Immediate possession can be given of the above properties."

A note on Hays in the File on the City of Montreal (1842-96) in the Public Archives of Canada (MG 30, D1, vol. 31) refers to him as "a clever financier who played a part of the first order in Montreal."

He was one of the judges of the Court of Special Sessions who administered the city between 1836 and 1840. When the new charter was granted, he had been manager of the aqueduct since 1833 and one of the directors of the Gas Company of which Joseph Masson was president.

In familial terms it is sad to recognize M.J. Hays in the last year of his life, in 1861 in the census reports, and to note that he was boarding with his son Andrew at Richard's, located at 33-35 Jacques Cartier Square.

His son, M.J. Hays, Jr., was residing with Hoerkers at 354 Lagauchetière.

M.E. David in 1837

Alexander Asher Hart had a close friend in Moses Eleazar David, son of Moses David and Charlotte Hart David. M.E. David was born in Montreal in 1813 and died in 1892.

With Isaac Valentine, W. Molson and E. Paré, he had signed the official notice to "all persons having claims against the estate of the late Alexander Hart will please hand them in forthwith for settlement, and all those who may be indebted to the said estate are requested to settle their respective accounts immediately as all outstanding debts will be sure to be placed in the hands of an attorney for collection.

"Mr. David is authorized to settle all the accounts." (Montreal Herald, Nov. 17, 1835)

On behalf of the family he advertised on Nov. 17, 1835,

"To let two-storey stone house, gardens and dependencies, Papineau Road. Lately occupied by Alexander Hart, being a most desirable residence for a respectable family. The rooms are numerous and are all fitted up with marble mantel pieces.

"Also adjoining a new two-storey wooden house consisting of eight apartments.

"Several small houses being of five rooms each." (Montreal Herald)

This house had figured in an earlier notice in the Herald of a sheriff's sale, with Alexander Hart as plaintiff and H. Dance as defendant, of building on Papineau Road, Montreal, 180 x 185 square feet of ground on which there stands a house.

M.E. David, trustee, in his capacity as tutor of the minor children of the late Alexander Hart, served public notice that he would not be responsible for any debt contracted by anyone without a signed order. (L'Ami du Peuple, Dec. 27, 1837)

M.E. David was named 2nd lieutenant of the 3rd Battalion of the Montreal Loyal Volunteers on Nov. 23, 1837. (Montreal Herald, May 16, 1838; Canadian Jewish Archives, no. 19)

Tragedy struck the Hart family on the evening of Sept. 19, 1837 when their 20-year-old son J.N. (Bay) Hart was drowned. He had left his office in a canoe that evening for home at Long Point. The canoe was found overturned near Boucherville Island. The body was not recovered. It was M.E. David who announced a reward to anyone who would recover the body of the deceased. (Montreal Herald, Sept. 22 and 23, 1837; and Vindicator, Sept. 26, 1837)

He was admitted to the bar on Nov. 14, 1845 and practised law in association with Gershom Joseph. In 1861 he had just removed from 43 Little St. James T. to 134 Sherbrooke.

The Old Families.....

Even older, yet surprisingly on the list is Moses Hart, age 62, described as from Montreal. Trois-Rivières did not establish a register such as the act provided for, probably not having the fifteen registrants required by this act for convening and for electing trustees. This may also have been true of Quebec City.

It is hard to tell how happy the Montreal congregation was to hear of their kinsman in Trois-Rivières,for there was much that was disreputable about him and his son there.

The grand jury at general quarter sessions there found a true bill against him on deposition in Jan. 1831 on charges of assault with intent to ravish.

The grand jury in presentment found no true bill against him in April 1831 when he was charged with nuisance and disorderly house. But in April 1835 the grand jury after deposition found a true bill against him on charges of nuisance.

Areli Blake Hart was indicted before the grand jury at general quarter sessions, April 1827: A true bill was found against this son of Moses Hart on charges of assault and battery after deposition.

The same verdict was reached against him on the same charges in April 1828.

We have a reflection on the violence current in Trois-Rivières in the deposition by Ezekiel Hart on June 8, 1835 when he attested what he testified at the trial of Gageant before the quarter sessions court (case no. 267) on charges of assault to murder. In his deposition before René Kimber, Hart swore that Pierre Gageant, laborer of Trois-Rivières, dit Lafleur Fleurie, "threatened to assaulted and struck" him, Fleurie "having at the time of the assault an axe in his right hand, and this without any just cause or provocation."

The accused was found guilty. (British Parliamentary Papers. Colonies. Canada, 1837. vol. 8, Pp. 11, 18, 20, 24, 49, 51, 57)

Moses Hart of Three Rivers advertised in the Morning Courier of Feb. 23, 1836,

"Six thousand drought, 1st and 2nd pine and spruce deals, convenient for ships, from Montreal, no collarge or wharfage charged."

What we know of Moses Hart and his elder son does not encourage us to expect a long line of adherence to the Jewish tradition. Yet we find his descendant, Cyril Hart, a century and a half after Moses Hart, in Dollard des Ormeaux, a devoted member of the ancient Montreal Congregation of Spanish and Portuguese Jews and his daughter Mrs. Jay Miriam Davis of Dorval, the proud curator of the family papers.

These descend from Alexander Thomas Hart (1804-52), Seigneur of the Fief and Seigneury de Courval, son of Moses Hart, and from his wife Miriam Judah (1807-87). (Canadian Jewish Archives, no. 20) A resident of Trois-Rivières, A.T. Hart died as a result of a fall into the hold of a ship.

Their son David Alexander Hart (1844-1925) married Sarah Matilda David, daughter of Aaron Hart David. He graduated as Master in Surgery and Doctor in Medicine from Bishop's College at Lennoxville on Apr. 9, 1874. Dr. Aaron Hart David, professor and dean and one of the founders of this early medical school, was among the signatories of this diploma. One month later he was certified by the College of Doctors and Surgeons of Lower Canada. That year he delivered the valedictory address. (Canada Medical Record, 1874. pp. 193-95; both Drs. Hart and David contributed to the Record)

He was active in the Canadian militia.

A handwritten note in his copy of Standing Orders of the First or Prince of Wales Regiment, Volunteer Militia Rifles of Canada, (Montreal, 1865) indicates that he had been provisionally appointed to that regiment, had passed his second class examination on July 17, 1865, had been gazetted as ensign and had been appointed acting adjutant.

On June 20, 1892 we find him listed in the Canada Gazette as Captain in Command with the 60th Missisquoi Infantry Battalion at St. John's. He was put in command of Company no. 5. Clearly, his service was not confined to the medical. The family papers include a copy of the 1870 Regulations and Orders for the Active Militia.

The press obituary notes that he was the first president of the Montreal Zionist Society and helped organize the dispensary of the Baron de Hirsch Institute. His interest in sports was reflected by the cup which he presented to the most valuable player in the National Hockey League.

One of his children, Guy Alexander Hart, a native of Montreal, married a Miss Wells.

Like other members of the family, his remains repose in the cemetery of the Spanish and Portuguese Congregation.

Their son Cyril Alexander Hart, born in 1902, was an early technician in mechanical memory data, the predeccsors of computers and their information banks, associated with the IBM in Canada since before the Second World War until his retirement.

The register, of course, listed Benjamin Hart, now age 51, and his brother Alexander, 48. Benjamin's son Aaron Philip Hart, advocate, was to register only a year later, in 1832.

The Hays family was represented by Moses Judah Hays (now 41, but giving his age as 32, according to M. Stern, (Americans of Jewish Descent, a Compendium of Genealogy, 1971; Canadian Jewish Archives, new series no. 20, pp 241-63), and his brother-in-law Esdaile P. Cohen, 32 and Isaac Valentine, 43 years old. (Canadian Jewish Archives, no. 20)

Many of the contemporaries of the pioneering Hart-Judah-David-Hays families all but disappeared from the Canadian scene. (Canadian Jewish Archives, no. 19, pp. 57-70)

Of the David family only Eleazar D. David, a 20-year-old student of law signed the register in 1831, though not quite 21 years old. (Canadian Jewish Archives, no. 19, p. 94)

In all these lists we miss the name of the pioneering Judah family.

We learn from the Herald of the passing, in New York, of Louisa Judah, granddaughter of Aaron Hart, at the age of 19. (Apr.5, 1838) Born Sept. 16, 1818; died March 25, 1838, she was the youngest child of Bernard (Barnabas) Samuel Judah and of Catherine Hart. She died childless.

From beyond the grave we hear a mortuary voice in the form of an obituary in the Herald of May 4, 1838:

"On the second of May, after a short and severe illness, at the residence of Thomas S. Judah, barrister of this city, Elizabeth, daughter of the late Uriah Judah of Three Rivers, age 56 -- after a life of exemplary utility, exhibiting every feature which can adorn our transient career; ever a dutiful child, an affectionate relative and a sincere friend. In her last moments serene and tranquil, she met the approaches of death, and resigned her spirit into the hands of her creator with such fortitude, and with feelings so pure, that all around her dying bed were impressed with the truth of the sacred writer's expression: 'Rare indeed the virtuous, for her price is far above rubies. Give her the fruit of her hands and let her own works praise her in the gates.'"

A reading of the notice is remarkable for the absence of any indication as to the religious affiliation of the deceased; nothing to indicate that she had died either as a Jew or as a Christian -- a vagueness fairly consistent at this period in the family history.

An advertisement in the Herald of Jan. 18, 1838, inserted by Thomas S. Judah, served notice that "All persons are hereby notified not to harbour or receive into their employ, on pain of being prosecuted according to law, a young lad of the name of Henri Beaudry, an indentured servant to the undersigned, who clandestinely left his employer's house on the 11th; was dressed in a cloth cap, black velvet overcoat; about 13 years old, low stature, dark complexion with black hair and black eyes."

A notice of marriage in the Montreal Herald of Oct. 22, 1838,

"In New York on Wednesday evening Oct. 17th at the American Hotel by his Honour the Mayor, Thomas S. Judah, advocate of this city to Sarah, daughter of the late Abraham Schoyer."

As late as 1861 we learn from the census that Mrs. Eliza Schoyer, age 85, Holland-born, widow, was residing with T.S. Judah who was Unitarian by faith, and his wife and two children at 112 Dorchester St.

In the light of communications available to the press in 1836 it is interesting to see that the Morning Courier of Montreal carried, on March 10, the following:

"Mr. Jacob H. Joseph arrived last night from Quebec and politely furnished us with the following intelligence:

"'Mr. Caron in the house of assembly on Monday night, after a long and violent speech against Mr. Papineau, resigned his seat. Mr. Caron was member for the Upper Town and, among the on dits, he is to present himself as a candidate for Montmorency and Mr. A. Stuart or J. Neilson would be put in nomination for the Upper Town, one of whom would be returned with little difficulty.'

"Twenty-six members went up on Monday with the address to the governor.

"The council, it was supposed, would pass the corporation bills. Upwards of 40 bills were yet before the house.

"Sir Charles Grey's furniture, it was reported, was shortly to be sold off by auction, and the general opinion was that three commissioners will leave early in the spring..."

Twenty years later we find in the press of British Columbia reports on prices and conditions brought to the colonial capital by travelling Jewish merchants.

These were the registered members from the old families. There was probably no trace of the other eighteenth century residents who had left their earlier traces in our history.

Only some Solomons remained with a vestigial connection with the Josephs.

B.S. Solomon and his wife, E.M. Seixas have gone, but their minor children became the wards of H. Joseph. (La Minerve, June 27, 1831; Canadian Jewish Archives, no. 21, pp. 94, 97)

.....And the New

After the fifteen entries of 1831-32 there were none entered on the register for five years, until the synagogue was being erected. This was a closed period in the annals of the congregation worthy of examination.

Of the fifteen, 4 were in their twenties, 4 in their thirties, 4 in their forties, 2 in the fifties, one in his sixties.

Three of those in their twenties and most of those in the thirties were born in Lower Canada.

Occupationally, two were lawyers. The others all merchants; of these two describe themselves as gentlemen. Whatever the term meant in its native land, in the Montreal Jewish community it meant nothing different or less active than merchant, probably not even in scale. When the brothers-in-law Valentine and Hays claimed the designation in 1831 its significance was only in semantics, though not a phrase to be ignored.

We recognize 9 out of the 14 for their sixty-year roots in the colony, but there are five others, and there will be more in the register. Three of these call themselves furriers, probably not workers in the preparation of furs but sewing and retailing fur garments; not totally disparate from merchants. Their self-designation as furriers is significant for social awareness and degree of pretension; possibly also of social and economic status.

There is an indication of an important future development. The fur men of this generation are not traders in skins, related functionally to the fur trade so basic in the earliest economics of the colony, fundamentally, links in the trapping-exporting system of the continent. They were manufacturers and suppliers to the local population.

Furthermore, they are among the pioneers of the manufacturer who provided ready-to-wear garments, off the shelf, to the public; in the event, garments made of fur. They presaged by nearly half a century the ready-to-wear garment industry of lighter material made of woven cloth which came to constitute so important a sector of Jewish inventiveness and social industrial organization of a later time.

H. Solomon, furrier, had his premises next to Orr's Hotel, nearly opposite the Court House on Notre Dame St. His trade included toys and walking canes as well as Indian curiosities; those dealing in furs with Indians had also developed a commerce in the handicrafts made by the natives, as we note from contemporary Quebec records. In May 1838 he removed his business to Notre Dame St. opposite T. Mussens. R. Wood, saddler and harness maker, occupied his premises. (Montreal Herald, May 19, 1838)

H. Solomon was in the transition of these social technologies in that he also dealt in skins, of various types, as well as in dressed furs. His advertisements in the press tell us something about the history, the social conditions and the ecnomic morphology of Montreal of the 1830's: he has received "1800 casks of South Seas sea wolves d'esprit and 2500 casks of northwest furs, Greenland sea wolves never seen in Canada, chinchilla,mink,Siberian marten and otter." (La Minerve, Aug.11, 1831)

There are entries of other newcomers: Myer Solomon, Miss Jesse Solomon and two other Misses Solomon appear in the 1833 congregation record, as do Mr. and Mrs. Asher A. Cohen, C.E. Levy.

Myer Solomon and his mother Catherine appear in the 1861 census records as residing at 150 Craig St.

Another one of the first was Isaac Aaron. He was among the first trustees chosen in 1832 and remained active for a decade. (Canadian Jewish Archives, no. 19, pp. 17, 92)

As we shall see, he was one of the new arrivals who had a store of Jewish learning in custom and law upon whom the congregation called at need. When Benjamin Hart turned over the Scroll of the Law and the pointer to the congregation in 1834 these were ritually examined by Messrs. I. Aaron, R. Solomon and Wolf who found them either "fit for use" or "might be made serviceable with little expense."

But by virtue of his expectations from the congregation he soon became a source of trouble for its more relaxed officers.

"The Jew Aaron" and his 13-year-old child Judith Yokel were living on the south side of St. John St. in Quebec City in 1818, according to the Recensement de la Ville de Québec en 1818 made by curé Joseph Signay. (Québec, Société historique de Québec, Cahiers d'histoire, no. 29, 1976. p. 103)

I. Aaron, proprietor, operated Tattersalls and Furniture Bazaar "opposite the French church, Place d'Armes. He conducted regular sales of horses, cows, etc. every Friday and Tuesday. No charge for entry etc., only 7 pence halfpenny in the pound if sold. No sale, no charge. Sale each day at 12 o'clock."

For years sales of horses, carriages, harness, saddlery were conducted every Tuesday and Friday and a Furniture Bazaar every Wednesday and Saturday.

The flag flying over Tattersalls figured in the momentous street fighting during the first week of November 1837. A number of youths for whom the Union Jack was a provocation pulled it down and carried it in triumph, but not with respect, through the main gate. But they were no match for the constitutionalists on the street, who rescued it from their hands.

Le Populaire, which reported the incident, remarked, "it could occur only to those who would impose a foreign flag on us by force that carrying the national flag might be considered an insult." (Cited by Le Canadien of Nov. 13, 1837)

Tattersall soon came to be taken over by John Jones.

On Nov. 17, 1838 I. Aaron advertised "this evening at Aaron's sale room Place d'Armes: Dry goods consisting of superior cloths, shirting, sheeting, flannels, blankets, worsted hose, half hose, shawls, silk and cotton handkerchiefs, fur caps, tippets, calicoes, muslins, coats, vests, pantaloons, jackets, umbrellas, combs, brass candlesticks, knives and forks, spoons, tea trays, carpenter and other tools, guns, watches, jewellery and a variety of other articles. The above goods are worthy the attention of the public and will be put up in lots to suit private families. Also a quantity of stoves. Regular sales every evening. We commence at 6 o'clock.

"The subscriber also acquaints the public that he will make liberal advances on any kind of goods sent in for actual sale. Cash paid for shipping furs. Cash paid for gold, copper, brass, lead, rags, ropes, paper stuff, broken glass, etc."

At the end of the decade some two dozen had signed the register, and we meet truly new names. The flood which Benjamin Hart feared had reached the community.

Of the five new names, one was in his twenties, two in the thirties and two in the forties.

The official register did not list all the Jews in the colony; for whatever reason, Goodman Benjamin and Samuel Benjamin, who would soon remove to Toronto, were in Montreal in 1833 but do not appear on the early register. (Canadian Jewish Archives, no. 20, p. 264)

There was John Levie, ingenious advertising copy writer. He advertised "Real bargains! Just received a splendid assortment of ready-made clothes, just the goods for the Canadian weather." He also advertised fur caps and fur muffs, etc. and shawls and boots and shoes and a few pieces of fine cloths, flannels. "The subscriber will always be at home from 8 in the morning to 8 at night to buy, sell, or exchange all sorts of cast off wearing apparel, watches, etc."

John Levie advertised in the French Minerve of May 11, 1837 that he had moved his dry goods and togs store from Faubourg Québec to Notre Dame St. opposite the convent.

He operated a clothing store which advertised regularly in the Herald of November 1837 and January 1838.

At that time he announced that he "wanted a good workman; one who understands cutting and measuring, to be engaged on Jan. 5 to May 1, 1838." (Ibid., Dec. 16, 1837)

He advertised that "The Habitant that attempted to steal a blue cloth cap from the store of Mr. John Levie on Tuesday last can have his own fur cap and silk handkerchief by calling this office and paying the expense of this notice." (Ibid., Jan. 18, 1838)

He did not hesitate to exploit the tense awareness of arms at this revolutionary time, so he inserted an advertisement, "To Arms! Such arms will defend the frost.

"Winter clothing made up of the best materials with excellent lining and good workmanship." (Montreal Herald, Jan. 1, 1838)

On Jan. 20, 1838, he advertised "Warm clothing, to officers of militia. The subscriber has on hand 100 pairs of military trousers with red stripes, also 40 dozen pickers and brushes, all kinds of regimental clothing furnished. One hundred suits of clothes can be made verily in one day."

On March 1, 1838, Levie offered 100 pairs of moccasins and leather mitts as well as trousers and military caps at 5 cents each.

On June 2, 1838, John Levie of Notre Dame Street advertised:

"New Goods and Cheap:

"Just received by the Toronto and Great Britain from London -- hats from 5 shillings to 25 shillings; superfine body coats -- 40 shillings; surtouts at 50 shillings with silk velvet collars; a splendid assortment of summer vests from 2 shillings to 25 shillings; 1000 yards of cloth; cashmere and summer trousers from 5 shillings to 25 shillings with a large assortment of west of England broadcloth at 10 shillings per yard up to 22 shillings per yard; shooting coats from 10 shillings to 50 shillings per suit; a large assortment of socks from 1 shilling 3 pence to 5 shillings each; shirts regatta -- linen and cotton; linen prints for 2 shillings.

"Gentlemen leaving their measurements can have their suits of clothes well and fashionably made in 24 hours."

He again advertised cheap London-made clothing in the Herald of June 11, 1838.

C.E. Levy sailed for Bristol on Nov. 23, 1838. (Herald, Dec.1, 1838.)

There were also such Montreal residents as J.S. Kollomyer, tailor (Ibid. May 15, 1838) whose name probably reveals his Ashkenazie origin.

He advertised the receipt of a shipment of cloths, summer trousers and cassemires in L'Ami du peuple (May 8, 1836).

Young Moss (no initial) merchant, age 28, was the 40th Jew to register on the prothonotary's roll in 1842.

The clothiers firm of Moss & Brothers was "established in 1836, with a capital of £60,000, large premises, five storeys high, giving employment to 800 men and women, and of goods manufactured annually to the sum of £90,000, sent abroad about eleven-twelfths. Messrs. Moss & Brothers have all their work hand-wrought, and export American wares to Australia to the amount of £40,000." (Montreal in 1856, a Sketch Prepared for the Celebration of the Opening of the Grand Trunk Railway of Canada. Montreal, Lovell, 1856. P. 46)

D. and L. Moss were among those who signed an address to the Earl of Durham in June 1838. (Montreal Herald, June 11, 1838)

But the firm of L. & D. Moss were advertising readymade London winter clothing, in the winter of 1836, which they had received aboard the Helen Mar, including Petersham and Pilot cloth great coats, cassemire, drab and Pilot cloth trousers, cabinet ware, work boxes and writing desks. (Morning Courier, Dec. 1, 1836)

The Moss brothers were to play a notable part in the mid-century history of the community. They were very active in the pioneer synagogue to which they were deeply attached. Nevertheless, their Ashkenazi loyalties were also strong and they became leaders in the Congregation of German Jews, their divided loves and loyalties remaining on the record.

We have the recollections of Ashkenazi David Moss, recorded thirty years later, that in 1835 "There was no place of worship for him or his coreligionists in Montreal. Prayers were read once or twice a year. Mr. Hart and others had endeavored for a year or two to raise money, and were successful. But a sum of between £700 and £800 left by Mr. Michaels for this purpose was so given that it could only be used for the erection of a synagogue whose services should be conducted according to the Portuguese forms. Although these were different from those in which he had been brought up, it was the same church of his fathers, and he had joined it, became a member, and filled in it every office in succession....He had, while an officer of the Portuguese synagogue, noticed many of his brethren who were not members, and who did not attend; he enquired the reason, and was told that the form of prayer was different from what they had been accustomed to, and that they thought it a hardship that their children should be brought up to worship in a foreign form." (Jewish Messenger, reprinted in Jewish Chronicle, Sept.15, 1865)

Rabbi W. Shuchat of the Shaar Hashomayim Congregation referred to the Mosses as "Montreal's leading Jewish family and the city's top financiers."

Later, it was "One of the turning points in the history of Montreal Jewry when the Moss family en masse left the Spanish Portuguese Synagogue to join the swaddling Corporation of English, German and Polish Jews." (Gazette, Dec. 4, 1971)

David Moss, his wife Sarah, (both English-born), and seven of their children (Montreal-born), were listed as residing at the time of the 1861 census at 5 Cornwall Terrace on St. Denis; the company of Moss and Brothers, wholesale clothiers and furriers, was located at 303 St. Paul St.

Lawrence Moss, dry goods merchant and pawnbroker, resided at 27 St. Claude St. His business was at 72 Notre Dame. His wife, like him, was born in England, but their five children were Montrealers by birth.

By 1861 David Moss had been joined in his business by Edward Moss who was his neighbour at 3 Cornwall Terrace. They had seven children with them; two others were in England.

Fifty years after the event a Montreal member of parliament recalled in the Commons the pious observance of the Sabbath by the members of the Moss firm. (Canadian Jewish Archives, no. 14, P.30)

Monopoly Synagogue

The register at the office of the prothonotary remained an element in the legal structure of the congregation until nearly the end of the century (1889-90) when the congregation petitioned the legislature "to free the members of the said congregation from the exceptional rules as to registration imposed upon them by the Act of the late Province of Lower Canada, 9 Geo. IV, chap. 75, and the Act of the late Province of Canada."

The congregation thus chartered had a constitution which was but rarely paralleled on the continent. It was a source of much pride but also of no little trouble in due course.

The founding law provided that the five trustees may erect a house of worship and a home for a minister of their religion, name a minister and keep a record of births, marriages and burials. These extensive powere were granted the trustees once elected -- not elected to any particular office, not subject to review by the membership or to re-election prior to the end of the regular five-yearly term, which may be called only on court order. There was provision for only one cemetery, one congregation, one governing body, one representative institution.

The monopoly condition in due course created problems in Montreal -- not so much in regard to other congregations which were later chartered, such as the Congregation of German and Polish Jews and the Reform Temple Emanuel, as in relation with the less formal synagogues of the mass migration of the 1880's. (Canadian Jewish Archives, original series, ed. by Louis Rosenberg, no. 6, May 1962. p. 35)

A parallel situation developed in Winnipeg as a result of similar social conditions under another constitutional situation.

It appears from the Manitoba Free Press of Jan. 27 and 29, 1894 that there were four congregations in the city. Two were denominated the Sons of Israel, one following the Ashkenazi ritual, the other Sefard (the distinction here is not Iberian: German but the Ari-Kabbalistic Hassidic: Mitnagdic); the Shaarey Zedek, and the Rosh Pina, according to a letter signed by B. and M. Zimmerman and Mr. Ferguson. A.A. Chiel, however, identifies the Sons of Israel with Rosh Pina. (The Jews of Manitoba, a Social History. Toronto, University of Toronto Press, 1961. pp. 80-81; M.S. Stern, in his report in "Communal Problem Solving: The Winnipeg Va'ad Ha-ir, 1946" in the Canadian Jewish Historical Society Journal, vol. 4, no. 1, spring 1980, p. 12, recalls the role of the Sephardi-rite synagogues of the community in the Kashrut controversies of 1912.)

These writers in the Manitoba Free Press protested a proposed bill which would allow only the nominee of an incorporated congregation to perform marriages. But of the existing synagogues only the Shaarey Zedek was incorporated.

The protesters wrote that it would be manifestly unfair to give any one of these power to control, regulate the marriage ceremonies.

Much of this was corrected sixty years later when the Quebec legislature passed a law (53 Vict., Chap. 85, 1890) changing the name of the Corporation of Portuguese Jews of Montreal to the Corporation of Spanish and Portuguese Jews Shearith Israel of Montreal and modifying the act which constituted it as a corporation.

That law noted that the corporation, in its petition, stated that it was composed hitherto of the president, the trustees, the treasurer and the secretaty but that it was desirable that the members, and not only the officers, should constitute the corporation.

It therefore enacted that henceforth these officers, and all others who in the future may become members under its by-laws, shall constitute the corporation.

The minister would no longer be required to obtain a license from the government, as hitherto required by Lower Canada Act 9, Geo.IV, Chap. 75.

Convening the Signatories

The requisite fifteen Jewish residents of Montreal having signed the register by Sept. 11, 1832, as provided for by the act of 1831, Geo. IV, chap. 75, a petition was submitted to the chief justice and the judges of the Court of the King's Bench that a meeting of these signatories on the prothonotary's register be convened. This petition was signed by Alexander, Benjamin and A.P. Hart, E.D. David, Isaac Valentine, and Isaac Aaron and M.J. Hays.

Judge George Pyke complied with this request and ordered the convening of the registered Jewish residents on Oct. 15, 1832 under the presidency of Augustine Cuvillier, J.P., to choose trustees for a five year period for the purposes specified in the statute.

Cuvillier was a veteran legislator, having represented Huntingdon in the Legislative Assembly from May 1814 to Sept. 1830 and after that date sitting for Laprairie, which was detached from Huntingdon, from Oct. 1830 to Oct. 1834. After the union of the two Canadas he sat in the assembly of the enlarged province for Huntingdon from Apr. 1842 to Sept. 1844 and was speaker of the assembly during the entire period.

At that meeting duly held, five trustees were elected: Isaac Valentine, M.J. Hays, Benjamin Hart, Henry Solomon and Isaac Aaron. The organized Canadian community was set on its course. (Canadian Jewish Archives, original series, no. 6, May 1962, Pp. 8-10)

Isaac Valentine headed the committee of the Montreal German Society which organized the anniversary dinner on Aug. 1 at Rosco's Hotel in the summer of 1836. But his name was not among those who signed the invitation for the society's church service the same day. (Morning Courier, July 22, 1836)

Protestant—Jewish Amity

Even as the first registered Jews were signing the register in Montreal the Israelites of Montreal performed a historic act of interfaith interest probably not repeated for a century. They tendered an address of friendship to an Anglican minister who had often referred to the Jewish people in his sermons in a very friendly manner. Clearly he had given the phenomenon of the Hebrew nation much delicate and profound thought and had dwelt on Jewish history, the persecutions they had suffered and the feelings of the Jews on many themes. In the words of historian George Merchant, "he seems to have taken a keen interest in these Israelites and they held him in high esteem." (The History of St. Stephen's Anglican Church, Lachine, P.Q., 1822-1956. Rev. ed., p. 26)

The Rev. Brooke Bridges Stevens served as army chaplain in the Montreal area from 1819 to 1832. During this period he also helped to establish the Church of England parish of St. Stephen's at Chambly, the first in Canada in 1820. It is very probable that in the course of his army activities he came to know Capt. David David. (Canadian Jewish Archives, no. 19, pp. 75-78) and his nephew Col. E.D. David. (Ibid., pp. 91-94) and the remarkable traditions of the David family for, as we shall see, he freely referred to the "late venerable and benevolent patriarch, D. David."

The Rev. Stevens also helped to establish the church at Queenstown in Upper Canada, a school for the military and for civilian employees in the King's works on St. Helen's Island and the St. Mary's parish. Even while engaged in these activities, in addition to his chaplaincy duties and helping the Christ Church Cathedral, the energetic and beloved priest inaugurated services at Lachine and founded the St. Stephen's Anglican Church there in 1822. Initially he had been licensed as assistant lecturer at the "Chapel of Ease" to Christ Church Cathedral at Lachine.

When he left for England in the spring of 1832 he was presented with three affectionate addresses: from the Episcopal Church of Montreal, from his parishioners at Lachine and from the Israelites of Montreal.

In their address to the Anglican minister the Jewish signatories referred to their current efforts to expand the rights of the Jewish citizenry of the colony. It is interesting that in this document, as in others which the Harts composed at this time, there is a strong awareness of the deprivation of rights from which Jewish residents in other regions suffered.

The text of the Israelite address of June 4, 1832 reads,

"Reverend and Dear Sir,

"It being generally understood that you are on the eve of departure for England, the members of the Jewish Faith, residing in Montreal, beg, before you leave this city where you have resided for so long a time, and in which you have performed the sacred duties of your office with so much religious and laudable zeal, to offer to you their sincere wishes for the prosperity of yourself and your family.

"In so doing, Reverend Sir, we cannot but express to you the feeling of gratitude which we entertain towards you for the enlightened and liberal disposition which you have continually manifested towards that part of the remnant of the Children of Israel who have made Canada their resting place, and where, under the influence of the laws of this Province, they enjoy a state of perfect freedom, compared to the situation of some of their persecuted Brethren, whose dwellings are in less enlightened and more barbarous countries, and where they are confident, through the means of a liberal legislature, of removing the few invidious distinctions which as yet separate them from the mass of their fellow-subjects.

"We cannot, Reverend Sir, but feel most highly flattered at the manner in which the few persons professing our holy faith have ever been mentioned by you even when in the pulpit -- that sacred place so often made the organ of persecution; a system which the true Christian faith could never encourage. Your conduct in the professional situation, which you have filled for some years past, has been the object of our utmost respect; the religious principles which you have ever endeavoured to inculcate, have caused even in us who are not of the same faith, the greatest admiration. As an individual in the society of this city, we have ever found you a worthy and an amiable friend. Be not surprised, Reverend Sir, at the warmness of our praises, they are sincere.

"The chosen people of the Almighty have been, through his divine will, scattered and dispersed throughout the globe; they have been persecuted among all nations, by all religions; they have been reduced to a level with the lowest dregs of society in some countries; but the hand of our Omnipotent Creator has borne them through the ordeal; they experienced trial, but were unchanged. The wrecks of nations, changes of religion, revolutions of the world, have all taken place, but still do the Children of Israel adhere to the unaltering worship of their God -- the God of their ancestors.

"The age of persecution is now, however, gone by, and the bright sun of knowledge has at length enlightened the day of liberty, and the Jew may now adore his God without the fear of being persecuted for so doing. Still, the recollection of his ancestors' sufferings, if not of his own, must make his heart yearn with gratitude towards those whose hands are ready to protect him and his faith.

"How grateful must we then feel, Reverend Sir, to you for the uniformly kind manner in which you have ever treated us, and the liberal and enlightened mention which you have ever made of our nation?

"Accept then, Reverend and dear Sir, the sincere and earnest wishes of the Israelites of this city for the welfare of yourself and family; and be assured, that wherever you may go, you will carry with you the friendly feelings of every enlightened and respectable inhabitant of Montreal.

"We are, Reverend and dear Sir, Your very obedient Friends and Well-Wishers."

To this remarkable address the Rev. B.B. Stevens returned the following reply,

"My justly valued Neighbours, and Fellow Citizens,

"Tremblingly alive to the awful woe denounced on me if I be ashamed of the Gospel of Christ, I am nevertheless not ashamed to confess, how deeply, how very deeply I am affected by the unexpected and unmerited compliment you have just now offered me, enhanced as it is twofold in value, by the delicate secrecy with which it has been prepared.

"Uncompromising in Doctrine as a Minister of a peculiar persuasion, it has still been always my opinion, that sincere proselytes can never be made by any force save the power of agreement, any vehemence save the fervour of prayer, any warmth save the glow of love.

"The scandalous persecutions which your once Theocratic and always distinguished nation, has received from the hands of men calling themselves the followers of the meek and merciful Jesus, have been a reproach to their character, an indelible disgrace to their profession; for to adopt your own judicious and liberal remark, persecution in any form is 'a system which the true Christian Faith can never encourage.'

"Full well -- from my own personal experience can I testify -- full well have ye obeyed the injunction of your captive Prophet, 'Seek the peace of the city wherein ye dwell', for in all the duties of patriotism, loyalty, and charity, few have equalled, none have surpassed you.

"When I think of your late venerable and benevolent Patriarch D. David; -- when I recollect the personal friendship I have invariably experienced at your hands; -- when I reflect on your past history, and ponder over your future destiny; -- when I consider that your great Progenitor enjoyed the illustrious title of 'the Father of the Faithful and the Friend of God'; that for your triumphant march 'the sea fled and Jordan was driven back'; that the sun stood still in the meridian course to gaze on your victories; -- when I behold you daily before my eyes as a lasting witness of the immutable truth of Jehovah's promises and menaces, -- when I remember how faithfully for ages ye preserved entire and uncorrupted 'the lively oracles of God'; -- I feel an intensity of interest in all your concerns, both temporal and eternal, which may be best expressed in the words of your own plaintive and patriotic Bard -- 'If I forget thee, O Jerusalem, let my right hand forget her cunning'.

"My prayers shall be offered that the Almighty may hasten the period when ye 'shall no more say, the Lord liveth which brought up the Children of Israel out of the land of Egypt; but the Lord liveth, which brought up and which led the seed of the house of Israel out of the north country, and from all countries whither he had driven them, and they shall dwell in their own land.' -- That period when 'all the ends of the world shall remember themselves, and be turned unto the Lord, and all the kindred of the people shall worship before The Desire of all Nations, the Mighty God, the Everlasting Father, the Prince of Peace.'

"I am, Gentlemen, Your affectionate and deeply obliged servant."

Upon his return from England a year later the Rev. Mr. Stevens had occasion to write to G.E. Stanley, Secretary for the Colonies in London about the "congratulatory addresses on my return; all denominations, nations and ranks, English, Episcopalians, Scotch, Presbyterians, American Independents, Canadian Baptists, and even Jews vied with each other in testifying their joy and affection on my return."

He passed away on May 13, 1834, at the age of 47 in Montreal.

In his will he bequeathed to his son, Drieffield, a manuscript Hebrew book which had belonged to his maternal grandfather.

Establishing the Synagogue

The Jewish community was set on its course, and began its energetic activities which never flagged or lost direction during the century and a half since.

The Act of 1832 permitted the establishment and the construction of a house of worship but, of course, did not provide it. Within two weeks of the first meeting, on Oct. 29, 1832 they met again. They decided that, "The sum of 100 pounds left by the will of the late David David as a legacy to the Congregation be paid to the Treasurer who is to invest same in a government security. M.J. Hays and I. Valentine, (executors to the estate of the late David David) offer to the Trustees the sum of 150 pounds as a donation towards erecting a synagogue in Montreal was accepted.

"Resolved: That the Manuscripts, Registry and all moveable property belonging to the Society of Jews in this City be given to the Secretary, and an inventory be made & entered into a book kept for that purpose by said Secretary.

"That the Manuscripts be examined by persons fit to do so, and named by this meeting to examine them; if fit for Service, to be new dressed and the expense paid out of Congregation funds.

"Committee: I. Aaron, H. Solomon, & Wolf." (Minutes)

Valentine and Hays were authorized to purchase a lot of land for a synagogue, situated on St. Urbain St., St. Lawrence suburb, from Mr. Laroque.

As we have seen (Canadian Jewish Archives, new series no. 19, P.94), E.D. David was authorized "to take charge of a subscription to heads of Portuguese & Dutch Societies of Jews in London and such parts of Europe that he may travel, to enable our Congregation to erect a synagogue."

Appeal to London

In Nov. 1832 Isaac Valentine wrote to Rabbi Solomon Hirschell "Chief Rabbi of the Portuguese Jews in London," claiming assistance from Jews in London in "the purchase of a lot of ground and the erection of a synagogue and reader. This we are not ashamed to claim as it is a holy work to which all Israelites should lend their aid... a Temple to be consecrated to the Honour of the Holy One of Israel." A similar letter was sent to Mr. N.M. Rothschild (Canadian Jewish Archives, original series, no. 1, Aug. 1955, Pp. 4-5).

This letter was not sent to the Ashkenazim of London offhandedly, even though we do not know what motivated that decision. For at this time already the dominant Benjamin Hart was concerned with the Sephardi-Ashkenazi dimension of the congregation being organized.

Rabbi Solomon Hirschell (1761-1842) was not of the Portuguese Jews but chief rabbi of the Ashkenazi community and, of course, no one was more Ashkenazi than N.M. Rothschild, as both their names also testify.

Certainly the Montreal community knew that Rabbi Solomon Hirschell was in office since 1822, and that by 1825 the three Germanic communities of the metropolis had united under his religious leadership. (A.M. Hyamson. A History of the Jews in England. London, Chatto and Windus, 1908. Pp. 307-8)

Isaac Valentine, the brother-in-law of Moses Judah Hays, probably was no Sephardi, and he must have surely received the consent of his richer kinsman to address themselves to the London synagogue which by now was becoming the wealthier, if only for the name of Rothschild. Benjamin Hart may not have been consulted, or else he concurred.

It is interesting to note also that in these letters the president of the congregation denotes the legal foundation of the synagogue to be built, firstly, upon the act of 1832 granting Jews in the colony full political rights, and only secondly upon the 1831 act recognizing in law the rights of the Jews to a congregation and establishing the legal procedure for the organizing of this synagogue.

"No Dutch will Ever Have"

A surviving letter from Hart to Valentine dated a year later, on Oct. 14, 1833, is revealing of several of Hart's concerns and of his plans of action which, in effect, shaped the history of the congregation for a century. (Canadian Jewish Archives, original series, no. 1, 1955. p. 6)

His first sentence set a basic premise and condition: "provided we have a Portuguese Shul." (We will forgive the inherent contradition between the Yiddish noun and the Iberian adjective. But the entire letter is full of Yiddish constructions, and this from a man born and brought up in remote Trois-Rivières!)

There survives an undated scrap of paper, probably in Benjamin Hart's handwriting, with his resolution, seconded by D. David, that,

"Resolved agreeably to the conditions which headed the subscription list for building that the Montreal Jewish Congregation shall hereafter adopt and follow the Portuguese service of Prayer and Ceremonies and that no person shall be allowed hereafter to officiate in the Synagogue except in the Portuguese form of Service."

As he did so often, Benjamin Hart sought legal assurance for his ends: "It is full time to make by-laws."

The intention was to remain "perfectly secure from the Dutch, German...No Dutch will ever have our Shool for their own."

The strategy: "We are three which carries all, and no one can go against the same...

"...So that we hold the force in our hands, if only quarrels can be kept out."

There was contempt for other Jews. The several Ashkenazi Jews who have arrived more recently, "strangers to you, have all told me they prefer our ceremonies to their own... Perhaps would hold out at first, though I do think they would all purchase seats and pay for them, in the end...They are themselves ashamed of their ceremonies."

He looked ahead at the prospective membership: "Our young are numerous," and he named the juniors coming to maturity. In fact that plan did not come into reality.

But the danger which he foresaw of newcomers discarding the Sephardi ritual never developed. As more Ashkenazi Jews joined within the decade, and during the many decades, they accepted the Sephardi rite as loyally as Hart himself did. Those who wanted their own rite formed their own congregation, with the blessing and cooperation of such leading members of the older congregation as Isaac Valentine himself.

Another of his continuous concerns appears in the historic letter to Valentine: the fear of the Montreal mob which was common among the well-to-do in the colony and which was to play a remarkable role in his life and in the biography of his associate J.M. Hays, later to become the head of the police force.

He proposed a change in the lot which was being purchased for the synagogue. "I would recommend to exchange it for a middle lot on the other side. My reasons are: to build on a corner you have two faces to make, each at a cost of £100. The entrance must be on the rear; and the Shool much exposed to bad characters to break the window glasses, etc. On a middle lot on the other side, you have but little frontage with a proper entrance; the shool more safe from bad characters, and room hereafter to build a house...

"No synagogue should be built on a corner lot of two streets in a country like Lower Canada...To build in the centre of the lot will require a stone wall around the lot to protect the building from insult and ill usage. This will be a heavy charge," he repeated on Jan.7, 1835. He felt strongly enough on this to offer to resign on the issue.

Within the decade Benjamin Hart's confrontation with the violent men of the period entered the tragic history of the age.

His close colleague Moses Judah Hays was also to know of the dangerous and unruly Montreal crowd. They burned the parliament building, and Hays had occasion to provide the legislature with a temporary home in 1849 in his theatre on Place Dalhousie (Place Viger) from Apr. 26 to May 31 when his tenants removed from Montreal.

Hays knew them more closely through his position as chief of Montreal police (1845-61). (Canadian Jewish Archives, no. 19, Pp. 258-60; Cahiers des dix, no. 25, 1960, P. 229)

South of the synagogue lot, adjoining it along Chenneville Street towards Dorchester, was the Protestant cemetery, as is indicated by a detailed map in the Anglican Parish Review, special 1928 issue from the Church of St. John the Evangelist on its jubilee. (P.14)

By 1834 the decision to build a synagogue was firming up.

A meeting of members was convened for Jan. 13 of that year at the Albion Hotel, but it was adjourned for a week "due to the absence of some members."

But the meeting took place on the 16th. The secretary, I. Aaron, "received from M.J. Hays "2 Pentateuchs and dresses, 1 coronet and a piece of silk. From Benj. Hart, 1 Pentateuch and 1 pointer, now deposited in the synagogue at B. Hart's. Pentateuchs have been examined, 2 found fit for use; other might be made serviceable with a little expense, cannot be used as is now."

E.D. David reported that his overseas quest for aid for the synagogue yielded only a £5 contribution from Moses Montefiore. (Canadian Jewish Archives, new series, no. 19, P. 92)

Cornerstone Truly Laid

On Dec. 23, 1834 it was decided to advertise for tenders for the erection of the synagogue.

There survives an estimate signed by President I. Valentine, and Hayes and Hart as Trustees, of the "Amount required to Build and Complete the Synagogue at Montreal, Lower Canada." The lot cost $1,400; the masonry, excavating, carpentry, roof, etc. $2,700. In addition, for completing the building, plastering, carpentry fitting and finishing the interior, iron railing, fencing, etc., $2,000; contract with James Peddie, mason, $1950; contract with Jacques Lapierre, excavating $60, and with Crockford, carpentry, roof and floor, $700.

Another of Benjamin Hart's articulate scraps of paper notes that "The Silk to Trim the Ark etc. will cost £40, taken from Seat Money." It also recalls that "Notary Gibbs says Mr. Franks left in his Will a Legacy of Cash to the Shool."

If the lot being considered by the congregation in 1832 was indeed on St. Urbain St., it appears that Benjamin Hart's objections were sustained and the congregation purchased another lot from Mme. Laroque, Mme. Quesnel and their associates. (Canadian Jewish Archives, original series, no. 1, 1955, P.9, and no. 2, 1956, Pp. 6-8) The transaction was formalized June 30, 1835, a month after the laying of the cornerstone of the synagogue.

The cornerstone of the new house of worship was laid by young A.H. David, grandson of Lazarus David and of Aaron Hart, on June 1, 1835, and the story of its continuity was told 52 years later when "This casket was taken out of the Corner Stone of the last building occupied by the Congregation of Spanish & Portuguese Jews on Chenneville Street and was removed to the Stanley Street building when the cornerstone of the latter edifice was laid. Upon opening the casket it was found to contain the following articles:-

"I - Three plates taken from the cornerstone of the first building erected by this congregation in 1777 - one plate bearing a perforated inscription in Hebrew, the other two bearing the names of Andrew Hays and his wife Braney David (two of the founders of this congregation). These were wrapped in vellum with explanatory inscriptions signed by M. J. Hays.

"II - On another piece of vellum was a narrative of the laying of the Corner Stone of the Chenneville Street building, which ceremony was performed by Moses E. David on the 1st June 1835 - Sivan 5595. The narrative also gave a list of the members, subscribers &c.&c.

"III - Old coins taken from the Corner Stone of the first synagogue erected 1777 - 5537 and also coins that had been placed in the Corner Stone of the Chenneville Street Synagogue in 1835 - 5595.

"IIII - Copies of the Montreal Herald & Morning Courier for 1835.

"All these articles were placed back in this casket and sealed up again and they will still be found herein.

"Dated 4th Tishri 5648 -- 22nd September 1887."

There survives a sketch plan of this early synagogue from the hand of Benjamin Hart listing the charges for each of its 61 seats. The general plan of the building was followed.

The synagogue was a hollow square, with the Ark occupying one wall. The two walls descending from it each had two parallel rows of ten and fifteen seats; facing each other, not the Ark. There were no rows of seats across the main space facing the Ark filling the centre floor space, as is common today. There was a row of ten seats along the back wall.

All these seats were reserved for the men.

A ladies' gallery, with three rows of seats totalling 30, faced the Ark from above the back of the room.

Prices for men's and ladies' seats varied according to proximity to the Ark.

The First Contributors

Hart was one of the five trustees to whom the lot on Chenneville St. was formally transferred June 30, 1835, -- the lot on which the synagogue was later built. (Canadian Jewish Archives, original series no. 2, June 1956, Pp. 6-8) Another trustee was Isaac Aaron.

In July 1835 Benjamin Hart, together with his fellow-trustees M.J. Hays and I. Valentine, president, addressed a beautifully scripted circular "To our Brethren in Israel in the United States and British North America.

"Resolution having been concurred in by a general meeting of the Israelites of Canada held in this city in January 1835 for the purpose of establishing a Congregation and for the erection if a suitable edifice to be dedicated to the service of God, we now on their behalf beg leave to submit to your attention a few Remarks together with a statement of the various subscriptions and expenses incidental to the Erection of a new Synagogue.

"The congregation in this City is small, the residents not exceeding Fifty persons and on perusing the list of Donations you cannot fail to observe the liberality displayed by every member composing it and their anxiety to have in British North America at least one Synagogue where they can meet to offer up their prayers to their Maker and to observe the tenets of our Holy religion.

"When soliciting their mite they can only add that, in the disposal of the subscription, every regard to Economy will be observed. The Building in itself being far advanced in its Exterior structure, they are truly desirous for its completion ere the New Year.

"Any Contributions will prove highly acceptable and will be remitted us by Messers. I.L. and S. Joseph of New York, who have kindly acceded to our wishes in receiving the same."

Such letters to the mother communities of Great Britain and the U.S. were frequently sent by emerging congregations on the continent.

The petition was accompanied by a "List of Subscriptions" which is a veritable directory of the Montreal community -- with other significant names as well, not the least that of Sir Moses. It is well worth reproducing:

List of Subscriptions towards the Erection of a Synagogue in Montreal, Lower Canada

Mrs. Frances Michaels, Montreal	$1000	
Legacy of the late D.David,Esq.	400	
The executors of the late D. David, Esq. for the site of the old synagogue	600	
Benj. Hart, Esq., Montreal	200	
Mrs. Charlotte David	100	
Moses E. David, Esq.	100	
Mrs. Henry Joseph	120	
Isaac Valentine, Esq.	100	
Mrs. Phoebe David Valentine	100	
Moses Judah Hays, Esq.	100	
Mrs. Abbey Levy Hays	100	
Eleazar David David, Esq.	100	
Aaron Hart David, Esq.	100	
Mrs. Catherine Solomons	100	
Mrs. Rachel Hoofstetter	50	
Jacob Joseph, Esq.	40	
Mr. Abraham Joseph	40	
Aaron Philip Hart, Esq.	40	
Moses Hart, Esq., Three Rivers	40	
Samuel B. Hart, Esq.	40	
Mr. George Benjamin, Montreal	20	
Mr. Moses E. David	20	
Charles E. Levy, Esq., Quebec	21	
Messrs. A.W. Hart & Co., Toronto	40	
Messrs. Hart Brothers, Kingston	20	
Mrs. Widow Binley	40	
A. Samuels,Esq., Miramichi	20	
Isaac P. Cohen, Esq., Baltimore	50	
Mrs. Frances Hays Cohen	50	
Samuel Hart, Esq., London	60	
Moses Montefiore, Esq.	22	$20
	$3833	$20
From Moses E. David, Esq., Montreal for the Honor of placing the Corner Stone	200	
	$4033	$20

It consists largely of the one extended Hart family and its Mechutanim, corelatives in genealogical language, almost all the contributors in three figures, and most of the rest.

Dr. Aaron Hart David comes into importance at this period in our history. (Canadian Jewish Archives, no. 19, Pp. 100-6)

With the first revolt, on Nov. 16, 1837, he was promoted to Assistant Surgeon in the Volunteer Rifles (Montreal Herald, May 16, 1838)

Together with Benjamin Hart, T. Hart and M.J. Hays he attended His Excellency's levée on July 9, 1838. (Ibid. July 9, 1838)

The Montreal Herald of May 23, 1838 reported the coroner's jury session on the fatal shooting of Major H.J. Ward of the First Royals in a duel with Robert Sweeney.

"Dr. A. H. David deponed that on an external examination of the body, he discovered a gun-shot wound in the right side which had fractured the 7th rib and had taken a direction backwards and downwards, coming out on the left side about ½ inches lower than the wound on the right side and also wounding the inner part of the left arm, corresponding to the wound of the left side.

"A large quantity of blood had evidently escaped from the wound, but does not know if enough of itself to cause death.

"The jury then decided that Dr. David should open the body, which he did and he gave the following additional testimony.....

"Identified the body of that as the deceased Major Ward, he is of the opinion that the right arm must have been raised horizontally or drawn back in a constraint position, or it could have been injured by the bullet. .."

The 1841 census lists him as residing in a single-family, three-storey stone house at 146 Craig St.

The 1861 census lists Dr. David as residing at 146 Craig St. with his wife Catherine and his children: Ian (2), Matilda (7), Tucker, Fanny and Sullivan.

His son-in-law, David A. Hart, the son of Moses Hart, was principal of the Collegiate School at 12 Great St. James St. He resided at 193 St. Lawrence.

His 21-year-old brother, Moses Samuel David, was promoted to cornet with the Royal Montreal Cavalry on Nov. 15, 1837.

We hear of him in the Herald of June 19, 1838 in a capacity of historic civic significance,

"On Sunday evening the annual procession of the Fête Dieu took place, and was as usual attended by the whole Catholic population of all ages.

"Cornet David and a detachment of Royal Montreal Cavalry headed the procession which was guarded by two flank companies of the Royal and 43rd regiments, and accompanied by the band of the Royals which played a variety of appropriate airs. The canopy covering the Host or emblem of visible presence of the Deity is new and composed of the most gorgeous material, and was borne by the most respectable Catholics in the city. Flowers were scattered and incense offered up along the whole line of march, from and to the cathedral by St. Joseph, Commissioners, McGill and St. James streets. The priests and nuns in the appropriate dresses of their orders, with the children under their charge, formed an imposing part of the brilliant spectacle. The sides of the streets were as usual lined with trees.

"Nothing could possibly display in a stronger light the religious freedom and toleration which characterized the institutions of this colony and the character of its Protestant inhabitants than the sight of Sunday, forming a striking contrast to the parchment freedom and actual despotism existing in the United States.

"Cornet David, who headed this Roman Catholic procession, is a Jew. The officers and men of the two regiments which formed the guard of honor on the occasion are Protestant and the servants of a Protestant Queen, and the houses of Protestants along the line of march were adorned with festoons equally with those of the Roman Catholic fellow subjects.

"Bitterly would the Canadians lament their independence of Great Britain as it would inevitably be the forerunner of religious persecution and political slavery."

The Montreal Herald of Nov. 18, 1837 reported that M.S. David had passed his examination on the 16th last, as an advocate and solicitor for this province.

He purchased a seat in the synagogue in 1838 and was elected president in 1847. (Sack. History of the Jews in Canada. 1945, pp. 120-22; Canadian Jewish Archives, no. 19, p. 110; no. 20, pp.152-53)

The names of the Scattered of Israel, in Miramichi, Kingston, Trois-Rivières, Quebec:

Trois-Rivières had a Jewish family community of its own, eighty years old by this time. But Quebec, just as old, did not, and was not to have its own community life for decades. A.W. Hart of Toronto, son of Benjamin, was the harbinger of a great community to develop, with some moral guidance from Montreal, in the decades ahead.

Whoever the Hart brothers of Kingston may have been, they were probably among the first Jews in Ontario. Even a dozen years later, in 1851, there were still only 2 Jews in Kingston, 4 in Hamilton and 1 in Uxbridge, beside the 57 then in Toronto. Even in 1861 there were only 5 in Kingston. (L. Rosenberg. A Gazetteer of the Jewish Communities in Canada. Montreal, Canadian Jewish Congress, 1957)

We read of the Kingston family in an advertisement in the Montreal Herald of Nov. 17, 1835,

"Whereas Charles Willard of Kingston, the partner of the firm of H. Hart and Company of Montreal and Charles Willard of Kingston, with a view to injure the subscriber, inserted a notice, 'The undersigned, therefore, hereby notifies all to whom it may concern that he has taken measures to obtain an adjustment of the affairs of the firm, according to the intent of the articles of co-partnership, signed in Kingston July last, with a view to satisfy the claims of both persons to whom either of the said firms may be indebted. Notice is also hereby given that from this day forward, the said firm stands dissolved and that the said Charles Willard is not authorized to grant any acquittance in the names of either the said firms whereof the subscriber was, by the said articles of partnership, constituted the chief partner. The statement of the affairs of the said firms, which will effectually contradict the tenure of Charles Willard's motion, may be seen by those concerned on application to the undersigned at his office at St. Francis Xavier Street, Montreal.'"

A little-noted document dated Nov. 10, 1836 indicates "That Samuel Liebshitz, a German Jew and founder of a village he called Jewsburg in the early thirties of the past century, was one of the first storekeepers in Preston.

"That he later returned to Jewsburg, which is now known as German Mills, to operate a store and a mill there...he eventually gave up the store and devoted his time exclusively to the business of milling.

"That some indication of the businessman Liebshitz was can be learned from the following notice which he issued to his customers:

"'All those indebted to the subscriber in any manner, are most earnestly called upon to settle their respective accounts on or before the first day of January next. All kinds of country produce will be taken in payment at fair price. Those concerned and duly attend to this notice, can calculate on a renewed credit; and those neglecting it, may expect a call from the constable.'

"Samuel Liebshitz, Jewsburg."

The Saga of the Michaels

The hero of this story or legend is Myer Michaels, whose wife was born Frances David, daughter of Lazarus David, on whose land the first synagogue had stood half a century earlier. (Canadian Jewish Archives, no. 21, P. 88; no. 23, Pp. 37-39)

Years later David Moss recalled Hart's efforts to raise funds for the synagogue, largely unsuccessful -- but for the legacy of Mr. Michaels. (Jewish Messenger, Aug. 25, 1865)

Mr. Michaels was one of the signatories of a 1778 founding document of the congregation.

A promissory note exists for £ 373 Halifax currency signed by J. & F. Loselle Co. of Montreal to Myer Michaels, dated Sept. 6, 1798.

He served as lieutenant with the British forces during the war of 1812-14.

Mr. Michaels had died some twenty years before the 1837 construction of the synagogue. There survives an invoice of date of Oct. 14, 1818 from the estate of the late Myer Michaels to the City of Montreal for twelve shovels for use on the roads. Approval of the claim is countersigned by J. Delisle, Etienne St-Dizier and D.R. McCord and Jacques Viger, administrators of the affairs of the city. (From bookseller's catalogue)

Myer Michaels, a Hayes on his mother's side, had died in 1815 so that his connection and injunctions related to the generosity of Mrs. David and the other members of the David family in 1837 remain unclear. (Canadian Jewish Archives, no. 19, Pp. 73-74)

Indeed, when the synagogue was built, Frances David headed the list of contributors with the rich donation of $1,000. From an examination of the 1835 list of donors it is clear that the motivation was not the Portuguese Michaels, but the David family tradition already half a century old. The contribution of this family totalled $3,000 of the $4,000 collected.

We have noted the very unusual appreciation by the community of her role in this effort. (Canadian Jewish Archives, new series, no. 19, Pp. 73-74)

A late 19th century report, by H. Bernstein in the Hamelitz, gives us the then current version of this Montreal story.

"Even though there is not a single native of Portugal among the members of the Portuguese Congregation, this group is so named after its founder who was a native of Portugal, and this is what has happened: In this city, there lived a wealthy man who was a native of Portugal. He was childless all his life, and when his end approached he left in the hands of his wife a considerable sum to build a synagogue and to establish a congregation which would be known by the name of the land of his birth, and in which the rites of the Portuguese would be observed as long as this house of worship stood. The widow fulfilled the wish of her late husband and handed over the fund to 10 men who were natives of our own country and they established this congregation and built the House. But since the Portuguese customs and the Sephardic rites were strange to them and they knew little about it, they turned to the saintly lord, Moses Montefiore, may God lengthen his years, and asked him to be so kind as to send them a Portuguese minister who would come to them and teach them the customs of the Sephardim. The lord fulfilled their request and sent them a man who had served as minister and preacher in the Portuguese Congregation of London for some time, by the name of Dr. de Sola..."

One confirming element of the Michaels' Portugal version is that the Montreal synagogue was popularly known as the Portuguese and not as the Spanish and Portuguese until 1840. An act of the legislature formally added the Spanish term in 1890.

Fanny M. David, in her capacity as secretary of the Ladies Benevolent Society, publicly thanked Captain John Neill of the ship Robertson of Greenoch for "your attention on more than one occasion to individuals that the society had to send to their friends in England, for your kindness to them on their passage and, after landing, through your interest in getting them conveyed to their destination." (The Montreal Herald, Nov. 13, 1838)

M.J. Hayes and Isaac Valentine as executors advertised, "All persons indebted to the estate of Mrs. Frances Michaels are requested to pay the amount of their accounts without delay; those having claims on same will please send in their accounts, duly authenticated, to the undersigned for settlement." (Dec. 11, 1838. Montreal Herald)

Auction sale by Bethune and Kittson:

"Valuable sale of household furniture, carriages, plate and effects, on Thursday, Dec. 20, 1837 and the following day at the dwelling house of the late Mrs. Michaels on Great St. James St., the whole of the effects pertaining to her estate amongst which will be found:

"A handsome zeban wood drawing room set of furniture, mahogany side board, handsome set of dining tables, mahogany and other chairs, mahogany wardrobe, mahogany and other bedsteads; sofas, Brussels carpets, damask window curtains, splendid mirrors, an excellent 8-day time piece, feather beds, curled hair mattresses, floor oil-cloths, fenders and fire irons, a splendid china dinner set, china tea and coffee set, handsome dessert sets, fine cut glassware, ivory-handled knives and forks in mahogany case, a variety of stoves, kitchen utensils.

"Also about 450 ounces silver plate, a four-wheeled carriage, a half-covered cabriolet, a double set of harness, brass mounted, the plate and carriage will be put up at 2 o'clock on Thursday.

"Catalogues will be published two days before the sale at which time the furniture may be seen. Sale each day at 10 o'clock."

Professor in Montreal?

Another scrap of paper, not much larger than an oversized postage stamp, provides us with a vivid picture of the Sabbath morning service in Montreal at this time.

Dated Saturday, Oct. 7, 1837 it lists five members of the community and the contributions they promised that day: Theodore Hart, 20/-; Jesse Joseph, 20/-; Moses S. David, 10/-; Washington Hart (not otherwise known to us), 7/6; Abraham Hart, 20/-. It notes "Tora. Washington Hart." Solomon Benjamin is listed without an amount. Hirschfelder is listed as "not at Shool"

The Montreal Herald of Nov. 28, 1837 prints the official notice of appointment by the secretary of the province, dated Nov. 22nd, of Moses Samuel David to be barrister, advocate, attorney, solicitor and proctor in all Her Majesty's Courts of Justice within this province. dated November 22.

It is very likely that the Hirschfelder mentioned on this note was Moses Jacob Meir Hirschfelder who a decade later was tutor in Hebrew at King's College in Toronto, and thus the first Jewish member of a university faculty in Canada. Speisman places him in Toronto in 1840.

Hirschfelder is a controversial personality in Canadian Jewish history (Mel Starkman. "A Meshamud (sic) at the University of Toronto," in Journal of the Canadian Jewish Historical Society, vol. 5, no. 2, Oc. 1981. Pp. 70-90; D. Rome. "First Jewish Professor in Canada" in Daily Hebrew Journal, Dec. 12,1940).

He might have been, simply, a convert from Judaism who with difficulty acquired status in the Toronto college, like Helmuth who in due course became Bishop of Huron, or the Quebec rabbi Freshman who did not rise to such dizzy heights in the Wesleyan church. What might strike some readers is his persistent lofty devotion to the spirit of Hebrew literature as well as to the thought patterns of Hebraic tradition.

Noting this it is tempting to relate him -- even in the absence of documentary proof -- to the tradition of such nearly contemporary Jewish scholarly converts to Christianity as Johan Christian Ginsburg who is said to have explained his conversion in very Jewish chatting with friends as deriving from "conviction, the conviction that it is better to be a world famous Old Testament Hebrew scholar and the librarian of the great Royal Asiatic Library of Hebrew documents in St. Petersburg than a hungry Hebrew teacher in a tiny Russian village."

All the more so as there is no sure document or clear word from him that he ever actually did convert. From that, admittedly unsure perspective, his Toronto biography becomes a gripping drama of a Jew seeking to live in an academic society where the communion is the sine qua non to entry. Possibly hence the story of his penury, his avoidance of occasion where the crucial question might be asked, the discrimination and suspicion from Christians, the excommunication by Jewish historians a century later; possibly martyrdom which is marginal in the realms of the higher spheres and in the memory on the lower spheres.

Starkman notes "ample evidence that he was discriminated against. Had he been born a Christian he would not have been meted out the same treatment, would have been accorded his Professorship and would not so easily been lost in the memory of Toronto and in particular the University he served for forty-five years. It is worthy of note that in the very same Order-in-Council that noted Hirschfelder's retirement and $1,000 retirement allowance, his successor McCurdy was given the Professorship. We also have to take into account Hirschfelder's alleged Germanic background as a possible causative factor in how he was regarded and treated. Toronto was a British city." (P. 86)

Speisman says, "Hirschfelder's name leaves little doubt as to his religious background; and yet prior to the secularization of King's College in 1850 only professing Christians could teach there. Hirschfelder died an Anglican (he is buried in St. James' Cemetery) but whether he converted upon his appointment in 1844, or whether he left Judaism while still in Germany remains a mystery. In any case, he was highly respected in his position, which he held until his retirement in 1888, and he moved socially in the upper stratum of Toronto Christian society." (The Jews of Toronto, A History to 1937. Toronto, McClelland & Stewart, 1979. P. 15)

H. Bernstein taught Hebrew and German languages, mercantile accounts and bookkeeping. He addressed "the clergy and gentry of Montreal that he continues to devote his time in giving instruction in the above which, from long experience and continual practice, he has acquired a peculiar mode of imparting so as to ensure the success of the student.

"The reading of each language taught in one lesson.

"Orders left at Mr. H. Myers, Furrier, Notre Dame St. will meet with punctual attendance." (Montreal Herald and Daily Commercial Gazette. As early as May 23, 1837 or earlier; as late as 1839)

We note Bernstein attending the meeting of the congregation on Oct. 10, 1837.

H. Bernstein inserted an additional advertisement in the Montreal Herald of July 20, 1838, in which he announces himself as "teacher of Hebrew and German languages, mercantile accounts and book-keeping. His address for this purpose is 'The New Synagogue Building.'"

The arrangement Mr. Bernstein made with the synagogue was unlikely to have consisted of rental of space. It must have included instruction in Hebrew to the children of the community. In such a case, this may be the first reference to community arrangement for the Jewish education of their children.

Minister for the Register

At this time the five-year mandate of the trustees elected in 1832 expired, and Judge Pyke granted permission for a meeting of the registered Jewish residents to meet on Oct. 10, 1837 under the chairmanship of Mr. Valentine. This time the meeting took place in the office of the Montreal Water Works, owned by M.J. Hays. (Canadian Jewish Archives, new series, no.20, Pp. 250-53) Nine attended the meeting, all of them members of the Hays-Hart-Joseph-David family, except for Mr. Bernstein. The election resulted in the choice of trustees: M.J. Hays, Valentine, B. Hart, J.H. Joseph and A.H. David. (Canadian Jewish Archives, original series, no. 1, 1955. P. 15)

When Valentine agreed at this meeting to act as minister pro tem, officiating at services was not a major concern. The incorporating act permitted the congregation to nominate a minister to register births, marriages and deaths. In order to formalize his status A.P. Hart, who acted frequently in various legal matters for the congregation (Canadian Jewish Archives, new series no. 26, Pp.38-41), and E. D. David were requested to draw up a petition to the governor in regard to his appointment.

A much later congregational document (ca. 1890) begins,

"The first one to officiate as minister of this congregation was Mr. Valentine. Then Rev. Mr. Piza who was succeeded by the Reverend Abraham de Sola, L.L.D., in 1847."

The meeting also authorized arrangements with Mr. Whitelaw for the finishing of the building according to plans approved by M.J. Hays.

Bye Laws of 1838

This meeting decided that a code of rules and regulations for the congregation and the Beth Haim should be drawn up. Dr. A.H. David and Isaac Valentine were assigned the responsibility.

Rabbi Solomon Frank wrote of this meeting of Oct. 10, 1837,

"At this meeting there is intimation of the arrival of immigrants who followed the Ashkenazi ritual. Hard and fast rules are reiterated governing the conduct of the services: 'No person shall be allowed henceforth to officate in the Synagogue except in the Portuguese form of service.' Furthermore, 'that all persons joining the congregation shall be required to sign a writing binding themselves to conform to the rules and regulations to be made by the trustees.'

"In the absence as yet of a minister, they requested Isaac Valentine to serve as the minister pro tem with authority to register births, deaths and marriages, and that 'a petition be presented by the Governor for his appointment in accordance with the statute in such a case made and provided.'

"On the 27th of June, 1838, a new set of by-laws was adopted. It reiterates that 'The fixed prayers shall be read in the Hebrew Language according to the custom of the Spanish and Portugues Jews.' This, too, was doubtlessly motivated by the presence of immigrant Jews who persisted in following the Ashkenazi rite." (Two Centuries in the Life of a Synagogue, P.59)

But one clause was determined by the meeting. Upon the motion of Benjamin Hart, seconded by D. David, "Agreeable to the conditions which head the subscription list, that the Jewish Congregation shall hereafter adopt and follow the Portuguese Service of Prayers and ceremonies -- will only use official Portuguese form of Service from now on." In the final version as printed in its Bye Laws of the Congregation Kahal Kadosh Shearith Israel of Montreal (Montreal, printed by James Starke, 1838, 8 p.), the first clause in Chapt. 2, Of the Prayers, stated,

"The fixed Prayers shall forever be read in the Hebrew Language, according to the custom of the Spanish and Portuguese Jews, and no other." (Canadian Jewish Archives, original series, no. 1, 1955, Pp. 10-14)

The devotion to the Sephardi rite in the Montreal synagogue is the more impressive in the virtual absence of any Sephardim in Canada at the time.

Louis Rosenberg clarified this again in a letter to Dr. Henry Ballon on Aug. 7, 1959,

"There were very few, if any, actual Sephardi Jews in Canada in the period from 1760 to 1846, despite statements to the contrary.

"So far as I am aware, Andrew Hays, the father of Moses Hays, was the only true Sephardi who was a member of the Spanish and Portuguese Congregation when it was founded in 1778 in Montreal.

"Aaron Hart of Three Rivers was definitely an Ashkenazi, born in England of parents who came from Bavaria, and so far as it has been possible to ascertain, he was never a member of the Spanish and Portuguese Congregation in Montreal. Further proof that he was an Ashkenazi is the fact that when the first Ashkenazi prayer book with an English translation was published in London in 1770, it is recorded that Aaron Hart and his wife, Dorothea Hart, ordered the Ashkenazi siddur from London before publication date, which a Sephardi would not have been likely to do.

"Samuel Judah, from whom the Judah family in Canada is descended, was a cousin and brother-in-law of Aaron Hart; and Henry Joseph, the ancestor of the Joseph family in Canada, was a nephew of Aaron Hart and may therefore be safely presumed to have been of Ashkenazic origin. The six or seven other Jews with Spanish names who were of Sephardic origin only stayed a few years in the Province of Quebec and subsequently left for New York or other settlements in what is now the United States.

"Until the arrival of the Rev. Abraham de Sola from England in 1846, the Shearith Israel Congregation in Montreal was a congregation following the Sephardic ritual, whose membership was almost entirely Ashkenazic."

A similar assurance that Yiddish and German shall not have a place in the synagogue was inserted in Chap. II that "the Parnas may, on a public thanksgiving or any other occasion, direct the Hazan, or any other suitable person, to deliver an address or sermon in English."

The assistance of a Hazan, Shochet and Shamas is provided for. We notice that the congregation was providing itself with a virtual staff.

The Parnas was a layman acting in an honorary capacity.

They had arranged for Mr. Valentine to act as minister and to keep a register of births, marriages and deaths; but he was a prominent founding member of the congregation, married into a leading family, and his services were probably given gratuitously. But the provision was for a more permanent, professional spiritual leader and Hazan.

We also note details of the services to be rendered by a Shamas and a Shochet.

This could and soon did alter the nature of the synagogue and its daily life.

The fees the Hazan may receive for performing the marriage ceremony, circumcisions, "burial services, with attendance at the House of mourning during the seven days", and naming a child are specified; similarly the fees for the Shamas for attending at a marriage, circumcision and a funeral are all fixed. (Chap. IX)

The David family interest in the burial ground of the community is enshrined in the bye laws (Chap. XI),

"Ninety feet of the New Ground, immediately adjoining the Old Burying Ground, remain in the possession of the heirs of the estate of the late David David, Esq.

"That the Ground given to the Congregation by the Executors of the estate of the late David David, Esq. shall be under the sole management of the trustees for the time being."

When the bye laws were adopted on July 3, 1838, under the presidency of B. Hart, with A.H. David, M.D. as secretary, they became historic in several senses:

The document is the first attaching the name of Shearith Israel, presumably relating to the New York congregation, to Montreal. Very few references to the Hebrew name occur in the early years.

The 1890 petition for an act to change the name of the Corporation of the Portuguese Jews of Montreal to the Corporation of Spanish and Portuguese Jews Shearith Israel of Montreal mentions "the Hebrew name Shearith Israel, by which the said congregation has always been known".

J. D. Borthwick notes the name in his 1892 History and Biographical Gazeteer, (pp. 477-79).

Even the printed receipts which the congregation sent to such members as Moses Hart (in Aug. and Sept. 1838 for offerings on Aug. 18, 1838, 10/-; and for his seat for twelve months, £3.0.0) bore the name of the Montreal Congregation of Israelites (signatures of B. Hart and J.H. Joseph; Hart Papers. Séminaire des Trois-Rivières, A-H-3).

The receipt which M. Hart received at this time from New York was from the Congregation of Shearith Israel, signed by David Valentine.

A clause in the bye-laws bestows upon the Parnas "the power at his discretion to cause to be given to any person professing Judaism, whom he may deem an object of charity, any sum not exceeding four dollars. This recalls that the congregation was the only Jewish institution in the country for many years and fulfilled several functions beyond the religious, functions for which in the course of time specialized Jewish agencies were established. (Chap. 3, clause 2)

A socially very important chapter in the bye-laws intended "To Promote Solemnity and Order" deserves special attention.

"Every member of this congregation shall, previous to the singing any psalm or prayer, remain silent until the Hazan signify the tone or key in which the same is to be sung, when those who are so inclined may then join therein, with an equal voice, but neither higher nor louder than the Hazan.

"No children of either sex, under the age of three years, shall be admitted into the Synagogue under any pretence whatever.

"All umbrellas and canes, except those carried by lame persons, shall be left at the door.

"All garments taken off shall be deposited in the room outside for that purpose, unless the owners thereof put them in their own seats.

"Any person or persons leaving the synagogue, shall retire in a quiet and orderly manner, and avoid going out together or in bodies, more particularly during the reading of the Tora and Haphtora.

"Any person or persons infringing the above laws shall be admonished accordingly." (Chap. 5)

Bearing in mind, as Benjamin Hart certainly did, that the community was receiving a possibly growing number of arrivals from eastern Europe, where a very different tradition concerning the synagogue deliberately laid less stress on decorum and on order in the house of worship, the framers of the constitution of 1838 were carefully protecting the atmosphere of the London and New York synagogues of the period.

The bye-laws provided for Matzos for the Passover by the procuring of a suitable person to superintend the baking of the Passover Bread. The ancient Mitzvah of Moess Chittin was perpetuated by ensuring that those unable to pay for their Matzos shall receive their needs. (Chap. 8)

Consecration of Synagogue

Rabbi Solomon Frank notes that on July 5, 1838 the president of the congregation wrote to Abraham Hart in London that "the synagogue will be completed within a month." He blames the delay on the serious troubles of the time.

Rabbi Frank also notes that the minutes of Sept. 17, 1838 refer to the forthcoming "consecration of the Synagogue, which ceremony will take place on Wednesday next at three p.m.", and that "attendance will be limited to members of the Congregation." (Two Centuries in the Life of a Synagogue. Pp. 59-60) The last phrase about limited attendance possibly refers to the probable absence of some new Jewish residents of Montreal who are not yet within the congregational structure.

The Montreal Herald of Tuesday, Sept. 20, 1838 carried the following item:

"Yesterday afternoon (Monday, Sept. 19) at 3 o'clock the synagogue of this city was consecrated according to the forms of the Jewish religion.

"The officiating priest was Mr. Levy from New York whose fine musical voice and eloquent delivery added greatly to the solemnity of the scene.

"The synagogue is a remarkably neat building of the Grecian order of architecture, and the interior arrangements are very good. The male members of the congregation sit in the body of the church, and the female in the gallery erected opposite the altar. The former wore their hats during divine service which consists of chanting and reading in the Hebrew tongue.

"The singing was very good and the Jews reminded us strongly of those plaintive airs adapted to the psalmody of the Church of Scotland.

"Mr. Levy addressed the congregation and strangers present in English, adverting in feeling language to the antiquity of the Jewish religion, its grandeur and glory under Solomon, its subsequent decay, the persecutions endured by those who adhered to it, the unity of the children of Israel, the freedom they enjoyed under the British government and their unshaken loyalty and fidelity. The strangers present were highly gratified."

A.D. Hart records that the synagogue was consecrated and opened on Aug. 25, 1838, with Myer Levy officiating. (The Jew in Canada. 1926. p. 537)

Abraham Joseph records meeting Myer Levy in the Montreal synagogue on Yom Kipur 1842. Levy assisted the Rev. Piza in reading the service.

He is mentioned in the 1844 minutes of the congregation as residing in New York and having on former occasions kindly "assisted in reading the prayers."

We also have the list of the 34 men and the 23 ladies who purchased tickets in Aug. 1838, for the first High Holy Days in the new synagogue. (Canadian Jewish Archives, original series no. 1, P. 16)

Benjamin Hart might have been reassured at first glance at the arithmetic. Of the 34 men in the prayer hall and the 23 ladies in the gallery, 20 men bore the names of the pioneer families. (8 Hart men and 4 ladies; 5 Hays-Valentine men and 4 ladies; 4 Joseph men and 4 ladies; 3 David men and 4 ladies, a Mrs. Judah and Mrs. Hoofstetter)

But there were new names: 5 Solomons men and 5 ladies; Mr. Aarons with 2 ladies; 2 Jacobs; there were Levy, Binley, Friedlander; most important in the future, three Moss men.

Levy might have been Myer Levy who officiated at the dedication or it might have been Solomon Levy, pawnbroker, who advertised on Apr. 5, 1838 that he was retiring from business and called on all who had articles pledged with him to redeem them before the 25th, or else they will be sold at auction. (Montreal Herald)

Possibly by an association of ideas the editor of the Herald reprinted on Oct. 5, 1838 an item from Incidents of Travel in the Holy Land, second edition, headed "Persecution of the Jews by the Arabs."

"The old rabbi talked to me of the prospects and conditions of the Jews and how he had left his country in Europe many years before and come with his wife and children to lay their bones in the Holy Land.

"He was now 80 years old and for 30 years he said he had lived with a sword suspended over his head; had been reviled, buffeted, and spit upon; and though sometimes enjoying a respite from persecution, he never knew at what moment the bloodhounds might not be let loose upon him; that since the country had been wrested from the sultan by the pasha of Egypt, they had been comparatively safe and tranquil; though some idea may be formed of this comparative security from the fact that, during the Revolution two years before, when Ibrahim Pasha, after having been pent up several months in Jerusalem, burst out like a roaring lion, the first place upon which his wrath descended, was the unhappy Hebron; and while their filthy brethren were sometimes spared, the unhappy Jews, never offending but always suffering, received the full weight of Arab vengeance. Their houses were ransacked and plundered, their gold and silver and all things valuable carried away, and their wives and daughters violated before their eyes by a brutal soldiery."

Landmark

The synagogue was the only centre -- and truly a spiritual home -- for the small but intense Jewish community. It is mentioned warmly in many contemporary documents (e.g., the Joseph diaries, etc.), and was one of the minor landmarks of Montreal. Books about the Quebec metropolis seldom fail to mention it.

A paragraph from a long article on "The Spanish and Portuguese Jews of Canada; Shearith Israel, -- an Interesting and Venerable Record," probably composed by Clarence I. de Sola for the Montreal Star of Dec. 30, 1893, provides a summary of this period in the congregational history.

"Benjamin Hart was a son of Commisary Aaron Hart, and was a guiding spirit of the Spanish and Portuguese Synagogues during the earlier part of this century. He was for many years its president. In 1826 he issued an urgent appeal to its members for re-organization, as the affairs of the congregation had then fallen into an unsatisfactory condition.

"Mr. Hart's appeal had the desired effect, and in 1832 the necessary steps were taken to reorganize, in conformity with the legal formalities required by legislative enactments. Through Benjamin Hart's exertions a considerable amount was raised for a new building and among the subscribers appears the name of Moses Montefiore 'Esquire.' The noble philanthropist had not yet received his titles. The munificent gift of a large sum from Mrs. Frances Michaels, sister of David David, greatly assisted the undertaking; and in 1835 the congregation purchased a piece of land on Chenneville and Lagauchetierre streets, and began the erection of a synagogue thereon. The cornerstone was laid by M.E. David, a grandson of Lazarus David, and the edifice was dedicated in 1838. For over half a century the congregation worshipped in this shrine. Its interior was neat and dignified; its façade had a Doric portico; its walls were of stone. Its erection was supervised by Moses J. Hays, a son of the early colonist Andrew Hays. Moses Hays was a trustee of the congregation and a man of restless vigor and energy. He was prominent in municipal affairs, and to his activity was due many civic improvements. He organized Montreal's first Water Works, and managed them. Subsequently he was appointed Chief Commissioner of Police. This office had once before been held by an Israelite, Jacob Kuhn in 1778.

"The Rev. J.R. Cohen was temporarily succeeded in the ministerial duties of 'Shearith Israel' by Mr. M. Levy and after him by Mr. Isaac Valentine."

Later research indicates that Kuhn may have been a Christian by religion.

The 1893 history of the congregation in the Montreal Star notes,

"During the turbulent days of 1837-38 when the country was disturbed by the Rebellion, quite a number of the members of the Spanish and Portuguese congregation participated in the struggle, and actively served on the loyalist side. Two members of the David family commanded detachments of cavalry at the battle of St. Charles, one having two horses shot under him. Aaron Phillip Hart, a son of Benjamin Hart and an eminent lawyer, raised a company of militia, while Jacob Henry Joseph served with the troops at Chambly and the Richelieu, and was intrusted with the duty of conveying despatches between Sir John Colborne and General Wetherall at night, the papers being hidden in leather linings to escape risk of capture by the rebels. His brother, Jesse Joseph, also served in the militia."

"The Jews' Synagogue" was quite new in 1839 when Newton Bosworth included a fine woodcut of the building in his Hochelaga Depicta, the Early History and Present State of the City and the Island of Montreal. (Montreal, William Greig, 1839) He described it,

"The Synagogue, situated at the upper end of Chenneville Street, St. Lawrence Suburbs, is a fine specimen of the Egyptian style of architecture. The front is of cut stone, and adorned with a handsome portico with two columns. The interior of the building is remarkably neat, fitted up with benches, which are occupied by the male part of the congregation. The gallery is supported by four handsome pillars, and is assigned to the female part of the congregation; the whole tastefully painted throughout. Opposite to this, also in the Egyptian style, is a very beautiful manhogany Ark, over which are placed the Ten Commandments, in Hebrew characters, cut in white marble.

"The expense of the building was raised by private subscription, principally amongst persons professing Judaism in this city. The largest donation was given by the late Mrs. Francis Michaels of this city, amounting to £575 currency.

"This Synagogue is the only one in British North America." (Pp. 111-13)

In their Montreal, A Stranger's Guide Through Montreal, Salter and Ron mention "the neat cut stone building, the interior being fitted up in Egyptian style." (1852 ed., Pp. 15-16; 1857 ed., P. 18.

In its mature days Alfred Sandham included it in his Ville-Marie, or Sketches of Montreal Past and Present, with Numerous Engravings of Churches, Public Buildings, Street Views, Antiquities, Maps, Costumes, etc. (Montreal, Bishop, 1870. Pp. 285-86)

"There are two synagogues in the city, one used by the German and the other by the English speaking Jews. The latter, which is the oldest in the city, and also for some years the only one in Canada, is situated on Chenneville street, and is a fine specimen of the Egyptian style of architecture. The front is cut stone, and adorned with a portico with two columns. The interior of the building is neat, the gallery being supported by four pillars. The altar contains a beautiful mahogany ark, over which are placed the ten commandments in Hebrew characters, cut in marble. The building was erected by private subscription. Rev. A. De Sola, LL.D., minister of the church, is also professor of Hebrew in McGill college.

"The German Jews, feeling the want of a separate place of worship, erected a neat and substantial building on St. Constant street, the foundation stone of which was laid July 19, 1859. They still occupy the building, and are ministered to by Rev. Mr. Cohen."

The Rev. M. Cohen, formerly of San Francisco, had been the first minister at the synagogue in Victoria, B.C., erected in 1863.

J. Douglas Borthwick tells the story of the Chenneville St. synagogue in his History and Biographical Gazetteer of Montreal to the Year 1892 (Montreal, Lovell, 1892. P. 477),

"On the 30th June, 1835, the congregation purchased a piece of land facing upon Chenneville street and Lagauchetière street, north-east corner, and began the erection of a Synagogue thereon. The corner-stone was laid by M.E. David, the grandson of Lazarus David and nephew of David David. For fifty-two years the congregation worshipped within the walls of this edifice. It was a neat stone structure with a Doric façade, and a chaste and dignified interior. The building was planned and its erection superintended by Moses J. Hays.

"In the erection of the Chenneville street building, the congregation was largely assisted by the munificence of Mrs. Frances Michaels, the sister of David David, whose generous gift of a considerable sum of money greatly facilitated the completion of the work. Mrs. Michaels had then become possessed of that piece of the David family's property upon which the congregation had been permitted to erect their first building."

Old and New Montreal, published by the Montreal Warehousing Co. in 1913, carried a picture of "North America's First Jewish Synagogue, Chenneville St., Montreal. Mrs. Francis Michaels gave over $3,000 towards this place of worship."

Later Years

With the progress of time and the organic movement of the growing city, the old synagogue became unable to serve the congregation. A new and larger building on Stanley St. was erected and joyously consecrated, even as long memories of community life in the historic structure on Chenneville Street made the departure deeply painful.

The disposition of such old spiritual homes always leaves scars. Walls which had resounded to the dignities of Mediterranean in 1892 learned to love, for a time, the chazanut of the Beth David congregation while the members of the century-old Kahal removed to a larger house of worship on Stanley St.

A sadder report in the Gazette much later told of the "Old Synagogue on Chenneville street and Dufferin square. Its classic portico, crowned with a Hebraic inscription, still bears traces of its former glory, but the wooden steps of doubtful security, the incongruous wooden storm windows, and the worn corner stones betray its fallen estate.

"Inside, instead of the splendor of a Jewish temple, one sees the paraphernalia of the painter's craft. The walls are lined with theatre signs, for here the advertisements for the Cinéma de Paris are produced. The floor is daubed with paint, and littered with old canvas, paper-board and saw-dust.

"Marcel Salette, the artist, who now occupies the building, has his special studio in a tiny room reached by a narrow, twisting stairway. Here the original designs are made, while down in the body of the temple the apprentices work on the actual signs.

"Interested by the 'For Sale' placard tacked to the front of the synagogue, and by the colorful appearance of the interior, the reporter investigated. The temple is the oldest existing synagogue in Montreal. The congregation was founded by Spanish and Portuguese Jews in 1777 when a building was erected on property adjoining the old court house. The Chenneville synagogue was built around 1835 on property belonging to the Chenneville family. It had a long existence as a fashionable place of worship. But the size of the congregation demanded a larger temple and in time the present synagogue on Stanley street was built.

"For long a white elephant on the hands of the Spanish and Portuguese congregation, it was finally sold a number of years ago to W.A. Hodgson, 190 Dufferin square. Mr. Hodgson has a factory for manufacuring jewellery cases which stands directly behind the synagogue. When Dufferin square was made into Dufferin playground, Mr. Hodgson discovered his factory facing a high fence with no entry on the street. He bought the synagogue building when it was put up for sale, but has since discovered it an even greater burden than it was for the Jewish congregation.

"For a short while it was used by a poor Jewish congregation, then as a jewellery warehouse by George Hemsley and Co. Then until last fall it stood idle. A prospective tenant presented himself in the shape of a Jewish sign painter. The synagogue was perfectly suited for his needs, but at the last minute religious scruples got the better of him and he refused to 'desecrate' the place -- only to see it leased in April to Marcel Salette, who movedin with a contract from France Film Co.

"A story is told of an elderly Toronto Jew who received his early religious training in this synagogue. Every year he makes a pilgrimage to Chenneville street to see his childhood place of worship. It is his chief aim in life to collect enough money to purchase the building, and have it preserved as a shrine and museum for the Jews of Montreal."

This Torontonian was not alone. The remarkable Mr. Hershman, who incorporated so many of the ideals of the immigrants of the early years of the century -- Jewish Library, anarchism, journalism, the rescue of orphans after the first World War -- issued a pamphlet in the mid-1930's urging the establishment of a Canadian Jewish historical museum in the old synagogue, now a Chinese Presbyterian mission.

But those were depression years. Even half a century later the community does not own the Canadian Jewish historical museum Hershman proposed for the Chenneville St. synagogue.

Now it is an empty lot beside an expressway, difficult to glimpse from a speeding car; only the Chenneville St. sign is clear.

SECTION TWO: REBELLION of 1837

THE FIRST REBELLION

Even as the Montreal Jewish community was assuming its legal and social form, political revolutions in the colony were shaking the lives of the citizenry.

The reform movements in the colonies and the national awareness of French Canada merged into a violent revolt in both Canadas. There was resort to arms both by those under the flags of responsible government and of independence and by those seeking to maintain existing forms.

The Canadian events of 1837 and 1838 may not have had the consequences which the designers intended, but they were of great importance to the Jewish community, as well as to virtually all other sectors and phases of Canadian life.

We note that on July 5, 1838 the president of the congregation wrote to Abraham Hart in London to explain the delay in the completion of the synagogue: "The serious trouble that we have experienced in the last nine months have caused us to forget all civil duties -- our troubles are not yet over." (Frank. Two Centuries in the Life of a Synagogue. P.60)

In a plan in the later designs of some of the revolutionaries -- a plan that was not carried out -- the Jewish community of Montreal may or may not be nightmarishly glimpsed marching in a holocaust scene from a drama to be written a century later.

During the second phase of the anti-government insurrection the Jewish community of Montreal may have been the object of a horrible conspiracy related -- closely? centrally? -- with the command of the revolt.

This -- significant? -- episode was clearly related to the altered nature of the revolt; certainly it was less likely to have developed when Papineau's role was what it had been in 1832-36.

To appreciate the Jewish condition at the time, it will be necessary to examine particular aspects of the colony's history.

The Voice of Moses Hart

At this point, with the entire colony and its Jewish settlement aroused to fratricide, we hear the chronically unharmonious voice of Moses Hart addressing himself -- or intending to address himself -- to his neighbours. It comes from one of the many politically unrealistic scraps of notes which he did not discard.

In its realistic, concrete unmilitant counsel it is more in accord with his father than with his brothers or nephews,

"Fellow Countrymen" he wrote,

"I hope you will permit an old Canadian man, 69 years old, who has spent all his days among you, except for four years spent in England and the United States, to tell you some thoughts upon the present condition.

"Some of you are endeavouring to raise the ensign of rebellion against your illustrious authorities. I know something about England, the United States.

"You say you have a number of grievances, and England refused to listen to them.

"It is not so. I know that the lawyers in the Assembly who unfortunately.... hatched a number of grievances, but I will only look over some of the more prominent of them with you to ascertain whether they are real grievances...

"My friends, England is a very powerful, rich, charitable, high-minded and generous nation. To her the earth is indebted for liberty. It was she who first planted the trees of religious and civil liberty, and drove tyranny and formalism from her island.

"Do you think that England will listen to grievances conveyed disrespectfully and with a threat?

"If you do you are much mistaken on such condition. She will never stoop to it. She will not be coerced by any nation, much less by us, her children and such a puny tribe.

"From one folly you now are running into another; your show of rebellion. I hope it will terminate, for many of you know that it is not by rebellion that you will obtain anything at all.

"Besides, history will tell you that a civil war is the greatest curse that can be inflicted on mankind; even if you succeed, which is next to impossible you can do, for first you have no possible cause, secondly no money and thirdly no competent leaders.

"For you cannot call a few hot-brained lawyers leaders; for be assured you will be disappointed. They are prone to mischief, they will hurry you on and, when in danger, they will not appear in front to brave the storm but, like cowards, sneak in the rear and leave you a prey to the soldiers and our very severe laws...

"But do you suppose these are the means of obtaining redress of grievances?

"I hope not. For if you do, you will be miserably disappointed, for none of these measures will succeed.

"I will tell you what will certainly succeed. Keep order strictly and you will more assuredly obtain all you asked for and perhaps more, but never employ any threats.

"O'Connell was well versed in this secret. He knew Poland was contending for ages to obtain justice by threats, and of rebellion with Ireland, rebellion without any success. He employed the milder means of peace, order and forebearance, and succeeded; besides obtaining renown for himself.

"You are like Ireland, except you have never yet injured England, and therefore are entitled to more favor.

"Don't listen to any disturber of the peace or any rioter, or mischief maker. Their tongues do not cohere to their sentiments; as to riot and destroying property, avoid them as you would the pestilence. Rioters are cowards. Brave men are peaceable, unless attacked.

"England is your friend and I know you are proud of your connection with her. Let no fellow disturb that friendship.

"I will now go with you to look over some of your grievances, and prove that some of them are not grievances, although they have caused such uproar; the lawyer made some of them so large that it will take up too much time to go over the whole. I will take up some of the more prominent ones.

"Many of them you will advise the lawyers might apply a plaster or a remedy, without troubling Johnny who has plenty of more important matters at home to trouble with.

"I cannot help being funny for I have my head full of other grievances which the lawyers never have noticed. I will tell you the reason about a legion of them which the judgments their presence can amply justify.

"Are not the books of French and Roman laws ranged from the pasty look of France? Their excessive, intolerable, monstrous rate of law fees in this poor district, where a suit in law costs for 31 pounds, no defence cost 24 pounds, when in New York the cost there is but 4 pounds.

"The want of register offices and bankrupt laws.

"The contested oppositions, a guarantee action and seizures laden with the same weight of cost.

"The domain coutumier, with the cost of French laws artfully introduced into the Eastern Townships to impair agriculture."

The Harts Divided

History has noted the participation of the Jewish residents of Lower Canada in the crisis. Many of them took up arms, mostly in the defence of the English connection. But a not insignificant group of the colony's Jews sympathized with the movement led by L.-J. Papineau, for nearly a quarter of a century speaker of the colonial assembly, at the very time it passed the laws of 1831 and 1832. (Canadian Jewish Archives, no. 18, P. 401A; no. 20, Pp. 146-51, 184-222; B.G. Sack. History of the Jews in Canada, 1965. Pp. 120-29)

In Quebec City and in Trois-Rivières four sons of Ezekiel Hart were outspoken in supporting the anti-government party.

In Quebec, the brothers A.E. and J.C. Hart took an active part in the public meeting on May 26, 1837 at the Marché du palais on St. Paul St. which considered Lord Russell's resolutions by which the imperial government sought to break the Lower Canadian assembly blockage of the colonial governor by withholding subsidies and expenditures.

J.C. Hart, who was secretary of the public meeting, seconded a proposal that a meeting should be convened to discuss the Russell resolutions and to repel the attack on the rights of the people. (Minerve, June 1, 1837)

The Quebec meeting was told that a number of assembly members were meeting at this time and considering the question. They all marched to the chamber to meet with them, but found no one there.

Le Canadien strongly opposed the convening of this meeting, organized by Bouchette against the arbitrary actions of the authorities. Although it published the advertisement for this meeting, it feared confusion, for it had itself proposed another public meeting to consider the political situation. That proposal for a meeting of loyalists was being considered by another committee. (May 28, 1837)

Abraham Joseph described the radical meeting of June 4, 1837 at St. Paul's Market in his diary entry the following day,

"A political meeting took place yesterday at which it appears Dubord, M.P.P. for Lower Town, attempted to speak but could not get a hearing. Mr. Van Felson also attempted to speak, but was hissed. Van F. resigned immediately." (Reprinted by Irene R. Wolff, the wife of historian Martin Wolff, in the Gazette of May 8, 1937. "Death of a King, Accession of a Queen, and Concurrent Political Wranglings Recorded by Quebec Diarist in 1837-38.")

Joseph also described the loyalist meeting in his diary entry of July 28,

"Great preparations are making in town for the Loyal meeting to be holden on Monday at noon on the 31st. Every ward will have its own banner. I had to give my donation of 5/- towards Lower Town banner. Tonight's Gazette gives the requisition to the meeting which has upwards of 2500 signatures attached to it."

On the 31st he describes the event in which he participated,

"The Loyal day came to pass, and a Loyal one it certainly was. This morning a rain was falling pretty heavily and continued till nearly 11 o'clock. In the afternoon during the meeting rain fell heavily. It would be a difficult matter to get all to agree on what number were present on Esplanade this day. I think I am very near the mark in allowing for men, women and children 8000 -- 5000 men, 3000 women and children.

"At 11 the merchants met at Exchange, after waiting some time after the hour, at which St. Roch's ward was to have met them, forming themselves four deep, with their banners, marched through St. Peter St. up Sault au Matelot; St. Roch's ward with band and banners met them. St. Roch's ward then took the front. Walked up Mountain Hill through St. John and so on. Passed the Chateau, St. Lewis to Esplanade. All wards were there. I could not possibly give any guess as to the number of grand beautiful banners carried; they were all well got up and beautifully executed, the whole bearing different and appropriate mottoes.

"When the multitude assembled on Esplanade the sight was a most magnificent one. One dense crowd of men amidst whom could be seen innumerable banners and loyal flags. In the centre of the multitude a hustings was erected on which stood all the speakers, presidents, vice-presidents, etc. On the high ground was to be seen the loyal beauties, a general display of silks and ribbons. Most of the streets in which the procession passed were lined with flags."

One of the contentious issues of the day was the trial in Quebec City of Hunter, editor of Liberal, on charges of perjury. Many reform advocates saw the case as a provocation by the bureaucrats. When the jury found a true bill against him, J.C. Hart was among those who signed a statement which expressed regret at this development. (La Minerve, Oct. 9, 1837)

It is a reflection of division of position among the few Jews in Quebec that A. Joseph was among those who signed the call for a meeting of loyalists to express disapproval of those who are spreading contempt for the authorities by means of general assemblies. (Le Canadien, July 28, 1837)

In La Mauricie A.M. Hart took part in the anti-coercion meeting of July 26, 1837. Adolphus Mordecai Hart, another son of Ezekiel Hart, addressed the meeting together with Dr. R. Kimber, J.G. Barthe and others. He seconded the motion of Me. Pacaud in support of the assembly which refused to pass proposed subsidies until governmental abuses which are a shame to the metropolitan government are redressed; the assembly should resist the absolutism of the executive government.

Although he excused himself for his lack of fluency in the French language, he was graciously received and was named to the liaison committee which was set up to coordinate any action which might be taken by the nearby parishes. His older brother S.B. Hart was added to this committee. (Minerve, July 31 and Aug. 3, 1837)

Unless Hart's apology for his French was but a mannerism, not too rare among anglophone Québécois, it is surprising that a third generation trifluvien should be second to any of his francophone fellow citizens in fluency in French. Indeed, we have noted the pride which Gerald Hart took in the linguistic ability of his lawyer cousins, "speaking French, Latin and their mother tongue equally fluently." (Canadian Jewish Archives, no. 25, P. 50)

"An Elector from Trois-Rivières" wrote in La Minerve indicating that "at another meeting, virtually a private one, A.M. Hart had been almost insulted. He had been deprived of the platform at the very moment when he challenged the conscience of the chairman and of two or three individual Canadiens." (Aug. 31, 1837)

We find the card of this Advocate Hart in the Trois-Rivières press of Feb. 19, 1845, practicing from his St. Vincent St. office opposite the courthouse.

He attended the Queen's Birthday dinner offered by the Governor-General on May 25, 1846, together with Mr. and Mrs. Theodore Hart and Alexander Hart. (Chronicle, May 28, 1846)

Following a successful career in law at Trois-Rivières, M. A. Hart moved to the U.S. where he practiced for seven years in Missouri, California and New York, wrote on a variety of subjects and engaged in politics. Several of his anonymous publications issued there were signed Hampden. He returned to Lower Canada soon after 1857.

This Hart from Trois-Rivières (Canadian Jewish Archives, no. 20, pp. 198-209) later provides an unequalled example of integration into Quebec life in his connection with the Journal des Trois-Rivières. (D. Rome, Jews in Canadian Literature. Rev. ed., Montreal, Canadian Jewish Congress and Jewish Public Library, 1964. 1. 3) He enthusiastically backed Mgr. Laflèche and called for a brilliant demonstration of support for the bishop coadjutor who was leaving for Rome where the fateful Vatican Council was being convened. (Nive Voisine. Louis-François Laflèche, deuxième évêque de Trois-Rivières, vol. 1, pp. 68, 132) Voisine refers to Hart as one of the trifluvian English-speaking men of finance for whom L'Ere nouvelle spoke after 1852. Le Journal des Trois-Rivières, together with Le Nouveau monde and Le Franc Paleur, were considered by Bishop Laflèche among the early, consistent champions of ultramontanism in the province.

A pamphlet issued in Toronto four years after Confederation. also under the same pseudonym, on The Political State and Condition of Her Majesty's Protestant Subjects in the Province of Quebec, has been ascribed to Hart, whose initials in reverse form the first three letters of Hampden.

The topic was highly controversial during the Confederation debates, so that it is credible that the government bought and destroyed the issue, only six copies surviving according to the Library of Congress.

The one Jewish citizen of Lower Canada who was most deeply involved in the events of 1837 and 1838 was the president of the congregation, Benjamin Hart.

His story can be told only as personal snatches imbedded or framed in the total history of the period, a history in which synagogue and business each occupy relevant and interrelated levels of legitimacy.

He stumbles centre stage in Canadian history like an ill-rehearsed but sincere actor in a crude play by an unskilled playwright.

Hart and Hays, Magistrates

As we have noted, Benjamin Hart and Moses Judah Hays had their names placed on the Commission of the Peace for the district of Montreal by the Queen on Aug. 5, 1837 as her first formal act. (Canadian Jewish Archives, no. 25, p. 96)

As late as May 29, 1837 the position of Hays and Hart was not yet clear and Hart's son had occasion to remind the authorities from Liverpool of the case,

"The return of His Majesty's Commissioners to London induce me to make enquiry relative to a matter which to this moment has remained unadjusted from the period of Lord Aylmer's Governorship in Canada. The Attorney General of the Province having been pleased to place on the list of the Justices of Peace the names of my respected Father and that of M.J. Hays Esquire, as persons qualified to act in such capacity, and a letter to the effect from his Lordship to my Father and Mr. H. requesting them to accept such office having been replied to acquiescing, in such desire on part of Lord Aylmer -- it was found that the Oaths required to be taken were that of allegiance, abjuration and of office; to one of which Oaths it was requisite to swear 'on the true faith of a Christian'. The religion of my family being Jewish, my Father & Mr. H. submitted to Lord A. that they could not take such oaths being contrary to their tenets & creed. Your Lordship is no doubt aware 'that the Act passed during the period of Sir James H. Craig's Administration prohibiting Jews from sharing in the immunities & privileges of their fellow Colonists was repealed by the House of Assembly under the Speakership of Mr. Papineau & I believe has been expunged from the Journals of that House.' Lord Aylmer expressed his regret that the Oaths interfered with their acceptance of office, and stated he has forwarded the matter to the Colonial Secretary in London, and hoped arrangements would be effected soon, whereby we should not lose their services. His Lordship further acquainted the House of Assembly by message that he had taken the earliest opportunity 'of fulfilling their intentions towards the Jews, & had appointed Messrs. Hart & Hays to the Commision of the Peace, but that these gentlemen had respectfully intimated that the tenour of the Oath was incompatible with the creed & tenets they professed & urged the House to adopt such measures & alterations to the required Oath, whereby Messrs. Hart & Hays might legally qualify themselves for the office.'

"The House of Assembly by a heavy majority passed a Resolution in Committee to this purport 'that they had considered the case, -- and that as no legal authority had been questioned -- they did not consider it necessary to recommend any alteration to the Oath in question, especially as Mr. Hart, a Jew in Three Rivers another District of Lower Canada, had taken the Oath & his seat as a Justice of the Peace and was dispensing Justice.' Your Lordship must feel satisfied that no legal authority need be questioned in this matter, the Oath must be taken ere you can qualify, & being an Imperial Enactment, the Oath can by its wording be taken best by one professing Christian principles.

"The Mr. Hart of Three Rivers noted in the above resolution, took oaths, but supplied the words...'On the true faith of a Jew' for that of 'a Christian,' & tho' one or two presentments had been made against him on this subject. His political principles being similar to Mr. Papineau's & Mr. Hart & Mr. Hays having upheld Constitutional principles -- no measures were adopted to remove Mr. Hart from the Bench; & to the period of Lord Gosford issuing a fresh list of Magistrates, this Mr. Hart retained his seat. Lord Aylmer certainly fulfilled all that Mr. Hart or Mr. Hays expected him to do. But as the House of Assembly are opposed to Lord Aylmer they treated, & still continue to treat his kind interest with every slight & injustice.

"No communication having been received in Canada on this subject to this period & a fresh list of Magistrates for the District of Montreal being issued in which my Father & Mr. Hay's names are omitted,

"May I most respectfully solicit from your Lordship the reasons of their names being omitted, and the cause of Lord Aylwin's despatch on this subject still remaining unanswered.

"Messrs. Hays & Hart are still desirous of fulfilling Lord Aylwin's request, -- being capable from their large landed possessions to qualify at any moment, I may venture, my Lord, to remark that this matter has entirely rested with the Government & a redress can be granted by them. Any enquiry as regards their respectability and standing in the Province of Lower Canada will no doubt, prove satisfactory." (PAC, MG 11, Q, vol. 242, p. t3, pp. 822-26)

A response was sent to A.W. Hart,

"I am directed by Lord Glenelg to acknowledge the receipt of your letter of the 29th ultimo, calling attention to the oath required by law to be taken by persons entering on the Office of Magistrate in Lower Canada, the operation of which excludes gentlemen of the Jewish persuasion from that situation.

"His Lordship directs me to acquaint you, in answer, that it rests with the Legislature of Lower Canada and not with HM's Govt., to alter the Oath required of persons appointed to act as Justices of the Peace within the limits of that Province; & that however much he may regret the exclusion of persons protesting the Jewish Religion, it is not in His Lordship's power to afford them relief." (Ibid., p. 827)

Within months, however, Hart and Hays were serving the cause of the crown most loyally.

The proclamation of the Governor-in-Chief appointing B. Hart M.J. Hays and David of Chambly as justices of the peace for the district of Montreal was published in the Montreal Herald of Nov. 14, 1837.

Arthur Wellington Hart had occasion while he was in Liverpool on business on Dec. 24, 1837, to write to Lord Glenelg at the colonial office,

"I have a duty of a personal nature to perform, and I can in doing so, quote as my motto on this occasion, 'that the heaviest debt is that of gratitude when 'tis not in our power to repay it'. The first act of our Gracious Queen on issuing the Commission of the Peace, subsequent to my letter to Your Lordship of June last, for the District of Montreal, was placing the names of my estimable and worthy parent on the list, & his consequent elevation to the Magisterial Bench. My Lord, the Israelites of the North American & West Indian Colonies are deeply indebted to you for your gratuitous exertions in endeavouring to extend civil & religious liberty, & in granting them immunities and privileges not extended to the Hebrews of this Kingdom. On behalf of my Father I tender my Lord my heartfelt thanks for the honor conferred -- and in assuring your Lordship that the confidence of Her Majesty & yourself in their loyalty & devotion of the Jewish Residents in Canada is not misplaced. The struggle now unhappily existing will prove their attachment to the Government under which they have the happiness to receive protection." (P.A.C. Colonial Office Papers, M.G.11, Q series, vol. 242-3, Pp. 852-53)

On Nov. 10, 1837 La Minerve and the Montreal Herald published a new list of the Montreal Commission of the Peace, and notes many new names replacing others who had thus served.

A new Commission of the Peace was issued on Nov. 13, 1837 because the governor explained to London, "My Council and the attorney-general having stated that the opening of prosecutions would entail risks which he was not disposed to run as long as some individuals remain in the magistracy of Montreal, I at once issued a new Commission of the Peace for the district, omitting the names of objectionable justices of the peace and inserting others in their place." (Nov. 22, 1837; Fauteux, P. 36)

"He weeded the magistracy of those (sixty-one in all) who were suspected of being active in the patriotic cause or lukewarm in their allegiance, and therefore not to be trusted." (Christie, vol. 4, Pp. 438-9) Among those eliminated: Timothée Franchère of Ste. Marie de Manoir, Joseph H. Franchère of St. Mathias, and Eustache Soupras of St. Mathias.

Chanoine L. Groulx speaks of "a purge of the magistracy for they removed all who were suspected of being accommodative towards the Patriotes."

In Montreal we find B. Hart and M.J. Hays on the revised Commission of the Peace. Clearly these are not new names.

Corrosion in the Magistracy

At this moment in Canadian history the magistracy of Montreal played a central part.

One of our glimpses in the shattered -- and as yet unreconstructed -- mirror of the history of 1837 relates to a moment in the institutions of law and order, just prior to the outburst of violence.

We find a tentative tribute to the legal procedures of the police and of the magistracy at a time of lawlessness on both sides of the political conflict in Filteau's history which is, of course, friendly to the Patriote cause.

"The Bureaucrats took a preliminary precaution of securing a complete reform of the judiciary personnel in the district of Montreal. A commission of the peace was set up to carry out this task, and one of its duties was to dismiss all judiciary employees, judges of the peace, magistrates, sheriffs, process servers, clerks and registrars who might possibly sympathize with the Patriots. All who had taken any part in the recent disputes or who had not displayed zeal in favour of the Bureaucrats were pitilessly dismissed and replaced by trustworthy persons. This cleansing was carried out on Nov. 13 by the dismissal of 71 officers of justice in the district of Montreal. They were replaced by 23 trustworthy partisans." (Histoire des Patriotes. Montreal, Editions de l'Aurore, 1975, P. 301)

"The attitude of the magistrates and of the police in the events which followed was most singular. Clearly, there had been disorder, rioting, even bloodshed. Common sense might have expected that justice lay its hands on the creators of the disorder; a number of arrests was to be expected. But that did not happen. Why? The government had the necessary force at its disposal; the magistracy was devoted to it; so was the police. This can mean only that the Sons of Liberty, whom the Bureaucrats accused so loudly, had not caused the disorders but were the victims; and with all their good will -- or rather bad will -- and desire to convict them, the authorities did not dare violate the laws of judicial honesty so openly. Adam Thom and his friends could publish their fantastic reports about the riots of the sixth of November in their newspapers, but they could not swear to them. It was althogether different before the courts. Appearances at least have to be saved and seem to conform to procedure. There had to be sworn declarations before warrants could be issued. In 1837 even the Bureaucrats still hesitated before manifest perjury." (Pp. 305-6)

"The social polarization before the revolt was so deep that the official structure was breaking up, not least in the judiciary and in the military. Many who held posts of trust resigned in protest against government policies. Others were considered unworthy of government trust and were destituted of their commissions. Those who retained office were considered enemies by those opposing the bureaucracy and were threatened and harrassed, often with the traditional charivari." (Filteau, P. 259)

There are many symptoms indicating that the very texture of government was corroding and dissolving in the face of the widespread revolution, and not only in the francophone sector. Months later, after the first rebellion had been suppressed,the Earl of Durham wrote to his superiors in London,

"I have the honour to inform your Lordship that I had, on the morning of my departure from Quebec, an interview with Mr. Sheriff McDonnell, who had arrived the night before from Kingston, Upper Canada, for the purpose of communicating to the government the alarming intelligence of the existence of a great unwillingness on the part of the militia and volunteers of Upper Canada to tender their active services.

"Mr. McDonnell informed me that the belief amongst them, of the indifference of the British Government to their fate was so general, that they deemed it useless to make any exertions to maintain the connexion with the mother country. He also said that nothing but a declaration from me, of the intentions of the British Government having been misunderstood, would induce them to enrol themselves for the defence of the province this winter. I had no hesitation in assuring him that no trace of that indifference would be found in the measures adopted, or the precautions taken by the government over which I presided, and that I could not imagine the existence of a different feeling in the minds of the British Ministers.

"I trusted, therefore, that the same alacrity as was before manifested would be evinced by all classes in the Upper province, in coming forward for the maintenance of the public security.

"Mr. McDonnell stated himself to be perfectly satisfied with my declaration, and was to return to Kingston the same evening.

"I regret to state, with reference to this subject, that the feelings expressed by Mr. McDonnell are also very generally entertained by the British population in Lower Canada." (British Parliamentary Papers, Colonies. Canada, written at sea aboard H.M.S. Inconstant, Nov. 10, 1838)

As Sydney Bellingham recalled,

"I was summoned by the Attorney-General Ogden. He informed me that he would confide to my care a despatch to Colonel Wetherall, who was in command at Chambly; that I was to leave at once and attach myself to the force under the Colonel as the Magistrate in charge of the military; that I should not have any colleague, as the Magistrates at Chambly were indisposed. One of them, indeed, Colonel de Salaberry, was confined to his room." (Some Personal Recollections of the Rebellion of 1837 in Canada. Dublin, Browne and Nolan, 1902, P. 11)

For an understanding of many of these resignations, which seem like populist action, it is helpful to read in the Gazette,

"Yesterday, about two o'clock in the afternoon, two persons residing at St. John's, one of whom holds the situation of Postmaster at that place, called at the house of Mr. Macrae, and on being informed by Mrs. Macrae her husband was not at home, stated that the object of their visit was to tell Mr. Macrae that he must resign his commission as a justice of the peace. Mrs. Macrae replied that she understood Mr. Macrae did not intend to comply with their request. The two worthies then proceeded to the residence of Mr. Lindsay, it is supposed with the same intention, but he was absent at Montreal. A third visit was then paid to Mr. Pierce, who, finding the impossibility of receiving any protection, either civic or military, was obliged to promise the surrender of his commission. Mr. L. Marchand was also compelled to resign." (Cited by Robert Christie. History of the Late Province of Lower Canada, Parliamentary and Political. Quebec, Lovell, 1853. P. 438)

The partisan patriote press objected to the partiality of the justices of the peace, and was full of publicized resignations of sympathizers of their cause from public positions.

So The Vindicator wrote on Sept. 1, 1837,

"This is the way the Terrorism works!"

"The late dismissals from the Magistracy and Militia by Lord Gosford are producing very good fruit on the River Chambly. In the County of Richelieu, the people are insisting that all the remaining officers of Militia (Magistrates there are none, now), should throw up their Commissions as they consider it a disgrace to serve under the present Government. One unfortunate Captain has hesitated to accede to the public wishes. The consequence is that he has been honored nightly

with a charivari, which it is determined to keep up until he obeys. At the dinner the other day, at St. Denis, it was, we understand, solemnly resolved, to hold any man infamous who would hereafter accept a Commission in the Magistracy, or Militia, from the present head of the administration. The intention is seriously entertained in several Counties of this District, by the Canadians and the other Reformers, to throw up, en masse, all the Commissions which they now hold in the Militia and Magistracy, and to let the Government get along the best way it can without the aid of the people."

The same issue reported,

"Honor to the Dismissed Magistrates and Militia Officers!

"A public dinner was given on Monday last, at St. Denis, to the Magistrates and Militia of that section of the country who have been lately dismissed by Lord Gosford, for supporting the rights of this colony. Five hundred and seventeen 'good men and true' sat down to dinner. The number on the ground was estimated at seven hundred. The greatest possible indignation was expressed against the head of the administration. Lord Gosford has not yet seen the end of the storm he has aroused in this Province. It will never be allayed until he sails down the St. Lawrence."

The confusion of loyalties and the embarrassment caused to the bench by the conditions of the time is reflected in a series of litigations reported in the press.

The long-drawn case of Pinet was reported in the Quebec Gazette of June 30, 1837,

"The Ami du Peuple, of Wednesday, says that Mr. A. Pinet, Justice of the Peace, presented a seditious meeting at the church door of Varennes, on Sunday last, by addressing himself in plain and manly language, to the good sense of the people, who, by a great majority, followed his advice, and went home in peace. The truth is that the agitators are generally such characters as no respectable person would like to come into contact with; and they are suffered to go on, imposing on the people without contradiction."

L'Ami du Peuple of Oct. 31, 1837, reports "The Political Process",

"The case instituted by Girod against Pinet has gone to the jury of the court of quarter sessions on Friday and Saturday last week. It will be recalled that Pinet in his capacity as magistrate and loyal subject opposed a meeting that Girod and others wanted to convene in spite of the proclamation of His Excellency. In the speech that he made to the citizens to warn them against the tricks of false patriots he was not very kind to Girod who has instituted proceedings against him for conspiracy, assault and revolt.

"In the course of the proceedings in this case, everything that is political inspired animosity in the crowd of Patriotes which filled the courtroom and couldn't contain their fury against the judges, who didn't seem to be prejudiced against Mr. Pinet and some of whom had the impudence to interrupt the lawyers. The crowd whistled at the court and made a thousand indecent gestures. Messrs. Corse, J. Molson and B. Hart who sat could scarcely maintain order in the hall. We are told that some of the friends of Girod were seen speaking to the jury. Some of them were obviously influenced and didn't even take the trouble to hide their opinions.

"When the case was finished the court told the jurymen to enter the chamber; some of them began to speak and boast openly that they can remain eight days locked up without food.

"Monday morning the court was assured that there was no possibility that the jury could ever agree on a verdict and discharged them, and the case will begin again in the next term.

"A.P. Hart and Judah acted for the defence."

The Montreal Herald for the Country of Nov. 2, 1837 (no. 96, p. 1) had occasion to report,

"One of the proofs of the height to which political feelings are now carried has just been exhibited to us in the cases of the Queen v Alexis Pinet and others at an indictment for conspiracy, riot and assault, tried at the Court of Sessions. The first charging the defendants with conspiracy to ruin one Amury Girod, the second being a count for riot and rout and third count for assault on Girod. The evidence produced on the trial, which lasted Friday and Saturday, completely failed in attaching any guilt to Mr. Pinet or the other defendants.

"It would appear that a meeting in defiance of the proclamation of the governor was being contemplated by the inhabitants of Varennes on the festival of St-Pierre, June 29 at the issue of the service in the Catholic church.

"They were invited to remain when it was intended to announce the defiance of the meeting. Mr. Pinet, who is a magistrate, however, interrupted the speakers and, being supported by his friends, prevented the meeting from continuing. In the course of his address to the assembly Mr. Pinet commented in strong terms on the conduct of Girod, applying epithets of no pleasing character. It was from this that the prosecution in question arose.

"The court at the trial was composed of Messrs.Benjamin Hart, Henry Cours and John Molson, the first two of whom charged the jury in favor of the defendant. The jury, not agreeing on Saturday night, were confined without food until Monday morning when, on being called on and it appearing that they could not agree, the six English stating their determination to acquit and the six Canadiens to render a verdict of guilty; it being the same division which existed on Saturday night, the court discharged the jury and the trial fixed anew for the 11th of January.

"The case was made of the highest political importance by the patriots who attacked and some of whom behaved with great indecency. The following gentlemen were of counsel: For the prosecution: Messrs. E.E. Rodier, Ovid Perrault, T. Ouimet, George Cartier, George Defoucherville; for the defence: Messrs. A.T. Hart and Judah."

A.T. Hart -- if this is not a typographical error for A.P. Hart -- was Alexander Thomas Hart, son of Moses Hart, a prominent resident of Trois-Rivières. Judah might have been the future member of the provincial assembly after the insurrection for Champlain, at this time an active lawyer in the Mauricie.

La Minerve reported that it was Messrs. Cours, Molson and Hart who discharged the jury. (cited by Le Canadien, Nov. 3, 1837)

L'Ami du Peuple of Nov. 4, 1837 wrote, "Yesterday, before a special jury, the damage case of Amury Girod v A. Pinet, Justice of the Peace of Varennes, Girod sued Pinet for £ 3,000 in damages for injury done to his character. The jury after serious consideration of the testimony, awarded judgment of one shilling damages which also involves 1 shilling in costs."

As the Montreal Herald wrote on Nov. 9, 1837,

"During the last 3 judicial days, three trials for slander have been carried through before Mr. Justice Rolland and special juries, arising one and all out of a revolutionary meeting held at Varennes on June 29 last. The first was Girod v Pinet, the second Pinet v Beauchamp and the third Pinet v Lousier. In each case the verdict was for the plaintiff, the damages being respectively 1 shilling, 50 shillings and 39 shillings.

"The principal party, Mr. Pinet, is one of the most respectable inhabitants of the parish of Varennes, a captain of militia, a merchant, a notary and a justice of the peace. The cause of strife such as must prove highly flattering to Lord Gosford: Mr. Pinet having ceased 'to be acceptable to the great body of the people' really and truly for having, as in duty bound, attempted to carry into effect His Excellency's proclamation.

"Such was manifested the real reason; but the pretext, for all knaves must have pretexts, was that Mr. Pinet supplied certain parties with liquor to incite them to disturb the meeting aforesaid. In support of such a charge there was not a shadow of direct proof adduced on anyone of the three trials. But those who disturbed the meeting were proven to have been treated to a glass or two in the morning by Mr. Pinet's clerk and some of them were his servants and dependents. And Mr. Pinet did not, when requested, exert his influence with them to induce them to behave quietly. Any inference to be drawn from the former part of this charge must in the opinion of most people have been neutralized by the high respectability of Mr. Pinet's character; and the true explanation in our view is to be found in the 'zeal without knowledge' of those who were so far attached to Mr. Pinet as to second his loyal intentions by unlawful means.

"As to the latter part of the charge, it seems to us absurd in itself and misplaced in the mouths of revolutionary rebels. Was it not absurd to suppose that Mr. Pinet's influence, even if exercised, could have had its general weight with men in a glorious state of drunken independence? Was it not misplaced in the mouths of creatures, who insult their sovereign and trample on the law to infer that the servants of Mr. Pinet would readily and faithfully obey him?

"One of those who saw fit to insult Mr. Pinet for opposing the crime of rebellion is a seigneur. Poor deluded being! Does he not see, does not every seigneur in the province see, that the natural consequence of the present state of lawless excitement will soon arm the vassals against the oppressive exactions of the feudal system? If men can be induced to violate the law for the redress of imaginary or nominal grievances, will they not a fortiori be ready to violate it for the redress of such as a real and grinding evil? Yes. We unhesitatingly warn the seigneurs, and we may add to the priests, that the lawless spirit which pervades some sections of the province will, if not checked, inevitably reduce them to a state of destitution and beggary."

Koopman Patriote

Marchand was one of the first to sign the invitation to the citizens of the Five Counties to attend the Reform meeting at St. Charles on Oct. 23, 1837. Later hundreds of other Patriotes appended their signatures to the invitation. (La Minerve, Oct. 12,1837)

Among the many public meetings of dissidents that took place in Nov. 1837 we note that of St. Athanase, Rouville County, with leading citizens from St. Mathias and other neighbouring towns in attendance. Timothé Franchère presided, with Eustache Soupras and Louis Marchand of St. Mathias, formerly Levi Koopman, as vice-chairman of the St. Athanase meeting.

Louis Marchand came from St. Mathias to the St. Athanase meeting of Nov. 6 and proposed that the assembly accept the resolutions of the gathering at St. Charles on Oct. 23. He also spoke in support of the comments made by the chairman whose name was, coincidentally, Gabriel Marchand, of St. Athanase.

Le Canadien of Nov. 13 commented,

"The meeting and all the citizens owe much to L. Marchand of St. Mathias for the fine manner in which he conducted the affair. His patriotism deserves our appreciation."

The Vindicator of Oct. 27, 1837 reported on the revolutionary meeting at St. Charles,

"On motion of Louis Marchand, Esq., of St. Mathias, seconded by Mr. Jean-Marie Tetreau, of St. Hilaire,

"Resolved, 3. That the arbitrary dismissals from office ordered by the Governor-in-Chief during the last three months, and which have not yet ceased, but still daily continue, against a number of Justices of the Peace, Officers of Militia and Commissioners for the Summary Trial of Small Causes, throughout the Parishes, for having taken a part in the proceedings of County meetings holden by the people for the vindication of their invaded rights, proves to a demonstration that His Excellency unworthily abuses the prerogative of the Crown with a view to remove from such offices those who having filled them with integrity and independence, had obtained for themselves the esteem and confidence of the public and for the Law the respect and attachment of the people, in order to replace them by servile instruments, disposed to have his violent policy, even under the weight of universal contempt of their fellow-citizens." (also in Le Canadien, Nov. 3, 1837)

Marchand also supported the views of Gabriel Marchand who spoke for an elective legislative council. Gabriel Marchand also vowed he would not bear arms against any Canadiens. (La Minerve, Nov. 13, 1837; Canadian Jewish Archives, no. 20, pp. 187-97)

Aegide Fauteux notes that after this public appearance at St. Athanase Louis Marchand was a compromised man.

When the unrest broke into violence on Nov. 6 a reward of one hundred pounds was announced by proclamation for the apprehension of Timothée Franchère. The same proclamation offers a reward of one thousand pounds for the apprehension of Papineau.

An affidavit sworn by farmer Baptiste Laroque of St. Mathias before A. De Salaberry, J.P., at Chambly on Dec. 2, 1837 attests "that 1. On the afternoon of Nov. 7 Lubin Leblanc, clerk of E. Soupras at St. Mathias, threatened him that he would be thrown into the water with all others who would not march against the soldiery. 2. On the 12th of November Louis Marchand, a merchant of St. Mathias, threatened he would have his head broken and his property seized if he would not march against the soldiery." (Archives nationales du Québec, Documents on 1837-38, no. 465)

In mid-December the Herald reported that the principal outlaws Marchand, Soupras and Franchère, had found refuge at High Gate. (Dec. 16, 1837, Morning Courier, Dec. 18, 1837 and L'Ami du Peuple, Dec. 20, 1837)

The Morning Courier, as early as Nov. 27, 1837, reported that "A gentleman who arrived in town yesterday from St. Albans, Vt. reports that Louis Marchand, Eustache Soupras, Timothée Franchère are at Highgate."

The names of Louis Marchand, E. Soupras and Timothée Franchère are listed in the Gazette of Jan. 6, 1838 as prisoners in Montreal jails charged with high treason. (Also in Morning Courier, Jan. 8, 1838)

On Jan. 8, 1838 the same newspaper reported that Marchand was committed on charges of treason.

He wrote to the Civil Secretary of the Governor to declare his fidelity, "In hopes that I will yet see the day that the Canadians will retrieve their character from the stain a few individuals of English origin are daily casting upon them."

The letter appeared in the Montreal Herald of Jan. 22, 1838 and evoked a communication from "St. Jean's Volunteer" who resided in that community,

"I perceive in your paper a letter signed Louis Marchand.

"This expression of opinion from Louis Marchand is easily explained. That individual has been to the knowledge of the loyal population of our village, a most pestilent rebel. His language and acts have produced impressions on men of English origin not easily to be effaced. He is most certainly despised, but at the same time it is not the wish or intention of 'individuals of English origin' to visit on Canadians the sins of Louis Marchand.

"Mr. Marchand in a letter to the Civil Secretary from which the above extract is made, makes a declaration of fidelity which will give sincere pleasure to many of his co-citoyens to see sincerely observed." (Jan. 27, 1838)

By May 1838 he had been so far rehabilitated that we read in the press that "The trial of the case Louis Marchand v George Mcdonald to take place today before a special jury.

"It originated in a letter from the plaintiff to Mr. Walcott, the late civil secretary, in which he accuses a few individuals of English origin of daily casting a stain on the character of the Canadiens.

"To this letter Mr. Mcdonald conceding himself and certain other persons who have been active in their loyal exertions as reflected on, published in this paper, under the signature of 'St. John's volunteer' an answer reflecting on Mr. Marchand's loyalty; which answer is the alleged libel for which the action has been sought, the issue in which is to be tried this day. Mr. Boston, QC for the plaintiff, Mr. Driscoll for the defendant." (Ibid, May 19, 1838)

The Herald of May 21st wrote,

"On Saturday was tried before His Honor, Mr. Justice Rolland and a special jury, the case of Marchand v Mcdonald mentioned in our last number. The defendant admitted that he had styled the plaintiff 'a most pestilent rebel' and proof that Mr. Marchand, although he had frequently given loyal advice to his rebellious compatriots, has yet done nothing beyond mere words to uphold the Queen's government and suppress the rebellion.

"This, however, did not justify the imputation of being 'a most pestilent rebel'. But the defendant's counsel, with his characteristic ingenuity, attempted to show that the plaintiff had been the aggressor, and dwelled on the peculiarly excited state of St. John's, the residence of both parties, has palliated of the offence.

"The jury, which happened to be so composed as to give neither party a decisive majority of compatriots, unanimously returned, after a brief deliberation, a verdict for the plaintiff with five pounds of damages. The decision seems generally to be reckoned a fair one; and we sincerely trust that the unanimity of so responsible a jury on a political trial be a lesson to all future juries on similar occasions.

"It cannot be too generally known that the presiding judge imposed a fine of five pounds on every absent juror. Let every man remember this."

In the issue of May 23rd of the Montreal Herald, 1838, there appeared a letter to the editor from An Anti-Humbug "A report of the trial of Marchand v Mcdonald would do much good as furnishing an authentic commentary on French Canadian 'loyalty'. Do try to furnish your readers with something of the kind."

The Herald of July 5, 1838 carried a report of loyal manifestations at St-Mathias. "The militia at St-Mathias assembled on June 29th under the command of Captain Soupras, one of the 'dupes' fresh from the Montreal jail. The men mustered but would not go into the ranks so the roll had to be called without that form; after which the 'loyal' cried out Hurra without saying for whom, but a number of the corps said 'for Papineau and Mackenzie' and a shout was the consequence. Bear in mind, reader, that these people are not rebels; they are loyal and faithful subjects of Her Majesty who are unjustly suspected of being at St-Charles and of firing at Her Majesty's troops; we say unjustly suspected because they were taken in the fact, and have been till lately deprived of arms which have again been returned to them, and which they will no doubt know how to use when the hour of need arrives, which may not be far off."

A decade after the revolt of 1837-38 Louis Marchand was a leading businessman in Montreal.

There is a great deal that is ironic about the presence of Louis Marchand at the public dinner to the Hon. Hyppolyte Lafontaine on Oct. 1, 1851, in the company of the political élite -- fourteen years after his stay in the dread prison of Montreal; now his judicial nemesis, Benjamin Hart was exiling himself from Her Majesty's dominions.

As the Montreal Pilot and Gazette reported (Oct. 6, 1851),

"The public dinner to the Hon. Mr. Lafontaine, which had been sometime previously announced, took place at the St. Lawrence Hall, Great St. James Street. About one hundred and sixty gentlemen sat down to table, at the upper end of which the Hon. Mr. Morin presided. On the right of the President sat the guest of the evening, the Hon. Mr. Lafontaine, M. Ampère, Member of the French Academy of Paris, Messrs. Pelletier, Holmes, Lacoste, Jobin, and the Rev. Mr. Adamson; on the left, the Hons. Leslie and Bourret, and Messrs. Cartier, Jobin, Leprohon, Sauvageau, and Gugy. At the end of the table, opposite the Chairman, Dr. Nelson, M.P.P. did the honours, supported on his right by John Young, Esq. and on his left by L. Duvernay, Esq. The following gentlemen acted as Stewards on the occasion, and distributed themselves round the table at convenient distances from each other, so that they might be able to overlook and see to the comfort of those present:- J.L. Beaudry, L. Marchand, W. Bristow, C.J. Coursol, L.H. Holton, V. Hudon, L.P. Boivin, H. Starnes, H.L. Langevin, C.D. Roy, and C.A. Leblanc, Esquires.

"His Worship the Mayor, who had been invited, we regret to say, was absent from indisposition.

"The table literally groaned under the weight of every possible dainty that our markets could afford, or that could be procured from the neighbouring States. The toute ensemble of the arrangements, the choice nature of the viands, and the excellent quality of the wine, exhibited, in the most satisfactory manner, careful supervision and attention." (A.G. Doughty, ed. The Elgin-Gray Papers, 1846-52. Ottawa, vol. 3, p. 901)

In 1852 Marchand associated with N.B. Desmarteau in acquiring shares in the Compagnie du Richelieu to become principal shareholders.

They had been partners in two dry goods stores; by 1852 Marchand operated his own store. (G. Tulchinsky. The River Barons, pp. 64-66)

Alignment in Montreal

L.O. David records that in June 1837 a need came to be felt for clear expression, at least through a meeting, of the resentment and indignation at the high-handed attitudes of the government in calling on the magistrates to prevent seditious meetings.

The association of Les Fils de la liberté was proclaimed on Sept. 5, 1837 at a meeting in the Nelson Hotel on Place Jacques Cartier. (Les Patriotes, P. 13)

Rumilly notes that the very name of les Fils de la liberté derived from the 1776 American revolutionairies, the Sons of Liberty. (Papineau. Montreal, Valiquette, P. 143)

As L.N. Carrier wrote,

"The young of the reform party united in a political association named Fils de la liberté; on the other side, the constitutionalists (or bureaucrats as they were then called) also had their association which they called the Doric Club. These two political societies who were to be the principal actors in the bloody drama of the rebellion, were located in Montreal." (Les Evénements de 1837-38, Esquisse historique de l'insurrection du Bas Canada. Québec, L'Evénement, 1877, P. 67)

He recalls the founding of the Fils de la liberté on Sept. 5, 1837 at the Nelson Hotel, following addresses by Robert Nelson and Edouard Rodier and a parade to the home of Papineau who congratulated them on their patriotic response to the appeals of their leaders.

"The organization was half civilian, half military, with one branch working by means of writings and speeches; the other by force of arms as necessary, for the popular cause of preparing the people for the attainment of its independence."

Carrier notes, "Several of the most ardent Fils de la liberté are today peaceable citizens whom one would never suspect of having been so terrible in their youth; some have become pillars of the throne, the most faithful subjects of Her Majesty." a remarkable Canadian phenomenon.

"The Fils de la liberté met publicly nearly every week, and devoted themselves to the study of military arts; from time to time they paraded with banners waving, and bands at their head. There were 500 to 600 of them; their military uniforms and fine bearing, their patriotic songs were a subject of pride and hope for the Canadiens.

"Unfortunately they had no arms, and this concerned them deeply. They had all that was needed to become good soldiers except weapons. They wondered what they could accomplish with canes and some hunting rifles. At one time they considered buying weapons in the U.S., but Papineau opposed the idea...

"The English had an association which responded to the Fils de la liberté, but it was a secret society composed of strong Scotsmen and well-built young people who had already distinguished themselves in rioting. They were in no hurry to act, but this Doric Club believed that the time had come to deliver a strong blow... They did not hesitate to carry arms and to provoke unrest by their threats and their insults." (Pp. 11-17, 67)

Kathryn M. Bindon relates the Constitutional Association to the Doric Club, which she describes as "an armed group of 800 men formed to maintain British rights in 1835. It represented a more radical organization than the Constitutional Associations had been; the British were willing to fight for their rights." (The Lower Canadian Rebellion of 1837: The Last Battle of the Seven Years War. Paper to Sociology Dept., Sir George Williams University, 1971. P.11)

One of the features of the days before the eruption of the insurrection was the convening of large public meetings of the two sides by means of public invitations signed by hundreds of citizens. Probably these long lists of supporters thus aligned against those of the other side were as effective as the actual demonstrations thus convoked -- until, armed, they clashed physically on Nov. 6. On that day it became clear that the calls to meeting were a dangerous prelude to civil war.

With the growing unrest and the mobilization of the confronting forces, a meeting of citizens was called for Oct. 23, 1837 at noon at Place d'Armes "to consider measures in the present crisis to protect property and the connection with the British Kingdom now put in jeopardy by the machinations of a disorganizing and revolutionary party within the province."

This call was signed by hundreds of Montrealers in the Montreal Herald of Oct. 17, 1837 and by many more hundreds the following day. This invitation was in itself a mobilization, quite aside from the gathering it convened.

A large number of Jewish citizens appear on these lists. There might even be significance in the order of their appearance. Clearly those whose names were on the Oct. 17 list were among the prime initiators while the others appear on the 18th and the 19th to join those of the first initiative.

Among the first: Louis Nathan, S. Hart, D. and Henry Moss, Alexander Hart, A. Hart, B. Hart, Jesse Joseph, and E.D. David.

Later we have the names of Alexander Moss, A.P. Hart, I. Aaron, H. Solomon, S. Solomon and Thomas Judah.

Even before that Nov. 6, 1837 Benjamin Hart was already gravely involved in the revolutionary events.

He had only just been invested with the responsibilities of a justice of the peace. B.G. Sack notes,

"His new duties, added to those he already carried as an army officer, imposed a heavy burden upon him. On Nov. 4 the first evidence of treasonable acts on the part of the rebels was presented before him in his capacity as magistrate." (History of the Jews in Canada. Montreal, Canadian Jewish Congress, 1945. p. 125)

A day earlier, on Nov. 5, the magistrates issued a proclamation banning parades and any other demonstration. Papineau ordered the Fils de la liberté to abstain from parading in the streets.

"This proclamation was aimed directly at the Fils de la liberté. Their chiefs Brown and Ouimet informed the magistrates that they would abstain from any public manifestation and would confine themselves to a meeting on a private place, surrounded by a good fence, the Bonacina court on St. Jacques St."

A large number of Jewish citizens appear on these lists. There might even be significance in the order of their appearance. Clearly those whose names were on the Oct. 17 list were among the prime initiators while the others appear on the Jan and the 14th as late comers of the first initiative.

Among the first: Louis Nathan, S. Hart, B. and Henry Moss, Alexander Hart, A. Hart, B. Hart, Jesse Joseph, and E.P. David.

Later we have the names of Alexander Vineberg, A.H. Hart, L. Aaron, B. Solomon, S. Solomon and Thomas Judah.

Even before that Rev. A. Hart Benjamin Hart was already gravely involved in the revolutionary events.

He had only just been invested with the reserve dignities of a justice of the peace. A.J. Hart notes:

"His new duties, added to those he already carried as an army officer, imposed a heavy burden upon him. In May, 1 the first evidence of treasonable acts on the part of the rebels was presented before him in his capacity as magistrate." (History of the Jews in Canada. Montreal, Canadian Jewish Congress, 1947, p. 114)

A day earlier, on May 2, the magistrates issued a proclamation banning parades and any other demonstrations. Darkness spurred the Fils de la Liberté to abstain from parading in the streets.

"This proclamation was aimed directly at the Fils de la Liberté. Their chiefs Brown and Dubuat informed the magistrates that they would abstain from any public manifestation and would confine themselves to a meeting on a private place, surrounded by a good fence, the Bonsecours court on St. Jacques St."

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