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# CANADIAN JEWISH ARCHIVES

Nous nous souvenons

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

NEW SERIES  
NUMBER FOURTEEN

ON SUNDAY OBSERVANCE, 1906

Compiled by  
DAVID ROME

With a Preface by  
RABBI JONATHAN V. PLAUT, D.H.L.

NATIONAL ARCHIVES  
CANADIAN JEWISH CONGRESS

MONTREAL - CANADA  
1979

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Remembering is the root of redemption.  
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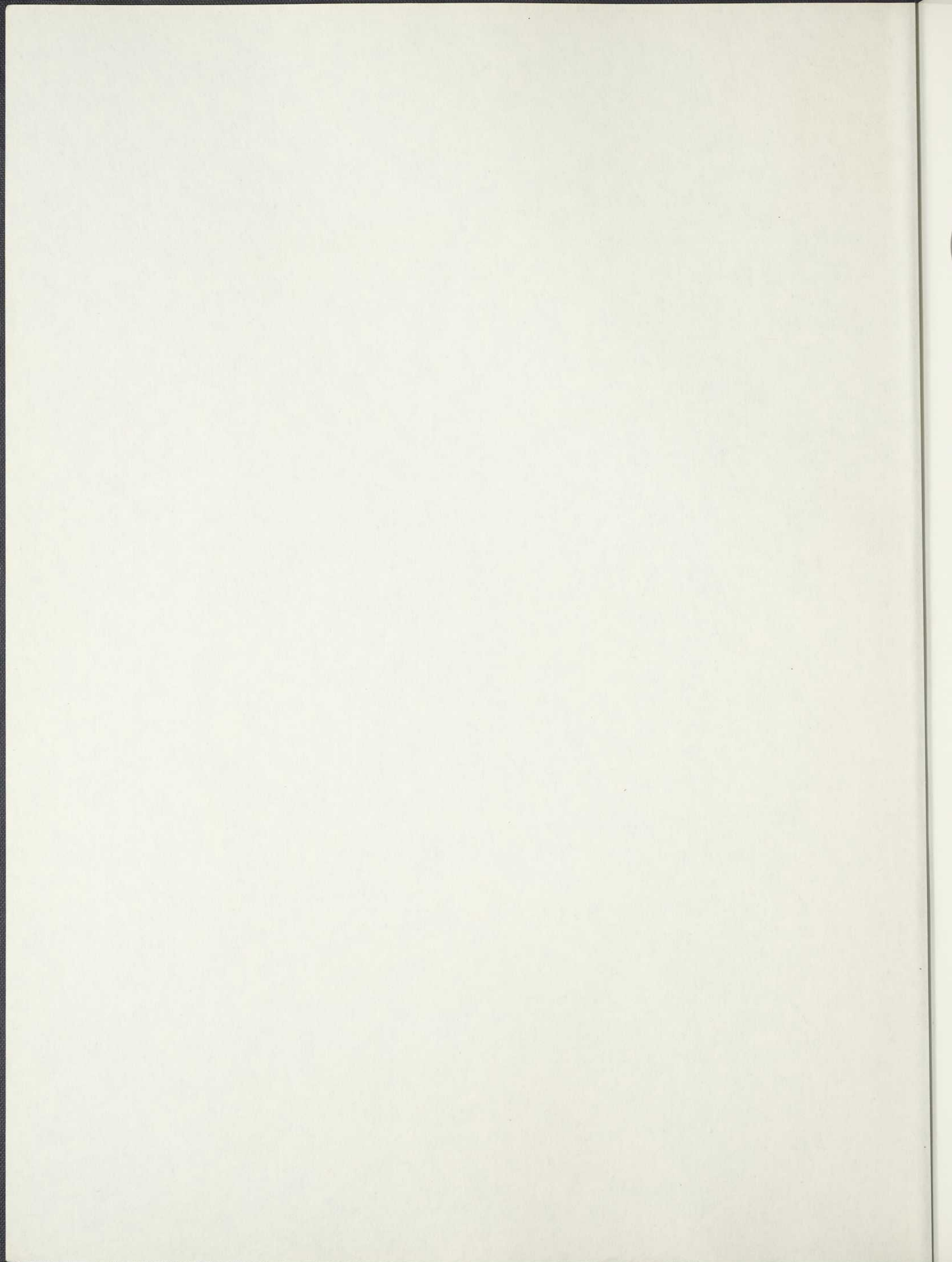
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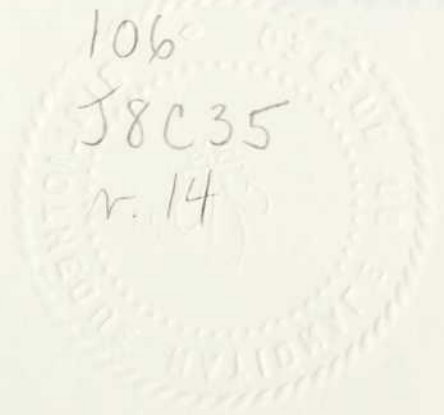
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RABBI JOSEPH V. ZIMNY, D.D.L.

Chairman, National Archives Committee  
Canadian Jewish Congress

A development of great importance to the Canadian Jewish community occurred in the year 1906. This story, or and its full documentation -- is presented in the current issue of Canadian Jewish Archives.

When the matter of Sunday observance came up in connection with Hamilton street cars in 1903, no one thought particularly about Jews. Yet this minor issue soon became a debate central to Canadian unity and to the Canadian constitution.

The case reached the Privy Council in London, which was then the highest Appellate Court for Canada. The Privy Council passed the entire question of Sunday observance to the jurisdiction of the federal authority.

From the beginning it was clear that Canadian citizens, and their representatives in parliament, were unaware that there was an old definition of the Lord's Day among those who held a belief in the Lord, not even among those who were Christian. Among the very lines of demarcation that the few Canadians recognized was the geographic; Quebec saw the subject differently.

Forces dedicated to a particular manner of honoring the Sabbath showed great zeal in imposing their tradition upon all Canadians, whether or not they subscribed to the particular creed of the impostor. Christian Jews -- of whom there were none, as there were observant Protestants and Catholics -- found themselves faced with grave economic handicaps, and subjected to a church-related constitution they had not expected in Canada. French Canadian



PREFACE

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From the beginning it was clear that Canadian citizens, and their representatives in parliament, were unaware that there was no one definition of the Lord's Day among those who held a belief in the Lord, not even among those who were Christian. Among the many lines of demarcation that too few Canadians recognized was the geographic; Quebec saw the subject differently.

Forces dedicated to a particular manner of honouring the Sabbath showed great zeal in imposing their tradition upon all Canadians, whether or not they subscribed to the particular creed of the imposers. Observant Jews -- of whom there were many, as there were observant Protestants and Catholics -- found themselves faced with grave economic handicaps, and subjected to a church-related constitution they had not expected in Canada. French Canadians

felt that Ottawa was again the source of an attack upon their social and religious tradition; once more they were isolated from all other Canadians on cultural grounds. The philosophy of anglophone Protestantism was being imposed upon them, they felt, with the probable effect that their way of life and ultimately their heritage and their very existence would be submerged in the ambient Canadian majority.

They had as their spokesman Henri Bourassa, whose place in the life of the province and in the federal House was rooted in the Quebec nationalism of Papineau, rather than in the partisan teams that represented Quebec in the federal and provincial parliaments. This Catholic statesman, whose religion had finely honed his ethical sense, quickly became sensitive to the Quebec implications of keeping the Lord's Day holy in Canada, and discarded the tactics of his political foes and friends. Noting that his church had fallen into a political trap and was acting against its own interests, he came to see that his own vigorous anti-Semitism was blinding him to the common interests of Jews and Quebec Catholics. Together with his associate, Armand Lavergne, he entered upon one of his great parliamentary contests. This became not only an important chapter in his complex political biography, but one of the confrontations between francophone and anglophone Canada which constitute a constant menace to the unity of this nation.

The Jewish community of Canada was still concentrated in Montreal, and the Legislative Committee of the Baron de Hirsch Institute, the forerunner of the Canadian Jewish Congress, took the initiative in the case with its accustomed vigor -- this a decade before S.W. Jacobs sat in the Commons as the first to represent a constituency with a substantial number of Jewish residents. But even then the committee added spokesmen from Ontario to give it a national character.

The Jewish position was clear; their Lord's Day was Saturday, a day very strictly observed by so many. To expect them to observe the Christians' Sunday instead was unthinkable, a condition not to be imposed by the modern democratic government of a free nation. To force Jews to observe two Lord's Days, and to abstain from work two days of the week, not to mention having to observe two sets of religious holy days, was to doom them to economic ruin.

Of course, since the majority of the population was entitled to observe this day of rest free from the annoyance of public violation, undue work and traffic in public had to be minimized. On this point there was no debate, and details could and were easily worked out. But the principal question was whether Canada was a Christian state, and what the implications of that problem would be.

As this issue was engaged, a frightening phenomenon appeared: a large portion of English Canada suddenly showed itself viciously anti-Semitic. Whereas there had already appeared many anti-Jewish manifestations in Catholic Quebec, suddenly the Protestant anglophones appeared to be even more dangerously and profoundly infected, with the spokesmen for the churches as vocal and active as those of French Canada.

The roll call in the Commons, as Member after Member rose to speak about Jews generally, was as revealing as the propaganda of the Lord's Day Alliance. Normally reticent Canadians of the English language felt free to express their friendship or their hostility to their Jewish fellow-citizens.

To place this discussion in its historic context, we may recall the close proximity between the time of the debate in the Commons to the pogroms in Russia, and on formal Canadian reaction to these precursors of other massacres of Jews looming on the European horizon. Readers in Canadian history will place these expressions in the long-standing context of francophone-anglophone reactions.

In its general outline, the sad Quebec record of hostile authoritative opinion on Jews is quite well known. The biography of Jules Helbronner includes one manifestation of this evil which had happened only five years before. Henri Bourassa had smirched his own record with a defence of the Russian Black Hundreds before the Commons; probably encouraged, if not inspired, by that shameless Toronto intellectual Goldwin Smith, with whom he shared a hostility toward British imperial consciousness.

The stirring debate on Sunday observance brought to the surface a body of anti-Jewish opinion in the other provinces that was older than Notary Plamondon's diatribes, older than the agitation centering on the Jewish mayor of Rome, older than Mgr. Paquet.

The conclusion of this legal battle is ironic and significant. The cause which Jews shared with Quebec was lost in the Commons, but Bourassa snatched victory during the accommodation between the Commons and the Senate. In the adjustment Quebec secured the right to establish its own type of legislation in this matter judged to be federal, and it promptly used this authority to protect the Jewish Sabbath observance in its province. By a special law enacted by the Quebec legislature, Jews who habitually rested on Saturdays were allowed, under specified conditions, to work on Sunday.

None of the other provinces followed suit.

As we look ahead into Canadian history, we may see this Sunday arrangement as a thermometer of anti-Jewish hostility, especially in Quebec; as long as Sabbath observance was so common among Jews, and as long as Saturday was a universal work day in Canadian economic life. It was not until the 1930's, with the coming of what Bourassa called extreme nationalism, that the Quebec arrangement that permitted observant Jews to work six days a week was challenged. The reader can learn about that situation in the eighth issue of Canadian Jewish Archives.

As in other numbers in this series, the historic narrative sought completeness insofar as Canadian Jewish history is concerned: our story deals with Sunday legislation only insofar as it affected the Jewish citizens of the country and as it reflected opinion and attitudes towards these citizens.

It also provides an inventory of the archival and other source materials on this incident of history which the National Archives of the Canadian Jewish Congress has assembled, primarily as a resource for scholars.

ON SUNDAY OBSERVANCE LEGISLATION

The Sunday observance movement of 1906 was an attack upon the constitutional position of the Jews in Canada, notably in Quebec, which had the dominant concentration of Jews in the country.

It was intended to establish that Jews did not have the array of legal rights that had been presumed and established for a century.

The existing Sunday observance regulations may have had as the premise that, like all residents, Jews were entitled to observe their religion and to rest on their day of obligation without losing the benefit of working the other days of the week, while not disturbing the dominical traditions of other Canadians. They, too, could work the six days without violating their creed.

But what if the Jews and their religion were not equally endowed with rights? What if the constitution of the land was such that the Jewish religion and its adherents were not equal in status and in right with the others? What if this were a Christian country, with special rights for Christendom and for Christianity not granted to other creeds? The law would therefore consider the Christian Sunday absolute and the Jews' Sabbath, the original of the Sunday, as non-existent in law, and its observers certainly not subject to compensation, exemption, limitation or adjustment.

The observation of the decades-old Sunday provisions would be more than just another slap at a community of citizens who were unpopular. It would be an expression of a view of the constitution of the land and of the provinces with other quite far-reaching implications.

Though the 1906 Sunday movement was largely Protestant in initiative, the philosophy of a Christian constitutional state was to be developed most fully in Catholic Quebec during the succeeding decades.

It was a viewpoint which became arbitrarily related to the principles of universal education, of public libraries, of democratically controlled school commissions, of government responsibility for public schooling and of a score of other issues.

Ironically, in historic fact it touched the Sunday question thirty years later, after the removal of Bourassa, when this philosophy directed the abolition of the Quebec clause which was the major French Canadian and Jewish victory of the 1906 confrontation.

This phase of 1906 Protestantism had Quebec precursors in the primitive anti-Dreyfus Semaine religieuse in Québec and in Tardivel.

With this process there entered the myth that freemasonry is a Jewish evil, an anti-religious and anti-Catholic institution, the root-seed of liberalism and of anti-Catholic Liberalism.

This witches' brew, swallowed and spewed by important persons and institutions, became admixed with anti-communism and with an identification of Judaism, and with the Protocols of the Elders of Zion and whatever else may be found on the garbage heaps of the western world.

Within a decade of 1906, authoritative Catholic theologian Mgr. L.-A. Paquet, violent and medieval (in its despised sense), was challenging the Jews' position in law in his studies of the legal position of the church within the state, with an anti-Semitic vehemence presaging Goebbels.

That constitutional view later appeared from such spokesmen as Antonio Perreault and the editor of the Revue du droit; the opinions heard by the Catholic Committee of the Council of Public Institutions were in line with this; the Devoir regularly placed these attitudes before its readers, and foul-mouthed Arcand and Ménard became advocates, constitutional interpreters and historians of no mean scholarship in establishing it all before their sweaty constituency.

This challenge to the rights of the Jews next came to the fore violently with the school question at the end of the 1920's when a Jewish school commission was established formalizing Jewish equality -- in education in the event -- more concretely than ever. The courts, notably the Privy Council, had established the legality of this action.

But even in this judicial discussion, the opinion of the respected Judge Rivard gave expression to the other view of Canadian society, a view which could be hailed by La Croix.

On the educational level the constitution held the school system in the province is inevitably, by its nature, confessional and Christian, "for an education devoid of any religious belief is unsuitable for a child whose orientation it can fatefully set for life; it could not educate the citizens of a Christian state. The school system matches the design of educating the subjects of a sovereign who for four centuries glories in the title of Defender of the Faith; how can it be permitted to treat these confessions, these beliefs, these doctrines and the very title of Defender of the Faith as so many impostures? Freedom of worship, therefore stops in law at the level of the school." (Revue de jurisprudence, vol. 31, Pp.488-89. Its authority: Mgr. Boudrillart. L'Enseignement catholique dans la France contemporaine)

This philosophy was translated directly through political pressure and through the ecclesiastical hierarchy so intensely that the very Taschereau government which had set up the Jewish commission was forced by pressure into committing virtual hari kiri by refraining from exercising its power to establish the Jewish schools.

In the Quebec debate on rights for the Jews in a society Christian by majority, wiser Catholics, not blinded by this triumphalism and narrowness, warned that the churchmen were fighting the wrong enemy; that this process would lead, not to a weakening of the Jews -- in this case in education --, but instead to neutralism and to a weakened church and creed.

Bourassa and Taschereau were not heeded. As Catholics they were probably not happy to have been proven right.

The continuing effort to realize this constitutional philosophy was now directed at the Canadian term "minority" and sought to teach that Jews were not even a minority in Canada. That term of privilege was reserved for Protestants and Catholics in their respective provinces.

They now sought to destroy the liberal tradition within the Canadian church and ultimately to annul the Canadian actions of 1832 and of 1851 which granted Jews equal rights.

Climactically the campaign for a Christian Canada turned to the Sunday issue. Again, Bourassa warned that the legitimate target for the right-thinking Canadian Catholic was not the Jew but the French Canadians who desecrated the holy day in a life-style that was threatening the traditions of the nation. The response he received was a vilification that went beyond the personal.

By the same token the editor of the Revue du droit proposed a solution to the Sunday law issue then coming to the fore: the federal Lord's Day Act to be amended to reserve to a certain measure in regard to customs and legitimate practices according to Catholic doctrine. ("Observance du dimanche" in vol. 10, no. 3, Nov. 1931, P.131)

The doctrine that the state and its law on public morality are subordinate to the universal order of which the church is the interpretive authority was taught not from religious podia, but in such law publications as the Revue du droit. (Léo Pelland at the Ottawa Semaine sociale, Aug. 28, 1931 on "L'Etat et la morale publique", and in Revue, vol. 10, no. 1, Sept. 1931, Pp. 15 , always with Mgr. L.-A. Paquet as the cited text). The federal law which in practice bans Sunday work is good, and the Quebec law which permits it in principle, unless otherwise provided for, is not good. Some articles of this law, happily coincide with Decree 544 A.D. of the first plenary council of the bishops of the ecclesiastical province of Quebec (Pp. 26-31)

The victory of this philosophy of the Canadian state came in the mid-1930's, with the repeal of the Jews' privilege under the Quebec law -- and the advent of Duplessis.

## THE QUEBEC PROBLEM

As early as Feb. 1879 there was a significant foreplay in the Commons when Anglophone Mr. Christie moved, seconded by Mr. Charlton, that "the interests of public morality and the physical well-being of all classes, render it necessary that there should be a strict and uniform observance of the Lord's Day in all the Departments of the Public Service which are under the control of the Dominion Government; that, in the opinion of this House, the regulations in the Post Office Department should be uniform throughout the whole Dominion, and all Postmasters be permitted to close their offices during the whole of the Sabbath Day;"

Francophone Mr. Langevin moved in amendment, seconded by Mr. Tupper, instead that the motion read "That the interest of public morality, and the physical well-being of all classes of the community, require that the Lord's Day should be strictly observed by persons engaged in the Public Departments under the control of the Government of Canada, so far as it is practicable to do so; that, in the opinion of this House, there should be a cessation of labor on the Lord's Day on all Public Works, and in all offices which are under the control of the Government of Canada, so far as, in the opinion of the Government, it shall be found practicable to do so."

The Langevin amendment was accepted. (Journals of the House of Commons, session 1879)

Protestant Canada continued to pressure the Commons for legislation "which will secure a better observance of the Lord's Day. The petitioners listed in the Journals for the sessions of 1884, 1890 and 1891 constitute a veritable directory of Canadian Protestantism, apparently unanimous in their request, except that the Rev. Thomas G. Thomson and others of Townships Stanley and Tuckersmith in Huron County sought to prevent the running of railway trains on the Lord's Day", among them, Rev. J.G. Shearer of Caledonia, Ont. (Feb. 25, 1884)

Not one voice in this choir from French Canada; and only one Catholic petition, "His Grace the Archbishop of Toronto, for the priests of our Archdiocese," bracketed by Rev. George G. Kerr of Brigden, County Lambton and R.W. Woodsworth of Dundas. (March 12, 1884) Two others might be Catholics: L.V. Larivière of Ste. Hyacinthe and Arthur Labelle of Montreal, petitioning personally (not with church groups, March 26 and Apr. 14, 1890). No Jewish petitioners, of course.

A number of Protestants opposed any Lord's Day legislation "which would interfere with the rights or religious freedom of any of Her Majesty's subjects" (May 21, 22 and 28, 1891). Among these protesters: Louis Aronson.

A native of Waltzawek, near Warsaw, Aronson came to Canada in 1872, after several months stay in New York. For a number of years he took an active part in the affairs of the Baron de Hirsch Institute, and Hebrew Benevolent Society, and it was owing to his suggestion that an appeal was made to the late Baron de Hirsch, which resulted in that great philanthropist sending a large donation, and the Baroness subsequently placing the Institute in its present satisfactory financial position. He was registered as a Jewish resident of Montreal in the Prothonotary roll in 1887 (age 37 at the time, of 218 Main St.), was the leading figure in the complex and dramatic conflict which attended the founding of the Bnai Jacob Congregation, and thereby the half century of the synagogal life of the numerous immigrants who arrived since that date. (Canadian Jewish Archives, original series edited by L. Rosenberg, no. 6, 1962)

Aronson was a charter member of the B'nai B'rith and the Independent Order of the Sons of Benjamin, Victoria Lodge, in this city, in both of which he had held the office of president, and was several times elected by them as delegate to the grand lodges. He died on March 15, 1901. (Jewish Times, March 29, 1901)

In 1881, J.-P. Tardivel, editor of Vérité, objected to Sunday work on the North Shore Railway, owned by the Provincial Government, now part of the Canadian Pacific line. He initiated these critical articles at the request of the Archbishop of Quebec, Mgr. Elzéar-Alexandre Taschereau, who became the first cardinal to preside over the diocese. He had written Tardivel, "With all my heart I wish to have the trains on the Q.-M.O. and O. stop on Sundays, and I had indicated this on March 2 last in a letter sent to the Hon. Mr. Chapleau."

Suddenly, however, Tardivel received a peremptory order to stop these attacks.

As Mgr. Taschereau told the editor, "If Tardivel considers it necessary he would contact the proper authorities to settle this question.

"Leave all the questions about the church to the men of the church, and limit yourself to questions that concern you -- politics, agriculture, settlement."

This may have occurred because the government was then attempting to sell the railroad, and the campaign against Sunday work may have appeared prejudicial to these efforts. (Mathieu Girard. "La Pensée politique de Jules-Paul Tardivel", in Revue d'histoire de l'Amérique française)

In reply to an 1891 "consultation", "Can merchants be given complete liberty to trade on Sundays?", the ruling was, "No, but if there is room to believe that there is place for a certain tolerance, it is wise to ask the advice of the Cardinal. That is the means of securing as uniform a general direction as possible." (Semaine religieuse de Québec, Jan. 31, 1891)

In 1891, when the Commons were considering legislation for better observance of the Lord's Day, Mr. Charlton, promoter of Bill 2 to this effect, noted that Jews opposed such measures out of religious principles as they do not believe in the observance of the

first day of the week... we cannot change the day of rest from the first to the seventh day in order to suit 2 per cent of the population; but we might meet this difficulty in this way: Certainly these people have religious scruples, and their scruples have a right to consideration, and it would be wrong to trample on anyone's religious scruples

He noted that Connecticut provides that those who rest on the Sabbath shall not be prosecuted for working on Sundays. Some provision of that kind might be adopted, and that would provide for this assumed right, and would meet the difficulty felt by Seventh Day Baptists, Adventists and Jews... The provision from the law of Connecticut might be adopted. (Hansard, June 4, 1891, P.761)

The relatively minor and local issue of how Canadians are to rest on their Sabbath suddenly exploded into a major national issue early in the century when the Privy Council in London placed it within federal jurisdiction after examining a Hamilton case.

Establishing a formula for Canadians from coast to coast, of varying occupations, traditions, faiths and customs was difficult enough. But the issue became the more complex when it assumed Catholic-Protestant, Quebec-Ontario dimensions. Significantly, those who spoke for Catholic Quebec were not unanimous, and not all Quebec Catholics agreed with those who were defending these traditions.

As we read the debates some seventy years later we recognize very clearly issues and arguments which were to burgeon dangerously. We appreciate the prescience of political men who early sensed that grievances not adjusted early can fester. We also note the refusal to heed the sensitivities of Canadians who are partners in confederation.

Young Henri Bourassa appeared at his most consistent best, and we hear the voice of Armand Lavergne in the debate. Protestantism was most aggressive through its Rev. Shearer.

In this parliamentary debate the interests of observant Jews were involved.

To anticipate the conclusion, the federal legislature, largely the Senate, found a satisfactory formula which was seconded by the Quebec provincial legislature and granted Shomrai Shabbath rights which went beyond those in any other province. These rights were in effect for thirty years, until a darker, less tolerant time descended on the province.

QUEBEC FEELS UNDER ATTACK

A strict Sunday tradition in the Protestant style was always alien to the Catholic Quebec, and Bourassa later chastized his people sharply for their own irreligious Sunday lifestyle.

Generally the image of the severe Sunday was animated much more by the Protestant social and religious philosophy than by the Catholic. An active Sunday is much more a feature of ancient Quebec than of Ontario or Nova Scotia.

Quebec was dissociated from Ontario's Sunday legislation even though -- as Chief Justice Sir William Tellier later noted, in 1931, in his notes on a case referred to the Court of the King's Bench -- legislation forbidding Sunday trading and work stood on the statutes of the province since the colonial law of 1805, and English Sunday law dating back to the reign of Charles II was binding in Canada since 1774.

As Laurier told the Member for Leeds in the House of Commons on June 21, 1906, "In the Province of Quebec we have a different way of observing the Sabbath, and I am not pretending that we observe it in a better fashion than other people. Everybody in our province goes to church in the morning, and in the afternoon he is at liberty to engage in those contests. The young people play baseball, which I know is objectionable to some Christian communities. For instance in the constituency my hon. friend represents it would be a high moral offence for a young man to play ball on a Sunday." (Hansard, P.5798)

The Sunday legislation passed by the United Provinces of Canada for Upper Canada did not apply to Lower Canada and was not included in the revised statutes of Canada. (Senator Scott in Debates of the Senate, 1906, P. 1122)

The specific character of Quebec's Sunday traditions was recognized throughout the parliamentary debate of 1906, and the first draft of the bill provided for some minor exemptions for Quebec. (Commons Debates, P.1011)

Rivet of Hochelaga asked "why this Parliament should interfere and dictate to every citizen the way in which he shall enjoy the rest which is provided for him by this Parliament. I am not speaking for the other provinces, but I think I have a right to speak for my own province, and especially for the city of Montreal, and I may say that the citizens of Montreal have been in the habit for many years of going to the public parks with their families in order to breathe the pure air, and also to enjoy the legitimate recreation afforded them by such performances." (June 21, 1906, Hansard, P. 5788)

The Jewish Times noted that Bourassa "attempted to move parliament to refuse justice to his Jewish fellow-citizens in the matter of Sunday observance by declaring that to do so was to pander to the Jews.

"I have no objection to the Jewish people enjoying liberty of conscience, but there seems to be a strange tendency to make them a specially privileged class. Is it because they are the least remunerative class that we can get -- that class which sucks the most from other people and gives back the least? Is it because they are the most undesirable class that can be brought into the country? I am not saying this from any anti-racial or anti-religious motive. I am simply giving the experience of every civilized country. That experience is that the Jews are the most undesirable class of people any country can have. From a purely police point of view, they respect our criminal laws but that is all. They do not adapt themselves to the customs of the people among whom they live, but on the contrary, they conduct themselves in such a way that they are vampires on a community instead of being contributors to the general welfare of the people."

He was not prepared for this in a bill which he finally condemned as forcing on the consciences of two million Catholics restrictions they do not approve of and having as its object the getting of the votes of the Jews in Montreal and Toronto.

"Mr. Bourassa did not see how intensely absurd was the idea that the able and astute politicians who proposed the bill would risk losing the support of two million Catholics for the sake of gaining the votes of the few hundreds of Jews in the cities he named. Nor did he in the fervor of his anti-Semitism pause to reflect that among the great employers of labor in both cities are many Jews, or that the vampires on the people, usurers of Montreal, belong mostly to his own nationality and religion. If he will take the trouble to ascertain the facts, he will find that; in proportion to

their number, there are more Jews in Canada engaged in industrial pursuits than there are of any other similar class. We are sorry for Mr. Bourassa, as we would be for any one who lets his bigotry get the better of his judgment." (June 29, 1906)

Amazingly, only one week later, Bourassa made a complete about-face and introduced an amendment to the "Jew Clause" that differed only in wording. He explained his incredible reversal by stating that he had been "visited by representatives of the Jewish community" and that "while I think it is wrong to encourage Jewish immigration, the moment a Jew lands in this country and we collect his money, we owe him the same law of justice and equality that should govern every man in this country."

On June 27, 1906, Parliament decided seventy-nine to fifty-seven against the granting of an exemption to the Jews. But all was not lost. The "Sunday Bill" was eventually watered down to the point where the Jewish Times of Montreal could note:

"As for the Act itself, it is nothing but a piece of legislative humbug with a touch of bigotry. It has two saving clauses, one of which permits local legislatures to pass laws to make it inoperative in the province concerned, the other requires the consent of the Attorney-General of any province before a prosecution can be undertaken under the federal law. The Act is both stupid and unnecessary, and will probably prove unworkable in operation."

The Lord's Day Alliance was humbled and defeated in 1907 -- a year after the unhappy controversy began. The same delegation of Jews placed its views before the government of the Province of Quebec and was successful in enacting the exempting "Jew Clause."

The Jewish press quietly closed the door on this unfortunate struggle: "Perhaps the members of the Lord's Day Alliance will now see that, by insisting on a too rigid observance of Sunday, they have defeated their own object. They refused to make any allowance for the religious convictions of people who disagreed with them." In six decades since, however, Sunday store-openings, while still illegal in most of the provinces, have become readily acceptable, especially in the suburban areas of the larger cities.

Bourassa spelled out the danger of federal intrusion into Quebec's Sunday traditions, "You are sowing the germs of more racial and religious discord in every corner of this Dominion than you could by enacting a law saying that people shall go to this church or that church; because, in spite of all that has been said, this will come to be a religious question.

"It is all very well to say that we do not force people to go to church; but abstention from work, amusements or trade on Sunday is governed by the racial and religious traditions of every man just as much as attendance at church.

"I know men in this House who are very strict in regard to abstention from work on Sunday, but who, I think, are not so very strict as to their attendance at church. We know that some men are more strict upon the question of external Sunday observance than upon the question of church attendance.

"I do not judge them, but according to our traditions that were not born the day this parliament was born, that were not born the day Canada was founded, but were born centuries ago and have grown up with our civilization and habits, we view this question from a different standpoint. The moment we have attended mass on Sunday -- and our people attend mass perhaps more faithfully than the Protestant people attend their church, because they have a different conception of their duty in that regard -- we do not put as strict an interpretation upon the observance of Sunday as some people do. We, of course, observe the injunction to abstain from work, but we give the commandment a different interpretation.

"I claim that not to have regard to religious differences and prejudices is to ignore the whole trend of modern history. This very question of Sabbath observance was one of the first that brought about the quarrels among the disciples of Christ. You have recorded

in the Acts of Apostles quarrels among the first disciples of Christ as to the interpretation to be given to the Sabbath law. This is the question that brought about strife and quarrels at the beginning of the Reformation. You had people in France, Germany and England having others stoned because they did not interpret the Sunday observance law in the same way. I have been told by some men in this House that their parents would have considered it a crime to read a newspaper on Sunday or to look after their cattle on Sunday. I have the greatest respect for those men. We have heard the Minister of Justice state that an enactment which would result in the saving of crops when they are in danger would shock the feelings of the people of Ontario, when nobody would think of being shocked in our own province. Even Protestants who have been living there for some time are not shocked. This proves that in attempting in this parliament to create a common standard on such questions, to bring into unison by a piece of legislation the minds of the people who have thought otherwise for four centuries, we are ignoring history, we are ignoring the foundation upon which this nation is meant to be built; we are ignoring the very spirit upon which our constitution has been established.

"Everyone knows that one of the crucial questions before Confederation was that at times you had a majority from the province of Quebec imposing its views upon Ontario, and at other times you had a majority from Upper Canada imposing its views upon Lower Canada. The Fathers of Confederation took proper care to remove from the field of federal jurisdiction everything which either directly or indirectly appeals to the heart of man on racial or religious lines. If they had not eliminated these questions Confederation could not have been accomplished.

"Let us respect the spirit of the constitution. There will be enough troublous questions in the federal arena to arouse race and religious feelings without our going out of our way to seek others and drag them in here." (July 6, 1910)

Bourassa told the Commons, "This Bill cannot but be a source of hardship upon a great many people of this country. I pointed out to them that the whole Bill was a source of great hardship upon Catholics of this country; that by it Catholics would be prevented from doing legitimate work according to their conscience, according to the laws of our province, which they have performed for all the centuries past, in the country of their birth as well as in Canada; that for the first time in the history of our race we are to be prevented by this parliament from doing work and enjoying ourselves

in a manner entirely in accordance with our religious law as well as with the civil law, which has been acknowledged to us by the Canadian and British parliaments up to the present moment; and that is an important question that will be raised later on: I pointed out to these Jewish gentlemen that they should not be surprised if they suffered somewhat greater hardships than two millions of citizens of Canada, the founders of Canada, who have laid down the basis of all civilization in Canada, and who are going to have some hardships imposed on them — they need not be surprised to have hardships imposed on them. They have consented, because what they want, they said, is that the poor labourer should be protected, that we should not force the poor man at the head of a family of five or ten children to have only five days in the week to earn his bread. As far as that class of people is concerned I hope there is not a Christian in this House who will deny to the Jew or anybody else, pagan or Catholic or Christian, the right to earn a living for his family. This will provide for that. At the same time it will impose upon the Jew everything which the most stringent Christian will require of him to respect Sunday as far as public worship.

"This is the first time we legislate against the autonomy of provinces, a first step that can lead us far. Ontario wants the law, Quebec rejects it." He proposed an amending clause: "This law shall come into force in any Canadian province only when the assembly of that province shall decree that the law applies in that province."

A.M. Beuparland, Member for St. Hyacinthe, similarly read a number of letters from his constituency to the same effect.

To some extent the dissonance between the Protestant-inspired measure and the way of life in Quebec was recognized from the beginning even by its sponsors and Justice Minister Charles Fitzpatrick sought to provide certain exemptions for that province in the original bill he introduced. (Apr. 3, 1906, Hansard, P.1,011-12)

The issue was more than an effort to embody a Christian ideal into Canadian law and to impose it upon all Canadian society. The objective was not a Christian ideal, for it was not shared by the entire Christian community or even by its major denominations.

Some politically sensitive Quebec parliamentarians such as Henri Bourassa of Labelle and Armand Lavergne of Montmagny -- at the time the least philo-Semitic of all who attached M.P. to their name -- saw the Sunday observance proposal as a political and social instrument fashioned by Protestant Ontario to coerce Catholic Quebec.

Lavergne told the Commons on June 29, 1906, "Nobody will deny that this Bill is not regarded with favour in the province of Quebec. It goes against traditional customs which have prevailed amongst us for two hundred years and in which the people see no harm." (Hansard, P. 6587)

This was the sense of the public meeting on June 29, 1906 on Champs de Mars in Montreal where 10,000 answered the call of the Ligue nationaliste. After addresses by Bourassa and Lavergne against the bill before the Commons a resolution was passed:

"That measure is a derogation of all the customs which have existed from all time past in the province of Quebec, and infringes deeply upon the civil rights and the social organization of which the inhabitants of that province have heretofore been possessed, both under the French régime and the various constitutions which Great Britain has granted to them since the Treaty of Paris.

"Deeply imbued with the principles of liberty and with respect for the conscience of their neighbours, they acknowledge without any reservation to the citizens of the other provinces the right to accomplish as they think fit that Christian and social duty. But they believe they are entitled equally to the right of practising the same duty, within the limits of their province, according to their national and religious traditions and to their public laws and customs, older as they are than those of any other province in Canada.

"If a majority of the representatives are anxious to press the adoption of this measure, a clause should be inserted therein providing that the Act shall come into force only in those provinces where the legislature shall enact that the said Act shall apply to their respective territory and inhabitants."

It was Camille Piché of Montreal St. Mary's who, from the beginning, promoted the principle -- which eventually proved so effective -- that the act should not prohibit activities permitted by existing provincial legislation.

Piché was opposed by Ontario and other M.P.'s who felt that by such a provision each province could nullify the intent of the law. (Hansard, Pp. 6587-90)

There is great significance in the position taken by Montreal's Archbishop Bruchési who chose this time to issue a mandate against the long-standing desecration of the Sunday.

We have here another example of the recurring differences between the higher Catholic clergy and the religious practices and attitudes of the larger number of communicants. These differences often bring the hierarchy closer to the dominant elements of total Canadian society.

Another related phenomenon exemplified in this classic Quebec situation was the rejection of the bishop's interference in the political conflict where Lavergne and Bourassa opposed the anglo-phone members in defence of Quebec's traditions and practices.

Emphasizing the political, Ontario-centred movement for a Protestant Sunday, Lavergne did not hesitate to repeat his accusations of hypocrisy. He said British Columbian Mr. Kennedy "has quoted the opinion of Monseigneur Bruchési, and I congratulate His Grace that he has found such a worthy disciple. I am not in the diocese of Montreal and I may say that the Archbishop's pastoral is not particularly for my guidance since I am not one of his flock. However, I am glad to see that the member for New Westminster is such a staunch believer in the matters of faith and morals pronounced by the Archbishop of Montreal. I am quite sure that it will make him very popular in his constituency of New Westminster when they know that he is ridden by the Catholic hierarchy after having been ridden by the Lord's Day Alliance."

And then Bourassa added, "I am quite sure that His Grace will be very proud that he has such a grand vicaire in this House as the Member for New Westminster. I have the greatest respect for Monseigneur Bruchési; he is my bishop, and I am ready to abide by his teachings in matters of faith and morals.

"But, Sir, I do not renounce my right as a legislator of this country to express my opinion on any law that comes here, provided I conform to the rules of my church in matters of faith. That is all we ask for, and even the opinion of my hon. friend from New Westminster (Mr. Kennedy) is not going to make me more Catholic than the Pope. In these matters I entirely approve as well as obey the words of the Archbishop of Montreal with respect to those things that ought to be forbidden.

"In the province of Quebec there are places of amusement that should be forbidden when the requisite authorities give the word, and we have not come here and ask this parliament to pass a law to prohibit the same thing all over the country.

"It is now time to ask if the Prime Minister expressed the opinion of his cabinet yesterday when, speaking of the rights of the provinces in this matter, he said:

"We recognized in every province the condition of things that prevails in that province. There may be different conditions: They are not to be disturbed."

"Now is the time to apply those words. I do not deny to the citizens of other provinces the right to have what they want in these matters. I go further; I acknowledge the right and duty of this parliament to give to the other provinces such machinery as they cannot obtain from their provincial parliaments to enable them to force sanctity on their people if they wish to do so. I want municipal freedom in this matter.

"Yet I say, in the very words of the Prime Minister: the moment you have in this law what powers you want according to your ideas, your needs, your conscience, why do you want to force on the people of the province of Quebec things which we do not want, because you have them in your province?"

"I do not suppose that it is the intention of the government, even if it is the wish of the Lord's Day Alliance, to impose on every man, every city and every province, the same standard of morals, the same understanding of their religious duty."

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## LORD'S DAY ALLIANCE

Sunday observance became a national issue in Canada when the Privy Council, in the case of the Hamilton Street Railway, held in July 1903 that the Ontario Act to prevent the profanation of the Lord's day was, treated as a whole, beyond the competence of the province because this activity was included in criminal law, an area reserved for federal jurisdiction.

It was a conflict fought in federal and provincial legislatures, from pulpit and newspaper columns.

The principle of legislating in these areas of social activity was recognized at the time, and the federal government felt bound to act in the direction of a National Sabbath. Indeed, the Privy Council decision placed such religious legislation clearly within the purview of the country's criminal code. Nevertheless, by and large the federal legislature did not welcome the opportunity to act in this complex issue.

Of course, the government watched the situation carefully, and we find, in the debate on supply on May 29, 1905, a payment of some \$3000 to two Toronto barristers, "The government have agreed to pay them for their legal services to the Dominion Lord's Day Alliance in having the question of Sunday observance raised in the Supreme Court. These gentlemen were employed by that organization to prepare a Bill for the observance of the Lord's day. They were heard before the members of the government on several occasions. Questions were raised as to the authority of parliament to pass the Act, as to whether it was within the jurisdiction of this parliament.

"Up to that time Sunday observance had been treated as a provincial matter; but the Judicial Committee of the Privy Council in 1903 had decided that certain legislation of Ontario was ultra vires, and by reason of this decision the Dominion organization came to Ottawa for further legislation. The question of jurisdiction having been raised, a reference was made to the Supreme Court." (Hansard, May 29, 1905, p.6722)

There was strong pressure from Protestant churches across Canada for Sunday legislation. In the words of the Hon. A.B. Aylesworth, Minister of Justice (June 20, 1906): "As every Member of this House is aware, there has been, at all events throughout all the English-speaking portions of this Dominion, throughout Ontario and the maritime provinces particularly it may be, but practically throughout all Canada unless it may be a portion of the Province of Quebec, a very pronounced agitation on this subject."

A very large number of petitions from Protestant bodies to this effect reached parliament, but very few from Catholic groups. There was, however, one notable exception, the Roman Catholic Archbishop of Montreal issued a statement in support of the Sunday law (Select Committee, Minutes of Evidence, Pp. 147-48) which was even less reserved than that of the Chambre de Commerce du District de Montréal and the Montreal City Council. (Pp.7-9)

The Alliance maintained a consistent stand in regard to the Jewish condition.

Viewing their place in predominantly Christian Canada to be limited to either seeking fortune or refuge from a persecutor, the Alliance held "that having sought our land they should conform to our laws and recognize the (prevailing) civil (secular) customs..." Despite the Jewish appeal, the Alliance firmly believed that these "Saturdarians" intended to cause a general breakdown of Sunday law, and accordingly placed this non-Christian force alongside those outright enemies of Sunday law; the infidels, skeptics, pagans, criminals and irreligious groups. The Alliance rejected the Jewish exemption because there existed "a righteous limit beyond which we are not warranted in respecting conscientious convictions." "This limit," declared the Alliance, "was reached in the question of Sunday legislation, when all were allowed to observe, religiously or not as they pleased, the Christian Sabbath,..." To the Alliance, Sunday, being the Lord's day or the Christian Sabbath, was of inestimable value; not Sunday as the national day of rest. Its value as such could only be achieved legally, by making it the national day of rest. Therefore, rejection of the Jewish exemption was essential to protecting and preserving the Christian Sabbath.

The Alliance claimed that the Jews worded their case in a cunning manner so that their entrepreneurs would be able to stay open for seven days a week by means of legal guarantees. They also claimed that this was most objectionable in that it would create widespread opposition throughout the country. Aside from using the press, the

Alliance acquainted legislators with their objection to Section 11 in the hope of swaying these parliamentarians to their side of the issue. The Alliance organized a powerful and influential front to ensure defeat of the Jewish demands. They sent representatives to various synods. After explaining the situation, the Alliance called for (and received) strongly worded resolutions requesting "the government to preserve the bill inviolate." Not limiting themselves strictly to church assemblies, the Alliance urged individual ministers to encourage their congregations to write to their Member of Parliament voicing their disapproval of the Jewish exemption.

The Alliance did not limit itself to the Protestant sector of the country but also sought out their Roman Catholic brethren in Christ. (Indig, 1975 thesis on Lord's Day Act, U. of Windsor, Pp.91-98)

The Protestant Lord's Day Alliance took an unusually active part in drafting, promoting and amending the measure before parliament. T. Martin of North Wellington, in establishing the status of the Rev. Mr. J.G. Shearer, told the Commons on June 21, that the minister 'is representing the Lord's Day Alliance. That Alliance has in the Dominion of Canada 618 branches, scattered over the different provinces. The smallest number of branches in any province is 15 -- in the province of Prince Edward Island. That Alliance does not only represent 615 branches, but it represents an enormous number of members, up in the hundreds of thousands, of the Christian people of this country.

"Mr. Shearer is not the Lord's Day Alliance, but that Alliance is composed of hundreds of thousands of good people. And it is at their request, and at the request also of many good people throughout Canada who are not members of that Alliance, that the government has had the courage to bring down the excellent Bill that is now before us." (Hansard, P.5803, June 21, 1906)

The Alliance produced a document which was as alien to Catholics as to Jews. The bill would impose the Sabbath pattern of an Ontario village upon the Catholics of a Quebec parish and upon the Jews of Montreal.

Many members from outside Quebec were unaware of the ambiguous position of the Alliance in the French-speaking province. Only a few years earlier it had met with intense opposition when, led by Rev. Edgar Hill, it sought to close post offices, small stores and entertainment facilities in Montreal. Then, too, many French Canadian Montrealers saw it as "the blindest sect of Quebec Puritans without a popular mandate...a gang of sectaries who are a danger to the public peace." (Les Débats, Jan. 12, Apr. 20 and May 25, 1902; Apr.26 and May 3, 1903)

These ministers who work Sundays should know that Montreal is Catholic by majority, and that our religion does not forbid small stores to open on Sundays. (Louis Rabillan, in Débats, June 14, 1903)

A Sunday repose law that would close small stores had been on the Montreal (but only Montreal) by-laws for thirty years but had fallen into desuetude. Now the Alliance sought to revive it.

On June 1, 1902 City Council regulated the operation of small storekeepers on Sundays, but the Alliance persisted in its unwelcome pressures. French Canadian opposition to them was strongly voiced in the press and by such civic officers as Councillor L.-A. Lapointe and police commission chairman Councillor Leboeuf. Only the English-language press supported the Rev. Mr. Hill.

Councillor Ekers revealed that their mass petition had been signed largely by the city's Methodists, most of them pupils in the Sunday schools.

The Rev. J.E. Hill reported to a meeting of Protestant ministers on Nov. 21, 1901 that the Catholic Archbishop Bruchési shared their views on shutting restaurants on Sundays. (La Presse, Nov. 22, 1901)

The columnist in Les Débats was indignant.

"These fanatics dare speak for the Catholics, and involve the name of our revered prelate with the Protestants who want to crush the small storekeepers who are open on Sundays.

"The Protestants are to the Catholics what the Pharisees were to the Hebrew Law; both exaggerate and push everything to the extreme. We seek truth not in the letter that kills but in the spirit which gives life.

"Consider what happens in all Catholic countries. Sundays heavy work is suspended and the big stores shut. All labor which strains the body more than the spirit stops. But there is no objection to some people selling cigars or candies to passersby. If anybody raised the question he would be ridiculed.

"They want to inspire us with the English spirit, a spirit which generates spleen and all that is severe. They seem to have bet on depriving us of the most attractive qualities of our race -- our gaiety. This must happen because we are under English rule, and we must become complete and true Englishmen, measuring and counting our steps as we walk with our long noses. If we permit this spirit into our land it will become sovereign quickly.

"We are asked now to close ourselves up voluntarily in an unnatural rigorous circle that the most fanatical Protestants have drawn around themselves.

"Let Mr. Hill and his friends know well that the head of our church, the great Pontiff, Leon XIII, whose spirit of justice and tolerance are admired of all Christendom, has never forbidden Sunday trading even in Rome.

"Speak in your own name. Try to introduce in Montreal the habits and measures of Protestant countries. But do not touch Catholicism to accomplish this." (Jules Guenette, in Les Débats, Dec. 15, 23, and 29, 1901; Apr. 13, 1902)

There is social significance in the absence of the Jewish element from the 1901-3 Montreal controversy about Sunday closing.

At that time -- and in 1906 -- Jewish retailers were few and were limited to their own tight areas of settlement, so that they did not influence the social scene which was the genuine stake in the allegedly religious debate.

In the summer of 1905 The Lord's Day Advocate reported,

"Hebrew traders in Montreal are agitating for permission to carry on their business on Sunday, because their day of worship falls on Saturday. They assert that by having to close on Friday night and remain closed, except for a few hours on Saturday night, until Monday morning is greatly to their disadvantage. The result, they say, is especially hard on Jewish grocers, as well as on their customers. There are about fifty of these groceries in the city, whose trade is almost exclusively with their co-religionists, and consists very largely in special imported foods not used by other people. Owing to the compulsory Saturday and Sunday closing, Jewish people have to lay in a supply of perishable groceries on Friday to last them until Monday, and as most of them are poor people, who cannot afford refrigerators, they say they have a genuine grievance.

"The Seventh Day Adventists advance the same plea. While we sympathise with those who suffer for conscience sake, yet it is better that a few should so suffer than that the many toilers should lose their Sabbath rest for the benefit of these few.

"This must inevitably follow if the plea of the Hebrews prevailed. Our national Rest Day, in a Christian country like Canada must be on the Lord's Day which is the Sabbath of the vast majority of Canadians. And all those who come into our country to share its great wealth must also accept its institutions. It is the foreigners who most frequently break our Sunday laws." (Aug-Sept. 1905, P.5)

The Alliance boasted of their authorship of the bill. In the April 1906 issue of their Advocate they wrote, gleefully cited by Bourassa in the Commons on Pp. 6259-60 of the Hansard,

"On March 12, the Hon. Charles Fitzpatrick introduced as a government measure, the Lord's Day legislation promised in the speech from the Throne. With the exception of clause 3, certain excepted sales at church doors of devoted articles bought by worshippers in the province of Quebec, the Bill is substantially the draft Act submitted by the Lord's Day Alliance."

Some Members deferred to the Alliance, often seeming to seek a bill that met the intentions of that society rather than fulfilling religious principles in question. (e.g., Mr. Cockshutt, June 21, 1906, Pp. 5767-68)

So Mr. Miller of South Grey defended Mr. Shearer, "The members of the committee will all agree that Mr. Shearer did make to them a great many valuable suggestions of which we were very glad to avail ourselves. They appealed to us as being reasonable, sensible and right. Mr. Shearer is a man who has had a great many years of experience, during which he has gathered a great deal of knowledge of business interests and transportation interests in connection with the work of the Lord's Day Alliance. Mr. McPherson is a solicitor who has paid a great deal of attention to Lord's Day legislation. I would

not like, as a member of the committee, to report that the report of the committee is practically the report of the Rev. Mr. Shearer and Mr. McPherson. I think the members of the committee did do some thinking for themselves. It is not right or fair for him to say that this Bill is the result of the work of Mr. McPherson and Mr. Shearer, and that the member of the committee did nothing but adopt their suggestions." (Pp. 5730-31, June 20, 1906)

Others felt that the role of the Alliance was excessive. Early in the debate Mr. Barr said,

"The time has come when we must pledge for ourselves as intelligent beings; and whether from the Lord's Day Alliance or someone else, we in this House must consider the Bill very carefully before it becomes law." (June 20, 1906. Debates, p.5668)

The status of the Alliance before parliament and its special committee came under challenge in connection with the Jewish brief.

Prior to Goldstein's hearing, the Rev. Mr. Shearer wanted to know if he would be given a chance to express his viewpoints on the proposed amendments at a later date. Daniel consented to the request with no opposition from other members of the committee.

The idea of allowing the Alliance to speak against the Jewish group who sought exemptions was undesirable to Lyon Cohen, who remarked that this was unfair because the bill, according to the Minister of Justice, was strictly a Government measure. Allowing this, Cohen contested, was tantamount to recognition of the Alliance's sponsorship of the bill. To this attack, Fitzpatrick replied that since Jewish interests were heard, representatives from the Alliance being "respectable people," were also "entitled to be heard."

Still not pleased with the answer, Cohen insinuated that it was unfair for one group to speak out against another group's contention.

Since the bill in totality would affect the entire populace, Fitzpatrick replied: "The interest of any particular class may be taken up (even upon)...any amendment of this legislation," because all parties, including the Alliance, had the right to present their views if the results of the legislation affected their interests. To strengthen Fitzpatrick's contention, Miller noted that this recourse was not only limited to the Alliance but could also be capitalized on by the Jew since "everybody else had the same privilege." Before the Jewish amendment would be considered by the committee, opposition forces had a right to speak.

On April 27, 1906, the day of the Jewish presentation, Shearer also spoke both before and after Goldstein's presentation to the committee. During his cross examination, Shearer expressed dissatisfaction on various amendments, including the Jewish one. His contentions against the exemption were repetition of what the anti-minority deputation had stated to Laurier and Fitzpatrick a month earlier. (S. Indig, thesis on Jews and Lord's Day Act, Pp.91-94)

Mr. Piché disagreed with his associates on the committee.

"As to this Bill being wholly the work of the Lord's Day Alliance and the parties who represented the Alliance before the committee, there is no doubt. And to prove my contention and to endorse what has been stated by another member of the committee, I must state that other parties than the Lord's Day Alliance people were precluded from making any suggestions. We were told that the evidence was closed, and that we would consider the merits of the Bill from our own standpoint and judgment.

"But what occurred after that statement? At the very last moment came representatives of the Lord's Day Alliance who asked to be allowed to confer with us again. Their request was granted, but when the representatives of the railway interests asked the same favour a little later on, their request was refused.

"The Lord's Day Alliance, therefore, were alone allowed to discuss the Bill with the members of the committee after the evidence was closed, and at the last meeting of the committee a similar privilege was refused the other interest concerned. It cannot, therefore, be argued that this report of the committee is a complete one."(P.5731, June 20, 1906)

Bourassa was blunter, "My hon. friend from Nanaimo said that it was not proper for this parliament to shield itself behind Mr. Shearer or this gentleman or that gentleman. I think the hon. member was perfectly right. But the Minister of Justice -- I fully sympathize with him: I think he is disgusted with this Bill from the first clause to the last; I think it has been imposed upon him by his colleagues, and it has been imposed on the government -- I do not say by Mr. Shearer. I fully respect him or any other gentleman who thinks this legislation should be passed; but it is imposed upon them because of the lack of courage of this government and of this parliament not to resist the pressure exercised upon them." On the same occasion he commented on the flood of petitions, mainly from Protestants, that were read in the House.

"There are many people who sign petitions without knowing what they sign. More than that, I will say that many petitions have

been signed in favour of this Bill because the people who signed them were not enlightened as to the real provisions of many of its clauses. I dare say that previous to the discussion of this Bill not one of the ministers knew what it meant: We have evidence of that from the declaration just made by the Minister of Justice, acknowledging the common sense of some of the amendments proposed, but saying that the gentlemen who were responsible for this legislation do not want them. As a Member of this House I am not ready to throw my responsibility upon the shoulders of Mr. Shearer or anybody else. The people of Canada will not look to Mr. Shearer or to anybody else for the responsibility of this legislation. This government and this parliament are completely responsible for it from beginning to end, and for every absurdity that will accrue from it, every trial and prosecution that arises under it, responsibility will be laid on the shoulders of the government. It is useless to play upon words, we must take things as they are. If something commends itself to the common sense of the committee, it is no excuse to say that Mr. Shearer will not accept it. We are not here representing Mr. Shearer or anyone else. We are here representing the people of Canada; and I suppose that we are here to rely a little upon our sense of responsibility, our sense of liberty and our common sense." (June 21, Hansard, Pp. 5769-70)

Bourassa noted, "So, we have their declaration that this Bill is theirs. And we have the declaration by the Prime Minister that the moment the Alliance is satisfied with the Bill we, the representatives of the people of Canada, must throw away our principles, must throw away our common sense; we must allow any absurdity to be incorporated in the Bill, we must even allow the Bill to be changed and made worse, simply because the gentlemen who are the real authors of the legislation will accept it. In other words the government and parliament of Canada are not free to take any exception to the orders given them by the authors of this legislation.

"Well, if there should be only one free man in this House, I will be that one. But I trust there are others like-minded with myself in that matter. The more we study this Bill the clearer it will be to the conscience of every free man of this country, that this parliament must not submit to be dictated to by any body of men, religious or civil, in a matter within the competence of this House." (P.6260) He warned that the blue Sunday legislation would threaten the poor man, the small merchant, the farmer, or the ordinary citizen who will be brought to book by the denunciations of the same men who have forced this legislation on this parliament. And we know their activity.

"The Lord's Day Alliance caused 500 lawsuits in Canada, I am informed, last year. I was written by a gentleman in Toronto that he was brought before a magistrate because he had written three letters in his office on Sunday afternoon, and was fined \$2.

"I was given information by another gentleman from Toronto that he stepped into a drug store in that city on Sunday afternoon for a glass of soda water and was summoned by a policeman."

When challenged, Bourassa read a letter from J. Enoch Thompson, J.P., of Toronto,

"I am heartily glad that you have championed the cause of liberty and freedom. Why, those bogus Christians have so demoralized our local police that a friend of mine writing a private letter in his own office one Sunday morning was interrupted by the entrance of three policemen who said they had been telephoned for to attend to him for breach of the Lord's Day Act. He was fined \$2 next Tuesday. This was under the existing Act. What may we expect under the new one?

"N.B. They say we have not enough police to protect property in Toronto."

And another letter to Laurier, "I see you are being pestered by deputations of long-faced, sad-looking men, nearsighted, narrow-minded and spectacled, calling themselves the Lord's Day Alliance, and demanding a special legislation to enforce their gloomy views on a long-suffering public. The official life of Hon. G.W. Ross, late premier of Ontario, was made a burden to him by those same officious busy-bodies.

"I take the liberty of placing some facts before you about this organization:

"When the question of Sunday cars was before the citizens of Toronto, this organization stated from fifty platforms and pulpits that Sunday cars would lead to Sunday theatres and all sorts of revelry and drunkenness, and took up a collection in the city churches to fight this monstrous evil. I believe they collected \$4,400 for this special object.

"Now, what do they do with this money? The late Mr. Copp, their treasurer, told me that over one-third of this sum was secured by one member for alleged arrears of salary, and other members also secured payments for alleged legal services.

"It was stated by the Mail that press representatives were excluded from their meeting. It wouldn't do to expose the small attendance.

"I heard of one meeting of fourteen members which passed many soul-stirring resolutions. According to their own statement, their whole membership is less than one-half of one percent of the population.

"They point with pride to 148 prosecutions in Toronto and 500 throughout the Dominion, whereby they have doubtless inculcated into the hearts of 500 citizens bitterness and hatred towards all churches and Christianity.

"These men call themselves servants of Christ, and this is how they promote Christian love and charity.

"A Jew sold a loaf of bread on Sunday morning to another Hebrew, who had none for breakfast. These vigilant defenders of the Christian religion promptly had the wicked Israelite fined.

"I had an example of this one hot Sunday. Going into a drug store for a soda drink, a policeman followed me and asked my name. I told him it was none of his business, and complained against the officious policeman. The chief of police informed me that the constable had no authority or right to interfere, but was inspired by irresponsible meddlers.

"It is well known that, at the time (and for years afterwards) that the president of the Lord's Day Alliance was fighting against Sunday cars, he hired a couple every Sunday.

"The Rev. Mr. Moore refused to travel on the wicked Sunday cars, but hired a man, horse, and buggy instead, and drove in a heavy rainstorm from Hamilton to Dundas to preach against Sunday cars.

"The chief promoters of it are preachers without churches, and second-rate lawyers, who make money out of the agitation and bring odium and contempt on true religion.

"The Toronto public have never taken this association seriously, looking upon it as a fake, money-making scheme, which is the reason they have not bothered about it. They collected over \$8,000 in six months, but publish no statement of expenditures.

"I most earnestly request that you will not further the designs of these narrow-minded bigots, who wish to make innocent recreation on a Sunday a penal offence." (Hansard, Pp.7397-7400, July 6,1906)

And further, "I have heard it said time and again: 'Oh, you need not be afraid so far as Quebec is concerned; they would not dare to apply it in this province.' Sir, only two years ago the Lord's Day Alliance in the city of Montreal successfully enforced a local ordinance closing barber shops on Sunday, until the city council decided to reject their influence.

"We are placing a law in their hands which they will bring cases before every magistrate; when the magistrate is confronted by this statute he will have to put that law into force. That law will be enforced in every province in this country; moreover, it will institute prosecutions against many citizens of this country, and it will be another source of disturbance in the interpretation of our constitution, and another source of friction between the different provinces."

"Because you may rest assured that the people of our province of Quebec are not going to swallow tamely this piece of legislation. There is no use in deluding ourselves in that regard. I do not say that the people of the province of Quebec will revolt. The people of the province of Quebec are peaceful, they are essentially constitutional; even in the days when they were sorely provoked, the people of the province of Quebec have always been in favour of constitutional agitation rather than anything savouring of rebellion. Now I say that, while we have it in our power, we should avoid placing legislation on the statute book which will be enforced against the traditions, against the social habits, against everything that those people hold dear."

Armand Lavergne was so incensed at the Alliance that Mr. Kennedy, Member for New Westminster, was insulting in his rebuttal. He thought he scored a point when he read the mandament of Archbishop Bruchési of Montreal in surprising support of Mr. Shearer. But neither Lavergne nor Bourassa hesitated in disavowing the ordinary's authority in this matter. "I will not cover myself with a mantle of religion to express my views in this House. I shall just express the opinion of common sense. I say as a Member of this House that I do not want to be ruled by the Lord's Day Alliance even if the member for New Westminster belongs to it. I do not think that this Alliance can promote any Bill in this House that we have not the right to discuss as representatives of the people, and I am not afraid to condemn it, if in my view it should be condemned." (Hansard, June 21, 1906, Pp.5792-95)

In Britain the Jewish Chronicle referred to the bill as proposed by the Lord's Day Alliance "very much stricter than is observed in England, or in almost any part of the world. Upon the Jewish community this severe measure will act with special harshness, because it will prohibit Jews from working in factories." (July 13, 1906)

Rev. J.G. Shearer appearing before the Parliamentary Select Committee on the measure, it seems representing both the Government and the Lord's Day Alliance, declared openly before the Committee that the Alliance was "uncompromisingly opposed" to any measure granting relief to Jews or Seventh Day Adventists, which caused Mr. Goldstein to remark that it was fortunate for the Jewish citizens of Canada that their rights and privileges were not committed to the hands of Mr. Shearer and his Society.

The Jewish Times wrote, "It certainly shows a very extraordinary state of affairs that the Government should permit itself to be dictated to on this important question by a society composed of men of the Reverend Mr. Shearer's type. This gentleman appears to dominate the Committee and insists that no exemption shall be granted to interests of any kind either Jewish, Adventist or industrial.

"The stand taken by the Minister of Justice is also evoking considerable criticism, and is, to say the least, curious. Those who know the Minister well, credit him with being the last person who would wish to see the bill become law, and his insistence, at the moment, upon the passage of the bill through the Committee, is causing no little surprise.

"The Premier, when the Jewish deputation waited upon him some days ago, declared himself as being in entire sympathy with Jews and others, who, from religious motives, are opposing clauses of the bill affecting them, and he promised that their rights would certainly be safe-guarded. In view of his public statement to this effect, the action of his Minister is inconsistent. Our only safety at this juncture lies in the fact that the bill is so sweeping in its character that the House will not permit its passage in the present form, and the likelihood is that the Lord's Day Alliance will have an opportunity next year of again presenting their bill, with the added lesson that moderation and sanity must be the determining factors in making law of a measure of this nature." (May 4, 1906)

Not very seriously A.M. Vineberg wrote from Sault Ste. Marie that the Rev. Mr. Shearer might remember that by the Sunday Observance Bill, Jews would be called upon to break the commandment which says: 'Six days shalt thou labor.' If the Jew labors on five days only he disobeys the commandment. Proper consideration of this argument should lead the reverend gentleman and those for whom he speaks to reconsider their attitude and do justice to their Jewish fellow citizens." (Jewish Times, June 1, 1906)



## JEWES IN A CHRISTIAN COUNTRY?

On March 12, 1906, the then Minister of Justice, the Hon. Charles Fitzpatrick, introduced Bill 12 which was based on a draft bill prepared by Mr. Shearer of the Lord's Day Alliance to enact uniform observance of the Lord's day.

All political parties felt obligated to ensure that no Canadian citizen need choose between his material betterment and his religious scruples; he would be forced to rest on the Sabbath and would be able to worship without loss of earnings.

But in the absence of a consensus definition of Sabbath and of rest, problems arose of exemptions in regard to public convenience and safety, local traditions, cultural differences, theological conceptions of the Biblical law and -- Jews. Without legislated exemptions, the strict application of the law might lead to injustices and to ludicrous situations.

At the opening of debate on second reading of his bill on Apr. 3, 1906, Mr. Fitzpatrick noted the "criticism offered by some public bodies, by the press, by anonymous correspondents."

His speech in the Commons introducing the bill was quite unsatisfactory to Canada's Jewish citizenry.

"The most able of lawyers could not rise to plausibility when defending a measure which was neither just nor liberal. While we recognize the difficulty Christians must have in trying to make their Sunday conform as near as possible to the Jewish Sabbath, by reason of modern industrial conditions, we must insist that secular authority has no right to impose restrictions on the religious liberty of any class of citizens. Exceptions under the act are granted for business reasons solely, but refused where they are claimed on the ground of conscientious religious conviction. Thus the glaring paradox is presented of gainful occupations made of more consequence by law than religion, in an act of parliament for the regulation of religious observance! Was it because railway, steamboat and manufacturing concerns have no souls to be damned that

they are to be allowed to break the Sunday law, while Jews, who observe the true Sabbath as a religious duty, are to be compelled to keep it? Are the religious convictions of Jews and Adventists less deserving of consideration than the desire of travellers to get to their journey's end, or merchants' fear of loss should their goods be delayed in transit?

"When he spoke in support of the bill creating the provinces of Alberta and Saskatchewan he laid the greatest stress on the provisions for the protection of the rights of minorities in the matter of education. But in his Sunday Observance speech he strove to make out that minorities have no rights worth considering. Hardly less astonishing was his quoting the Archbishop of Canterbury as authority for imposing disabilities on the Jews, in these words:-

"It was not desirable for us to be too considerate of the wishes of alien immigrants who, while obtaining the advantages that this country afforded, would not be liable to unjust hardship if they were obliged to obey any laws that we as a Christian community found it necessary to lay down for the observance of the Sabbath.' (House of Lords Debate)

"The Archbishop of Canterbury, like all his predecessors, is the embodiment of hidebound toryism. Throughout British parliamentary history the Archbishops led the Bench of Bishops in the House of Lords in opposing many measures of reform. They spoke and voted against Catholic Emancipation, the removal of Jewish disabilities, abolition of slavery, the Reform bill and extension of the franchise. His quoting the Archbishop shows how hard he was driven to find justification for his illiberal, reactionary Sunday Observance bill.

"More objectionable still was the use of the term 'Alien,' When, we would like to ask Mr. Fitzpatrick, does a man, a family, or a section of the people cease to be alien? Jews came to Canada in the army commanded by General Wolfe, and their descendants are here still. A Jew was on the staff of general Amherst when the Marquis Vaudreuil surrendered to him at Montreal. Are the descendants of these British soldiers aliens in the country their forefathers helped to conquer? Fr. Fitzpatrick as a lawyer knows perfectly well that the epithet 'alien' cannot be legally applied to any citizen who has been naturalized. Its use was quite unwarranted and should not have been quoted with approval by a Minister of Justice, who must know that an act of parliament which imposes on any section of the people religious observances contrary to their convictions is a violation of the fundamental principles of the British constitution, on which that of the Dominion is founded. Jews, like other citizens, pay taxes, and when called upon must be prepared to join the ranks and fight in

defence of the country. Their position is the same as that of other citizens in all respects, and they are equally entitled to the free exercise of their religion which includes freedom from being obliged to follow religious observances repugnant to their conscience and injurious to their material welfare." (Jewish Times, Apr. 20, 1906)

Later Minister of Justice Aylesworth assured the House that Christianity was a recognized part of the law of England and of Canada, and the act was designed to protect the Christian Sabbath.

As Mr. Guthrie put it to the Commons on June 21, 1906, "We in Canada believe -- we say, at all events -- that we are a Christian country. Our forefathers established Canada as a Christian country. Prior to the year 1759 we belonged to the dominions of His Most Christian Majesty, the King of France. Subsequently to 1759 we belonged to George III and his successors, known as the 'Defenders of the Faith.' I think there can be no question that Canada since the earliest times has been considered, and is today, what we know as a Christian country. We certainly, in our prayers, as we open our parliament each day invoke the blessing of heaven in the name of Christ in the three or four paragraphs of our prayer. Now, having regard to the civic or economic fact that it is necessary in the constitution of humanity to have one day's rest in seven, how can any reasonable opposition be offered to the Bill which has been brought down to effect that purpose?"

There was not one voice in the parliament to question the denominational character of this statement, the privileged position this gave to the Christian churches and the secondary status implied for the Jewish and other religions. Thirty-five years had passed since Henry Nathan Jr. had sat in the Commons, and another decade was to pass before S.W. Jacobs was to be sworn in as a Member of the Commons.

From the viewpoint of the Jewish citizenry the proposal seemed to establish the Christian church in the Canadian constitution.

As early as 1901 the Jewish farmers at Hirsch were troubled by Sabbath laws. The New York Yiddish Gazetten reported on Sept. 13 of that year that the colonists on their remote homesteads were seeking relaxation of the regulations governing enforced Sunday rest.

From Alameda, Assiniboia, in the North West Territories, came a report that Jewish farmers were being hampered in their work because of the Federal Lord's Day Act. Justice of the Peace Sim Alfred Goldston (London-born, 1873-1934) complained to the Attorney-General of the Territories that,

"On the 2nd. day of May six Jews were brought before J.B. Gibson, J.P., and myself on the information of Constable Wright of the N.W.M.P., charged with working on their farms on Sundays contrary to the Lord's Day Act, Chapter 91 of the Consolidated Ordinance. After hearing the evidence on both sides we found them guilty of a breach of this Act, and imposed a fine of \$1.00 each and gave them a caution as to their future conduct."

Goldston had come west from Britain ten years earlier and was in charge of the colony's Jewish school. Years later he was to move to Vancouver and to edit the Jewish Western Bulletin there. (A.D. Hart. The Jew in Canada. 1926. P.178)

He was bound by the law to convict and to fine the offenders. So he wrote to his attorney-general in Regina to ask for relief for these farmers who were thus compelled to abstain from work for two days in the week in their isolated district.

"My object in writing to you today is to ask whether any exception can be made in favor of these people. According to the tenets of their religion they are compelled to abstain from work on Saturdays, and it seems to me to be particularly hard on them to make them abstain from work two days. Living as they do in an isolated district it might be possible that an exception in this law could be made in their favor." (Jewish Times, June 7, 1901)

It was therefore natural for farmers Simon Bernstein and others of Oxbow and of Hirsch to petition the House of Commons on March 29, 1906 praying for exemption from the Sunday rest bill should it become law. (Journals of the House of Commons, March 29, 1906)

An example of the built-in contradictions of the Sunday law occurred in the case of one Moses Richstone of Toronto, charged with selling on Sunday the bread he baked on Saturday.

Fining him \$3 and \$2, Police Court Magistrate O'Keefe remarked that he would have dealt more leniently with him if he had not broken the laws of his own faith also in baking the bread on Saturday, the Hebrew Sabbath. These are his words:-

"You offended your own religious laws as well as those of this country. If the bread had been made Friday, I might have been easier with you, but under the circumstances I fine you \$3 and \$2 costs, and warn you not to repeat the offence."

Of which a Christian observer told the Commons committee:

"Is there a law upon the municipal statute books of the city or Ottawa prohibiting a Jew from baking bread on Saturday and another one prohibiting him from selling it on Sunday, both of which are declared by the magistrate in open court to be religious laws?

"What right has a magistrate to fine a man for baking bread on Saturday when there is no law against it, and when he is sworn to administer the laws impartially? What concern was it to this precious magistrate whether one whom he considers to be a criminal observes any form of religious worship at all or not? He holds his office as a minister of the law of the land to punish criminals, and not sinners. But selling a loaf of bread to a needy customer is not a crime on any day of the week.

"When a magistrate takes it upon himself to impose a fine upon one whose only offence is in disregard of a religious practice in which he does not believe, and then to double the fine because he disregards another religious practice in which he does profess to believe, but in which the magistrate does not believe, it is high time for the people to take alarm at this travesty upon justice, and use their influence to the utmost in opposition to the enactment of a law which places the control of other men's liberties at the mercy of such men.

"This baker was a sinner because he violated the law of God, but he certainly was not a criminal. He believes in circumcision, which is just as much a part of the Jewish Law as is the observance of the seventh day Sabbath. If this worthy magistrate had ascertained that his victim had disregarded this part of his Law also, would he have imposed further fine upon him? He has just as much right to fine an uncircumcised Jew for his uncircumcision as he has to impose a fine upon him for not observing the seventh day Sabbath, as he did.

"Knowing that such things exist, is it not high time for the people of Canada to enter an emphatic protest against the enactment of any more such laws?"

Laurier noted on June 20:

"I need scarcely say that the Christian precepts are the foundation of the laws of Canada as of those of the British Empire"....

"I may say that this principle of the Bill was submitted first to all the religious authorities in the country. We consulted, as it was our duty to do, all Christian denominations with regard to it; and all those who have a right to speak for Christian communities approved this principle of the Bill."

Montreal's Mr. Taylor was surprised at Laurier's statement that "'all the religious denominations of the country approve of that principle of the Bill.'" The Rev. Mr. Shearer, who is here representing the religious denominations, has been raising a great deal of trouble, and he has written to the ministers in my constituency urging them to write me to see that the clause making an exception in favour of Jews shall be stricken out. In my opinion clause five is very much more objectionable than the clause exempting Jews from the operations of the Bill because they cannot engage in any work that would be offensive to anybody else.

"I must confess that I have a great deal of sympathy with the Jews who keep religiously, as many of them do, their Sabbath day. I remember forty-five or fifty years ago, when I was engaged in mercantile business, that I went to Montreal. I was fifteen years of age then. I was in the mercantile business then buying goods for a general store. I left the purchasing of clothing until Saturday.

"We dealt with the firm of J. & H. Moss. I went to their place of business on Saturday about ten o'clock to purchase \$3,000 or \$4,000 worth of ready-made clothing. The place was locked up. I thought there must be some member of the firm dead, but when I went across the street and inquired the reason I was told that it was their Sabbath. I had to return home that night on the steamer, and I had left off the purchasing of clothing until Saturday. I had to purchase it that day or go without it, and I went to Mr. Moss' house and rang the bell.

"Mr. Moss came to the door and I told him the position I was in. I told him that I wanted to give him an order for \$3,000 or \$4,000 worth of clothing and I said that, although it was their Sabbath, he could come down to the store and I would make the selection.

"He said: 'No. If you wait until tomorrow I will sell you.'

"'On my Sunday?' I said, 'I cannot do that.' This was before the days of commercial travellers.

"He said: 'You go home, I will be at your place of business on Wednesday with a full line of samples, and I will sell you there just as cheaply as I would here.' I went home, I took him at his word and he was there on Wednesday. I have often thought since that time, had the case been reversed, many others would have sold on the Sabbath day. Ever since that I have had a great deal of respect for Jews who religiously keep their Sabbath on Saturday." (June 21, 1906. Hansard, Pp.5790-91)

Quite aside from the unnecessarily unpleasant tone set about the proposed legislation, the Jewish community felt strongly that the measure sought to impose a pattern of majority behaviour and belief upon a minority, and that the many days of idleness forced upon Jewish Sabbath observers were an impossible burden in modern competitive society. And all this because the Jews had brought down this Divine commandment to work six days and rest on Saturdays! The Saturday Sabbath is a gift from Judaism to Christianity. It was established in Sinai. The Sunday Sabbath, substituted for it by Christians as a day of rest, was established by a decree of the Roman Emperor Constantine. It is an astounding paradox perpetrated by Christians when they persecute Jews under the form of law for observing the original Sabbath.

The debate was urbane, and the participants decent and moderate; the issue was legitimate. But within the Jewish community unrest was deep-seated. Many of them sensed that this was not merely an attack on their economic or religious position. They felt a challenge to their civic status in society, a casting down from their position of equality in the law governing society. It might be a secondary matter; but their historic experience and their sensitivity to dangers and horrors of which the parliamentarians had no inkling spoke to them of a chute prepared by lawmen and churchmen which could, conceptually, drop them as Jewish citizens without rights into the very inferno of the Final Solution.

Today this may sound like undue and unfair prescience, but the Montreal Jewish community of 1906 recognized intensely that the Sunday legislation ran contrary to the social philosophy of the Jewish community -- not, of course, from any hostility towards the Christian faith. These feelings arose not from any lack of sympathy for the Christian desire for a traditional Sunday but from a repugnance to any religious establishment within the law of the land. The 1906 spokesman of the community, Maxwell Goldstein, was fighting the same battle on the school front. Then, too, one of his antagonists was to be Archbishop Bruchési. In neither case was there a church interest or a French Canadian interest at issue.

Remarkably, it was a French Canadian parliamentarian who most radically related the Sunday observance bill to the fundamental status of the Jew in Canada established four score years earlier.

"Clause 11, exempting Jews from the rigors of the Sunday observance law," said Mr. Gervais on June 27, 1906, "is not granting any new privileges to the Jewish creed, but purely and simply confirming the acquired rights of that creed in the province of Quebec. That is a point which has not been brought out in this discussion.

"As far back as the beginning of the nineteenth century the question of the condition in which the Jewish creed stood was raised in the parliament of Lower Canada; and after a struggle of many years, after Mr. Hart had been expelled many times and re-elected many times for the district of Three Rivers, it was agreed in 1829 to grant proper recognition of the privileges to the Jewish creed, as later on they were granted to the Adventists and still later on to other creeds appertaining to the great Christian body.

"May I ask the indulgence of the House while I quote some authorities in support of my contention. Take the Revised Statutes of 1860. I find that by chapter 20, several religious congregations were granted the right of keeping registers of births, marriages and burials and so on, and more especially I find in section 10, chapter 20, of the Consolidated Statutes of Lower Canada, 1860, the following paragraph:

"The Protestant churches or congregations intended by the first section of this Act are all churches and congregations in communion with the United Church of England and Ireland, or with the Church of Scotland, and all regularly ordained priests and ministers of either of the said churches have had and shall have authority validly to solemnize marriages in Lower Canada, and are and shall be subject to all the provisions of this Act.

"This Act extends also to the several religious communities and denominations in Lower Canada, mentioned in this section, and to the priests or ministers thereof' -- and so on and specifically --

"To the persons professing the Jewish religion, subject to the provisions of the Act of the said legislature, ninth George the Fourth, chapter seventy-five.'

"This refers to chapter seventy-five of the Act of 1829. This was passed on March 14th, 1829 and was presented for His Majesty's consent and reserved for the signification of His Majesty's pleasure thereon. On 1st November, 1830, it was assented to by His Majesty in his council, and on 18th January, 1831, the Royal Assent was signified by the proclamation of His Excellency the Administrator of the government, and was published in the official Gazette of Lower Canada. I would draw special attention to the wording of the preamble which is according to the old British fashion and which might well be read a second time in this House -- it would serve as a lesson to many of our friends:

"Whereas serious inconveniences are experienced by persons professing the Jewish religion, being British subjects resident in this province, from their disability under the existing laws to have and keep authentic registers of the births, marriages and burials occurring among them, which disability may injuriously affect the interests of others of His Majesty's subjects throughout the province, and particularly those of such persons as may derive their titles to real property from persons so professing the Jewish religion, and whereas it is expedient that there should be in each of the districts of this province --'

"That is the old province of Quebec, the first province to enjoy British liberty.

"-- fit and proper places of worship and burial, for the use of such persons, be it therefore enacted --' and so on. And I call attention also to the title of the Bill which is:

"An Act to extend certain privileges therein mentioned to persons professing the Jewish religion and for obviating certain inconveniences to which others of His Majesty's subjects might otherwise be exposed.'

"These statutes have never been repealed; these privileges granted to the Jewish creed in 1829 are still in existence in the province of Quebec.

"So, I was right in telling this committee that, by enacting this clause 11, the parliament of Canada will be simply confirming a right acquired by the Jewish people in 1829. For, if the Jews were granted the right of worship in 1829, and if that right has never been repealed in the province of Quebec, the Jewish creed was expressly or impliedly granted the right to determine the form of worship, the time of worship and the day of worship. To my mind, the fixing of the day of worship is one of the most essential features of a system of worship.

"If all this be true, then, so far as the province of Quebec is concerned and the province of Ontario also, because these statutes were re-enacted by the parliament of United Canada, it is clear that by enacting clause 11 of the present Bill the parliament of Canada is purely and simply recognizing, in the case of the Jewish creed and the Jewish people scattered all over Canada, their primary and natural right to worship according to the mode and during the time they make it their duty to worship their God."

Mr. Parmelee noticed, "It has occurred to me that some of the petitions presented to this parliament, urging that these privileges should not be extended to the Jews and the Seventh Day Adventists because they are a small number in the community, have not been dictated in accordance with the spirit of Christianity and the teachings of the humble and lowly Nazarene." (June 27, 1906)

For this heretical reading of Christian teachings, which was not at all points with Mr. Shearer's, and for his concern with dairy work under the proposed measure, Mr. Parmelee, Member for West Shefford, P.Q. came under political attack from the Alliance.

As Mr. Shearer wrote to the Rev. R. Emmett of that community,

"The bill as now before the House would prohibit the dairy work of which you speak, but I regret to say that Mr. Parmelee, your Member, appeared before the Select Committee and asked for some special exemption to be put in to cover that work.

"I do not think that he has been successful, but if not, he is entitled to no credit for the failure. I think you and Father Barré ought to make a very earnest effort immediately to stir up as many laymen as possible to write Mr. Parmelee, strongly protesting against his action. If a number of his own supporters would do this, and accompany it with a statement that if he does not support the Bill, they will consider themselves free, as far as supporting him in future elections is concerned, their protest will probably bear fruit.

"That is the only district in Canada where that sort of work is carried on, so that there is absolutely no ground for the claim of necessity, as indeed you say in your thoughtful letter.

"It is better not to mention my name in stirring up the constituents of Mr. Parmelee. They can simply say that rumour has reached them to the effect that he is opposing the Bill in this particular. I may say that he is also opposing it as far as it would apply to Seventh Day Adventists and Jews.

"We are at present hopeful that we are going to succeed in spite of his opposition, but there ought to be such a protest sent him to make sure that he will not do that kind of thing in the future." (University of Toronto Library, May 7, 1906)

The Lord's Day Alliance thought that the earnings of sixty-odd days of work thus lost each year by Jews a bearable handicap. "We Christians have known all about sacrifice for conscience sake, and we can point to many glorious pages in Christian history involving far more loss than the earnings of a few dollars." This even though the Act permitted certain manufacturing operations run by Christians on Sunday because it would be unprofitable to shut down.

Mr. Carvell, M.P.: "In the first place, I want to be logical, and in the second place, insofar as I am concerned, I want to see one Sabbath in Canada and one only. I cannot see any reason why the Jew should have the right to run his shop -- I was almost going to say sweat shop -- in the city of Montreal or some other portion of Canada, whereas the Seventh Day Adventist who, I believe, is honest and conscientious and so far ahead of the Jew that he ought not to be mentioned in the same class, is prohibited from working in the field on Sunday. It is not logical to allow one class of people to work on Sunday and to prohibit another class.

"Insofar as I am concerned I say that both should be prohibited. There is only room in this country for one Sabbath. We have had practically the same law in New Brunswick for many years, and in the province of Ontario there has been a valid law up to two years ago, and the Jews and Seventh Day Adventists of these provinces have not suffered any very great hardship. There has been a great amount of common sense displayed in handling these people in the past, and there will be a great amount of common sense displayed if these privileges are not given to these people.

"It has also been pointed out that we are inviting people to come here from all over Europe. While I have nothing to say against the Jew; yet, I think that there are more desirable immigrants than Jews, and I believe that if we refuse to pass this law, every Jew who comes to this country will know the law which is in force here. And, if he does not like that law, I would advise him to emigrate to some other portion of the globe.

"I feel that this amendment should be voted down on principle. I feel that we should have simply one law for every class of people in

Canada, and if these people do not like it they need not come here. As long as we do not invite people to desecrate the Sabbath day, they will get along in the future as they have in the past."

Nanaimo's Ralph Smith told the Commons, "I believe that the desecration of the Sabbath in London is due to the fact the operations of the Jews are allowed to be carried on...

"For Jewish employers, employing as they do a far larger percentage of Christian workmen than of Jewish workmen, section 11 would operate to enable them to compete unfairly in business against the Christian employed on Saturday and against a Jewish employer on Sunday. It seems to me a condition like that should not be permitted, and that is the reason I gave for opposing section 11 in the Select Committee. I think that no class in this country ought to be given that privilege as against another class. Of course I was naturally sceptical regarding the amendment of Bourassa, because I suppose that any amendment he proposed would have no other object than to destroy the Bill. If his speeches on the Bill mean anything, we ought to be logically suspicious of any amendment he presents in this House.

"We must remember that the majority of clothing factories in this country are owned by Jews and operated in a large majority by Christian employees. If there is anything in the contention that the Jewish employer has a conscience, then these factories must be closed against Christian workmen on a Saturday and the factory will be closed by law against Christian workmen on the Sunday. So the very position from which we propose to relieve the Christian workmen will be created by either of these two amendments.

"But if there is nothing in the contention that we ought to have regard for the conscientious convictions of the Jews, we would be perfectly reasonable in assuming that a Jewish employer would take advantage of this law if it was passed, to operate his factory on every day of the week. I think that the privilege given to the Jews, either by the Bill or by these amendments, will have a tendency to give them a commercial advantage over their Christian competitors in the same business.

"I do not think there is very much in the argument that has been placed before this House with regard to the conscientious convictions of the Jew. Now what are the facts with regard to the operation of Jewish factories today?

"The Jewish owner of a factory operates his factory and collects his profits every Saturday from Christian employees; and 75 or 80 per cent, as it can be easily proven, of Jewish employees in factories in this country work on the Sabbath.

"In a question that involves conscientious convictions on the part of any persons, I am naturally disposed to protect such persons and to remove from them any disability under which they may be suffering. But we have a right to ask the question, how far are these conscientious convictions observed at the present time. By their fruits ye shall know them. If, because of their conscientious convictions, they believe it is a wrong thing to work on their Sabbath day, and if it is a reasonable and logical thing to provide for that, then why do they not refrain from work, carry out their conscientious convictions at the present time?"

"If there was an existing disability, if there was a political disability under the law that applied to the Jews I would lend my voice and vote for the removal of that disability; but I do not think we are placing them at any disadvantage. Seventy-five per cent of the Jews, under this Bill, can work on the Sabbath day as they do now, and ninety-nine per cent of the employing Jews can carry on their business under this Bill just as they do now."

Hostility to the Jews had entered the 1906 debate. The Hon. Mr. Fitzpatrick said, "One of the first obstacles in the way of legislation will be the religious convictions of some elements in our community."

Those who would make it difficult for Jews to observe the Sabbath argued that "Jews were an example of that vigor of life and health that comes from the observance of a day of rest." (Select Committee, Apr. 24, 1906, Pp. 127-28; cited in Ontario Report on Sunday Observance Legislation, 1970, P.46) Therefore, the Christians' form should be imposed on Jews.

"The Jews are voluntary strangers. They are with us but not of us...If we were to concede this to the Jews, that would surely be the case of the tail wagging the dog -- a handful of people governing all the rest of the population." (George Smith)

One telegram to Miller, M.P. from his constituency of South Grey: "There is an uncompromising, unanimous sentiment this whole community requiring passage Lord's Day Bill with Saturdarian exemption clause stricken out."

The president of the Lord's Day Alliance went out of his way to offend Jews, everywhere, in London as in Montreal, "an anachronism in modern society," to whom no apology need be tendered for a "bill of a Christian government in a Christian land...No bill devised by Christian men could hardly meet the views of the Jews." Jews are not, as claimed, "the law-abiding and Sabbath-keeping, inoffensive, community they desire to be." Jews desecrate the Sunday by selling bread and newspapers. (Jewish Times, March 25, 1906, p.158)

The Methodists meeting at Montreal, Niagara Falls and Smith's Falls, specifically objected to proposed amendments intended for the relief of Jews. As Lewis A. Hart asked, "If the narrow and intolerant views expressed by persons of such position and character should once become the principle of Dominion and provincial legislation here, who will guarantee that the Jews in this country will not become at the hands of Canadian Christians the victims of cruelties as atrocious as any that have ever blackened the annals of Christianity?" (Jewish Times, March 25, 1906, Pp. 142-45)

The Ontario government Report on Sunday Legislation summarizes the 1906 national debate.

"The Lord's Day Alliance actually drafted most of Bill 12 introduced in the House of Commons in March of 1906. While most of the operative prohibitions in the bill were eventually enacted with some minor amendments, and additional exemptions for certain works of necessity, mounting pressure from Bourassa, Piché and some of the other Quebec Members, and also from the Opposition led by Borden, forced the government to alter the absolute nature of the general prohibitions by allowing for provincial variations. The opt out aspects contained in the phrase 'except as provided in any provincial Act now or hereafter in force' and in the prosecutory discretion resting in the provincial Attorneys-General made an eventual impact on Canadian society somewhat less rigorous than it might otherwise have been if enacted in its original form. Yet in involving the provincial governments in this way, it gave some substance to the political and practical view that Sunday observance laws were better determined at the local level.

"Less than two years after the Act had been in force, the General Secretary of the Alliance was able to report the following to the International Congress on the Lord's Day in Edinburgh, Scotland.

"Rev. T. Albert Moore, Toronto, reported: Canada, under the guidance and stimulus of its Lord's Day Alliance, secured from its Dominion Parliament, in July of 1906, an Act regulating the observance of the rest of one day in seven. Not without a struggle was the victory won in a country where so many hailed from Sabbathless lands and so many were indifferent to the value of the day.'" (Report, Pp. 50-69)

The injustice inflicted upon the Jews of Canada, who were thus forced to refrain from work for two days in the week if they were to obey the laws of the state and of their faith, aroused an extensive controversy. The proponents of the measure in question accompanied their effort to enact into Canadian legislation the Hebraic Sabbath law -- to the detriment of the Hebrews -- with considerable anti-Semitic propaganda.

The Jewish Times, the remarkable weekly founded by S.W. Jacobs and Lyon Cohen, supported the petition which the Seventh Day Adventists presented to Prime Minister Laurier early in the campaign. It wrote,

"They believe in observing the seventh day as the true scriptural Sabbath. For putting this belief in practice by refraining from labor and business on Saturday and following their usual avocations on Sunday they have suffered persecution in the United States and even here in Canada. Although all religions are on an equality theoretically there are Sunday observance laws which deny that right to Jews and Seventh Day Adventists. These laws are repugnant to the spirit and letter of our national constitution; but having been enacted by provincial authority under the concession of civil rights to the provinces, they constitute a grievous burden on those who conscientiously believe in observing the seventh day, compelling such to lose a day, and work only five instead of six days in the week.

"The argument set forth in the petition are unanswerable. It was necessary that these views and the undoubted rights therein embodied should be presented to the federal government, because of the strenuous efforts now being made by the Lord's Day Alliance to secure enactments for a more strict observance of Sunday. The attempt of the majority to impose an unscriptural religious observance on the minority is an inexcusable act of persecution, which should not be tolerated in a country where freedom of conscience is a fundamental principle in the political constitution. Admitting that the attempt is backed by a considerable body of public opinion, it is still indefensible, and certainly should not be made by Protestants, who hold themselves champions of religious freedom. But a public opinion which tolerates open theatres and beer gardens on Sunday should not object to Jews and Adventists observing Saturday and working on Sunday." (Feb. 9, 1906)



## THE COMMUNITY AND THE SELECT COMMITTEE

Sheldon Indig succinctly formulates the social philosophy of this Jewish society.

"The leaders of the Canadian Jewish community who pursued action on this issue were of the old established Jewry. They were the spokesmen for the Jewish community in the past and retained their position. They were best qualified to handle problems pertaining to Jews in Canadian society because of their knowledge and adaptation to both Judaism and Canadian society. These people of Anglo-German ideological extraction were profound thinkers on social problems and were publicly active. The basis upon which they worked to solve these social problems was their 'ideal society' of the 'American Dream', a society where public life and religious consideration were separate because the latter was a personal affair. They desired a free society without any type of discrimination where everyone was an equal. This was uppermost in their lives and they sought to apply it to Canada. When social conditions or laws appeared to counter this concept, thereby affecting Canadian Jewry, they sought to alleviate the problem." (Canadian Jewry and their Struggle for Exemption in the Federal Lord's Day Act of 1906. M.A. thesis, University of Windsor, 1975. ix, 240 p. Pp.54-55)

The Sunday matter came upon the Jewish community when problems loomed -- enough to warrant collective alertness. A decade before anyone uttered the term Canadian Jews Congress, the Reform movement had proposed a Union of Canadian Jewish Congregations to protect Jewish rights.

The Jewish Times felt this function of the Union was unnecessary since "the battle for these rights has been carried on with success by the Jewish Times for nearly nine years. This paper has fearlessly defended and upheld the cause of Judaism in Canada, against attacks by a certain section of the press which has never allowed any opportunity to pass without directing its anti-Semitic attacks against our people. If those who have inaugurated this movement would advance the cause they apparently have at heart, they should strengthen the Jewish Times and make it still more efficient in carrying on the work which it is performing in this Dominion." (Feb. 9, 1906)

As far back as Jan. 11, 1892 a delegation from the Young Men's Hebrew Benevolent Society, the predecessor of the Baron de Hirsch Institute, had met with Prime Minister John Abbott in regard to settling Jews in the North West. (A.J. Arnold in Canadian Jewish News, Oct. 9, 1975) That may have been the first national Jewish delegaton to call upon a Canadian premier to review problems of community concern with him.

By 1909 Quebec City-born Maxwell Goldstein would be able to say that the Baron de Hirsch Institute was: "The central Jewish power in Canada, and is recognized as such by all public bodies. It is held in the highest estimate by the Christian community."

Rev. Meldola de Sola, then on a visit to England, told the Jewish Chronicle there that "Sir Wilfrid fully recognised the necessity of protecting the rights of minorities upon which we had insisted, and he also recognised that we Jews do not wish to do anything to offend Christian sentiment. So he promised to place our views before the Cabinet, with the result that a Select Committee was appointed by which our amendment was considered. All that we asked for was that the same privileges that were granted to the Jews of England by the Factory Acts should be extended to us Canadians. We did not ask for Sunday trading, but we wanted permission to work in Jewish factories on Sunday, behind closed doors, on the part of people who observe the Jewish Sabbath.

A meeting was convened at the Baron de Hirsch Institute on Feb. 17, 1906.

"After some discussion it was decided to form a temporary society, which might eventually be made permanent, and whose scope could be extended to protecting the Jewish people of this country from all manner of unjust treatment, criticism and discrimination. For the purpose of carrying out the objects of the question at present involved, the following gentlemen were named officers: Mr. Harris Vineberg, Chairman; Mr. D.S. Friedman, Treasurer; Mr. Sol Kellert, Secretary; Messrs. Harris Samuel, Mark Workman, Lyon Cohen, Israel Rubenstein, Clarence I. de Sola, and D.A. Ansell, Committee; Mr. M. Goldstein, Hon. Solicitor; and the Rabbis of the various congregations, ex-officio on the advisory board." (Jewish Times, Feb. 23, 1906)

The committee acted quite rapidly, for on March 15, 1906, a delegation from the Jewish community called upon the Prime Minister and the minister of justice to present their views on this issue. Rabbis S. Jacobs of Toronto and L. Weiss of Hamilton joined the men of Montreal's Baron de Hirsch Institute committee and S.W. Jacobs, H. Rutenberg, D. Sperber and R.H. Blumenthal. (Star, March 16, 1906)

The presence of the Hamilton and Toronto rabbis gave the delegation a truly national character, befitting the national nature of the issues involved.

Rabbi Weiss was an articulate and learned contributor to the Jewish Times of Montreal, particularly in responding to the frequent challenges of the aggressive Christian missionaries.

Rabbi Solomon Jacobs came to the Holy Blossom Temple in Toronto in 1901 after serving in Britain and Jamaica. (S. Speisman. The Jews of Toronto, A History to 1937. Toronto, McClelland & Stewart, 1979. Pp. 53, 118, 123, 138, 212)

They were introduced to the Prime Minister by Toronto's Claude Macdonnell, M.P., and Montreal's Robert Bickerdike, M.P. (Witness, March 15, 1906 and Ottawa Free Press, March 15, 1906)

The Jews said: "the bill is promoted by a 'goody goody' set of persons, who, finding people do not attend church on Sundays in sufficient numbers, want to force them into a place of worship by Act of Parliament. The French-Canadian Roman Catholics, generally, are opposed to it, but they, like ourselves, are in a minority in the Dominion. The Montreal Board of Trade, the Shipping Federation, and a large number of important commercial bodies have passed resolution against it." (July 13, 1906)

During the interview with Laurier, Mr. Goldstein complained that the Minister had introduced the bill as drawn by the Lord's Day Alliance without consulting the feelings of any other classes in the community, and apparently without making any study of the laws prevailing in all other Christian countries throughout the world.

Rabbi S. Jacobs of Toronto pointed out that, under this statute, any lawyer could be arrested for writing a business letter on Sunday. Moreover, any constable in Canada was authorized to break down his office door at any time on Sunday to see what he was doing. The act was also unjust to Jews.

Rev. de Sola said that his people had no desire to disturb the Christian Sunday. In Montreal there were 7,000 Jews, many of them employed in factories that shut down on Saturday. These factories were so quietly operated on Sunday that nobody was disturbed.

Sir Wilfrid replied that Christians and Jews alike demanded a day of rest, although they did not agree as to which particular day was to be observed. He regretted that each province could not regulate this matter, but the Dominion government alone had the power,

and this power implied a duty. It certainly seemed hard to compel a man to violate his conscience in order to live. Personally, he was anxious to meet the views of the deputation, and he would present them to the cabinet; he could only assure them that nothing would be done without full consideration. (Cited in S.E. Rosenberg. The Jewish Community in Canada, vol. 1, Pp. 178-79)

The Montreal Star was open minded in the face of the problem,

"The protest of the Jews against inclusion in the Lord's Day Act cannot be ignored. But neither can the desire of Christian people to have a quiet Sabbath. Christian people, however, will not desire to override the conscience of the followers of a hoary religion like that of the Hebrews, nor will they feel at ease in putting a section of the population at so grave a disadvantage in the race of life as to compel them by law to abstain from lucrative employment for two days in the week. When they permit some men to work seven, they must in all conscience permit others to work six.

"Could not a compromise be arrived at under which the Jews would be permitted to do such things on Sunday as they genuinely abstained from doing on Saturday on condition that they were not things which detracted from the public observance of the Lord's Day? It is not a simple matter to arrange, but it is worth while to take some trouble to meet the conscientious scruples of all our citizens." (March 17, 1906)

The Witness had another nuance in its views,

"The Jews should surely have a sufficiently high estimate of the value of a national Sabbath not to wish to destroy that ordinance for Canada by demanding exceptions which would place them in a position of unfair competition. It would obviously be impossible to establish the Jewish Sabbath by law. If we are to have any, it must be one sanctioned by common usage. It will do the Jews no harm to keep Sunday in addition to Saturday. They have the most marvellous vitality of any people on the face of the earth, and this may be largely due to the fact that they have kept more or less two days of rest. Any relaxation that can be afforded the Jews that will not break down the public safeguards of the day should be granted, but it is clear that if they are allowed for instance, to have pay performances on Sunday, the whole regulation would fall through, for every theatre that wanted to run on that day would only have to have a Jewish management. The same difficulty would apply to almost any other relaxation of the law which could be granted them. The question would seem to be whether the Jews will let us have a Sabbath or not. (March 16, 1906)

A week after meeting the Jewish delegation, Laurier received a delegation from the Alliance, the Dominion Trades and Labor Congress and various churches. These men argued against religious minority demands. They claimed that "Mormons were not allowed to follow their conscience. Canadian law forbade the practice of polygamy and this consideration, the deputation felt, would even be upheld by Jews. These gentlemen believed that conscience should be respected at all costs, but not on the question of Sunday observance.

"After listening to their exposition, Laurier replied sympathetically to their pleas and also mentioned that he sympathized with the Jewish contention, as long as selling and scandal could be avoided. He ended by stating that all parties would have an opportunity to present their views to a parliamentary select committee." (Indig, Pp.61-63)

Dr. J. Edgar Hill, the militant Protestant minister who was president of the Lord's Day Alliance in Montreal, felt that the Jewish delegation and Rev. Meldola de Sola in particular who had given a statement to the Montreal Star (March 16, 1906), had not quite seized the merits of the situation. He therefore addressed a letter to the press on the Lord's Day Alliance bill,

"In our civic experience we do not find the Jews to be the law abiding and Sabbath-keeping, inoffensive community which Rabbi de Sola claims they desire to be. Some months ago a number of Jewish bakers were brought before the recorder and fined for selling bread on Sunday on the public streets from their bread carts, in violation of the law. But any Sunday Jewish bakers are to be seen vending their bread just as before, in defiance of the provincial statutes. Then it is understood that the New York and other newspapers which are shouted and hawked on our streets in the West End on Sunday are mainly in the hands of a Jewish agent, who employs Jewish young people to ply an unlawful trade. Indeed, the managing editor of the Standard informed a deputation who waited upon him that if the Sunday Standard were discontinued a large number of Jewish children would be deprived of the earnings they make by its sale on the Sunday. Further, the large cigar stores between Bleury street and Guy street are believed to be owned mostly by Jews, and they are open every Sunday, to the great offence of the Christian community and, I may add, to the injury of Christian traders. These Jews are not of Rabbi de Sola's Sabbath-keeping class,

for they keep open seven days a week. Their examples make the citizens of Montreal very chary in adapting the law to the views of every body of refugees who seek an asylum on our shores. No one desires to refuse any refugee the full privileges of British law, but no refugee should ask for anything more. Our school commissioners found that equal rights did not satisfy the Jewish parents. These asked and got more.

"Rabbi de Sola ought to know that every British citizen's home is his castle; and that no Government officer can enter the British home and interfere with its occupants' mode of spending the Sunday when the said occupant is not committing a breach of the peace. But to legalize Jewish labour on the Sunday is going far beyond that. It would permit a company to run a factory on Sunday, with all the visible and outward signs of Sunday labour, which would undoubtedly be an offence to a community enjoining cessation from labour on its own citizens as a Christian duty.

"The Jewish Sabbath being held on a different day in the week from the Christian Sunday may be unfortunate for the Jews. But on British soil they get many privileges which are denied them elsewhere; and most of them probably prefer life in Canada, with the security of protection of British law and justice, even with that disadvantage, to life in Germany, Russia or even France, with the history of the last 20 years behind them. They ought to be at least thankful for this good land in which they have found a peaceful home on this continent.

"There seems to be a great confusion in the rabbi's mind as to the meaning of a conscience clause. A conscience clause is not meant to confer favors; its true function is to protect against injury and wrong. It is plausible to urge that the Jew will be 'compelled by law' to lose the earnings of 117 days in his year of which 13 are religious days of obligation apart from the Sabbath. The good rabbi should have said 'compelled by conscience,' and conscience is sacred. We Christians know all about sacrifice for conscience sake; and we can point to many a glorious page in Christian history involving far more loss than the earning of a few dollars.

"Personally I know that the Lord's Day Alliance desires to secure only for Canada what every citizen of the British Empire, which is a Christian empire, enjoys throughout its wide domain. Gain-seeking through trading and gain-seeking through labour are the wanton abuses of the Sabbath which the great body of the Christian people desire to prohibit, for the good of the national life. There are laws in our various provinces which more or less cover the case of these wanton desecrations of the Lord's Day, and the Dominion Government is mainly desirous to give simplicity to Sunday law by making it uniform from the Atlantic to

the Pacific. There is no intention to impose offensive restrictions or ignore necessary conditions of our modern civilization. Gain-seeking seven days instead of six is really the root of most of our Sunday abuses, and it is to strike at that root most effectively that the proposed legislation is introduced; and I know of no intelligent body of citizens who are hostile to such legislation. The Jews, by their own showing, are put out of court. Unfortunately there are a few in the community who regard the views of the Seventh Day Adventists as practicable or reasonable. They also are an anachronism in the 20th century." (Gazette, March 17, 1906 and Jewish Times, March 23, 1906)

Even before Dr. Hill had published his letter, which was so offensive to Montreal Jews, Prof. A.E. Taylor had objected to the attitudes of the Alliance.

"The real nature of the present agitation is plainly revealed in the arguments urged by the deputation of representatives of the Lord's Day Alliance who waited on the Premier yesterday. These reverend and other gentlemen were not ashamed to ask that the wishes of persons desiring the amendment of the bill should be disregarded on the ground that they are 'infidels.' This is surely an explicit avowal of the principle that citizens who think differently in theology from their neighbours are to be entitled to less consideration than an equal number of other citizens simply because of their theological views. Thus the state is once more, as in the middle ages, to determine what is true belief and what 'infidelity,' and to disable the 'infidel' as such. I could almost wish that it were proposed in this province to disregard the views of the Protestant minority on the plea that they are 'heretics' so that we might see how Mr. Hill and his friends would take the application of their own standard of government impartiality to themselves.

"The worst feature of the whole business is the proposed treatment of our Jewish brethren. It is with shame for the country of which I am a citizen, and whose honor is very dear to me, as well as with anger, that I read that a number of gentlemen calling themselves followers and ministers of Jesus of Galilee, actually begged the Premier to refuse the Jewish population the right, which they enjoy in England, without the least disturbance of the general day to rest, to labor with closed doors on a Sunday. Every conscientious Jew, if this measure is passed is to be forced to suffer the loss of one-sixth of the fruits of his weekly labor. I should honor the poor Jewish workingman who submitted to such a robbery for conscience sake, but my feelings are very different towards the self-styled Christians who can propose to inflict it. This is not the spirit which I have learned to love and revere as that of the Nazarene.

No sophistry can explain away the fact that, as regards the Jew, this measure in its unamended form, is a piece of religious persecution pure and simple, and that its passage into law would place Canada side by side with Russia among the nations which seek to honor Jesus by inflicting wrongs on the race from whose blood He sprang and whose law He personally followed. That the persecution stops short with the confiscation of a day's wages merely makes it despicable as well as detestable." (Gazette, March 3, 1906)

After the reverend Christian expatiated on his view of the Jews, Prof. Taylor again wrote to the press,

"Dr. Hill defends the infliction of a hardship upon the Jewish citizens of this Dominion on the grounds that this is a Christian country with a Christian Government and that worse hardships befall the Jew in other lands.

"Neither argument will stand serious examination. Neither the Dominion of Canada nor the British Empire is 'Christian' in the sense of withholding civil privileges or inflicting civil disabilities as a penalty for rejecting the Christian faith. Our constitution professes absolute impartiality as between citizens of different creeds, and it is not in violation of its principles that the Jewish citizens of the Dominion or Empire are entitled to consideration than any other section of the community because of their adherence to a special faith.

"As for the second argument, if it were valid at all, it would justify the perpetration on our Jewish neighbors of any and every iniquity short of torture and murder. You do not prove your right to interfere meddling with a man's actions by the plea that in Russia he would probably not merely be made uncomfortable, but beaten or sabred into the bargain.

"Still more desperate is the plea that the Jew is an 'anachronism' in the twentieth century. That after all is a mere matter of opinion. I myself personally regard Mr. Hill in some important matters as an 'anachronism,' and I dare say some of my more scientific and anti-philosophical colleagues think the same of me. But a man's right to impartial treatment and equality of consideration are not destroyed by the fact that some of his neighbors think him old fashioned. The one pitiable 'anachronism' in the whole matter is that citizens of Canada in the year 1906 should revive in any form the discredited mediaeval notion that individuals are to be coerced, not for the sake of a proved increase in the well-being to a greater number, but to enforce a particular theory of religious obligation." (Gazette, March 19, 1906)

A 'Christian' protested in the Witness that "Dr. Hill should have written such an ill-timed letter to the public press referring to the Jew as an anachronism in this free land of Canada, and I certainly think that an apology is due our Jewish citizens from the reverend gentleman. Did Dr. Hill remember, when he made use of this offensive epithet, that the Church he represents in this country (the Established Church of Scotland) is an anachronism in Canada?" (March 24, 1906)

A Montreal reader, "A. Anglican," felt Dr. Hill's energies were misplaced,

"The framers and supporters of the Lord's Day Bill have, like reformers from time immemorial, asked for so many drastic changes in present methods that they have over-reached themselves and created much widespread opposition, and the diatribes in certain clerical quarters against the Jewish population of the community have had no little influence in this opposition. The Jew may be an anachronism, he may be a refugee, but we have received him into our midst, we have admitted him into our citizenship, we have found him as law abiding as any of the other races here, and a great deal more so than some, and we have no right, now that we have so admitted him, to disregard his position and flout him as an anachronism and an interloper. Coming down to actual facts, it will probably be found that it is not the Jew who openly desecrates the Christian Sabbath by keeping his store open for traffic. The offenders in this respect nearly all belong to other creeds."

Another Montreal "Christian" (he so subscribed his name to his letter to the Star) resented "the cynical attack of the Rev. J. Hill. It is well known that one of the cardinal points of the Jewish religion is the observance of the Saturday as the day of rest; that it is the day set apart in the Bible for repose and worship. And every believing Jew observes it. Why then should he be compelled to observe the Christian Sunday as well?...

"Let the Jew in the privacy of his own home, workshop or studio do what he likes on the Christian Sunday, provided he does not force his Christian workmen to labor. The people from whom we derive our religion, Sabbath and all, have surely a right to that liberty and it is to be hoped the Parliament of this free country will not take it from them. As for the cheap smear of the Jew being an anachronism, let Mr. de Sola not mind it; if the people from whom we have our God, our religion and our Scriptures are an anachronism in modern society, so much the worse for modern society." (Montreal, March 28, 1906)

From Hamilton Rabbi L. Weiss sent his protest against the tasteless comments of Dr. Hill,

"Jews respect the religion of others even as we expect others to respect ours; but we cannot see in what way the Christian would suffer if the Jew quietly did some work on Sunday as long as it neither interfered with nor annoyed his Christian fellowmen, a point we have carefully emphasized in our protest.

"The rev. gentleman urges that the Jews are not as law-abiding and Sabbath-keeping as Rabbi de Sola claims the desire to be. In this I would take rather the word of the rabbi than of Rev. Dr. Hill. Rabbi de Sola enjoys the reputation of being a man of strict veracity, and he is undoubtedly better acquainted with Jewish affairs than Rev. Dr. Hill.

"It is not claimed that all Jews desire to keep their Sabbath as strictly ordained; but it is a fact that 7000 or 8000 Jews do observe their Sabbath in Montreal, and there are a goodly number in Toronto, as we have some here in Hamilton, who rest on the Sabbath of the decalog.

"These are the men whom Rev. Dr. Hill characterizes as offenders, principally bakers, cigar dealers and newspaper vendors, for the police court has them not on record as criminals except in rare cases.

"Of course, according to the reasoning of Rev. Dr. Hill, these are too few to have a right. They should accept the inevitable -- with silent submission. He refers to the hardships that Jews have to endure in Russia, even in Germany and France, and they ought to be at least thankful for this good land in which they have found a peaceful home on this continent.

"Oh, it is excellent  
To have a giant's strength, but it is tyrannical  
To use it like a giant."

"Said Shakespeare, and this is applicable to this case.

"Because the Jews are in such small minority they ought to be thankful that they are not maltreated and brutalized as they are in Russia. It could be done in Canada as well as in Russia if the people were inclined to do it; but the law and the people regard all men alike. The Lord's Day Alliance, by the president begrudging this equality, want the Jews to bow humbly before their mandate." (The Sunday World)

Toronto's Rabbi Jacobs was indignant.

"Some few days ago, a deputation of Jewish citizens waited on the Premier and the Minister of Justice with reference to the Bill, as drawn or suggested by the Lord's Day Alliance, for the more rigid observance of Sunday. This action on our part has provoked some adverse criticism. I don't know why it should, but certainly it has. Some of the objections are unworthy of comment. But, now, surely we who are Canadians have as much right to protest against the passing of any law as others have to seek for its enforcement. For we have equal rights with our fellow-citizens.

"We are not even newcomers because, whilst General Wolfe was investing Quebec, Jewish officers under Amherst were fighting for the glory of England in the invading host. One became Seigneur de Becancour; others became large landowners. Long before 1768 there was a large and flourishing Jewish community in the city of Montreal. They were accounted as men of sterling character and public-spirited in every respect. A hundred years ago a Jew was elected to represent the constituency of Three Rivers in the Parliament of Canada; and since then other Jews have been elected and sat in the Parliament of Canada. In every respect we have now the same civic and political rights as our Canadian fellow-citizens.

"But Dr. Hill thinks otherwise. According to his line of reasoning, the Jew has no rights whatever as a citizen. It would be interesting to hear on what ground. Would he deprive other religious bodies of their rights? Would he concede to the Catholics, or to the Unitarians or the Seventh Day Adventists, or to any sects which think differently to himself?

"His statement that this is the Bill of a Christian government in a Christian land is a weak argument. England is also a Christian country, and yet it has no law on its statute book so drastic and severe as this law would prove itself. According to the Factories Act of 1878 and 1901, special privileges are accorded to Jew who keep their factories closed on the Jewish Sabbath.

"According to this Bill now proposed, there are to be certain exemptions. Are we not as much entitled to them as other sects? But there are many others who object to this proposed Bill besides Jews, even some who do consider themselves and are Christians. How should they be dealt with?

"Surely the president of the Lord's Day Alliance would not subscribe to the civil principle of making men religious through fear of the law, and to the pernicious doctrine of outwardly observing the Sabbath day, but inwardly chafing because the statute of the Parliament compels them to do so. Even granted that the people of Canada -- by a large majority -- are in favour of this Bill -- and we have still to learn that the president of the Lord's Day Alliance is their mouth-piece -- have not minorities also their rights? One man, in a minority, espousing a good and righteous cause, is in a majority with God.

"If majorities were always in the right, history would have to be written afresh, and the tide of civilization turned backwards. Never were truer words spoken than 'Minorities lead and save the world, and the world knows them not till long afterwards' and again, that 'governments exist to protect the rights of minorities.'

"The president of the Lord's Day Alliance makes an uncalled-for attack on our co-religionists. We are told that, in his civic experience, we are not the law-abiding, Sabbath-keeping and inoffensive people we claim to be.

"This statement is strangely at variance with many facts and figures and other more authoritative facts which can be quoted to the contrary. It might be of some little interest to Dr. Hill to learn, as he does not seem to know, that, in the year ending June 30, 1903, only three Jews were incarcerated in the Dominion prisons -- one in Kingston and two in St. Vincent de Paul, according to the Minister of Justice. Whose word is more reliable, his or that of the Minister of Justice!

"'The trouble with the Jew everywhere,' continues the president of the Lord's Day Alliance, 'is that, in London as well as in Montreal, the Jew is an anachronism in modern society.'

"That is just what Pharaoh thought, just what Amalek thought; just what Haman thought; just what Antiochus Epiphanus thought; and what all Jew-haters and Jew-baiters since those days have thought. As the psalmist puts it: 'Come and let us cut them off, so that the name of Israel may no more be remembered.'

"He is singularly unfortunate in quoting the Jew of London as an anachronism, for in no city in the world does the Jew hold a higher position, commercially and socially, than in the metropolis of the British Empire. Its most popular of lord mayors and sheriffs have been Jews. Its most public-spirited citizens are Jews.

"And yet we are gravely told the Jews are an anachronism in modern society. The late Mr. Gladstone did not think so. Is the Jew in Canada an anachronism? Not as long as he discharges the duties of citizenship worthily and identifies himself with his fellow-men in the public life of the country, and mixes with his fellow-citizens of other creeds, and unites with them in works of loving sympathy and active benevolence. We in Canada are not ashamed of our record in the past, nor shall we be in the future, with God's help.

"Jews are not anachronisms; it is the president of the Lord's Day Alliance who is behind the times; who, perhaps, if he had his own way would again treat us to the unsavory atmosphere of the ghetto, to the hot but un-Christian argument of the Inquisition, and to the burning argument of the stake. We say to him: Surely you have spoken in haste or in error, or thoughtlessly, when you tell us we are unfitted for the spirit of the times.

"In these materialistic days, it should make you happy to behold ten millions of your Saviour's people, His kinsmen, fulfilling the mission and the word of that Holy Writ you profess to reverence and to teach. The waters of baptism could free us forever from the heritage of suffering which has been our portion, and would cause the curtain to fall on the tragedy which Israel has played on the stage of the world's history; but the truth and the word of God and His promises are dearer to us than the wages of apostasy. Then, because we believe and carry out the Jewish faith, and are willing to make the sacrifices it entails, do not call us an anachronism." (Jewish Times, Apr. 20, 1906)

The Canadian Jews of 1906 who read Dr. Hill could scarcely believe that a Montreal minister could be so ignorant and backward, and wrote the Jewish Times. They saw the proposed law as so reactionary and objectionable that it could never become law. "Its true shape is brought out by the defence Rev. Dr. J.E. Hill has made of it.

"He says it is the bill of a Christian Government in a Christian land, and the Jews should not object to it as they suffer under harsher laws in other countries. Now there is nothing in the constitution of this Dominion which justifies Mr. Hill in saying that it is a Christian country, and certainly by no stretch of assumption can it be claimed that the Government is a Christian Government. On the contrary there is nothing about religion in our constitution except absolute impartiality as between citizens of different creeds. The Jew is entitled to the same freedom, protection and enjoyment of his religion as the Christian. The fact that he is in the minority does not confer upon the majority the right to compel him to follow religious observances in which he has

no belief. To admit the validity of Dr. Hill's argument would be to revive the exploded principle that the civil power has authority to dictate in what manner the people shall worship God. It is quite natural that Dr. Hill should uphold the doctrine being a good Presbyterian, but he should have lived in the seventeenth century about the year 1644 when the English Parliament enacted the Sunday Observance Law with which he defends his twentieth century echo. If children were found playing on Sunday their parents or guardians were fined twelve pence for every offence, in default to be set in the stocks for a space of three hours and the children sent to prison for three days on bread and water.

"Probably Dr. Hill would not try to go as far as that in these days, but his bill goes as far in defiance of modern liberty and religious freedom.

"As for cigar shopkeepers and other traders who carry on business seven days in the week, we have nothing to say. There are any number of Christians as well as Jews who follow this practice. What we contend for is that Jews and Adventists who observe the seventh shall not be compelled to refrain from unobtrusive employment on the first day of the week. This involves the principle of religious freedom, freedom of conscience, and no legislature in the British Empire ought to make such an enactment.

"Dr. Hill's remark that the Jews are an anachronism in the twentieth century is stupid and impertinent, serving only to show the animus of his sectarian bigotry and intolerance of religious convictions with which he does not agree, and an assumption of superiority in the right to impose his opinion upon others. He is the anachronism as his letter proves, and his claim that to enforce his idea of Sunday observance is for the good of the national life is the mere pretence to bolster up his real object which is to establish in Canada as near an approach to the Puritan Sunday as possible." (March 23, 1906)

Allan Judah Hart, whose names are testimony of 250 years Quebec citizenship, reminded the minister that "he owes an apology to at least one Jew, whose teachings he professes, but who himself observed and taught the observance of the Seventh Day as His Sabbath; and who also taught tolerance, 'Do unto others as you would have others do unto you.'

"Then he refers to the fact that Jewish bakers were recently fined for selling their bread on Sundays.

"Does the reverend gentleman consider that the Jews as a body are to be blamed for the conduct of a few bakers any more than the Christian community is to be blamed because the product of certain distillers causes the Christian Sabbath to be noted the world over as the day on which more drunkenness, debauchery and crime is perpetrated

than on any other day in the week, and is he broad-minded enough to see that this weekly carnival of crime cannot be cured by legislation?

"The cure rests with the clergy and respectable body of the community, and not with the Legislature.

"He then makes the gratuitous remark that 'It is understood that the New York and other newspapers which are shouted and hawked on our streets in the west end Sundays are mainly in the hands of a Jewish agent.'

"I have enquired and am advised on reliable authority that they are entirely controlled by Christians, who, to use Dr. Hill's own words, 'employ Jewish young people to ply an unlawful trade.'

"If Rev. Dr. Hill and his confreres who waste time and money in a useless attempt to convert the Jews, spent the time in endeavouring to induce the Christians as a body to observe their Sabbath as the Jews as a body observe theirs, it would be unnecessary to ask our legislators to intervene and then perhaps we should not have Christian ministers stirring up feelings against the Jews instead of the goodwill that a true interpretation of the religion they have taken from the Jews should teach them." (Star, Mar. 30, 1906)

His kinsman who had little patience for Protestant attacks on Canadian society was Lewis A. Hart, lecturer on the theory and practice of notarial deeds and proceedings at McGill.

Two years earlier he had written A Jewish Reply to Christian Evangelists who were to proselytize Jewish immigrants. The series were reprinted from the Jewish Times (Apr. 13, 1900 -- May 19, 1904) and were now published in New York by Bloch. (1906, 239 p.)

Now he wrote sarcastically of Dr. Hill's 'broad-minded and Christian-like tone that pervades the letter from him upon Jewish opposition to the Sunday Observance Bill. The spirit of peace on earth and good-will towards men that is breathed in every line of his letter must be a source of infinite pleasure and gratification to all the other members of the alliance. To them the brotherly love it displays for all who differ from him in opinion must come as an outpouring of spiritual grace, a monument to the value of nineteen centuries of Christian teaching, and a token of the near approach of the millennium.

'Mr Hill states that the Jews are an anachronism in the present age, and that no apology is owing to them from Christian men

for the law of a Christian government in a Christian land. The sentiment is not original with Mr. Hill, nor a novel one to the Jewish people; they have heard it at every period of their history. They were an anachronism in the days of that Pharaoh who ordered the midwives to kill all Jewish male infants, and when that regulation failed, directed that they should be cast into the Nile. As Mr. Hill feels with regard to Christian laws and the Jews, so must Pharaoh have thought with reference to his laws, no apology for them was owing to the Jew. Antiochus Epiphanes was another potentate who shared the sentiments expressed by Mr. Hill, for he held the Jews to be an anachronism in his time, and that no apology was owing to them for the Syrian laws enacted in a Syrian province. Antiochus sought, as Mr. Hill is now seeking, to enforce upon the Jews a law of conformity and uniformity by every means in his power. 'Howbeit many in Israel were firmly resolved not to profane the holy covenant -- so then they died.'

"At all times under the Christian dispensation there have been Christian men, in some respects not very unlike the Rev. Mr. Hill, who thought the Jews an anachronism in their days, and endeavored to force upon them laws of conformity. At one time in the city of Strasburg, the Jews were given their choice between kissing the crucifix and mounting the faggot; and in one day, in that city, 900 Jews were burned alive rather than violate the principles of their religion. Torquemada and Ferdinand and Isabella of Spain were other Christians who held the Jews to be an anachronism in their time; and the air of Spain was no longer breathed by the Jew. The then rulers of Spain shared the view expressed by Mr. Hill, that no apology is owing to the Jew for Christian laws passed by a Christian government in a Christian land.

"In holy Russia, too, there are many Christian men of the Rev. Mr. Hill's way of thinking, who hold the Jews to be an anachronism in the society of the 20th century, and are endeavoring to get rid of it by what you described in your issue of the 13th inst. as a policy of systematic extermination. As reported in your news columns of that day, indisputable evidence has been found that the Jewish massacres of last October were organized. They occurred in 400 cities and towns simultaneously, and were identical in character. In every case the Jewish quarters were raided and plundered, and women and children outraged by armed roughs, and young and old torn to pieces and massacred, while the police looked on or aided in the work. When the Jews forcibly resisted they were shot down by the soldiers as rioters. And so the carnival of rape, robbery and murder against the Jews has gone on, and threatens to go on, without a word of protest from the other Christian

governments of the world. 'Am I my brother's keeper?' is the answer given by the Christian governments of Canada, England and the United States to resolutions of sympathy offered in favor of the Russian Jews.

"It may perhaps be said that there is no analogy between the conditions prevailing in Russia and those existing in this country; but there are not wanting Christians here who can become the blind agents of ignorance and bigotry; and if the narrow and intolerant views expressed by a person of Mr. Hill's position and character should once become the principle of Dominion and provincial legislation here, who will guarantee that the Jews in this country will not become at the hands of Canadian Christians the victims of cruelties as atrocious as any that have every blackened the annals of Christianity?

"The obligation to work six days in the week is as much a part of the Fourth Commandment, and as binding upon the Jews, as is the injunction to abstain from labor on the seventh or the Sabbath day and keep it holy. 'Six days shalt thou labor, and do all thy work.' The laws of England give the Jews, under certain conditions and restrictions that no Jew finds fault with, the right to work six days in the week without violating their Sabbath; but English law and precedent are not good enough for the members of the Lord's Day Alliance in Canada. They, thank God, are not as the Christians of the mother country; they are the salt of the earth, the guardians of Christianity; and the concession of equal rights to those who may differ from them in religious opinion forms no part of the creed they profess." (Jewish Times, March 23, 1906 and Gazette, March 13, 1906)

Harris Vineberg, who led the Jewish delegation, challenged Dr. Hill's facts. A more recent arrival to Canada than Hart, who stems from Aaron Hart, trifluvien in 1760, Vineberg spoke a different language,

"Dr. Hill assumes that the Jewish citizens of this country are merely a lot of refugees who are not entitled to any particular consideration, and who should be well satisfied so long as they are treated a little bit better here than in Russia or elsewhere. 'The Jew is an anachronism in modern society,' says Dr. Hill, and he does not see that any apology need be made for the Sunday Observance Bill, though it is a bill that would seriously infringe upon the religious liberty of the Jew.

"Now, there are thousands of Jews who were born in Canada, and thousands more who settled in this country years before Dr. Hill took up his abode in it. How can he class these as refugees? Moreover, should a man morally or legally suffer any disqualification because

he happens to take refuge here to escape massacre and pillage in Russia? Will liberty-loving and justice loving Britons endorse Dr. Hill's inference that a man who takes refuge under the British flag, and becomes a British subject, is to receive any less consideration or any fewer legal rights than a man who happens to have had the good fortune to have been born under that flag?

"The true spirit of religion should teach Dr. Hill to recognize that every man, no matter what his race, is entitled to the same treatment, the same justice, the same tender consideration for his religious scruples as his fellow-citizens of another creed -- no matter whether he be born a Canadian or whether he be a refugee. That is the only spirit in which he can hope to make a truly great country of this Canada of ours. Utterly at variance with that spirit is Dr. Hill when he hurls the epithet 'anachronism' at the Hebrew people. A man who is in debt to the Hebrew people for his Bible, and for every single text that he uses when he preaches his Sunday sermons, should show some sense of gratitude for what he owes to that people, some indication of Christian forbearance and kindness, and not offer them offence and insult in the gratuitous manner he has done.

"Dr. Hill in opposing the very moderate and just requests of the Jews in reference to the Sunday Observance Bill, largely bases his arguments on the fact that a few Jewish bakers and cigar stores carry on trade on Sunday. By actual count, there are three cigar stores owned by Jews open on Sunday in the district he names, and there are altogether only two or three Jewish bakers in Montreal. There are a much larger number of Christians who keep fruit, refreshment, cigar and news stores open on Sunday. Dr. Hill would think it very unjust to censure the whole Christian community for the transgression of those Christians who indulge in Sunday trading. Why then does he charge the Jews as a people with doing that which is offensive on Sunday, because an exceedingly small number of them do so? As for the American Sunday newspapers which are hawked on the streets on Sundays, these are imported by Christian agents, not by Jewish ones as Dr. Hill avers, and the Jewish people would rejoice if Jewish children were prevented from selling them on the streets on Sunday." (Star; March 24, 1906; reprinted in Jewish Times, Apr. 6, 1906. A notation by Rev. Meldola de Sola suggests that it was drafted by Clarence I. de Sola.)

Back home in Montreal Rev. Meldola de Sola summarized the defence of the Jewish position and reminded Dr. Hill that "as a Protestant living in the province of Quebec he should realize that it would be a sad day for the Dominion if majorities were to ride rough over minorities. If our country is to prosper there must be mutual toleration and mutual consideration between all races and creeds." (Star, March 13, 1906)

That one offensive word "anachronism", prefigurative of Toynbee, had brought a little more anger than Dr. Hill had intended. He tried to put another perspective on it.

"After all," he wrote in the Star of March 24, 1906, "the word is a very innocent one. An Anachronist is one who lives or professes to live in the past. I have always understood that it was the pride of the Hebrew that he clung to the institutions of the past most tenaciously, even to the extent of preserving implicit faith in the return of his people to Palestine, where they should restore the institutions of Moses in their original simplicity. But it appears I have been mistaken. If so, the Jew is weakening in what he used to regard his strength."

It was a weak attempt at withdrawal, and in the polemical traditions of the day he was not likely to escape into stylistic word playing. Rev. Meldola de Sola labelled him "guilty of an outrage against the elementary rules of decency. The principles governing men of the most ordinary refinement deter them from hurling abusive epithets at their fellowmen because they differ from them in creed. Mr. Hill's reprehensible utterance has drawn upon him the stern condemnation of the public, and now he is endeavoring to crawl out of a decidedly uncomfortable position by a flippant reference to the cuttlefish. The cuttlefish seems to tickle Mr. Hill's fancy because it escapes to a place of safety under cover of discolored water. I do not propose to let Mr. Hill confuse your readers, cuttlefish fashion, and to escape the legitimate consequences of his intolerance.

"He proceeds to inform us that an 'anachronist' is one who lives or who professes to live in the past. No person of ordinary intelligence will be misled by this feeble attempt to divert the attention of the public from 'anachronism' to 'anachronist,' and I insist upon pinning Mr. Hill to his original expression. I am not interested just now in philological subtleties, nor is it necessary for me to prove that, while the Jew lives in the present, he does not ignore the past.

"In the heat of argument greater men than the Rev. J. Edgar Hill have given utterance to words which they have subsequently regretted, and they have had the manliness to admit the wrong committed. But Mr. Hill did not frame his now notorious utterance in the heat of debate. It was deliberately coined for a letter written presumably in the quiet of his study. And now that it has been universally condemned, Mr. Hill does not come out like a man and express regret at the affront he has offered an important body of citizens, but adds insult to injury by a flippant assumption of innocence as ridiculous as it is transparent. (Gazette, March 28, 1906)

Apparently the Jewish minister was not the only correspondent to enter the dispute. The Gazette declared an end to the debate in its columns.

The editor of the Star reported, in order to close the debate that "Many intemperate letters have reached the Star office over the question between the supporters of the Lord's Day Act and the Hebrews. They betray a poverty of tolerance and a wealth of invective that justifies their suppression. Religious leaders might possibly take note of the fact that there is no seed which brings forth a more bitter harvest than an acrimonious religious controversy; and, in their effort to bring the world under the rule of love, they should avoid stirring these foetid waters of a sentiment quite different. There is nothing that a newspaper office dreads more than to start a religious controversy; a condition of things which the truest friends of religion in all its forms will deplore." (Star, March 31, 1906)

## A SELECT COMMITTEE OF THE COMMONS

A select committee was named to examine the bill and to hear witnesses: the Hon. Mr. Fitzpatrick, S.W. Daniel of St. John City, H.B. Ames of St. Antoine, Montreal, R.A. Pringle of Stormont, W.J. Roche of Marquette (replaced by Mr. Schaffner), A.C. Macdonald of South Toronto, Camille Piché of Montreal-St. Mary's, H.H. Miller of South Gray, Mr. Geoffrion, E.M. Macdonald of Picton, J.H. Sinclair of Guysborough, and Mr. Smith of Nanaimo.

There is a historic entry in the Report of the Select Committee to which was Referred Bill no. 12, Respective of the Lord's Day, Minutes of Proceedings and Evidence (Appendix no. 1 to the Journals of the House of Commons, vol. xiv, 1906) to the effect that among "the following additional interests (who) desired to be heard before the committee are the Jews of Montreal, per Mr. Goldstein."

Mr. Maxwell Goldstein, formally counsel to the committee headed by Harris Vineberg, with Sol Kellert as secretary, appeared before the committee on Apr. 27, 1906 "on behalf of the Jews of Canada and submitted the amendment which had been submitted by the Committee of Jewish citizens to the prime minister and to the minister of justice on March 15:

"Notwithstanding anything herein contained, whoever conscientiously and habitually observes the seventh day of the week as the Sabbath and actually refrains from work and labour on that day, shall not be subject to prosecution for performing work or labour on the first day of the week, provided that such work or labour does not disturb other persons in the observance of the first day of the week as holy time, and that the place where the same is performed is not open for traffic on that day." The amendment was substantially the same as that suggested by Folinsbee, counsel for the Seventh Day Adventists.

Mr. Goldstein presented a petition on behalf of the delegation formulating its views on the Sunday question:

"As subjects and citizens of Canada we feel that the introduction of legislation upon the lines laid down in the proposed Bill

would be tantamount to forcing upon the people generally compliance with religious views which are at variance with the convictions of a large number of subjects and citizens, and would entail a serious breach of the harmonious relations now existing between the different races and creeds of the Dominion...

"The recognition of legal equality amongst all religious denominations is an admitted principle of legislation in all colonies of Great Britain, and is consecrated by the terms of the Consolidated Statutes of Canada of 1859, Cap.74, reproduced from the earlier statutes where it is specially declared that "in the state and condition of this province (Canada), to which such a principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct legislative authority recognizing and declaring the same as a fundamental principle of our civic policy; therefore the free exercise and enjoyment of religious profession and worship without discrimination or preference was guaranteed to all Her Majesty's subjects within the said province.

"The government of Canada, and particularly its present illustrious premier, has frequently laid down the rule that in this country the religious rights and beliefs of the minorities would at all times be respected.

"We estimate that at the present time there are about 40,000 Jews in Canada, the bulk of whom observe the Sabbath of the Commandments. In addition there is a large number of Christians, known as Seventh Day Adventists and Seventh Day Baptists, who observe the seventh day of the week as holy.

"A large proportion of Jews is employed in factories of various industries, operated by Jewish proprietors, whose factories are closed on Saturday in accordance with the Divine Law, that 'six days shalt thou labor and do all the work. The seventh day is the Sabbath of the Lord thy God.' To make up their time and to earn the wages which are essential to their living, the employees are allowed to work in these factories on Sunday. This work is done without interference or annoyance to the ordinary Sunday observers, and without cause of complaint having arisen. Others again are engaged in agricultural pursuits and in occupations which require their personal work and labour.

"They are obliged by their religion to abstain from work on the Jewish Sabbath, fifty-two days in the year, and on each of the thirteen days kept as great religious festivals by the Jews, making sixty-five days in all. Should this Bill in its present form, become law, they will be debarred from earning their livelihood on fifty-two

Sundays, in addition to the above sixty-five days; and in the case, as frequently happens, when the first day of one of the great Jewish festivals falls upon a Thursday or a Monday, they will be prevented from their work and labour for four consecutive days in the week. It is clearly impossible for an honest man to earn his living, in competition with others, if he is obliged to abstain from work for over one hundred and seventeen days out of three hundred and sixty-five in the year.

"In France, Austria, Italy, Hungary and certain parts of the German empire, no Sunday laws exist. In certain of the United States of America, where such laws were introduced in the old puritanical days, they have mostly become dead letters. In New York, Ohio, Nebraska, Iowa, Massachusetts, Indiana and other states, exemptions are made in favour of those who uniformly observe another day of the week as their Sabbath...

"In England the old Lord's Day Act has been amended, and its ancient harsh enactments modified by various laws. In many of these Acts the religious views of the King's Jewish subjects are recognized and allowances are made in their favour, when by their observance of the Jewish Sabbath, the Acts would operate injuriously to them...

"The present Bill as drafted by the Lord's Day Alliance goes much further than any of the above. It is the most drastic attempt at legislation submitted to a parliament in modern times upon this subject.

"It is not satisfied, as in other countries, to prohibit traffic and closing of shops on Sunday, but it would stop every man, woman and child, irrespective of creed, from working in his, her or their own house, office or place of business. It is impossible to say what a person could do on Sunday, if this Bill were to become law, without rendering himself and every member of his family or his employees, liable to be fined and sent to jail.

"It seeks to deprive a man of the Divine rights of freedom of action and use of property. It sanctions a system of espionage, by providing that a constable may enter a man's premises other than a dwelling house -- to ascertain if anything is being done there in violation of the Act.

"No allowance or consideration is made or given for Seventh day observers, and the ordinary exemptions which, as above shown, exist and are provided for in Sunday Acts of other countries, are completely ignored. Is Canada not to be as tolerant as England, or the United States of America, in the treatment of its subjects?

"The necessity of making allowances for the views of different sections of the community has been already recognized by the addition, made by the government to the draft Bill, of a clause exempting from the operation of the Act in the province of Quebec such sales at church doors of country parishes as are permitted under the law of that province.

"The humble prayer of this deputation is:

"That the Bill, as drafted be not passed.

"That if parliament favours additional legislation regarding Sunday observance, a select committee be appointed to report upon a Bill which will be acceptable and do justice to all sections of the community.

"That in any Bill so drafted, there at least be inserted a clause exempting those who religiously observe another day of the week as their Sabbath, from prosecution for work or labour on Sunday, done within or upon the property occupied by them." (Jewish Times, Apr. 26, 1906)

This was supplemented by further consideration of the Jewish delegation:

"Canada conferred full civil, political and religious liberty upon her Jewish citizens in 1832; more than a quarter of a century before England did. And it is not credible that Canada will prove less just or less liberal than other countries.

"In England, a citizen whose factory or workshop is closed on Saturday, because he observes that day as his Sabbath, is permitted by law to have work done in his factory or workshop on Sunday, provided there is no traffic. And the Jews of Canada do not desire to do anything publicly that would interrupt church services or disturb their fellow-citizens of other creeds on Sunday. They simply wish to enjoy the consideration extended to them by the law of England.

"In permitting sales at church doors on Sunday in the province of Quebec, the Lord's Day Bill recognizes the principle of special class legislation to meet the requirements of the followers of a particular religion. It is respectfully submitted that, in justice, this principle should also be applied to citizens of the Jewish religion.

"The Jews of Canada have never been a burden on the State in the past. As the seventh day Sabbath is a fundamental institution of Judaism, the Lord's Day Bill would really limit the work of Jewish citizens to five days in the week. This would spell poverty to thousands of them and, for the first time in the history of Canada, make them a burden upon the State.

"Canada has legislated against the admission of pauper immigrants; but the Lord's Day Bill would defeat the object of this legislation by creating paupers within the confines of the Dominion.

"If the Lord's Day Bill is not amended to make provisions for Jewish citizens, the Jewish bread-winner, whose religion teaches him to honor the law of the land in which he lives, will be tempted by force of circumstances to violate that law of his religion which commands him to abstain from work on the seventh day of the week.

"That which leads a man to violate a cardinal law of his religion is subversive of the salutary influence of religion, and the destruction of reverence for religion does not tend to make a man a good citizen."

Mr. Goldstein supplemented this representation, "This is a case where the majority could well concede to the minority their view, their conscientious scruples which their own religion requires of them. It is a happy thing indeed that we have to appear for relief to a tribunal composed, as this committee and parliament are composed, to do justice to us, in the same sense that it has been done in all other civilized and Christian countries.

"So far as the Jews of Canada are concerned, as well as any other country, we recognize we are in the minority: that the majority must rule. And we recognize also that the principle of the Bill which calls for one day's rest in the seven, is sound.

"We take to ourselves the pride of having been the first in ancient history to whom that law, the Divine Law was given, and we have carried it out ever since. As the premier remarked at the time this deputation was before him, there is no difference of principle between us and our Christian friends. Simply that we have observed the original day. We have continued to observe the original day, and insofar as they are concerned, another day has taken its place.

"The amendment that I am offering is one that is based upon provisions which will be found in the laws of the United States, in the laws of England, and which has much more merit even than what those laws provide for. We do not desire to do anything that may shock the religious sentiments of the majority. All that we ask for is to be allowed to work within closed doors. We are against the traffic idea. We are against the opening up of shops and places of that kind; that is to say, we raise no objection to it, being the will of the majority.

"But we oblige our people to abstain from work and labour on the seventh day of the week; they have no alternative. The man who does not obey the principles of his religion will never make a good citizen; so we are obliged also to abstain from work on the seventh day of the week, and, if we are obliged to abstain on the first day of the week, it would mean that our people would have only five days in the week to earn their livelihood."

Referring to the amending clause recommended by his committee, Mr. Goldstein said,

"Now, here is a provision which directs that the place where the work is being done must be kept closed on the seventh day, that is the first condition a man must not work on the seventh day who wants permission to work on the first day. This law would not apply to those who do not close on Saturday..."

"The exemption clause in England appears in the workshop act that a Jew who conscientiously has his establishment closed on Saturday should be allowed to work on Sunday. It says there that the shops shall not be open for traffic in England; we do not want it, but it is on the principle that a man's house is his castle; as long as he does not disturb anyone else, why should he be prevented from earning his livelihood? That has been going on in our city for years past, there has been no complaint; in fact members of this parliament who live in Montreal have told me they have never heard of it; but it has been done so quietly that they have not even heard of it..."

"Mr. Ames told us that he did not know it was going on. So far as the opening of shops is concerned in the city of Montreal, there are shops open on Sunday, not only by those who belong to the Jewish faith, but to those who belong to all faiths. I have heard it from those of our faith that they would be only too glad if those stores were closed on Sunday throughout the city, but the trouble is their neighbours open and they have to keep open; that is cigar stores and fruit stores."

"In the matter of selling goods on Sunday we are prepared to be put on the same basis as anyone else. And we have another provision, that in case we disturb people going to or returning from worship, we have added 'provided that such work or labour does not disturb other persons in the observance of the first day of the week as holy time.' We have the right to ask of you, as the majority, to concede this principle to the minority. We do not want to hold ourselves up that this is a better country than any other country. We do not want to say that we shall be more sacred, or to put ourselves on a higher level than other Christian countries, and we do not want to do anything that would allow other countries to say that we are intolerant to anything but the dominant religion.

"Industries have sprung up lately, such as the manufacture of ladies' waists, &c. which do not call for any plant, machinery or any other noisy operation. These manufactures can be carried on in a quiet way. This reference to smelters and blast furnaces and things like that do not apply to us at all; we have not got them. We have about 7,000 operatives working at the present time and they only earn their pittance of \$1 or \$2 a day; deprive them of that for one day in addition to our seventh day and they cannot live; we are trying to keep them from being a public charge, but our work will be undone if they are not allowed to earn their livelihood.

"Christian operatives do not work on either of the two days at the present time, they cannot work on Saturday because the place is closed and they are not asked to work on Sunday."

To cite the 1970 Ontario Report on Sunday Observance Legislation (pp. 48-50),

"The Seventh-Day Adventists had asked for an even more sweeping exemption clause, but of course they would have benefitted by the Jewish amendment." The Lord's Day Alliance immediately began to work opposing the exemption clause. Before Mr. Goldstein's submission to the Committee was barely finished, Dr. Shearer was on his feet challenging him as to the number of Jews in Canada and drawing to the Committee's attention the fact that a certain factory in Montreal operated by Jews was running seven days a week. Dr. Shearer did not spare the Seventh-Day Adventists either, noting that there were only 1500 in Canada, 300 of whom were men, and of these not less than 50 being preachers, evangelists and book agents sent to Canada by the American Seventh-Day Church.

These representations were opposed before the Select Committee by such petitioners as the Rev. W.D. Reid, president of the Protestant Ministerial Association of Montreal who attested his concern that Mr.

Wener, proprietor of the Montreal Waterproof Co., kept his factory on Papineau Avenue operating seven days a week, as is also "the case in many other places in Montreal.

"The Jews and other Saturday Sabbath-keepers have asked you to specially exempt them from the restrictions the Bill would impose upon all.

"We desire earnestly to protest against the putting in of any such exemption. We feel that this is vital to the measure. In support of this our contention we would submit the following considerations:

"The legislation in question in no way interferes with religious liberty. It leaves all perfectly free to observe Saturday (if Jews or Adventists), or Friday (if Musulmans) or no day (if infidels), in religious worship and exercise. It does not require anyone to observe Sunday in a religious manner. It simply protects the one day in the week as a Rest Day, leaving all free to make such use of it as they choose, and to observe other days as holy days if they think they should.

"In deciding upon Sunday as the protected Rest Day the law simply gives effect to the will and practice of more than ninety-nine per cent of the Canadian people. While we sympathize with even so small a minority in any temporal disability this may entail, yet such disability is quite unavoidable; and it is no new thing for people to have to endure financial loss or disadvantage because of religious or conscientious convictions.

"To grant exemption to any section of the people on such grounds would be a departure for which there is no precedent in any existing Canadian Sunday law, and, so far as we have been able to ascertain, in the laws of any other British colony, or in any general Lord's Day Act of the Mother Country.

"To grant such an exemption would in practice, in communities where the exempted classes live, destroy the very purpose of the Rest Day law, and mean an open Sunday. The liberty of rest for each demands the law of rest for all. If some men may work, greed can readily find ways to compel them to work.

"To illustrate: suppose in any community there were one or two percent of people enjoying exemption and bent on using Sunday for business and work, every line of business being represented among them, hardware, dry goods, groceries, etc., and every trade, blacksmithing, masonry, carpentry, etc., and every line of manufacture; and suppose

all of these claim the right of going on with their worldly work on Sunday; manifestly we would have a wide open town and no day of the week free from business. The price to the many, to the ninety-eight or ninety-nine percent of the people is out of all proportion to the end sought; namely, to allow the one or two percent to do what they say they think they ought. Will the few insist upon robbing the whole community of its Sunday privileges, and that in the name of liberty?

"But it may be said conscience is a very sacred thing; people's honest convictions should be respected at all costs. Not quite at all costs.

"Consider for a moment; our Mormon friends conscientiously believe in polygamy. Our law forbids them to practice it. Yet we feel sure that our Jewish friends would not be willing to advocate throwing down the legal safeguards of monogamous marriage. Religion must seek the greatest good of the greatest number."

The Montreal Star found no difficulty in supporting the Jewish position:

"It is difficult to see what the logical friends of the Christian Sabbath can say in objection to the request of our Hebrew fellow-citizens that they be exempted from the prohibition against labor on Sunday, in such cases as they conscientiously and habitually keep their own Sabbath and when their labor will not disturb others and their place of labor will not be open for traffic on Sunday. That is, they will not interfere in the slightest with the general sanctity and quiet of the Lord's Day; but they will merely catch up with their competitors who have got a day ahead of them while they were religiously observing their own Sabbath on Saturday.

"The very first principle of Christianity is that it shall not persecute a minority. Where Hebrews work on Saturday, it is perfectly right to compel them to keep step with their Christian rivals by observing Sunday. But if they are debarred by their consciences from working on Saturday, then to compel them to remain idle on Sunday too, is to fine them one day's profits for their religious scruples. Now a sensitively religious conscience is not a thing that this community can afford to discourage.

"If the Hebrews asked the right to carry on a business which should nullify the Lord's Day Act in any section of the city, then the right of the majority to a quiet Sabbath must overrule. But they ask only permission to carry on such manufacturing operations as will not disturb others; and they furthermore bind themselves not to have their places of labor open for traffic on Sunday.

"It is proposed to permit certain manufacturing operations, managed by Christians, to run on Sunday because it would be very unprofitable to shut them down; and surely what we allow to Christians for profit, we might allow to Hebrews for conscience sake" It is all very well to say that it is after all a matter of profit with the Hebrews. That is, we do not compel them to work against their consciences on Saturday. But what is compulsion in a modern State? We enslave no one and compel him by force to work. But if we fine a man who does not work on a certain day which we indicate, we apply a very heavy sort of compulsion -- the heaviest sort of compulsion which our commercial system knows. The very purpose of the Lord's Day Act is to protect men from being fined for refusing to work on Sunday. Now, unless we give the Hebrews the exemption they ask, we will fine them for not working on their Sabbath; which is whipping them on to 'Sabbath desecration' by the sharpest lash known to a commercial community. We should certainly be Christian enough to avoid intolerance and religious persecution in the very law which is to vindicate our Christian regard for the Christian Sabbath." (Cited by Jewish Times, May 4, 1906)

The committee debate was thorough and complex, and included very full consideration of the Jews' and of the Seventh-Day Adventists' requests and of the laws operative in other lands.

The committee adopted the recommendation of the Jewish delegation on June 1, 1906 by a vote of 5 to 4; it became clause 11 of the bill before the Commons. The vote later became a subject of debate as to the accuracy of the narrow count, and therefore the validity of the recommendation of the Commons committee came into question.

The committee reported on June 1, 1906.

To protect the rights of Jews a "Jew clause" was proposed that would exempt "whoever conscientiously and habitually observes the seventh day of the week as the Sabbath and actually refrains from work and labour that day...provided he does not disturb other persons...and that the place where his work is performed is not open to traffic on that day." It came to lie at one of the centres of controversy.

Aylesworth opposed "creating an exception to a general measure, which exception leaves a certain portion of the community altogether free from liability to the penalties which are provided against any other citizen who may transgress its provisions. In that respect it is a most extraordinary piece of legislation...The Hebrews, by their ancestors coming to a Christian country which has its peculiar, if you like, Christian laws, it does seem to me that this day and date it would be an altogether anomalous thing to make a special exception in their favour."

When the discussion moved from Select Committee to the floor of the full House on June 27, 1906 Mr. Miller of South Grey told "what took place in the committee of which I was a member, and at which meeting I was present: This amendment was put in at the last meeting of the committee. Up to that date there had been, I think, no thought on the part of the majority of the committee of putting in any such sections as this section 11. The addition of section 11 was carried in the committee by a majority of one, and one of the members of the committee who voted for the placing of that section in the Bill told me afterwards that in the House he would vote against this section.

"I have no right to name any individual in connection with the work of the committee, and I will not. But what I say is correct, and I think that the hon. gentleman who made that remark was perfectly honest in what he said, and I do not think it is any reflection upon him that he voted as he did. He said that this was a clause of very considerable importance upon which there was a great difference of opinion, and that he voted for this so that it might be reported to the House and discussed by the whole House."

Mr. Piché, another member of the Select Committee, disputed Mr. Miller's recollections. "When it is stated that it never was contemplated to adopt any amendment of that kind in respect to the Lord's day in the committee, I am sorry to say that such a statement is completely contrary to the facts, because on the very first day of the sitting of the committee we had this very amendment from the Jewish community and the Seventh-Day Adventists.

"The vote of the majority was recorded on that very point:

"I contend that from the very first day the majority of the committee was in favour of granting that exemption on conscientious grounds. That is what the committee did. We have been disagreeing with perhaps every clause of the Bill that there should be no doubt about this clause, as it is the only clause which came from the committee itself. It is the only one which is the work of the committee,

and now you want the only work done by the committee to be set aside. I do not think that would be paying proper respect to the work of the committee.

"This is the only work they did by themselves, because practically everything that came from the committee was in the shape in which it had been sent to them. This is the only thing they did exclusively."

The Rev. Mr. Shearer wrote frantically to the Archbishop of Montreal the day after, on June 2, 1906, improperly using the letter-head of the House of Commons,

"I regret to trouble you once more.

"The Select Committee by a majority of one had recommended the putting into the Lord's Day Bill a clause exempting Jews from its penalties. This clause is very cunningly worded, and would allow a Jew to keep his factory open on Saturday with non-Jewish workers and on Sunday with Jewish, so long as he himself does not work on Saturday.

"I feel sure Your Grace will agree with me that any kind of an exemption to Jews is offensive to the Christian religion, besides being subversive of Sunday observance. Now the one man who can make sure that this clause is voted out by the House of Commons is the Premier Sir Wilfrid Laurier. Will Your Grace kindly write him at once strongly protesting against this amendment? I feel sure a word from Your Grace will settle it. I know no one else who can do so.

"I very much regret that Mr. Fitzpatrick is going out of the Government. But Sir Wilfrid can well take his place.

"Thanking you cordially, Yours most respectfully, J.G. Shearer

"P.S. The matter may be decided on Tues. or Wed. at latest."  
(P.A.C., Laurier Papers, Pp. 110871-72)

With tact worthy of a prince of his church, a tact beyond the reach of his Protestant confrère, the prelate wrote Laurier on the 4th in confidence,

"Evidently Mr. Shearer ascribes to me an influence which I could never claim. Nevertheless I send you his letter.

"You are aware of my views on the bill on Sunday observance. This law, if passed, will be for the social good. I want no extremist formulation, and I am referring to you to introduce amendments to the bill which will be presented to the House soon.

"I have simply answered Mr. Shearer that I will write to you." (Pg 111089-90)

Which Laurier acknowledged on the 8th, "as far as I am concerned, I am in full agreement with the principle of this bill. I have not yet begun to study it myself, for I only received it yesterday. If Your Grace has any observations to make, I shall be very happy to have them." (P.110878)

Liberal M.P. H.H. Miller wrote Laurier the same day,

"I beg to say to you that I am convinced that any exemption in favor of the Jews, Seventh-Day Adventists etc., in the Lord's Day Act will meet with very strong disapproval throughout Ontario, and will, if provided for, do us much harm politically. It will arouse more feeling than would other things more really important." (P.110832)

To which Laurier promptly wrote on June 4, "I have not seen the report of the Committee yet, but I understand they have made some provision for the Jews and the Seventh-Day Adventists. As you know, my rule is always to support the committee. I will be very glad, however, to discuss the matter with you." (P.110834)

I have already signed the bill and I will not sign it again.

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IN THE HOUSE OF COMMONS

The discussion moved back to the full House of Commons on June 27. After an acrimonious and bitter debate on this clause that divided the Laurier government, cut across party lines, broke provincial blocs and invoked very far-reaching principles of western society, the proposed exemptions for religious persons resting on Saturday was defeated (79 to 57) at the hands of the Lord's Day Alliance.

It was a far-ranging and far-reaching debate which reflected both profound thinking and prejudice about Jews on various levels of the Canadian polity, far beyond the specific legislative question on the agenda.

Indig emphasizes that "on June 27th, 1906, the third day in the Committee of the Whole, the Commons discussed the controversial section exempting the Jews. The atmosphere in which Section 11 was discussed was one of intense and steadfast interest. The Toronto Globe reported:

"From the opening this morning until midnight there was almost a full House, with eager faces, close attention and anxiety to take part, which shows how closely the measure touches every part of Canada...The desire to speak was so great that sometimes half a dozen members would rise at once."

"Many arguments were enunciated in which both the Alliance and the Jewish points of view were reiterated by their legislative supporters.

"The parliamentary opponents and supporters of an exemption crossed lines in support of the stance taken by either the Alliance or the Jewish interests. The core of the discussion centered upon the feasibility and practicality of an exemption to the Jewish minority within the context of the bill, and its effects upon the nation as a whole.

"Even though the parliamentary supporters of an exemption were firm in their desire of wishing to grant an exemption to the Jews

they were not as zealous in their stance as those who opposed the exemption. All of the supporters wanted to grant some sort of exemption, but the degree to which the exemption should be conceded varied among them because of their individual prejudices, biases and convictions." (P.140)

The economic, Catholic, social and nationalist French views had been formulated very clearly early in the debate in the House of Commons by Mr. Amyot (Hansard, June 6, 1906, p.3382), as he destroyed the religious cant that underlay the measure to advance the sanctity of the Sabbath.

"We want the country to understand the law we are going to pass. The hon. gentleman surprises me very much. He came here in the interest of society and he wants a law passed which shall compel everybody to rest on Sunday; but here is a railway owned by two or three people who will suffer pecuniary loss unless their trains run on Sunday; and for the sake of those two or three people, he will oblige poor laborers to work on the train, and his principles are sacrificed. Will he go before the public and say that for the sake of the interest of two or three great proprietors of railways, the poor were deprived of their Sunday rest? Why does not the hon. gentleman apply the invariable law that it is necessary in the interest of society that nobody should work on Sunday?

"Let us not act for the object of putting more money in the pockets of two or three individuals. The hon. gentleman finds the principle very good when it pleases those of his friends who may be rich. There is another thing that has surprised me. What is the reason of this hon. gentleman's respect for the railways of the States? The United States may have their railways running on Sundays, but we must stop ours except those that connect with the railways in the States. So we are subservient to the States; our railways are servants to those of the States. That is the bill the hon. gentleman wants us to pass, and the great moral principle that the laborer is entitled to rest on Sunday disappears when the States or the railways of the States are interested. I always understood that the moral principles of society are general, and cannot be departed from for pecuniary interest. The hon. gentleman says that the law provides that we must have a day of rest on Sunday. Will the hon. gentleman tell me where he finds that? In what code? In what statute? In what treaty?

"I understood when we joined Confederation that the religions would continue to be free in this country, provided we committed no scandal and did not sin against the laws of nature. Where is the law that will force one to observe Sunday as the Lord's day?

"The hon. gentleman says it is the first day of the week. I understood from the Bible that God took his rest on the last day of the week. Will the hon. gentleman tell me by what right he changes that to the first day? I would like to know in virtue of what statute, treaty or old parchment he has the right to change what God has made.

"Suppose for a moment that I belonged to the Hebrew religion, and suppose I were rich -- I suppose the hon. gentleman would then favour me by the bill -- suppose he tried to compel me to observe Sunday, and I would say, my conscience tells me to observe Saturday as the Lord's Day.

"In such a case, what becomes of that provision which says that all religions shall be free in this country? The hon. gentleman's law interferes with religion. I will tell the hon. gentleman frankly the position of us Catholics, at least in the Province of Quebec: On that question of Sunday, we always follow what our bishops and our church tell us to do. If they allow us to go on a pilgrimage on Sunday, we go if it pleases us. If, on Sunday morning, our crops are exposed to the storms and our priest tells us to go and gather them in, we do so. If we are allowed by our bishops to have a little fishing excursion on a Sunday afternoon, we take advantage of it; but the hon. gentleman wants to punish us for that.

"Now, trains are run on Sunday afternoons to enable us to attend this Parliament in the beginning of the week, and the hon. gentleman wants to forbid that. I say that his measure is interfering with religion. I say that his measure is a violation of the Act of Confederation which guaranteed to everyone the practice of religion as he understands it.

"The hon. gentleman says that we have expressed a horror of the word 'religion'. Not at all; but we might easily express a horror of -- I will not apply the term to the hon. gentleman -- the hypocrisy of those who, under the pretext of religion, want to throw trouble into the minds of the public. I say, let everybody enjoy the Sunday in peace, in the way he thinks best."

Weeks after defending the Czar and his murders of Jews, Bourassa asked, "were the Jews to be exempted from the Sunday regulations because they were the class which sucked the most from other people?...they lived as vampires on the people." Bourassa probably soon regretted his anti-Jewish explosion early in that debate, "The least productive class that a country can have, that which takes the most from others and gives the least; the least desirable class which can be brought into a country, the least commendable, who adopted

neither the manners nor the customs of the land in which they live, who become vampires instead of contributing to the general welfare." (House of Commons, Debates, June 20, 1906)

On June 20, 1906 Bourassa supported Mr. Aylesworth in the Commons in that the parliament of a Christian country should consecrate the principle that the day which all Christians recognize as being dedicated to the Lord should also be declared such in law.

"This is what experience has taught everywhere; and it is this that has brought explosions of unjust cruelty against this people, as many writers have noted and I have noted myself before this House when I quoted the opinion of Prof. Goldwin Smith.

"These explosions are not due to religious or national antipathies, but to the feelings of organized societies who are not disposed to maintain within their midst a population which is harmful to public prosperity...

"I am against affirming the principle that Canada is a Christian land and then exempting one class of the population from the application of this principle.

"By this Bill we impose fines and legal obligations upon two million Catholics for acts which their conscience does not forbid. They are deprived of the liberty of doing what their conscience and the rules of their religion say are legitimate. We have no right thus to restrain the liberty of conscience of two million Catholics and then to create an exception for some Jews in Toronto and Montreal, in order to secure their vote."

No wonder Ménard later threw these words in his face in 1934, when Bourassa sought to condemn anti-Semitism. (Le Patriote, May 24, 1934)

It was one of the irritating charms of the Bourassa person that he freely had second thoughts, often reached on aesthetic and moral grounds or from a consideration of the company in which he found himself. This occurred more than once on matters of Jewish concern. He seldom hesitated to utter these reconsiderations as forcefully as his earlier reactions.

Indeed, a week later, on the 27th of June, Bourassa regretted the harshness of his earlier remarks: "I wish to meet the views of those who want the principle of the Bill to be preserved, and to have a certain amount of liberty, without undue privilege being given not only to the Jews, but to any minority who may not believe in Sunday as a day of worship.

"I hope the committee will forget some of the rather pointed criticisms I have made so far. I am not in any spirit of contest, in any spirit of opposition to the Bill; certainly with the idea of doing some justice, and at the same time respecting the principle of Sunday observance. As I stated the other day when I first spoke on this Bill, I am not in favour of offering any special privilege either to the Jews or to any other class of people.

"It seems to me that the question should have been left to the various provinces; and I dare say they would have found means to give such measure of justice to their minorities as they deemed fit.

"But since we are making legislation based on the principle that this is a Christian country, and that Sunday should be acknowledged as a day of rest and worship for the whole people of Canada, I am not prepared to exempt in toto Jews or any other class from respecting Sunday, or to permit them in any way to interfere with any class of citizens of Canada in their respect of the Sunday.

"My main objection to the clause as drafted was that, under its reading, it would enable the Jewish employer to concentrate work on Sunday, even at the expense, not exactly of the conscience of his Christian employees, but almost so. Suppose a Jewish employer in Montreal should have several Catholic employees or a Catholic servant. Everybody who is familiar with the doctrines of the Roman Catholics knows that the moment they have attended mass all strict obligation on them is fulfilled. Therefore under the clause as it was, a Jewish employer or a Jewish mistress would have been enabled to give more work to Catholic servants and employees on Sunday than on Saturday. That I think was unjust; it would have permitted the Jews to keep their stores open on Saturday and have work performed behind closed doors on Sunday. On reading it I came to the conclusion that it stopped all traffic on Sunday.

"But let us take a house where there is a store, perhaps a cigar store or a clothing store, and a manufacturing establishment connected with it. The clause as drafted would have enabled the keeper to have his employees work on Saturday, and on Sunday he could have them work in the factory; he would have been breaking his own religious law in order to make profit by retail trade on Saturday and breaking our law by having Jewish employees work on Sunday.

"I understand that the objection raised by the Dominion Alliance and by some members of the House against clause 11, as it stands, was that it was creating a special privilege by enabling a certain class of people to break the general law of the land. There

is a commandment which forces us to observe as Christians the day consecrated to the Lord; but there is a still greater commandment, and that is the law which acknowledges the right of every man to be free to earn a living for his family. There is not one member of this House, even those who wish to preserve sacred the principle of this legislation, who would say that a poor man of any nationality or creed should be deprived of the time he needs to earn the support of his wife and children. While I think it is wrong to encourage Jewish immigration, the moment a Jew lands in this country and we collect his money, we owe him the same law of justice and equality that should govern every man in this country."

Mr. Bourassa consulted his Jewish friends and offered an amendment which, I hope, will meet the views of those who at the same time want the principle of the Bill to be preserved and to have a certain amount of liberty without undue privilege being given not only to the Jews, but to any minority who may not believe in Sunday as a day of worship.

"With due regard to all these considerations I have finally framed this clause which I may say has been accepted by the representatives of the Jewish community.

"Notwithstanding anything herein contained, whoever from reasons of conscience, habitually and invariably observes as a day of rest and worship any other day of the week, and actually refrains from work, labour or trade, on that day, and if he be an employer permits no work, labour or trade to be performed on that day upon his premises, shall not be subject to prosecution for performing or permitting to be performed work or labour on the first day of the week; provided any such work or labour does not disturb or cause annoyance to other persons in the observance of the first day of the week as a holy day, and provided the said premises be not open for traffic on that day."

It is significant of the situation that both Bourassa and the Goldstein committee maintained contact despite divergence of views.

Armand Lavergne, militant Quebec nationalist and consistent anti-Semite, found himself in an uncomfortable position in having to support the Jewish petition for exemption from the Protestant-inspired law.

He had argued, "I do not think they have any rights or privileges under the present law; we are giving them rights and privileges by this proposed law."

Yet on June 27 he told the Commons, "It is true that at first sight this clause would seem to be the most unjust in the whole Bill. On one side you allow the Jews to violate the very principle of this Bill. On the other side the Roman Catholics of this province, who have no conscientious scruples to do certain of the things forbidden by this law, are deprived of violating the spirit of this Bill in a much smaller degree. The whole province of Quebec, to speak of my own province, is deprived of legitimate amusements, and on the other hand the Jewish community of this country is allowed to violate the very principle of this Bill and to work on Sunday.

"It has been stated that the Jews were not a part of the community, that they belong to a race of strangers amongst us, that they are not of us but are amongst us.

"I may be allowed to take an entirely different view and to say that, having accepted them in this country, having drawn them here, having invited them here for more than ten years, and having gone on day by day paying bonuses to bring Jews here, into this country -- we are making Canadians of them and we should treat them as Canadians.

"It has been stated that if we were in a Jewish country and had the Mosaic law applied to us we would be treated in the same way; but this is a Christian country and we are not here to apply the Mosaic law but the law of Christ, and that law is to do unto another as you would like another to do unto you. That is the principle I uphold today and that is the principle I would like the Member for New Westminster (Mr. Kennedy) who is a member of the very holy and very pious Lord's Day Alliance to adopt, to show the broadmindedness of that Alliance.

"As a Roman Catholic, as a French Canadian, I am forbidden by this Bill of doing many things to which my conscience does not object. But thanks to God, this is not an objection to me or a reason I should want another minority to be deprived of what they have a right to do.

"But this clause should be amended in the sense that it should cover all minorities. A man might be a minority by himself, as has been my lot in this House at times; or at least I was almost by myself.

"This clause should be broad enough to apply to every minority, as set forth in the amendment of my hon. friend from Labelle (Mr. Bourassa), whether that minority be Chinese, Mohamedan, or anything else.

"It has been stated as an argument that there are very few Jews in this country. To my mind that is not an argument. If there were only one Jew he has the right to have his conscience respected, and would be quite numerous enough to have this protecting clause passed.

"What is the principle of this Bill? This clause and the amendment of my hon. friend from Labelle (Mr. Bourassa) have been objected to on the ground that the Bill provides for a day of rest, and that that day of rest should be Sunday. But this Bill itself takes the opposite view, and under it any other day of the week besides Sunday may be a day of rest. If you take clause 4, you see that a man who does on Sunday some work of necessity or mercy must be given twenty-four consecutive hours of rest on another day, and that other day may be any one of the following six days. So that you are not providing for a day of rest on the Lord's Day.

"Clause 11 is the only one in the Bill which gives any evidence of a liberal spirit, and I think that the amendment of the hon. Member for Labelle (Mr. Bourassa) is broader and more liberal still than the clause itself, and that is why I intend supporting it.

"I see that my hon. friends on this side, especially those who are friends of the Lord's Day Alliance, are anxious, by calling question, to vote for the amendment and thus give a little justice to the minority. Last year I stood up for the rights of the minority, in company with the hon. Member of Labelle and some others. The principle of justice we then stood for we still desire to see maintained. We go further than the Lord's Day Alliance and their paper, the Lord's Day Alliance Advocate which says that the most objectionable clauses of this Bill are those concerning the Jews. Let me quote what that paper says:

"This clause was voted into the Bill by 5 to 4. It is improbable that it will be accepted by the House.'

"Why? Because the dictators, the promoters of this Bill, who are the masters of the situation, do not want this clause to pass and still want to interfere with the rights of this House to legislate for these people.

"It is meeting with a storm of opposition all over the country. It is so cunningly worded that a Jew or Adventist could open and run his factory on Saturday with Lord's day observing employees and on Sunday with Saturday observing employees.'

"I am sure that the Lord's Day Alliance, since my hon. friend from Labelle (Mr. Bourassa) has proposed his amendment, will have no more objections to this clause than they will have to the amendment, as the two combined will cover the objections made by the Lord's Day Alliance Advocate in this issue. Therefore I trust that all hon. members who are in favour of doing justice to the Lord's Day Alliance, who are supposed to be in this House the prototypes of Christian doctrine, will favour the right of the weak against the strong, the rights of the minority and the demands of justice."

In the light of this stand by Quebec's leading legislators in defence of Catholic traditions in the province, it is difficult to understand the active support given the Lord's Day Alliance by Archbishop Paul Bruchési of Montreal. Not for the last time did Bourassa fight in defence of Catholic rights against his archbishop who may have been blinded by anti-Semitism.

He first entered into the debate privately. While on a pastoral tour in St. Jean County, on June 3, 1906, he wrote to Sir Wilfrid Laurier on the last of the letterheads he had with him. He approved the proposed Sunday Observance Law and most of the exceptions but for the proposed article 11 which was intended to give relief to Jewish Sabbath observers.

Mgr. Bruchési wrote the prime minister about the Sunday Observance Law,

"Is there any reason for clause 11? Why make an exception for Jews in a law of general concern? It is generally known, I believe, that Jews have no scruples about working Sundays. Strict observers of the Sabbath are rare among them. They live in a Christian country; why should they not observe the common law? Freedom of conscience is not involved here. The exemption that is sought for them is a bad example for our population.

"It is true that clause 11 contains certain restrictions to protect Christians and Catholics who may be working for Jewish employers; but will these restrictions be effective in practice?

"Today we have 25,000 Jews in Montreal. We may have 50,000 of them before long. They will be a power against whom we shall need to be on guard.

"As for myself, I see great inconveniences in this privilege granted them. It will lead many Catholics to want to earn more money on Sundays by working for Jews.

"I content myself with these few comments; you will know what to do in this grave question."

To which the Prime Minister replied on the 16th,

"There is one matter, however, on which I differ from Your Grace. It is the question of the Jews.

"By instinct and tradition I lean towards protecting minorities, and I have had several occasions in the course of my political career to be their defender.

"The clause concerning Jews is not yet fully to my satisfaction, and it is subject to modifications, but I must tell you in all frankness that I fully approve the principles embodied in it.

"I also believe that French Canadians have all to gain by displaying the greatest tolerance on every occasion. There will be many cases when this line of conduct will be of great help to them." (Public Archives of Canada. Laurier Papers, Pp. 111156-62)

J.G. Shearer of the Lord's Day Alliance wrote to Mgr. Bruchési,

The clause exempting Jews "is very cunningly worded, and would allow a Jew to keep his factory open on Saturdays with non-Jewish workers and on Sundays with Jewish, so long as he himself does not work on Saturdays.

"I feel that Your Grace will agree with me that any kind of an exemption to Jews is offensive to the Christian religion, besides being subversive of Sunday observance."

The Hon. Mr. Fielding, Minister of Finance, had prepared a draft amendment similar to Bourassa's. In reading it he added,

"In this country we ought to be willing to live and let live. While we should endeavour to have our own views observed as far as possible, on the other hand, we should endeavour to have regard for the views of others, in so far as they do not conflict with the general public interest and do not interfere with our own conscience.

"There is an old story of a collier who was brought before an English magistrate in a case wherein he had a quarrel with his wife. His wife had been able to beat him, although he was rather a strapping fellow, and the magistrate said to him: 'John, why did you allow her to beat you?' 'Well,' he replied, 'Your Worship, it pleased her and it did not hurt I.'

"There is a good deal of philosophy in that rude illustration. If we can please our neighbour in any way without hurting ourselves, if we can meet the conscientious views of our neighbour, aye, even his prejudices, in anything he does for conscience sake, and if in addition we can do that without injury to ourselves and those who hold with us, then surely we ought to meet the views of the minority in matters of that sort. I am therefore strongly disposed to support the amendment in dealing with the Jews."

Postmaster General Lemieux supported Bourassa,

"The principle which was invoked by my hon. friend is the right principle. He said that the principle of liberty of conscience was the cornerstone of our Canadian constitution. The principle involved is one which is not only Christian in its scope but is pre-eminently Canadian and essentially liberal. It is Canadian.

"We advertise our country abroad as being the home of the free. We have agents in England, on the continent of Europe and in the United States who bring immigration into Canada. We say to every man, woman or child who comes to this country that liberty of conscience will be respected by our Canadian citizens. For many years past the Jews have been induced to come to Canada in large numbers, and as a matter of fact we find them in every province of this Dominion. Indeed, we find them in the distant county of Gaspé. We have advertised our country, we have induced the Hebrew element to come here, and they knew when they came that their religious convictions would be respected by our constitution, by our courts and by our citizens generally speaking.

"Not long ago a very distinguished gentleman, the Baron de Hirsch, founded an institution which is well known in Montreal -- the Baron de Hirsch Institute. It has brought to our country and to the great city of Montreal not hundreds but thousands of Jews; and I may say as a Canadian, that the Hebrew element of Montreal is the most law-abiding element and in some respects they are an example to our people. As regards education, I must say that, having visited many of our educational establishments in the metropolis of this Dominion, the Jews have there institutions of the highest standard. Not many years ago, His Excellency the then Governor General, Lord Minto, visited one of these schools and there delivered a stirring address pointing to the Hebrew educational establishments of Montreal as examples to the other communities in Canada."

The comment of Mr. Kennedy, Member for New Westminster, B.C., was typical of the reactions to Bourassa's motion:

"Bourassa had made a very pathetic appeal for the man who is not allowed to earn bread for his little family. My experience of Jews is that they can earn as much in five days as any of us can earn in six. I do not think that it will affect their earning power in the slightest. I am thoroughly against the sentiment of this clause."

Mr. R.L. Borden pointed to the breach of cabinet unity in the issue: Mr. Aylesworth "laid it down from his standpoint as a member of the administration and from his opinion as a Member of this House that

section 11 was absolutely inconsistent with the theory of the Bill, that is the creation of a criminal offence in connection with the performance of labour on the Lord's day. Although the amendment of the hon. Member for Labelle (Mr. Bourassa) has received the sanction of at least two Members of the government, it goes far beyond that -- which the Minister of Justice (Mr. Aylesworth) says is absolutely inconsistent with the provisions of this measure. The cabinet seems to be taking a remarkable position on this question. Here is the Minister of Justice declaring that section 11 should be struck out because it is absolutely inconsistent with the whole principle of the Bill. Here are the Prime Minister and the Minister of Finance declaring not only that section 11 is entirely consistent with the principle of the Bill, but that they must go a great deal further. The Postmaster General (Mr. Lemieux) takes the same view and further propounds the theory that the amendment of the hon. Member for Labelle (Mr. Bourassa) is the only true expression of Liberal principle with regard to this matter, to which statement he at once receives a prompt denial from the Minister of Customs (Mr. Paterson).

"I am bound to say, considering that this is a measure introduced by the administration, we have not only a remarkable diversity of opinion among these gentlemen but a remarkable freedom in their expressed opinions of the views put forward by other members of the government."

Replying to a Member who opposed exemption for Jews from the Sunday restrictions, Montreal's Mr. Bickerdike said on June 27,

"One would think that a Jew had no soul. I believe that we must have some provisions in this Bill that will protect the Seventh-Day worshippers, whether they be Jew or Gentile. I believe that the Jew or Gentile who, for conscience sake, abstains from reaping his fields on Saturday should be allowed to take in his crop on Sunday if he thinks that it is going to rain. All we ask is that every person in this country shall observe one day in the week.

"But are we to be narrow and interfere with a man's conscientious choice of what day he shall observe? I question if the Jew has not as much authority for observing Saturday as we have for observing Sunday. In fact, a great many think he has much more. I understand that great difficulty must always be experienced in a country like this in uniting the different elements to accept legislation such as we are passing now. But that difficulty will be all the less if we adopt such provisions as that we are now discussing and allow all Jews and others who, for conscience sake, refrain from working on Saturday, to work on Sunday, provided they do not interfere with their neighbours.

"My hon. friend says there are very few Jews in this country -- a mere handful. On the basis of the best figures I can get, I estimate that there are 45,000 Jews in Canada. This is a pretty large 'handful'. And, besides these, there are a large number of Christians known as Seventh-Day Adventists, and Seventh-Day Baptists, who observe the seventh day of the week instead of the first. In advocating the cause of this minority, I am taking the same ground that I have always taken. I did the same in the legislature of Quebec in defending the rights of the Protestant minority. I took the same course here last year in reference to the Autonomy Bill to protect the rights of the Catholic minority. And I stand today for the rights of the Seventh-day minority.

"If the Jews are left without protection in this case, it would be simply a case of religious despotism. Why should we not grant to the Jews that which we should certainly ask of them if our positions were reversed?

"The poor Jew, of course, is a butt. He has been driven from home; and therefore he has no ambassadors at the courts to protect him -- no flag -- no country. He is regarded by many throughout the world as the natural prey of the persecutor. Mr. Chairman, I know of no words in the English language so strong and so pathetic as these -- 'driven from home'. I know of no sentiment that appeals to the hearts of mankind, be they Celt or Saxon, more pathetically than that one. If these people are driven from home I think they ought to have all the protection we can give them; and I would be very sorry indeed if, in any country where the Union Jack floats, these people did not receive justice.

"I am glad to accept the amendment of the hon. Member for Labelle (Mr. Bourassa). It is very seldom that we agree, but it is said that extremes sometimes meet, and they have done so in this case." (Pp. 6285-87, June 27, 1906)

He was supported by Mr. Macdonnell,

"Let me congratulate the hon. Member for Labelle (Mr. Bourassa) for his very earnest and recent conversion to the principles contained in this section. I am very glad to observe the broadminded spirit with which he welcomes this paragraph.

"I do not know what the circumstances are in the province of Quebec, but I know that in the province of Ontario they have these privileges by habit, by custom and usage. I myself learned for the first time, when this subcommittee was sitting, that the Jews actually worked on Sundays. But they have succeeded in working on Sundays so

inoffensively and so quietly in Toronto at least, that the fact was not generally known, and I myself was surprised when I learned that they actually worked on Sunday. This shows how far they have succeeded in avoiding giving offence to their Christian neighbours.

"There is no special provision today in the province of Ontario which prevents Jews and Seventh-Day Adventists from doing business on Sunday. We have what is called a Sabbath Day Observance Act in the province of Ontario, but that Act has been largely shorn of its usefulness, owing to the recent decision of the Privy Council.

"Practically the Sunday Observance Law in the province of Ontario is today a dead letter; that is, it is not enforced, because it can only be enforced by invoking the criminal law, and the Privy Council has held that in passing the criminal sections of that Act the province of Ontario has gone further than she had a right to go.

"I thought I correctly interpreted the opinion of the Minister of Justice. I understood him to state that the Privy Council had held that the province of Ontario had trespassed upon federal jurisdiction in enacting what was practically sections of a criminal law.

"Now, I think this clause in the Bill should commend itself to the members of this committee.

"This clause was very carefully considered by the select committee, and it embodies the best conclusion to which they could arrive.

"Now, the hon. Member for Labelle comes in at the last with a typewritten amendment which none of us had either seen or heard of. I have only been able to read it since it has been handed to the clerk.

"I am not prepared to say that the amendment he has drawn is either sufficient or more than sufficient. When an hon. gentleman confers with outside parties who, he says, are promoting this measure, and then comes in with a typewritten amendment in the interest of those parties and asks the House to accept it, I do not think such amendment should be preferred to this legislation which has been prepared with the greatest care by a sub-committee of this House, and which the committee think is in the interest of the country at large.

"What has been the experience of other countries?

"The (American) constitution regards the conscience of the Jew as sacred as that of the Christian, and gives no more authority to adopt a measure affecting the conscience of a single individual than of a whole community.

"That distinctly recognizes the right of a person whether he be a Jew or a Seventh-Day Adventist to freedom of conscience in regard to these questions. In turning to the various states of the Union we find almost invariably that all the states that have Sabbath day observance laws make an exception in favour of the Jews or other persons similarly situated. In many of the states of the Union they have no Sunday laws at all. Many of the states have Sunday laws merely as respects certain isolated matters, which are not nearly as comprehensive as the Bill under consideration at the present time. But if you go through the laws of all the states of the Union, from beginning to end, you will find that in nine cases out of ten there is a conscience clause. That clause is almost identical with clause 11 of this Bill -- and the laws of most civilized countries, which contain a provision of this kind. The same clause is found in all European countries where they have a Sunday law. They have the same provision in its spirit and in its nature. In all these cases a proper conscience clause is provided by the law to give people freedom of conscience and at the same time freedom of citizenship."

But Ontario M.P. Barr opposed both Bourassa's amendment and the Select Committee recommendation which became clause 11 of the Bill before the House.

"There is no clause in this Bill which has caused so much doubt and fear to the electors of the province of Ontario and of every province throughout the Dominion. I was very much surprised to hear the hon. Member for Montreal St. Lawrence (Mr. Bickerdike) declare that if we did not pass this clause the Jews would be persecuted and they would be placed in a position different from that which they have hitherto occupied.

"From the time that the Jews first came into this country the law stood as it does now, and they always had the same rights and privileges. As far as the province of Ontario is concerned, they have been forced not to work on the Sabbath.

"I have found that they were not quite so strict in regard to Saturday work as some hon. gentlemen would have us believe. They pretend that they do not work, but many of them who are engaged in trade in different ways have always been ready to sell even on Saturday. Therefore, I think they are quite capable of looking out for themselves. It does seem to me that we should not give to one in every thousand of the population an exemption by law which is very objectionable, at all events, to the province of Ontario. Jews are a wandering people, many of them are most respectable. But when they come to this country they have the advantage of the protection of our laws, and they have no reason to complain if they are compelled to do just what the other inhabitants of the country are compelled to do.

"Looking at this clause from the standpoint of a lawyer, it seems to me to be an anomalous provision in a statute which is within the domain of the criminal law. It is creating an exception to a general measure, which exception leaves a certain portion of the community altogether free from liability to the penalties which are provided against every other citizen who may transgress its provisions. In that respect it is a most extraordinary piece of legislation.

"No one is seeking to enforce his views upon his neighbour in regard to the particular day which ought to be held sacred. Everyone is held entirely free in that respect. No one is seeking to legislate that the Jew or the Seventh-Day Adventists, or any man who conscientiously objects to working on a particular day should do so. The whole scope of the legislation is that henceforth it shall be unlawful in this country to do the things which this Bill prohibits upon one of the seven days in the week.

"Well, now, if there is to be an exception made to that prohibition in favour of one class of the community, because that class is numerous, why should not a similar exception be made in favour of every other class no matter how few they may be? If the Jew is to be excepted from the operation of this Bill which prohibits working on the day we call Sunday, why ought not the Doukhobor to be exempted as well, if, although there may be only a few hundred of them in our nationality, they have any scruples about working on some other day of the week?

"That condition, it seems to me, shows that there ought not to be any special exception at all, or it ought to be an exception not limited to any one day in the week, but extending to each and every day in the week according to the view of each and every individual. If you adopt that principle of course it is manifest that you absolutely destroy the whole law.

"Perhaps the analogy is not altogether far-fetched if we liken this kind of legislation to the class of sumptuary legislation that finds its example on the statute books of this parliament in the Act commonly referred to as the Scott Act. This parliament passed this law years and years ago, following on the old Dunkin Act of the United Provinces of Upper and Lower Canada, prohibiting, under certain circumstances, the sale of intoxicating liquor in different parts of the country. Would it not be an altogether unheard of thing, would it not be absolutely destructive of any such law, if it were thought wise that it should be passed, to enact that it should have no application to a man who conscientiously believed that the drinking of liquor was perfectly proper and that he had a right to drink at pleasure?

"If you except for conscientious motives under a bill of this sort, why should you not in bills of a similar sort wherever anything is a matter of conscience of the particular person? We have legislated against bigamy, we refuse to except the Mormons who, it may be, may conscientiously believe that marriage ought not to be limited to one woman and that so to limit it is contrary to Divine command. We cannot, in the enactment and in the enforcement of a criminal law make exceptions in favour of an individual or in favour of a number of individuals.

"However many or however few there may be, it stands admitted that out of an average 200 of the people of this Dominion, not one or not more than one would be of the faith which is particularly sought to be excepted by this measure.

"Looking at the Hebrew as a man who has come to this country, it is to be remembered that he came to institutions which are based upon what the majority in this country consider the truths of the Christian religion. He comes to a country where the great majority of his fellow citizens are of the Christian belief, as distinguished from the Jewish belief. So coming he comes to a country which has had upon its statute books for now nearly 250 years, a measure of exactly this character. Ever since the days of Charles II in England there has been as a part of the law of Great Britain, and of the colonies of the British Empire which introduced the statute law of that country, a law upon the statute book which would compel the Jew who emigrated to that country to observe the Christian Sunday, the first day in the week instead of the seventh day. Under those circumstances, with that people, by their ancestors coming to a Christian country which had its peculiar, if you like, Christian laws, it does seem to me that at this day and date, it would be an altogether anomalous thing to make a special exception in their favour. For that reason, so far as I personally am concerned, my vote shall be given against the retention in any shape by section 11, either as printed or as proposed to be amended by the hon. Member for Labelle (Mr. Bourassa), of any special exception in favour of any special people."

However, he was sensitive to the implicit negative prejudice in his colleague's remarks and spelled out a distinctive Canadian correction,

"I do not sympathize at all with the view that the man of the Hebrew race is a stranger among us any more than the man of any nationality other than the Canadian nationality. Their children and their children's fathers it may be have been born upon Canadian soil, and they may be, in every sense of the word, except for the circumstances of race, and the fact that there is not the same mingling with the other races as exists with other peoples, in the same state of citizenship, and of adherence to the laws of this country."

Later in the debate Mr. Barr turned the breadth of the Biblical Ten Commandments against the Jews,

"I venture to say that the Lord's Day Alliance would never have brought down a Bill if they had thought it was to be so mutilated that the Jews or Seventh-Day Adventists or others would have the right to work on Sunday. This, in my mind, is legalizing work on Sunday as it never was before; and I venture to say that the Jews when they were in their own land compelled the stranger within their gates to comply with their tenets, and with their religion, and with the seventh day as their Sabbath; and I think when they do not compose more than one out of every 100 of our population, and the other 99 people desire that we should have a quiet Sunday; that the Jews and the Seventh Day Adventists should be compelled to do the same." (June 20, 1906, Hansard, Pp. 5668-69)

The Minister of Justice was supported by Mr. Bristol,

"Under present conditions we are not all of the same opinion, and therefore, we find two classes coming to this parliament and asking for relief in this matter.

"The first question that suggests itself is this: Are these people who come to us for relief sincere? Well, I take it that no man in this century will plead the insincerity of the Jews. If there is any people who have suffered all kinds of injuries and indignities for the sake of their religious belief it is they. For two thousand years they have suffered all kinds of injuries and indignities for the sake of their religion. If the Jew were not sincere, how easy would it not be for him to change his creed and join one of the numerous churches which hold out salvation for him, and then we would have no more trouble in Russia or any other country. But that he has not done, and when this man comes before us we are bound to admit his sincerity.

"He tells us that the commandment which he observes has been in force for 4,000 years, long before some of the religions of today were even thought of. And that Divine Commandment obliges him not merely to rest on the seventh day, but to work six days. All he asks is to be allowed to observe that commandment. Does any hon. gentleman think that it is in accord with the spirit of our legislation that we should legislate that any man, who believes he is commanded to work six days in a week and not observe that commandment under penalty of going to jail?

"These people say to us: 'For 4,000 years we have observed the law of Moses, which gave the seventh day to the people of this world as a day of rest. That commandment you get from us, we have observed

it faithfully, we have worked the six days of the week, and we claim that to observe the seventh day as a day of rest and to work on the other six days is our duty before God and man.'

"When the matter comes before the House does my hon. friend think that the Jews have not more rights today than they had 250 years ago? Does he think that Lord Beaconsfield would ever have become premier of England had he lived 200 years ago? Sir, the extension of religious freedom to Jews and Roman Catholics was the result of a long battle. Is it right, I ask, in the light of civilization, that today we should not deal fairly with these people, but compel them to be idle when the Mosaic law compels them to work?

"We are told that our Jewish friends are not full citizens. It is common knowledge that they have been in this country one hundred and fifty years -- they were among the early settlers. A Jew has sat in this parliament. Our Jewish fellow-citizens take as active a part in the public affairs of this country as they are permitted to do. And I do not know of any more quiet or more law-abiding citizens than are the Jewish people. The question is simply this: have we the right when legislating in a matter of health -- for this law is based upon the belief that it is good for the people to have one day of rest in seven -- to provide that a man shall do something that we know to be contrary to his conscientious belief, or to compel him to commit a crime against God in order that he may avoid committing a crime against man?

"My hon. friend refers to England. Let me read the words of Lord Beaconsfield on the subject of the day of rest, a question upon which there can be no difference of opinion among intelligent people. And, if there ever was a time when people did need this one day's rest in seven it is in this, as it has been called, 'electric age.'

"Of all Divine institutions, I maintain the most Divine is that which secures a day of rest for man. If there is a consideration connected with this subject, which I think ought not to be absent from your lordships' minds on this occasion, it is this: would it have been possible to have secured a day of rest for man unless it had been connected with the religious sentiment? To my mind it would have been utterly impossible, and it is the religious principle which, to a certain extent, is admitted by all -- at least, by all classes that have influence and numbers in this country; it is that principle we must take care should not be discarded if we wish to maintain that day of rest which I hold to be the most valuable blessing ever conceded to man. It is the corner stone of all civilization, and it would be very difficult to estimate what might be the deleterious effects, even upon the

health of the people, if there were no cessation from that constant toil and brain work which must ever characterize a country like this, so advanced in its pursuits and civilization.'

"What do we find in England, the mother of freedom, so far as this matter is concerned? In that country in respect of the Sabbath the Jew is protected as he should be protected by this parliament. Why should not we, in this young country, build up a reputation for freedom, for liberality, for toleration? We are asking people to come here from all over the world. We should desire to have our country known not only as a land of freedom but also as a land where every man's conscientious scruples are allowed for and the rights of minorities, large or small, respected. It would be going back on the principle of toleration which we got from our mother country, and which we have so far in this country, endeavoured to observe in our statutes, if at this time, we struck out this clause and refused to consider the conscience of the minority."

Mr. Conmee of Rainy River backs this argument,

"It is said that the Jew would not give us the same privileges that we here propose to give him. Even if that were true, it would not affect my vote or action in this matter. But we have no evidence to that effect. The Jew has had no opportunity to show in his own country what measure of liberty he would support. But we invited him to Canada, and he becomes a citizen of this country. He is amenable to our laws, and he proves himself a progressive citizen. Therefore, I think we should extend to him all the liberties we claim for ourselves. His forefathers it is said, came here knowing this to be a Christian country. That is true. But they came here knowing that this was a country of liberty, and that here they would not be persecuted. And, no doubt, he has invited his friends to come here upon that basis, assuring them that there was reasonable freedom in the Dominion of Canada. I hope the same principle will be maintained in this legislation," sentiments echoed by Mr. Dentin.

W.F. Maclean cited his observations,

"My experience is that the Jews are law abiding and in many cases well-to-do citizens. They have conscientious scruples. It was, I think, George Eliot who said that for 2,000 years the Jew has been the little ark which has borne the flower of art down the stream of life. The Jew has won for himself a reputation in the world of art, of literature and of commerce. He is not the exclusive person it is common to suppose he is; he is gradually mixing with us, and a proof of that is that if there is today such a name as 'Moss' it may once have been Moses and if there is such a name as 'Lash' it may once have been Lazarus.

Similarly, Mr. Bergeron of Beauharnois,

"We are here only legalizing what has been done already for a long time: we are not creating anything new. We all know that the Jews, as has been said, do work on Sunday; they observe Saturday as their Sabbath. My hon. friend from Toronto (Mr. Macdonnell) said he had never known before that the Jews were accustomed to work on Sunday. That shows that if they do work on Sunday they do not disturb anybody, and they do not prevent anybody else from observing Sunday.

"It has been said here by one hon. gentleman that there were very few Jews in the country. I do not think that makes much difference. We are talking of a principle and legislating according to a principle.

"But when speaking of numbers, I believe that in the city of Montreal alone there are over 25,000 Jews, perhaps more. They are very orderly and law-abiding citizens. I am acquainted with some of them, and really I think that they gain a great deal by being known. They are a most charitable class of people. I know as a matter of fact that Jews in Montreal subscribe to some Roman Catholic institutions, to some Christian institution, from motives of charity. They are a worthy lot of people.

"Now we are legislating here for a long time. Why should we change a state of things which has existed in the past without doing any harm to anybody?"

Less familiarity with the Jewish condition in Canada -- more proletarian than it ever had been or ever was to be -- was shown by Mr. Ganong of Charlotte,

"I think I am safe in saying that there are not five per cent of Jewish employees in these factories. The Jewish people certainly deserve great credit for their enterprise -- no one suggests the contrary. There are certain lines of business that are absolutely, or almost absolutely, controlled by Jews. But the managers of the factories are Jews, not the employees. Take, for instance Montreal; you will find that very few Jews there work in the factories, except as overseers or managers. I do not believe that ten per cent of the employees in the factories are of the Jewish faith."

The record was corrected by Mr. Ames,

"I know the actual condition in Montreal. In the city of Montreal ninety-nine factories out of a hundred in which Jewish labour is employed are clothing factories and ninety per cent of the employees

are Jews. Every one of these Jewish employers in Montreal, who do employ a small percentage of Gentile help, pays the Gentiles for six days and works them for five days. That is the case in the clothing factories where the cutters are usually Gentiles. They only work five days, they get Saturday and Sunday absolutely free and they are paid for six days. As a matter of fact Jews segregate very much, and in nearly every factory in Montreal there are ninety per cent of Jews. So that the argument that they employ Gentile labour should have very little value attached to it by the committee.

"They are closed Saturdays in Montreal."

Prime Minister Sir Wilfrid Laurier participated in the Sunday Observance debate with comments of interest to readers of Jewish history.

The parliamentary debate, he said "has illustrated what differences of opinion there are with regard to the privileges which are claimed here for a large minority of the community. It is useless to argue upon this question. Men have their convictions made in advance and their convictions are largely the result of education, early training and circumstances. You may reason on this until doomsday and you may pile up arguments, but it would be impossible to convince those whose early training has fixed their convictions on this subject.

"For my part, my convictions have been formed on this point long ago, and I may say that so far as they go they are certainly in favour of the minority it is sought to protect. I have no fault to find of course with those who hold a different view, I have only this observation to offer: There is a wide difference between the doctrine that if we do this for the Jews, we should do it for the Mormons. Between the Mormons and the ordinary religious communities there is a world of difference; between the Jews and the Christians there is after all but very little difference. As far as this question is concerned, the only difference is, as everybody knows, that one religious community observes the Sabbath on one day and the other on another day; the Jews have kept to the old law, the Christians have adopted the new law.

"Under such circumstances what treatment should you give to the Jews? The Jew, if he is conscientious, does not work on Saturday; he keeps the Sabbath on that day. As has been observed in the course of the discussion on this section, and as we cannot repeat too often, the object of this law is not to compel a man to observe the Sabbath in a certain manner, not to force him to be religious, not to force him to go to church, not to force him to do anything; simply to secure to him -- he cannot secure it otherwise -- a day of rest in the seven, which God has given him. The Jew asks to observe the seventh day as his forefathers before him. If the Jew today or the Adventist chooses to observe the Sabbath on the seventh day it seems to me that he is entitled to be free from penalty if he works on the first day in the week; and this is the whole object of this section.

"The section as it is today may perhaps lead to some confusion, to some discussion...

"The section as it is goes very far; in my estimation it goes further than it ought to go.

"I have stated before, and I have to repeat, that in legislation of this kind it is impossible to come to any conclusion if every man is to expect and to insist upon his pound of flesh. Unless there is mutual concession on one side and the other, unless each recognizes that the rights of one man may be limited and are limited by the rights of another, it is impossible to have anything but confusion. The Jews may be allowed to work on Sunday, the Adventists also; but it will appear to everybody that if the Jew or the Adventist is allowed to blow the whistle on his manufactory, to have the chimney belching forth smoke and to have the rumble of labour, he may be a cause of scandal in the community, and if the law is amended so as to allow work but without disturbing any of the neighbours, without being a cause of offence, under such circumstances what exception can be taken to that permission? What we aim at is that there should be no scandal in the community, that the convictions of everybody in the community should be respected, and this would be done I think in a better way than is proposed in this section, if the amendment of the hon. Member of Labelle (Mr. Bourassa) were accepted; and for my part I propose to vote for it. But I express my own convictions only; I know that upon this question even among those who sit around me here there is a wide difference of opinion. We do not propose to reconcile these, but everybody has to do the best he can according to his own views."

Mr. Ralph Smith: "Suppose a Jew owns a factory which is operated on Saturday with Christians; would he be permitted to operate the same factory with Jews on Sunday?"

Mr. Bourassa: "No, that is one of the points I have argued on most strongly. If an employer permits no work, labour or trade to be performed on that day (Saturday) on his premises, then only he shall not fall under a penalty if he works privately on Sunday. If he has any kind of work, by Jews or Christians, performed on Saturday he must observe the whole of Sunday, either through himself or his Jewish employees. This will leave no loophole.

"I hope there is not a Christian in this House who will deny to the Jew or anybody else, pagan or Catholic or Christian, the right to earn a living for his family. This will provide for that.

"At the same time it will impose upon the Jew everything which the most stringent Christian will require of him to respect Sunday as far as public worship, as far as order, as far as trade is concerned. Because under this clause he will be forced by law to respect the Sunday as even the most stringent Protestant requires that it be respected. He will have to close his establishment and dismiss his Christian employees on that day, and if he wants his Jewish employees to work on Sunday he will have to close all work on Saturday. This is based on the principle of freedom of conscience.

"This will protect the Jew who is faithful to his religion, but not the Jew who sells or trades on Saturday. This is to protect only the faithful Jew or Mohammedan or the member of any other religious body, which is not Christian, who faithfully and habitually observes any day of the week. That will enable him to earn his living by working quietly after the closing hour to earn bread for his family.

"There is another point. Take the Jews for example. Their day of rest is not counted, as ours is, from midnight to midnight. The Jewish Sabbath is counted from sunset on Friday to sunset on Saturday. Well, since I was prepared to impose on the Jews the disability which they are under by this law of being prevented selling on Saturday and Sunday, and thus having only five days in the week on which to carry on their retail trade, I thought it would be only just to let them avail themselves of their religious liberty and sell on Saturday evening, which is of great importance to retail dealers in Montreal, Toronto and other cities. I have drafted this subclause which I propose to add:

"2. 'The day of rest and worship mentioned above is the period of time reckoned as such by the religious body to which may belong the person who has right to enjoy the privileges granted by this clause.'

"The effect will be that after sunset on Saturday the Jewish retailer may open his shop and get the benefit of the few hours remaining. He will be closed all day Saturday in summer till eight o'clock at night, but in winter, when trade is more active, he will have greater benefit. Everybody will agree that this clause is drafted in a spirit of conciliation which does not interfere with the principle of this legislation or with the views of those who wish this legislation to be more stringent.

"I understand that the objection raised by the Dominion Alliance and by some Members of the House against clause 11, as it stands, was that it was creating a special privilege by enabling a certain class of people to break the general law of the land. There is a commandment which forces us to observe as Christians the day consecrated to the Lord, but there is a still greater commandment, and that is the law which acknowledges the right of every man to be free to earn a living for his family. There is not one Member of this House, even those who wish to preserve sacred the principle of this legislation, who would say that a poor man of any nationality or creed should be deprived of the time he needs to earn the support of his wife and children."

Mr. Miller opposed Bourassa's motion favouring Jewish Sabbath observers, but he also resented Bourassa's comments that Jews should not be encouraged to immigrate to Canada.

"Those in this House who advocate an exemption in favour of the Jews have for the most part, I think, Jewish constituents, sympathy for individual Jews with whom they are acquainted. Finding them no doubt good and upright citizens, men of high character, naturally they have acquired a sympathy for them. Because of their natural sympathy with these individual Jews they desire to grant them some exemption from the requirements of this Act. But I think that our sympathy, however natural it may be, however well founded it may be, ought not to lead us to provide this exemption for the Jews, and not only for the Jews but, as has been argued here, for other classes as well, putting them apart from the great majority of the Canadian people.

"When we are legislating for the common weal our individual sympathies ought not to be allowed to weigh against public interests. If we adopt the amendment of the hon. Member for Labelle we shall have to provide for a choice of Sabbath by the Mohammedans, as has been said, and for the Chinese, and for every other class of men who come into this country who do not hold the Christian views of the Sabbath."

Mr. George Smith of Oxford, Ont. opposed Bourassa invoking the Jeremy Benthamite principle of greatest good to the greatest number. (P.6284)

"There are only a handful of Jews, not possibly more than 20,000 in the whole Dominion. (I am going by the statistics last taken in this country.) I yield to no one in my respect for the great Jewish people. I know that they include some of the greatest names in all the ages -- names great in the world of finance, history, commerce and literature. But when we come to apply the principles of our legislation

to the Jews, we have to admit that they are voluntary strangers. They are only with us; they are not of us. The old adage should be applied to them: That when you are in Rome, you must do as the Romans do. We are a Christian people and this is a Christian country, as has been emphasized by many here.

"Allow me just to point out one thing which I think will convince a number of the gentlemen supporting this measure. Look at the Commandment of Moses himself. The Mosaic law compelled every servant, native or foreign, and the stranger within the gates, to observe the Sabbath day. Apply the same principle to the Jews. Our law is based on the Divine precept, and if we are to compel the observance of the Fourth Commandment, we are bound to include the Jews and make them observe it. We are in a Christian country, running things on Christian lines.

"Another matter to which I would like to call attention is the principle laid down last year in the election contest in which I was successful. It was clearly emphasized on platform after platform that this is a Christian country, that no Mormons or Turks or other non-Christians could establish schools, that the schools should be restricted strictly to either Protestants or Catholics. The government then went on the principle that this is a strictly Christian country, and that we did not recognize either Mormons or Turks or Jews or heathens in our school system.

"I do not see why we should be called upon now to depart from that principle, and insert a clause in this Bill which will make this legislation different in its action from that which we passed one year ago. The Jews have surely enjoyed all the benefit of our civilization. I question if there is a country in the world in which the Jews have received better treatment, or where they have been less persecuted than they have been in Canada. It is a good principle, Mr. Chairman, to let sleeping dogs lie.

"I believe in toleration. But if the Jews had a country and we lived in it, we should be called upon to observe their Sabbath. Why should we accord to them that which they would not accord to us? This is not a question of a particular day. We know that the seasons are only a matter of going north or south of the equator. So, I am not arguing for the observance of a particular day; but I argue that we must have uniformity of observance." (June 27, 1906)

Mr. Aylesworth recalled (P.6293-96) that "the proposed legislation was based upon the consideration that Christianity was a recognized feature of the law of Great Britain and of the law of Canada. This Bill, based as a whole upon the recognition of Christianity as a fundamental element in our law, is before the House as a measure for which the government takes responsibility, and in regard to which the government looks

upon the Bill in whole and in principle as it looks upon any other government measure. With regard to the details as to the way in which the general purpose of this legislation can best be worked out, there is, of course, in this Bill, as in any other, room for improvement and betterment.

"This clause 11 now under consideration has a different history from the other clauses of the Bill. No such clause appeared in the Bill as introduced by my predecessor in the Department of Justice. Nor was any such clause referred to the committee. It comes before the House now as one of the details of this measure which the committee considered advisable to insert.

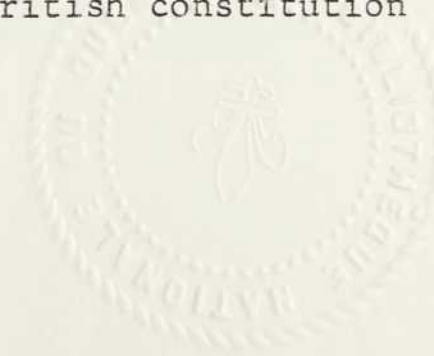
"I say nothing of what passed in the committee in regard to this clause, or as to whether or not the committee was unanimous in recommending it to the House, because, not being a member of the committee, I know nothing of that, except what has been reported to me by different persons. However, we have this clause before the House as a feature of the Bill which has been recommended by the special committee, and which was not a feature of the Bill as originally introduced, and not in any way an integral part of the measure.

"It is a clause in respect to which there will no doubt be great differences of opinion, and in regard to which I am free to say there is difference of opinion among the ministers of the Crown. I imagine you could scarcely find any body of twelve or fourteen men who would be entirely in accord regarding such a provision, and therefore I am speaking my own individual opinions as a Member of this House, fully conscious of the fact that these opinions are not shared in by all of my colleagues in the government."

Bourassa's motion was supported by Mr. Devlin.

"There is a principle involved. I concede to the parliament of Canada the right, the moment they as a Christian country have adopted the day they are to have as the Sabbath day, to pass laws respecting that day, but I cannot concede to this or any other parliament the right to dictate to me what day I shall observe as the Sabbath day.

"If the principle of this clause were not adopted they would say to the Jew: The Sunday is the day you shall observe as the Sabbath and not your own Sabbath day, which is the seventh day. Every alien coming to this country and who becomes naturalized enjoys the rights of a British subject, and one of those rights is liberty of conscience which we as British subjects ourselves enjoy; then we are denying to a class of our fellow citizens a principle of the British constitution in which we most glory."



But Mr. Monk was "uncertain as to how far it may extend. When we open the door to these exceptions we will be required in coming sessions of this parliament to enact other legislation making further exceptions.

"This legislation will so agitate the country that for many a year to come there will be legislation before parliament amending this Bill, until we have at last succeeded in putting it in a form very different from its present shape. In that respect it is legislation of an unfortunate character.

"The observance of the Sabbath will become a political football to be tossed from party to party; religious or semi-religious discussions will be revived in the not far distant future, and in the end great harm will be done." (P. 6309)

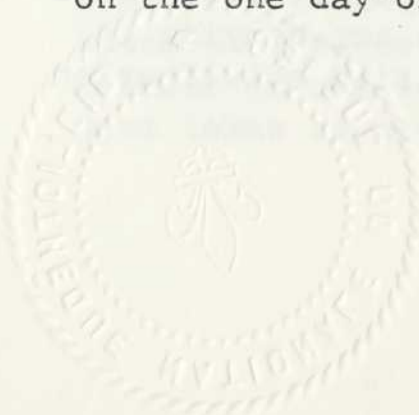
Sir Wilfrid Laurier took part in the June 27 debate. (Pp.6310-12)

"This section was not in the original Bill which was introduced here and sent to the Special Select Committee. It has been introduced by the committee. In the committee it was a subject of a great deal of discussion. In this House again it has been the subject of still more discussion and I am glad to say of a very friendly character.

"Other circumstances were mentioned by my hon. friend, and I agree that the law may later perhaps provoke political discussion and enter into political life. That would be unfortunate, but if it should happen we will have to face the situation. That is not the object of the law or the intention, and if it does occur it will not be the first time that good and well-meant legislation has not achieved the results intended. But under circumstances of that kind it will be our duty to face the situation and to face it courageously, without flinching."

To reach a consensus a number of amendments were proposed. Minister of Finance Fielding proposed a draft substantially in line with that of Bourassa.

"In the Bill now before the committee the side note descriptive of the clause reads 'Exception as to Jews, etc.,' but in the clause itself there is no special mention of the Jews. In the clause I am suggesting I take no special account of any particular denomination or sections. I say, notwithstanding anything contained herein whoever, be he Jew, Adventist, Hindoo, aye, be he Mormon, if he shall, for conscience sake, for the sake of his religious belief, abstain from work on the one day of the week, we should endeavour to meet the case of



that man. But he must abstain from work on account of his religious belief. He must be prepared, if his action be challenged, to go into court and prove his statement that this with him is a matter of conscience, and that because of his religious belief he abstains from work on that particular day. The next point is that he must do it habitually. He must not do it occasionally just to adapt himself to the provisions of the Bill and bring himself within the four corners of it. He must habitually abstain from work on that particular day.

"We are told that some people wish to observe the Saturday, that the Hindoos observe the Friday and that other people observe some other day. I say that whoever shall, on account of his religious belief, habitually refrain from labour on any day of the week, other than Sunday, provided it be the day his faith requires him to observe, he would have the right to claim the benefit of this clause. The next point is that he must not only refrain himself, but must show that he enables others to refrain, by not doing any business on that day.

"One of the objections to the clause now before the committee was that a Jew might refrain from working on Saturday and bring himself within the clause and then operate his factory upon Sunday and compel his Christian employees to work on that day. In that way, the purpose of the section would be defeated. But it could not be defeated under this clause, because he must not only abstain himself but must close his place of business and permit no work to be done on that day which he claims to be his day of rest. He must actually close his business establishment and permit no work to be done, and in such case he shall not be prosecuted for working on the Lord's day.

"In the next place, I provide that the work which he may do on Sunday shall be done in an inclosed building. That is not giving the Jew -- if we take the Jew by way of illustration only, though the clause applies to all minorities -- that is not giving these dissentients the full benefit of their conscience, because they may claim that they should be permitted to do work anywhere on a Sunday under these conditions. But I would say that if a Jew goes to work in a field on a Sunday with his team, though he may be working honestly and sincerely, his doing so becomes a source of scandal to the passers-by going to a Christian church. Therefore, I would not give the benefit of the Act to a man so working; but if he works in an inclosed building, free from public observation, as he harms nobody, I would give him the benefit of the Act."

Mr. Bristol asked,

"Suppose a Jew employer has some Christian workmen, he would only be allowed to work them five days in the week. He would require to have his whole staff composed of Jews. He closes his establishment on Saturday, and his Christian workmen do not work on that day, and they cannot work on the Sunday. They would therefore work only five days in the week."

Mr. Fielding: "The whole purpose is to grant one day of rest out of the seven. One of the objections to the clause, as it stands in the Bill as it is today, is that a Jew may abstain himself from work on Saturday and then open his factory on Sunday and fill it with Christian workmen. If it is possible for him to do that, I do not think the House or the committee will consent."

"I would not vote for any legislation which would give him the power to abstain from work on Saturday and then start his factory and operate it with Christian workmen on Sunday."

"This being a Christian country we ought to endeavour in a Christian spirit to meet the conscientious convictions of those who do not quite see as we do. This goes on to provide not only that he shall not disturb the peace and quiet of the neighbourhood, but that he shall not disturb any other person in the free exercise of his own way of observing the Lord's day. That is what the hon. Member for Labelle (Mr. Bourassa) meant in the main, as I understand it. Though I would prefer my own way of putting it, I think he has covered pretty well what I have in mind; and, acting on the principle that we ought, as far as reasonably possible, to meet the religious convictions of the many classes of people who come amongst us, and meet them, especially where we can do so without disturbing the peace and quiet of the neighbourhood and without interfering with the observance of Sunday by any other person."

When the House of Commons reconvened after a period for Private Bills, Mr. Fielding rose to elaborate on his proposal,

"Just before the House rose I read the draft of a section, which I had myself prepared with some intention of moving it, but which I did not move, as I understood the amendment of my hon. friend from Labelle (Mr. Bourassa) was to the same effect. I have, however, since been informed that there is a difference between us. In the amendment I suggested, I spoke of making an exception in favour of work that might be done in inclosed premises, and I drew a distinction between work done within doors, which would not be within public observation and consequently could not be a cause of public scandal, and work being done in the fields, which would be public and might be regarded as a source of scandal. On that point the hon. Member and myself differ."

"That being the case, I shall submit, in place of his motion, the one which I shall now read which is very nearly his, but deals with this point of indoor work. The amendment I have prepared, I propose to read now dealing with that point, and if opportunity occurs during the discussion, I shall, at the proper moment, move it:

"Notwithstanding anything herein contained, whoever from reasons of conscience, habitually and invariably observes, as a day of rest and worship, any day of the week other than the Lord's day, and actually refrains from work, labour or trade on that day, and, if he be an employer, permits no work, labour or trade to be performed for him on that day, shall not be subject to prosecution under this Act for performing or permitting to be performed work or labour on the Lord's day, provided such work or labour is done within any enclosed building and does not disturb or cause annoyance to any other person in the observance of the Lord's day as a holy day, and provided that the place where the same is performed be not open for traffic or business on that day."

Mr. Ganong thought that if Mr. Fielding "will look further into the facts, I think he will modify his suggestion. That suggestion is that the Jewish population shall have the right to work on the Sabbath day -- that is, not every Jew, but those who carry on their business in a building. What does that mean? It means that the Jewish factories will have the right to work on Sunday. I do not believe that ten per cent of the employees in the factories are of the Jewish faith. But the Minister of Finance proposes that in order that this ten per cent of Jews shall have the right to observe Saturday, the ninety per cent of the Christians shall be thrown out of employment on that day. As it is today the Jewish factories, particularly the cigar factories, are run at full blast on Saturday. I have not known a single instance where such a factory was closed. And there are very few Jews employed in them. I have taken a moment to look up the question. The factories making cigars, cigarettes and tobacco in Montreal, are 26 in number. The managers or salaried officers number 170, whose salaries amount to \$168,771. These are the fellows who would not lose anything but would draw their salaries regularly even if the factories were closed half the week. But when you come to the working class, in whom we are supposed to have some interest -- in whom this government, at least, are supposed to have some interest -- we find that they number 1,522, and their wages amount to \$487,752. Assume that only 1,000 of these people are employed in the cigarette and cigar factories and their wages amount to only \$300,000. Admit that, of these, ten per cent belong to the Jewish faith and that they earn proportionate wages to the others. That would leave you 900 people of other faiths earning \$270,000 working six days in the week.

But the proposal of the minister is that the factories shall shut down on Saturday, reducing these wages by about \$45,000 a week. That is the position the Minister of Finance will land in if he carries out his proposition."

Mr. Bourassa: "This amendment does not prevent any Jew from working on Saturday; it simply says that if he wants the privilege of working on Sunday, he must close on Saturday. If he works on Saturday, he is in the same position as the Christian and must close on Sunday."

Mr. Ganong: "It does not change the statement of facts, so far as the earnings are concerned, and there is no sophistry that can get over the facts. This may be according to the principles of this government, but, if so, I think it is time that the people of this country knew it. The government may try to work up sympathy for the ten per cent of these Jewish employees, but I think there will be some sympathy for the ninety per cent who will lose their Saturday's wages."

Mr. Galliher: "If the factories or the other works operated by the Jews were operated entirely by Jewish labour, and were absolutely closed on Saturday then I would say by all means, in justice and fairness, give them the right to work under restrictions on Sunday."

Mr. Ames: "They are closed in Montreal."

Mr. Macdonell: "In Toronto also."

Mr. Daniel formulated the issue in the debate,

"You can consider this Bill as a Bill for the observance of the Lord's day, or you can take it as a Bill which is going to give 24 hours of rest in the week to every man and woman in the country. The hon. Minister of Justice, when he introduced this Bill, took pains to say that it was not a Bill to increase the religious observance of the people. It was not a Bill to induce people to go to church on Sunday, it was not a parson's Bill as he stated, but a Bill to give twenty-four hours rest to everybody.

Mr. Galliher: "But I might go further and say that if it is a matter of conscience that the Jews should not themselves work on Saturday it should be equally a matter of conscience that their shops should be open on Saturday. If they close their shops on Saturday, not only insofar as Jewish labour is concerned but insofar as

Christian labour is concerned, then, in my opinion, if they, under the restrictions that are placed in this section, operate not by Christian labour but by Jewish labour, to a certain extent behind closed doors in such a way as not to be prejudicial to a Christian community, they should have the right under the section which is proposed to be given to them. But if, on the other hand they employ on Saturday a certain number of Christian workmen who cannot, because of this Act, work on Sunday as well, and open their shops on Saturday, then they should not be entitled to the privilege that will be afforded by this Act to work on Sunday. That is a question which I think someone who has a knowledge of the matter should instruct the committee upon. I do not know whether it is the case or not."

Piché (Montreal-St. Mary's) moved an amendment that would exclude from the Act anything "now or hereafter in force regarding matters coming within the exclusive powers of provincial legislation." (June 29, 1906. Hansard, P. 6559)

As for Bourassa, the Piché amendment did not go far enough. Like Borden, he wanted games, entertainments, parks and excursions to be subject to provincial law on Sundays; but he agreed the matter could best be handled by making the federal act not to come into force in each province until the legislature of such province has enacted that the Act shall apply to that province. This amendment of Bourassa's, seconded by Armand Lavergne of Montmagny, was defeated 104:15 by the House, being supported largely by Quebec Members.

This Piché amendment was the occasion of political bitterness between him and Bourassa as he claimed that it was his move that was eventually to resolve the complex Quebec Sunday problem. (Nationaliste, July 9 and 14, 1906)

An even stronger amendment to the same effect proposed by Mr. Monk, seconded by Mr. Bergeron was defeated 102:15. An effort by Mr. Borden, seconded by Mr. Foster, to add a phrase "except as provided in or by any provincial act" fared better, being defeated only 77 to 39.

After extensive debate Mr. Bourassa's amendment was defeated 94 to 43, as were the similar proposals of the Hon. Mr. Fielding, of Mr. Ames and of Lavergne.

Exemptive clauses failed passage and, in particular the Bill as thus far accepted by the Commons, seemed to impose the Lord's Day Alliance of a proper Sunday upon Quebec.

Bourassa in particular was unhappy with the Bill. As he had told Laurier on June 21,

"There are questions upon which there must be a common standard if we want to make a nation; but my right hon. friend must have learned, from his long parliamentary experience, that there are certain questions upon which liberties must be allowed to different classes. And if you interfere with those liberties, not only will you never reach that common standard, but you will create, among the different races and creeds, discords and feuds that you would avoid if you would give to each the freedom it is entitled to. My hon. friend from Hochelaga (Mr. Rivet) and my hon. friend from Montmagny (Mr. Lavergne) and my unworthy self want to impose on the people of Ontario no way of observing the Sunday. Where is the single amendment proposed by any of these I have mentioned which gives the slightest indication that we want to impose on the people of Ontario our way of observing the Sunday? On this very amendment, I said five minutes ago that I was ready to accept the amendment of the hon. Member for Leeds (Mr. Taylor), which the First Minister rejects, provided the hon. Member for Leeds would leave me the liberty to do what I liked. The position I take is more conducive to harmony and to a common standard of citizenship than if you try to reconcile opinions that have divided humanity for centuries.

"The Prime Minister, with all his power and prestige, will never succeed where greater and more powerful men than he have tried and failed. I am not saying this in disparagement of the right hon. gentleman. I am a great admirer of his, and it is because I would like his name to go down in history as the advocate of freedom of conscience in this country that I deprecate seeing it coupled with such a measure as this -- a measure which is the denial of every liberty and every principle fought for in this country and in England for three centuries. I look upon this as the most narrow, illiberal measure ever advocated in a Canadian parliament, and therefore I do not like the idea of seeing the name of the right hon. gentleman coupled with it.

"Some people think that the best way of expressing their admiration for a public man is by supporting him in any position he may take in parliament, even when forced to do so by some outside influence. But there are men who give a better proof of their admiration and esteem by resisting at times the greatest men in their country." (Hansard, Pp. 5799-5800, June 21, 1906)

Indig describes the final hours of the debate.

"With the heat of the summer's June night compounding the intensity of the debate, temperatures were exceedingly high among the legislators. The controversy was thoroughly dissected and had reached its saturation point; the remaining decision entailed choosing which

exemption would be implemented, if any at all. The votes were cast and counted. The Bourassa amendment was overwhelmingly defeated, and was followed subsequently in defeat by the Fielding amendment. With the rejection of these two amendments, two more were immediately proposed.

"Herbert B. Ames proposed a substitute clause very similar to that of Bourassa's with the exception that the extent of the exemption was limited to religious seventh-day observers. With this change, he was hopeful of winning support; but the amendment lost on division.

"Following this, Armand Lavergne proposed an amendment which merely protected the religiously conscious person of any dissenting minority from being forced to work on his religious day of rest and worship; but it did not, however, provide for Sunday labour. This merely respected religious convictions which the enactment itself and Canadian judicial opinion sustained, but did not alleviate financial-economic disabilities of the religiously conscious member of any dissenting minority. Despite the reasoning of the proposal, it was also voted down, thus ending the train of amendment exemptions.

"At this point, the issue went to its final stage and the only exemption which could be considered was the select committee's proposal, Section 11. The vote was taken and the negative decision of the legislators was recorded 79 to 57. The Jewish Exemption Issue had reached its conclusion. The stormy controversy which began on March 15, 1906 was over on June 27, 1906." (Pp. 155-58)

Indig summarizes the debate,

"The Bill, as a whole, was a Government supported measure. But this was not so for the Jewish exemption clause. The cabinet was thoroughly split on the issue. Some members advocated an extension of the exemption to the greatest degree; others desired a restricted exemption; still others desired no exemption at all. It was especially noteworthy that Prime Minister Laurier and the Minister of Justice, Aylesworth, were at complete odds on the issue.

"Because of the difference of opinion among the cabinet members themselves, the principle behind an exemption provision was the only clause in the Bill which was not supported by the Government.

"Within the cabinet, another event occurred. It was usual for the Minister in charge of a Bill to make a motion to adopt a clause, but not so in this instance. Aylesworth, being totally against granting an exemption, refused to comply with routine procedure. In light of this fact, the Minister of Agriculture, Sydney A. Fisher, a supporter of Section 11 exemption, moved the adoption of the select committee's proposal. This being the cabinet's position, its members acted not as a group but as individuals." (Pp. 179-80)

## THE SENATE REDRESSES THE BALANCE

Early in July the Hon. Mr. Scott introduced the Act respecting the Lord's Day in the Senate, also numbered Bill 12 (Debates, P. 1113) The Bill included as clause 14 the principle, so hotly debated in the Commons, that it does not affect any provincial law in force at the time of passage of this law. (Senate Debates, July 9, 1906, P. 1129)

It was, of course, the clause that was to make possible the solutions of the problems of observant Jews in Quebec for thirty years.

Second reading in the Senate took place on July 9. In that debate the Catholic-Protestant difference figured, again a reflection of Canada's duality.

The Hon. Mr. Kerr of Toronto proposed an amendment directly excluding those who consistently and habitually observe the seventh day of the week -- the very clause that had been discussed, and defeated in Commons. Mr. Kerr proposed it "in a spirit of forbearance and consideration which all majorities in this country extend toward minorities...The Senate will only be doing itself justice and credit by adopting this clause and letting it be known that there is that spirit of toleration and consideration to be found in the Senate."

British Columbia's Senator Macdonald opposed the amendment, holding that Jews ought to be satisfied to have the same freedom "as the larger body of Christians; and surely if the law is good enough for the Christians it should be good enough for them. They are perfectly free in this country; they are not hated and slaughtered as they are in other parts of the world, and they should be grateful for the measure of freedom they enjoy in this country without demanding special privileges. We do not interfere with them. They can keep the seventh day, but they must respect the Sunday, because we are the majority and the majority always rules."

The Speaker intervened: "There is one other that should be respected in this country and that is the consciences of the minority. They are not free to work on Saturday if their conscience tells them they should rest...In this Christian country we should apply Christian

principles to those who do not profess our principles and treat them according to the golden rule, doing unto them as we would like them to do to us."

Sen. Landry, who supported the amendment, said he would remember the speaker's words when the Moncton school question would arise. (Hansard of the Senate, 1906, P. 1207)

Other aspects of Jewish interest were but little touched on. The Hon. Mr. Cloran noted the question of defining the hours of the Sabbath, different for Jew and for Christian. He observed that the 60 Jewish children selling papers on the streets on Sundays would be affected.

On July 10 the Senate accepted the terms which made the Bill acceptable to such provinces as Quebec, particularly limiting it by such clauses as, "except as provided in any provincial Act or law now or hereafter in force," and introducing the role of "the attorney general for the province in which the offence is alleged to have been committed" in cases of prosecution.

Above all, it was moved that the following clause be added to this Bill as "Notwithstanding anything herein contained, whoever conscientiously and habitually observes the seventh day of the week as the Sabbath, and actually refrains from work and labour on that day, shall not be subject to prosecution for performing work or labour on the first day of the week, provided that such work or labour does not disturb other persons in the observance of the first day of the week as holy time, and that the place where the same is performed is not open for traffic on that day."

Such was the Bill referred back on the 11th to the House by the Senate with a number of amendments proposed by the Upper House. Among these was one that had been proposed in the Commons by Bourassa, Piché and possibly by Mr. Borden but that had been rejected: that the Act apply except as provided in any provincial act or law now or hereafter in force. Now the Commons quickly agreed to the amendment with which Bourassa had not been as fortunate as the Senate was, to cite R.L. Borden's jocular comment (Hansard, P.7683)

Bourassa congratulated the Senate of whom, he now apologized as he remembered, he had spoken in no respectful terms.

The 12th of July the Commons were informed of the Senate acceptance of the Commons views on the clauses under discussion. The following day parliament was prorogued.

The Act respecting the Lord's Day (6 Ed.VII, cap. 27, assented to on July 13, 1906, coming into effect on March 1, 1907; Rev. Statutes of Canada, 1906, chap. 153; Rev. Statutes of Canada, 1927, chap. 123) was passed not solely, or even mainly, to accommodate the needs of Montreal Jewry. If that had been the case, provincial legislation similar to that subsequently enacted in Quebec might also have later been enacted in other provinces -- at least in Manitoba and Ontario -- where, also, Jewish communities were faced with the hardship of Sunday rest following Saturday repose.

The clause was intended to ensure that the Protestant majority on the federal scale did not force upon the province of Quebec the manner of living a pattern of Sunday rest which was basically Protestant in tradition, and did not obliterate the French Canadian tradition.

The memoirs of R.L. Borden summarize the legislative course of the measure.

"Immediately after the opening of the Session the Minister of Justice, Mr. Fitzpatrick, introduced a bill respecting the Lord's Day, and explained that such a measure was considered necessary, as a recent decision of the judicial committee of the Privy Council had declared that the Ontario Act to prevent the profanation of the Lord's Day was beyond the competency of the Provincial Legislature. The Lord's Day Alliance had thought it important under the circumstances that the Federal Parliament, which undoubtedly had jurisdiction, should make suitable provision for the decent observance of the Lord's Day. The Minister explained that the Bill prohibited sales, the carrying on of ordinary work or business, excursions, games for prizes, the opening of places of public amusement for which an admission fee is charged, and inter alia, the advertisement of any performance or other thing prohibited by the proposed measure. Provincial Acts within the competency of the Legislature were to remain in force.

"On April 3rd, the Minister moved the second reading of the Bill and went more fully into details. He set forth with his usual cogency the considerations upon which the Bill was based and finally moved that it should be referred to a select committee subsequently to be named.

"There was long consideration in the committee, and eventually the Bill was reported and referred to Committee of the Whole House where a lengthy and extremely interesting debate took place.

"The provisions of the Bill were by no means acceptable in the Province of Quebec, and various exceptions to meet public opinion in that province were added from time to time by way of amendment. Messrs. Bourassa and Lavergne strongly attacked the tendency of

this legislation and based their arguments upon the broad principle of liberty. Mr. Lavergne made a very pointed remark as to the probability of the Prime Minister finding himself compromised if the Bill should pass in the form proposed; and Mr. Bourassa moved to insert the following clause:

"This Act shall not come into force in any of the provinces of Canada until the legislature of such province has enacted that such Act shall apply to the said province."

"This amendment was opposed by the Government and received only moderate support.

"The Senate inserted several amendments, all of which were accepted by the Government. Among them was the very important provision that no prosecution should take place under the Act without the leave of the Attorney-General of the province. This really accomplished the purpose aimed at by Mr. Bourassa in the amendment, already referred to, which he had moved in the Commons. Among the Senate amendments accepted by the Government were those which I had proposed in the Commons.

"The Act, on the whole, was a salutary provision; and it left the enforcement to be governed by the condition of public opinion in the various provinces." (Robert Laird Borden: his Memoirs, edited by Henry Borden. Toronto, Macmillan, 1938, Pp.160-61)

The law evoked a strong editorial in the Jewish Times published by S.W. Jacobs and Lyon Cohen (Aug. 10, 1906):

"In the United States, the Act would come into the category of what our neighbours call 'Fool Legislation'. There was no demand for it in the country except by a small minority composed mainly of evangelical clergymen, who, in the face of the, to them, dismal fact of dwindling congregations, imagined they could fill their churches if they could put a stop to all other attractions, whether of business or amusement.

"These good persons imagine that legislation is omnipotent, and cherish the delusion that an Act of Parliament is all that is required to secure the object of their desire. They refuse to admit that the world moves, or that the decline of Sunday observance is the result of other causes than those suggested by their sectarian prejudices.

"The true causes are two-fold -- loss of faith in Christianity and the business necessities of an industrial age. A third might be added, which is the last they are disposed to admit. But everybody who has thought upon the subject knows that the dreary long-drawn pulpit platitudes inflicted on church attendants with merciless reiteration keeps more people who call themselves Christians from going to church than downright unbelief.

"As for the Act itself, it is nothing but a piece of legislative humbug with a touch of bigotry. It has two saving clauses, one of which permits local legislatures to pass laws to make it inoperative in the provinces concerned; the other requires the consent of the Attorney-General of any province before a prosecution can be undertaken under the federal law. Altogether the Act is both stupid and unnecessary and will probably prove unworkable in operation."

As so often happens in Canada, a social problem is translated into a form of English-French issues and is resolved politically only in terms compliant with these tensions. In this issue Bourassa was defending the Quebec national tradition against the federalist English. It was French Canadian interests that concerned him in his struggle.

To complete the record of the underlying friendship of these Canadian statesmen for the Jewish people we note that the following year, in June 1907, the Hon. A.B. Aylesworth, acting prime minister and minister of justice, and W. Paterson, customs minister, spoke at the convention of Canadian Zionists.

Aylesworth's statement of sympathy with Zionism, and his declaration that Zionism was the proper solution for the Jewish problem were the first formal Canadian government positions on Jewish nationhood.

"Like its predecessor, the Borden government was sympathetic to Jews and Zionism. At the Canadian Zionist Federation's twelfth convention, held in Ottawa in June 1912, Acting Prime Minister George Perley assured Zionists that their movement had the most cordial support and sympathy of all members of the government. He also told the delegates that their organization deserved encouragement by all, and that he could not see how anyone could oppose a movement that was doing so much good for the Jewish people. Perley noted that Canadian Jewry enjoyed rights and privileges which they also wanted for their coreligionists in Palestine. He was convinced, he said, that the Zionist plan for Jewish immigration from Eastern Europe would solve the Jewish question.

"At the fourteenth Zionist convention and All-Canadian Jewish Congress in Montreal in November 1915, Borden's Solicitor-General and successor as Prime Minister, Arthur Meighen, expressed support for the Zionist ideal and the government's good wishes: "I think I can speak for those of the Christian faith when I express the wish that God speed the day when the land of your forefathers shall be yours again. That task I hope will be performed by that champion of liberty the world over -- the British Empire.'

"Meighen was always ready to express his convictions publicly, and offered to represent the government at the fifteenth Zionist Federation convention in Winnipeg in July 1917. 'I think it is important that a Minister should attend if possible at all,' he wrote to Borden. Borden did not accede to this request because of the pressure of cabinet business, and a letter of good wishes was sent instead." (Zachariah Kay. Canada and Palestine; The Politics of Non-Commitment. Jerusalem, Israel Universities Press, 1978. P.33)

It is significant that the British government has not only refused to accept the Jewish Agency's proposal for a Jewish state in Palestine, but also to accept the Jewish Agency's proposal for a Jewish state in Palestine. The British government has refused to accept the Jewish Agency's proposal for a Jewish state in Palestine, and has also refused to accept the Jewish Agency's proposal for a Jewish state in Palestine.

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"Like the government, the Jewish Agency has expressed its opposition to the British government's refusal to accept the Jewish Agency's proposal for a Jewish state in Palestine. The Jewish Agency has expressed its opposition to the British government's refusal to accept the Jewish Agency's proposal for a Jewish state in Palestine, and has also expressed its opposition to the British government's refusal to accept the Jewish Agency's proposal for a Jewish state in Palestine.

At the first Jewish Congress in London in 1935, Lord Balfour, then Secretary of State for the Colonies, expressed his opposition to the Jewish Agency's proposal for a Jewish state in Palestine. Lord Balfour expressed his opposition to the Jewish Agency's proposal for a Jewish state in Palestine, and also expressed his opposition to the Jewish Agency's proposal for a Jewish state in Palestine.

## IN QUEBEC

The Quebec legislature moved to take advantage of the federal law by enacting a law which was sanctioned on Feb. 22, 1907, and came into effect on Feb. 28, a day before the federal Sunday Observance Law came into effect.

The Quebec law exempted "Shomrai Shabbat" from observing Sunday as a day of rest with certain limitations. (7 Ed.VII, chap.42, Article 6; became Article 4471 of the Revised Statutes of Quebec of 1909, and Section 7 of Chap. 199 of the Revised Statutes of 1925.)

Article 6 of the Quebec law stated that whoever conscientiously and habitually observes the seventh day of the week and in reality abstains from work on that day shall not be subject to prosecution for working on the first day of the week, provided that this work does not disturb other persons in their observance of the first day of the week as a sacred day, and if the place where this work is done is not open to commerce on that day.

The Hon. Mr. Gouin, seconded by the Hon. Mr. Turgeon moved in the provincial Assembly on Feb. 22, 1907 that, considering the emergency, rule 3 of the House be suspended to permit him to introduce the Bill. The Bill passed first reading and the House divided on the question of permitting second reading at once. The proposal received a majority and the Bill was read the second time and passed.

On Feb. 25, according to the orders of the day, the House constituted itself a Committee of the Whole on the measure. After sitting for a time in committee, the House resumed and Mr. Lacombe reported that the committee had examined the Bill and had amended it. Thus altered, the Assembly passed it and referred it to the Legislative Council. (Journaux de l'Assemblée législative, vol. 41, Pp.171, 181, 200, 204)

When the measure (Bill 6) was brought by the Clerk of the Legislative Assembly to the Legislative Council it quickly passed first reading and, on motion of the Hon. Mr. Allard, the 45th rule of the House was suspended as regards this Bill and it passed second reading and third reading on the morrow.

When it came up for third reading, the Hon. Messrs. Méthot and Allard separately moved that it be referred to the Committee of the whole House. The House did adjourn. When it resumed the Hon. E.B. Garneau reported that after it had gone through the Bill, it accepted it without amendment. The Bill then passed on its third reading. (Journals of the Legislative Assembly, vol. 41, Pp. 112, 124-25)

The Legislative Assembly was so informed on Feb. 27.

At the time the Quebec "nationalist" press welcomed the provincial legislation as an assertion of the cultural traditions of French Canada. Even Omer Héroux, editor of La Vérité, founded by his father-in-law J.-P. Tardivel, discussed the law at great length favorably without even noting that it was a substantial accommodation to the Jews in the province who sought to abstain from Saturday labor. (cited in Nationaliste of Feb. 24, 1907)

As he described the need for provincial intervention in the situation,

"There was no delay in understanding that (the federal law) would strike at age-old customs which no one had thought of protecting by a legal text, since they are so much part of the popular custom."

As if nothing had happened, Mgr. Louis-Adolphe Paquet, foremost Quebec theologian -- anti-Semite, mentor of Paul Tardivel and of La Vérité's readers -- wrote in his Droit publique de l'église: principes généraux,

"We claim one law and one policy for every Christian land... That is the principal aim of the Sunday Observance Law.

"In this common, uniform law do we do violence to the feelings of the individual? Is there not, in reality, contempt and violation of the rights of conscience and a regrettable attack on religious freedom? So the modern libertarians think and say, more careful as they are to ensure the unbelievers the liberty of evil than to permit the faithful the free and complete practice of their religion and of their worship.

"The objection may appear to be serious; we have no desire to avoid it and our response is frank and clear.

"Whatever the legal situation of the church, we are face to face with three large social truths: the civilized nations are, by and large, Christian; the governments which rule them are honor bound to respect God and to favor the worship due to His Son; that one of the principal means of carrying out this public duty is to legalize the fixity and the sanctification of the festive days established by religious authority and consecrated by general usage."

The monsignor proceeds to quote Bourassa, Laurier and Borden in what seems to be support of his views, ignoring their concern for the Jewish citizenry. (2nd ed., vol. 1, Pp. 143-44)

Another tone entered Quebec opinion as early as 1910. The Progrès du Saguenay was commenting on Sunday observance and noted, "Civil law, in accord with religious law, forbids Sunday work and everyone is subject to it -- except the Jews. Yes, Jews are permitted to work on Sunday, to keep their stores open, to work in factories and to make the Christians whom they employ work -- the Christians who are unfortunate enough to have them as their employers.

"Besides being forced to be idle on Saturdays because the Jews rest on that day, these Christian workers have to choose between working on Sunday to keep their jobs, or to give up their work which they require to maintain their families.

"So Christian workers whom conditions force to work for Jews are condemned no longer to see the Church, so to speak, and not to participate in parish functions.

"This is odious and immoral, and the law which permits this is odious and immoral, and this privilege accorded to the Jews is odious and immoral.

"Nowhere in the world, at least in no Christian country, are the Jews accorded the monstrous privilege of scandalous Sunday work. Canada is a Christian country. We are Catholic, Protestant or schismatic, but we are Christian. The people are Christian, the legislators are Christian, the government is Christian, and the law should be Christian.

"But the Sunday Observance law, when it concerns Jews, is not Christian but anti-Christian. It is Jewish. It is time to begin an agitation across the country to abrogate this immoral article in our Code." (March 24, 1910, reprinted in Action sociale, March 31, 1910)

A.M.C. Waterman regards the legislation as the result of a fortuitous conjunction of the interests of the religious Lord's Day Alliance and of the labour unions. ("The Lord's Day in Secular Society: A Historical Comment on the Canadian Lord's Day Act of 1906," in Canadian Journal of Theology, vol. 11, 1965, Pp. 108-23)

It has been said that the law of 1906 was "in some way the result of an agreement between the provincial legislation and the federal, and was even a sort of delegation of power by the latter; the Parliament of Canada suspended from July 13, 1906 to March 1, 1907 the coming into force of its Sunday law in order to permit the provincial legislators to make their law in regard to the observance or the profanation of the Sunday to their taste; that by means of reservations and clauses in the law it has approved, adopted and made its own any provincial law that may subsequently be passed...that under the conditions which which it has been passed, this law of Feb. 28, 1907 is, so to speak, an integral part or a dependency of the Sunday law of the Parliament of Canada." (Rapports judiciaires de Québec, vol. 59, Court of the King's Bench, Pp. 491-509)

Quebec was the only province to enact such excepting regulations, and various conclusions have been drawn from this fact.

Be these as they may, the Fortnightly Law Journal pointed out that some provinces such as Ontario did not have as free a hand in regulating Sunday work as did Quebec. Ontario for example, the law journal pointed out, was not given the freedom to legislate similarly by the federal act because pre-confederation Sunday Observance law remained in effect. Ontario legislation in this field, which might be permissive and not prohibitory, might well be invalid. (Vol. 7, June 15, 1937. P.22)

This limitation upon Ontario's powers also may have applied to other provinces; which may explain why other provinces, too, failed to use the period of grace permitted by the federal parliament (between the passage of the Lord's Day Act and its coming into effect). Indeed this shadow of a doubt might also have applied to Quebec, and this point was raised by Justice Barclay in 1935 when he questioned the validity of the Quebec law in the discussion about the powers of the legislature to abrogate the clause.

Recalling the vigorous effort of the Jews at this time, Omer Héroux three decades later noted, with malicious envy, that after the Commons refusal to enact an exception for them, "the Jews, then only a handful in our province, succeeded in having it inserted in provincial law. It is an example of tenacity and of tactical wisdom from which other minorities, beginning with our own, can learn for their own good." (Devoir, March 26, 1936)

The privilege passed by the Gouin Liberal government was for many years the object of attack by anti-Semites, particularly in the mid 1930's.

During the intervening years the issue was not quiescent. Mgr. Louis-Adolphe Paquet, apostolic protonotary, insisted that governments that rule over civilized peoples are bound to favor the worship of the Son by legalizing the fixing and the sanctification of the days of rest established by religious authority and consecrated by general usage. This particularly since the minister of justice had stated that the parliament of a Christian country ought to consecrate the principle that the day recognized by all Christians as consecrated to God should also be declared such by our laws -- a position approved by Premier Laurier, by the chief of the opposition Borden and by Bourassa. (House of Commons Debates, 1906, vol. 76, col. 5764, 5777; vol. 77, col. 7558) Where the state abstains from enacting laws of Sunday observance from a falsified concept of the rights of conscience, he wrote, it is religious opinion that is injured, and right, conscience and liberty of the true and of the good that are oppressed. (Droit publique de l'église. Action religieuse et la loi civile. Quebec, Laflamme & Proulx, 1915, Pp. 144-49)

"While the pious bells call the workers to church, it is the brutal call of the locomotive or the implacable whistle of the factory that they must obey. Is that the state safeguarding rights and protecting liberty?...

"The secular ordinance brings to the religious commandment a value which confirms it and a constraint which sanctions it...

"In regard to religious days of observance the church enjoys the power of supremacy. It is only just to recognize its views and its light in regard to this power as necessarily superior to the lights of the state."

Inevitably there were abuses of the law which was legislated for the benefit of the Jews who were sincere and strict "Shomrai Shabbat." It is probable that with the passage of time the proportion of Quebec Jews who were such observers of the laws regarding abstinence from work on Saturdays declined, and other Jews who worked on Saturdays also availed themselves of the exempting clause to work on Sundays too.

In the summer of 1909 there were a number of arrests under the Sunday law. Five bread delivery men were freed after charges on this law. (Eagle, Aug. 15 and 17, Dec. 24, 1909)

It was basically a police matter and, indeed, Premier Taschereau, who also served as his own attorney-general, took that position. Since no prosecution could be instituted under the act without his consent, he told the Jews that it was up to the courts to ensure justice to the Jews under the law, and that he would permit the initiation of test cases.

Clothing manufacturer Levinson was brought before Recorder's Court in Montreal on Jan. 25, 1924 under the Canadian Lord's Day Act. Police officers testified that eight persons were at work on Sunday. The defence (S.W. Jacobs and L. Phillips, advocates) pointed out that normally over 200 workers are employed, but that on Saturdays offices and factory are closed. On Sundays a few workers, in this instance eight, are admitted by Mr. Levinson personally to go through the mail and to coordinate the factory work of the previous week. No business was transacted that day and no customers admitted in the establishment which occupied an entire floor; no one was therefore disturbed. The entire arrangement was protected by the Quebec law.

The recorder agreed, and the complaint was dismissed.  
(2 Dominion Law Reports, 1924, 2. 1123-26)

Another attack on the Jews' privilege to rest on the Saturday by permitting them Sunday work came a year later in the Poyaner case.

That appeal from Recorder Sample's ruling reached the Court of the King's Bench on Apr. 15, 1925.

On Sept. 16, 1923 Poyaners Inc. was charged with infraction of the federal statute and was fined lightly. Its plea for exemption under Quebec legislation was denied because, as a limited corporation, it was not a person who could claim to be habitually resting on the Hebrew Sabbath. Although the company was not operating from Friday sunset to Saturday sunset, the law did not define the Jewish day of rest according to the Jewish system but demanded rest on the full Saturday, in place of the full Sunday repose envisaged by the law. Furthermore, it was argued, the law demanded a 24-hour period, whereas, the Jewish solar system in this case implied a rest period of 15 hours, from 6 A.M. to 9 P.M.

Judge C.A. Wilson, sitting on appeal in criminal jurisdiction of the Court of the King's Bench, dismissed the appeal and maintained the judgment of the Recorder, repeating that a corporation cannot have a religion. In effect, even though the stockholders of an incorporated company may in the majority of cases or in part, or in all cases belong to any religion -- whether Catholic, Protestant, Jewish or any other -- it does not follow that the religious character of its members may constitute the religion of the corporation. (1925. 39 Banc du roi. 311)

A moment in the life of a Jewish farmer in the west, Samuel Vicker recalled,

"One morning early in 1915 Raphael Rosenberg, my brother-in-law, knocked at my window, and asked me to hurry up, as a thief was running away with some bags of flour he had stolen from his warehouse. I hurriedly put on some clothes, ran out and recognized the thief. I called him by name and told him to stop, but he drove on, so I jumped on the neck yoke of his oxen and turned them into the bush, where they stopped. The man had six sacks of flour in his wagon.

"Naturally, I had to be a witness at the trial!

"A few days later, I was unhitching my horses coming from work in the field; Constable York of the Mounted Police came up and wanted to hand me a summons to come to the trial as a witness.

"I told him to keep the summons while I unhitched my horses, and to come in for supper. While we ate I told him I could not accept the summons, as the trial would take place in Star City on Saturday at two o'clock in the afternoon. I told him that I would arrange with Mr. Sheriff, the Justice of the Peace, to have the trial postponed until Monday at two.

"The trial was held on Monday, Tymko Vora was sentenced to thirty days in jail. I thought everything was all right, but Constable York called me to Mr. Sheriff's office after the trial.

"Two justices of the peace, Mr. Sheriff and Mr. Edgington were sitting there, and Constable York replied that he wanted to lay a charge against me for working in the field on Sunday. I asked the justices to give me a chance to say something.

"I told them that before I left South Africa we had written to the Deputy Minister of the Interior in Ottawa, who had replied assuring us that Canada was a free country with religious freedom. Moreover, I told them that according to British law in England it was permissible for a Jew who kept Saturday as his Sabbath to work on Sunday. Our Aunt Dunn, who had a store in London, kept the store closed on Saturday and open all day Sunday with the permission of the police. Furthermore, I argued that the Lord's Day Act does not state that a farmer cannot work on his own land on Sunday.

"Constable York said that I should have been a lawyer and not a farmer, and I told him that it was what I was that counted.

"The two justices of the peace agreed with me, and did not open court. Mr. Sheriff told Constable York that I helped him whenever an interpreter was needed, and that he and my brother Louis (who was also a justice of the peace) had often taken me away from my work in the field, even when I was harvesting, to act as interpreter, and I had never made any charge for my time."  
(Edited by Louis Rosenberg)

In perspective the rousing appeals of Action française under the inspiration of Chanoine Lionel Groulx can be recognized as shaping French Canada for many decades. Mot d'ordre for Nov. 1927 called for "Catholics to see to it" that Montreal be administered by a Catholic majority. "Every Sunday a hundred Jewish groceries are freely open, selling to all comers -- meats, vegetables, charcoal, etc. The police see nothing, or do not have the right to see. Do they institute proceedings?"

"Some knowledgeable person prevents them from getting anywhere, when the too zealous policeman is not transferred to a quieter area."

One very unfortunate event that did not occur deserves notice.

Some twenty years after the passage of the 1907 act Quebec was the scene of explosive agitation against the cinema in general and in particular against these houses of entertainment importing American made films, being open on Sundays and more particularly against these made available to children -- in spite of city regulations. The tinder in this complex of propaganda was the allegation that movies were but an element in the Judeo-Masonic conspiracy to subvert Christian civilization. The name of Nathanson was bandied as a symbol of this evil.

On Sunday, Jan. 9, 1927, fire in the Laurier Palace Theatre took the lives of 78 children.

What followed -- humanly, politically, legally, journalistically, clerically -- can be imagined. The case and the legal inquiry became a cynosure of social conflict, class confrontation, judicial prosecution, etc. As a direct consequence children were kept from Montreal movie houses for decades.

But the worst did not happen, for there were no Jews among the six operators or movie house owners, and the Jewish issue in this potentially explosive case was not developed.

The complaints against the Montreal Jewish grocers assumed a comic dimension one April day when they found that, in addition to the \$3.00 fine, each also had to pay interpreter Lightstone in addition \$1.00. But most of them "knew the language of Shakespeare better than the uninvited translator," as the Quebec City Action sociale reported. King Solomon's services were once more invoked: "translator's" fee, 50 ¢. (Apr. 5, 1910)

In August 1909, 17 Jewish grocers charged under the Sunday law, led by Mr. Mendelson of 303 St. Urbain St., considered uniting to protect their rights. They scheduled a meeting, together with soda water sellers, bakers and butchers, in the offices of the Eagle. (Eagle, Aug. 17, 1909)

The action against A. Redner and S. Cohen, operators of the Dominion Soda Water Co., strict observers of Saturday repose laws, was a sort of test case. Me. Maxwell Goldstein appeared for the defence. (Eagle, Sept. 13, 1909)

Following a sermon on the desecration of the Sunday by Jews, anti-Semites sought to stop them from working. Milkman D. Bercovitch was severely beaten. (Eagle, Apr. 19, 1910)

In the summer of 1914 twelve Jewish storekeepers were arrested on Sunday violation charges. (Eagle, June 10, 1914)

In Toronto, as well as in Montreal, the Jewish butchers and bakers who operated on Sundays were a thorn in the side of the police early in the century, and an occasion for constant agitation by churchmen. The Eagle complained that Mayor Martin was unjust to the observers of the Sabbath rest day, (June 7 and 18, 1914)

The Toronto National Matzoh Bakery was fined several times on similar charges. (Eagle, Nov. 6, 1909)

Louis Gurofsky of Toronto had several occasions to assist Jewish bakers in trouble with the Sunday law. (Canadian Jewish Archives, new series, no. 13, P.145)



TO BE CONTINUED...

This is the 1906 chapter in the annals of Canadian Jewry, with its implications for Quebec and for a Canadian attempt to legislate in an area of social sensitivity.

The conclusion reached in the compromise, largely in the Senate, and clearly after close consultation between legislators of both chambers -- between Canadians of both English and French traditions, between Orangemen and Québécois nationalists -- proved satisfactory and durable.

For most Canadian provinces the Sunday which was desired by their populations was legislated. Quebec was given the freedom to implement laws of its own choosing which enabled the Catholic province to live its own dominical life without interference from outside or from others. This freedom enabled Quebec, sensitive as it was to the place of religion in the life of people, to provide for Jewish observers of the Saturday Sabbath to obey their conscience as well as the law of the land, and yet earn their livelihood by the honest labor of a full week.

After a painful discussion on many platforms, in which not only the elevated minds of the nation participated, a solution emerged universally satisfactory. If it is to be related to any one person, it is Henri Bourassa who represents the effort and the gain.

The legislated arrangement stood untouched, on the law books of Quebec, for thirty years.

New times came in the province, especially new in the spiritual and political world of French Canada. The revolution has not yet been fully traced by historians. Some of the materials on the impact of these years upon the Jewish community of Montreal have been collected in this series of Canadian Jewish Archives and in the series Clouds in the Thirties. The biography of Henri Bourassa highlights this revolution in French Canada.

Came a time when he was deposed from moral and political leadership of French Canadian nationalism. He was ejected with but little courtesy from the Devoir he established and which rose to dignity and authority unprecedented in the nation's press.

Those who perpetrated the Brutus act were drunk on anti-Semitism, to Bourassa's horror loudly expressed. The aim of their attack was the clause in the Sunday law which protected Jews observant of their ancient Sabbath.

On the débris of this 30-year law which was a monument to Bourassa-Lavergne statesmanship, Duplessis became the nationalist spokesman and premier of the French Canadian province.

This development is told in some detail in Canadian Jewish Archives, new series, no. 8.

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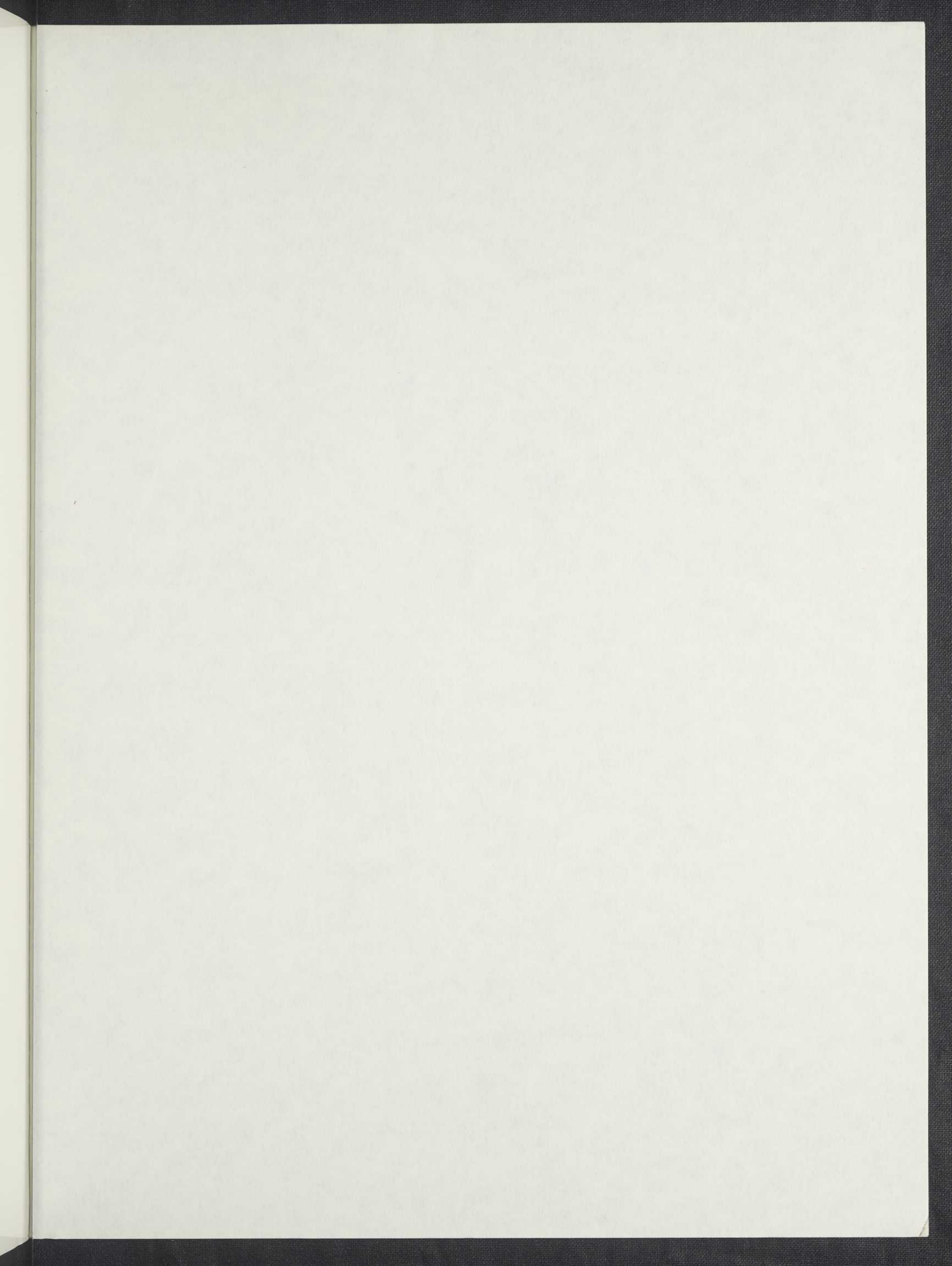
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