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CANADIAN JEWISH ARCHIVES

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

Nous nous souvenons

NEW SERIES
Number thirty

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

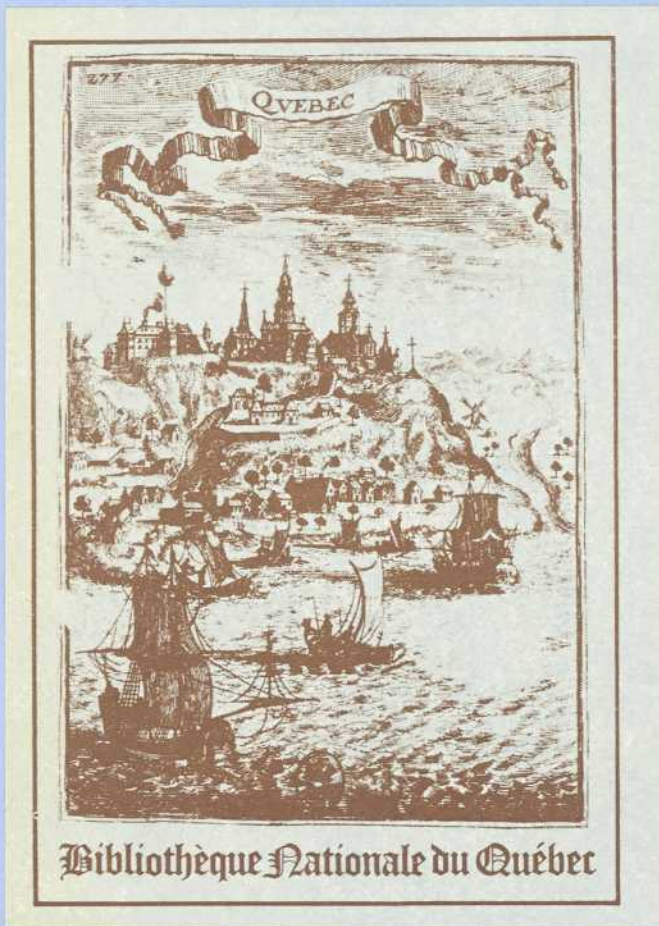
ON THE JEWS OF LOWER CANADA
and 1837-38
Part 3

Compiled by
DAVID ROME

NATIONAL ARCHIVES
CANADIAN JEWISH CONGRESS

MONTREAL CANADA
1983

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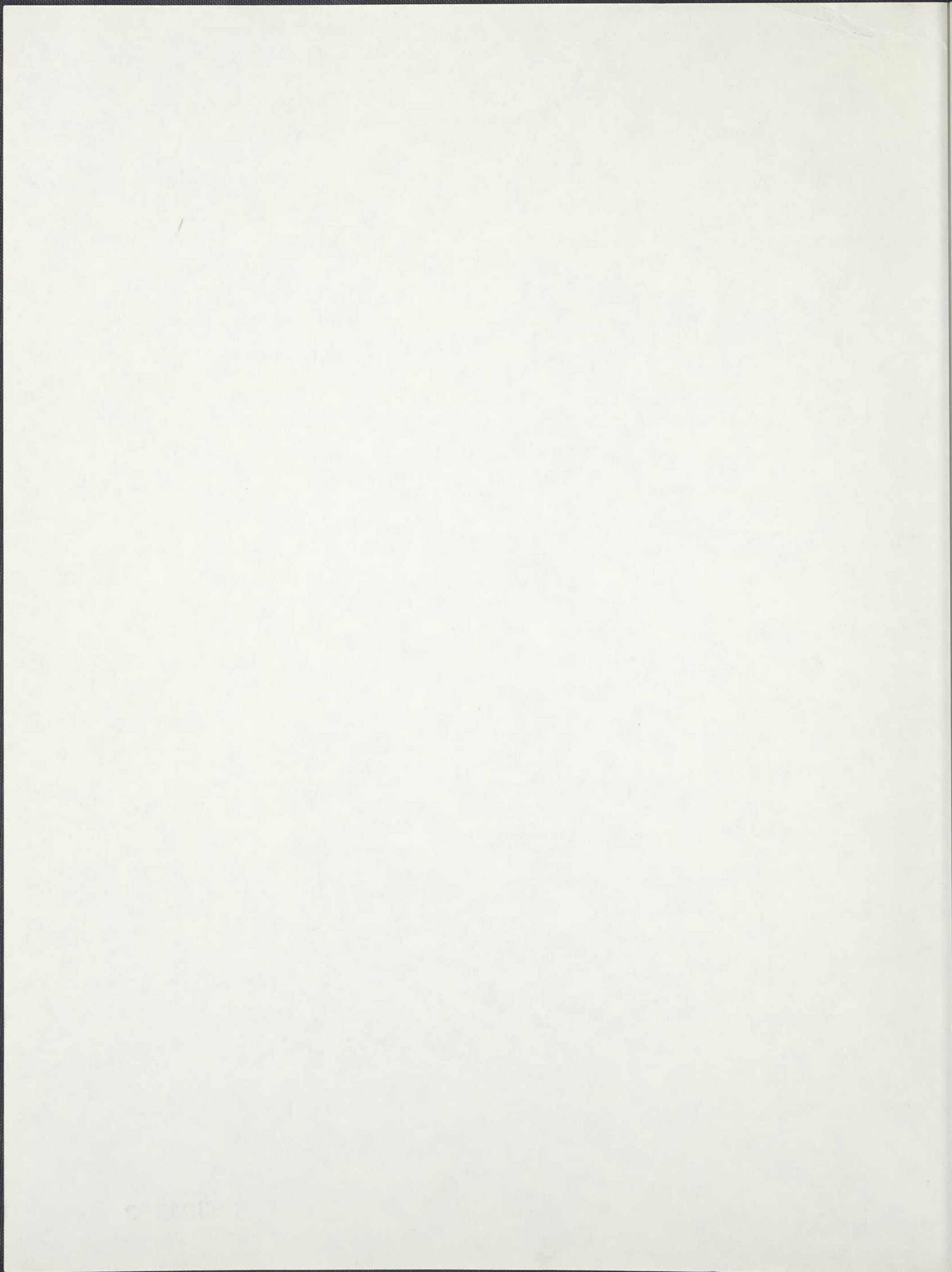
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Remembering is the root of redemption
(Rabbi Shimon Tov)

NEW SERIES

Number 106

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After the suppression of the 1837 attempt at constitutional change... the movement... the political movement... into the hands of persons considered more practical, and yet more determined than the original leaders...

Although he had not taken a large part in the events of 1837, as his brother William Nelson, engineer and probably Protestant... together with Tappan and other devoted leaders of that first phase of the revolution.

By the first days of 1838 he had become a leader of the group which considered Tappan too moderate and too timid.

He proclaimed himself president of a new republic on Nov. 4 at Bapatzenie; he was forced to flee across the border by the advent of an army of 5-6,000 men. The plan miscarried during the first days of Dec. 1838.

Rejecting Tappan's strategy of awaiting American support before attempting another violent attack on the British forces in Lower Canada, Robert Nelson's group organized an "invasion" on Feb. 28, 1838. But this proved a ridiculous failure and revealed to the conspirators that the American authorities were not as all ready to aid the Canadian independence forces.

Second Rebellion: A New Movement

As early as St. Charles and the Montreal riots of November the political movement for responsible government entered a new post-Papineau phase, with Papineau as the standard, but not as the standard-bearer.

After the suppression of the 1837 attempt at constitutional change the movement entered into new phases, with different ideology, a new leadership, relationship and strategy -- as so often happens in the histories of revolutions.

When political negotiation and a sense of intolerable oppression hardened into physical confrontation and threats of violence, the tactical leadership, and possibly even the political objectives, fell into the hands of persons considered more practical, and yet more desperate than Dr. Wolfred Nelson's or Papineau's.

At this moment after these watershed weeks, there commences another rebellion personalized by Wolfred Nelson's brother, Robert.

Although he had not taken a large part in the revolt of 1837, as did his brother Wolfred Nelson, anglophone and probably Protestant Robert Nelson was, at the close of 1837, in American exile, travelling together with Papineau and other defeated leaders of that first phase of the revolution.

By the first days of 1838 he had become a leader of the group which considered Papineau too moderate and too timid.

He proclaimed himself president of a new republic on Nov. 4 at Napierville; he was forced to flee across the border by the advent of an army of 5-6,000 men. The plan miscarried during the first days of Dec. 1838.

Rejecting Papineau's strategy of awaiting American support before attempting another violent attack on the British forces in Lower Canada, Robert Nelson's group organized an "invasion" on Feb. 28, 1838. But this proved a ridiculous failure and revealed to the conspirators that the American authorities were not at all ready to aid the Canadian independence forces.

South of Montreal, at Beauharnois, a group of 600 of his men attacked a manor house and another group seized a steamer which was important in local communications. At Chateauguay the Patriotes disarmed the local Scottish loyalists before the Indians at Caughnawaga gave them strong resistance. At Terrebonne the police entered into a truce with the rebels. There was fighting at Lacolle and Odelltown.

After another failure at Odelltown, Nelson fled to the United States.

We have a record of the Jewish Patriote Louis Marchand conferring with Robert Nelson at High Gate, Vt., in December 1838, about joining the Canadian rebels who had found refuge in the U.S. (Canadian Jewish Archives, no. 20, p. 191; A. Fauteux. Les Patriotes de 1837-38, pp. 312-13; Montreal prison records of Jan. 5, 1838 describe Louis Marchand as merchant of St. Mathias, age 38. -- P.A. Linteau)

To this second insurrection, As L.O. David called it -- or to a part of this enterprise -- there attaches a remarkable Jewish episode.

The Secret Society of Chasseurs

One case in historic obscurity is that of the near-pogrom of Montreal of 1838 by the Association des frères chasseurs, or of a group of Chasseurs (Hunters) within the association.

The history of this group is not known, nor is its place or extent within the revolution clear. Those members of the Montreal group -- and possibly of others -- whose designs on the small Jewish community are frightening and possibly unique in the history of the continent, shape a mystery within a mystery.

Indeed, it was the disruption of confidentiality within the group of Canadiens in the U.S. in regard to their plans that led them to establish a secret society.

L.N. Carrier wrote in 1877 in his Les Evénements de 1837-38, Esquisse historique de l'insurrection du Bas-Canada. (Quebec, L'Evénement. P. 172),

"Aware that their expedition had failed for lack of discretion and of the necessary preparation, they thought of uniting all who would contribute to the independence of the country by the ties of a secret society. They founded the Association des chasseurs which enrolled many adherents in the U.S. and in Canada."

"Unlike the first uprising which developed in broad daylight, the second took the form of a conspiracy," wrote L.O. David in his Les Patriotes de 1837-38. (Montreal, Leméac, 1978. Pp. 62-63)

Historian Lionel Groulx records, "Robert Nelson's Declaration of Independence began the offensive. For this action the uprising seems to have been better organized. The 'excited' Patriotes, exasperated by rancour and unhappiness, had prepared for it; they counted on the secret society of Frères chasseurs, widely supported in the United States and on this side of the frontier. Morale in Lower Canada was more directed than the previous year. The severe repressions of Colborne had angered even the moderates. The first clumsiness of Lord Durham, his imprudent statements on what awaited French Canadians had alarmed even the pacifists." (Histoire du Canada français, vol. 2. Montreal, Fides, 1960. P. 162)

At the state trials of the rebels Dr. J.B. Brien testified, "When Lord Durham came to Canada, the Canadian fugitives who opposed any form of conciliation, such as R. Nelson, Malhiot and Côté, continued to devise new invasion plans. Rendered desperate by seeing their intentions revealed through the indiscretion of their own people and recognizing the need to secure absolute secrecy -- an essential for any conspiracy -- they decided to establish an association whose very existence would remain a secret, in the U.S. as well as in Canada." (II. 550)

The distinguished librarian-historian of Quebec, Fauteux, notes,

"The Association born then -- and whose very name only became known later -- was in reality a para-military organization. Its structure corresponded to that of an army. The Aigle was the commander-in-chief of a division, a brigadier, a colonel; the Castor was a captain who had six Raquets at his order; the Raquet had nine Chasseurs; the Chasseur was the simple soldier.

"However, to be part of the organization the aspirant had to take an oath of obedience, mutual help and secrecy, since this was the very raison d'être of the society -- not to speak of the rites of initiation which could not but be terrifying. 'All this I promise without reservation, on pain of having my properties destroyed and my throat cut to the bone.'" (Aegide Fauteux. Les Patriotes de 1837-38 P. 62)

Another contemporary document on the Chasseurs derives from Sabrevois de Bleury, dated 1839.

This opponent of Papineau writes of the Patriotes who fled to the U.S. but were tolerated "by magistrates and other authorities of common origin who provided them with many facilities to act in the frontier counties. These unhappy men formed secret societies, following the principles of carbonarism; their members were called Chasseurs. As they penetrated each parish they succeeded, by referring to ancient appeals and new fears, in imposing oaths upon a goodly portion of the population. They developed a vast conspiracy, organized on American territory by the refugees from Upper and Lower Canada, which was to come into the open in the two provinces the same day and overthrow British domination for good.

"This association was first uncovered in Upper Canada. Sir Arthur, who succeeded Sir Francis Head in the administration of this province, had correspondence on this question with the authorities in the U.S. who gave him all the information they had and effectively supported the activities of the British officers. Sir Arthur came to Quebec several days before the departure of Lord Durham to inform him of what he knew of the plan and to tell him of the danger which the two provinces would face anew.

"But the circumstances did not shake Lord Durham's plan to retire. They only confirmed it. The only change brought about was that, instead of going through the United States and visiting our neighbours there before returning to England, as he had intended, the dethroned viceroy boarded a government ship and sailed by the gulf, to avoid the dangers that awaited him on the soil of freedom." (Réfutation de l'écrit de Louis-Joseph Papineau, ex-orateur de la Chambre d'Assemblée du Bas Canada, intitulé Histoire de l'insurrection du Canada, publié dans le recueil hebdomadaire La Revue du progrès, imprimé à Paris. Montreal, John Lovell. P. 102)

He added,

"Von Schultz, whose unfortunate and bloody attack on the Moulin à Vent in Upper Canada ended with his hanging, was one of the creators of the Chasseurs who were quite similar to the Mowers who were set up in Poland in Apr. 1821 by the officer Szaczaniecki and by Gen. Uminsky. The names of the officer ranks of the Chasseurs were characteristic of the ancient attitudes of the Canadian people, of the mixture of savagery and civilization in the trade of upper country.

"Most of the habitants who entered into this conspiracy did so only out of fear; because they were told that a great American army would come and treat them as enemies, burning, robbing and massacring all who were not of this society and who could not give the secret sign." (P. 108)

The confessions of Charles Hindelang, the French officer captured in Odeltown, (Herald, Nov. 17, 1838) cite his relationship with Mr. Duvernay, "My services were also required by, and I became for a few days personally acquainted with, one Mr. Von Schultz, a self-styled colonel seeking officers and soldiers for service in Upper Canada. I can, if necessary, further furnish details in reference to his intentions and his military arrangements, but will only do so in a personal communication."

The biographers of Robert Nelson in the Dictionary of Canadian Biography -- Richard Chabot, Jacques Monet and Yves Roby -- explain the formation of the Chasseurs, "to counter the new neutrality law passed by the American Congress in March 1838, a much more severe law than had been requested two months earlier by the president and much more rigorous than the earlier legislation. The funds to finance the movement were raised among sympathizers in Lower Canada and in the United States.

"Nelson entrusted the recruitment to such dynamic associates as John McDonell, Célestin Beausoleil, Georges-Edouard Malhiot, who travelled across Lower Canada, established lodges and promised arms and munitions for the great day of deliverance.

"Whatever their number, this army was scarcely disciplined. Nelson's leadership was not very firm. Distant, doctrinaire, intransigent, he did not enjoy the unconditional support of the most devoted champions of the cause. Nor could he eliminate the personal quarrels, rivalries and ambition. Anarchy reigned in this society where each man sought to realize his own grand design."

The saga of this organization was written by Father Ivanhoe Caron and included in the canon of the Royal Society of Canada Transactions of 1926 (3rd ser., vol. 20, Section 1, Pp. 17-54).

According to this work, "Une Société secrète dans le Bas-Canada en 1838; L'Association," a conspiratorial group of fighters strove for an independent French Lower Canada, Catholic, free of British laws and from British laws.

D.B. Read said that the group was as much English as it was French in language, and probably as American as it was Canadian. The historian explains the Lodge of Hunters as originating with an Ontario man, a Mr. Hunter, who founded it. (D.B. Read, The Canadian Rebellion of 1837. Toronto, Blackett, 1896. Pp. 353, 357-61)

"When he escaped from Toronto he went to the United States. Anxious to have his name handed down to posterity, he proceeded to form Lodges in the land of the Stars and Stripes, which were named Hunter's Lodges. There was a general convention of these Lodges held at Cleveland, Ohio, in September, 1838, which was attended by seventy delegates. The members of Hunter's Lodges took an oath, which commenced by swearing allegiance to Republican institutions, and ended by declaring that the aforesaid members would, 'until death.

attack, combat, and help to destroy, by all means that their superior officer should think proper, every power, or authority of Royal origin, upon this continent, and especially never to rest till all tyrants of Britain cease to have any dominion or footing whatever in North America.' This was a pretty strong oath, but was greedily taken, not only by the exiled Canadians, but by the other members of the convention, whom Canadian refugees described as 'Americans, men of poor fortunes.'

"The Hunters,' as they called themselves, now proceeded to active invasion, and by November, 1838, had assembled for an attack on Prescott, a town in the County of Grenville, on the frontier, opposite to the American town of Ogdensburg. On Sunday morning, the 11th of Nov., a large steamer, the United States, towing two schooners loaded with armed men, left Sackett's Harbour for Prescott. The number of armed men was about seven hundred, and all were under the command of Col. Von Shultz, a brave Pole, who had been appointed to command of the expedition.

"One of the schooner was in some way run ashore on a bar in the river, and the unfortunate Von Shultz was left with only one schooner and one hundred and seventy men with which to make a conquest of Canada.

"Von Shultz however was not a man to turn back. He landed his men on the 12th of November, on the Canadian shore, and took possession of a windmill just below the town of Prescott, and there fortified himself.

"Captain Sandom, commanding the Royal Navy in Upper Canada, having heard of Von Shultz's expedition and his setting out from Sackett's Harbour, immediately left Kingston with a detachment of forty men and a party of marines in the steamer Victoria, accompanied by the Cobourg, for the purpose of intercepting him, and after effecting the landing of his force, and being joined by a party of militia, the marines and militia made an attack on Von Shultz's fortified posts, and after an hour's firing drove them into the windmill.

"Von Shultz and his men remained cooped up in the mill. On the 16th, at noon, Col. Dundas, with four companies of the 83rd Regiment, planted his guns in good position, and began firing upon the windmill on either flank to prevent the escape of the occupants.

"The fire from Col. Dundas' battery was so effective that the mill became untenable and when darkness fell, under cover of the night, Von Shultz and a division of his men took refuge in the brush wood on the bank of the river, where he and his men were shortly taken prisoners.

"One hundred and fifty men, killed and wounded on both sides, were lost in what is known in the annals of the rebellion as the battle of 'The Windmill'. One hundred and fifty-seven prisoners were taken of whom eleven were executed, including the unfortunate Von Shultz."

Information utilized by Albert B. Corey in his The Crisis of 1830-42 in Canadian-American Relations (New Haven, Yale University Press, 1941) indicates the strong American character of the movement.

The form of oaths administered in the U.S. was clearly not of Lower Canadian inspiration,

"I swear to do my utmost to promote Republican Institutions and ideas throughout the world -- to cherish them, to defend them; and especially to devote myself to the propagation, protection, and defense of these institutions in North America. I pledge my life, my property, and my sacred honor to the Association; I bind myself to its interests, and I promise, until death, that I will attack, combat, and help to destroy, by all means that my superior may think proper, every power, or authority, of Royal origin, upon this continent; and especially never to rest till all tyrants of Britain cease to have any dominion or footing whatever in North America."

He cites the Journal of Commerce which locates some 800 lodges in various states as far afield as Louisiana, Wisconsin, Indiana, Kentucky and Maryland.

The extent of the movement has never been even approximately appraised. The impressions ran from several thousand members to 200,000 given by Corey -- clearly far higher than could be considered for a movement of Lower Canadian, or even Canadian, refugees who had fled across the border to the U.S. This is as true of the conservative figure of 40,000 which that author accepts.

Indeed, a Jefferson County newspaper describes the American mass movement which swept such a large area,

"Laborers left their employ; apprentices their masters; mechanics abandoned their shops; merchants their counters; magistrates their official duties; husbands their families; children their parents; Christians their churches; ministers of the gospel their charge, to attend (the) meetings of the Hunters."

An analytical report of 140 prisoners taken at Prescott, a fourth of them Hunters, describes 5 of them as coming from Canada, 58 from northern New York State and 2 Englishmen, "A few Europeans who spoke a little English were taken along as menials without their understanding the nature of what they were being sent to do.

"Practically every man was a laborer, dependent for the most part upon seasonal employment. Twenty-three trades were represented and there were sixty-five who called themselves laborers. There was one teacher and one 'gentleman.' The majority of the men were very young. Twenty-seven were in the teens, seventy were in the twenties, eighteen were in the thirties, and the remaining seventeen whose ages are given were in the forties and fifties. Appeals were made to their hope of self-aggrandizement by promises of a wage of \$8 a month, a bounty of \$80, and 160 acres of land in Upper Canada." (Pp. 75-78)

Robert Rumilly confirms the relationship of the Upper Canadians with the Lower Canadians in his Papineau et son temps. Pp. 250-51)

J. Schull also tells the American story of the gathering of the Hunters who were the Upper Canadian wing of the Lower Canadian Chasseurs.

"A convention at Cleveland, Ohio, between the 16th and 22nd of the month, had brought together the delegates of a recently formed society. The men came from all along the border and from both sides of it, and their numbers were estimated variously at between seventy and one hundred and twenty. They were known to the English-speaking as members of the Hunters' Lodges and to the French as Les Frères chasseurs, but all information about them was so confused and contradictory as to be almost useless. With even the number of delegates in dispute, there was still greater uncertainty as to the membership they represented. There was no doubt that it was large, however, and no doubt of the intent. Organized in grim secrecy and bound by horrendous oaths, it was sworn 'never to rest till all tyrants of Britain cease to have any dominion or footing whatever in North America.'

"There was obviously work continuing under the talk, there was constant, widespread movement, and there was even a hint at last of central direction.

"The new body had begun to take shape in the spring, as a coalescing of half a dozen secret and rebellious groups along the border, where the activists had full control and free rein. They had gone to work in a hot and welcoming environment, and with the blessing of hard times. The communities of patriot exiles, spraying out fiery news-sheets and revolutionary speakers, were making the cause of Canada a national preoccupation. Everywhere disgruntled men, often hungry and jobless, were looking for trouble when work was not to be found. Among the better-off there was native anti-Britishness, and the Society provided an outlet near at hand. There was the sacred urge to extend republican government, and there was added charm for joiners in the oaths and secret rites. Thousands of free Americans, eager to free Canadians, were soon exchanging the handclasps, putting the fingers to nostrils, and trading the mystic jargon that made them brothers. 'Laborers left their employ.' wrote one recorder of the times, 'mechanics abandoned their shops, merchants their counters, magistrates their official duties, husbands their families, children their parents, Christians their churches, and ministers of the gospel their charges to attend meetings of the Hunters.'" (Pp. 150-51)

This American orientation of the conspiracy of the Chasseurs also appears from the report of Dr. Brien. When Nelson and Côté confided to him at St. Albans the plan of action for Sept. 1838 they told him that they were in contact with McLeod and Mackenzie, "The Canadian chiefs had met with McLeod at St. Albans and Plattsburg. He had been quite without funds; De Lorimier gave him enough to be able to proceed on his way properly. He had said that he had sufficient men and ammunition to invade Upper Canada successfully. The Americans at Detroit, Cleveland, Munroe, Buffalo, Rochester, Oswego, Ogdensburg, Albany, New York and other cities have placed him in the position whereby he can attack Upper Canada at two points! He wanted the Lower Canadians to maintain their hostile and threatening attitude so as to keep the English soldiery to remain in Lower Canada while McLeod attacked Upper Canada with strong forces by working from the west, where he expected many partisans, and the Johnson district to cut communications by the St. Lawrence between Montreal and Kingston. He wanted the inhabitants of the Deux Montagnes and Vaudreuil counties to cut communications on the Ottawa, to stop the boats and to make the interior side of the Rideau Canal useless.

"He told us that a similar association existed in Upper Canada and on the boundary." (Opinion publique, March 24, 1881)

Even Father Caron notes that no document exists which can permit an explicit statement that Nelson was the principal author of the association. It still needs to be clarified whether his was the first idea for such an institution, or whether there was an earlier association to which he affiliated the Canadian Société des frères chasseurs. The contributors to the Dictionary of Canadian Biography -- Richard Chabot, Jacques Monet and Yves Roby -- believe that Nelson organized the secret military style Association des frères chasseurs to circumvent the stricter American neutrality law that was passed at this time.

This association was quickly set up on an impressive scale. Lodges were consecrated in various parts of the colony and in adjoining American states from Maine to Michigan. Oaths of loyalty and of secrecy, patterned largely on those of orders in the Anglo-Saxon tradition, bound a number of men to act, and to pledge mutual support in the common cause.

Lodges of the secret society, dedicated to the independence of Canada to be established following an invasion, included exiles from both Upper and Lower Canada who made common cause with a number of American adventurers.

Caron lists some 300 chasseurs known to him by name from dozens of Quebec parishes, in addition to 17 Americans from neighbouring states.

Signs of Life

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

The Montreal Herald of Aug. 16, 1838 notes,

"A gentleman from Odeltown, to whose statement from his well-known respectability we are induced to give credence, says that the Canadiens residing about that place are in the habit of proceeding every Sunday evening through that place to Champlain in groups on the pretense of going to attend divine worship while, from certain information that has been elicited from one of the party, it appears that the real cause of their proceeding thither is to visit Dr. Côté who is at Champlain and who binds them individually by an oath to the following effect: that each be prepared without fail to rise on the certain date to be named hereafter, and that no mercy be extended to either man, woman or child who shall not be able to give their countersign and answer their mysterious questions.

"It may not be amiss perhaps to hint to the powers that be that they should be very cautious as to what sort of characters they admit to the important trust of watching over the city at night, lest, like the respectable nightwatcher that existed about 12 months ago, whose vigilance was certainly unquestionable whenever they designed to rob stores or to set fire to houses, they volunteer their services for equally bad and worse purposes."

A letter from O.B.T.S. to the editor of the Montreal Herald appeared in the issue of September 2, 1838,

"While ministers are waging a wordy war which is construed in favor of the more than ever existing revolutionary cause in Canada, why, to all appearances is the Earl of Durham so totally inert?

"Already since the receipt of the late important parliamentary intelligence from England, we are assailed by the patriots in this city with the expression of their anticipation of a speedy realization of their long-frustrated schemes of independence and revenge. Already do they tell us that they look forward with certainty to the early return amongst them of their exiled and interdicted compatriots and of the now existing possibility of extending further punishment to their fellow traitors of last winter.

"In the meantime, those flaming vehicles of political incendiarism, Le Temps and La Quotidienne are spreading far and wide throughout the country their revolutionary principles and designs, without our governor-general appearing to be aware of the mischief which they are doing or willing to check them in their career.

"From the parishes at and adjoining the scenes of the disturbances of last winter we hear of secret meetings, of fearful oaths against the loyalists being registered -- of a well-concerted connection with the refugees in the States -- and of the intended acquisition of a great quantity of firearms for revolutionary purposes; yet nothing is done by our governor-general in the way of inquiry, observation or prevention. Why under these circumstances and in the present critical position of the loyal inhabitants of this country, why, I reiterate my inquiry, is the Earl of Durham to all appearances so totally inert?

"All this is quite in keeping with the rumor of private meetings being already held in certain places in this city within the last three weeks."

The Montreal Herald of Oct. 9, 1838 reported,

"The Sons of Liberty in this city, not content with having been well thrashed by the Loyalists on the 6th of November last, have again commenced their drilling meetings, though not so publicly as they formerly exhibited themselves. On Sunday last, Oct. 7th at 5 o'clock the muster was made on the mountain, and if the drill is at the same place next Sunday, some spectators may be expected.

"A resident of St. Césaire has stated that, being determined to find out whether or not secret meetings were held in that village, he sat up several nights and walked about for the purpose of making observations. He saw a few evenings ago an assemblage of people in the house of an avowed rebel, and discovered through a chink in the window shutter an open volume which he took for a Bible, upon which several individuals placed their hands and appeared to be taking an oath.

"All these circumstances show plainly what are the intentions of the rebels, however much they display a want of judgment on their part. They have not the slightest chance of success in any attempt which they may make, because they want means and they want the moral courage. Their leaders have shown themselves arrant cowards and it is well known that no body of men can fight well unless they have a brave general."

Théophile Bruneau informed his brother-in-law Papineau that he had sworn allegiance to Robert Nelson and that when called on he would march as an officer or as a simple soldier. (Papineau et son temps. Pp. 251-52)

Bruneau wrote more explicitly to R. Duvernay,

"I informed Papineau that I had sworn fidelity to Nelson's provisional government and that I was a member of Albany secret societies...I also told him that we would use his name freely, except for money matters...So use his name discreetly in New York. I am confident that he will not disavow us." (Cited by Ouellet, P.473)

According to the testimony of one of the prisoners at the State trial, Nelson, Côté, De Lorimier and Doré "were in constant communication with M'Leod and Mackenzie. M'Leod, himself, came to St. Albans, Plattsburgh, and other places, to have an interview with the chiefs of Lower Canada. He was entirely destitute of money, and Sarburn, De Lorimier and myself supplied him with funds, to enable him to continue his journey respectably. He told us, that with the number of men, and the quantity of arms and ammunition at his disposal, he was in a condition to make a successful invasion on Upper Canada. The Americans of Detroit, Cleveland, Munroe, Buffalo - Rochester, Oswego, Ogdensburgh, Albany, New York, and other places would put him in a

condition to attack Upper Canada at two different points. He asked only of the Lower Canadians to maintain a hostile and threatening attitude, in order to oblige the British troops to remain in Lower Canada, whilst he (M'Leod) should attack Upper Canada in two different places, with a formidable force, by the Western District, where he said he still reckoned on meeting many partisans, and by the Johnstown District, to cut off the communication by the St. Lawrence between the two principal points, Montreal and Kingston. He desired that the inhabitants of the county of Two Mountains and of Vaudreuil should cut off the communication on the Ottawa, stop the steamboats, and render useless the interior position of the Rideau Canal. M'Leod was received into the society, of which he had not heard mention before; he told us that there existed then a similar association in Upper Canada and on the frontier, but much inferior to this, and much more defective; and that on his return among his brethren, he would cause this to be adopted in preference to all others." (State Trials, Pp. 550-51)

Clearly, early in 1838, there was a large organization rapidly mobilized, active on several levels, with a plan for the seizure of power.

When the worst was over Sir John Colborne defended himself before the Marquis of Normanby on May 6, 1839 against accusations from Lafontaine and Mondelet leveled in a petition to the House of Commons "of personal injustice and oppression exercised against the prisoners themselves.

"It appears to be alleged; that carte blanche had been given to the government to execute arbitrary and unwarrantable arrests, that a commission had been subsequently appointed to entrap prisoners into self-incrimination, and that such prisoners had been denied all reparation at civil law by an ordinance of indemnity; that devastations and excesses had been committed by Her Majesty's troops and the volunteers, led on by their superior officers; that opinions had been obtained from certain of the judges, extra-judicially; that other judges had been suspended; and that the revolutionary printing-presses had been seized and suppressed.

"These charges are combined with a general arraignment of the ordinances of the special council, of the declaration of martial law, and of every precautionary measure forced upon the government by the wicked instigators and abettors of the late revolt."

Colborne responded by recalling the alarming crisis "which menaced the safety of the province in the month of November last, and I shall have no difficulty in showing that the precautionary measures sanctioned by me were demanded by the imminent and increasing danger of the country.

"Late in the month of October, and previously to the embarkation of the Earl of Durham, it was known to the executive government, and to the inspector of police in the city of Montreal, that upwards of 3000 conspirators had bound themselves by secret oaths in that city alone, and were prepared to rise on a preconcerted day in open rebellion. On my arrival in Montreal, early on the morning of the 4th of November, I found that the population of several counties on the river Richelieu, of Chateaugay, Beauharnois, and of Terrebonne, in the rear of the city, were in a state of declared insurrection, and that murder and various outrages upon persons and property had been already committed, and were actually in progress. The terrified loyalists from the surrounding country flocked into the town, and augmented the alarm and excitement which pervaded the community. A council was immediately summoned, martial law was declared, the volunteers armed and called into active service, and such military preparations made as might restore confidence to the timid, and afford support to those who had spontaneously rushed forward in the cause of their Sovereign. At the same time, the inspector of police in Montreal received general instructions, with reference to the extent and danger of the conspiracy, to arrest at once any persons who might justly be suspected of having promoted or being implicated in the existing revolt. It can be a matter of little surprise that, at such a moment, individuals whose notorious principles and previous conduct and character had identified them with the cause of disaffection should have been secured by the magistrates in charge of the police."

Mason Wade writes, "After a brief stay in an American jail for violating frontier regulations, Nelson and his associates organized a secret society, the Hunters' Lodges, or Frères chasseurs, whose aim was the invasion of Canada and the achievement of independence. This same military organization, in which both Upper and Lower Canadian exiles made common cause and which enlisted some American adventurers, established itself during the summer of 1838 in the frontier States from Maine to Michigan and in both Upper and Lower Canada. Each district was commanded by a Great Eagle who had authority over the Eagles or Company Commanders...Each company had 50 men commanded by 5 Raquettes under a Castor...The influence of Freemasonry was evident in the organization whose French-Canadian centres were at Plattsburg, Montreal and Quebec.

"The leaders planned an invasion of Lower Canada 5 days after Upper Canada had been attacked and the troops thus drawn off to the upper province...

"Colborne, once more administrator of the province, after Durham's departure, estimated that the association had 200,000 members in Canada and the United States, with 3,000 in Montreal alone. This estimate is evidenced by the fact that the Chasseur Félix Poutré, who later turned informer, was able to raise 3,000 men around St. John's, though the majority were more eager to talk over their grievances than to bear arms.

"The conspiracy gained many new supporters when Durham's farewell proclamation of October 9, gave notice of his aim to 'elevate the Province of Lower Canada to a thoroughly British character, to raise the defective institutions of Lower Canada to the level of British civilization and freedom, to remove all impediments to the course of British enterprise in this Province,' and to 'touch ancient laws and habits, as well as deep-rooted abuses.'

"At the prospect of national extinction many of the French-Canadian moderates joined with the extremists, and this time the clergy made no effort to check the agitation." (The French Canadians, 1760-1945, pp. 189-91)

"The most ridiculous and impossible rumours circulated as to the number of Frères chasseurs. Sir John Colborne, administrator of the colony, speaks of tens of thousands while others tell of each parish in Lower Canada having its own lodge." (Dictionary of Canadian Biography; Montreal and Quebec file on Documents de 1837-38 on John McDonell, Célestin Beausoleil, F. Glackmeyer and Joseph Vincent, no. 463 in Archives nationales du Québec)

Joseph Dumouchelle of St. Martin is alleged to have sworn in nearly 300 men who were almost all "armed, and the ammunition was sufficiently abundant." (Report of State Trials, p. 552)

Current research indicates that well over 5,000 men took part in the rebellion.

Robert Nelson persuaded Notary Joseph-Narchisse Cardinal that powerful American support would assure the success of the Canadian rebellion. Cardinal transformed the house of Mme. Boudria, where he had his office, into a revolutionary nest, a Chasseurs' lodge.

St. Timothée merchant François-Xavier Prieur had got to know Papineau, Rodier, the Vigers and La Fontaine at the historic Fabre bookstore and had been converted to their cause. With the rank of Castor he became the chief recruiter for the lodge in his parish. (Rumilly. Papineau et son temps. 233-34)

When both rebellions were over and unfortunate soldiers of the revolt -- taken almost at random -- were in the Montreal prison on trial for their lives, they were visited by Mgr. Bourget. He concluded, "We must attribute a part of the misfortunes which have befallen us to the miserable oaths which our people have taken since spring." (Letter to Father J. Olivier Archambault of St. Timothée, cited by R. Rumilly. Papineau et son temps. vol. 2, P. 90)

Foreign Ramifications

When the Association des chasseurs was formed Robert Nelson secured written authority from the Canadien leaders in the U.S. to negotiate a loan from the Astor and Oreal house in New York. He was supported by Malhiot and others.

When Nelson first spoke to Dr. Brien of the conspiracy of the Chasseurs in Albany he told him that the plan already had ramifications all over the world. (Opinion publique, March 24, 1881)

The American interest was said to be coherent with their anti-English stance. Assistance to the Canadien rebels might relate to the current attempt to adjust the American-Canadian boundary lines in their favor. (Prison Notes by Dr. Brien, Nov. 1838, in Opinion publique. March 24, 1881, P.1)

As the date of the attempted rising approached, specific reports sent north from the rebel leaders in upper New York, through the hands of Chevalier de Lorimier, guaranteeing that an entire formidable army composed of French officers, described as Napoleon's officers, encouraged sub rosa by the American authorities, would bring them any arms and munitions they might still need. (Papineau et son temps. 2.53)

It almost does not matter whether these were meaningful contacts or were only believed to be real by Lower Canadian fugitives of the failed revolt of 1837. These Canadiens acted as if they were real.

There is a further colorful foreign dimension to this rebellion plot:

The government of Imperial Russia was reported to be supportive of the Canadian rebels in order to avenge itself for the English monetary and manpower aid which the Circassian rebels had received in their attacks on the Muscovite armies.

In his deposition of Nov. 1838 Charles Hindelang spoke of some Polish and French officers serving with Dr. Robert Nelson. (Christie, vol. 5, P. 255)

A Swiss named Amury Girod played an important part in the events of St. Eustache.

The Archives nationales du Québec preserve documentation (nos. 2958-70) involving the Hungarian John Braditch Eliovitch, Baron de Fratellin, and others referring to the wife of the Russian consul at Boston and to the Russian commercial agent in New York who were calling on Poles in the U.S. to aid the Lower Canadian rebels.

The Hungarian Québécois, a professional agitator, as Rumilly calls him, connected with the de Lorimier family, collaborated with Dr. Brien. (Papineau et son temps, 2.48)

Fernand Ouellet relates Papineau's efforts to enlist foreign support and the support of foreigners for the Canadian cause with his break with his own radicals. "He became convinced that a revolution in Lower Canada can succeed only with foreign assistance. He was thinking of American aid but also of French and even Russian...He therefore devoted himself to the subtle and deceiving game of diplomacy. Nevertheless a core of an organization appeared to emerge. The Magyar military man, an exile from home, believed in this:

"I saw Mr. Papineau at Saratoga in the month of June. He does not communicate much personally but generally by a third person. He warned me not to depend upon Nelson and those connected with him. The central committee of New York and Philadelphia referred me to Mr. Papineau who referred me both to them. The committee of Philadelphia proposed to me to form one of military committee of which General San Martin, Colonel Baubitch, Colonel Murat and two other colonels being of New York and a young Pole named Doroskin were members with many others to consider and report upon the best plans of campaign in Canada." (P. 472)

When the rebellion was suppressed, Baron Fratellin was expelled; he was taken to the American frontier at the end of April.

In Montreal

Carrier asks,

"What was Montreal doing at this time?"

"That was where the control committee of the secret organization was located. The committee held its meetings at the offices of lawyer John McDonell on St. Vincent St. Its objective was to supply money to the chiefs of the insurrection.

"Edouard Elisée Malhiot, chief organizer of the parishes south of the St. Lawrence, who carried the rank of Grand-Aigle in the Association des chasseurs, often came to visit the committee, bringing with him the moneys that had been subscribed.

"The principal members of this committee were McDonell, François Mercure, Célestin Beausoleil, Féréal Thérien, Guillaume Levesque and David Rochon, two young men employed at the office of the sheriff.

"The secrecy of the deliberations of this committee were so well kept and all precautions so well taken that, in spite of all their efforts and their vigilance, the authorities could not lay their hands on those Montrealers who were most compromised. They avenged themselves by arresting many distinguished persons at random, most of whom knew nothing of the matter." (Pp. 182-83)

Louis-Guillaume Levesque, employee of the sheriff's office in Montreal, was one of the few to plead guilty before the court-martial after the Nov. 1838 Napierville engagement. He was sentenced to death with a recommendation for clemency in the light of the intercession of leading loyalists on his behalf. He left for France where he studied medicine and worked for the foreign ministry. He returned to Canada in 1843, practiced law and served as translator for the legislature. (Les Patriotes de 1837-38)

The Jews are to be Strangled

The Montreal group of the Chasseurs at least developed a plan of action -- in part against the Jews of the city and notably against Benjamin Hart.

Dozens of partisans were to march on Montreal, money was to be extorted from bankers and business, and "all the Jews, with Benjamin Hart at their head, were to be strangled and their properties confiscated."

There was a remarkable Hamanic element in this historic movement which it is difficult to evaluate in the present state of historic knowledge of the period.

This dramatic story records Montreal's own Purim in the European tradition of Hamans who plotted the murder of Jewish communities but were foiled at the last moment.

The Haman was Dr. Robert Nelson.

The Mordecai of this New World Esther story was Benjamin Hart, possibly together with Moses Judah Hays.

The Archives nationales de Québec preserve the statement of Joseph Bourdon of Montreal to the effect that a fortnight or two earlier he had been forced by his friend, Jean Venne, baker of Montreal, on the pain of death for his family and for himself and the destruction of his property, to take the Chasseurs' oath, the nature of which he did not know beforehand.

We know of Joseph Bourdon as taking the oath of allegiance before the chief of police and justice of the peace, P.E. Leclerc on July 13, 1838.

At this time he is certified by Mr. Leclerc and J.B. Castonger., J.P., who have known him for a number of years, as a good and loyal subject.

The deposition of Joseph Bourdon, sworn before Pierre-Edouard Leclerc, superintendent of police at Montreal on Nov. 2, 1838 reads,

"Some 15 or 18 days ago Jean Venne, baker of the same place, while bringing bread to my home, said to me, 'I consider you a good friend and as a brother; you should do what we are doing and take the oath.'

"I asked him whether he had taken it himself and he told me, 'yes, but don't tell anybody about it.'

"I asked him what the oath was about. His reply was, 'I cannot tell you all about it, but come with me, and I will take you where you can take it, and this will save your life and your family, and protect your property from destruction.' I told him I would think about it and answer the following day.

"The next day he came delivering bread again, and again asked me the same question. That evening I met him at his home about six, and he took me to Mr. John McDonell, lawyer residing in the St. Antoine suburb.

"Mr. McDonell not being at home, it was agreed that we would return on the morrow at the same time, and Venne told me then that Mr. McDonell was to administer the oath.

"The next evening, as agreed upon, we found him at home. Mr. Venne left me with him.

"I said to him, 'Well, sir, you doubtless know what this is about.' He replied, 'Yes, but I cannot initiate you without consulting the others of the committee.' He told me to come to his office the following day.

"I came to his office twice the next day, but could not see him. He told me that he had not yet seen all the members of the committee, but that I should see Célestin Beausoleil, Montreal merchant, who was one of the leaders.

"I told Mr. McDonell that I would not go because I wanted to have nothing to do with him and that I would return home.

"The same day Mr. Joseph Bertrand, who works for me, asked if I had been initiated. When I said I had not, he said he would take me in the evening where I would be without any difficulties.

"Indeed, he did take me that evening to Mr. Frederick Glackmeyer of Montreal, who took me upstairs into a room in his home and, after exhorting on the importance and on the solemnity of an oath, he put a Bible in my hand and administered an oath to me, the substance of which was:

"To keep inviolate secret all that would come to my knowledge regarding patriotic affairs, to give others mutual aid and never to reveal anything on pain of having my throat cut.

"After having given me this oath Mr. Glackmeyer said that he would instruct me and show me the usual signs of recognition of the Frères chasseurs.

"The first of these signs is to put the middle finger of the left hand on the same finger of the right hand. The second is to put the left thumb under the nose, then passing the first finger of the same hand on the nose.

"The third sign, for nights, is to say to whomever you meet, 'It is a fine evening'; the other is to reply, 'Yes, for the fourth of the month', or whatever the date.

"I asked Mr. Glackmeyer what their preparations were, and he told me, 'There were many. All of Pointe aux Trembles is armed, as well as part of Longue Pointe, and many parishes in the north, and all of the Chambly River and the parish of St. Pierre above St. Philippe.' He also said they were lucky that when the government forces searched for arms in the St. Charles Parish the soldiers passed by near a barn where there were 5,000 rifles and three or four canon hidden. He also told me that the canon recently taken now belonged to them and that (the government forces) had lost them through their inefficiency (maladresse).

"He also told me that the captains of the steam boats on Lake Champlain were also united and sympathetic with them, that soon 800 or 1,000 men would come from the United States led by Dr. Robert Nelson to take the village of St.-Jean; that all the surrounding parishes were armed and would join these men on their arrival; that the parishes on the Chambly River would rise that night and march on Sorel, while the parishes to the north, who will be alerted 24 hours in advance, would the same night march on Montreal, and that the Frères chasseurs of Montreal are to join them.

"The first thing should be to secure the officers whose residences we know, and then to put strong detachments where the troops are lodged and to prevent them from leaving.

"He also told me that Dr. Nelson should demand 80,000 louis from John Molson for damages he had caused the province; that the La-chine Canal and that the road from La Prairie to St. Jean would be confiscated for the benefit of the provisional government.

"That Mr. Benjamin Hart as well as all the other Jews would be strangled and their goods confiscated.

"That the Water Works would also be confiscated and the banks (except for the Banque du peuple which will be the Bank of the Government) of Montreal would be seized.

"He also told me that considerable funds had been gathered in the United States and in the province in a subscription under the pretext of helping those who had been robbed in the U.S. Mr. Glackmeyer added that he had already raised more than 1,000 louis and that he expected much more. Some days ago I saw a subscription list at Mr. Beausoleil's totalling several hundred louis. I saw the names listed, but at this time I do not remember them.

"I remarked to Mr. Glackmeyer that the army which was to come and attack St.-Jean with Dr. Nelson would be stopped at Ile aux noix, to which he replied that it would need to settle as much as possible under the bridge and in rooms; and, besides, the Steam Boat is due to pass at night.

"We also discussed Papineau. He told me that Papineau was not a fighting man and that he would return when it was all over, adding that he was an office man ('homme de cabinet').

"I also had occasion to see Célestin Beausoleil, who claimed to be one of the leaders of the committee; that he often went to the United States to bring the moneys he collected to Dr. Nelson, as I understood it. In the course of the conversation he told me that they had three French generals (who were now in the States) to command them in their efforts to secure independence; that one of these generals was called Martin.

"As far as I know I have no doubt that the aim of McDonell, Glackmeyer and Beausoleil is to overturn the present government and to declare independence of it.

"Yesterday I went to Longueuil where I made myself known by the above signs to Joseph Vincent, farmer of that place, who is the head of the rebel party in the parish. He had me come into a room in the inn where I met him and I asked him what was holding things up, that it was the day the Americans were to arrive and no one had

heard anything of them. He told me that they are still awaiting something, that they were expecting additional arms which they needed, but that within a few days all would be ready, for they would not wish to do anything unless they were sure of success.

"Michael Marcille, farmer of Longueuil, told me that he knew from a reliable source that the parish priest of Longueuil, Father Manseau, Capt. Trudeau and a third person whose name I cannot recall are to be assassinated in their beds because they are loyal subjects of Her Majesty. This Marcille is an honest and peaceable man and considered highly credible. Besides, others in the parish told me as much.

"Mr. Vincent also told me that the purpose of their actions is to overthrow the existing government and to make Canada independent.

"I also remember that Glackmeyer told me that a large group of soldiers stationed at Quebec and in Montreal were on their side and had taken the oath of which I have spoken.

"Glackmeyer and Beausoleil told me that the Irish keeper of the taverns where the soldiers drink had induced them to take the oath.

"Glackmeyer told me that the attack will begin in Upper Canada about five days before the one in Lower Canada, that the frontiers were strengthened from one end to the other, and that in Upper Canada the principal centres will be attacked simultaneously. He told me that there ought to be an army opposite Quebec ready to attack precisely when the attack in Montreal will take place. I remember he also told me that there will be no movement before all vessels leave the port of Quebec..."

All this was eventually sworn to before the chief of Montreal police on Nov. 2, 1838.

Later Bourdon was quite fully informed of the organization and plans of the revolt for independence. "A goodly portion of the soldiers stationed at Montreal and Quebec were on their side and had taken the oath. The Irish tavernkeepers (Cantiniere) where the soldiers were wont to drink had induced them to join them and had administered the oath to them."

Distinctly less discreet than his principal Mr. McDonell, F. Glackmeyer gave Bourdon details of the current state of organization of the rebellion in the southern portion of the colony. A force of over 800 men led by Dr. Robert Nelson were to come from the United States to take St - Jean, when the mobilized men of all the parishes would march on Montreal. There the Frères of the city would join them. The officers in command of the Residency are to be seized and strong detachments placed where the troops were lodged to prevent them from leaving.

Joseph Venne himself later swore that he himself had been convinced by one Caron, a carpenter residing on St. Bonaventure St., to take the oath of secrecy which he did take from the hands of McDonell.

A few weeks he was called on for a contribution of money to be paid to Joseph Glackmeyer whose offices were on College St. He offered 3 louis, but was told this was not sufficient, as young Glackmeyer needed to raise 18,000 piastres. (A.N.Q., 1837. Documents No. 970)

It was in the home of Montreal merchant Frederick Glackmeyer that Bourdon took the oath of secrecy in regard to patriotic activities and of mutual assistance among Frères Chasseurs. He was given the sign and passwords of a Frère Chasseur.

G. Tulchinsky tells us of Leclerc's role in transport in Lower Canada a decade later. He had twenty shares of the Société de navigation du St. Laurent et du Richelieu, (often called the Compagnie du Richelieu) which was formed in 1847 to commission the large steamboat, the Jacques Cartier. He served as president of the company in 1850 and 1851. Jesse Joseph was also associated with the company. (The River Barons, Pp. 58-59)

Glackmeyer and McDonell were associated for Montreal with Beausoleil. Young Joseph Glackmeyer was the Eagle, or general, of the Chasseurs in the city and also acted as treasurer.

On Sept. 20, 1839, A.M. Delisle, Clerk of the Crown, certified "that the Court of the King's Bench, District of Montreal, in Vacation after Sept. Term of 1839, holding criminal jurisdiction, holden at the Court House in the City of Montreal, in the case of the Queen v Frederick Glackmeyer, Gentleman late of the Parish of Montreal, on an indictment of High Treason, was and now stands indicted for the crime of High Treason, to which indictment he has not, as yet, appeared or pleaded." (P.A.C., RG 4, B37, vol. 1, File Rebellion Records, 1838-40, vol. 1 Pp. 609-10)

An 1843 official report indicates that Glackmeyer, "charged with administering secret oaths and participating in the second insurrection, had concealed himself in the province, and has since resided openly in Montreal." (PAC, Reel C-110, P. 352)

Dr. Brien confirms the central role of McDonell, Malhiot and Célestin Beausoleil as the Montreal leaders of the rebellion. The office of McDonell seemed to be where the Montreal conspirators received most of their information. "I went there several times. They encouraged the people. McDonell maintained an active correspondence with Nelson. He sent a messenger each week with the money which he had collected and the information he received from his agents in the countryside.

"I know that Beausoleil had a number of people borrow from Montreal banks moneys to send to the U.S. He claimed that with these moneys, with the voluntary subscriptions, and with other resources the Patriotes could carry on the war in Lower Canada. He also counted on robbing banks which could not protect their cash." (Opinion publique, March 24, 1881)

"I want to add that there was a managing committee in Montreal with McDonell, François Mercure, Lemaître, Beausoleil, Malhiot and several others as its leading members, and some others such as Guillaume and David Rochon, both employed by the sheriff, who left Montreal on Nov. 3." (Ibid., Apr. 3, 1881)

A General Terror?

There is no way of affirming in our present state of knowledge whether this plan in regard to Hart, Hays and other Jews was one of the figments of fantasy and verbal flights that may have been characteristic of the Chasseurs organization; whether it was confined to the several leaders of the Montreal group named in the deposition; whether the fantasy it may have been was capable of becoming real in the heat of battle or in the other heat of victory; whether it was a violent mark of later nationalisms; whether it was known to Nelson or any other of the tight group of Chasseur leadership; whether it was known to the heads of the 1838 rebellion -- or to those who led the revolt of 1837.

There is a further series of questions in regard to this episode which centres on Benjamin Hart. He must have known of this plan through his own channels. Furthermore, it was published in the press at the time and was therefore known to his fellow Jews of Montreal. What was their reaction, or rather why is the existing record of the 1837-39 community silent?

All we have is entry of a letter to London in the minutes of the Congregation of July 5, 1838 which reflects so much Canadian and Jewish history.

Benjamin Hart explained "a delay in reply because the various troubles we have experienced for the last nine months have caused us to forget all civil duties to perform military ones, and I am sorry to add our troubles are not yet over.

"The synagogue will be completed within a month. To do this we have borrowed £300, and will have to mortgage our building as security, which I fear will be bad business. Were it not for our poverty, we would have troubled you to purchase for us a manuscript on Law for use of the Congregation in Kippur. The two we have are upward of a hundred years old, and in very bad order. They were called old when imported from the Portuguese Synagogue in 1768."

A. Fauteux wrote that "the general objective evidently was to free the Canadiens from the English yoke. But usually the man who administered the oath explained it in his own manner; for one it was 'to overthrow the government of the Province'; for another it was 'to fight the crown unto death'; for a third 'to fight Her Majesty to death, for the sake of Papineau and Canadian independence,' or 'to walk ankle-deep in the blood of the bureaucrats.'" (Les Patriotes de 1837-38. P. 63)

As we note the almost personal attainder of the political conspiracy, we are confirmed by observing that in other cases the Chasseurs even incorporated menace of execution of some individuals in the very oaths of initiation.

So, for example, P.R. Narbonne swore that they would strangle François Languedoc and Joseph Brisset, notary of St. Edouard. (David, P.63)

The threat to Montreal Jews needs to be taken in conjunction with similar disquiet felt at this time by other persons in authority, not necessarily political.

Rumilly records that in their secret meetings the Patriotes spoke of confiscating the Sulpician estates in order to finance their war chest.

Fernand Ouellet treats of this in his discussion of the social implication of the events of 1837 (Le Bas Canada. 1791-1840. Ottawa, Les Editions de l'Université d'Ottawa. 1796, P. 476);

"The professional men and the merchants feared that a popular outbreak would sweep away traditional institutions. They sought to channel the movement towards the defence of these traditional institutions and the promotion of their own interests. The forcible conquest of political power leads to the control of patronage. F. Glackmeyer, Montreal merchant, told those whom he sought to attract to Patriote ranks that Dr. Nelson should demand a sum of 80,000 louis from J.M. Molson...that the Lachine Canal and the road from Laprairie to St. Jean should be confiscated for the good of the provisional government, that Mr. Benjamin Hart and all other Jews should be strangled and their goods confiscated. That the Water Works should also be confiscated and the banks (except for La Banque du peuple which will become the government bank) of Montreal should be pillaged.--"

Mrs. Lartigue and Quibilier received threatening letters. "It is time to disgorge the wealth in the midst of which you sleep" Quibilier was told.

Mgr. Lartigue inquired from the episcopate at Quebec whether he would find asylum in the Séminaire in the Old Capital, in payment of an appropriate fee, if the so-called Patriotes will persecute him openly. He also informed the cardinal of the Congregation of Propaganda in Rome to the same effect. (Papineau et son temps. 1.478-480)

Mason Wade wrote in his The French Canadians,

"Bishop Lartigue who, in June, had objected to Durham's flooding the country with proclamations by the channel of the bishops, took refuge in Quebec against a Canadian Sicilian Vespers which was to involve 'a general massacre of Royalists.' In December he offered his resignation to Rome, since he had aroused the hatred of much of his diocese. The Patriote press had declared him guilty of high treason to the Canadian nation." (Pp. 189-91)

A sworn statement placed before the court martial which conducted the State Trials attested,

"Dr. Roe and William M'Ginnis were, in the first place, to be killed, as was also John M'Donald of Chateauguay. Beausoleil had made a journey to St. Martine, expressly to engage Dumouchelle and some others to commit this homicide. It was Beausoleil himself who told me that Roe and M'Ginnis, of St. Athanase, must be killed, and he said that we ought to do as much to M'Donald, whose activity and indefatigable vigilance as a Justice of the Peace and a political partizan, were dangerous to the execution of his plans. The two armies of St.-Jean and Sorel were to unite at Chambly, to take the fort, in which the 15th Regiment, under Lord Wellesley, was said to be quartered. -- All the people of our party in the town, having nothing to do in it, were to leave it and go to swell the ranks at L'Acadie or Laprairie, where an attack was to be made, of which I shall speak presently. The young men of Montreal, under the guidance of Lemaitre and Beausoleil, left Montreal on Friday, the second, and Saturday, the third, for different points, their arms having already been sent on before them. The Britannia, the Captain and the proprietors of which were, I fully believe, in the conspiracy, was the vessel of which principal use was made." (Report of the State Trials before a General Court Martial held at Montreal in 1838-39. Appendix. P. 553; Caron, Pp. 20-24)

Such occurrences also took place at the lower level, in the parishes and on the streets. When we hear of magistrates and militia officers resigning their commissions, it is not a shift in their loyalties and consciences that is reflected; there is also the pressure and the threatening that are openly imposed on them, even possible efforts to extort moneys belonging to the churches.

The Montreal Group

In view of the importance of this case, possibly the first instance of violent anti-Semitism in the annals of Quebec, and perhaps not repeated in the centuries of Canadian history, it is necessary to examine the group relationships and the persons, to clarify the measure of their connection with the events and the plans of 1838.

The office of lawyer McDonell on St. Vincent Street, next door to the La Minerve printing office, was the headquarters of the Chasseurs in Montreal, according to Gerard Filteau. McDonell swore in many recruits including residents from Côte des neiges, tanners and other workers from Les Recollets, and some Quebec citizens who became important leaders in the movement. (Filteau, Histoire des patriotes. Montreal, l'Aurore, 1975, P. 404; Caron, Pp. 20-22)

The testimony of a state prisoner at the trials of 1838 notes, "At Montreal I was informed of all by Mr. John McDonell, (advocate) Malhiot, Beausoleil, and others, with whom I was associated. John McDonell's office appeared to be the place where the conspirators in Montreal received the most information. I was there several times. He encouraged the people...

"McDonell maintained a close correspondence with Nelson; every week he sent an express to Champlain, with what money he could collect, and the information he received from his country agents. Nelson required the people to form themselves into companies, to ascertain the amount of men, arms, and ammunition, and to make a report of it in the United States. It is to my knowledge, that Beausoleil engaged several persons at the request of Nelson, to borrow from the Banks in Montreal, in order to obtain the money and fly to the United States, assuring him that with these loans, voluntary subscriptions, and other means, they would be in a condition to make war on Lower Canada; and that he would find more ample means in the United States, and from the pillage of the Banks, which he ardently wished to render unable to save their specie. In the month of July, McDonell went to Quebec, for the purpose of extending the society there. He told me afterwards that he had received Dr. Tasché, A.N. Morin, Chas. Drolet, and P. Chasseur. I afterwards heard at Chateauguay, from Joseph Duquet and Joseph Dumouchelle, that McDonell had taken the plan of Nelson to surprise Quebec, and that the citizens of Quebec and its environs were disposed this year to redeem themselves by their services from the disgrace of their inactivity during the last

year. I was also told that whilst the troops and artillery were being reviewed on the Plains of Abraham, in August or September, the rebels of Quebec would have tried to make an attack (essayer un coup de main) had they possessed a little more time, but that they would not lose a similar opportunity, for which they waited with impatience. Whilst Malhiot was in Montreal he was very active in organizing, by his agents, all the companies in which there existed any discontent or insubordination. He tried to rouse me -- sometimes by compliments, and sometimes by reproaches. He made several secret journeys to different country parts of the United States. Chevalier De Lorimier, N.P., was charged with the organization of the county of Two Mountains and for this purpose he was to pass a month at St. Scholastique...

"I ought to add, that there was a committee of direction in Montreal, the principal members of which, as Beausoleil in my last interview with him, told me, were John M'Donell, François Mercure, Lemaitre, Beausoleil, Malhiot, and some others, such as Levesque (Guillaume) and Rochon (David) -- both employed by the Sheriff, but who left Montreal on the third November. George de Boucherville was also an underhand partizan, but he preserved the greatest caution. Benjamin Ouimet, a grocer, was also one of them." (Pp. 551, 554)

The Herald of Nov. 15, 1838 comments on "A young man named Levesque, a clerk in the sheriff's office and son of the late notary of this city", as one of the twenty prisoners who arrived in Montreal from Napierville. "About a week ago he, along with another rebel, was about to purchase a pair of pistols from Mr. Hall, the gunsmith; but on a friend of ours, who happened to be present, informing Mr. Hall who his customers were, he refused to sell them on any terms."

Richardson's Version

There is a remarkable ending to this Mordecai saga, telling the disgraceful end to John McDonell.

The dossier compiled against McDonell included an affidavit sworn on Nov. 8, 1838 by Louis Rochon who discussed rebellion plans with him. (A.N.Q., Papers on 1837-38. Document no. 968)

A similar attestation was made by Théophile Cadotte (no. 971) and by Joseph Venne on Nov. 5, 1838 to whom McDonell administered the Chasseurs' oath. (Document no. 970)

According to the plans John McDonell was to lead the men from between Lavaltrie and Trois-Rivières who were to gather at Berthier and cross the river to attack Sorel.

On Sept. 3, 1838 the steamer The Swan, belonging to Capt. Pacaud, was waiting at Berthier, with a full head of steam, ready to take on the Patriotes at a signal from the south shore.

Night came, and yet no news. Pacaud crossed over with several of his sailors to see what was happening on that side. There was no movement.

The captain returned to Berthier to warn McDonell. The plan had failed. The Patriotes returned to their homes and their leaders fled, for the police were on their tracks. McDonell jumped into a canoe, but a thick fog came up and he found himself lost on Lac St. Pierre. Finally he reached Nicolet. There he went directly to the hotel of Antoine Beauchemin, a veritable nest of Bureaucrats and loyalists. He was at once arrested and taken to Montreal. (Filteau, Pp. 405-6; R. Rumilly. Papineau et son temps. 2.61)

In its issue of November 8, 1838, the Montreal Herald tells the full story:

"Yesterday morning intelligence reached town that Mr. John McDonell, advocate of this city, had been captured at St. Grégoire, nearly opposite to Three Rivers, endeavouring to raise the habitants in that part of the country. He described himself as an American general, and stated that the Americans had risen en masse to assist suffering Canadians.

"Some loyalists took him prisoner and delivered him to the regiment of Guards stationed at Three Rivers. On his person were found some papers addressed to him as major general of the Patriote army and a tricolor flag was found in his possession.

"He was brought up to town yesterday in the steamer Canada, which also had Sir James McDonell and the regiment of Guards from Three Rivers. As soon as it was known that the rebel of the same name was on board, there was a great sensation in the city, and immense numbers thronged at the wharves.

"When he landed, handcuffed to another traitor and under a guard of soldiers, the crowd groaned and shouted and yelled, and while on his way to the old jail, along the beach so far as the New Market, he was pelted with stones and mud, was spat upon on the face and insulted in an impossible way. It was with extraordinary difficulty that the more highly excited portion of the crowd was restrained from laying violent hands upon him, and securing his punishment on the spot, and the feeling that he would certainly be tried summarily by martial law and immediately thereafter hanged alone saved him from the infuriated populace.

"The disclosures made by some of the prisoners are very precise and very important. It appears that a schedule of the property of each loyalist in the city was drawn up; and, on the rebels taking the city, it was intended these parties should deliver up their property as a ransom, while another class was not to receive any mercy, in which we have the honour of figuring. All the Jews also were to be massacred.

"We heard that a copy of the list was found in McDonell's possession, but cannot vouch for the fact.

"He had the impudence to ask Sir James McDonell to allow him to go to prison in a caleche; but Sir James refused it, telling him that he was a disgrace to his name and to Scotland.

"On reaching the barracks his guards perceived that he was likely to be sacrificed to the fury of the populace and he was very properly taken no further.

"We do not remember to have seen such an excitement since the 6th of November last; Mr. McDonell is of Scotch and Canadian extraction, but always associated with Canadians and managed to stay clear of any overt act of treason last year. He is of prepossessing appearance and of very gentlemanly manners. As an advocate he had a very good practice at the Montreal bar, and as a politician he has been working for the gallows during the last 11 years.

"It was at his house in St. Antoine suburb that the secret meetings were lately held and the oaths administered."

The Montreal Herald in its issue of Nov. 17, 1838 corrects some inaccuracies in the report "from our correspondent who sent us the statement of the advocate John McDonell: 'That individual having been seized in the village of Nicolet by Captain Perkins of the Nicolet militia and by him consigned to the charge of the high constable of Three Rivers."

The end is told by Major (John) Richardson whose Eight Years in Canada, Embracing a Review of the Administration of Lords Durham and Sydenham, Sir Charles Bagot and Lord Metcalf was published in Montreal by H.H. Cunningham in 1847.

The 1838 announcement of his Personal Memoirs (Montreal Herald, Oct. 18. 1838 describe him as the author of a Canadian Campaign, Tecumseh Ecarte, Wacousta, Movements of the British Legion in Spain, etc.

His Eight Years in Canada states,

"On the 7th, the Grenadier Guards, who had been hastily sent for on the Sunday preceding, reached Montreal from Quebec, bringing with them a prisoner of some note who had been delivered into their custody at Three Rivers.

"This person had been arrested while in the act of exciting the people to rebellion, and although a Scotch Canadian, represented himself as an American General, stating that his countrymen had everywhere risen in arms, with a view of assisting the oppressed Canadians, from whom they expected a corresponding exertion.

"While on his way up, in custody, he accosted Sir James M'Donell, the commander of the brigade, and claiming relationship with him (he bore the same name), requested him to interpose his influence in his favor. The veteran was exceedingly indignant, and

told him that if he was a M'Donell and relative, which he very much doubted, he was the first of the family who had ever disgraced himself by turning traitor to his Sovereign -- consequently that he might expect neither favor or protection from him.

"On being landed at Montreal, General M'Donell (the younger) met with no such flattering reception as greeted his relative. He was known in the city which was indeed his place of abode, and it required all the vigilance of the small detachment of Guards, composing his escort, to prevent him from being stoned to death by the exasperated populace. As it was, he received several severe blows from missiles, and such was the animosity with which he was followed that the Guards were compelled to ensure his safety by entering the barrack yard of the Royals, the gates of which were with difficulty closed against the threatening crowd. While here, he fainted as much from shame as from fatigue and bodily pain, and fell to the ground partly dragging with him an American sympathizer (Isaac Negus, a contractor,) who had been taken with him, and to whose wrist his own was manacled. A cart with a little straw was then procured, and in this humiliating manner, and chained to one who had more the appearance of a convict than anything else, the man who had filled a respectable situation in Montreal was conveyed amid the hootings and insults of his fellow townsmen, (and among whom there were many well dressed people,) for upwards of a mile to the already thronged prison of the city.

"At the period of his capture, several papers of the highest importance were, independently of a box containing flags and commissions for aspirants in the Patriot army, found in his possession. What these papers were has never publicly transpired, but so important were they considered by the party who arrested him at Nicolet, where he was taken into custody, that they were immediately conveyed to Sir John Colborne.

"Soon after their receipt, a rumor was spread abroad that among the documents had been found a plan for the summary disposal, by the leaders of the rebellion, of the principal loyal merchants of the city. The Jews -- and they are numerous in Montreal -- were, according to this statement, to have been completely proscribed. Mr. Benjamin Hart, a wealthy merchant of that persuasion, was to have been elevated to a gibbet. -- the Montreal Water Works, the property of Mr. Hayes, another wealthy Jewish merchant, was to have been confiscated to the use of the Provincial Government, while the proprietor himself, with numerous other Christian merchants, were to have been kept as prisoners until ransomed at high prices to benefit the Provincial Government also. Hence the bitterness with which Mr. M'Donell, who was a lawyer in good practice at Montreal, was visited by the inhabitants of the city generally, as above shown.

"It was further stated that his house, situated in an obscure street in the Fauburg St. Antoine, and particularly adapted from its locale, for the purposes of secrecy, was the great theatre at which the rebel chiefs had been in the habit of holding their mid-night conferences." (Pp. 61-63)

Eight years after the event, in 1846, before publishing this confirmation of the McDonell conspiracy, Mr. Richardson reviewed his text. As he wrote,

"The account here given of the circumstances connected with Mr. M'Donell's capture varies somewhat from what appears in my notes taken on the very day of his being brought into Montreal; and for this reason. On looking over these a few days ago, I came to that portion of them which alludes briefly to the second rebellion, and feeling that it would be an act of delicacy as well as of justice, to acquaint Mr. M'Donell with my intention to publish what was an essential portion of my subject, I sent him a copy of the remarks immediately relating to himself, with a note stating that, unless good reason could be shown to throw a doubt upon its truth, it would appear as a part and parcel of my short summary of the events of the rebellion. From Mr. M'Donell I received the reply...

"Mr. M'Donell has to acknowledge the receipt of a note from _____, enclosing an extract purporting to be 'a portion of his remarks upon the rebellion,' _____ he, Mr. M'Donell, can of course exercise no influence on _____'s conduct in this matter, but has to inform him that almost every word of the said extract, having reference to his, Mr. M'Donell's arrest in 1838, is either false or exaggerated -- evidently, in short, the absurd rumours of the day.

"Montreal, 17th October, 1846."

Richardson continued, "From the statement of its inaccuracy charged upon me, I have since been led to make a more minute inquiry into the matter, from which has resulted the statement which appears above, and which varies slightly from that of which I forwarded to him a copy -- I need scarcely add that, had Mr. M'Donell's communication supplied me with any good reason for the entire suppression of the paragraph, I should have made the sacrifice of historical truth to a disinclination to give pain, where I could perceive pain was likely to result from the prosecution of a contrary course." (P. 63, note)

Regarding McDonell: In a lengthy debate regarding the appointment of a French Canadian to office, the editor of the Montreal Herald on November 29, 1838 wrote "What motive then, could certain persons in authority have for passing this ordinance but to screen known rebels of whom Mr. John McDonell is certainly one."

In 1876 Hampden, probably Adolphus Mordecai Hart wrote,

"Partial and corrupt writers among French Canadians and others, may affirm that the rebellion of 1837 and 1838 was undertaken for the redress of grievances, and point to the efforts of Lord Durham and others as the authors of responsible government, what they thought was to be the panacea for all the evils under which the French Canadians fancied that they labored.

"In answer, it may be said, that the true history of the Canadian Rebellion has never been written; that it originated in a deep-seated hatred against the English race in Canada; that it was fostered and encouraged by an insane desire to see the Crown and authority of France supersede that of England in this country; and that they, even at that early period, contemplated eventually the formation of a Roman Catholic nation on the shores of the St. Lawrence.

"Weir, of the 32nd Regiment, has been already mentioned, and the contemplated assassination of several leading citizens of Montreal, a list of whom was found on the person of John McDonell, Advocate, of that city, who was taken prisoner in the early part of the rebellion, detract greatly from that plausible idea so generally inculcated by the advocates of the French Canadian rebel, that the rebellion was undertaken for the redress of grievances which they suffered under British rule. No, it was a war of races." (The Political State and Condition of Her Majesty's Protestant Subjects in the Province of Quebec, p. 47)

E.-E. Malhiot

E. Elisée Malhiot was one of the secondary leaders of the 1838 revolt, both in political policy-making and in the field.

In the fall of 1836 we find him offering, in the Vindicator, to sell "that beautiful two-storey House situated on the Street Des Allemans, in the St. Lawrence Suburbs, heretofore the property of P. Martineau. This House is so constructed as to lodge four respectable families, and well situated for commerce.

"Another House of one storey, situated on the Street Du Marais. This House is so constructed as to lodge two families. For the conditions, which will be liberal, apply to J. Belle, N.P., or to the undersigned, E.E. Malhiot." (Aug. 18, 1837)

Elisée Malhiot acquired the rank of general in Robert Nelson's forces and was instructed, together with Beausoleil, to take Sorel. (Ouellet, Pp. 477-79, 482-83; Canadian Antiquarian, 1909, p 93 et seq.) He was probably 28 years old at the time, as the Montreal prison records of 1838 record him as being a student, of that age. (P.A. Linteau. "Les Patriotes", in Revue d'histoire de l'Amérique française, vol. 21, Sept. 1967. Pp. 281-311)

Elisée Malhiot called himself the Commander of the South as he established rallying points for the insurgents at Yamaska, St. Ours, St. Marc, Pointe Olivier and on the Boucherville mountain where the Patriotes were to find arms and commanders and then proceed to take Sorel, Chambly and St. Jean. (David. Pp. 63-64)

E. Malhiot did not give his profound confidence in the leaders of the second revolt. On Jan. 11 from Swanton Falls, Mailhot said,

"We shall certainly make every effort to return to Canada, probably within a month. You might think it strange that I have been without news for five weeks, even as our Canadian friends are thinking of means of going home.

"There was a big meeting at Swanton on the 9th; resolutions were many and heated. Chartier, Brien and De Lorimier were there." (PAC. MG 24, C3, vol. 2, 1837-38, Pp. 904-6)

In a letter to R. Duvernay, written on Apr. 6, 1838, Grand Eagle noted that fifteen different plans were considered and rejected. The plan finally adopted seemed questionable.

"The expedition to Canada is set for tonight. I am to be part of it, but it is not wholeheartedly that I join it, I assure you; not for fear of losing my life, nor for fear of misery, but because it may turn into a skirmish as had happened before. Nevertheless, I am, so to speak, forced to support it.

"I succeeded in getting them to abandon these plans, but today I cannot refuse for it would mean to expose not only myself but my nation to charges of cowardice; for they would not fail to say that you were offered an opportunity to obtain your independence but you rejected in a cowardly way...

"It is a very unfortunate to set out on an expedition in which we have no confidence, but finally I prefer this to appearing to be what we are not." (Canadian Antiquarian and Numismatic Journal, 1909. Pp.93-95)

He wrote to his friend again on May 24,

"Apparently Perrault has come to Burlington to be ready to take advantage of the pardon. According to him, this pardon ought to come soon. Rodier does not seem to have too much confidence in this pardon, but Perrault says that, according to his letters from London, we can expect pardon for all except those who murdered Weir and Chartrand. He is ready to go back." (PAC, *ibid.*, Pp. 1108-1111)

Again, on Aug. 9, 1839 he wrote to Duvernay,

"It is the old system of the Canadien leaders -- old, for you who have had occasion for twenty years to know the knavery of the grand potentates, new for me who has put myself in the revolutionary bark but two years ago under their direction; but I came in just in time to know their generosity. They are good at pushing others forward and retiring to the rear; always ready to blame those they have pushed forward if they failed and, in case of success always claiming glory and benefit. These are our chiefs."

Fernand Ouellet adds, "Even read with reservations, Malhiot retains much of the truth, certainly the second revolutionary experience does not refute him." (P. 467)

Caron notes that Malhiot has visited Nelson on the frontier and returned on Nov. 3 to issue orders that all men gather at St. Ours.

On Nov. 3, 1838 on signal, there was much movement. Hundreds reported at the points of assembly, but there they found neither arms, nor leaders, nor news. They dispersed, except for a handful who joined Malhiot at a camp in the Mannoir mountain near St. Hilaire.

Fauteux notes that Malhiot had set up the camp at Pointe Olivier in Nov. 25-27 to intercept Wetherall's troops on their return from St. Charles. (P.135)

When two companies of the 66th regiment fresh from Sorel marched on them, Malhiot's men withdrew to the mountain camp where their leader had accumulated considerable arms, including three canon, a dozen kegs of powder and a goodly number of rifles.

There he set up a camp with several hundred men determined to resist desperately. They occupied the manor of Seigneur Bruneau and his mills on the mountain.

Carrier recalls Malhiot's last battle,

"When Nelson's Patriotes disappeared from Napierville, those who held Beauharnois were also dislodged and routed by the regulars. The prisoners whom the insurgents had taken in the steamer Henry Brougham were set free.

"The last rebel camp was that which Malhiot had taken from the Bruneau manor at Montorville, half way between Chambly and Boucherville. The rebels dug in those buildings prepared to offer stiff resistance to the opposing troops. But at the approach of two companies of regulars, they abandoned their positions, leaving three canon, a considerable stock of arms and ammunition and the several prisoners they had taken." (Pp. 114-15)

Beausoleil was one of Malhiot's captains in this engagement. (David. P.69)

Col. Cathcart detached the 15th company and several platoons of loyalists to seize Malhiot and his weapons. Major Johnson of the 66th assumed command of a strong detachment to support the 15th company. But Malhiot had been warned. Curé Michault of Chambly, a friend of the Patriotes, had sent his vicar to tell him that resistance was useless and to urge them to retreat. The Patriotes did not wait to be encircled, and dispersed leaving their baggage and arms which Johnson seized without firing a single shot.

Like Glackmeyer, Malhiot was indicted on Sept. 20, 1839 at the Montreal Criminal Session. He was charged with having joined the insurgents at the River Chambly in the second insurrection. In 1843 an official report stated that he had "fled to the U.S. where his residence is unknown." (PAC, Reel C-110; P. 352; RG 4, B37, vol.1, file 1838-40, Pp. 615-16)

When the uprising had been suppressed, Malhiot, like Beau-soleil and McDonnell, found their way to the United States. As the judicial procedures worked their way slowly, the regular courts found them guilty, together with a dozen other leaders of the revolt, of high treason. But they were beyond the reach of British justice. (Filteau, Pp. 410, 420-21, 440)

Malhiot died in 1875.

Célestin Beausoleil

Merchant Beausoleil is described as one of the principal organizers of the Chasseurs in Montreal. He conducted business on a considerable scale. After he withdrew from the firm of Demers and Beausoleil on June 1, 1836, he advertised under the name of Beausoleil & Cie. offering 1500 quarts of lard, 500 barrels of sain-doux (lard), 500 barrels of butter, 1500 robes du nord, 2000 skins of original, 500 roebuck skins, other furs and 5000 minots of salt. (La Minerve, Nov. 9, 1836)

He travelled from his home at Point-à-Callières to Plattsburg to confer with Nelson three times between June and Nov., 1838. Caron notes that in inducting new Chasseurs he emphasized the objectives of the lodge to protect their women and children, to destroy British laws and to make Canada as independent as the U.S.

It was Beausoleil who sent instructions to the Châteauguay lodge to seize the vessel the Henry Brougham.

After the failure of the 1838 revolt of the Canadiens, Célestin Beausoleil was arrested in Vermont on charges of having set fire on American territory to a barn of a Canadian loyalist named Miller. Beausoleil and the three other accused with him were found not guilty. (Fauteux, Pp. 294, 394)

At this desperate time the patriotes at Swanton gathered under his chairmanship on Jan. 5, 1839 to seek further ways of continuing their campaign against the Canadian authorities. The committee dispatched messengers to raise funds for the insurrection, but these met with sparse response.

They met again at Swanton on Jan. 24 and Beausoleil was among those delegated to write to Papineau and Wolfred Nelson for immediate help and instructions. But these had little of either to give them. Papineau's very long reply reflected his plight within the movement.

"I have attempted to serve by means which appeared possible and not by such as appeared impossible or wicked. My judgment and my conscience are, and will always be, my first considerations."

He dared to imply a warning against steps which might legitimize acts by the enemy of Durham's administration to seize the properties in Canada. (R. Rumilly, Papineau et son temps. 2.118-19)

The grand jury at the assizes in Montreal on Sept. 10, 1839 returned a true bill against Beausoleil as among those active in the predatory incursions upon Caldwell Manor and the Eastern Townships. (Christie, vol. 5, P. 298)

La Banque du Peuple

The formation of the People's Bank, as much a political and national act as an economic venture, is described by Joseph Schull as "ominous, organized by Papineau's cousin Louis-Michel Viger, and fought from its hour of inception by a hostile British establishment. Its innocent open purpose was to attract the habitants' savings, but it was regarded now by both sides as a potential treasury of rebellion."

As Alain Duhamel noted in Le Devoir of Sept. 21, 1981,

"During the first half of the 19th century the francophone business and financial community found it difficult to develop, in the light of obstacles posed by the English Canadian financial institutions. In 1835 Louis-Michel Viger and Jacob De Witt, together with some associates, founded a private bank, the first francophone bank institution in Canada, with its offices at St-François-Xavier St. When it was incorporated in 1844 it bore the name of The People's Bank."

Gerald Tulchinsky in The River Barons states it was established "by French Canadians and Americans living in Montreal and in the surrounding towns. All of these financial institutions were formed, as Merrill Denison has shown, because of a pressing shortage of commercial capital. They were intended to alleviate recurring seasonal crises in the money supply and to marshal commercial resources to facilitate trade...

"Just as a number of American businessmen found it helpful, or necessary, to establish their own banks, the French Canadians appear to have felt the same compulsion. In 1835, Louis-Michel Viger, at the head of a group of French Canadian merchants from Montreal and outlying towns, along with a number of Montreal Americans including Jacob De Witt, set up La Banque du Peuple. Its prospectus, a printed circular which pointed out that the new bank's benefits would extend 'à a toutes les classes de la société indistinctivement,' suggests that some discrimination had been experienced. Far from being a sign of weakness, the formation of the Banque du Peuple was evidence of strength, of the combativeness and resilience in the French Canadian mercantile group in Montreal and in nearby towns. The bank enjoyed widespread popularity, and large numbers of people subscribed to its shares; barely two years after the prospectus was issued the directors reported triumphantly that it had more shareholders than the other two Montreal banks put together. It was truly a people's bank. A few months later, in August 1837, directors Timothée Franchère and Hosea Ballou Smith, a very successful crockery merchant, reported that the bank was in a 'prosperous state of affairs.' After successfully riding out the accusations that it had financed the purchase of arms for the Patriotes in 1837, the Banque du Peuple entered the forties on a strong financial note. By 1843 it had a capital stock worth £200,000.

"Yet for all its strength in the Montreal region La Banque du Peuple was not utilized as an instrument for the creation of new commercial frontiers beyond Lower Canada. The lack of evidence that it established agents beyond the province or had any extensive dealings with Upper Canada or Maritime banks is a strong indication that La Banque's customers were not involved in the Upper Canadian trade." (Pp. 4, 18)

The authors of l'Histoire des Canadas note that the Banque du Peuple was formed, in part, to diversify the occupational distribution of young Canadian professionals. La Maison canadienne de commerce aspired to "our own merchant marine, manned by Canadiens; to share the steam navigation of the river, to our own banks and insurance companies."

The Banque du Peuple was formed to serve the Canadian people, the people who had limited savings accounts.

"British Montrealers" reacted favorably to "the praiseworthy zeal that recently led the French to enter the domain hitherto occupied by the English and to try to compete with them in commerce. The establishment of the Banque du Peuple by French capitalists is an event that can be regarded as a satisfying sign of an awakening of commercial energy among them," as they wrote to Lord Durham.

But the governor could not keep from condemning this deliberate economic nationalism as he regretted that "the success of this new enterprise has been consistently furthered by direct and mean appeals to national racial sentiments.

"When we examine the thinking of these Canadiens of 1832, can we not believe that these patriots were really guided in their claims by a national desire to progress and to equip themselves with the political and economic instruments to promote their interests?" (R. Bilodeau, R. Comeau, A. Gosselin and D. Julien. Histoire des Canadas. Montreal, H.M.N. 1971. pp. 337, 361)

On Aug. 10, 1837, Cashier B.H. Lemoine of the People's Bank announced that "The stockholders of the 'Banque en Commandité' of Viger De Witt & Co. are informed that a semi-annual Dividend of Three Per Cent, upon the Capital subscribed and paid, has been this day declared, and will be payable at the office of the Company, or or after the First day of September next."

The decision was approved a fortnight later by Timothée Franchère and H.B. Smith, bank auditors.

"We, the undersigned, after having examined the Books and Accounts of the People's Bank, certify that the Dividend of Three Per Cent, for the last six months, which the Directors have just declared, is fully justified by the prosperous state of the affairs of the said Bank." (The Vindicator; La Minerve, Aug. 17, 1837)

The good health of the People's Bank in the summer of 1837 was reflected in an announcement by the Bank of Montreal, prepared in May but advertised in the Vindicator of Aug. 18, 1837.

"In accordance with the expressed opinion of their fellow-citizens, conveyed to them in certain Resolutions unanimously adopted at a General Meeting held yesterday by the Inhabitants of this City, for the purpose of taking into consideration the existing difficulties in the Money Market. The Directors, although confident in the capacity of this Institution, come forward with much reluctance to announce the assent of the Board to accede to the request therein expressed of Suspending, for the present, Specie Payments, and in so doing, they claim from the public that confidence and support which the urgency demands.

"The Bills of the People's Bank and the City Bank will be received in payment, and Deposits as heretofore."

The same day Alexis Benoit repeated his offer of June 6, 1837 of "120 shares in the Banque du Peuple for sale. A liberal discount will be made on the amount paid, £800 -- and £700 which remains due and payable on demand."

Under the circumstances it is not remarkable that the bank and its administration were in deep trouble during the years 1837 and 1838 and even later. What is remarkable is that it survived at all. It is indicative of the nature of the rebellion and of the attitudes of the men in ultimate control towards the society they were ruling. There is even a difficult clue to the nature of the internal Canadian conflict and to the underlying rules that govern the interplay of forces in British North America.

This being the history, the motivation and the personnel of the Banque du peuple, it is not surprising that it experienced difficult times at the hands of the extremists among the loyalists during the rebellion.

So we read in the Herald of Nov. 21, 1837 "Mr. Louis M. Viger, head of the People's Bank, was arrested on Saturday evening on a charge of high treason and lodged in gaol. It seems to be the general opinion that more than one Viger would be all the better for a little hanging.

"The People's Bank, by the by, seems to be in a bad way, having lost its clerk Desrivières, its Privy Councillor Brown and its commander Viger. Some of the more cautious stockholders would like to know that the concern must now be chiefly in the hands of Mr. Jacob De Witt. For the arrest of Beau Viger the loyalists are mainly indebted to the zeal and the activity of certain newly-made special constables. To the same parties is also to be ascribed a pretty extensive search for that miserable poltroon Papineau who skulks, as was to be expected, from the storm of his raising."

It was not helpful that T.S. Brown, styled a general in the rebel force, was a director of the People's Bank at the time. The cashier of the bank inserted in the Montreal Herald of Nov. 22, 1837 a notice dated Nov. 21 to the effect that since the 1st of September T.S. Brown had ceased to be a director of this bank.

The Morning Courier of Nov. 20, 1837 reported that "Louis-Michel Viger, president of the Banque du Peuple, was quietly lodged in the same building in consequence, it is said, of some peculiarly heavy charges against him, relating chiefly to the financial concerns of the party. If the half of what is currently believed be true, some startling disclosures may shortly be expected, of certain means by which the 'sinews of war' have been supplied to aid in the procurement of arms, and other matters, contraband of war."

B.H. Lemoine, cashier of the bank wrote to L'Ami du Peuple and to the Morning courier,

"This statement, if it means anything, insinuates that the People's Bank have applied their funds to illegal purposes. If it means not that, it means nothing, and you have trifled with the public. If it insinuates the improper use of the funds of the People's Bank, it insinuates what is not true.

"Every candid person will agree that you would have acted more justly both to the public and to the People's Bank had you either boldly stated that which is insinuated, or abstained in any way alluding to the subject until the proof, of which you seem so confident, would have warranted the publication of the fact.

"It were idle to tell the Editor of the Courier that an insinuation is not infrequently more productive of evil than the fact, if fact there be, upon which it is hazarded. The author of the 'Glossary' must know this, and that the reputation for fair dealing to which the Courier asserts its title is not supported by the publication of insinuations such as have called for this letter.

"Justice demands that you should insert this note in tomorrow's paper, and therefore I have to request it may be done.

Furthermore, in reply to this insinuation and to the report which appears in the Herald, I ask that you call public attention to an advertisement inserted in the Courier of today entitled 'La Banque du Peuple'."

The advertisement read,

"A number of officers of the Banque du Peuple advertised that, since it had been said that the Banque du Peuple had furnished funds to buy arms to be used to overthrow the constitution of this province, the directors and officers of this institution declare that this report is malicious and a deliberate falsehood, and we shall immediately take steps to publish an affidavit to this effect. This institution is confident in its resources and will immediately begin to make payments again in specie if the other banks of this Province will engage themselves to act similarly."

A sworn affidavit by these directors was also published,

"Being aware that false insinuations have been spread in public that this bank had lent or supplied funds to buy arms, to destroy or overthrow Her Majesty's government in this province, they believe it is their duty to affirm solemnly that these statements are totally false."
(L'Ami du peuple. Nov. 25, 1837)

"Justice demands that you should insert this note in tomorrow's paper, and therefore I have to request it may be done.

The Morning Courier appended its editorial note to Mr. Lemoine's explanation,

"A letter will be found in our paper of today, from the Cashier of the People's Bank, on the subject of the remarks in our last upon the arrest of Mr. L.M. Viger, and in another column will be found the advertisement in which reference is made at the close of it. Mr. Lemoine gives himself unnecessary trouble in urging the insertion of his letter. The disposition towards 'fair dealing,' to which we certainly do lay claim, would not have allowed us to pass over the subject in silence, though his letter had never been written, much less to suppress the letter itself on account of its tone, though it had contained no such peremptory demand for its insertion. In fact, some hours before his note was received, we had put the handbill of the Directors, issued on Monday, into type for publication,

and had made enquiries into the truth of the particular report referred to in yesterday's Herald, and in consequence were prepared to express our own disbelief of it. For one who affects such holy horror at what he calls the 'insinuation' in our remarks on Monday, Mr. L. would seem, from the fourth paragraph of his letter, to be a pretty good hand at insinuating himself. At any rate, if the mysterious and only half intelligible be an element in 'insinuation' of the highest order, his claims in that line are unquestionable.

"For the paragraph itself, which has called up Mr. L's rejoinder, we have only to say that it was much less positive than the currency and character of the reports to which it refers, might have warranted us in making it. The advertisement of the People's Bank may aid individuals in forming a judgment as to the reports themselves."
(Nov. 29, 1837)

The directors and officers of the bank also reacted to the rumours on Nov. 20 in a paid "Notice to the Public. We understand that a report to the following effect has been most industriously circulated in this city, by the enemies of this Institution:-

"That the People's Bank has furnished funds with which to purchase arms to be used for the subversion of the Constitution of this Province."

"We, the Directors and Officers of this Institution, declare this statement to be a wilful and malicious falsehood, and will immediately prepare and publish affidavits to this effect.

"This institution being confident in its resources will immediately resume Specie Payments, if the other Banks of this Province can be induced to do likewise. Jacob De Witt, John Donegani, G.M.E. Vallee, Pierre Beaubien, Pierre Dunn. B.H. Lemoine, Cashier."
(Ibid., same day)

Another rumour plagued the bank those uncertain days. The Herald had written on Nov. 21 that "reports were current in town yesterday, that the Banque du Peuple had stopped payment, and we understand, its notes have been refused in deposit at the Montreal Bank and North American Bank."

The bank advertised in L'Ami du peuple of Nov. 21, "In view of the rumours that say that our bills have been refused payment at the Bank of Montreal or Bank of North America: These are rumours. On the basis of this phrase or similar, newspapers in this city seem to believe that they are authorized to report whatever they wish, however false and however damaging it is to individual and institutional interests."

And Mr. Lemoine responded in the same newspaper the next day. "'Reports were current'. and under this phrase, or similar phrases, the newspapers of this city seem to consider they are entitled to state anything, however untrue, or destructive to the interests of individuals or Institutions.

"This short paragraph of the Herald's has two untruths:

"1st. The Banque du Peuple has not stopped payment. With all the other Banks of the Province, it suspended cash payments, but now, at the request of the public, willingly redeems its circulation, in the bills of the Montreal and City Banks.

"2nd. The Banks of this city do continue to take the bills of the Banque du Peuple, as usual." (Ibid., Nov. 22)

The Montreal Herald of Nov. 23, 1837 notes, "We can only state that an individual called to this office and said that the Montreal and British North American Banks had refused to take from him, in deposit, notes of the Bank of the People. We have since learned that neither banks have refused such notes in any way."

We read in the Morning Courier of Dec. 8, 1837 that "A story is going the rounds of the American press, that Mr. Lemoine, the Cashier of the People's Bank, has just been arrested at Albany, with \$130,000 of the funds of that institution, which he was abstracting for political purposes.

"The tale has received all manner of embellishment from one and another of those who have copied it. That it has not a word of truth in it, so far as Mr. Lemoine and the People's Bank are concerned, we have the best means of knowing.

"Mr. Lemoine was going at large, and unthreatened with arrest, no longer ago than yesterday, in this city of Montreal. The President of his bank was arrested some time since on political charges, and Mr. Lemoine was not a little angry with us for having then stated in our

paper some of the rumours to which that circumstance gave rise. Nothing has since occurred, however, to give credit to them; and those most concerned were prompt in giving them the most positive contradiction. The late acceptance of a Directorship in the institution by two of our wealthiest citizens, does not look as though they could be true; inasmuch as every Director by law renders his whole property liable for any debts of the concern.

"As to Mr. Papineau and politics, which have been coupled with the name of Mr. Lemoine and the story of his flight, Mr. L. assures us, that the former has never owned a shilling of his Bank's stock, nor the latter troubled his brain.

"The whole tale, we presume, has grown out of the light of another Cashier, of another and much smaller and newer concern, yclept Henry's Bank, which has since exploded in consequence. The runaway has been followed to the States, and may have been arrested for aught we know. If so, the fatality which so sadly misleads our brethren of the press generally through the States, on all matters touching upon Canada, has made them mistake the name, If not, the same fatality must have made them mistake the fact also."

On Jan. 23, 1838 we read in the Herald that "the 'loyal' directors of the Banque du Peuple are drawing in all the five dollar notes they can get a hold of because Papineau's head is on them, and they have ordered new plates for notes of the same value which reports have it are to have engraved on them the head of Lord Gosford, who is now called, as Papineau used to be, 'Homme du peuple'. They will find the one head is as much at a discount as the other. They are also drawing in their copper currency they issued, for the Canadian star and cap of liberty on it."

L'Ami du peuple of Dec. 16, 1837 reported that there was a rumour in the city that the Banque du Peuple, in order to please the public opinion, and the prejudices of some people, is withdrawing from circulation the bills on which the portrait of Mr. Papineau appears and replacing them with other bills with the portrait of the Queen; all this not to shock the sentiments of loyal subjects of Her Majesty.

"We do not wish to note all the aspects that appear very singular to us in this extremely obsequious effort. At a time when everybody calls himself loyal from head to foot, no one is anxious to hear us and we would be losing our time and effort. These same persons ought to address themselves to the Bank of Montreal to ask them to take off from their old one-dollar bills the portrait of Sir Walter Raleigh who was convicted in the reign of James I of high treason for having wanted to put Arabella Stuart on the throne."

In the continuing guerilla warfare between the banking communities an anonymous writer inserted in the Herald of May 23, 1838,

"It is well known that events of the last six months, that is, circumstances occasioned by the Rebellion, had placed this bank in a peculiar position. There had been a run upon it. The Montreal Bank gave assistance at this juncture. Its notes had been returned from Upper Canada, as every merchant can testify, for months. It is not discounted for a long time."

In the Montreal Herald of May 25, "The Montreal Bank, the City Bank and the Bank of British North America as usual, notified that yesterday (May 24) would be kept as a holiday, being the anniversary of the birth of our gracious Queen; but the Banque du Peuple, whose chief partner and chief clerk are in jail for high treason and whose late principal director, T.S. Brown, has 500 pounds set on his head for the same crime -- this Banque du Peuple publishes in the 'loyal' Courier the following: 'Banque du Peuple, Thursday next, the 24th of May being Ascension Day (Fête d'obligation), no business will be transacted at the bank of Viger, Dewitt and Company.' This is certainly one of the many proofs of the returning loyalty of the Canadians such as is daily manifested in their English organ, the Courier and tri-weekly in their French one, Populaire; and as a friend remarked, he speaks greatly in favor of the religion of the Canadians, but little for their loyalty."

The Montreal Herald wrote sarcastically on June 1, 1838:

"The Banque du Peuple, ever distinguished for the loyalty of its directors and officers, was the first to set an example of resuming specie payments in this city; and we are told, although it is scarcely credible that, it was contemplated by some of these worthies to draw in all the notes of that institution bearing the portrait of the immaculate patriot Louis Joseph Papineau, for the purpose of sending them down to Durham as a 'loyal manifestation, in favor of Beau Viger and Bouchette'."

Suspension of Specie Payments

On May 5, 1838 by a special ordinance, issued in the light of economic conditions on the continent, "a certain association carrying on the business of banking at Montreal under the name and firm of Viger, Dewitt & Co. and commonly called the People's Bank or La Banque du Peuple," was authorized to suspend the redemption of its notes in specie for a limited time. (British Parliamentary Papers, Colonies, Canada. 1837-38)

This was reiterated in another "Ordinance to authorize certain banks therein named to suspend payments in certain cases" proclaimed on Nov. 6, 1838, sent to London on the 17th. Again, "In the present disturbed state of the province, banking institutions should be authorized to suspend the redemption of their specie. In this ordinance, too, the Banque du Peuple was specifically included.

"VII. And be it further ordained and enacted by the authority aforesaid, That all and every provision in this ordinance contained, shall and may likewise extend to a certain Association, or Joint Stock Company, carrying on the business of banking at the city of Montreal, under the name and firm of Viger, Dewitt and Company, and commonly called the 'People's Bank', or 'La Banque du Peuple': Provided always, that in addition to the statement and statements required by the first section of this ordinance, the said association do furnish, under the oaths therein expressed, a list of the names, places of residence and additions of the copartners and stockholders of and in the said association; with the number of shares and amount of capital stock subscribed by each of them respectively, and the amount of such capital stock by each of them actually paid in; and distinguishing also in such list of copartners and stockholders the names of such of them as are the president, vice-president and directors of the said association."

The Banque du Peuple announced in the Montreal Herald, May 18, 1838:

"La Banque du Peuple commenced yesterday to pay their notes in specie and we understand that the paying teller was kept pretty busy all day. Since the breaking out of the Rebellion, the notes of this bank have been passing current equally with those of the Montreal and City Banks, although the circulation had been gradually curtailing.

On May 15, 1838, the Banque du Peuple advertised over the signature of its cashier, B.H. Lemoine: the resumption of specie payments having taken place generally in the United States and, as the bank of Viger, Deweitt and Company suspended payments in specie with a promise to the public to resume with the banks of the United States, public notice is given that on Thursday, May 17, the bank will resume the payment of its notes in specie. (Montreal Herald, May 18, 1838)

Apparently in the interests of fiscal stability in both Canadian colonies, the Montreal banks were quite careful to maintain a public image of solidarity and of mutual support, an impression also supported by the governmental structure which controlled fiduciary institutions.

On Dec. 19, 1837, the Herald wrote that "Several New York papers mention that Mr. Lemoine, the cashier of the People's Bank in this city, was arrested at Albany on the 10th under a warrant from Lord Gosford endorsed by Gov. Marcy, and that Mr. Lemoine had in his possession about \$130,000. We are able to give this statement a most unqualified contradiction as Mr. Lemoine is still in town attending to his duties in the bank. We understand that Mr. Bebe, a clerk in Mr. Henry's bank, had disappeared and it is probable that he may have assumed Mr. Lemoine's name and thus imposed on our American contemporaries."

The Montreal Herald of Jan. 18, 1838 comments, "The Courier recommends the public to encourage the circulation of the Banque du Peuple coppers. We have seen some of them which have a cap of liberty and a star on them. The principal of the bank is in prison on a charge of high treason, and Mr. T.S. Brown was lately a director of the bank. Straws show how the wind blows."

But sometimes cracks appeared as in an anonymous letter in the Montreal Herald by "an illiterate" who affixed his "X" to the missive in the issue of May 24, 1838,

"The communication of Mr. Lemoine, Cashier of the People's Bank, as published in the Morning Courier this morning, affords a strong evidence of the difference between the motives of the Directors, President and Cashier of that institution and the Montreal Bank.

"It would seem that as early as the 7th of April, Mr. Holmes, as Cashier of the latter Bank notified Mr. Lemoine, as Cashier of the former, that the question of a resumption of specie payment had been entertained at the Board and that, in all probability the Bank would resume specie payments simultaneously with the Banks of New York and Boston. Mr. Holmes made this notification for the reason that, 'the Banque du Peuple had acted with the Montreal Bank in the suspension' this is distinctly assigned as the motive for making the communication; but it is likely that, had there not existed that motive, the communication would still have been made, for the rumour that the communication was important as affecting the commercial interests of the colony, and that no Bank conducted by men of enlarged views and liberal minds, could well, under such circumstances, act differently. The Bank of Montreal, did in this case, as in fact it has done in most, exhibit that regard for the public good and for private engagement, whether expressed, or only implied, which a well-officered and well-conducted Bank will always exhibit.

"In contrast, let us place the communication from Mr. Lemoine to Mr. Holmes, made in reply! He says, 'the subject of the resumption of specie payments had been taken into consideration sometime since by the Board of Directors of the People's Bank, and it was decided that the Bank should resume her payments in specie, on or about the 1st of May.' The People's Bank should, in duty to the public, out of regard to the Commercial body, (mixed up as are banks with it,) if not out of courtesy, have communicated this important decision at the time it was made. Instead of which, the public is suddenly startled by a public official announcement that specie payments will be resumed at once; and the other Banks receive notice privately two days before! If this be acting fairly to the public or to the other Banks, I am a poor judge of what fairness is. In the United States the councils of the country make this very subject matter of grave deliberation; the powerful United States Bank, under its able cashier, places the public in possession of its views; how would the merchants of Philadelphia or New York have felt, if any banking institution had acted in this matter as has done the People's Bank? The People's Bank! The People's fiddlestick; and then a parade and a flourish of trumpets to be made about the matter. Why it is well known that the events of the last six months, that is, circumstances occasioned by the rebellion, had placed this Bank in a peculiar position. There had been a run upon it -- the Montreal Bank gave it assistance at this juncture (as is said, let it be denied!) -- its notes had been returned from Upper Canada, as every merchant can testify, for months -- it had not discounted for a long time; and, under all these circumstances, out it comes, alas, in its might, suddenly and without a notice to all and sundry, or to any, that it would resume specie payments!

It is a very easy matter to resume specie payments when a Bank has but a very small circulation, and it is as easy a thing to captivate the People by such a manifestation of regard to the people's interests. This manifestation I have no doubt, will be appreciated, as have other manifestations, which are laughed at by all persons of any reflection.

"Every one will acknowledge that specie payments should be resumed so soon as can be, with reference to the commercial interests, (for with these interests, the well-being of the whole community is involved,) but not without reference to them. It may not be an easy matter to make certain patriots acknowledge this, but set them aside as unworthy of notice; every man competent from 'connaissance de cause' will agree with me."

In the brief narrative of the late rebellion (Montreal Herald, December 4, 1838) it is noted that L.M. Viger, president of the People's Bank, was arrested.

A.P. Hart, Defender of Patriotes

After the failure of the rebellion it fell to the lot of advocates Drummond and Hart to defend some of the Chasseurs before the State Trials courts martial against charges of treason. The record is unclear as to the identity of advocate Hart who appears in the Report on the State Trials. Some historians, including Robert Rumilly, believe that it was Adolphus Mordecai Hart (1808-43). After studying law in the office of Alexander Buchanan, he first opened a law office at Quebec and later removed to Montreal. In 1831 he was a member of the Quebec Historical and Literary Society (Transactions, 1878). (Archives nationales du Québec. Fonds Malchelosse. Notes de M. Audet; Canadian Jewish Archives, no. 20, pp. 198-201, 207-208)

D. Vaugeois identifies the Jewish defence lawyer as Aaron Philip Hart. Sack notes that by 1837 A.P. Hart was an examiner for candidates for the bar. (p. 128)

Denis Vaugeois, member of the National Assembly for Trois-Rivières and formerly minister for cultural affairs in the Levesque government, recalled A.P. Hart in the Legislative Assembly on June 1, 1982 during the 150th anniversary observances of the Act of 1832:

"I would like on this occasion to pay homage to members of the Hart family. There were Ezekiel Hart. There was Benjamin Hart who urged appropriate legislation for a synagogue. There was Samuel Becancour Hart who took the initiative of a personal petition. There was another descendant of the Harts, the son of Benjamin, Aaron Philip Hart.

"I am always surprised that he is so little known, this nephew of Ezekiel Hart. If I make my own publicity, I will recall that we had an excellent periodical of our own, the Boréal express which has dwelt on his merits at some length.

"1837 and 1838 were the troubled times of rebellion. It is interesting to see Jews emerging and very active in these very troubled times of our history.

"In 1807 and 1808 Ezekiel Hart was the victim of our confrontations. We need to recall that at that time they had even suspended Le Canadien, a sort of ancestor of Le Devoir, and had imprisoned its director.

"The leader of the opposition appears not to agree with this. He has indeed provoked me, but I will only say to him parenthetically that the Liberal party of that time was the ancestor of the Patriotes party and of the party of the reds. This has not been the case for some time. For many years the Liberal party had, I believe, truly carried the torch of the Patriote's party.

"Whatever the situation may have been at the time, Le Canadien saw its presses seized, its leaders imprisoned and Pierre Bédard, member of the legislature, jailed. He was in gaol during the last election under Craig, but was reelected in spite of this, as was Blanchet. There is no doubt that it was harder to be a member at that time than today. The Bédard episode ended quite happily in spite of all this.

"Without entering into too many details, I will recall that Joseph-Narcisse Cardinal was arrested in 1838. A notary, he was a member of this House since 1834, and the leader of a small group. He was to face a military tribunal and had to organize his own defence. Some lawyers attempted to intervene, and three of them succeeded, in spite of orders which had been issued. Among them was a descendant of Aaron Hart, Aaron Philip Hart who assumed the defence of the patriotes in a most admirable manner. I am glad to recall today this little human story.

"At the time there were but few to rise against the procedures being followed. Firstly we must remember that the House of Assembly had lost all its privileges and had been flouted. Its assets had been pillaged and the Assembly was dissolved. The Constitution was suspended. Hundreds were jailed. It was dangerous for anyone at this time to act as did this Jew, to come to the defence of the patriotes, to assume the defence of Cardinal and his people.

"The first trial Hart spent four hours in exchanges with the Attorney General. Finally he obtained a much milder judgment from the court because, in fact, Cardinal had never fired a shot, nor had any member of his group. He was not armed. Then Hart was able to convince the Court that four of the accused might just possibly be accused of acts of treason, but as for the others, their crimes were minor.

"The governor rejected the judgment of the court and demanded a renewal of its deliberations. At the second hearing six of the twelve were found guilty of high treason and subject to the death penalty.

"As you know, Cardinal went to the scaffold together with Duquet, one of his associates in his office.

"On the eve of the execution Aaron Philip Hart and his colleague Drummond, another lawyer, who had pleaded with him, wrote to the governor that the proceedings were illegal, unconstitutional and unjust. There are no stronger terms possible to describe the general course of the events of the time."

Vaugois added a few personal comments as a historian of Quebec Jewry,

"I have studied a little of the history of the Jews, thanks incidentally to the Canadian Jewish Congress which at the time accorded me a grant to enable me to visit American Jewish archives, for which I am still grateful. If I bore you with my comments, it is in part their fault.

"History has only a minor place at some moments; at other times it has its true place.

"So the Congress had given me this grant. I may, as an aside, express a wish that the present occasion may stimulate these interests. I suggest that the Congress take advantage of these observances, as it had in 1959-60, to launch a scholarship program for the study of the history of the Jews of Canada. I have often noted that Jews are so learned, so knowledgeable, are active not only in politics, but are to be found everywhere. Some people believe that Jews are active in the domain of commerce. We learn more about this cultural community as we find them in all areas of human activity. I believe that their history in Canada and in Quebec deserves to be better known, and even by themselves in moments of political surprise, as in 1976 for example, both sides would be more likely to understand each other.

"I believe that in this sense it would be desirable that Jewish historians, who have done so much for world history, for international history, develop their researches in their history here. After all, they are the third group in importance and in antiquity, and I believe that the David Romes and the others deserve to be supported in their efforts."

In December 1838 we find definite proof of A.P. Hart's participation in the defence of the detained insurrectionists.

The Herald of December 4 specifically mentions the name of A.P. Hart as assisting in the defence of the prisoners:

"The court martial met on Tuesday morning (Dec. 4, 1838) when the evidence in favor of the prisoners was brought forward and continued during the greater part of yesterday when it was closed; and will be summoned up this day at 11 o'clock; after which the members of the court will deliberate as to the verdicts and sentences against each and all of the prisoners. Messrs. Drummond and Moreau have acted as their counsel but on Tuesday and yesterday (Dec. 4 and 5) they had the assistance of A.P. Hart, who has also been retained for the purpose of affording every legal advantage to them."

The Montreal Herald of Dec. 8, 1838 comments on the appointment of Mr. A.P. Hart.

"The ungenerous spirit is prevalent at present, as manifested against those gentlemen of the bar who are employed as counsel for traitors, both here and at Quebec. A lawyer by his oath is bound to act for his client to the best of his ability, and God forbid that we should ever encourage the idea that a prisoner, however deep his guilt, however dark his crime, should not have an opportunity of availing himself of every assistance in his power when his life and liberty are jeopardized.

"We are sorry to learn that Mr. A.P. Hart of this city has been talked of in a style similar to what Mr. Alwin of Quebec has been because he was retained for the twelve traitors whose trials closed on Thursday.

"Instead of being blamed for this, he ought to be praised and to consider it an honour that his services were esteemed of so much consequence and value to men situated as they were.

"We believe that Lord Lyndhurst, then Mr. Copley, defended Thistlewood and his Cato Street gang of conspirators who were tried in London and condemned and hanged for high treason in 1820; yet no one ever thought of questioning the loyalty of the advocate who engaged in the defence, for he undertook it because he knew the case to be one of extreme difficulty, and if he was successful in getting the prisoners acquitted, however guilty they might be, he would gain immediate fame and prospective gain.

"So in the case of the wholesale murderers, at Edinburg: Burke and Hare, the latter of whom turned King's evidence, Lord Jeffrey and Cockburn, then the most distinguished advocates at the Scottish Bar, volunteered their professional services to defend one of the most atrocious criminals that was ever placed before a tribunal of justice. Yet no person thought of implicating these great men with his crimes; but every person applauded the motives which induced them to do all in their power to give the prisoner every benefit which the law could allow.

"It is extremely unfair to suppose that advocates are not to take any case offered to them; their legal knowledge, their eloquence and their time composed not only their capital but their stock in trade which they feel interested to dispose of to the best advantage; and as soon should be expected that the loyal merchant should refuse to sell a hogshead of sugar to a rebel as that a loyal advocate should decline to defend a rebel, even though he was not bound by his oath to do so.

"God knows that we do not wish to see one of these guilty wretches escape their doom, but even that would be almost preferable to their not being fairly tried or being denied such legal advice as the profession can afford them."

During the proceedings of the court martial of Dec. 6, Mr. Hart presented a written commentary on the part of each of the prisoners on the points of evidence affecting him: Joseph Narcisse Cardinal, Joseph Duquet, Joseph L'Ecuyer, Jean-Louis Hubert, Jean-Marie Hubert, Levie Ducharme otherwise called Leandre Ducharme, Joseph Guimond, Louis Guerin dit Dussault otherwise called Blanc Dussault, Edouard Therrien, Antoine Côté, François Maurice, François Lepailleur, Louis Lusiege otherwise called Louis Lesage dit Laviolette. (Montreal Herald, Dec. 11, 1838)

In the court martial of the group of prisoners including Joseph Narcisse Cardinal, Joseph Duquet, etc., as reported in the Montreal Herald of December 11, 1838,

"By the permission of the court an eloquent and impressive address was read on Dec. 6th by Mr. Drummond on the part of the prisoners and a written commentary on the part of each on the points of evidence affecting him was read by Mr. Hart."

Mr. Day, as joint depute charge advocate, replied and summed up the evidence at some length.

This is in the case of J.N. Cardinal and others.

In the issue of the Herald of Dec. 13, we read that on Dec. 12, "an application was made by A.P. Hart on behalf of Cardinal and the other prisoners tried by the Court Martial, to His Honour the Chief Justice of Montreal, Mr. O'Sullivan and to the Honourable Mr. Justice Pyke for an order from the judges requiring the Sheriff of the district to furnish the prisoners with warrants of arrest and commitment of such of the prisoners as were committed to jail on the 4th of November, previous to the proclamation of martial law which he has refused to give them. The application was taken en délibéré, and judgment will be pronounced upon it this morning at 10 o'clock in the judges chambers when Mr. Hart will, as he notified the judges, follow it by a motion for a writ of prohibition to state the proceedings of the court martial."

Cardinal was one of the higher officers in the secret fraternity of Chasseurs. He returned to Canada in Feb. 1838 and helped to plan the uprising which took form in November. He based his operations in Chateauguay. While attempting to seize the arms of the Caughnawaga Indians he was captured on Nov. 4, and taken to Montreal the same day.

Fauteux recalls that "he stood trial on charges of high treason before the court martial at the end of the month and was sentenced to hanging on Dec. 14.

"He was fated to open the way to martyrdom for those who travelled the road with him. The first to be condemned, he was also the first to be executed. Several days before the fateful day his wife sent a petition couched in very moving terms to Sir John Colborne, but the old general remained hard of heart. On Dec. 21, 1838 Joseph-Narcisse Cardinal and his young colleague Duquet mounted the scaffold and paid with their lives for their devotion to the cause of liberty." (Les Patriotes de 1837-38. p. 154)

Rumilly records, "On Jan. 8 Prieur and eleven of his associates were taken in a prison van, in pairs, to the prison at the Pied-du-courant. As they crossed the prison yard they passed under the gallows where Cardinal and Duquet had been hung. Their lawyers, Drummond and Hart, came with them to prepare their defence. By pleading obstinately that the court was illegal they hoped to obtain a release in accordance with the Durham decree. They demanded a jury trial, and argued that they were accused of acts committed before the ordinances of Nov. 6.

"They underwent trial. Prieur and de Lorimier defended themselves with great determination in a courtroom filled with enemies. They cross-examined witnesses, led them to contradict each other.

"Every morning the prison van took the accused from the prison to the court and then brought them back, escorted by volunteers. As the grill-covered van passed by, loyalists shouted insults at them, but women furtively made the sign of the cross as at a funeral.

"Inside the court the accused had to be on their feet during the hearings. The proceedings were in English which some of the accused barely understood, but the indefatigable and devoted Hart and Drummond kept them fully informed. If Prieur is to be believed, the judges amused themselves by sketching men hanging from scaffolds. Cries of hatred greeted the coming and the going of each of the accused. The Herald confidently predicted new death sentences. After five of the accused were condemned and hanged, the prison cart brought Prieur and his companions to court again, and they saw the bodies lying in the snow. A volunteer in the escort company pointed to them and said, 'It will be your turn soon.'" (Papineau et son temps. 2.90, 101-3; Canadian Jewish Archives, new series no. 20, Pp. 208-9)

In the press, Adam Thom called for a speedy trial. "Why fatten them for the noose?" he asked in the Herald. He called for genocide before the word. "Let us wipe the Canadiens from the face of the earth!"

Both lawyers interviewed F.-X. Prieur hours after his arrival in the Montreal prison; they were able to secure the commutation of his death sentence to deportation to Australia whence he returned six years later.

They were able to secure the liberation of François Trepanier of Rouses Point.

Hart had to defend Dr. Jean-Baptiste Henri Brien and Chevalier de Lorimier alone because of the indisposition of his colleague Drummond. (Canadian Jewish Archives, new series no. 20, Pp. 199-211; no. 25, Pp.39-59)

A.P. Hart in Controversies

In the delicate and decisive months of the insurrection of 1837 Benjamin Hart's brash and argumentative younger son, Aaron Philip, played an interesting role which was not fully appreciated by many and which was cut off by his early demise in 1843 at the age of 32.

We have seen Benjamin Hart criticized for choosing his son as counsel in the historic 1832 case of the granting of full rights to the colony's Jewish citizenry. Yet, just because of what some perceived as his failings, he might have been the right man to win the support of the Papineau group.

There had been harsh disagreement as to the good judgment of the younger Hart. This may also have been the basis for the congregation deciding to dispense with his legal services. (Canadian Jewish Archives, no. 25, pp. 40-41)

But ability and good judgment may not have been the sole elements in the condition. There may also have been a profound difference in political opinion, precisely on the issues which were at the root of the events of 1837-38.

To appreciate his differing opinions we need to recall that the rebellion not only polarized the two camps, but there was a wide gradation of degree on the scale of the issues. Put more simply, among the Loyalists there were those less antipathetic to the Patriotes than others. Probably Adam Thom and his Herald were the voice for one extreme; together with Benjamin Hart and many in the Jewish congregation. But other anglophones were milder.

Probably A.P. Hart was among these, a non-conforming son who was arousing various degrees of anger within the heart of society.

His father loyally promoted the interests of his son consistently devoted as he ever was to all the members of his family; perhaps more generous in this giving than, as it turned out, in the receiving. At times the father's choice was not necessarily approved by others in this society.

The Public Archives of Canada preserve his petition to Administrator of the Government, Lord Aylmer of Dec. 20, 1830. (RG 4, B8, vol. 24, p. 8718),

"The petition of Aaron Philip Hart of the City of Montreal, Student at Law, Respectfully sheweth That your Petitioner desirous of being permitted to practise as an Advocate Attorney Solicitor, Proctor, Barrister and Counsel in all His Majesty's Courts of Justice in this Province hath served a regular and bona fide Clerkship according to the Statute in that case made and provided with Alexander Buchanan, Esqr. Advocate &c. for and during the space and time of five years successfully and conscientiously during which time he punctually performed all the duties imposed upon him thereby.

"(That the said term of five years expired on the tenth Instant)

"Wherefore your Petitioner humbly prays that Your Excellency may be pleased to grant him an order of Reference for Examination in order that on Proof of his qualifications your Petitioner may receive his Commission and be permitted to practise as an Advocate Attorney, &c."

The confusion about A.P. Hart's role in the rebellion is shared by Gerald Hart who recalls him as "leading the Montreal Boys who conveyed the prisoners accused of high treason to the Citadel prison from Quebec." (Canadian Jewish Archives, no. 25, P. 50)

A.P. Hart was active in the military during the suppression of the 1837 rebellion. He was named captain of the 3rd Brigade of the Montreal Light Infantry on Nov. 23, 1837. (Ibid., May 16, 1837)

He was in command of an infantry company during the first insurrection, and we find his notice in the Montreal Herald of Nov. 22, 1837:

"Captain Hart's Company of the Regiment of Montreal Light Infantry will meet to drill at Boyd's Hotel this evening at seven o'clock promptly."

And again a notice signed in the Herald announcing "a private drill, specially ordered, of the Second Company of the Montreal Light Infantry on Jan. 1, 1838 at 12 o'clock on the corner of Recollets and McGill streets. A punctual attendance is required." He signed the notice in his capacity of captain of the Second Company.

Early in March, 1838 Capt Hart travelled to New York with dispatches for the British consul there. (Herald, March 8, 1838)

Young Hart had the propensity to appear in public print and discussion, in various circumstances, without necessarily being the more popular or respected.

The Montreal Herald, May 19, 1838 reported "the case of George A. Miller, plaintiff against Nathaniel Beardsley, defendant, to recover damages for malicious arrest for perjury, came on for trial yesterday before Mr. Justice Rolland and a special jury. It appeared that the defendant had acted more imprudently than maliciously, and the jury returned a verdict for the plaintiff in damages: £12. Counsel for the plaintiff, A.P. Hart; for the defendant, J.J. Day."

A political incident in the summer of 1838 involved both Benjamin and A.P. Hart.

Benjamin Hart was chosen, at a citizens' meeting on June 13, 1838 at St. Anne's Market, to the committee entrusted with framing an address to the Earl of Durham. (Montreal Herald, June 14, 1838)

The public notice convening the meeting was signed, among others, by M.S. David, A.P. Hart, Jesse Joseph, D. Moss, L. Moss, Dr. David and J.H. Joseph.

The father was on the delegation which presented the address to the earl on July 6. Others on the delegation were I. Valentine, M.J. Hays, E.D. David, and A.P. Hart. (Ibid., July 9, 1838)

But there were serious complications with another petition presented to the governor a fortnight later, and a notice in the Montreal Herald of July 28 bearing signatures, inter alia, of B. Hart, I Valentine, notes:

"Whereas it appears, by the reply of His Excellency the Earl of Durham to the deputation which waited on His Excellency with a petition on the subject of feudal tenure on July 25th, that as the petition had not been determined upon at a public meeting, it contained the sentiments of those only who presented and signed the petition, and not the sentiments of the public generally and, secondly, that the petition which was so presented contained a threat towards the government in the event of the petition not being granted.

"We, the undersigned, members of the deputation who waited on the Earl of Durham with the petition, hereby solicit the attendance of citizens at a public meeting on July 30th at Ste. Anne's Market, in order to remove from the mind of His Excellency the erroneous impression entertained by him in relation to this petition, and there to express their approbation or disapprobation of the petition which has been so presented."

The meeting thus called noted that the petition, as presented, had been publicly exposed for some time. It had contained a paragraph "apparently but not intentionally, a threat against Her Majesty's government but intended merely to apprise His Excellency of the animosity which must inevitably result in the immediate and unexpected exaction of heavy arrears of the lods and ventes at a time of unexampled depreciation of property and depression of trade. In the course of discussion, there were interruptions by several men who had evidently been drinking too freely, and the confusion became so great that the chairman was compelled to dissolve the meeting." (Montreal Herald, July 31, 1838)

A.P. Hart was among the many speakers at that meeting. Some of the speeches, veritable essays, were published in the press. Among those which are lost to us for not being published was that of the younger Hart. Indeed, on Aug. 1, 1838, the Herald regretted that it "had not been favoured with a note of his speech delivered in support of Mr. Driscoll's amendment."

Mr. Driscoll had objected to the wording of the resolution presented to the meeting, containing a paragraph which could be interpreted as a threat against the executive. He stated that he and his constituents had never read the draft which contained this objectionable statement.

Hart said in inimated language that "there could be no doubt that the paragraph in question purported to convey a threat of the petitioners renouncing their loyalty in case the prayers of the petition were not granted; although from what we know of the framers of the petition I had no idea that it meant to convey such a sentiment in reality; but its introduction was unfortunate."

The Courier reported that Mr. Hart said that if the sentiment were sent to Great Britain it would serve as a verification of all that had been said to our disadvantage.

The Montreal Herald was sure that Mr. Hart said no such thing for he could not be guilty of talking such arrant nonsense; "Indeed, we have his own authority for disallowing it."

With the consent of all parties with a slight change in wording the resolution thus amended was unanimously agreed to. (Montreal Herald, Aug. 1, 1838)

The Montreal Herald of October 3 published Mr. A.P. Hart's remarks at the meeting at the St. Anne's Market on October 1st,

"Mr. A.P. Hart proposed an amendment that the meeting should not express any opinion regarding the legislative union of the Canadas or a federation of the North American colonies; and that inasmuch as the resolution contained considerations of a nature foreign to the object of the meeting, as called by public advertisement, it not be put to the vote. The amendment was seconded by Mr. John Torrance, but on the sense of the meeting being taken, it was lost and the original resolution carried almost unanimously."

The Honourable G. Moffatt did not think that the mover of the amendment had shown that there had been any attempt to take the meeting by surprise; had not Mr. Thom, since the requisition appeared, published two letters in the Herald on the question referred to in the resolution, and had he not just concluded a powerful appeal to the meeting in favor of the one against the other? How then could the meeting entertain the amendment? He trusted that it would be rejected, but he did not regret that the division should take place. It would have the effect of showing more distinctly than might have been otherwise done, whether the meeting was unanimous or otherwise in favor of the union and opposed to the federation; and he thought it desirable that this opinion should be now distinctly pronounced, in order that Lord Durham might be apprised of it previous to his departure. It was under the impression that his Lordship's further residence among us would be very short, that it had been determined to submit this important question to the consideration of the meeting, and while he deeply regreted to find that impression confirmed by what had authorizedly stated today, he conceived it more important to call on the meeting to pronounce an unequivocal opinion.

On Oct. 8, 1838, A.P. Hart published a long letter, in the leisurely controversial style of the age, in the Montreal Herald attacking the extremist anti-Canadian Thom.

"Sir, you will no doubt feel surprised at being addressed through the columns of a public journal, more particularly perhaps when you ascertain who has so addressed you; and possibly you may feel annoyed that your course of political conduct should be censured by one younger than yourself as well as in age and in experience, and that one an intimate acquaintance, and I trust as far as social connections extend, your friend; if such be the case my only excuses are that I address an individual who has of his own free will brought himself before the public, and I name him because he has thought fit personally to appeal to public opinion; and I do so openly that he may not have to ask to know the writer of an anonymous communication to a newspaper implicating his conduct, and be answered that the author of that letter is one who has been upon terms of intimacy with him.

"In doing so, I have been actuated solely by a desire to give my aid towards preventing, if possible, or limiting at least, the influence which your communications to the Herald and your course of conduct as a politician might have upon many persons once admirers of your energy and decision as a political writer, and who might perhaps now be deluded by your diplomacy.

"I may be condemned for thus intruding myself upon the attention of my fellow-citizens and countrymen, by some, as I was, for introducing an amendment dictated by British feelings at the meeting held on the first of October at St. Anne's Market and brought forward to prevent a division in an assembly whose result it was most desirable should be unanimous. That amendment was rejected by a large majority, but nevertheless I still insist upon its correctness. You and many of your admirers may now blame me, and if so, I undeniably must be compelled to bear the brunt of your opposition to my remarks and of public opinion.

"Let the public, I mean the British public, be the judges of the truth of the assertions that I shall here make, and of the correctness of the opinion which I have formed of the line of conduct pursued by you since you have become connected with the administration of the Earl of Durham, and more particularly of the singular part which has been played by you during your last visit to Montreal.

"Some five weeks have now elapsed since your appointment to office was first made known. Much surprise was excited, but in consequence of your previous high tory principles, naught but good was anticipated by many from your nomination, and decidedly no evil could be expected by Constitutionalists from the elevation to office of Camillus.

"From that moment until your name appeared in the Gazette as assistant commissioner little was heard of your proceedings until, immediately after the receipt of the intelligence of the infamous conduct of the ministry and of Earl Durham's personal enemies towards that nobleman, you suddenly appeared at Montreal; for what purpose I ask of you?

"Was it to use your influence in endeavouring to excite the constitutionalists in this city to express their abhorrence of the treatment of the Governor General? If so, how changed must be your opinion of those with whom you were wont to labour in the good cause. When did the constitutionalists in Montreal need the promptness of an official to perform an act of British justice?

"It must however be gratifying to the noble lord, most gratifying, to know that the presence of Camillus was not required to obtain unanimity in the expression of our confidence in the utter honesty of his intentions during the unfortunately short administration by him of the government of Lower Canada; and I may safely refer to Mr. Edward Ellice as to the purport of the conversation with him on board the Brockville steamer in Upper Canada on the 24th of September, when I assured him (and I did not know at that time, Camillus, that you were so near this city) that the constitutionalists in Montreal were too much animated by truly British feelings to allow cowardly policy exhibited in the House of Lords to pass unnoticed.

"But allowing that you did visit us for the purpose of feeling the pulse of the constitutionalists, did you come to Montreal as the accredited of the Earl of Durham or simply as the Adam Thom who once wrote as Camillus, or who so strenuously advocated consistency (if I recollect well, the arguments of 'memory', or the homilies addressed to certain 'rime speakers' in the late legislature of Lower Canada); or did you reappear upon the boards of political discussion as Adam Thom, assistant commissioner, and 'connected with the administration of the Earl of Durham?'

"But I care not in what capacity you returned to us, or whether clothed in the garments of official authority or not -- your political conduct here I humbly conceive to have been characterized by want of judgement and a discretion; and I fear much that some of your political opinions will, as developed in your letter to the editor of the Herald and in your speech at Ste. Anne's Market meeting, appear to have been rather a miraculous revelation, than as the result of sober observation and the deduction of reason, or the effect of mature and calm deliberation.

"Still understand me, Mr. Thom, distinctly to disavow and deprecate the vulgar and intemperate assertions made against you at the meeting by one of the speakers. Were you the vile creature whom he would wish to depict you, I should hardly think you worth the trouble which this letter may cost you.

"I must now take up your first letter and endeavour to prove how singularly warped your judgement has latterly become, and how strangely true it is that a new convert in politics is too apt to run amok.. and thereby becoming dangerous to his friends as to his enemies. The letter to the editor of a public journal commences:

""Sir will you permit an old friend' and ends with 'yours ever, Adam Thom'

"What a pity that it had not been headed private, and consequently never been published. I know that if in any of our political quarrels I have told you that you are at times vain, but to prevent my doing so, tell me in the name of common sense, how came you to sign your name to that letter?"

"When you wrote as Camillus, when you acted as the editor of the Montreal Herald, you were the conductor of a public journal avowedly to a certain extent the organ of a political party and responsible to everyone of your fellow subjects for your opinions. When you left the editorship of the Herald, I recollect your initials being inscribed to your address to the public. But never before do I remember that you appeared before the public in a political letter in propria persona; and in this letter and its ideas to followers we see subscribed Adam Thom cui bono? I know not that the signature Adam Thom would induce any man to swallow an unpalatable dose, unless he could add to it the respectable letters M.D.; and I have not assured myself of the fact that Adam Thom and the constitutionalists always agreed in opinions so far as to make his signature the countersign whereby admission might be obtained to our dearest political feelings.

"It is true that in the second letter of Adam Thom I see that he uses the following words, 'meanwhile I must earnestly implore the advocates of the union of the Canadas to give to His Lordship, to His Lordship's every advisor, to one who has been their consistent, fearless and faithful servant, full credit for aiming etc.....'

"Does that extraordinary assertion, however contradicted as it is by fact and singularly ridiculous as it must appear, carry even upon that plea? Adam Thom should be the mystic sign by which we are to be magnetized at once and transformed into the gaping admirers of what had been styled by him 'Lord Durham's policy'.

"It is the fact, I am aware, which cannot be denied that the most talented individual will, after editing a newspaper for a certain length of time, and being engaged in a continued political warfare, buoyed up by the success of efforts made with unscrupulous zeal and bitterness, accustomed to deal in unvarnished envections, and daring beyond any moderate bounds, become at last in his own opinion though retiring from his vocation, one ruling the destinies of nations! Is it not so Adam Thom?"

"With regard to the policy of your writing to the editor of the Herald, I think you were wrong in forcing suddenly upon the minds of the constitutionalists of Montreal a measure crude and undigested, even with those who had conceived it. If the Earl of Durham regard a congressional union of the British North American

Colonies as the sole measure calculated to release us from the difficulties under which the loyal inhabitants of this province labour, surely it would be his Lordship's wish that so important an object should be received with confidence by those whose lot it is to be alleviated, and that the necessity for such a federation should be well understood by all. Now it appears to me but reasonable to suppose that, as you left Quebec after the Earl of Durham had received the intelligence of the proceedings in the Imperial Parliament, which induced that nobleman to determine on resigning the office of Governor General, if you are addressing the public upon the subject of the congressional union of the colonies as well as the promise made by you in your note published in the Herald of the 29th of September, to make known at the meeting of the first of October 'what you knew of his Lordship's policy' have been authorized by Lord Durham, the constitutionalists would conceive that this project has not been sufficiently considered, and that they could hardly be called upon with any justice to make up their minds at once, to part with that mode of settling their difficulties which had been duly considered of by them, adopted by their delegates, and which met the approval of the House of Assembly in the sister province; and instead receive a scheme, novel in its nature, to the carrying into effect of which numerable obstacles would be presented, in which they fear would be pregnant with danger to their right. If you were not authorized, then I apprehend that the noble Earl must feel rather annoyed that the impolitic conduct of Mr. Adam Thom who, though 'connected with Lord Durham's administration', has thrust before the public one of Lord Durham's schemes (the usual word) with a promise of making known what he knew of Lord Durham's policy and yet could not decidedly say what that policy was, what shape it had assumed or what effect it would produce.

"I will merely here put you in mind of a portion of what you stated at a meeting in Montreal October 1st, 'If asked what Lord Durham's present views are, I answer the question by asking what are your own.' Is that your own peculiar way of imparting information, Mr. Thom, and if so, it is like much of your late political conduct, rather novel in its nature.

"You are mistaken if you think that the question of a general federation of the North American Colonies has never been thought of by the constitutionalists of Lower Canada. I recollect the circumstance which will show you clearly how acceptable it must be to them.

"In the summer of 1836, at the first meeting of the select general committee, when calling for a division of the resolution presented to the meeting in favor of the union of the two provinces, I was met by an amendment proposed by Mr. Cuvilier suggesting this very scheme of a general confederation. What was the fate of that amendment?

"No one could be found to second it, which as far as I can recollect, the mover admitted, was brought forward merely to throw another obstacle in the way of passing of the original resolution.

"In your third letter to the editor of the Herald, you have broadly asserted that Lord Durham's union would increase the resources of the colony and preserve the integrity of the empire. Will you allow me to ask you, Mr. Thom, since what period you have made up your mind to the necessity of that measure and the benefits to be derived from it; for, strange to say, I remembered a dialogue written by you between Orestes and Pylades which was contained in no less than 38 letters in the Montreal Herald where you endeavoured to refute the arguments of union, and to portray the disadvantage which would result from a union of the two provinces; and yet you had not then conceived the idea either of the practicality or impracticality of such a measure as that which in a few short days you have determined is the only remedy for all our ills.

"And now Mr. Thom, for a time and in perfect good humour, I part from you, begging of you to recollect that mankind are ever inclined to regard new hypotheses with distrust, particularly when they derange the determination of past years of deliberation and study."

Simon Brody reacted to the letter of A.P. Hart with his own missive to the Montreal Herald (October 10, 1838);

"It is with regret that I perceived a desire manifested to put the worst construction possible on the conduct of a gentleman who has ever been a firm, a consistent, a fearless and most able servant of the public. I allude to Mr. Adam Thom.

"Because he accepted a situation under Lord Durham, he was accused of having been bought up, or as Mr. Adam Ferrie, with characteristic and inherent vulgarity styled it, had his palm greased, while it was never taken into consideration that his influence as one of Lord Durham's advisors might prove of far greater benefit to the cause of the constitutionalists than his occasional contributions to the Herald could ever be. And I leave it to the decision of any impartial and thinking person, if his declaration at a meeting on the first instant, that he thought Lord Durham would best perform his duty to his country and advance the interest of the colony by proceeding at once to England, was not purely disinterested and highly honorable to him. Mr. Ferrie talked about consistency at the meeting, as if he had any knowledge of the meaning of the word or had himself been a paragon of consistency. The idea is perfectly ridiculous to those who know his political history and that of some of his quondam and tried friends twenty years ago.

"I have endeavoured to understand the long letter written by Mr. A.P. Hart and published in your paper Saturday, but I must confess my utter inability to do so. I assure you that I have read it several times and I am very sorry to own that I cannot ascertain even its object. It appears to be written in an amicable design, yet prates about the writer's worst fears, lest the public be deluded by Mr. Thom's diplomacy.

"Such language is all very well for an advocate to use when addressing a jury, but it shows bad taste in the friendly controversy as it imputes improper motives to the deluder which I am positive do not exist.

"There is one individual in this colony who would not be actuated in, in any one thing, by improper motives. Mr. Adam Thom is that individual.

"The charge of vanity against Mr. Thom comes with admirable propriety from Mr. A.P. Hart and is questioned in italics 'tell me in the name of common sense how came you to sign your name to that letter?' caps the climax of absurdity as it is the first time that I ever heard any persons write and sign his name questioned.

"My impression is that Mr. Thom did so to make assurance doubly sure that he was the real author of the letter in question, and I suppose Mr. Hart's motive for appending his signature to his letter was something similar.

"Mr. Hart appears to find fault with Mr. Thom's expression 'If asked what Lord Durham's present views are, I answer the question by asking what are your own.' But as Mr. Hart unfortunately happens not to be a canny Scot, he is not aware that the above is a very common way of answering a question in my country; and as I understand it, it means that Lord Durham was anxious to obtain a knowledge of the sentiments of the Loyalists so that he might do all in his power to frame measures in accordance with them.

"Had Mr. Ferrie been the sole assailant of Mr. Thom, I would not have troubled you with this letter, even though the editor of the Courier did enjoy a hearty laugh that 'anyone, even Mr. A.P. Hart, should have taken the trouble to prove that Mr. Adam Thom is not a paragon of political consistency.' Mr. Hart must be grateful to the dignitary."

On Canadiens

An article had appeared in the Herald of Nov. 30, 1838 in which the writer recommended the institution of martial law and the offer of a reward for the head of every leading traitor.

"Nothing but a general disarming of the French Canadians can long preserve Lower Canada to England. So long as the traitors have arms at their command the English inhabitants of this province must feel as if encamped in a hostile country; a state of things too grievous to be borne while Frenchmen of all parties, gnashing their teeth as they do now under the humiliating infliction of a second conquest, would have one more motive for goading their incredibly ignorant countrymen into rebellion. Nothing but martial law prevents such evils. Another remedy is likely to be recommended to Your Lordship, namely, to call out and arm the militia...

"Of the provincial militia there are, we are willing to believe, many who would not turn their arms against their sovereign. But we do believe that from Gaspé to Coteau du Lac there breathe not 5 and 20 French Canadians who would aid by military force in putting down their rebellious compatriots...A French Canadian has been placed at the head of a new volunteer brigade; and not one French Canadian has enrolled his name under his countryman's banners. Of the two rifle companies who belong to the old volunteer brigades, each is under the command of a French Canadian captain; and while one of those companies exists but in name, the other contains neither private nor subaltern of French Canadian extraction.

"In the military, as well as in the political affairs of the province conciliation has failed of its anticipated effect."

Young Hart responded on Dec. 1st over the signature of A.P.H. The letter was duly received and noted on Dec. 2, but publication was unavoidably postponed until the 5th.

"It is with much regret that I have observed the tone which has characterised the remarks which have latterly appeared in your journal over the word 'Communicated.' The writer is known -- in fact he cannot be mistaken, his dictatorial and oracle-like style which has ever marked the violent effusions of that person must prevent a possibility of being deceived as to his identity.

"In times so critical as the present, when the necessity of being strongly united together for the purpose of aiding the government of the province to put down the rebellion which is now distracting Lower Canada must present itself to every mind, I conceive that writing such as that which is published in the Herald of the 30th of November are not only highly injudicious but of a tendency to excite that feeling against the executive which, to use the mildest language, should be, at this juncture, disgraceful to the British subject.

"If the writer of the remarks in question conceives that the violent communications to Lord Gosford have any effect upon the conduct of the executive, he grossly deceives himself. If he imagines that his writings excite the subject to exhibit his loyalty in this period, when every man who glories in the name of British subject has boldly volunteered to serve in his country's cause, he is likewise grossly deceived; and I believe that the majority of the constitutionalists of Montreal considers these communications to be highly dangerous and ill-judged.

"But this gentleman does not even adhere to fact, although mirabile dictu, he cites the following as proving the assertion which he has hazarded that there 'breathe not 5 in 20 French Canadians from Gaspé to Coteau du Lac who would aid by military force in putting down their rebellious companions!'

"The writer makes use of the following words:

"'A French Canadian had been placed at the head of a new volunteer brigade and not one French Canadian has enrolled himself under his countryman's banners.' This allegation is untrue. French Canadians have enrolled themselves, and on Monday last, when the alarm was given, three French Canadians, one a magistrate and notary and the other two notaries, took arms and enrolled themselves as privates in the 3rd Company of that very corps. Thus the assertion of the writer is incorrect; why then hazarded at all unless, by a reference to the muster roll of the battalion, he had obtained a foundation for his remarks? If made use of by the writer without foundation and recklessly, I feel many must characterize his conduct by a harsher term, imprudent.

"With regard to a company of the Rifle Corps under the command of Captain Leclerc to which he also alludes, that company was formed in a very short time, and the roll carried around by the officers first to their companions; subsequent to the company being complete in number, 27 French Canadians had applied to Captain Leclerc for admission to his company; these names if required can be given.

"Here, then, is another fact which the writer is unable to contradict, but directly impeaches the truth of these assertions.

"I will now refer to the general tone of the communication. It is a product of one who has but lately made Canada the place of his adoption. We who are born here regard the French Canadians as our fellow-citizens; and I for one, if I am to be enlisted to fight, not for my country but against those born under the same government as myself and entitled to the same rights as myself, must and will decline the contest. If to struggle in the battlefied, shoulder to shoulder with my fellow lieges, my cry is 'On for St. George and Merry England'."

The Herald reacted on December 7 to the letter of A.P.H.:

"A letter appeared in Tuesday's Herald signed A.P.H. which will well repay a perusal for more reasons than one. In alluding to the author of the articles signed 'Communicated' in this paper, A.P.H. might with great propriety have penned the following with regard to himself. 'The writer is known. In fact he cannot be mistaken; the dictatorial and oracle-like style which has ever marked the violent effusions of that person must prevent the possibility of being deceived as to his identity.'

"We would have passed over in silence this boyish effusion of a heated imagination had it been directed only at ourselves; but unfortunately all who have made this the land of their adoption, who have emigrated to this country from the British Isles, are supposed by A.P.H. to be incompetent to form an opinion on the passing events in this colony; else why should the articles signed Communicated be stigmatized as the production of one who has but lately made Canada the place of his adoption? When we find A.P.H. or any other native-born Canadian of any origin laying better 'productions' before the public we will bow to the oracle-like style of A.P.H.

"We had innocently thought that a Briton was at home wherever the red cross banner of his country waved; but on Tuesday last the spell was dissolved, and we've been informed that a British colony may be correctly styled an adopted country to native Englishmen or Irishmen or Scotchmen who reside in it.

"But the most dangerous doctrine we have yet seen advanced by a person professing loyalty to the Queen is in the last paragraph of the A.P.H. letter. It is as follows:

"'We who are born here regard the French Canadians as our fellow-citizens; and I for one, if I am to be enlisted to fight not for my country, but against those born under the same government as myself and entitled to the same rights as myself, must and will decline the contest.'

"The actions of the writer are so diametrically opposed to the preceding rebellious sentiment that we must charitably suppose he was not sufficiently aware of the precise meaning the above language would convey to the public."

Nearly a Duel

A.P. Hart figures in an intense public dispute between Robert Weir, Junior, and Mr. Kemble, both of Quebec City which illustrates the modes of political controversy and the duelling traditions of the day. In our record of Dr. A.H. David and elsewhere we have come across tragic evidence of the frequency of this practice in the colony.

Apparently Mr. Kemble's Mercury, in reporting an incident in connection with the governor formally receiving a group of judges, stated that Mr. Weir had willfully made statement in the matter which were in fact false. Weir engaged A.P. Hart to act for him.

According to the words of Mr. Weir (Montreal Herald, July 5, 1838), he was slandered in the Quebec Mercury of June 9, which was copied by the Courier and the Populaire of Quebec City.

To continue with the words of Mr. Weir, "While I was at Quebec, I was informed that the report was founded on fact and that it originated from a judge."

Mr. Kemble, editor of the Mercury since 1822, stated that it was in his editorial capacity that he had accused Weir of being guilty of a direct and willful falsehood.

In minutes of a conversation between Mr. Kemble and A.P. Hart, Hart told Mr. Kemble that "I regret to say that I have considered the explanation as altogether unsatisfactory and have been compelled so to advise Mr. Weir. Mr. Kemble then asked whether Mr. Weir had acted by my advice throughout the whole affair. I answered that, although I consider the question as neither correct nor necessary, yet as I was desirous, and had been instructed by Mr. Weir, to use as much forbearance as possible without compromising him in any way, that in the first instance I had been consulted by Mr. Weir and that a copy of every letter which had been written was communicated to me subsequently to its being mailed.

"I then observed to Mr. Kemble that I felt convinced that it would be better for both parties should he name a friend, as it was impossible that any gentleman would disagree with me as to the conclusions which had been formed, which I had been forced to adopt.

"I say 'forced', Mr. Kemble, because Mr. Weir and I willingly admit the positions which you advance in your last letter, namely the disparity of years between us. Mr. Kemble said, 'If I thought that I ought to go out, I would willingly waive the excuse that seniority might give, but I do not consider that I have personally interfered with Mr. Weir. You know, or you must be convinced by this time, that there was a falsehood stated in the Herald which must have been willful, since no excuse has ever been offered for its insertion.'

"I then said 'Mr. Kemble I have already remarked or suggested to you the necessity, if not the expediency, of naming a friend. The relative position of you and Mr. Weir towards one another is this: In a paper conducted editorially by yourself is contained a charge against Mr. Weir, a gentleman of unsullied honour, by the only individual being the known proprietor and editor of the Herald, of direct falsehood and willful and deliberate falsehood. I am convinced and I am still of the opinion that the writer of that paragraph is personally liable to Mr. Weir, and whether you or any other individual be the writer, Mr. Weir is entitled to claim a retraction equally public to the insult. You have, I consider, by implication, admitted that you are not the writer. Why then can you conceive yourself justified in refusing to name him?

"You may continue to refuse, but in doing so you assume all responsibility, and must naturally be liable to the same demands as would be the writer if known. Recollect, Mr. Kemble, that it must be a very false delicacy which caused a gentleman to screen another from the consequences of conduct which that other must have known would follow.'

"Mr. Kemble did not immediately reply to me but after the lapse of a few moments stated that as he had written to Mr. Weir, he had consulted a friend who had advised him not to give Mr. Weir a meeting. I answered then, 'Sir, let that friend write, state so in communication with me, and all blame will be removed from your shoulders, should he differ with me and my position be correct. This I earnestly entreat of you to do, as I am positive that any man of honour must agree with me.'

"Some repetition of nearly the same conversation ensued, when I added, 'Mr. Kemble, if you are the writer of that paragraph I require from you on the part of Mr. Weir a retraction, signed personally by yourself, of the charge made against him, or that you appoint a friend who may immediately proceed with me to adjust the matter. If you are not the writer, name him or send a friend to me at Mr. Payne's where I shall remain for him.'

"On arriving at Payne's, I repeated the above conversation to Mr. Weir and Mr. Aylwin, the details of which as far as my memory serves me are correct. Having remained at Mr. Payne's from this time, half past three to half past seven, I was called about from dinner by a messenger from Mr. Young, who I found to be the Inspector of Police, who informed me that a constable who was with him was charged with a warrant against me. This warrant, I ascertained, contained an accusation against Mr. Weir and myself of an intention to commit some bodily harm upon Mr. Kemble. We then proceeded to Mr. R. Symes, J.P., and gave bail to keep the peace."

L'Ami du peuple commented on the case, "We have observed with as much astonishment as pleasure the energetic manner in which one of our contemporaries has backed out of a quarrel with another member of the press. When provoked to fight a duel, arrest the principal and get his second thrashed, and you will acquire a character for a clever person. We have made up our mind on this recipe given by so respectable a member of the press, and we hereby publicly notify any person who will send us a challenge that we will immediately send our friend the High Constable to him, and to the second we will send a gentleman with a pair of good fists." (Montreal Herald, July 5, 1838)

His Publicized Cases

Readers of police court reports will recognize that some lawyers have a knack for getting their cases -- and their names -- in print. A.P. Hart was one such legal practitioner, and a glimpse at his activities permits us a more intimate glimpse into the life of the time.

So we find him in public print on August 14, 1838 in defence of police officer Leclerc in a case which his letter to the editor of the Herald of Aug. 14, 1838 describes adequately.

It appears that the watchman Adams had arrested two females. "The following is a correct detail of what did take place in Mr. Delisle's office on Monday:

"On entering the room I found Mr. Leclerc, Mr. A.M. Delisle, Mr. Jones, the proprietor of L'Ami du peuple, Mr. Footvie from the Courier office, Mr. Brown, Captain of the Police, Mr. Comeau, the Lieutenant of Police, two girls and an elderly person who appeared to be their mistress.

"Mr. Leclerc, on seeing me, immediately asked me to speak with him a few minutes in private, and on retiring from the room he informed me that he was then investigating a matter which might involve the captain of the police and one of the policemen in some difficulty; and requested me to remain and assist him in examining the witnesses.

"I did so and, by Mr. Leclerc's directions, the affidavits of the two females were taken. Their statements differed but very little from each other. One of them appeared to be a very intelligent and modest girl, and they distinctly swore to the fact of no indecent gestures or language being made use of to them by Mr. Brown. They admitted that he even expressed his regret to them on Saturday night that there was not a female appointed to search them of the same sex. So much for the allegations made against Mr. Brown.

"Now to the grounds for detaining and searching the girls, the affidavits altogether exculpate Mr. Brown from any blame in doing so. These young women were in the streets at a very late hour at night between 11 and 12 o'clock -- they were brought to the station house charged with theft -- a shawl is found on one of them with a paper containing the shop mark still upon it -- the article stolen was a purse which could be easily concealed about the garments and persons of a female, and certainly Mr. Brown was justified in taking every precaution to prevent it being made away with. When it was ascertained, however, that they had not a purse and that, when examined separately, they agreed in their statements, Mr. Brown sent them home -- not in charge of an escort police but accompanied by his lieutenant, Mr. Comeau, who left them at the house.

"There was no intention or wish on Mr. Leclerc's part or my own to shield Mr. Brown from any imputation that might be cast upon him. Mr. Footvie also put several questions to the girls.

"As to the detention of the females, which appears to be the subject most requiring explanation, I need only observe that, after bringing them to the station house, Adams, the policeman, returned to his post and that Mr. Brown, conceiving that Adams might discover some further traces of the theft, previous to being relieved, waited his return and immediately afterwards, the girls were sent home. It is clearly established that there was no unnecessary detention of the parties. I regret that attempt should be made to bring the police into this repute."

From the letter to the Editor in the Herald of August 11th, it appears that the two servant maids were arrested on their way to the doctor's because a watchman had been told that a purse had been stolen from a man by two females. And they being the first two he met, they were accordingly seized and were denied the opportunity of verifying their statement by referring to the doctor to whom they were sent; and also that the watchman has since been discharged by the police magistrate. The letter asks if it is "perfectly proper and in accordance with the most approved police regulations for men to divest women of their almost entire clothing under the pretense of searching them.

"I do not see why honest women are also to be insulted by having a vulgar and insinuating language addressed to them and conveyed to in a manner equally significant and offensive."

In the Herald of August 8th, we hear that "the two servant maids were on their way from College Street to Dr. Stevenson's house to request his attendance on a sick gentleman. Police Lieutenant Comeau and Adams were dismissed from the force for gross misconduct in illegally arresting and causing them to be detained."

Acting as counsel for one Henry William Harris in a divorce action, A.P. Hart petitioned the Assembly in September, 1842; and also for permission to appear before the bar of the House in support of that petition. The petitions were referred to a committee of three, including Mr. Sullivan who had presented the petitions. (Journal, p. 57)

Russell, Colonial Secretary; PAC, no 11, G. vol. 277 (2), pp. 206-16
and Q series, 1840, p. 382; Sack, p. 126

We have it from the very meticulous historian Gerald E. Hart that "my uncle Aaron Philip Hart, a distinguished lawyer in Montreal, defended Maria Monk from false charges and priestly persecution."

He wrote this manuscript note at the foot of a typewritten page of excerpts from Gen. Riedesel's Letters, translated by W.L. Stone in 1867, in which he records that the grand vicar of Three Rivers was living with his "so-called cousin as were other of these gentlemen who had some kind of cousins residing with them who acted as their housekeepers but who, in order to avoid scandal, were forced almost every year to absent themselves for a little while, on account of a certain cause."

To which Gerald Hart, no devoted friend of the Catholic Church, adds, "so, there seems to be some foundation for Maria Monk's narrative, published, many years later, which is not allowed to be sold, by the hierarchy nowadays." (Gerald E. Hart Papers in McCord Museum, McGill University)

A.P. Hart died on Oct. 4, 1843, at the age of 38, two months after his maternal grandmother, Frances Hart, who passed away in Montreal, aged 91. (Archives nationales du Québec, Fonds Malchelosse)

Another Jewish advocate who acted in a sensational case in 1838 was H. Judah who joined E. Barnard in the defense of Baptiste Cadieu, accused of murder in May 1838. (Canadian Jewish Archives, no. 20, p. 260) The case was of very great importance in reflecting the legal and social condition of the natives in the colony.

Colborne accorded a stay of execution to Cadieu who had been sentenced to death, and submitted the case to London. (PAC, MG 11, Q, 244-1-2, no. 45, pp. 75-120; Report of Dominion Archivist, 1902. French version, p. 1133)

B. Hart in the Second Rebellion

A paragraph in Hart's letter to Lord John Russell echoes the tocsin sounded as the revolt entered the next phase in the fall of 1838,

"The morning of the second revolt 4th November 1838, General Clitheron in the name of Sir John Colborne requested me to cause to be immediately arrested every man I suspected to be a leader of the rebels, as he feared a general rising, which order I obeyed, by arresting that day upwards of 20 of the leaders.

"In May last Lieut.-Col. Barnard of the Guards and Major Dickinson of Sir John Colborne's staff were attacked by those Rebels; both were felled, and would have been murdered, had I not at the risk of my own life run to their assistance, and saved them. For some days Lieut.-Col. Barnard's life was in danger, and the surgeon W. Wright's certificate was duly handed me to that effect: both officers are now, I believe, in England and can affirm to this statement. I can address several instances where, as a Magistrate, I have run risks of my life to save Her Majesty's troops.

"With respect to my appointment as a Magistrate, I beg leave to state, Sir John Colborne was too well aware of my standing amongst English, Scotch and Irish inhabitants of Montreal, to have removed my name from the Committee of the Peace. And I think I may with all safety refer your Lordship to Lord Seaton for the truth of my assertion.

"Amongst other arduous duties and offices, I have been called on to fill has been that of doing the duties of a grand juror on the grand inquest of the districts of Montreal and Three Rivers uninterruptedly for a space of near forty years, a duty, my Lord, which has absorbed much of my valuable time, but which I again repeat I have very freely awarded to Her Majesty's Government, whenever called upon." (Letter from Liverpool, July 14, 1840, to Lord John Russell, Colonial Secretary; PAC, MG 11, Q. vol. 277 (2), Pp. 206-14; and Q series, 1840, p. 382; Sack, p. 126)

I have been thinking of you very much lately and wondering how you are getting on. I hope you are well and happy.

The weather here is very nice at present. I have been out for a walk every day and it is very refreshing. I have also been reading a lot of books lately.

I have been thinking of you very much lately and wondering how you are getting on. I hope you are well and happy.

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Son on His Father's Behalf

In consequence of the political unrest in the American colony the British government suspended the constitution and enacted, on Feb. 10, 1838, government by a Special Council, due to the state of virtual revolution which existed in the colony. The Earl of Gosford, who had been governor of Lower Canada since July 1, 1835, left the country three days after the constitution was suspended. Sir John Colborne became administrator of the colony just before the suspension of the régime, and remained administrator until the end of May, 1838.

Lord Durham succeeded the Earl of Gosford as governor until Nov. 1, 1838.

When Lord Durham left, Sir John was again named as administrator, a position he held until Jan. 1839 when he was named governor. He held this high office until Oct. 19, 1839.

Sir John who was succeeded as governor by C.F. Poulett Thompson (later Lord Sydenham) who was in office until his death in September 1841, by which time the United Province of Canada had been installed.

During the entire stormy period from 1838 to 1841 the Special Council of Lower Canada was in office.

This Council of 22 administered Lower Canada until the re-union of the union of the two provinces. It was charged, during its years of office, with passing laws and issuing ordinances for the government of the territory.

At this time Benjamin's son, Arthur Wellington Hart, decided to press his father's claim to a seat on this Special Council. (Canadian Jewish Archives, new series no. 25)

He wrote to Lord John Russell, Secretary of State for the Colonies, on Nov. 18, 1839 to draw attention to the fact that his father had not been recommended for the Special Council.

"I am anxious to address you in your official situation as Her Majesty's principal Secretary for the Colonies, on a subject affecting the position of my respected Parent Benjamin Hart Esq. of Montreal: For many years past the intolerant spirit of the Lord Bishop of Quebec has served as a serious obstacle to the advancement of my Father to the Honorable offices & immunities enjoyed by his fellow citizens of Montreal on account of his Religious tenets alone. On the occasion of the late rebellion in Lower Canada my Father, as a Constitutionalist, took his seat on the Bench as a Magistrate and dispensed justice to the entire approval of our late excellent Governor Sir J. Colborne. The appointment of my Father to the Magistracy was firstly under the Government of Lord Aylmer and secondly under Lord Gosford who continued his name in the Commission of the Peace, in which capacity he still takes share, as a Magistrate of the district of Montreal, with the other Gentlemen connected with the Commission. However on the issuing of the list of Special Councillors for the Province of Lower Canada, I regretted to find an act of injustice to my Parent still continued from a spirit of intolerance, which the Law Officer of the Crown in whom is vested the power of recommending individuals as fit and proper persons for the Honble. Office of Responsible adviser of the Crown, has manifested by omitting to present my Father's name for approval to the Governor in Chief.

"I solely, my Lord, rest my Father's claim on the simple circumstance of his being one of the largest landed Proprietors in the two Canadas. An Anglo-Canadian by birth and a constant resident of Three Rivers & Montreal for fifty years, the oldest Merchant in Lower Canada, and one on whom the Inhabitants without reservation have ever entertained marked respect and attachment for as Merchant, he is known to the Right Honble. E. Ellice, with whom his firm have transacted business with Mr. Ellice's late firm for many years, and all my family have ever been the strongest supporters of Government in that Colony. As a Israelite my Father has been debarred honors which, I regret to say on looking over the list of Special Councillors of Lower Canada, I find many who are not only ignorant, illiterate, but who have not a stake in the Province in the possession of Landed property -- or the necessary influence. I seek not, my Lord, to canvass the qualifications of the present Councillors, or is it my province to disparage them. I beg however to convey to your Lordship that my worthy Parent's attainments fully would justify his elevation to the Council -- if the hitherto insuperable barrier of disqualification from Religious tenets could be overcome. I do therefore solicit, as an earnest favor from your Lordship, that your Lordship in justice to my Father would cause enquiry to be made through the present Governor, the Right Hon. C.P. Thompson as to the causes why my Father's services should have been so many years neglected. And Merchants and Barristers his junr. by years and possessing but slight influence, have been elevated by the late Governor in Chief to the Honorable situations I have named, to his exclusion.

"I feel satisfied from the knowledge I have of your Lordship's political character -- that your Lordship would not permit a slight to be offered to an old and respectable inhabitant of Montreal on the grounds of Religious disqualifications -- when services almost analogous to the duties of a Councillor have been rendered gratuitously, and received the approval of Her Majesty's Representative in the Canadas. I would, if your Lordship would permit the liberty, beseech your Lordship to forward this memorial to Canada in order to set at rest the misgivings entertained by my Friends of the repeated slight offered by the Attorney General of Lower Canada on the grounds of their Religious tenets. In presuming that the course I have now adopted in addressing your Lordship might lead to an enquiry, which myself and friends most earnestly seek, I trust your Lordship will attribute my anxiety merely to forward the cause of justice, as also to see my Father enjoy immunities and privileges, which as a British subject in the Canadas and according to the Law of that Country, he is entitled to if his qualifications are approved of." (PAC, RG series 7, G1, vol.45, Pp. 125-32)

The contemptuous language A.W. Hart permitted himself in regard to high officials in the colony is reminiscent of his uncle Moses.

If the Harts were not paranoid and totally blinded by ambition for honour and power, this incident reflects the continuing efforts of the bureaucrats, represented in the person of the attorney general and of the Church of England in the person of the Bishop of Quebec, to undo the extent of the act of 1832 granting Jews in the colony the full privileges of citizenship. As we shall see, Governor Poulett Thomson, later to become Lord Sydenham, vigorously contradicted these views.

The references in the letters to Hart's friends imply his belief that other Jewish residents in the colony shared his suspicions. As we shall see Gov. Poulett Thomson, later to become Lord Sydenham, vigorously contradicted these views.

Lord Russell referred the Hart letters to Gov. C. Poulett Thomson in Canada on Nov. 24. (PAC, RG 7, vol. 45, no. 42, Pp.122-24)

"I enclose herewith, a Copy of a letter which has been addressed to me by Mr. A.W. Hart of Liverpool, in which he complains of the disability under which his father, Mr. Benjamin Hart of Montreal, labors for filling public situations of honor & trust in Lower Canada, in consequence of his being of the Jewish persuasion. The request of the writer being that I would refer the case to you. I beg to furnish you with a copy of his communication, and would be glad to receive from you any observations which you may have to offer upon it."

An unclear notation of instructions reads,

"Write to Lord John that his complaint can only be pointed at Sir J. Colborne as the Governor alone has the power of naming official counsellors -- And yet that he appeals to Sir John C.'s nomination of his parent as a magistrate and so testifies to his excellence and loyalty! That his being a Jew did not prevent his being put into the House, but cannot be a reason for finding him there."

Gov. Thomson responded on Jan. 20, 1840,

"The complaint of Mr. Hart is evidently made under a misconception both of the nature of the office of Special Councillor, and of the qualifications or disqualifications attached to it.

"The Bishop of Quebec died before the Special Council came into existence.

"If there were any person chargeable with illiberality for the exclusion of Mr. Hart from the Council, it must be Sir John Colborne himself; but as his son admits that Sir J. Colborne acted with great liberality towards his father in the matter of the Magistracy, he evidently does not intend to bring such a charge against that Officer.

"For my own part while I freely admit that his religious persuasion ought not to be a barrier to his admission to the Special Council, I must at the same time consider that it gives him no claim, independent of other considerations, to be admitted to that Body."

(P.A.C., MG 11, Q vol. 242 pt 3, pp. 86-87)

A.W. Hart received the following reply from Toronto, dated Jan. 21,

"I am commanded by the Gov. Gen'l to acknowledge the receipt of your letter of the 23rd November last complaining of the exclusion from the Special Council of your father, Mr. Benjn. Hart of Montreal. In reply I have to inform you that His Excellency has communicated with Lord John Russell on this subject in reference to the communication you addressed to His Lordship on the 18th Nov. which was by him referred to the Governor General.

"His Excellency desires me to state, that as appointments to the Special Council are the Act of the Governor alone, and as you yourself bear testimony to the liberality with which Sir John Colborne acted towards your father, His Excellency cannot assume that the omission of his name in the list of Special Councillors had any reference to his religious profession." (PAC, G series, vol. 458, P.90)

The militant son of Benjamin Hart would not let the matter rest. He wrote from Liverpool, not to Gov. Thompson, but directly to Lord John Russell, Her Majesty's Principal Secretary for the Colonies, in London on Feb. 25, 1840,

"My Lord, I am this day in receipt of a communication from the Chief Secretary to the Governor General of the Canadas, which I have the honor to enclose for your perusal. Before commenting on its contents allow me, my Lord, to return my acknowledgements for the very courteous manner in which you noticed my letter of the 18 Nov. as also for your attention in transmitting same to the Governor General. I most deeply regret the vagueness of this reply to the communications addressed yourself and his Excellency, inasmuch as the tenour of the enclosed communication give me no hope to find my Father's claims to official notice being recognized in the proper quarter in Canada and, although I seek not to be importune for favours for my Father, I have only based my application to your Lordship and the Governor General on the simple ground that during a period of near fifty years spent in Canada, a Canadian by birth, one of the oldest landed proprietors in the Canadas, the oldest merchant, and as qualified by intellectual capacity as any other colonial resident; my Father during so long a period has remained in comparative official obscurity, until the administration of Lord Gosford elevated him to the magisterial bench together with Mr. Hays another Israelite. These two gentlemen being the only official appointments ever made by the British Government in the British North American Colonies!

"The Governor General of the Canadas appears to be laboring under a delusion in remarking 'that I bear testimony to the liberality of Sir John Colborne towards my Father by appointing him to the Commission of the Peace.' I consider the services rendered by my Father fully equivalent to the appointment, but did look to his being further noticed on the formation of the Special Council. I take leave to add that the recommendations to such appointments pass thro' the hands of the Attorney General of the Province and are confirmed or rejected by the Governor General and are not 'the act of the Governor alone,' as remarked by his Excellency in his letter. It can barely be presumed that a Governor on his arrival, or immediately after, should glean or possess such information as could warrant his appointing to the highest Executive offices persons whose circumstances and standing he was stranger to.

"In closing this communication, my Lord, I take the liberty of once more soliciting that your Lordship will, on the passing of the Union Bill, cause such inquiry to be made relative to the standing of my Father in the Province of Upper and Lower Canada, as may warrant your recommendation or objection to the higher honors which I consider him justified in aspiring to, and which as his son I now strenuously /in justice to himself alone/ advocate." (PAC, Series Q, vol. 277, pt. 2, P. 203)

To which Downing St. responded on March 9, 1840. (PAC, series Q, vol. 277, Pt. 2, P. 204),

"I am directed by Lord John Russell to acknowledge the receipt of your letter of the 25th ultimo /the original enclosure of which is herewith returned/ in which you again advert to the claims of your father to receive official honorary employment from the Government of Lower Canada; and request that, on the passing of the Union Bill, those claims may be favourably considered.

"His Lordship is convinced that, on reflection, you will perceive that it is not in his power to enter into any engagement or correspondence founded on the assumption of the enactment by Parliament of a Bill for the Union of the two Canadas."

Justice Riddell a century later drew attention to A.W. Hart's correspondence with Lord John Russell (Canadian Jewish Review, July 28, 1933).

Benjamin Hart did not let the matter rest.

On the 14th of July, 1840, he wrote Lord Russell from Liverpool, as we have seen, recalling, among other matters, the details of his services to the government during the crises of 1812 and 1837-38. He began his missive,

"On my arrival in this country from Montreal, Lower Canada, on the 9th I have had communication of Your Lordship's letter as well a communication from His Excellency the Right-Hon. C.P. Thomson, addressed to my son A.W. Hart of this city, on the subject of my not being called to the Council of Lower Canada. The vague explanation in the latter letter addressed from the city of Toronto by His Excellency, impels me now to come forward and state to Your Lordship, in your official capacity, the loyal services I have rendered Her Majesty's government of Lower Canada during a period of sixty-one years, but more particularly in 1812 and subsequent to that period."

He proceeded to narrate his record of service during that war (as cited in Canadian Jewish Archives, no. 20, pp. 113C-114) and continued,

"My age requiring some relaxation from the anxieties of business, I have therefore left the country of my birth for some years, to seek that retirement in this country or on the continent. My fortune permits my retiring from the active life I have led.

"Now my Lord I do venture to state that I feel most seriously aggrieved at finding men who never come forward in the hour of need who never possessed the stake or the influence I hold in the Province, have received honorary employment, been called to her Majesty's Councils, and been exalted over myself who have times without number and whenever opportunity presented itself freely tendered my loyal services, during an uninterrupted term of over forty years, having been born in the city of Montreal in 1779.

"I trust, my Lord, in this simple narration of facts, I have established a case worthy of your official consideration, and I also look forward to the hopes that your Lordship will lay this statement of fact before Her Majesty, and consider my services have entitled me a signal mark of Her Majesty's gracious approval of my Public acts." (Public Archives of Canada. MG 11, Q series, vol. 277 (2) Pp. 206-14; sometimes incompletely cited as p. 382)

Benjamin Hart: Angry Ultra-Royalist

Hart was intensely royalist, pro-British, anti-revolutionary; so much more so than the Royal representative in the Canadas that he engaged in open conflict with the highest authority at this time. He addressed and published a broadsheet dated at Liverpool, July 12, 1840 directed at "The Rt. Hon. The Earl of Gosford, late Governor-General of the Canadas" who continued his interest in the colony even as he sat in the House of Lords.

"My Lord,

"Feeling it the bounden duty of every Canadian Loyalist to come forward and repudiate the false assertions which you have made in the House of Lords, is my sole reason for penning this letter. I do so, not to court popularity, or yet to gain the favourable opinion of those fellow-colonists who have shared with myself the hardships and annoyances which have sprung from the Rebellion in the Canadas in 1837 and 1838, but I address you as the Irish Nobleman and the British Statesman who, from the apparent desire to sow the seeds of ill will and discord in the Canadas, considers himself warranted in advancing assertions totally at variance with the truth, and fully rebutted by the circumstantial evidence of the rise and termination of that train of anarchy and confusion which has agitated my native country for the past three years. My Lord, you were aware, long ere you left Canada, that the hostility of the French Canadian Population was manifested by the array of those emblems of Republicanism which led immediately after to the breaking out of the Revolution. I advert to the Resolutions passed at a Grand Confederative Meeting, headed (with your knowledge) by M. Papineau. The Red Cap of Liberty was placed on a pole and received the shout of the mass of Canadian Rebels, who vowed to follow out the treasonable revolts of their leader, the Arch Traitor Papineau, or abide the result. Your anxiety, at this period, to return to England gave no convincing proof of your desire to see the result of your maladministration in the Provinces -- but the contrary. Had you, My Lord, but remained twelve months from the official position you occupied in the Canadas, I am satisfied the occurrences of that period would have made some change in your political sentiments and caused you to utter truth in a more open manner than you have now done in the House of Lords.

"My Lord, you have presented a petition against the Union of the Two Provinces, signed by the R.C. Bishop and Clergy, as also a similar petition, signed by 40,000 inhabitants of the District of Quebec. I wish not to question the authenticity of the document in question; but, My Lord, I am sceptical as to the genuineness of the boasted 40,000 signatures. It is well known as an indisputable fact, that in the petition to the House of Commons, presented by the House of Assembly's Speaker, Mr. Papineau, in the year 1828, fully three-fourths of the signatures were attested by the marks of the persons, thus: -- Jean Cardinal, his X mark; therefore it is easy (when we know the manner in which most of the French Canadian Petitions have been raised) to manufacture names, and put those of persons who have never existed. How far my assertion in doubting the authenticity of the 40,000 signatures can be verified, (as I have never seen the petitions in question,) can almost be acknowledged by reference to the documents.

"My Lord, at a former session of Parliament, in a speech self-laudatory you uttered these words:- 'That the great body of inhabitants were perfectly peaceable, and that the disturbance was confined to a small section of the country, in fact to one or two parishes.'!! Now, my Lord, cast a retrospective glance to the period when you were Governor General. Did you not, in a dispatch to Lord Gleneig, make use of the words -- 'You must put M. Papineau down or he will put you down!' Did not your Lordship, before leaving Canada, place the District of Montreal under Martial Law? Did your Lordship fancy the state of the Country sufficiently quiescent to remove the said act, or at least, which is tantamount to a belief in the quiet which reigned, direct a day of Humiliation and Prayer to Divine Providence, for the cessation of what you termed a Rebellion, CRUEL AND UNNATURAL? My Lord, you cannot deny this statement. Then let us, per contra, sift well your intent when delivering the following sentiments in the Lords: when speaking of the Canadian Revolution, you designated it 'as having been much exaggerated, and could only be assimilated to an Irish Row!' Not having by me the precise words, I can only vouch for their authenticity as extracted from the London Papers. As soon as your Lordship resigned the reins of Government to your successor, then Sir John Colborne, his first act to save the Province was to continue, by Royal proclamation 'Martial Law' in the disturbed Districts, and continued it for months after your Lordship left the Provinces. This shows the depth of your Lordship's foresight. Your reasoning is as shallow. I blush to find a British Senator utter a falsehood, and that very falsehood a foul reflection on your moral character. You would see our Country devastated; you would witness the most cruel murders and excesses daily committed; you would see the tide of prosperity in

the colonies choked up by rebellion; the laws trampled under foot; religion derided by its devotees; (for, my Lord, you know when the Bishop's letter was publicly read from the pulpit by the Curés, the mass of hearers abruptly left the church, and the mandemant was rejected) and in the various encounters with the enemy full 600 French Canadians have perished by the bullet, sword, and scaffold, in the determination of the existing Government to uphold the laws; still you designate the war and rebellion of no greater importance than that created by an Irish Row. As an Irish Nobleman, I regret the expression being used by you, for if you value not the lives of your peasantry in Ireland at a greater price than the sacrifice of life in your commonplace rows, I say -- God spare that peasantry the leadership of such a heartless and cruel man as by your speeches you would make yourself! My Lord, your morality is as revolting as your assertions are void of truth; for in the very Province of Upper Canada, in the encounter with the rebels at Prescott, the official return was as follows:-

"Killed on the 13th.....67
Left dead on the Field on the 18th.....35
Surrendered unconditionally on the 18th.....132
Prisoners taken.....30

"Verily this is a fearful assimilation to an Irish Row!! However, my Lord, as I wish no ambiguity in this letter, as I desire to pen truth and rebut in toto your assertions, I must preface any other remarks by asserting, in the first place, that without the aid of the Lower Canadian Volunteers, the Province would have been lost. To have withdrawn the troops from either Quebec or Montreal, and taken the field with them, would have caused a general rising in both cities, in which movement the immediate counties would have joined. The Volunteers, however, with alacrity turned out, formed ward associations, protected life and property, and shared with the Regulars the arduous duties of a Winter campaign, rendered doubly severe by the intense cold of a Canadian climate. Have these Volunteers received the thanks of Parliament or of their Sovereign, as in the case of Lord Keane's Army of India? No! The services of the Loyalists were accepted, and when peace was restored, the only return for their loyal acts was a general order from Sir John Colborne as Commander-in-Chief, thanking them for their loyalty, and then dismissing them to their homes. I consider the treatment the Volunteers have received as a perfect slight, (and for this they may in a great measure thank your Lordship, who, in your various dispatches, have named them most invidiously). Without them, Canada would have ceased to remain a British Colony; their services I fear, however, will remain unrequited by the proper authorities. I now turn to the loyalty of the Constitutional Press as being undoubted; and I challenge you to produce (ere you left Canada) one address of regret at your departure; no sorrow was produced by your leaving the Canadian Shores. When you arrived in Canada, in the spirit of conciliation you made overtures

to the Lower Canadian Assembly -- they were rejected. Papineau, the Traitor of Canada, was then your friend. Your attempts at conciliation resulted in no good either to the loyal cause or to the Government; and Papineau ended his regard for you by terming your application of the 12th August, 1838 -- to know whether he is a Major of Militia, was present at a meeting at 'St. Laurent,' and advocated certain resolutions recommending an open violation of the laws -- as an impertinence!! I cannot do better than insert it here, verbatim; it will bear testimony to the respect borne to Her Majesty's Governor General of the Canadas, by the dictator of Lower Canada, and by the oracle of the French Canadian party, a party which you are pleased to designate as loyal and dutiful.

"The Civil Secretary's Letter to the Hon. L.-J. Papineau, in his quality of Major of Militia, Castle of St. Lewis, Quebec, 12th August 1838.

"Sir, -- The Attention of the Governor in Chief having lately been called to a report contained in the Vindicator newspaper of the 16th May last, of the proceedings of a meeting held on the previous day at St. Laurent, in which you are stated to have taken an active part, and where Resolutions were passed, some of which distinctly recommended a violation of the laws, I am directed by his Excellency to call upon you, as one holding a commission in the Militia, to state whether you were present at that meeting, and concurred in the Resolutions there passed; and if so, I am to enquire whether you have any explanation to offer in this matter.

"I have the honor to be, Sir, your most obedient, humble servant, S. Walcott, Civil Secretary.

"The Hon. L.-J. Papineau, Major 3rd Battalion, Montreal Militia, Montreal.'

"The Hon. L.-J. Papineau's reply to the above,

"Sir, -- The pretension of the Governor to interrogate me respecting my conduct at St. Laurent on the 15th May last, is an impertinence which I repel with contempt and silence.

"I, however, take the pen merely to tell the Governor that it is false that any of the Resolutions adopted at the meeting of the County of Montreal, held at St. Laurent on the 15th May last, recommended a violation of the laws, as in his ignorance he may believe, or as he, at least, asserts.

"Your obedt. servant, L.-J. Papineau.

"Samuel Walcott, Civil Sec.'

"Your knowledge of many circumstances attending the outbreak in Lower Canada, and your determination to reject the voluntary offer of the loyalists of Lower Canada to arm, and stand the firm defenders of the Queen and Constitution, are incontestible proofs of your aversion to loyalty, your desire to promote to the extreme of radicalism, and above all, to bestow powers on those who have sought to abandon their loyalty, and to introduce Republicanism into the Canadian Provinces. When we (as in the above communications between your civil secretary and M. Papineau) hear you called an ignorant man, we are bound to credit the assertion, coming as it does from the highest Commoner in the Canadian Provinces, who stamped your acts as emanating from ignorance, and who treated you with contemptuous silence.

"If, my Lord, you can prove that, on your departure from the Canadian Shores, your farewell was marked by the bitter sorrow of either the Loyalists or Habitants, I will then concede to you the right of lauding the conduct of either Canadian party; but until then, you are exhibiting a weak mind, and a perverse disposition in putting yourself forward either as the champion and advocate of the French Canadians, or as the Senator, who tenders counsel which, having been rejected in the Canadas, cannot possibly be credited or appreciated in this Country.

"I have the honor to be, My Lord, Your obedient servant, Benjamin Hart."

In the light of his open letter, it is not totally surprising to find a document dated July 25, 1840 addressed to Benjamin Hart:

"I am directed by Lord Jim Russell to acknowledge your letter of the 14th inst., detailing the services which, during the course of your residence in Canada, you have at various times rendered to H.M. Gov't in the Province, and submitting your claim in consequence to some mark of the Royal favor.

- Blank, S., 199
- Borthwick, J.D., 61, 68
- Bowditch, S., 67
- Bouchette, A.-S.-H., 173
- Bourassa, H., 180, 187-88
- Bourdeau, Z., 165
- Bourdon, J., 221-23
- Bourdon, L., 131
- Brien, J.-B., 154, 186, 203, 209, 212, 227, 235, 242
- Brisson, J., 219

"I am directed in reply to inform you that, without meaning to depreciate the value of those services, Lord John Russell is of opinion that he could not with propriety bring your name under the notice of the Queen unless your claim were supported by recommendation of the Governor General of British North America. Is it Lord John Russell's intention to make this reference?" (Colonial Office Records. Q series, MG 11, vol. 277-2, p. 215)

The frustrations of this leading Montreal citizen fore-shadow a series of developments which clouded the last years of his life before it came to an end in 1855, in American exile.

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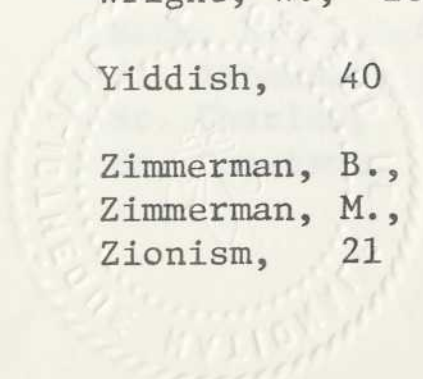
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