

CANADIAN JEWISH HISTORICAL SOCIETY

# JOURNAL

SOCIÉTÉ DE L'HISTOIRE JUIVE CANADIENNE

VOLUME 3 NUMBER 1



AVIV 5739

SPRING 1979



PRINTEMPS 1979

The Journal of the Jewish Historical Society of Canada is published semi-annually in April and October.

Annual subscription to the Journal is \$6.00 per year for individuals. An institutional subscription is \$15.00, which includes 3 copies of each issue.

The Journal welcomes submissions for publication. All articles must be typed, double spaced, and fully documented and sent for consideration to the Editor, c/o Congregation Beth El, 2525 Mark Avenue, Windsor, Ontario, Canada N9E 2W2.

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PRINTED IN CANADA  
SUMNER PRESS, 1977  
COVER DESIGN BY SARA SHAW

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Jewish Historical Society of Canada

ISSN 0702-9233

VOLUME 3

SPRING 1979

NUMBER 1

PAGE

HARRY C. BALLON AND SAMUEL C. BALLON

Hiram Nahum Vineberg, 1857-1945 ..... 1

ABRAHAM J. ARNOLD

Ezekiel Hart And The Oath Problem

In the Assembly Of Lower Canada ..... 10

SHELDON INDIG

Canadian Jewry And Their Struggle

For An Exemption In

The Federal Lord's Day Act of 1906: Part 1 ..... 27

BOOK REVIEW

Pioneers, Pedlars and Prayer Shawls ..... 57



*Hiram N. Vineberg, 1857-1945*  
(Photograph courtesy of the *Journal of*  
*the Mount Sinai Hospital, New York.*)

# Hiram Nahum Vineberg

## 1857 — 1945\*

HARRY C. BALLON and SAMUEL C. BALLON

### *Résumé*

Hiram Vineberg vint avec ses deux soeurs jumelles au Canada en 1862 alors que son père avait assuré leur immigration. Les auteurs de l'article mettent l'emphase sur certain aspects précis de la vie de Hiram Vineberg médecin et gynécologue célèbre.

Religieux, M. Vineberg refusa de passer l'examen un chabbat et s'en expliqua auprès de Sir William Dawson "l'homme qui contribua à faire de McGill ce que nous en connaissons". Respectant les motifs de Hiram Vineberg, Sir W. Dawson l'autorisa à passer l'examen le lundi suivant, examen qui s'avéra plus difficile. Cet examen devait stupéfier les correcteurs. Non seulement Hiram Vineberg obtint les notes les plus fortes de toute la session et de toute sa promotion, mais en outre, il se mérita la Médaille d'Or Holmes . . . lorsque l'on sait qu'il n'était éligible à aucune récompense . . . cela laisse songeur! Mais passé ce cap universitaire, les auteurs décrivent ce que fut la vie d'Hiram Vineberg, médecin itinérant. En 1882, Hiram Vineberg revint au Canada et pratiqua la gynécologie et l'obstétrique qui deviendront ses spécialités. Les auteurs pensent que H. Vineberg aurait été poussé à pratiquer ce domaine de la médecine plutôt que n'importe quel autre "en raisons des circonstances qui ont entouré le décès de sa mère" (fin de citation). Une des réflexions de feu Hiram Vineberg fut que: "il trouvait qu'il était plus intéressant de soigner les femmes" Les auteurs Harry et Samuel Ballon font une longue liste énumérant les différents postes, fonctions et titres honorifiques de Hiram Vineberg dans cette branche particulière de la médecine.

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\*We wish to express our gratitude to Mr. Norman Freedman, Montreal, for permission to quote from Hiram Vineberg's Journal.

Ample justification for a biography of Hiram Nahum Vineberg (Fig. 1) exists in the record of his outstanding professional achievements, his devotion to patient welfare, and the high regard in which he was held by his pupils and associates. Yet, beyond these qualities, he exhibited the moral courage and intellectual honesty of the true self-made man. Forced to create his own opportunities, early hardships and disappointments culminated in the gratification of fulfilment.

Hiram Vineberg and his twin sister were born in a village near Kovna, Lithuania, then part of Russia. He believed the date of their birth to be December 20, 1857.<sup>1</sup> His mother died of a postpartum hemorrhage, but his father soon remarried. He sensed that Jews would not participate in the reforms which followed the accession of Alexander II in 1855. Unwilling to face the recurrence of social degradation and spiritual submersion, he sold his meager lumber business and set out alone for Canada in 1858 in search of a new home for his family. As detailed descriptions of Hiram's parents do not exist, one cannot measure their transmitted qualities. Yet, in disclosing the forces which shaped the life of Hiram Vineberg, the foresight, faith, and courage of his father cannot be disregarded.

Mass emigration from Russia occurred only after the pogroms of 1881, and in 1858 the Jewish population of Canada was less than 1,200.<sup>2</sup> Hiram's father knew of the nucleus of a Jewish colony in the Indian territory of Ontario, and there he joined Noah Freedman and Luis Kellert in business. Their partnership in a general store dissolved four years later, and Hiram's father began a similar enterprise for himself at Moose Creek. By 1862, his economic position enabled him to bring his wife and three children to Canada.

Hiram entered elementary school at age five. Left by his father to his own resources, he demonstrated considerable ability at free enterprise, earning fifty cents weekly for opening a store early each morning. At age 14, he left for Montreal with his 19 year old cousin, Hyman. They called first at the J. C. McKenzie Company, dry goods merchants, and were received by J. P. Cleghorn, the manager. Hiram indicated that they wished to open a general store at Forrester Falls, Ontario, the gateway to a new and promising lumber district. Impressed by their honesty, and certain that they would repay him and prove good customers, Mr. Cleghorn agreed to supply merchandise on credit. His confidence was not misplaced. By age 18, Hiram Vineberg had established a solid financial position. He had derived strength from his ambition to become a physician, but he soon appreciated that his dreams would become a reality only if he created his own opportunities. He disposed of his interest in the business

to his cousin who, it is said, overpaid him; and, in preparation for his matriculation, he received private instruction in English for six months. In 1874 he registered as a medical student at McGill University.

During the same year, owing to the failing health of Professor Drake, the position of Lecturer on Institutes of Medicine was conferred upon William Osler, who had just returned from a two year sojourn among the great schools and laboratories of Europe. In 1875, Osler was promoted to the Chair. This appointment was followed immediately by active laboratory work in physiology, histology and pathology.<sup>3</sup> The atmosphere of academic and scientific excellence suited Hiram Vineberg, who received a prize for scholarship at the completion of this third year.

Examinations in his final year were scheduled to be held on a Saturday. As a Sabbath observer, he was unwilling to be examined on that day. Because there existed a tacit understanding that students were welcome to visit Principal Dawson at any time, Hiram Vineberg availed himself of the privilege.

Sir William Dawson, 'the man who made McGill' and 'gave McGill an inclination towards scientific and professional studies' had a kinship with all men.<sup>4</sup> He would not tolerate racial prejudice, and respected Vineberg's scruples. Although it was intimated that Vineberg would be ineligible to receive any prizes, Dawson granted him permission to write a special and necessarily more difficult examination on the following Monday. Because he obtained the highest marks for the entire course, Hiram Vineberg was awarded the Holmes Gold Medal on March 28, 1878.<sup>5</sup>

Sixty-five years later, on June 8, 1943, Dr. Vineberg, then 85 years old said, 'I confess to having been proud of my job in 1878 when I graduated from McGill University and was awarded the Holmes Gold Medal'.<sup>6</sup>

Hiram Vineberg's immediate experiences upon graduation were neither inspiring nor joyful. Unable to obtain a training position, he began practice in Montreal in April, 1878. Although he quickly built a fine practice, he considered that his future was not promising. The roving spirit seized him, and after 18 months he left Montreal for England.

After a short stay in Liverpool he moved to London where he walked the medical wards for three months. His pleasures continued to be mixed with much anxiety, and without set objectives he accepted an appointment on September 30, 1879 as doctor on the ship "Western Monarch". The journey took 89 days, ending at Wellington, New Zealand on January 2, 1880. At a testimonial dinner held in Wellington, the passengers expressed their high esteem for Hiram Vineberg, both as a professional and as a true

gentleman.<sup>7</sup>

Dr. Vineberg kept a longhand diary of the entire trip.<sup>8</sup> The diary, which ends abruptly, contains very few references to medical experiences. It does, however, disclose admirably Hiram Vineberg's powers of observation, his tender interest in wandering, suffering mankind, and his literary qualities.

'... there was that excitement and confusion which only can be witnessed when over two hundred souls are leaving their native homes, probably forever, for a distant land and on a sea-voyage of three months duration. Here was a man hurrying along with his wife and six or eight children, and carrying about a dozen articles varying from a tin tea pot to a clothes basket. There another with a bundle of bed clothes on his back and both hands full of cooking utensils, a third holding fast on some large cases for fear someone would run away with them . . . This afforded a most affecting scene. Aged parents crying bitterly to see their children leaving them and no likelihood of ever seeing them again; wives weeping after husbands, sisters after their brothers and young women sobbing hysterically after their lovers. One parting in particular affected me very much, almost made tears come from my eyes. It was a very aged couple bidding goodbye to their daughter, probably an only one, with her husband and children. The poor old mother hung about the neck of her daughter for upwards of ten minutes, crying bitterly and trying to tear herself away, while the father with locks and beard as white as snow, stood close by endeavouring hard to suppress his emotions and stay the tears which were coursing down his wrinkled and care-worn face.'

These emotions so beautifully expressed by Hiram Vineberg at this time of parting reveal not only his sorrow at leaving London, but may reflect an appreciation of the circumstances which surrounded the departure of his father and countless other Jews from Europe.

His descriptions of many of the passengers and crew reveal not only an eye for physical detail and a flair for the literary portrait, but insight into the conflicting parts of the complex human personality.

'He is a Scotchman, of medium size, bordering on 45, but much older looking, and with a frame which impresses you as being wiry and capable of undergoing great difficulties. His countenance has a stern and peculiar expression owing in part to his disposition, and chiefly to a paralysis of the left side of his face, which renders that side of his face vacant and expressionless and gives to the eye a staring appearance. True to the national characteristic he is very obstinate . . . He has risen from before the mast, as a sailor has great experience and skill, and as a captain is exceedingly careful and keeps those under him with an iron rod. He is famous both in the colony and in England for his good passages, and is one of those individuals whose ambition is to excel in anything they undertake, whether it be of the greatest importance or of a most vital trivial nature. For instance, when playing a game of draughts he applies himself with the same zeal and earnestness as he would in an act on which depended the safety of the ship, and is almost as anxious as he would be under those circumstances. He is very opinionated and will contradict one in a statement relating to one's own profession. His ideas on some things are sound, but on others he holds the most erroneous ideas, but sticks to all with a pertinacity which makes him an unprofitable person to converse with. These traits so unpleasant in a companion in private life fit him in an eminent degree for the post he holds, and one feels safe at seas under a man of his stamp, where so much depends upon resolution and decision of character.'

As Vineberg himself noted, 'on board ship it does not take long to analyse one, not chemically, and to find out his true composition'.

The composition of Hiram Vineberg was deeply influenced by his Jewish heritage, no small factor contributing to his occasional sense of isolation.

'When their services were going on and over two hundred souls raised their voices to their Saviour, I could not help feeling a sadness come over me, as I reflected that I was the only Jew among so many, and that their style of worship prevented me from joining them.'

Throughout the diary, however, runs a thread of gentle wit tempered by a conspicuous absence of any feeling of self-importance.

'Had a walk with one of the second cabin young lady passengers last evening. The young lady passenger in the salon heard of this, and this morning after breakfast, she said that violated the laws of the ship and consequently had me tried before a select committee of three, one of which she helped to form. The Committee made the following rules for the doctor.

1. Not to go on the main deck before breakfast.
2. Not to stay more than ten minutes with any young lady passenger.
3. To have only an hour on main deck (second cabin passenger deck) after breakfast.
4. No whispering, signaling or simpering to any of the lady passengers.

I made the following counter rules for the guidance of the salon passengers.

1. Flirtation not allowed.
2. No kicking under the table during meals.
3. No pinching permitted.
4. Any evasions (white lies) forbidden.
5. No cheating when playing cards.
6. No puns to be made.

Whoever violated one of the rules was to pay a fine of two pence. When we wanted to have a bit of fun, Mr. H. and myself would say we were going to have a 'twopenny worth' of courting the young ladies on the main deck. The means to amuse are so limited on board a ship that one must endeavour to make the most of every little circumstance.'

From New Zealand, Hiram Vineberg proceeded by steamer to Honolulu. There he met Kalakaua, King of the Hawaiian Islands from 1874 to 1891, described by Robert Louis Stevenson in his *South Sea Cruises 1888-89* as, 'a large, handsome, dissipated monarch, a man of real ability and iron constitution, versed beyond any of his subjects in the history and legend of his kingdom.'<sup>9</sup> Vineberg treated Kalakaua's sister, Princess Lydia Kamoheha Lilikalani, for black tongue, subsequently reporting that there was nothing wrong with her. She later succeeded her brother, and as Queen from 1891 to 1893 was the last monarch of the

## Hawaiian Islands.

King Kalakaua appointed Hiram Vineberg doctor in charge of three sugar plantations on the island of Oahu, where he served all the natives within a radius of 30 miles. Vineberg later declined the post of attending physician to the leper colony on the island of Molakai; however, he became an ardent admirer of the Belgian Roman Catholic Missionary, Father Joseph de Veuster Damien, whom he described as the finest man one could possibly meet.<sup>10</sup>

In 1882, Hiram Vineberg returned to Canada, practicing for the following three years at Portage la Prairie. Still dissatisfied with his medical status and desirous of leaving his mark, he decided that gynecology and obstetrics was to be his metier. He may have been motivated by the circumstances surrounding the death of his mother. When, two years before his death he was asked why he had chosen his specialty, he replied that he considered women more worthy to be cured than men.

After a year of study in Berlin, Danzig, Prague, and Vienna, in 1886 Hiram Vineberg opened an office in New York City, first serving as assistant to James B. Hunter at the Polyclinic Hospital. Later, he worked with George Michaels Edebohls at the Postgraduate Hospital.

In 1890, Hiram Vineberg joined the staff of the Out-Patient Internal Female Department of The Mount Sinai Hospital, and was appointed Chief of that Out-Patient Gynecological Department in 1893. He continued to rise steadily within the ranks at The Mount Sinai Hospital, becoming Adjunct Gynecologist in 1900, Attending Gynecologist in 1916, and Consulting Gynecologist in 1921. He held appointments at the Montefiore Hospital as Attending Gynecologist in 1894, and as Consulting Gynecologist in 1908, and was Chief Gynecologist at Beth Moses Hospital, Brooklyn in 1919, becoming Consulting Gynecologist in 1929.

In 1895, Hiram Vineberg founded the New York Graduate Society of McGill University, and became President of that organization in 1905. He was President of the New York Obstetrical Society in 1917, and First Vice-President of the American Gynecological Society in 1925.

From 1891 to 1921, Hiram Vineberg authored 67 medical publications. An early advocate of the vaginal route to exposure of the pelvic structures, he discussed in several of his papers the correction of uterine retrodisplacement using a vaginal technique<sup>11, 12</sup> The operative treatment of renal tuberculosis and puerperal sepsis comprised other areas of his expertise.<sup>13, 14, 15</sup> He recognized the indication for ligation of the pelvic veins in patients with disseminated pelvic infection.<sup>16</sup> Pyelitis in pregnancy,<sup>17</sup> the

diagnosis and treatment of ectopic gestation,<sup>18,19</sup> and the fate of ovaries left in situ after hysterectomy<sup>20</sup> demonstrate in part the diversity of subjects represented in his bibliography.

Hiram Vineberg maintained a strong interest in the etiology and operative therapy of gynecologic malignancies.<sup>21</sup> He wrote of his experiences with primary carcinoma of the urethra,<sup>22</sup> hydatid mole,<sup>23</sup> and chorioepithelioma.<sup>24</sup> He is best remembered,<sup>25</sup> however, for his determination of the relative infrequency of cervical cancer in women of the Hebrew race.<sup>26</sup> From 1893 to 1906, 19,800 new patients were examined in the Dispensary of The Mount Sinai Hospital. Of these, 95 per cent were Jewish immigrants from Russia, Austria, and Poland. Vineberg noted that nine of the 18 cases of cancer of the cervix diagnosed during this time occurred in the five per cent of women who were not Jewish. The incidence of cervical cancer was one in 2,154 Jewish women, compared to one in 111 non-Jewish women. A second study conducted between 1909 and 1918 confirmed this difference. Moreover, among patients admitted to The Mount Sinai Hospital between 1911 and 1918, the incidence was one in 937 Jewish women compared to one in 61 non-Jews. This relative difference was not seen with cancer of the rectum, intestines, stomach, or breast. Hiram Vineberg ascribed this protective tendency to a strict adherence by the poor class of Jewish women to the laws prohibiting sexual intercourse during and immediately after the menses, and thus to an avoidance of trauma to the congested cervical tissues.

On June 8, 1943, he received The Hiram N. Vineberg Anniversary Volume of the Journal of The Mount Sinai Hospital. The dedication read as follows:

'To Dr. Hiram N. Vineberg a pioneer in his chosen field this volume is dedicated on the occasion of his eighty-fifth birthday as a token of esteem and as an expression of appreciation, affection and good wishes by his friends, associates, and pupils.'<sup>27</sup>

This tribute was not only for outstanding professional achievement, but for the highest ethical standards and interest in teaching demonstrated by Hiram Vineberg.

He was happily married until his death at age 88 on May 5, 1945. There were no children.

The following is taken from a copy of the will of Hiram Vineberg.

'Third: I give and bequeath to the 'Royal Institution for the Advancement of Learning' (McGill University from which I was graduated in 1878) the sum of Ten Thousand Dollars (10,000) to be known as the 'Hiram Vineberg Research Fund' the income thereof to be applied by its Medical Faculty in such a manner as it may determine. I ask this bequest to the 'Royal Institution for the Advancement of Learning'

in appreciation of the liberal and broad-minded spirit exhibited towards me in my student days by the University in respecting my religious scruples regarding examinations on the Jewish Sabbath Day.'

#### FOOTNOTES

1. The uncertainty may have related to his birth during Hanukkah. At this Feast of Lights, the ceremonial kindling of candles occurs at dusk. The number of candles is increased by one each evening for eight successive days. Births during this period were recorded by custom at the back of a prayer book according to the number of candles lit on the particular day, and not the exact date.
2. L. Rosenberg, *The Jewish Population of Canada*, Canadian Jewish Population Studies No. 2. Reprinted from *The American Jewish Year Book*, 1946-47, 48.
3. Hiram Vineberg was among the friends who compiled "Contributions to Medical and Biological Research" (two volumes) published in honor of the seventieth birthday of Sir William Osler on July 12, 1919.
4. Edgar E. Collard, *McGill The Story of a University*, (London: George Allen and Unwin, 1960), pp. 49.
5. Andrew Fernando Holmes (1797-1860), founder of the first medical school in Canada in 1823, was the first Dean of the Medical Faculty of McGill University. In 1864, the Faculty established the Holmes Gold Medal in memory of their late Dean, "whom no man ever lived more conscientiously and few have died more beloved". (Maude E. Abbott, *History of Medicine in the Province of Quebec* (Montreal: McGill University, 1931).
6. Hiram N. Vineberg, personal communication to his cousin Harris Vineberg.
7. Bernard Sachs, foreward of "The Hiram N. Vineberg Anniversary Volume," *Journal of the Mount Sinai Hospital, N.Y.*, 10: xii, 1943.
8. A copy of the diary was made available by Mr. Norman Freedman, grand-nephew of Hiram Vineberg. The typewritten, single-spaced incomplete copy consists of 33 pages, 10 by 12 inches.
9. Graham Balfour, *The Life of Robert Louis Stevenson*, (London: Methuen and Co., 1906), pp. 282.
10. In 1890, soon after reaching Australia, Robert Louis Stevenson found in a religious paper a letter from Dr. Hyde, a Presbyterian minister in Honolulu, deprecating the labors of Father Damien for the lepers at Molakai and reviving against his memory some highly unworthy slanders. According to Graham Balfour, the letter was written in a spirit peculiarly calculated to arouse Stevenson's indignation. When Stevenson then learned that a proposed memorial to Damien in London had been abandoned, he wrote the celebrated letter to Hyde which was published in Sydney and later in Edinburgh in the "Scots Observer".  
Father Damien had died on April 15, 1889. It was a full month later that Stevenson first visited Molakai, never meeting the man whose memory he did so much to vindicate. Anticipating legal action, Stevenson entered into correspondence with Hiram Vineberg, who agreed to go anywhere the libel suit might be brought. (Graham Balfour, *The Life of Robert Louis Stevenson*, (London: Methuen and Co., 1906), pp. 306.
11. Hiram N. Vineberg, "Vaginal operations for retroversions and retroflexions of the uterus, with a critical review of fifty-seven cases of vaginal suturing of the round ligaments (The Author's Operation)," *Medical Record*, 62: 376, 1902.
12. Hiram N. Vineberg, "Vaginal coeliotomy," *Medical Record*, 47: 264, 1895.
13. *Ibid.*, "Nephrectomy for tuberculosis of the kidney, with a report of four cases," *Medical Record*, 66: 761, 1904.
14. *Ibid.*, "The treatment of puerperal sepsis," *American Journal of Obstetrics*, 48: 325, 1903.

15. *Ibid.*, "The surgical treatment of puerperal septic infection," *Surgery, Gynecology & Obstetrics*, 11: 30, 1910.
16. *Ibid.*, "Litigation of pelvic veins for puerperal pyemia," *American Journal of Obstetrics*, 59: 412, 1909.
17. *Ibid.*, "Pyelitis in pregnancy and the puerperium," *American Journal of Obstetrics*, 57: 769, 1908.
18. *Ibid.*, "Clinical notes on a series of nine consecutive cases of ectopic gestation," *Medical Record*, 63: 496, 1903.
19. *Ibid.* "The differential diagnosis of ectopic pregnancy," *Journal of the American Medical Association*, 36: 1305, 1901.
20. *Ibid.*, "What is the fate of the ovaries left in situ after hysterectomy," *Surgery, Gynecology & Obstetrics*, 21: 559, 1915.
21. *Ibid.*, "The etiology of cancer of the pelvic organs," *American Journal of Obstetrics*, 53: 410, 1906.
22. *Ibid.*, "Primary carcinoma of the urethra in women," *American Journal of Medical Science*, 124: 105, 1902.
23. *Ibid.*, "Hydatid mole," *American Journal of Obstetrics*, 64: 419, 1911.
24. *Ibid.*, "Clinical data on chorio-epithelioma with end-results of operative treatment," *Surgery, Gynecology & Obstetrics*, 28: 123, 1919.
25. Fred J. Taussig, noted gynecologic cancer surgeon stated, "As Hiram Vineberg pointed out at a meeting of the American Gynecological Society in 1919, cancer of the cervix is relatively infrequent in Jewish women, yet this disease is so widespread throughout the world that it demands the special consideration of all gynecologists". Fred J. Taussig, "The present status in the treatment of cervix cancer," *Journal of the Mount Sinai Hospital, N.Y.*, 10: 172, 1943.
26. Hiram N. Vineberg, "The relative infrequency of cancer of the uterus in women of the Hebrew race," *Contributions to Medical and Biological Research*, (New York: Paul B. Hoeber, 1919), pp. 1217.
27. Dedication of "The Hiram N. Vineberg Anniversary Volume," *Journal of the Mount Sinai Hospital, N.Y.*, 10: 1943.

# Ezekiel Hart And The Oath Problem In The Assembly Of Lower Canada

ABRAHAM J. ARNOLD

## *Résumé*

La "Question Juive" remonte au Canada à 1738 où elle devint un véritable problème. Toutefois on ne peut dire que le Canada ait connu les controverses et conflits de l'Europe et d'ailleurs. Un fait notoire s'est inscrit dans les annales de l'Histoire du Canada: La participation des Juifs dans différents milieux de la vie publique et politique; mais le problème résidait dans la prestation de serment.

Monsieur Abraham J. Arnold fait dans cet article une étude sur l'époque d'Ezéckiel Hart et sur l'élection d'un Juif à l'Assemblée du Bas Canada. Se penchant sur un point précis de l'histoire, M. Arnold soulève le problème de la prestation de serment pour tout citoyen désireux de prendre une part active au sein du gouvernement, serment qui leur assurait une certaine immunité. Mais, lorsqu'une personne prêtait serment elle prenait un engagement conformément au dogme chrétien ce qui créait un conflit de conscience pour les non-chrétiens.

Au Canada le plus célèbre épisode de l'histoire à ce sujet se situe dans les années 1807 et 1808 époque où E. Hart occupa un siège au gouvernement lui permettant ainsi de représenter sa ville natale: Trois-Rivières. Il y eut une vive polémique à cette époque et jusqu'en 1832 année où cette polémique a atteint son apogée au Québec.

Les journaux de l'époque se livrèrent un combat honnête chacun optant pour une idéologie qu'il respectait (*The Québec Mercury* et *Le Canadien*).

Autour de la personnalité qu'était E. Hart, venaient se greffer d'autres événements historiques montrant parallèlement qu'à travers le monde la lutte des Juifs pour l'obtention d'une émancipation des droits civiques et politiques se jouait. Tel fut le cas du Royaume Uni où le Parlement ayant élu 5 fois Lionel de Rothschild à la Chambre des Communes ne l'y fit siéger qu'en 1858. L'application des droits pleins et entiers dans le Bas Canada ne devint une réalité qu'en 1837, à la veille du soulèvement du Bas

Canada.

Dans le document qui suit, l'auteur expose les faits et événements relatifs à cette période de l'Histoire du Canada que l'on pourrait intituler la "période Hart".

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The "Jewish Question" first became an issue in Canadian history when a young man called Jacques La Fargue reached Quebec City in September 1738 aboard the French vessel Saint-Michel. When La Fargue was discovered to be a woman, Esther Brandeau, and a Jew, at that, she was immediately arrested because non-Catholics were barred from the colony of New France. After all attempts to convert her to Christianity failed, she was deported back to France.<sup>1</sup>

In Canada the Jewish question has never produced the controversy and conflict which it has engendered throughout Europe and the Near East over many centuries. From time to time however, it has emerged as a problem in the context of Canadian history. A significant area where it has occasionally aroused concern is in the holding of elective and public office.

The demand that Jews take an oath which was against their religious beliefs was the end product of a problem in world history dating from the beginning of the feudal era. During the political upheavals which prevailed in Western Europe for several centuries, from about the year 650 C.E., landowners were obliged to form self-defense associations. To join such an association it became necessary to take an oath which a conscientious Jew could not possibly take, one based on Christian dogma; he was therefore without protection from roving bandits or predatory neighbours. Jews who held to their religion were thus forced out of the land-owning class.<sup>2</sup> The custom of oath-taking spread until it became a recognized Christian ceremony. In some countries a special degrading form of oath (*more judaico*) was established for Jews who had to appear in court, and the Christian oath became compulsory for acquiring land.

The Jews began to return to England during the Cromwell era and they gradually acquired greater freedom except in the holding of public office or crown land grants, where the Christian oath prevailed. By the time Jews began to settle in Canada the British Parliament had passed a special naturalization act for foreign Protestants, Quakers and Jews residing in the colonies which allowed the exclusion from the oath of allegiance of the words "on the true faith of a Christian." Persons so naturalized however

were barred from public office or crown land grants "within the Kingdoms of Great Britain or Ireland."<sup>3</sup>

The best known episode of Canadian history involving Jews and the oath concerns the election of Ezekiel Hart to the Assembly of Lower Canada in 1807 and again in 1808, and his expulsion in 1808 and 1809.

Ezekiel Hart's election to the Quebec Assembly virtually coincided with the election of Jacob Henry to the House of Commons of North Carolina in 1808 and 1809.<sup>4</sup> Moreover Jewish efforts to achieve equal rights in Quebec came to a climax in 1832,<sup>5</sup> just a few years after the Jews of Maryland achieved success in their campaign for equality.<sup>6</sup>

The electoral experiences of Hart and Henry, and the petition campaigns conducted by the Jews in Lower Canada, and in Maryland, may be compared with the nineteenth century struggle of the Jews for civil and political emancipation in Europe.

It has been frequently pointed out that after the legislation in favour of the Jews was adopted in Lower Canada in 1832, it took another 25 years until Britain adopted legislation allowing Jews to sit in the United Kingdom Parliament. Lionel de Rothschild had been elected five times to the House of Commons but he was unable to take his seat until 1858.<sup>7</sup> Moreover, in North Carolina, when the Legislature permitted Jacob Henry to hold his seat, they did not extend the privilege to executing office. It was not until the 1868 Reconstruction Convention in that State, that Jews gained the right to hold any office. In Lower Canada the exercise of full rights by the Jews was not granted in practice until the eve of the 1837 rebellion. In North Carolina the liberal atmosphere of the post civil war reconstruction era contributed to the granting of political rights to Jews. In the case of the British Parliament, the long unyielding position in the face of the repeated re-election of a Jewish member may be attributed to the intransigent attitude of the privileged classes represented in the House of Lords. The House of Commons, had, over a period of years, passed a number of bills which would permit Jews to sit in parliament but these were regularly rejected by the Upper House prior to 1858.

The record of Ezekiel Hart's election to represent his home town of Trois Rivières and his expulsion from the Assembly exposes the use of the Jewish question by the contending forces of the day.

The French-Canadian writer Benjamin Sulte has described the first occasion of Ezekiel Hart's election on Saturday, April 11, 1807.<sup>8</sup> It was a by-election and there were four candidates: Matthew Bell, Thomas C. Coffin, Pierre Vezina and Ezekiel Hart. Bell and Coffin, leaders of the

English speaking population were hostile to Hart's candidacy. The other sitting member, Judge Foucher, opened the election day proceedings with a long discourse in favour of Thomas Coffin. He ridiculed Hart for his pretensions to a political career, for his physical stature and for his religion. The only response to Foucher's attack came from Benjamin Hart, one of Ezekiel's brothers.

The voting went much more quickly than had been expected. At the end of the first vote, by a show of hands, Vezina was the low man and resigned in favour of Coffin. There were 116 voters all told and when the second vote was counted the result was Hart 59, Coffin 41, and Bell 16.

Hart had not expected such a quick success and was greatly embarrassed when the returning officer asked him to sign the documents to validate his election.

"I cannot perform a servile act on the Sabbath", he said. "Let us wait until the sun sets."

On being pressed however he overcame his aversion and read the document. Perceiving the words "in the year of our Lord 1807", he was again moved to refuse. Finally he signed simply "Ezekiel Hart, 1807."

It has been suggested that Hart was elected by the French Canadian majority of Trois Rivieres who saw him as the alternative to the English candidates, but in the Assembly, the French Canadian majority used his Jewish religion to expel him because he was an English ally. This is an oversimplification since Vezina, a French candidate resigned in favour of Coffin who was also supported by Judge Foucher. Immediately after the election the defeated candidates began working to unseat Hart and much controversy was provoked among the people of Trois Rivieres.

The *Quebec Mercury*, the English language newspaper supported Hart and claimed the election result proved the absence of religious prejudice.<sup>10</sup> This belied the actions of Hart's opponents, Coffin and Bell, who claimed that a Jew could not take part in a Christian assembly. Moreover, the French language newspaper, *Le Canadien*, also challenged Hart's election, claiming he achieved his victory by bribery and that his election was not due to the absence of prejudice, but rather to a special influence among the voters much stronger than their feeling of duty towards their country.

This was the beginning of an anti-Semitic campaign in *Le Canadien* which claimed . . . "a man of any other nation, upon moving to another country will assimilate with the nation among whom he lives, or at least his children will assimilate, but a Jew never joins with any other race." It

was alleged to be “a religious duty” of the Jew “to keep himself separated from other people.” Considering all this, *Le Canadien* asked, “how can a Jew who thinks of no one but himself and his sect be charged with representing the interests of all the people, and how can one expect such a man to work for the general good of all.”<sup>11</sup>

*Le Canadien* conceded that the people of Trois Rivières were entitled to all the rights provided by law. In making “such an extraordinary choice” however the rights of the voters were alleged to be in conflict with the rights of the Province as a whole.<sup>12</sup>

The next session of the Assembly began at Quebec on January 29, 1808. On the opening day, immediately following the Governor’s message, the House was informed by Mr. Berthelot that Ezekiel Hart had taken the oath and was waiting to be admitted. When asked whether Mr. Hart took the oath in the customary manner, Mr. Berthelot replied that he took it on the Bible, his head being covered. This was confirmed by Mr. Turgeon, another member.<sup>13</sup>

When the House met again on February 1st, a motion was introduced by Jonathan Sewell, the Attorney General, seconded by Mr. Justice DeBonne, stating that Ezekiel Hart “hath not taken the oath in the customary manner.”<sup>14</sup>

On February 9, the plot began to thicken. Mr. Frobisher, another member of the House, presented a petition in behalf of Thomas Coffin, contesting Ezekiel Hart’s right to a seat because he “is of the Jewish religion and is therefore not capable of being elected to serve in the House of Assembly or of taking the oaths required or sitting or voting in the Assembly.” Coffin’s petition suggested that the votes for Hart “ought to be considered as null and void . . . and that the petitioner having a majority of legal votes may take his seat in the Assembly as representative of Three Rivers.”<sup>15</sup>

Three days later a petition by Ezekiel Hart was presented to the House by Mr. Mure, an English member, who moved that it be considered, seconded by a French member, Mr. Berthelot. This led to the first recorded division on the Hart issue and by a vote of 24 to 9 the Assembly agreed to hear the petition. (It is significant that Thomas Coffin’s petition was heard without the formality of a motion).

Ezekiel Hart stated in his petition that he took the Oath “as prescribed by statute” to qualify him “to a seat in this House.” He declared that the Oath was administered to him “in a conscientious and lawful manner” nevertheless he would “not object to have the same readministered to him

in the usual form", so that he might be able to take his seat.<sup>16</sup>

The Hart petition was referred to the Committee of the whole house where it was discussed for three successive days. On the third day the house resolved: "That the manner in which the said Ezekiel Hart, Esquire, took the said Oath is that practised in Courts of Justice when Oaths are administered to persons professing the Jewish religion." The members were also asked to inform the house on "the religious profession of Ezekiel Hart, Esq."

The following discussion then ensued.

Mr. Mure reported that "Hart informed him personally that he was brought up in the profession of the Jewish religion and that he was still of that persuasion."

Mr. Mondelet told the House of a recent conversation with Mr. Hart in which the latter avowed his profession of the Jewish religion even after "soliciting to be permitted to take his seat in the House and since he took the oath."

Mr. Justice Foucher advised the House that he had known Ezekiel Hart "to be a Jew from the beginning of the year 1803: that he follows the Jewish customs and that in the Courts of Justice he never took the oath but in the form that is taken by Jews." Foucher added that Hart had recently requested the privilege "of not being summoned to appear in the Courts of Justice on Saturday, it being his Sabbath day and that of the Jews."<sup>17</sup>

The Assembly then resolved: that Ezekiel Hart, "is of the Jewish profession of religion," and the he "be heard at the bar" on the legality of his pretensions to take his seat in this House."<sup>18</sup>

On Friday, February 19, 1808, Ezekiel Hart appeared at the bar of the House but the details of the proceedings are not recorded in the Journals of the Assembly.<sup>19</sup>

The next day the Assembly took its first direct action against Hart in a motion stating "that Ezekiel Hart, Esquire, professing the Jewish religion, cannot take a seat nor sit nor vote in this House."

Mr. Justice Foucher who had opposed Hart from the outset moved the motion which was approved by 21 to 5.<sup>20</sup>

This was the last time that the Hart matter came before the Assembly in the session of 1808. A recorded vote was not taken on the resolution barring him from a seat, so that it is not known who voted for, and who voted against. Furthermore the Journal of the Assembly does not include details of the debate.

After the matter was concluded however, *Le Canadien* carried an extensive report headed “Debats au Sujet de M. Hart, Juif.” Those who took part in the debate included Jonathan Sewell, the Attorney General; John Richardson; John Mure; Ross Cuthbert and Pierre Bedard. Most of the space is give over to the views of Bedard.

The Attorney General declared it unnecessary to decide whether a Jew might sit in the House of Assembly. Only the oath question had to be considered he said, claiming that all oaths of office were to be taken on the evangelical scriptures. Jews were permitted to take the oath on the Old Testament in the courts of justice only as a necessity. However, there was no special need for a Jew to have a seat in Parliament, according to Sewell.<sup>21</sup>

Mr. Richardson asserted that Jews had all the privileges of subjects born in the American colonies by virtue of the statute on naturalization of aliens in the colonies which permitted taking the oath of allegiance without saying “on the true faith of a Christian.” The oath was therefore not objectionable; the Assembly had only to decide whether a Jew might sit in the House. He cited another statute as confirming the earlier one by removing doubts that those naturalized had the right to hold any civil or military office or to acquire land, except within the Royal Kingdom. Richardson said that the Lord Chancellor had given the King a similar opinion therefore anyone so naturalized was qualified to vote and to be elected as a member of the Assembly. Richardson added that if a naturalized Jew had the privilege of sitting in the Assembly, there was even stronger reason for a Jew who is a natural born subject to have this right.<sup>22</sup>

Mr. Mure and Mr. Cuthbert concurred with Mr. Richardson and emphasized the need to set aside any prejudice against the Jews and to determine the issue on the question of law.

The Attorney General returned to the debate to cite a section of Canon Law that the oath had to be taken on the Holy Gospel as confirmed by yet another statute. No other act had since been passed to exempt the Jews, he claimed.<sup>23</sup>

The most significant statement in the debate was undoubtedly made by Pierre Bedard. He conceded that by statute a Jew could hold a seat in the House of Assembly. The later act cited by the Attorney General had made some change in the form of oath but this did not prevent Jews from taking advantage of the previous act, which granted them general permission to take the oath according to their conscience.

Nevertheless Bedard did not agree that Jews could be permitted to sit in the Assembly, despite the laws in their favor. He had no doubt that they should not have this privilege. The statute cited by Richardson, said Bedard, was for persons resident seven years in the American colonies who were considered of as good repute as natural-born subjects and he quoted the original English wording of the act as follows: They "shall be deemed adjudged and taken to be His Majesty's natural born subjects of this Kingdom to all intents, instructions and purposes as if they . . . *were born within this Kingdom.*"

He claimed that the interpretation of the law in relation to an actual case depended on the importance attached to the last words which he stressed.

As for determining the privileges for the Jews in particular: is it possible to imagine, he asked, that the statute would place naturalized Jews in a better position than Jews born in the kingdom? He considered it certain that Jews born in any colony could not be admitted to a seat in the Assembly or to any parliament in any British dependency.

Recounting the past status of the Jews he pointed out that before the Jews were expelled from England, they never enjoyed citizens' rights. They were always regarded as chattels of the king, who had the right to imprison or sell them at will. After they were recalled by Oliver Cromwell, they were not accorded a single new privilege and again depended on the King's discretion. Bedard referred to the effort made on one occasion to improve the status of the Jews by an act of Parliament but this act only lasted a few months.<sup>24</sup> Moreover, he stated, their circumstances were no better in other Christian countries; nowhere were they accorded the rights of citizens. This was not intended as an injustice because they did not want to be citizens of any country, Bedard claimed.

The Jews, Bedard declared, spread among all countries because they wanted to be in many places but they never regarded any country as their own. He asserted that the Jews were compelled by their belief to act thus because they were waiting for the Messiah, and while waiting they could not give allegiance to anyone else.

From all this he concluded that a Jew born in the Royal Kingdom could not sit in any colonial parliament and that Jews naturalized by act of Parliament should not have any greater rights.

But the person in question, Bedard added, was a Jew born in a colony and he did not have to take recourse to the law. The honorable members were relying on the law to establish the case in favor of Jews born in the

colonies, but it seemed to him impossible, no matter what reasoning one employed, to prove that the rights of the Jews born in the King's dominions could be strengthened by a statute which spoke only of naturalized subjects. He agreed that it was absurd that a Jew born in the colonies would have less rights than a naturalized Jew but he concluded that the law in question had not given greater rights to naturalized Jews than to Jews born in the colonies.

Mr. Richardson called Bedard's argument a sophism; clever but fallacious reasoning which would reduce to naught the rights of native born Jews. Bedard's interpretation, Richardson stated, was contrary to that given to the King by government officials. A Jew born in the British colonies was a native born subject the same as all other subjects, and it was the right of all natural subjects to be able to be elected as members of the Assembly.

Messrs. Richardson, Mure and Cuthbert repeated their argument that the statutes provided that all naturalized persons, and consequently Jews as well, had the right to hold any office or civil or military post, excepting only those within the Kingdom and therefore Jews were capable of taking a place in the Assembly.

The opposition countered that the term "civil and military offices" did not necessarily include a place in the Assembly because the positions referred to were those ordinarily granted by the Crown. It should not be assumed that the Parliament of Great Britain wanted to give Jews the right to make laws for Christians and that this right could not be granted merely by implication. The term "civil and military offices," they claimed, did not include a place in the legislature. There was nothing in the act of parliament granting such an extension and this seemed thoroughly evident by a clause of exclusion calling for insertion in every act of naturalization in addition to the term civil and military posts in the Kingdom, the exception, in so many words, or places in parliament.<sup>25</sup>

The arguments advanced against Ezekiel Hart's right to a seat in the Assembly by Pierre Bedard and company were based largely on their interpretation of British law. Bedard however also used the hoary myth about Jews being unable to give their allegiance to any country, reminiscent of arguments advanced against the emancipation of the Jews in Europe after the French revolution.<sup>26</sup>

Significantly the English members in the House were divided on the oath question and on the seating of Ezekiel Hart. The Attorney General, Jonathan Sewell, who opposed Hart, was more representative of British

ruling interests than of English speaking Canadians. He was soon to leave the Assembly to become Chief Justice of Lower Canada, President of the Executive Council and Speaker of the Legislative Council. John Richardson, who led the supporters of Hart, was a leader of the Montreal merchants and had fought against the recognition of French as an official language when the Assembly met for the first time some 15 years earlier. Pierre Bedard was not only the leader of the French party in the Assembly, but also founder of *Le Canadien*, the first French newspaper.

The 1808 session of the Assembly was dissolved by the Governor General, Sir James Craig on April 14. A general election was called for May 17, but the new Assembly was not called into session until April 10, 1809.

Ezekiel Hart was again a candidate in Three Rivers and was re-elected with virtually the same number of votes as in 1807. This time however, with 58 votes, he came second to Joseph Badeaux who was elected in first place with 67 votes. Hart defeated the sitting member, Judge Foucher and Pierre Vezina who had also lost in 1807.<sup>27</sup>

When the new session opened the following April, Hart took his seat in the Assembly without incident and took part in some of the early proceedings. In the election for speaker, he voted against J. A. Panet, the French candidate who was elected.<sup>28</sup>

On April 17, a week after the House opened, four French members J. M. Mondelet, Louis Roi, Joseph Plante and J. B. Durocher joined forces to present a resolution recalling the decision on Ezekiel Hart at the last session, pointing out that Hart was back "and is now sitting . . . as a representative for the borough of Three Rivers." The second debate on Ezekiel Hart's qualifications was underway.<sup>29</sup>

On April 19, the Assembly got bogged down in procedural difficulties. John Mure, seconded by Mr. Justice De Bonne proposed naming a seven-man committee to examine the journals of the British House of Commons for precedents on expulsion or on persons declared ineligible where such persons were re-elected. This proposition was defeated in a recorded vote of 27 to 12.

The House then agreed to review the circumstances in which Hart was kept out during the last session. After this information was presented, Mr. Justice De Bonne moved adjournment. Feeling had become so high that a recorded vote was demanded. Hart was among those who voted for adjournment but the motion was defeated.

Mr. Mondelet now returned to the attack with a resolution stating that

Ezekiel Hart “was declared incapable of sitting and voting in the last session as he professed the Jewish religion.” This motion was carried by a vote of 35 to 5.<sup>30</sup>

On Monday, April 24, a bill was brought before the House and read for the first time, proposing “to remove doubts respecting the eligibility of persons professing the Jewish religion to sit or vote in the House of Assembly.” The bill was introduced by John Blackwood, an English member, and seconded by Joseph Turgeon, a French speaking member.<sup>31</sup>

On Friday, April 28, Ezekiel Hart’s status and the bill on the eligibility of Jews were both debated. Action on Hart was postponed. The eligibility bill passed second reading but action on referral to a five-man committee was postponed.<sup>32</sup>

The House returned to a detailed consideration of Hart’s position on Tuesday, May 5. Mr. Mondelet made a motion calling on those members who had attended the swearing in of Ezekiel Hart to “inform the House how he took the said oath.” Mr. Mure, seconded by Mr. Blackwood moved for postponement but this failed and the original motion passed, 17 to 10.

Mr. Bourdages and Mr. Duchesnay then informed the House that they were present when Hart took the oath and “that the head of the said Ezekiel Hart was uncovered and his hand on a book.” The same book had been presented to Mr. Blackwood to be sworn in. The latter asked what book it was and was told “it is the New Testament.” Mr. Blackwood then “kissed the book and presented it to Mr. Hart who kissed it also.”

Mr. Mondelet then moved, seconded by Mr. Martineau, that Ezekiel Hart, who professed the Jewish religion, took the oath at the opening of the present session “on the Holy Evangels which could not bind him and did thereby profane the religious institution thereof, cannot take a seat, nor sit, nor vote in this House.”

At this point, Pierre Bedard moved an amendment, seconded by none other than Louis Joseph Papineau, the younger, who had been elected to the Assembly for the first time. Bedard’s amendment simply asked for a declaration that Ezekiel Hart “professing the Jewish religion . . . cannot sit nor vote in this House.”

Two English members, James Cuthbert and Mr. Mure moved deferral of the Mondelet resolution and the Bedard amendment to allow time for Ezekiel Hart to be informed of these developments. This move was defeated as was a second motion for simple adjournment. Bedard’s amendment was then passed by 18 to 8.<sup>33</sup>

The next day, an attempt was made to modify the Hart decision in a motion by Joseph Plante, seconded by Michel Caron, calling for the proceedings of the previous day to be rescinded and to be replaced with a resolution stating that Hart could not sit or vote in the House until “he can make it appear that he hath embraced the Christian religion at the time he was elected . . . to serve in the present parliament.”

John Mure, seconded by Justice De Bonne, moved an amendment to eliminate the intent of the Plante motion and reverse the expulsion resolution. Mure’s amendment, really a new motion, proposed that Ezekiel Hart “having been duly returned as a member of this House for the Borough of Three Rivers and having taken the oath required has a legal and constitutional right to sit and vote therein.” This proposition was defeated by 16 to 6, and Plante’s original motion was then overwhelmingly defeated.<sup>34</sup>

Ezekiel Hart’s seat was formally vacated on Monday, May 8. On the same day, the Blackwood proposal to refer to a committee the bill on the eligibility of Jews for election to the Assembly was defeated.<sup>35</sup>

On May 15, Governor General Craig made a surprise appearance in the House, dissolved the Assembly and expressed displeasure with certain of its actions.<sup>36</sup>

When Craig dissolved the Assembly the previous year, (April of 1808) he was full of praise for the work of the members and there was nothing to suggest that he was displeased or dissatisfied with any of its activities except one, the action to exclude judges from the Assembly.

Governor Craig is supposed to have been a great friend of Ezekiel Hart and is alleged to have intervened in his favor in 1808. This is one of the myths of Canadian Jewish history. The fact is that after Hart directed a personal appeal to Craig following his first expulsion, the governor responded rather coldly through his secretary who wrote that Craig did not think it “expedient” to interfere “with the proceedings which the House of Assembly has thought proper to adopt in your case.”<sup>37</sup>

During the summer of 1808 Governor Craig was getting to know his subjects and on August 5, he wrote to Lord Castlereagh, the Colonial Secretary in London expressing concern that . . . “The Canadian Party hangs so completely together” and are so influential “that I shall not be surprised if they adopt some resolution which may put me under the necessity of dissolving them.” They seem “to believe that there exists a Ministry here and that in imitation of the Constitution of Britain that Ministry is responsible to them for the conduct of Government.”<sup>38</sup>

Craig foresaw the coming conflict with the Assembly because the "Canadian Party" (read "French Canadian") was already thinking in terms of responsible government. He predicted that he would find an excuse to dissolve the House in some future action of the coming Assembly.

In addition to the second unseating of Ezekiel Hart and the bill on the eligibility of Jewish candidates (which had passed second reading) the House had been considering a bill to bar judges from the Assembly. This Act was ready for third reading when Craig proclaimed dissolution.<sup>39</sup>

Before exercising his dissolution prerogative, Craig asked the Legislative Council for an opinion regarding the eligibility of Jews to sit in the Assembly. The Upper House advised him that "a Jew may be elected to the . . . Assembly . . . and may sit and vote upon taking the oaths required by law in the customary manner."

The Council told the Governor General that as far as possible he should stop the Assembly "from assuming any power beyond what is allowed to them by the constitution" and that the expulsion of a member upon any principle of "general" disqualification not covered by statute would be an unwarranted assumption of power.

The councillors added however, that the Governor should not immediately dissolve the Assembly "if by vote only they should expel a Jew without assigning any other reason except that he is of the Jewish religion," and that dissolution for this cause only "ought for the present to be suspended." They further urged that before deciding on a course of action the Assembly's error "in point of law" should be established by the opinions of the highest legal authority in England. Only "a willful instance of a similar expulsion" after the recommended steps had been followed would justify the dissolution of the House.<sup>40</sup>

Incidentally, the committee of the Council which prepared the report on the eligibility of Jews was headed by the Speaker, Jonathan Sewell, now the Chief Justice of Quebec, who a year earlier as Attorney General had opposed the seating of Ezekiel Hart in the Assembly on the grounds that he could not take the proper form of oath. It would appear that Sewell as Chief Justice had taken a different position on the right of Jews to sit in the Assembly than he did previously as Attorney General.

In fact, the Upper House cited the same statute to support the seating of a Jew in the House of Assembly which Sewell had used as Attorney General to argue that there was no special oath provision for the Jews in regard to holding a seat in the Assembly.<sup>41</sup> Actually while the Upper House asserted that a Jew may sit and vote in the Assembly upon taking

the oaths required by law, it did not say that a Jew might qualify by taking the Jewish form of oath. In fact, the council's report commented that since the Assembly expelled Hart in 1808 "because he professed the Jewish religion' and for no other cause" therefore the present House "has the sanction of a precedent." Considering that the council's main advice to the Governor was to seek the opinions of the highest legal authority in England, it cannot really be concluded that Sewell, as Chief Justice was taking an entirely different position from that which he took previously as Attorney General.

The other member of the Upper House who merits particular attention is Pierre A. De Bonne, the same Judge De Bonne who was the immediate target of the effort to pass legislation barring judges from membership in the Lower House.

Governor Craig did not heed the advice of the Legislative Council to ask London for a legal opinion on the expulsion of Ezekiel Hart. He proceeded to dissolve the House on May 15 in a peremptory manner, telling the members they had wasted their time "in fruitless debates excited by private and personal animosities or by frivolous contests upon trivial matters of form." He accused the House of neglecting "matters of moment and necessity" and he charged the members with "acts which appear to be unconstitutional infringements on the rights of the subject, (and) proceedings which amount to a dereliction of the first principles of natural justice . . ." He called their conduct "detrimental to the best interest of the country" and claimed he was compelled to take recourse to dissolution as "the only constitutional means by which its recurrence may be prevented."<sup>42</sup>

*Le Canadien* suggested that Craig's charge of "unconstitutional infringements of the rights of the subject" was a reference to the Ezekiel Hart expulsion. The French newspaper recalled that Craig had not reacted violently when Hart was expelled the previous year and had nothing but praise for the Assembly on closing of the 1808 session. The accusation of "dereliction of the first principles of natural justice" referred to rejection of the opportunity for Hart to prove whether he had in fact become a Christian, according to *Le Canadien*. It was recalled that Hart had been present in the chamber from the start of the 1809 session and during the first discussion of his status. He therefore had sufficient opportunity to inform the Assembly that he had become a Christian, if this was indeed the case.<sup>43</sup>

The possibility of Hart's conversion arose when it was disclosed that he had taken the oath on the Christian Gospel. B. G. Sack has argued that Hart would hardly have gone out of his way "to gratify personal ambition

by taking the oath of a non-Jew,” and he endeavors to cast doubt on the Journals of the Assembly.<sup>44</sup>

It may be suggested, however, that Hart was prepared to overcome his religious scruples on the oath without becoming a Christian. It should be recalled that when he first ran for public office it was on a Saturday and was thus a violation against the Jewish Sabbath. When the election was completed before sundown, and Hart was asked to sign the necessary documents, he was embarrassed about breaking the orthodox proscription against writing on the Sabbath but once again he overcame his scruples. It is therefore quite likely that, on entering the Assembly a second time, he did make a further concession to expediency by taking the oath on the Gospels in the hope that this would enable him to retain his seat. The record shows that this did happen and there is no apparent evidence to the contrary.<sup>45</sup>

During the time when the Hart question was debated however, *Le Canadien* really devoted more space to the attempts to unseat the judges. Moreover the analysis of Craig’s dissolution address was the beginning of a campaign to defeat the Governor’s supporters in the next election.

After dissolving the legislature Craig had to report to London on his action. Writing to Lord Castlereagh on June 5, 1809, he sought to justify the decision by expounding mightily about the strength and influence of the “Canadian Party” and his prejudice against them becomes more clear.

The expulsion of Ezekiel Hart is cited along with the action against the judges as his main excuses for the dissolution, but most of his dispatch is devoted to the question of the judges, thus demonstrating its greater importance.<sup>46</sup>

Castlereagh’s reply to Craig, no doubt surprised the Governor General and caused him considerable chagrin, for he was plainly told that his attitude and action towards the Assembly did not meet with the approval of the authorities in London. A short official communication was accompanied by a longer private message in which the Colonial Secretary detailed his views. The official communication suggested that in future the Governor should “take care to use all such temperate and chosen language as may not leave it in the power of the Legislative Assembly . . . to question the propriety of your sentiments . . .”<sup>47</sup>

In his private letter, the Colonial Secretary told the Governor that he “should not advert to any particular proceeding of the Assembly that is not clearly unconstitutional and illegal.”

With regard to the two grounds of complaint specified by the Governor,

Castlereagh stated that in the matter of the judges he was not “by any means persuaded that the regulation would be an unfit one in itself” and he felt the Assembly did have a right “to appoint a committee to examine the inconvenience which arose from judges canvassing at elections.”

In the matter of the expulsion of Ezekiel Hart, Castlereagh stated: “. . . it was obvious that a real Jew could not sit in the Assembly as he could not take an oath upon the Gospels.” It was therefore within the competence of the Assembly to inquire whether Hart had taken all the necessary steps “to prove his bona fide conversion to Christianity and that he took the oath without mental reservation.”

Craig was further told that the expressions in which he conveyed his sentiments to the Assembly “have created some Sensation here . . .” He was advised that if a new Assembly would comment on his speech dissolving the last House “you will avoid any expression which can be construed as touching in any degree upon their supposed Privileges and the general Freedom of Inquiry and Debate.” On the matter of excluding judges, Castlereagh added “there is no Repugnance felt here to the Measure should you at any time see it right to acquiesce in it . . .”<sup>48</sup>

The Governor General, it may be fairly concluded, was put in his place by the Colonial Secretary. Nevertheless he continued to battle the Canadian Party for the duration of his term of office, which continued for two years after Ezekiel Hart retired from the political wars.

#### FOOTNOTES

1. B. G. Sack, *History of Jews in Canada* (Harvest House: Montreal, 1965) pp. 6-9.
2. Solomon Grayzel, *A History of the Jews* (Jewish Publication Society: Philadelphia, 1957) pp. 308, 309.
3. Morris U. Schappes, *Documentary History of Jews in U.S.; 1654-1875* (Citadel Press: New York, 1952) pp. 36-30.
4. *Ibid.*, pp. 122-125.
5. B. G. Sack, p. 104.
6. Leo W. Schwartz, (ed.), *Great Ages and Ideas of the Jewish People* (Random House: New York, 1956) p. 231; also Morris U. Schappes, pp. 139-41 and pp. 601-2.
7. Cecil Roth, *Essays and Portraits in Anglo-Jewish History* (Jewish Publication Society, Philadelphia, 1962) p. 280; also Leo W. Schwartz, ed., p. 322.
8. Benjamin Sulte, *Pages d'Histoires du Canada*, (Granger Freres: Montreal, 1891) p. 412-415.
9. *Ibid.*, pp. 413-414.
10. *Ibid.*, p. 414.
11. *Le Canadien*, April 18, 1807, pp. 86-87.
12. *Ibid.*
13. Lower Canada House of Assembly, *Journals*, Jan. 29, 1808.

14. *Ibid.*, Feb. 1, 1808, p. 38.
15. *Ibid.*, Feb. 9, 1808, p. 60.
16. *Ibid.*, Feb. 12, 1808, pp. 72, 74, 76.
17. *Ibid.*, Feb. 15, 16, 17, pp. 106, 114, 116, 118, 120.
18. *Ibid.*, Feb. 17, p. 122.
19. *Ibid.*, Feb. 18, 1808, p. 128.
20. *Ibid.*, Feb. 20, 1808, p. 144.
21. *Le Canadien*, Mar. 2, 1808, p. 57.
22. *Ibid.*; Statutes referred to include: 13, Geo. II, Chap. 7; and 13, Geo. III, Chap. 25.
23. *Ibid.*; pp. 57, 58; Statute referred to: 6, Geo. III, Chap. 53.
24. The Jews Bill, an Act allowing foreign Jews living in Great Britain or Ireland to apply to Parliament for naturalization after three years, without taking the sacrament passed by British House of Commons, May 1753, repealed, Dec. 1753.
25. *Le Canadien*, Mar. 2, 1808, pp. 58, 59; Statute referred to 12, Wm. III, Chap. 2.
26. H. Graetz, *History of the Jews* (Jewish Publication Society, Philadelphia, 1895) Vol. V, pp. 453, 454.
27. *Le Canadien*, May 21, 1808, p. 109.
28. *Le Canadien*, April 15, 1809, p. 89.
29. Lower Canada House of Assembly, *Journals*, April 17, 1809, pp. 76, 78.
30. *Ibid.*, April 19, 1809, pp. 106, 108, 110, 112.
31. *Ibid.*, April 24, 1809, p. 140.
32. *Ibid.*, April 28, 1809, p. 200.
33. *Ibid.*, May 5, 1809, pp. 242, 244, 246, 248.
34. *Ibid.*, May 6, 1809, pp. 250, 252, 254.
35. *Ibid.*, May 8, 1809, pp. 264, 266, 268.
36. *Ibid.*, May 15, 1809, pp. 302, 304, 306, 308.
37. J. P. Wallot; *Juifs Et Canadiens, Deuxieme Cahier Du Cercle Juif*, Montreal, 1967, pp. 114, 115.
38. W. P. M. Kennedy, (ed.) *Documents of the Canadian Constitution 1759-1915* (Oxford University Press; Toronto, 1918) p. 250.
39. *Le Canadien*, May 27, 1809, p. 115.
40. From a report of a meeting (May 10, 1809) of the Legislative Council regarding the expulsion of Ezekiel Hart, as reprinted in *Canadian Jewish Archives*, Vol. 1, No. 5, August, 1959, pp. 21, 22, 23.
41. Statute 13, Geo. II, Chap. 7.
42. Lower Canada House of Assembly, *Journals*, May 15, 1809, pp. 304, 306.
43. *Le Canadien*, June 10, 1809, p. 125.
44. B. G. Sack, p. 89.
45. Lower Canada House of Assembly, *Journals*, May 5, 1809, p. 244.
46. W. P. M. Kennedy, pp. 250-253.
47. *Ibid.*, p. 254.
48. *Ibid.*, p. 254, 255.

# Canadian Jewry And Their Struggle For An Exemption In The Federal Lord's Day Act of 1906

## Part I

SHELDON INDIG

### *Résumé*

Sheldon Indig, auteur de l'article intitulé: "*Canadian Jewry and their struggle for an exemption in the Federal Lord's Day Act of 1906*" présente en une première partie, les tenants et aboutissants de cette lutte.

A l'origine, il y eut un projet de loi proposé au gouvernement de Sir Wilfrid Laurier par un groupe de personnes désireux de faire respecter le dimanche, Jour du Seigneur.

Il y eut une réaction de la part des dirigeants et responsables de la Communauté Juive du Canada sur les épaules de qui reposait l'observance du Chabbat et des rites religieux des Juifs. Nous savons que les deux courants religieux majeurs au Canada sont le protestantisme et le catholicisme.

Jusqu'à la fin du XIX<sup>e</sup> siècle, les manifestations d'antisémitisme furent pratiquement quasi inexistantes au Canada. Ce ne fut cependant pas le cas pour le début du XX<sup>e</sup> siècle. En effet, les premières décennies de celui-ci, constituèrent une époque d'épreuves pour les Juifs du Canada et, le Judaïsme canadien s'en est ressenti.

C'est dans un tel climat, que vint se greffer le loi fédérale de l'Observance du Jour du Seigneur. Ce problème renforça plus que jamais les Juifs et le Judaïsme canadien et je cite: "tous les organismes Juifs étaient conscients de ce dénominateur commun: être Juif, et, veillaient aux besoins de l'ensemble de la Communauté."

Pour la première fois au Canada, le Judaïsme allait renforcer son front et s'unir, ne faisant qu'une seule entité. Devant les attaques décochées par le Révérent J. Edgar Hill à l'endroit des Juifs, les réponses ne se firent pas attendre. Une répartie d'un des dirigeants eut le don de faire remarquer

l'attitude hypocrite du Révérend Hill envers les Juifs ce dont personne ne le soupçonnait.

Pendant toute la première partie, Sheldon Indig nous montre de quelle façon les dirigeants Juifs eurent à répondre aux attaques et à reprendre point par point les problèmes soulevés de façon à pouvoir assurer au Judaïsme une perennité.

La délégation Juive "ne s'est pas seulement limitée à écrire des communiqués, mais tenta d'obtenir l'appui de législateurs en établissant des contacts personnels".

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The origins of Canadian Sunday law dates back to colonial times. The English Lord's Day Act, 1677, *An Act For the Better Observation of the Lord's Day, commonly called Sunday*, was the basis of Sunday law in the British North American colonies<sup>1</sup> prior to and after Confederation. By the first decade of the twentieth century most provinces had passed legislation the same or similar to the laws of Great Britain.<sup>2</sup> The purpose of this legislation was to provide for the due observance of the Lord's Day by curtailing activities which might profane Sunday.<sup>3</sup> Already public abuse of these regulations was rampant in Canada, and many were forced to work seven days a week, each working day of which was unconscionably long.

In the years immediately following Confederation, there were many unsuccessful attempts to enforce the observance of Sunday as a day of rest.<sup>4</sup> The establishment of the Lord's Day Alliance of Canada in 1888<sup>5</sup> marked the beginning of an intense and serious struggle for adequate Dominion-wide Sunday observance legislation.

Parliament considered itself the guardian not only of the nation's political life, but of its moral life as well. A day of rest was considered necessary to maintaining a civilized and ethical population, and, since the majority of the people were first-day Christians, it was felt that there should be a coalition of the secular and religious aspects of the ruling majority, for the general good of the community.<sup>6</sup> Therefore, joining all the concepts upon which Parliament legislated, the enactment was consistent in the priority of providing a weekly day of rest for the benefit of the nation under its jurisdiction of criminal law.

Exceptions had to be made for those unable, for the good of the general community, to abide by the legislation. In this light, the secular interests and Canadian political jurisdictional interests received exemptions. The former ranged from small time businessmen to large industrial magnates,

many of whom received an exemption under "the works of necessity or mercy."<sup>7</sup> And to balance the above out, so as to maintain consistency with the purpose, principle and directive of the measure, labour interests were taken into consideration. To accommodate those who worked because of the secular exemptions, Parliament made provision which allowed these toilers another day during the week as their day of rest.<sup>8</sup> The jurisdictional exemptee was conciliated with the recognition of provincial rights in the enactment. The provinces were allowed to regulate activity on the national day of rest which would be in keeping with the prevailing conditions of their respective area.<sup>9</sup>

Other interests which sought exemptions were "the easiest to dispose of,"<sup>10</sup> namely the religious interests. In this consideration, Canada was divided into three sections; Protestants, Catholics and Non-conformists.<sup>11</sup> The first two groups had their religious conscientious convictions taken into consideration within the measure. The former was represented by the Lord's Day Alliance who drafted the bill which the Government adopted as its measure.<sup>12</sup> The latter received an exemption under the principle of provincial rights.<sup>13</sup> Here, the representatives from Quebec protested against the attempt of a British Protestant Ontario in forcing their views upon the French Canadian Roman Catholics who were dominant in Quebec.<sup>14</sup> Therefore, both Protestants and Catholics, the two major religious interests in Canada, had their conscientious convictions recognized.

The third major group which sought an exemption was the Non-conformists. This group rallied for an exemption because of the effects which the bill had on their secular lives, that of financial-economic material conditions which directly correlated with their religious practices. They were a minority in Canada and not large or significant enough to either receive an exemption under the works of necessity or mercy or under the jurisdictional auspices of provincial rights. Since their contentions were founded upon purely religious motives, they sought to be exempted under the auspices of respect for a dissenting religious minority's conscientious convictions. Under this consideration fell the Jewish Exemption Issue within the Lord's Day Act of 1906.<sup>15</sup>

## II

### THE STATUS OF CANADIAN JEWRY AND FEDERAL SUNDAY LAW

By 1906 the Jew living in Canada fared much better than his brethren

throughout the world. Jews were citizens of Canada, having political and civil equality with their non-Jewish neighbours through their “Magna Charta”<sup>16</sup> the Bill of Rights<sup>17</sup> of 1832. In that year, the Quebec colonial legislature passed an *Act to declare persons professing the Jewish Religion entitled to the rights and privileges of other subjects of His Majesty in this Province*.<sup>18</sup> None of the other colonies in British North America or Canada passed a similar enactment because Jewish rights were never questioned.<sup>19</sup> This may be attributed to the general acceptance of Jewish rights through English common law.<sup>20</sup> Also, legal equality among all religious denominations and the fundamental freedoms of religion, conscience and worship were guaranteed to the Jews by the colony of Canada in 1851.<sup>21</sup> These guarantees finalized Jewish emancipation.<sup>22</sup> Other sectors of Canada accepted this policy through common consent and English common law.<sup>23</sup> Therefore, legally, the Jew was able to take advantage of all the opportunities afforded to him in Canadian secular life. At the same time, he was able to express his Jewishness as he saw fit, either in public or private. The Jew was a first-class citizen with rights, privileges and protection.

Until the end of the nineteenth century, expressions of anti-semitism were non-existent in Canada. The twentieth century, however, witnessed a rise of anti-semitism.<sup>24</sup> One of the major causes was the physical fact of the new and large Jewish immigration which was not a quickly passing phenomenon.<sup>25</sup> The Jewish population increased from 2,393 in 1881 to 16,401 in 1901, and to 42,754 in 1906;<sup>26</sup> the largest percentage of Jewish immigration took place between 1901 to 1906.<sup>27</sup> Out-numbering the relatively assimilated German Jews, the East European Jews traditionalist mode of life became dominant within Jewish circles and was the one which the non-Jewish Canadians connected with Jewry in general. By deliberately limiting themselves to their “apologetic”<sup>28</sup> ideology, their strange ways confirmed the anti-semitic argument about them being an “unlikeable, unassimiable, alien boyd [*sic*] with narrow concerns” which excluded all things Canadian.<sup>29</sup> They lived in poverty and ugliness in the poorest quarters of cities and maintained contact with the poorest elements of Canadian society. Their work in the sweat shop system, where they earned meagre wages under unsanitary conditions,<sup>30</sup> connected Canadian Jewry with the onslaught of degeneration, nervous diseases and even insanity.<sup>31</sup>

Furthermore, the international anti-semitism which evolved out of the Dreyfus affair reached the shores of Canada. Since a greater number of

the Jews lived in Quebec,<sup>32</sup> and with the latter's historical relationship to France, and its adherence to Roman Catholicism, it followed that anti-semitism played a strong role in that province. Anti-Dreyfus conservatism was strong in Quebec because of the "ideas which swirled about in the fatherland of all French Canadians."<sup>32</sup> In addition, the Ultramontanes of the Canadian Catholic Church conducted an anti-semitic campaign which coincided with the growing conservatism of the Catholic Church after Vatican Council.<sup>34</sup> Also important were the prominent people in Canada who personally espoused anti-semitism; Goldwin Smith, Henri Bourassa and Archbishop Paul Bruchesi.<sup>35</sup> For Canadian Jewry, the early decades of the twentieth century were trying times.

Canadian Jewry on the whole felt the effects of anti-semitism and reconciled misconceptions among themselves<sup>36</sup> and their position in Canadian society. Therefore, "the new arrivals constituted a bridge to the outside world and in many ways drew (the old established) Canadian Jews out of their virtual isolation. . . ."<sup>37</sup> The German Jews began to defend their incoming European brethren from the anti-semitic onslaughts, and in so doing, stood up for the centuries old traditions and customs of rabbinical Judaism which they themselves recognized.<sup>38</sup> Within this climate, the question of the Jewish position in federal Sunday law came to the fore. This brought Canadian Jewry closer together than ever before: "all the groupings had and were conscious of the common denominator of being Jews and were alert to Jewish needs."<sup>39</sup> The issue of Sunday law forced Canadian Jewry for the first time in its history to act as a united entity on the national level in voicing a Jewish point of view on a public issue.<sup>40</sup> The importance of this issue over any other was a response to the religious inferences of Sunday law and its materialistic effects upon the Jews especially. To the Jews, the "prima causa" of their survival was their religion<sup>41</sup> of which the Sabbath was the core.<sup>42</sup> Canadian Jewry was ready to stake its claim.

The leaders of the Canadian Jewish community who pursued action on this issue were of the old established group. They were the spokesmen for the Jewish community in the past and retained their position. They were best qualified to handle problems pertaining to Jews in Canadian society because of their knowledge and adaptation to both Judaism and Canadian society. These people of Anglo/German ideological extraction were profound thinkers of social problems and were publicly active. The basis upon which they worked to solve these social problems was their "ideal

society” of the “American Dream.” A society where public life and religious consideration were separate because the latter was a personal affair. They desired a free society without any type of discrimination where everyone was an equal. This was uppermost in their lives and they sought to apply it to Canada. When social conditions or laws appeared to counter this concept, thereby affecting Canadian Jewry, they sought to alleviate the problem.<sup>43</sup> Realizing, however, that their type of society was idealistic and non-existent in Canada, their approach to the solution of existing problems was pragmatic. It was their intention to solve the dilemma created by the introduction of federal Sunday law for the conscientious Canadian Jew who observed his traditional, customary, religious Sabbath as his day of rest on the seventh day, commonly called Saturday.

Up to this time, the Jewish connection with Sunday law was no different than that of the majority of the Canadian people. No previous Sunday regulation contained any type of exemption for the religious dissenting minority. Jews who were not religiously conscious were not affected by these measures because they worked as much as the law allowed.<sup>44</sup> On the other hand, some Jews who were religiously conscious were able to work on Sunday and maintain their status as law abiding citizens. This faction of Canadian Jewry, whether faithful to their religious convictions or not, had the various occupations which entailed legal guarantees for Sunday labour along with other Canadians.<sup>45</sup> The Jews who worked on Sunday did not incur any economic or financial disabilities under Sunday regulations, thereby avoiding an internal problem between religious scruples and material sustenance.

An internal problem confronted the remainder of the Jewish community in their attempts to maintain material sustenance, religious convictions and the status of law abiding citizens. Religion taught the Jew “to honour the law of the land in which he lives.”<sup>46</sup> The Jews who wished to be law abiding citizens and faithful to their religion had no other choice but to abstain from labour for two days during the week.<sup>47</sup> The ones who could bear the financial brunt did so, but those who could not, did not. This latter class, the unfortunate Jew who illegally worked on Sunday, did so out of moral obligation, which was based upon a deep religious conviction so that he would be able to sustain himself and his family financially. To him, Sunday labour was justified because in any circumstances in which religious conscience and law were not synonymous, his religious conscience superceded any type of legal enactment.<sup>48</sup> Out of this classification, two types emerged; those who were working but not caught and the

others who were apprehended and convicted.

The vast majority who fell under the former classification were those who manufactured products behind closed doors in factories and/or allowed no retail trade or those who did personal work in their private establishments. This group worked quietly and inconspicuously, creating no disturbance which was offensive to those who complied with the Lord's Day legislation. The Jew who worked on Sunday in this manner was not found out.<sup>49</sup>

The most unfortunate Jews were those who were arrested and convicted for violating Sunday. They had a dual moral obligation to fulfill; the first being their own financial position and also to furnish necessities and commodities upon which other Jews were dependent. The occupational structure of this group of Jews consisted of vocations which entailed in the main, the selling of various commodities to fellow Jews who had been unable to purchase these items since the beginning of their Sabbath on Friday evening.<sup>50</sup>

With the introduction of Sunday legislation by the Government at the prompting of the Lord's Day Alliance, opposition rose throughout the country in which the Jews took part. Generally speaking, Canadian Jewry viewed the measure as put forth by an ultra religious group who found people to be delinquent in their church attendance and therefore intended to force people to be religious by an act of Parliament.<sup>51</sup> Because the Alliance dismissed Jewish arguments, the Jews felt that the legislation was intolerable.<sup>52</sup> It seemed comparable "to the old blue laws of Massachusetts" declared the Disraeli Club.<sup>53</sup> The enactment known as the Shearer Bill,<sup>54</sup> was opposed by Canadian Jewry because their conscientious convictions were not taken into consideration; the measure interfered and infringed upon their civil [secular] and religious liberties.<sup>55</sup> Therefore, faced with the Government's control of Sunday legislation coupled with the peculiar predicament in which the "bulk"<sup>56</sup> of Canadian Jewry found themselves, the spokesmen for the community decided to take advantage of their political and constitutional rights and voice their opinions on the proposed law.

Out of the Baron de Hirsch Institute in Montreal, a group of individuals worked to promote the Jewish cause. Under the guidance of Maxwell Goldstein, a temporary society was formed in February, 1906. Its purpose was the protection of the Jewish people of this country from all manner of unjust treatment, criticism and discrimination.<sup>59</sup> The formation of the Jewish deputation regarding Sunday law stemmed from this group and its

membership was open to Jews across the nation. From Montreal came H. Vinberg (chairman), M. Goldstein (legal counsel), S. Kellert (secretary), M. Workman, C. I. de Sola, D. S. Friedman, L. Cohen, S. Jacobs, R. H. Blumenthal, along with Rev's M. de Sola, H. Abramowitz and H. Kornfield. Single representatives from the cities of Toronto, Ottawa and Hamilton were Rev. S. Jacobs, Alderman Rosenthal and Rev. L. Weiss.<sup>58</sup> Their occupations included five spiritual leaders (Rabbis), five in the garment industry, one in bridge and shipbuilding, one in jewelry and the last two in law.<sup>59</sup> These men worked diligently in the preparation of an appeal for the Jewish cause and were prepared to present their case three days after the Sunday bill had been introduced in the Commons.

On March 15, 1906, the Jewish deputation met with Laurier and Fitzpatrick. Goldstein presented a memorial and addressed the Prime Minister and Minister of Justice along with Vinberg and Rabbis de Sola, Jacobs and Weiss.<sup>60</sup> They argued that the bill as introduced was unfair, unjust and a piece of class legislation because the promoters of the measure ignored the considerations of many segments of society. Moreover, the supporters of the Act overlooked existing regulations concerning Sunday labour in other countries, especially Britain and the United States where exemptions were given to religious dissenting minorities. In a country like Canada, where a guarantee existed of legal equality among all religious denominations, religio-conscientious convictions of the minority were not respected within the bill.<sup>61</sup>

Coupled with the complaint of constitutional standing via religious affiliation, the deputation stressed the financial hardships which would be incurred because of religious adherence. The "bulk" of Canadian Jews would be obliged to abstain from labour because of secular and religious law for fifty-two Sabbaths, fifty-two Sundays and thirteen days because of festivals. In the latter group, if a religious festival fell on a Monday or Thursday, four consecutive days of labour would be missed by the religiously conscious Jew. The absence of work for a total of one hundred and seventeen days a year was a severe hardship placed upon one who followed his religious convictions as well as the law of the land. Since Canada did not allow pauper immigrants, the creation of pauper citizens had to be avoided. The result of the Sunday legislation would spell poverty for the Jew and make him, for the first time, a burden on the state.<sup>62</sup>

Because of constitutional and financial deprivations, the Jewish deputation recommended in March, 1906 that the bill as introduced not be passed. Instead, they urged that if legislation along these lines were necessary,

it should be enacted through an appointed parliamentary select committee which would "be acceptable and do justice to all sections of the community." Finally, in any bill so drafted, an exemption should be incorporated for those who did not observe Sunday as a religious day of rest.<sup>63</sup> In reply, Laurier sympathized with the Jewish appeal because the only effectual difference between the Jew and the Christian was the day each regarded as their religious Sabbath. He was personally "anxious to meet the views of the Deputation," but was steadfast in his refusal to promise or concede anything. Nonetheless, he assured the deputation that he would present their views to the cabinet and "nothing would be done without full consideration."<sup>64</sup>

Negative reaction to the Jewish appeal went to Ottawa as quick as the Jewish response to the introduction of the measure. On March 20, 1906, a large and influential deputation representing the Lord's Day Alliance, Dominion Trades and Labour Congress and the various Christian churches of Canada, waited upon Laurier and Fitzpatrick. This deputation protested against any type of religious minority exemption in the bill, and although it sympathized<sup>65</sup> with the religious dissenters because of the financial disabilities they might incur in light of their conscientious convictions, it argued effectively against their demands.

Regarding the religious convictions of some other Canadians, this deputation claimed that Mormons were not allowed to follow their conscience. Canadian law forbade the practice of polygamy and this consideration, the deputation felt, would even be upheld by Jews. These gentlemen believed that conscience "should be respected at all costs," but not on the question of Sunday observance. It was not unique for a group of people to endure financial hardships because of religious or conscientious convictions, and in the consideration of Sunday law and the position of the Jew, such a disability was quite unavoidable in the view of the Canadian people.<sup>66</sup>

Sunday was chosen as the national day of rest because of the first-day Christian majority and these gentlemen felt that a religious minority exemption would impair the efficiency of the proposed law which was instituted for the general welfare of the community. Granting such an exemption would destroy Sunday law in the communities where they lived, the results would be an open Sunday thereby robbing the whole community of its Sunday privileges for the one or two per cent "to do what they think they ought to." Since legislation was dependent upon majority rule, this deputation simplified the issue by stating, "the liberty of rest for

each demands the law of rest for all.<sup>67</sup>

To complement the contention of majority will, political tradition was also used. They argued that granting a religious minority exemption would be a departure for which there is no precedent in existing Sunday regulations either in Canada, Britain or the rest of the Empire.<sup>68</sup>

The deputation also pointed out that the complaints of the Jews regarding the religiosity of the bill were misconceptions because infringement upon freedom of conscience and religion was non-existent. The Jews were still guaranteed full religious liberty because there was nothing to stop them from observing their religious Sabbath. Also, the restrictions placed upon the Jew in the Sunday bill did not entail any religious observance of the day but rather affected them as it did everyone else. As long as the law was upheld, the day remained the protected day of rest and left "all free to make such use of it as they chose."<sup>69</sup> Because of these arguments, this deputation urged that the religious dissenting minority demands for an exemption not be taken into consideration.

After listening to their exposition, Laurier replied sympathetically to their pleas and also mentioned that he sympathized with the Jewish contention, as long as selling and scandal could be avoided. He ended by stating that all parties would have an opportunity to present their views to a parliamentary select committee.<sup>70</sup> On hearing this, the Alliance knew the Government meant business. They also felt that the Jews would not bring about too much opposition because of the Alliances' influential lobby within parliamentary circles.<sup>71</sup> Therefore, within the legislative scope the issue rested for the moment, but was still a lively one in the press until the end of the month.

Immediately following the publication of the meeting between the Jewish deputation and the Government, the controversy centred upon statements made by Rev. J. Edgar Hill, President of the Quebec Alliance. The Jews, to Hill, were refugees who sought asylum on Canadian shores so that they might live a peaceful life on this continent. The privileges they received were those which they were entitled to under British law; therefore, these refugees ought to be thankful for that and should not be excessive in their demands. Since Sunday law was to secure every citizen a day of rest for the benefit of the nation, it affected the Jew accordingly. The Jew must remember that he lived in a Christian country, run by a Christian Government, and that a bill devised by Christian men could never meet the views of the Jews. It would be offensive to the Christian community for Jewish Sunday labour to be legalized when the Christian is

obliged not to work. It would be going much too far to offer such a privilege to a people who were not law abiding citizens or Sabbath keeping as they were made to be. It was unfortunate for the Jew that his Sabbath differed in day from the Christian. It was, therefore, his conscience, not the law, which compelled the Jew to lose those numerous days of work. Because of this, Hill contended an apology to the Jews was not in order. "The trouble with Jews everywhere," Hill commented further, "was that the Jew is an anachronism in modern society."<sup>72</sup> Through such assertions of overt anti-semitism,<sup>73</sup> Hill stated his case and immediately rebuttals came from both Jews and Christians.

Jewish defence against Hill's attacks stemmed from religious and lay circles. Rabbis Jacobs, de Sola and Weiss represented the former while Vineberg, Lewis A. Hart and Allan Judah Hart, descendants of the renowned Hart family who fought for Jewish rights and privileges in colonial Canada, represented the latter. These men contended that Hill's accusations of Jews being Sabbath breakers and not law abiding were unwarranted and merely one-sided. There were more Gentiles, per ratio of population, in penitentiaries than Jews and the desecration of the Christian Sabbath was more preponderant within Gentile circles than Jewish. Instead of rallying against Jewry, these defenders stated, "more time should be spent in getting Christians to observe Sunday as faithfully as the Jew does his Sabbath." If this was accomplished, Sunday legislation would not be necessary by trying to make men religious through the fear of law.<sup>74</sup>

Moreover, the Jewish deputation's action was defended by these men against Hill's attacks. In this situation, they merely stood up for their minority rights which a Christian Government in a Christian land existed to protect. In so doing, they did not seek new privileges but "protested in conformity with religious liberty." They were not interested in detracting from the sanctity of the Christian Sabbath nor in working seven days a week which they along with other Canadians sought to alleviate. All the Jews desired was to be able to work six days a week like first-day Christians and not be limited to five. The Jews felt they had a right to speak out on the issue just as the majority of the citizenry of the country. This concept of religio-minority rights ought to have been one with which Hill, himself, was familiar, being a member of one such group in the province of Quebec.<sup>75</sup>

The tone in which Hill presented his case was unjustifiable. When the Jews presented their case, not one derogatory statement was made about

Christians<sup>76</sup> whereas throughout Hill's condemnation of the Jew, the spirit of bigotry, ignorance and intolerance was overwhelming. Since his religious affiliation preached brotherly love, it was difficult to comprehend Hill's position which seemed to be somewhat hypocritical at the very least.<sup>77</sup> The most degrading statement which Hill made was in calling the Jew an anachronism in modern society. This term was not original but used by Christian "Jew baiters and Jew haters" throughout preceding centuries during the Judaic persecutionary periods.<sup>78</sup> Yet, Hill never stated why the Jew was an anachronism but implied that the retention of age old traditions and concepts was itself anachronistic. This did not justify one being an anachronist, but rather revealed how Hill was "behind the times" by neglecting to reveal the spirit of toleration which other Christians in Canada as well as other countries displayed.<sup>79</sup>

Because of his intolerant attitude, de Sola suggested that the Christian public would not accept Hill's contentions,<sup>80</sup> nor did they. Christian responses to Hill's comments not only substantiated Jewish claims that the Christians and not the Jews were the real offenders of Sunday law, but went much further to condemn Hill than did the Jewish defenders. To the tolerant Christian, it was not the Jew but Hill and the church he represented which was the anachronism.<sup>81</sup>

Meanwhile, the Canadian press became involved in the controversy and expressed a wide range of opinions in relation to the solution of the Jewish dilemma. *The Ottawa Witness* felt that the Jews ought to have a high estimation of a national Sabbath and not ask for an exemption. With the Jews seeking an exemption, this paper felt the major question was "whether the Jews will let us have a Sabbath or not."<sup>82</sup> At the opposite end of the scale, *The Montreal Star* stated that despite the Christian appeal for a quiet Sabbath, the Jewish protest could not be ignored. Christians should not override the conscientious feeling of the religious Jew who felt that abstention from labour two days a week would result in financial disabilities. When Christians allowed some men to work seven days a week, "they must in all conscience permit others to work six." The only solution to this problem would be to compromise on the issue by aiding the minority in such a manner which would not be offensive to the majority. A solution would not be simple, admitted the writer, but it would be "worthwhile to take some trouble to meet the conscientious scruples of all our citizens."<sup>83</sup> Finally, *The Toronto News* sympathized with the Jews because of the economic hardships the legislation would entail, but believed that no alteration could be made for the religious dissenting

minority “without making a loophole for others to crawl through.” This paper acknowledged that the legislation was beneficial for the community and one which should become law.<sup>84</sup>

Nonetheless, the Hill controversy continued after the Jewish defence. After receiving public condemnation, Hill attempted to make a crucial situation look superficial and to “pass the buck” on to the Jews themselves. He claimed that the word “anachronism” was an innocent one because an anachronist was a person “who lives and professes to live in the past.” “This being the pride of Israel (and) the preservation of their faith,” claimed Hill, “the Jews should not have taken offence.” However, if this interpretation was misleading, Hill stated that “the Jew was weakening in what used to be his strength.” Furthermore, he contended that de Sola’s arguments about Hill’s predecessors who also considered the Jew an anachronism and persecuted them was a subtle ploy to steer away from the issue because Jewish persecution was non-existent in Canada. Hill vividly compared de Sola’s argument to that of an endangered cuttlefish who “emits the inky fluid about itself within the water (so that) escape undercover to a place of safety” was feasible.<sup>85</sup> On the whole, Hill’s defence was not enlightening. From the Jewish side, de Sola pointed out that Hill merely tried to divert public attention on the Jewish stance towards Sunday law through his illustrative comparison of the cuttlefish along with the minute difference of meaning between an anachronism and an anachronist. By trying to escape this display of insulting tolerance through deception, de Sola remarked that Hill was not only guilty of breaking rules of decency, by insulting another creed, but also immature for not admitting his error when greater men than he, “had the manliness to do so.”<sup>86</sup>

Christian replies to Hill’s defence still favoured the contentions of Canadian Jewry. The Jew being “in our midst due to our acceptance,” and a law-abiding citizen, commented a Christian defender, he cannot be “flouted as an interloper or an anachronism” because of his conscientious position.<sup>87</sup> Furthermore, the insistence that the Jew was an anachronism, left much to be desired for the Christian, let alone modern society, whose foundations were of the Judaic tradition.<sup>88</sup>

With rising tension and friction caused by this controversy over the Jewish plea, the press wanted to wash its hands of this difficult issue. After relating both sides of the argument, *The Montreal Gazette* informed its readers that it would cease to publish any more information on the topic.<sup>89</sup> *The Montreal Star* also warned the public that “no seed

(brought) . . . forth a more bitter harvest than an acrimonious religious controversy (which) the truest friends of religion in all forms would deplore."<sup>90</sup> Fearing what might result from the editorials of the newspapers, and realizing that nothing could be resolved, the Canadian press, being realistic and practical, removed itself from further involvement in the controversy since the solution lay in the hands of the federal legislators.

### III

#### THE EFFORTS OF CANADIAN JEWRY TO SECURE AN EXEMPTION

After the controversy within the press, the Jewish issue returned to Parliament Hill. On April 5, 1906, a parliamentary select committee dealing with the proposed rest day legislation which Laurier had earlier promised, was formed.<sup>91</sup> The committee consisted of the following M.P.'s; Daniel, Ames, Fitzpatrick, Macdonell, Piché, R. Smith, Miller, Geofrion, Macdonald, Sinclair and Roche who was replaced by Schaffner on April 23, 1906.<sup>92</sup> The altered select committee was representative of a cross section of the populace of Canada. It consisted of six Liberals (three Roman Catholics, three Protestants) and six consecutives (one Roman Catholic, five Protestants).<sup>93</sup> Also, two of these men were executive board members of the Lord's Day Alliance of which one of them was a labourite M.P.<sup>94</sup> All of these committee members were in accord with the principle of the bill, of supplying one days rest in seven.<sup>95</sup> It was the Government's hope, through this committee, various interests would be heard in the production of a reasonable and workable measure. With their cooperation the bill would "have behind it the force of public opinion," so as to make it become a law which the people would follow, not evade.<sup>96</sup>

With the appointment of the parliamentary select committee, the Jews felt that they had achieved remarkable success, having earlier requested the formation of such a committee.<sup>97</sup> Knowing that the Alliance disapproved of a religious dissenting minority exemption, the Jewish outlook became optimistic because they did not have "to appeal to the alliance for relief, but to a tribunal composed . . . to do justice. . . ."<sup>98</sup> Having this opportunity before them, the Jewish deputation sought to capitalize on the situation and to convince the select committee of their needs.

Their approach in solving the Jewish dilemma of Sunday law was realistic and practical. Many of the Jewish ideals coincided with those of the Christians. Being cognizant of the fact that the Jews were a minority and that the majority must rule, hypothetical considerations were not evi-

dent in their attempt to resolve their problems. The Jews recognized the principle of the bill, one day's rest in seven and regarded it as sound. They favoured the idea of eliminating selling on that day, keeping it peaceful and quiet as well as upholding the concept of not forcing an individual to choose between his financial stature and religious convictions.<sup>99</sup> Working within this principle, the Jews lobbied for an exemption.

By maintaining similar concepts with the Christians over Sunday Law, the only thing that differed between the Jew and the Christian was the day which their religion designated as the day of rest. In their fight for Jewish labour on Sunday, the Jews merely wanted to give their fellow Jew who observed a Saturday Sabbath as his weekly day of rest, the opportunity to maintain financial sustenance. In achieving this end, only Jewish labour behind closed doors would be a prominent issue. Yet this was usually done in a manner which would not disturb others in their observance of the day. The Jews had no intention of interfering with the religious majority concepts whatsoever. Since they realized that the application of Sunday law pertained equally to everyone in the country, the Jews' only objective would be a restricted form of labour. Working within this framework, the Jewish deputation felt that a case existed "where the majority could well concede to the minority their view. . . ."<sup>100</sup> They were prepared for the hearing before the select committee.

The select committee, under its chairman John W. Daniel,<sup>101</sup> began its work immediately after conception to bring about a congenial rest day law. Between its first sitting on April 9, 1906 and its last of June 1, 1906, ten sessions were held until the completion of its work.<sup>102</sup> Because of the numerous interests wishing to be represented, the committee was allowed to carry on its business while Parliament was in progress.<sup>103</sup> Public hearings were conducted during the first eight sittings while the last three sessions (nine and ten exclusively) concerned amending and redrafting the bill.<sup>104</sup> The religious interests were the last on the agenda and the Jewish delegation was scheduled for April 24, 1906.<sup>105</sup> Here, the Jewish interests would try to secure Jewish Sunday labour through constitutional and legal means.

Goldstein, representing the Jewish interests, pleaded the case before the select committee on April 27, 1906.<sup>106</sup> Members of the committee on hand that day were Daniel, Fitzpatrick, Ames, Macdonald, Macdonell, Miller, Piché, R. Smith and Schaffner.<sup>107</sup> Only Miller and Fitzpatrick remained silent throughout the proceedings. The Jewish amendment drafted by Goldstein and amended by Ames,<sup>108</sup> was the focal point of discussion:

Notwithstanding anything herein contained whoever conscientiously and habitually observes the seventh day of the week as the Sabbath and actually refrains from work and labour on that day, shall not be subject to prosecution for performing work or labour on the first day of the week, provided that such work or labour does not disturb other persons in the observance of the first day of the week as holy time, and that the place where the same is performed be not open for traffic on that day.<sup>109</sup>

Under this amendment, Goldstein contended both Jewish and Christian sentiment regarding Sunday law would be upheld and maintained. The only person who could avail himself of this section was the religiously conscientious Jew who did not work or labour on his Sabbath. Along with this, no Jew would be able to work seven days during the week because if he worked on Saturday he lost the advantage of the exemption and would be obliged to take Sunday as his day of rest according to the law.<sup>110</sup> The Jew would have to prove that he conscientiously and habitually observed the seventh day by not working, which in turn afforded him the opportunity to work on Sunday; otherwise, if caught working on both Saturday and Sunday, he was held liable for his actions.<sup>111</sup>

This was the only situation in which Goldstein contended that the Jew was liable for his actions under Sunday law. He objected to the suggestion of making the Jew liable to the same penalties for working on Saturday as the Christians were for working on Sunday. Aside from the idea that following this course of action, the Government would be reinstating the stimulus of traditional Judaic law, the suggestion imposed restrictions upon the religiously conscious Jew for two days instead of one; unless, those restrictions were altered from Sunday to Saturday. This was absurd because the concept of a national day of rest would be lost, for, as Goldstein contended, the law in the main was applicable to everyone including the Jew. The only advantage afforded by the amendment was to the religiously conscious Jew who abstained from labour on his Sabbath and therefore was permitted to labour on Sunday under the amendment's provisions.<sup>112</sup> The purpose of the exemption merely equalized the amount of period of rest required by law that one should take, that of one day's rest in seven.

Nevertheless, Goldstein reinforced the conviction that this consideration gave the Jew an advantage over the first-day Christian because the former had a choice of which day he desired to observe as his day of rest, either his religious Sabbath or the legal, national day of rest.<sup>113</sup> Since the chosen day of rest coincided with the whims of the majority, it was naturally assumed that the Jew would have a choice while the first-day Christian did not have such an opportunity.<sup>114</sup> Within the context of what

had been said so far regarding the Jewish amendment, the principle of the bill would still be upheld. Assuming only Jewish labour existed, it appeared, as Goldstein first remarked, that the shops would have to be closed on Saturday in order to take advantage of the exemption.<sup>115</sup>

Despite some loopholes in Goldstein's arguments, his approach in solving the Jewish dilemma was consistent. In all the above considerations, the place where one laboured on Sunday was restricted to the point that sales were not allowed nor could such work disturb the first-day Christian in the observance of Sunday as a day of worship. No one would be able to work seven days in a week without resting at least one day as required by the bill. In order to fulfill this requirement, the loopholes were unavoidable; such as the possibility of first-day Christians working on Sunday and Jewish firms remaining open for seven days a week, but they were necessary to maintain "an equilibrium between the different social (religious) forces"<sup>116</sup> within the context of Sunday law. The Jews were given their chance to present their views and the decision of acceptance or denial of their cause rested with the select committee.

On April 27, 1906, coinciding with the Jewish interest's presentation, Shearer, representing the Lord's Day Alliances, spoke both prior to and after Goldstein's presentation to the committee.<sup>117</sup> During his cross examination, Shearer expressed dissatisfaction on various amendments including the Jewish one.<sup>118</sup> His contentions against the exemption were regurgitations of what the anti-religious minority deputation, of which Shearer himself was spokesman, stated to Laurier and Fitzpatrick a month earlier, namely; no precedent for such action, no infringement on either religious liberty or freedom of conscience, and the will of the majority must be maintained.<sup>119</sup>

On June 1, 1906, the last day which the select committee met, the Jewish question was finally settled.<sup>120</sup> Every member of the committee was present except for Macdonell (who was present at Goldstein's hearing and who was a supporter for the Jewish cause), whereas Geoffrion was the only member present when the voting took place who was not at Goldstein's presentation.<sup>121</sup> After debating the issue, the committee's decision was to incorporate the Jewish amendment as Section 11 in the measure by a vote of five to four.<sup>122</sup> Despite the Alliance's presence and influential opposition when the voting took place,<sup>123</sup> the adoption of Section 11 was another Jewish victory in their continuing struggle.

The victory, however, was not a total one in every sense of the word. For all intents and purposes, the majority feeling of the select committee

went the opposite route.<sup>124</sup> An anonymous member of the committee who voted for the adoption of the exemption was wholeheartedly against it and would vote accordingly when the measure would be discussed in the commons.<sup>125</sup> Therefore, the reasons why HE voted this way was the same reason why the exemption was incorporated into the bill as Section 11.

This was a clause of very considerable importance upon which there was a great difference of opinion and . . . he voted for this so that it might be reported to the House and discussed by the whole House. <sup>126</sup>

The anonymous member assumed this course of action through honest convictions. Aside from the Jewish deputation's pragmatic approach in solving the Jewish dilemma, it was to HIM that the Jews owed their thanks, that the Jewish exemption amendment, Section 11, referred to as the 'Jew Clause' was allowed to live and not die.<sup>127</sup> Miraculously, the Jewish struggle continued, but the longevity of Section 11 rested on the discretion of the entire parliamentary body.

The issue did not rest at this point by leaving it up to the legislators to decide. Both the opposition and supporters of Section 11 tried to influence the parliamentarian's decision. The Alliance, being the former of the two advocates vigorously attacked the Jewish position. In its efforts to secure the "toiling man his rightful claim to one day's rest in seven,"<sup>128</sup> the Alliance was consistent in its arguments against the acceptance of the Jewish exemption in the bill. Within the enactment itself, there existed no infringement upon religious liberty or freedom of worship of the Jew, nor on any required religious observance of the day. The measure merely sanctioned the universally recognized principle of all Christian nations that Sunday, as an institution, was the weekly day of rest. In Canada, the views of the majority must be respected so as to ensure that Sunday be kept as the protected rest day. To secure this, the conscientious convictions of the religious dissenting minority could not be met and the principle of "the liberty of rest for each demands the rest for all" must prevail.<sup>129</sup>

Viewing the Jew's purpose in predominately Christian Canada to be limited to either seeking fortune or refuge from a persecutor, the Alliance held "that having sought our land for THEIR OWN GOOD [*sic*] they should conform to our laws and recognize the (prevailing) civil (secular) customs. . . ."<sup>130</sup> Despite the Jewish appeal, the Alliance firmly believed that these "Saturdarians"<sup>131</sup> intended to cause a general breakdown on Sunday law<sup>132</sup> and accordingly placed this non-Christian force alongside those outright enemies of Sunday law; the infidels, skeptics, pagans, criminals and irreligious groups.<sup>133</sup> Coupling this interpretation of the Jew

with their prime consideration for Sunday law, the Alliance rejected the Jewish exemption because there existed "a righteous limit beyond which we are not warranted in respecting conscientious convictions." "This limit," declared the Alliance, "was reached in the question of Sunday legislation when all were allowed to observe religiously or not as they pleased, the Christian Sabbath, . . ."<sup>134</sup> To the Alliance, Sunday being the Lord's Day or the Christian Sabbath was of inestimable value; not Sunday as the national day of rest; but its retention as such could only be achieved legally, by making it the national day of rest. Therefore, considering the Alliance's attitude towards Canadian Jewry with their religiously based contentions for Sunday law, the non-acceptance of the Jewish exemption went hand in hand with the Alliance's prime consideration of protecting and preserving the Christian Sabbath.

With the adoption of Section 11, the Alliance strengthened their objections with specific reference to the exemption. The Alliance claimed that the Jews worded it in a cunning manner so that Jewish entrepreneurs would be able to stay open for seven days a week by means of legal guarantees. They also claimed that this was the "most objectionable" clause in the enactment. Firmly believing that Section 11 would create widespread opposition throughout the country, the Alliance allowed that in all probability the Commons would reject the exemption.<sup>135</sup> Aside from using the press, the Alliance personally acquainted legislators with their objections to Section 11 in the hope of swaying these parliamentarians to their side of the issue. Yet, to attain their objectives, the Alliance did not want to campaign alone. Realizing the strength of public opinion, the Alliance organized a powerful and influential front to have their contentions backed up by consensus and in this manner ensure defeat of Section 11.

The Alliance, being the representative for Protestant churches on the issue, approached this group. During the month of June, by coincidence, the majority of Protestant churches held their annual synods or assemblies. Taking full advantage of the opportunity, the Alliance sent representatives to the various meetings. After explaining the situation, the Alliance called for (and received) strongly worded resolutions requesting "the government to preserve the bill inviolate."<sup>136</sup> Not limiting themselves strictly to church assemblies, the Alliance urged individual ministers to encourage their congregations to write to their member of Parliament voicing their disapproval of the Jewish exemption.<sup>137</sup>

Moreover, the Alliance also consorted with their Roman Catholic

brethren. Up to this time, the Catholic element had made no specific commitment regarding the Jewish appeal outside of its representation on the protesting deputation of March 20, 1906. But, with the adoption of the Jew Clause, the Alliance wished to encourage Catholic support. In this consideration, Shearer not only wanted the Catholics to voice their opinions in disagreement with Section 11, but employed a new tactic to combat the clause. He took advantage of personal and sentimental attachments when he contacted one of the most prominent and influential Catholics in the nation, Paul Bruchesi, Archbishop of Montreal. Shearer, finding a common denominator between first-day Christians, pointed out that any exemption to the Jew was "offensive to the Christian religion besides being subversive of Sunday observance." Feeling confident that Bruchesi's ideas were similar to those of the Alliance, Shearer asked him to contact Laurier and protest the exemption. With Fitzpatrick out of the Government, Shearer felt that Laurier was the only man who could ensure the defeat of Section 11; and no one else except Bruchesi could influence Laurier to do so. Shearer was confident that Bruchesi's interjection would resolve the issue.<sup>138</sup> Bruchesi immediately contacted Laurier, but Bruchesi made no mention of Shearer's request.<sup>139</sup> Laurier, however, being interested in the Archbishop's comments, sent him a copy of the select committee's draft of the bill and requested Bruchesi's opinions.<sup>140</sup>

After reading the draft of the bill, Bruchesi replied to Laurier and substantially fulfilled Shearer's request. He opposed Section 11 on similar grounds to that of the Alliance which merely reinforced the Alliance's convictions. Bruchesi was of the opinion that in Canada, a Christian country, the Jews should observe the common law which, in this case, did not provide for Jewish liberty of religious conscience. Furthermore, he protested that this exemption was unnecessary because Saturday Sabbath observers among Jews were rare and they had relatively no scruples about working on that day. Bruchesi concluded his general comments by stating that the accorded exemption "*sera un mauvais exemple donné à nos populations.*" Bruchesi contended that there was no substantial "*raison d'être*" for a Jewish exemption.<sup>141</sup>

Bruchesi also felt that a specific minority exemption which the measure allotted the Jews evoked bitterness from the majority. Despite the restrictions entailed in Section 11, Bruchesi felt they would not be advantageous when put into practice. He argued that many Catholics would take advantage of this opportunity to make "Sunday money" by rendering their services to Jewish establishments. With the numerous Jews in Montreal,

Bruchesi felt the situation was bad enough; but with the increase in Jewish Sunday labour, Catholic labour under Jewish employers would become considerably worse. The Jews protected by law, would be free to do that which was forbidden to Christians. To avoid this situation, Bruchesi urged that "*nous devons être en garde.*" This being the practicality of the situation, Bruchesi summarized that there existed only one course to follow: "*dans une question aussi grave.*"<sup>142</sup>

Laurier differed in opinion with the Archbishop on the Jewish question. Being one who had defended minorities throughout his political career, Laurier was inclined to protect the Jewish minority "*par instinct et tradition,*" in this situation. Yet, he did not limit his contentions merely to maintain consistency in his political tradition. Even though Section 11 was not completely satisfactory to him and susceptible to modification, Laurier approved of the principle behind the clause. It was upon this principle that Laurier, speaking to Bruchesi, maintained that French Canadians should allow the greatest toleration on all occasions and at all times because "*les cas seront nombreux où cette ligne de conduite leur sera d'un grand secours.*"<sup>143</sup>

Personal pressure directed to Laurier such as that of Bruchesi, was not limited to religious interests but to other sources as well. Political patronage was employed to try to sway Laurier by Henry H. Miller, an M.P., a member of the Alliance and of the protesting deputation of March 20, 1906. Miller maintained that Ontarians disapproved of the exemption; if it were passed harm would result.<sup>144</sup> With the Liberal party support in Ontario stemming from "those classes who believe in church and in religious institutions and have strong views on moral issues,"<sup>145</sup> and with the position of the Liberal Party in Ontario,<sup>146</sup> it was perfectly clear that the Jewish question, as Miller pointed out, was a very important one.<sup>147</sup> Laurier, being well aware of his party's position in the province<sup>148</sup> and the overriding view of the party's supporters,<sup>149</sup> replied to Miller that he would support Section II because it was his rule to endorse a provision recommended by an appointed parliamentary select committee.<sup>150</sup> Despite Laurier's rebuttal to both Bruchesi and Miller, the reasoning behind the commitment to defeat Section 11 further strengthened the Alliance's project.

The course of action which the Alliance adopted of influencing legislators to achieve their goals was a normal procedure to follow. When it appeared it was not gaining ground with a policy of suasion directed to parliamentarians, the Alliance followed a subtle yet tactful policy of

behind the scene political coercion. When a legislator did not see eye to eye with the Alliance on the Jewish exemption, the Alliance encouraged and endorsed the policy of constituents applying political threats on their representative legislator regarding election support if he did not succumb to the whims of the Alliance. These protests were to be so effective that the legislator would think twice before embarking on his course of action in future issues. But, while the constituents applied such pressure, the Alliance profusely stressed that caution should be used to make certain that in no way could it be connected with that type of action.<sup>151</sup> The Alliance, being the major opponent of the Jewish appeal, was adamant in its attempt to halt the string of Jewish successes as of this point. Defeat of the Jewish exemption was the Alliance's ultimate goal.

In contrast, the Jewish appeal group which supported the retention of Section 11 was neither as lively nor as intense as that of the Alliance. It was a simple procedure. The Jewish attitude towards the Alliance and the proposed Sunday law remained the same. The Jews did not feel themselves to be newcomers or foreigners because they had lived in Canada since the British takeover. Throughout their history, the Jews participated faithfully in spheres of Canadian concern.<sup>152</sup> Religiously, being the first group to observe one day's rest in seven, whence Christianity adopted the concept, they also felt that Sunday law would be used for the benefit and not injury of the Jew.<sup>153</sup> Despite the absence of these concepts, the Jews still believed that the measure had been drawn up by a "knot of Puritan divines," thereby making the measure "an astonishing and unnecessary piece of legislation,"<sup>154</sup> which tried to "establish the Christian Church in the Canadian constitution."<sup>155</sup>

With the Government seeing necessity for Sunday law, Canadian Jewry accepted that fact and worked within the proposed legislation to alleviate their problems. The select committee's decision to adopt the Jew Clause was a victory the Jews were not about to lose by having the Commons reject it, and they continued to work for the passage of the exemption by maintaining consistency in their arguments. The Jewish deputation served the parliamentarians a memorandum explaining the merits of Section 11 and its relative position within the context of the bill itself. They felt that opposition to the clause was based upon misconception of its terms because the opponents to Section 11 had neither studied nor understood its application. Section 11, stated the Jewish deputation, merely succumbed to the principle of the measure with respect to the Jewish problem in providing for Sunday labour. Yet, this labour was clearly restricted

upon four major conditions which the Jewish deputation felt would neither hurt nor infringe upon the religious sentiments of the majority.

- 1st That they strictly observe their own Sabbath;
- 2nd That they do not work on that day;
- 3rd That the place where they work be not open for traffic on that day;
- 4th That their work does not disturb Sunday Observance.<sup>156</sup>

The Jewish deputation, being primarily concerned with helping the Jewish inhabitant, stated that Section 11 merely gave the religiously conscious Jew the opportunity to overcome economic hardship. This financial situation was the crux of the exemption issue; but the reasons which created this economic dilemma had their foundation, not in secular but religious adherence. Because the religiously conscious Jew was the only one affected, they claimed justification for the exemption on constitutional grounds as well:

Legal equality among all religious denominations is a consecrated principle of the British Empire and is specially guaranteed in the statutes of Canada.<sup>157</sup>

Having attained equality, Canadian Jewry sought to initiate the principle of “equality of rights as a basic prerequisite for minority rights”<sup>158</sup> in their struggle for an exemption in federal Sunday law.

The Jewish deputation did not limit itself to written communiqués but also made personal contacts with legislators to try to obtain support. In this category, the Jews achieved “astonishing success with Henri Bourassa.”<sup>159</sup> On June 20, 1906, the first day of discussion on the bill by the Committee of the Whole of the Commons, Bourassa lodged a formidable and anti-semitic protest<sup>160</sup> against the exemption and the Jews themselves. The exemption, to Bourassa, had no *raison d’être* and he was not prepared “to vote for any special privilege given to the Jews” over any other class. He justified his contentions on the “experience of every civilized country” in which the Jews were found as being, “the most undesirable class of people.” The Jews were the least remunerative class, claimed Bourassa, because of their tendencies “of suck(ing) the most from other people and giv(ing) back the least.” All that the Jew respected was the criminal law. They were not a part of, but rather apart from the community, Bourassa contended, because the Jews did not “adapt themselves to the customs among the people with whom they live.”<sup>161</sup>

Within a week, however, Bourassa had a change of heart after meeting with the Jewish representatives. He framed an amendment to Section 11 which met both his and the Jewish interests’ approval. Bourassa explained his sudden about face towards the Jew on the premise that “the moment

the Jew lands in this country and we collect his money, we owe him the same law of justice and equality that should govern every man in this country.”<sup>162</sup> Embarking on this course of action, Bourassa earned praise from the Jewish community because “he redeemed somewhat the obloquy of previous utterances concerning our [the Jewish] people.”<sup>163</sup> With the Canadian Jewish community faithfully carrying on the struggle, they were hopeful that their “remarkable success”<sup>164</sup> thus far would be climaxed by complete victory with the acceptance of a Jewish exemption. With both sides of the issue represented, and the measure being now under discussion, it was only a matter of time for Parliament to pass judgement.

#### FOOTNOTES

1. 29 Car. II, Ch. 7, quoted in A.M.C. Waterman, “The Lord’s Day Act in a Secular Society: A Historical Comment on the Canadian Lord’s Day Act of 1906,” *Canadian Journal of Theology* XI, no. 2 (April 1965): 111, n. 13.
2. “Report of the Committee on Sabbath Observance and Legislation,” *The Acts and Proceedings of the Twenty-sixth General Assembly of the Presbyterian Church in Canada* (13-20 June 1900), by D. R. Drummond, Chairman (Toronto, 1900), 240-253; Rev. T. A. Moore, “Canada — Sunday Rest,” in *Sunday Rest in the Twentieth Century*, ed. Dr. A. Jackson (Cleveland, 1905), 246; D. A. Schmeiser, *Civil Liberties in Canada* (London, 1964), 102.
3. See “Committee on Sabbath,” *Presbyterian Church* (13-20 June 1900), 240-253, *passim*.
4. E. A. Christie, “The Presbyterian Church in Canada and Its Official Attitude Toward Public Affairs and Social Problems, 1875-1925” (M.A. Thesis, University of Toronto, 1955), 236; M. V. Royce, “The Contribution of the Methodist Church to Social Welfare in Canada” (M.A. Thesis, University of Toronto, 1940), 248.
5. Lord’s Day Alliance of Canada, *First Minute Book*, Annual Meeting, 28 April 1888, 7-8. (Henceforth, Lord’s Day Alliance of Canada is referred to as Alliance).
6. W. A. Butler, “The Sunday Rest May Be Maintained By Legislation? The Grounds and Limitations of Such Interference,” in *The Sunday Problem; Its Present Day Aspects*, ed. Rev. W. W. Atterbury, et al. (Boston, 1894), 179 — The coalition of Secular and religious interests was not peculiar.
7. Canada, Laws, Statutes, etc., *An Act Respecting the Lord’s Day, 1906*, 6 Ed. VII, Ch. 27, *Statutes of Canada, 1906*, I: 146-147 (sec. 3).
8. S. Indig, “Canadian Jewry and Their Struggle for an Exemption in the Federal Lord’s Day Act of 1906” (M.A. Thesis, University of Windsor, 1975), Ch. I, 25, n. 139.
9. *Ibid.*, 22 n. 118; *An Act respecting the Lord’s Day, 1906*, 147-148 (sec. 5), 148 (sec. 6).
10. Waterman, “Canadian Lord’s Day Act of 1906,” 115.
11. “Canada Coming to Her Own.” *The Christian Guardian* LXXVII, no. 24 (11 July 1906): 4 — A U.S. correspondent designated the religious divisions in Canada as Anglican, Roman Catholic and Non-conformist.
12. Indig, “Canadian Jewry,” Ch. VI, 182, n. 32.
13. *Ibid.*, Ch. I, 21, n. 113.
14. For a brief summary regarding Quebec’s claims, see H. B. Neatby, *Laurier and A Liberal Quebec: A Study in Political Management*, The Carleton Library, n. 63 (Toronto, 1973), 162-164; M. Wade, *The French Canadians, 1760-1967*, revised edition, I: 1760-1911 (Toronto, 1968), 546-548.
15. The scope of this paper limits itself to the Jewish struggle. Other members of the Non-

- conformist camp were Seventh-Day Adventists, Seventh-Day Baptists and other Gentile religions. In a larger perspective this struggle would be labelled A Religious Dissenting Minority Exemption.
16. E. Rosenberg, *The Jewish Community in Canada, I: A History* (Toronto, 1970), 176.
  17. M. M. Sperber, "Legislation in Canada Affecting Jews," in *The Jew in Canada*, ed. A. D. Hart (Toronto/Montreal, 1926), 463.
  18. Lower Canada, Laws, Statutes, etc., *An Act to declare persons professing the Jewish Religion entitled to the rights and privileges of other subjects of His Majesty in this Province*, 1832, 1 Wm. IV, ch. 57, *The Provincial Statutes of Lower Canada, 1831-1834*, XIV: 82; A. Brodey, "Political and Civil Status of the Jews in Canada" (Thesis for the Degrees of Rabbi and Master of Hebrew Literature, Jewish Institute of Religion, New York, 1933), 53-55 — The 1832 Act which was passed by the Quebec Legislature was limited to only natural born subjects. To vindicate this, the colony, Canada, passed Naturalization Acts so that Jewish rights would be applicable to naturalized British subjects. (These Acts were 4-5 Vic., ch. 7 and 54 Vic., ch. 7 [sic] [It should be 12 Vic., ch. 197.] The latter Act is found in C.S.C. 1859, ch. 8.) The Naturalization Acts passed after Confederation did not affect Jewish rights. (Also, see C.S.C. 1859, ch. 6 (sec. 4) — for Jewish voting rights; *Ibid.*, 165 — Because certain oaths contained the words "on true faith of a Christian," Jews were unable to take those oaths. To alleviate the problem, the colony, Canada, disposed of taking certain oaths. (This Act was 13-14 Vic., ch. 18.)
  19. M. E. Gordon, "Political and Legal Aspects of Jewish History in Canada" (A paper, Montreal, 1959), 4.
  20. Brodey, "Status of Jews in Canada," 2-9.
  21. Brodey, "Status of Jews in Canada," 54-55 — The Act was 14-15 Vic., ch. 175 (sec. 1). (See C.S.C. 1859, ch. 74 (sec. 1).)
  22. Schmeiser, *Civil Liberties*, 66; Brodey, "Status of Jews in Canada," 54-55.
  23. Schmeiser, *Civil Liberties*, 68-71, N.B. 70.
  24. D. Rome, "Anti-Semitism on the Scene" (Manuscript, Montreal, n.d.) 2-3; S. Dinin, *Judaism in a Changing Civilization* (New York, 1933), 4.
  25. Rome, "Anti-Semitism," 5.
  26. L. Rosenberg, *The Jewish Population of Canada. A Statistical Summary from 1851-1914*, *Canadian Jewish Population Studies*, no. 2, *American Jewish Yearbook XLVIII* (1946-1947); reprinted (Montreal, 1947), 25.
  27. L. Rosenberg, *The Demography of the Jewish Community in Canada*, *Canadian Jewish Population Studies*, Population Characteristic Series, no. 2, *The Jewish Journal of Sociology* I, no. 2 (December 1959); reprinted (Montreal, 1957), 221.
  28. Rome, "Anti-Semitism," 9.
  29. *Ibid.*, 7.
  30. B. G. Sack, *History of the Jews in Canada*, trans. by R. Noveck (Montreal, 1965), 153-156.
  31. Rome, "Anti-Semitism," 11.
  32. Rosenberg, *Jewish Population . . . Statistical Summary*, 15 — In 1901, 7,498 Jews lived in Quebec. The total Jewish population in Canada was 16,401.
  33. Rome, "Anti-Semitism," 3.
  34. *Ibid.*, 4.
  35. *Ibid.*, 31; Interview with D. Rome, Canadian Jewish Congress, Montreal, P.Q., 28 October 1974.
  36. J. O. Hertzler, "The Sociology of Anti-Semitism.
  37. Sack, *Jews in Canada*, 217.
  38. Rome, "Anti-Semitism," 4; S. W. Baron, "The Modern Age," in *Great Ages and*

- Ideas of the Jewish People*, ed. L. W. Schwarz (New York, 1956), 374 — Orthodox Judaism of eastern Europe was strict in its observance. Orthodox Judaism of western Europe resembled the old in its “unwavering adherence to all the commandments.” Cohen, *Life in Modern Times*, 285 — Orthodox Judaism of western Europe differed from that of the east because the former theoretically acknowledged “the authority of the Oral Law, but in practice they mostly ignor[ed] it.”
39. J. Kage, *With Faith and Thanksgiving* (Montreal, 1962), 43; Hertzler, “Sociology of Anti-Semitism,” 73 — Whether the Jew is “Orthodox, Reformed, ‘liberal’, rationalistic or atheistic, he usually does not want to cease being a Jew. Jews as far apart in faith, conviction and modes of living . . . are one. . . .”
  40. Rome, “Anti-Semitism,” 29; I. Cohen, *Jewish Life in Modern Times* (New York, 1914), 166-167 — “The Sunday closing of shops and workshops is a main question in regard to which Jews are influenced less by party consideration than by religious motives and racial solidarity.
  41. C. Mayer, “Religious and Political Aspects of Anti-Judaism,” in *Jews in a Gentile World: The Problem of Anti-Semitism*, ed. I. Graeber and S. H. Britt (New York, 1942), 316; T. Parsons, “The Sociology of Modern Anti-Semitism,” in *Jews in a Gentile World: The Problem of Anti-Semitism*, ed. I. Graeber and S. H. Britt (New York, 1942), 102.
  42. I. Harburg, “Sabbath and Holy Observances,” *Central Conference of American Rabbis Yearbook XLVII* (1932): 337; Rabbi M. N. Kertznar, *What is a Jew* (Cleveland, New York, 1953), 151.
  43. Rome, Interview; Kallen, “Jewish Survival,” 14 — Emancipation according to the American Idea is “emancipation for rather than emancipation from, creative rather than defensive.” It gives the Jews “numerous amounts of freedom.” It is “the protection and cultivation.”
  44. Canada Parliament, *Parliamentary Journals* (Commons), XLI (1906): Appendix 1, Select Committee on Bill No. 12, Respecting the Lord’s Day — Minutes of Evidence, 27 April 1906, 182, Goldstein (hereafter cited, Minute of Evidence); Canada, Parliament, *Parliamentary Debates* (Commons), LXXVII (1906): col 6292, Barr, col 6303, Gagnong (*Parliamentary Journals*, hereafter cited, *Journals* Commons; *Parliamentary Debates*, hereafter cited, *Debates*, Commons).
  45. Minutes of Evidence, 27 April 1906, 183 Goldstein — e.g., In Quebec, cigar and fruit stores were allowed to stay open. See *Dupuis v. Blouin* [1916], 26 D.L.R. 127 (C.A. 1915). Under the application of the *Ejusdem Generis* rule, farmers were allowed to work on Sunday. See *The King v. Hamren* [1903], 7 C.C.C. 188; *Young v. Taylor* [1921], 3 W.W.R. 882.
  46. Minutes of Evidence, 19 April 1906, “Supplementary views of the Jewish Deputation upon the Bill entitled the Lord’s Day Act,” 18.
  47. Minutes of Evidence, 27 April 1906, 184, Goldstein.
  48. *Ibid.*, 19 April 1906, “Supplementary Views . . . Jewish Deputation,” 18.
  49. *Debates*, Commons, LXXVII (1906): col. 6287-6288. Macdonell, col. 6303, Bergeron.
  50. “Hebrews and the Lord’s Day,” *The Lord’s Day Advocate* II, no. 11 (August-September 1905): 7; Minutes of Evidence, 19 April 1906, “Why Seventh-Day Adventists Oppose the Sunday Bill,” 29; Israel, “Occupations of Jews,” 265 — Actual figures for Jews who were classified as working at various occupations were not available until 1926; Kage, *Faith and Thanksgiving*, 29-31, *passim*.
  51. *The London Jewish Chronicle*, 13 July 1906, Interview with Rabbi Mendola de Sola.
  52. *The Montreal Herald*, 20 March 1906, Alasn Judah Bart.
  53. *The Montreal Star*, 16 March 1906.
  54. *The Montreal Herald*, 22 June 1906, quoted in Alliance, *Lord’s Day Alliance Clips 1906-1907*, Snapshots at Parliament, 1.

55. *The Montreal Star*, 16 March 1906, Disraeli Club Convention, 24 March 1906, Harris Vineberg; Minutes of Evidence, 19 April 1906, "Memorial Submitted to the Government of Canada by a deputation of Jewish citizens with regard to the Bill concerning the observance of Sunday, entitled 'The Lord's Day Act,'" 17.
56. Minutes of Evidence, 27 April 1906, 185, Goldstein; 19 April 1906, "Jewish Deputation," 16.
57. Rosenberg, *Jewish Community in Canada*, 178. Also, *Ibid.*, 179-181, *passim* — This Jewish deputation became the Jewish Legislative Committee which was established in 1909 as a standing committee "dedicated to the defence of Jewish civil [secular] rights in Canada."
58. *The London Jewish Chronicle*, 13 July 1906, Mendola de Sola — Canadian papers, *The Ottawa Evening Citizen* and *The Montreal Star*, on March 15, 1906 also listed the members of the Jewish deputation. However, those papers were incomplete as compared with *The London Jewish Chronicle*. The only name which appeared in the Canadian press coverage which did not appear in *The London Jewish Chronicle* was L. Sapery. The other notable difference was the Canadian press listed M. Workman from Toronto while *The London Jewish Chronicle* listed him from Montreal.
59. A. D. Hart, ed., *The Jews in Canada* (Toronto and Montreal, 1926), 87-379, *passim*.
60. *The London Jewish Chronicle*, 13 July 1906, Mendola de Sola.
61. Minutes of Evidence, 19 April 1906, "Supplementary Views . . . Jewish Deputation," 18.
62. Minutes of Evidence, 19 April 1906, "Jewish Deputation," 15-17, *passim*.
63. *Ibid.*, 17.
64. Wilfrid Laurier, quoted in Rosenberg, *Jewish Community in Canada*, 179.
65. "Jews and Other Saturdarians Answered," *The Lord's Day Advocate* III, no. 6 (April 1906): 6.
66. *Ibid.*, 6-7.
67. *Ibid.*
68. *Ibid.*, 7.
69. *Ibid.*, 6-7.
70. *Ibid.*, 7.
71. Alliance, *Letterbook Correspondence, 1905-1906*, J. G. Shearer to J. B. Mitchell, School Board Office, Winnipeg, Manitoba, Toronto, 23 March 1906, 483.
72. *The Montreal Gazette*, 17 March 1906.
73. Rome, "Anti-Semitism," 28.
74. Minutes of Evidence, 19 April 1906, "Who is Behind the Times — Rabbi Replies to Reverend," 14; *The Montreal Herald*, 20 March 1906, Alan Judah Hart; *The Montreal Star*, 24 March 1906, Harris Vineberg.
75. Minutes of Evidence, 19 April 1906, "Behind the Times," 13-14, *passim*; *The Toronto World*, 22 March 1906, Rabbia L. Weiss; *The Montreal Star*, 21 March 1906, Mendola de Sola."
76. *Ibid.*
77. *Ibid.*; *The Montreal Gazette*, 19 March 1906, Lewis A. Hart.
78. Minutes of Evidence, 19 April 1906, "Behind the Times," 14; B. Z. Dihur, *Israel and the Diaspora* (Philadelphia, 1969), 66-76 — He divides the diasporic history of the Jews into eight chronological periods.
79. Minutes of Evidence, 19 April 1906, "Behind the Times," 14-15.
80. *The Montreal Star*, 21 March 1906, Mendola de Sola.
81. *Ibid.*, 29 March 1906, Anglican; *The Ottawa Witness*, 24 March 1906, W. G. N.; *The Montreal Gazette*, 19 March 1906, A. E. Taylor.

82. *The Ottawa Witness*, 16 March 1906.
83. *The Montreal Star*, 17 March 1906.
84. *The Toronto News*, quoted in "The Press and the Lord's Day Bill," *The Lord's Day Advocate*, 8.
85. *The Montreal Star*, 24 March 1906.
86. *Ibid.*, 28 March 1906.
87. *Ibid.*, 29 March 1906, Anglican.
88. *Ibid.*, 28 March 1906, Christian.
89. *The Montreal Gazette*, 28 March 1906.
90. *The Montreal Star*, 31 March 1906.
91. *Debates*, Commons, LXXIV (1906): col. 1203.
92. *Debates*, Commons, LXXIV (1906): col. 1203; *Journals Commons*, XLI (1906): 192 — Schaffner replaced Roche.
93. *Parliamentary Guide*, 1905 (Ottawa, 1905); *Parliamentary Guide*, 1907 (Ottawa, 1907); J. K. Johnson, ed. *Canadian Directory of Parliament, 1867-1967* (Ottawa, 1968).
94. Alliance, *Minute Book 1901-1918*, Annual Meeting of the Executive Board, 9 November 1906, 56 — H. B. Ames, Vice President; *Ibid.*, 9 November 1905, 47 — R. Smith, President of the British Columbia Alliance; *Parliamentary Guide, 1905*, 149 — R. Smith, liberal — labourite.
95. Minutes of Evidence, 24 April 1906, 125 — Dr. Black.
96. *Debates*, Commons, LXXIV (1906): col. 1205, Fitzpatrick.
97. Rosenberg, *Jewish Community in Canada*, 179.
98. Minutes of Evidence, 27 April 1906, 182, Goldstein.
99. *Ibid.*, see Indig, "Canadian Jewry," Ch. I, 26, n. 145-147.
100. *Ibid.*, 27 April 1906, 182, Goldstein.
101. *Journals*, Commons, XLI (1906): Appendix No. 1, Select Committee on Bill No. 12, Respecting the Lord's Day — Minutes of Proceedings, 19 April 1906, v (hereafter cited, Minutes of Proceedings).
102. *Ibid.*, v — xiv, *passim*.
103. *Journals*, Commons, XLI (1906): 181.
104. Minutes of Proceedings, v — xiv, *passim*.
105. *Ibid.*, 19 April 1906, viii.
106. *Ibid.*, 27 April 1906, xi.
107. *Ibid.*, x; Minutes of Evidence, 27 April 1906, 184 — Schaffner was not listed as being present when the meeting convened but his name appeared during the questioning of Goldstein.
108. *Ibid.*, 184 — "and habitually."
109. Minutes of Proceedings, 27 April 1906, xi.
110. Minutes of Evidence, 27 April 1906, 185-186, *passim* — If one worked on Sunday, he could not work on Saturday.
111. *Ibid.*, 186, Questioned by Pringle.
112. *Ibid.*, 185, Suggested by Ames.
113. *Ibid.*
114. *Ibid.*, see Below, Ch. V, n. 28, n. 30, N.B. n. 30 IV.
115. Minutes of Evidence, 27 April 1906, 182, Suggested by Ames.
116. H. Broom and E. Hadley, *Commentaries on the Laws of England*, I (London, 1869), 2.

117. Minutes of Proceedings, 27 April 1906, x.
118. Minutes of Evidence, 27 April 1906, 146-147 — Shearer filed his statements; *Ibid.*, 177, 187 — Shearer spoke.
119. See *Above*, Section II, n. 64-68.
120. Minutes of Proceedings, 1 June 1906, xiii; *The London Jewish Chronicle*, 13 July 1906, Mendola de Sola — It was stated that after the first session of voting on the various amendments, there was a tie on the Jewish proposal.
121. Minutes of Proceedings, 1 June 1906, xii.
122. Minutes of Proceedings, 1 June 1906, xii; *Debates*, Commons, LXXVII (1906): col. 6306, Miller, col. 6307, Piché; “The Battle at Ottawa. The Bill Reported by the Committee with Modifications,” *The Lord’s Day Advocate* III, n. 8 (July 1906): 5.
123. See *Above*, Ch. I, n. 102(b).
124. *Debates*, Commons, LXXVIII (1906): col. 6306, Miller.
125. *Ibid.* — Miller would not name the member. After discerning how the various members would vote on Section 11 in the House and transposing the statements to those gentlemen on the select committee and how they would have voted there, this author contends that this anonymous member is restricted to one of four people; Geoffrion, Macdonald, Pringle or Sinclair. Fitzpatrick was not considered because he was Chief Justice when the House debated Section 11.
126. *Ibid.* — This author contends this is the ONE and ONLY reason.
127. Rosenberg, *Jewish Community in Canada*, 180; *Debates*, Commons, LXXVI (1906): col. 5636, Bourassa; LXXVII (1906): col. 6313, Fielding — He indicated that the marginal note to Section 11 read “Exception as to Jews, etc.”
128. Indig, “Canadian Jewry,” Ch. I, 5, n. 29.
129. Alliance, *Sunday Laws and the Seventh-Day People*, Booklet no. 10 (Toronto, n.d.), 2-3, *passim*.
130. Alliance, *The Lord’s Day Act and Seventh-Day People* (Toronto, Circa, 1907), 2.
131. “Jews and Other Saturdarians Answered,” *The Lord’s Day Advocate* III, no. 6 (April 1906), 6.
132. Alliance, *Laws . . . Seventh-Day People*, 4.
133. “The Battle at Ottawa. The Bill Reported by the Committee with Modifications,” *The Lord’s Day Advocate*, 5.
134. Alliance, *Laws . . . Seventh-Day People*, 4; *Journals*, Commons, XLI (1906): 61-321, *passim* — Between March 12, 1906 and June 1, 1906 inclusive, petitions which the House received that the bill before them become law (Section 11 not included in the measure at this time) numbered 289. (*Ibid.*, 142-321, *passim*.) The number of petitions supporting the religious dissenting minority numbered four. Three of those requested that no bill be passed which would interfere with religious liberty. (*Ibid.*, 190, 209, 239.) The last petition desired an exemption for Jewish farmers. (*Ibid.*, 115.) The ratio of passing the measure inviolate, without a Jewish exemption, was 72.12:1.
135. “The Battle at Ottawa. The Bill Reported by the Committee with Modifications,” *The Lord’s Day Advocate*, 5.
136. Waterman, “Canadian Lord’s Day Act of 1906,” 116.
137. *Debates*, Commons, LXXVI (1906): col. 5790, Taylor; LXXVII (1906): col. 6306, Miller, col. 6283-6285, R. Smith; Alliance, *Correspondence 1905-1906*, J. G. Shearer to Rev. R. Emmett, Toronto, 7 May 1906, 533.
138. *Laurier Papers*, vol. 415, J. G. Shearer to Archbishop Bruchesi, Ottawa 2 June 1906, 110871-110872.
139. *Ibid.*, Archbishop Bruchesi à Sir Wilfrid, Montréal le 4 juin 1906, 110869.
140. *Ibid.*, Laurier à Monseigneur Bruchesi (A l’Archévêché, Montréal), Ottawa le 8 juin

- 1906, 110873.
141. *Ibid.*, vol. 416, Paul Arch de Montréal à Sir Wilfrid, Montréal, 13 juin 1906, 111157-111158.
  142. *Ibid.*, 111158-111159.
  143. *Ibid.*, Laurier à Sa Grandeur Monseigneur Bruchesi A L'Archévêché Montréal, Ottawa, le 16 juin 1906, 111161-111162.
  144. *Ibid.*, vol 415, H. H. Miller, Esq., M.P., to Sir Wilfrid Laurier, Ottawa, 2 June 1906, 110832.
  145. P. D. Stevens, "Laurier, Aylesworth and the Decline of the Liberal Party in Ontario," *Canadian Historical Association Historical Papers* (1968): 101.
  146. *Ibid.*, 96-98, *passim*.
  147. *Laurier Papers*, vol. 415, H. H. Miller, Esq., M.P., to Sir Wilfrid Laurier, Ottawa, 2 June 1906, 110832.
  148. Stevens, "Liberal Party in Ontario," 96.
  149. *Ibid.* — Out of the thirty-eight Liberal seats from Ontario, five were held by Roman Catholics, four by Others; twenty-nine by popular Protestant sects of which the Presbyterians held fifteen seats. *Laurier Papers*, vol. 3, Laurier to Thomas Gibson, 16 May 1899, 33561 — Laurier recognized that the "backbone" of the Liberal party in Ontario was "the Presbyterian element."
  150. *Ibid.*, vol. 415, Laurier to H. H. Miller, Esq., M.P., Ottawa, 4 June 1906, 110834.
  151. Alliance, *Correspondence 1905-1906*, J. G. Shearer to Rev. R. Emmett, Toronto, 7 May 1906, 533-534.
  152. *The Jewish Times* (Montreal), 13 July 1906.
  153. Mendola de Sola, *Scrapbook*, "Text of the Appeal to the Members of Parliament Regarding the Sunday Observance Bill."
  154. *The Jewish Times* (Montreal), 13 July 1906.
  155. Rome, "Anti-Semitism," 29.
  156. de Sola, "Text . . . Appeal . . . M.P.'s."
  157. *Ibid.*
  158. Baron, "The Modern Age," 318.
  159. Rosenberg, *Jewish Community in Canada*, 180.
  160. Rome, "Anti-Semitism," 31.
  161. *Debates*, Commons, LXXVI (1906): col. 5636-5637.
  162. *Ibid.*, LXXVII (1906): col. 6283; Rosenberg, *Jewish Community in Canada*, 180. Also, see *Debates*, Commons, LXXVII (1906): col. 6280-6283, *passim*, Bourassa.
  163. *The Jewish Times* (Montreal), 13 July 1906.
  164. Rosenberg, *Jewish Community in Canada*, 179.

# Pioneers, Pedlars, And Prayer Shawls

CYRIL LEONOFF

\*Sono Nis Press, Victoria, B.C. 1978 -

*Reviewed By:* B. G. Kayfetz

## *Résumé*

Dans le livre "Pioneers, Pedlars, and Prayer Shawls", l'auteur Cyril Leonoff a réuni une série de photographies mettant en relief, l'histoire et l'évolution de la Communauté juive de la province Pacifique du Canada. Un détail à souligner: "la naissance de la Communauté juive dans cette province arrive en même temps que la toute première année de l'histoire de la colonie".

"Vivant isolée du reste du monde, la Communauté juive de la région du Pacifique ne dut compter que sur ses propres ressources. Il lui fut impossible de se tourner vers New York, Philadelphie ou Boston pour obtenir des conseils et un service spirituel quelconque".

On peut voir à ces signes, que les débuts de la Communauté furent très difficiles. Cependant en parcourant ces photos, on peut percevoir une sorte de force de caractère et de cohésion qui transparaissent si l'on feuillette l'album de Cyril Leonoff. Selon l'auteur, "les êtres qui entreprenaient pareil voyage au milieu du XIX<sup>e</sup> siècle, devaient être dotés tant d'une puissance physique peu commune que de la volonté de persister pour atteindre le but". Un des aspects délicat dans la réalisation d'un volume pareil vient de ce que," lors de l'analyse de l'oeuvre, le critique ne sait trop s'il doit la considérer comme un simple album de photos ou comme une oeuvre d'histoire. D'après M. Ben Kayfetz qui a fait la recension en anglais du volume, il y a des passages où les rôles se confondent et où l'un prend le pas sur l'autre". En fait, les photos constituent l'essentiel du livre de Leonoff. Elles sont révélatrices d'une époque qui est révolue; toutefois, grâce à l'oeuvre de C. Leonoff il nous est permis de retracer l'état d'esprit qui régnait à l'époque.

Cyril Leonoff et la Société d'Histoire Juive de Colombie Britannique se

méritent des félicitations et notre encouragement pour cette réalisation.  
N.T.: La recension de l'oeuvre a été faite en anglais par M. Ben Kayfetz.

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*Pioneers, Pedlars, and Prayer Shawls* is a collection of photographs reflecting the history, background and development of the Jewish community of the Pacific region. That province's Jewish community is unique in at least one respect which distinguishes it from *yishuvim* of other Canadian provinces: its birth coincides with the very first year of the colony's history. When the city of Victoria sprang up overnight in 1858 in the wake of the Fraser River gold rush there were Jews from San Francisco and other centres among the first comers. Within several years a synagogue was built at a time when Jews in larger centres in the more populated and settled East were still worshipping in rented temporary quarters. And within a very few years Victoria had elected a Jewish mayor and by 1870 was sending a Jewish assemblyman to the colonial legislature, re-electing him soon afterwards to the newly established Parliament of the Canadian Confederation in far-off Ottawa — both events regarded then, as now, as the ultimate symbols of Gentile “acceptance”.

Living as they were in isolation, they were thrown upon their own resources unable to look to New York or Philadelphia or Boston for guidance and leadership. Throughout *Pioneers, Pedlars, and Prayer Shawls* this sense of self-reliance comes through. Whether pedlars from Roumania or sons of settlers on the prairies, or acculturated Englishmen or West Europeans, there is a solidity and strength of character that is tangibly perceptible in the photographs. Perhaps anyone who persevered in the travel conditions of the mid-nineteenth century to penetrate that far west must have had inner physical and spiritual stamina to persist and reach that goal.

Glancing through the pictures of personalities and looking at the names from time to time, one sees family names that the reader associates with eastern communities: Rabbi Samuel Cass, later to be Hillel director at McGill, served in Vancouver; Rabbi J. L. Zlotnick, known to philologists as Yehuda Elzet and later in his Jerusalem period as Yehuda Avida, was a Talmud Torah principal in Vancouver in the mid 1930's; David Rome, whose valued opus *The First Two Years* — an account of the origins of Victoria Jewry, came to Vancouver as a child from Russia; Annie and Ephraim Sugarman, who moved to Toronto in the 1940's, left their mark on Vancouver's Jewish institutions. An early spiritual leader in the 1920's

is a Wohlgelernter of the aptly named Toronto family. Despite the basic isolation there was a give-and-take of individuals, a transmontane cross-fertilization.

Part of the problem in reviewing this book is that the reviewer cannot determine whether to deal with it as a photograph album or as an historical work. There are points where the role is confused and the one encroaches on the other.

The glossary of “unfamiliar” words at the end could bear some editorial improvement. A *gabbai* is not “a synagogue beadle” but a more exalted species — an elected officer of a congregation. One wonders why the Biblical identity of Miriam has to be given in a listing of a camp by that name, why six lines of text are devoted to an explanation of Hebrew as a language, why the word *Ghettos* is listed and defined and why we need to be told in the listing on *Sholem Aleichem* that “his stories of Jewish life in Eastern Europe formed the basis for the musical production *Fiddler on the Roof?*” Sholem Aleichem’s reputation does not rest on the Broadway musical adaptations of his writings. Nor is the Histadrut’s fame due to its being “the largest Jewish Labour organization in the world” but to other aspects of its program and structure.

The essence of the book, however, are its photographs. There we see Jews at work, Jews at play, Jews in the Yukon and in the Rockies, Jews at college and young people at play in *Purimshpiel* and masquerade. A gem of serendipity is to find out that it was in Vancouver in 1922 that Bennie Kubelsky attended a family Passover Seder with his vaudeville colleague Zeppo Marx at the home of the slightly differently spelt Marks’es. Of the three Marks daughters, Kubelsky (Jack Benny the comedian) was attracted to the youngest, 14 year old Sadie. They married five years later and she was to be Mary Livingstone, the other half of his comedy team and his script writer.

One sees a picture of a community where the contrasts between what used to be called the *yahudim* and the later immigrants who stemmed more directly from the East European shtetl were perhaps sharper than other cities (certainly more than in Winnipeg which had a more pronounced *amcho* tradition), a community where Jews were more outward looking. Vancouver and Victoria provided “firsts” or close seconds in their Jewish mayors, judges, MLA’s, MP’s, and in our own time a Jewish premier, a Chief Justice and a university chancellor. There were no great Judaic scholars, no founders of yeshivot but simple, unpretentious Jews who worked hard to establish a community and whose community is

their monument.

Cyril Leonoff and the Jewish Historical Society of British Columbia deserve a *yasher koach* for their achievement.

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## CORRECTION

The photographs illustrating Part II of Paula Draper's paper "The Accidental Immigrants: Canada and the Interned Refugees," which appeared in the Fall, 1978 issue, were erroneously credited to the Public Archives of Canada. The correct citation should have been:

Figure 1: This sketch courtesy of Mr. Harry Seidler

Figures 2, 3 and 4: These photographs by Marcell Seidler

The editors regret these errors.





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