

# CANADIAN JEWISH ARCHIVES

Vol. 1 No. 3

June 1957

An Act to Declare Persons Professing the Jewish Religion Entitled to all the Rights and Privileges of the Other Subjects of His Majesty in this Province.

(Statutes of Lower Canada. Quebec, 1831. Anno Primo Gulielmi IV. C.57.)

31st March, 1831 -- Presented for His Majesty's Assent and reserved "for the 'signification of His Majesty's pleasure thereon."

12th April, 1832, -- Assented to by His Majesty in His Council.

5th June, 1832, -- The Royal Assent signified by the proclamation of His Excellency the Governor in Chief.

Preamble. Whereas doubts have arisen whether persons professing the Jewish Religion are by law entitled to many of the privileges enjoyed by the other subjects of His Majesty within this Province: Be it therefore declared and enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in "the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America," and to make further provision for the Government of said "Province of Quebec in North America." And it is hereby declared and enacted by the authority aforesaid, that all persons professing the Jewish Religion being natural born British subjects

Persons professing the Jewish Religion to be entitled to all the civil rights of British subjects.

inhabiting and residing in this Province, are entitled and shall be deemed, adjudged and taken to be entitled to the full rights and privileges of the other subjects of His Majesty, his Heirs or Successors, to all intents, constructions and purposes whatsoever, and capable of taking, having or enjoying any office or place of trust whatsoever, within this Province.

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## EDITORIAL NOTES

This third issue of CANADIAN JEWISH ARCHIVES continues the publication of transcripts of historical material in the National Archives of the Canadian Jewish Congress relating to the early history of the Jewish community in Canada prior to December 31st, 1857.

One hundred and twenty five years ago, on the 5th of June in the year 1832 an "Act to declare persons professing the Jewish Religion entitled to all the rights and privileges of the other subjects of His Majesty in the Province of Lower Canada" was proclaimed and came into force.

The bill was introduced in the Legislative Assembly by Mr. Neilson, editor of the Quebec Gazette and member of the Provincial Legislative Assembly of Lower Canada on March 16th, 1831, received the necessary first, second and third readings within three days, was passed on March 19th, 1831, and was then passed by the Legislative Council of the Province.

It was presented for the Royal Assent on March 31st, 1831, held for "the signification of His Majesty's formal assent," which was granted on April 12th, 1832, and this Act which granted complete political emancipation to Jews in Lower Canada came into force on the 5th of June, 1832.

A similar Act granting complete political emancipation to Jews in the United Kingdom of Great Britain and Ireland was not passed by the Parliament of Great Britain until 26 years later, in the year 1858; so that the Province of Quebec, or Lower Canada as it was then called, was the first legislative body in the British Commonwealth to pass legislation removing all political disabilities of its Jewish citizens, sharing that honour with the Legislative Assembly of the colony of Jamaica, in which the Jewish population was more numerous at that time than in Canada.

It is appropriate therefore that the text of the Act known as 1st William IV., Chapter 57 is included in this issue together with the Act known as 10th George IV, Chapter 75, which was passed by the Legislative Assembly of Lower Canada on March 14th, 1829, and was proclaimed and went into force on January 18th, 1831.

The transcripts of the other documents included in this issue may be classified into three main groups:

1. Some letters and documents of Benjamin Hart (1779-1855), third son of Aaron Hart, the first Jew to settle in the Province of Quebec, in which he objected to certain proposed amendments to the by-laws of the Corporation of Portuguese Jews in Montreal, which were nevertheless passed.

2. Several letters from the Rev. Abraham de Sola regarding his appointment and salary as Hazan of the Shearith Israel (Portuguese) Congregation in Montreal, and his manuscript decisions concerning the Jewish cemetery on Mount Royal and a proposed Mikveh.

3. The first by-laws of the Jewish cemetery on Mount Royal, and of the Corporation of Portuguese Jews (Shearith Israel Congregation) in Montreal in 1855.

All of the documents reproduced in this issue are in the National Archives of the Canadian Jewish Congress, and as in previous issues, no attempt has been made to modernize or correct the spelling or punctuation as given in the original documents.

It is hoped that the publication of these documents will be found useful by all who are interested in the history of the Jewish community in Canada, and will encourage and stimulate individuals and organizations to entrust similar documents, letters and printed records to the National Archives of the Canadian Jewish Congress for preservation, classification and use as source material for writing the history of the Jewish community in Canada.

June 5th, 1957

L. R.



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1. An Act to extend certain privileges therein mentioned to Persons professing the Jewish Religion and for obviating certain inconveniences to which others of His Majesty's Subjects might otherwise be exposed.

(Statutes of Lower Canada. Quebec, 1829; Anno Mondii et decimo Georgii IV. C. 75.)

14th March 1829. Presented for His Majesty's assent and reserved for the signification of His Majesty's pleasure thereon, 1st November, 1830. Assented to by His Majesty in His Council.

18th Jany. 1831. The Royal Assent signified by the proclamation of His Excellency the Administrator of the Government.

Preamble. Whereas serious inconveniences are experienced by persons professing the Jewish Religion being British Subjects resident in this Province from their disability under the existing laws to have and keep authentic Registers of the Births, Marriages and Burials occurring among them, which disability may injuriously affect the interests of others of His Majesty's Subjects throughout the Province, and particularly those of such persons as may derive their titles to real property from persons so professing the Jewish Religion, and whereas it is essential that there should be in each of the Districts in this Province fit and proper places of Worship and of Burial for the use of such persons:-

I. Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain intituled "An Act to Repeal Certain Parts of an Act Passed in the 14th year of His Majesty's Reign intituled "An Act for

Prothonotaries	of the Province of Quebec in North America and to
to keep a Register	make further provision for the Government of the
of all British	said Province" and it is hereby enacted by the
subjects profess-	authority of the same that the Prothonotaries of
ing the Jewish	the Courts of King's Bench for the Districts of
Religion resident	Quebec, Montreal and Three Rivers respectively
in the Province	shall immediately after the passing of this Act
and above 21	open and keep in each of the said districts a
years of age.	register to remain of record wherein any person

residing in the District in which such Register so be kept, being a British Subject professing the Jewish Religion and above the age of 21 years may inscribe his name, age and vocation and place of residence after oath by him made before the said Prothonotaries or any of them that he believes himself to be of the full age of 21 years and that he is a British Subject professing the Jewish Faith.

II. And be it further enacted by the authority aforesaid that where and as soon as fifteen persons shall have been so enregistered it shall and may be lawful for any Justice of the Court of King's Bench or Judge of the Provincial Court, as the case may be, upon petition to that effect to him made by seven persons so enregistered in his

District, and such Justice is hereby required upon When 15 persons are enregistered the Judge of the District to call a meeting. such petition to convene a public meeting of all persons so enregistered within his District to be held in the Chief City or Town thereof and at such place therein and at such time as the said Justice shall deem it advisable to appoint and to name same Justice of the Peace for the said District to preside at such meeting and to make his return of the proceedings thereat to the Prothonotaries of the Court of King's Bench for the said District or Prothonotaries of such Provincial Court, as the case may be. Provided always that the day on which such meeting shall be held shall not be more than sixty nor less than thirty days after the time at which the said petition shall have been presented and that due notice of such meeting shall be given by inserting such notice during two weeks in such public newspaper as the said Justices may appoint, or if no newspaper be published in his District, in such manner as the said Justice shall order.

III. And be it further enacted by the authority aforesaid that at such meeting it shall be lawful for the persons so enregistered in the District in which such meeting shall be held and Trustees to be then and there present to elect by a majority of their elected at such votes five persons from among such persons as shall meeting by have been so enregistered in the same District as majority of themselves to be Trustees for the purposes herein- votes. after mentioned, which persons shall be returned as such Trustees by the Justice of the Peace presiding at such meeting in his official return of the proceedings had at such meeting as before directed.

IV. And be it further enacted by the authority aforesaid that Trustees to when the said number of Trustees shall have been so elect a Chairman elected as aforesaid, they shall by a majority of and a Secretary their votes elect a Chairman from among themselves and Treasurer. and shall in like manner elect a Secretary and Treasurer.

V. And be it further enacted by the authority aforesaid that when and so soon as such election and return have been so made the Prothonotary shall make an entry in the Register by him kept as aforesaid setting forth that such election was made in pursuance of this and in the time and place thereof together with the names, additions and places of residence of the Trustees so elected, and that Prothonotary to record such meeting and the names of those elected. when and so often as any of the said Trustees shall die, leave the District or resign such trust, the election of so many others as may be required to complete the said number of five shall be proceeded If trustees die remove or resign, others to be elected in their places. to and recorded in the manner hereinafter provided, save and except that at such election the Chairman or the oldest of the Trustees shall preside and shall make his return of the proceedings at such



election in the manner herein before prescribed, provided that no Trustee shall remain in office longer than five years.

VI. And be it further enacted by the authority aforesaid, Trustees to hold that it shall be lawful for the said Trustees so land to the extent elected and returned as aforesaid to purchase and of five arpents hold or to acquire, have and hold by the devise, and to appropriate donation or otherwise for the purposes herein-part thereof as a after set forth in any part of the District for Burial Ground which they shall have been so elected and returned, and to build a a lot or lots of ground in the whole the quantity of five arpents in superficial content and to house for a appropriate any part of the said lot or lots as a Minister of the Burial Ground and to erect on any part of the same Jewish Religion a synagogue or place of worship and a house for thereon. the residence of a Minister of the Jewish Religion.

VII. And be it further enacted by the authority aforesaid Minister of the that from and after the passing of this Act, every Jewish Religion Minister of the Jewish Religion acting as such in to keep Register the Province, being previously licensed by the in duplicate. Governor, Lieutenant-Governor or person administering the Government for the time being shall keep a register in duplicate of all Marriages and Burials performed by him and of all Burials which he may be required to record in such Register by any person professing the Jewish Religion and that all the provisions of a certain act passed in the thirty-fifth year of the reign of his late Majesty King George the Third chapter Four Provisions of the intituled "An Act to establish the form of Register 35 Geo. 3, Chap.4, of Baptisms, Marriages and Burials and to conform extended to and make valid in law the Register of the Protestant Register so kept. Congregation of Christ Church, Montreal, and others which may have been informally kept and to afford the means of remedying omissions in former Registers shall be and the same are hereby extended to all Registers hereafter to be kept by virtue of this Act. Provided that before any Minister of the Jewish Religion shall be permitted to keep the Register as afore-mentioned he shall be required to present Provided they have obtained a a petition to the Governor, Lieutenant-Governor or license from the person administering the Government for the time Governor. being subscribed by the Chairman and Trustees of the District for which he is to act, setting forth his name and addition and praying to be licensed to keep a Register for the District therein mentioned, and it shall and may be lawful for the Governor, Lieutenant-Governor or person administering the Government for the time being to grant the prayer of the petition if he shall so see fit, and to issue his license under his hand and seal to the said petition and to have and keep Registers for the purposes aforesaid any law usage or custom to the contrary notwithstanding.

VIII. Provisions of the said Act respecting informal Registers and omissions extended to Registers kept by Ministers of the Jewish Religion. And be it further enacted by the authority aforesaid that all provisions of the said last mentioned Act concerning such Registers as may have been informally kept as well as those concerning the omission of any matter which ought to have been recorded in any such Register shall be and the same are hereby extended to such Registers as may heretofore have been kept by any Minister of the Jewish Religion officiating in this Province.

IX. After the election of Trustees the birth or death of children to be reported. And be it further enacted by the authority aforesaid that all persons of the Jewish Religion may within three months next after the election of the said Trustees cause the birth of their children or their death to be enregistered with the same effect and to all intents and purposes as if the same had been done at their birth or death.

X. Such Registers and extracts from them declared to be valid by law. And be it further enacted by the authority aforesaid that all Registers which shall hereafter be kept by any Minister of the Jewish Religion in this Province according to the provisions of the Act last above mentioned as well as all certified copies of the entries made therein or in the Registers kept by any Minister of the said Religion officiating in this Province before the passing of this Act, or any document legally establishing the omission of any entry which ought to have been made in such Registers, shall to all intents and purposes have the same legal effect as the Register or extract of any Register kept by any Priest or Rector of the Roman Catholic Church or any Minister of the Protestant Church in this Province in pursuance of the last mentioned Act. Provided always that the Regulations and Requirements of the said Act shall in all respects have been complied with.

XI. Ministers of the Jewish Religion or other persons not complying with the provisions of the said Act liable to all the penalties, etc. imposed by the said Act. Provided always and be it further enacted by the authority aforesaid that all Ministers of the Jewish Religion obtaining and keeping Registers by virtue hereof shall be governed by the provisions of the Act last above mentioned and that they or any other person who shall in any wise neglect or refuse to comply with the requirements of the said Act shall be liable to the same pains and penalties as are therein in such cases provided, and that any penalty so incurred shall be recoverable, paid, applied and accounted for in the same manner as the penalties by the said Act imposed are thereby directed to be recovered, paid, applied and accounted for.

XII. Public Act. And be it further enacted by the authority aforesaid that this Act shall be deemed and taken to be a public act and as such shall be judicially noticed by all Judges, Justices and Courts in this Province without being specially pleaded.



2. An Act to declare persons professing the Jewish Religion entitled to all the rights and privileges of the other subjects of His Majesty in this Province.

(Statutes of Lower Canada. Quebec, 1831. Anno Primo Gulielmi IV. C57)

31st March, 1831 -- Presented for His Majesty's Assent and reserved  
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12th April, 1832, -- Assented to by His Majesty in His Council.

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Persons profess-  
ing the Jewish  
Religion to be  
entitled to all  
the civil rights  
of British  
Subjects.

3. Letter of acceptance by Rev. Abraham de Sola of London, England,  
of position as Hazan of Spanish and Portuguese Congregation.  
September 17, 1846.

London Elul 26th 5606  
Sept 17th 1846

Gentlemen

I beg to acknowledge the receipt of your communication announcing my election as Hazan to your Congregation. For the confidence thus evinced towards me I have to return my warmest thanks, and beg to assure you that my most earnest exertions will be directed towards securing your esteem by a proper and zealous discharge of my duties. Deeply impressed as I am with the responsibilities attached to the office I do not shrink however from assuming them, trusting that the Bestower of all Strength will not only enable me to fulfil the requirements of the Hazan's office

satisfactorily, but will also promote those endeavors which I am anxious to make that I may secure the spiritual and general enlighterment of our brethren. I have now to intimate formally that I am quite willing to accept the office under the conditions proposed by you, trusting however that you will feel disposed to make some slight modification (hereafter mentioned) in the stipulations contained in your communication. I shall also be obliged by your informing me whether it would be convenient to you that my stay in England extend till the Spring as such an arrangement is anxiously desired by my friends, and those parties with whom I have made such engagements and require this time to bring them to a conclusion. Should this arrangement however be not satisfactory or convenient to you I am quite willing, and am even now preparing to sail at whatever time you may appoint in your reply. I shall now take the liberty of calling your attention to the points above alluded to, and firstly I understand, that although you state the engagement to be for three years still in the case of my giving satisfaction which I trust with God's help to do, I am to consider it as a permanent engagement. Secondly, I should most certainly be inclined from my own free desire, to give gratuitous instruction in the Sacred language to parties so requiring, still as part of my emoluments will proceed from tuition or literary avocations, I trust that you will allow the fixing of the time, number of pupils, to rest with me, although I am anxious at the same time that this should not be considered as disinclination on my part to fall into your views.

I trust that I shall be honoured with another communication from you, meanwhile praying God to inscribe us at this season in the book of life, I subscribe myself

Gentlemen

Very respectfully Your obedient and obliged Servant  
Abraham de Sola

The Honble Gentlemen the President and Trustees  
of the K.K. Sheerith Israel  
Montreal, Canada

c/o A.H. David, Esqr M.D., etc.

4. Letter by Benjamin Hart objecting to certain proposed amendments  
to the bylaws of the Spanish and Portuguese Congregation in Montreal,  
dated May 19, 1847

Copy of My Reasons, sent to each Member The Act of Vict. 9. Provides for a Portuguese Congregation and Confirms to them the Shool. It also provides for a German and Polish Congregation. By that Act no Jew of the latter class can be a Member of the Shool, more particular Men who did not contribute to the funds to erect the same.

By the 12 Month "Seat Holder" -- You admit at the end of 3 months (1 Sept)- a Set of Men who do not belong to us who are members of another Congregation - and strangers- in direct violation of

the very Act of 9 Vict. Thereby destroy the German Congregation and before one year destroy our Congregation -- you assist these men to riddle the Shool from our hands -- built with our money -- and this is their Plott and intention, Was it Religion they would be satisfied to hold Seats - and take it a great favour to be admitted after 7 Years Members -

Strangers who are not Portuguese to dictate and interfere with our present Clerjiman, is improper, they have done so. The Revd Mr Desola made great improvement, making the Service Respectable in the Spring. It is now again back to its old Vulgar Stand, Not withstanding you wish him put under their Rule

It is unjust and dishonest to wish to deprive three or four gentlemen from their vote because they cannot reside in Town -- these men contributed to the Building -- the Law allows them the Right -- they can enforce it -- at the same time you will admitt a Set of Strangers, who dont belong to us -- to destroy our Congregation -- I consider it ingratitude

- 3-- Clause 2 - To be omitted
- 4----- 1 The word "Hazan" to be omitted
- 2 -- To be omitted
- 5----- 1 To add 2 Days Notice
- 7----- 1 To add after the words "Seat Holders" for 7 Years -  
          from 1 Septr next after the word "Majority" Two thirds  
          of the Votes given in -----
- 12 -- To allow absent Members to Vote by Proxy ---

Dear Sir

I have Turn you over a Copy -- I am surprised My own Friends here-- Should not have seen to all this in time. It is paying the late Mrs. Michaels Memory a poor Compliment, to allow the attempt to put the Shool in these German hands -- this will be the case in one Year, she gave for a Portuguese Shool £700 --

Yours

B. Hart  
19 May 1847

5. Minutes of Spanish and Portuguese Congregation, Montreal, dealing with the objections raised by Benjamin Hart to the bylaws of the Congregation.

Montreal 1st June 1847.

At a general meeting of the Congregation held this day at Two O'clock pursuant to Notice at the Committee Room of the Synagogue there were present

Dr David, President

Mr Benjamin Hart	Mr. Henry Solomons
G. J Ascher	Abraham Joseph
Goodman Benjamin	Saml Benjamin
M Saml David	Adolphus Hart
William Benjamin	Saml Lyons
Simon Hart	John Levy
Wolff Wenk	Myer Solomons
Jesse Joseph	



The President Stated that he had summoned this meeting in accordance with the wish expressed and resolution passed at the meeting on the 13th April last each member having been furnished with a printed Copy of the byelaws about three weeks ago.

Mr. Benjamin Hart objected to the meeting and handed in his objections.

Objections made to this meeting of Members of the Portuguese Congregation of B Hart a proprietor of the Synagogue and Member.

"That by Act of Vict 9. The only power or duty given to the Members of this Congregation, are to yearly appoint a President, Secretary, Treasurer and Three Trustees. Vide Clause 1st

"That by the Second and Third Clause all power and duty are placed in the hands of the said Six Officers or Vestry

That by all the laws of this Province in favour of Congregations of Christians, in force, all bye laws must come from the Vestry by a majority of their Votes for the government of their Congregations provided always that no bye laws can be made repugnant or in violation of their Charter

That the proposed bye laws for this Congregation they are repugnant and in direct violation of the Act 9 Vict thereby placing all power in the hands of the members and taking all power from the hands of the said Six Officers or Vestry--

That should this meeting insist contrary to the Act Vict 9 law and usage to proceed to carry out their unjust intentions to destroy the Portuguese Congregation and to Rifle their Synagogue and property from them by a majority of votes of Men who are not Portuguese Jews but German and Polish Jews in violation of the Law, B Hart will immediately appeal to her Majesty's Judges of the Court of Queens Bench

Montreal 1st June 1847

Sd B Hart

The Chairman will have the goodness to cause this objection to be registered.

but as it was the opinion of this meeting that it had the power of passing laws to govern itself it proceeded to take up the Bye laws Seratim as submitted by the Trustees

Article 1 Clauses 1 & 2 passed without any opposition

Clause 3. Mr. Benjn Hart objected to this Clause inasmuch as the Act of Incorporation Vests the power in the hands of the Trustees and not in that of the Congregation and moved Seconded by Mr John Levy "that the word "Trustees" be inserted in the place of "Congregation" which was agreed to without a division -- Mr Saml Benjamin then moved seconded by Mr Goodman Benjamin, "That the word "and" before Shamas be erased and the words "and Mohel" be inserted after Shamas which was objected to by Mr Benjamin Hart.

B. Harts objections To the Proposals of the Portuguese Congregation to pay and keep a man called Mohill for the following reasons 1st When the act of 9 Vict. was asked for and granted no mention was made of Mohill. 2nd When the Seats were Sold for the support of a Clergyman Shochet and Shamas no mention was made of a Mohill and on those terms I purchased my seats and not to support a man that does not belong to this or any other Congregation of Portuguese Jews- 3rd That the Board of Trustees never can take on themselves the responsibility of a Mohill. In all Congregations the father of the Child takes on himself that responsibility and employs a man to suit his own wishes. 4th That in Russia, Prussia and other Governments have ordered by law, no man shall circumcise without a Certificate of examination and then a Surgeon must be present in Consequence of the number of deaths of Children by bad operators- 5th We have in this Congregation a Surgeon a Mohill and Two butchers therefore every man may Choose for himself.

Montreal 1st June 1847

(Sd) B Hart.

To be enregistered agreeable to the preamble of the Act 9 Vict. who called for a vote upon the question. A division having taken place Eleven members voted for the amendment and three against it on which Mr. Benjamin Hart protested against the Vote of Mr Samuel Lyons on various grounds

B Hart a Member and part Proprietor of the Montreal Portuguese Synagogue and Congregation- Objects and protests against the Chairman of the Unlawfull Meeting receiving the Vote of Samuel Lyons who presumes to be a member of the Protuguese Congregation in direct violation of the Act 9 Vict for the following reasons-  
1st Because the said Lyons belongs to the German and Polish Jews -  
2nd Because the said Lyons is not, nor ever was a Portuguese Jew, never attended or belonged to a Portuguese Congregation nor acquainted with the form of prayer their Service or their Customs.  
3rd That by the Act 9 Vict we are in Law a Portuguese Congregation our Synagogue and property Secured to us to be ruled and Conducted by Portuguese alone. That by that law no German or Polish Jew can become a member and vote in the Portuguese Congregation.  
4th That the said Lyons never Contributed to the funds to purchase ground or build the said Synagogue nor has any claim whatever on the said Congregation--  
5th That the said Lyons can have no motive in coming forward to insist on voting except having joined a party of German and Polish Jews who are Seat holders to Vote and Out Vote the true members of this Congregation to assist them in an unlawful Act of obtaining possession of our Synagogue and property which will more fully appear on investigation

Montreal 1st June 1847

(Sd) B. Hart

To be enregistered by the Secretary

This Clause III will read as follows "There shall always be Chosen by the Trustees a Hazan, Shochet, Shamas and Mohel to perform the services required of them in their several departments."

#### Article II.

Clauses 1 and 2 passed without any remarks.

Clause III. Mr. B. Hart objected (on the same grounds as he did to Clause III Article I) to the word "Congregation" in this Clause and moved seconded by Mr. Abraham Joseph "that the word "Trustees" be inserted in lieu of "Congregation" agreed to unanimously

#### Article III

Clause I passed unanimously. Clause II was objected to by Mr B. Hart who moved, seconded by Mr. Abraham Joseph "as the Circumstances under which that clause had been inserted no longer exist it be struck out altogether" agreed to unanimously Clause III then becomes Clause II which Clause was passed as it stands without any remark.

#### Article IV

Clause I Mr. B. Hart objected to the word Hazan and moved that it be struck out but no one seconding the motion it was not put. Mr. Samuel Benjamin Seconded by Mr Levy moved that "and" Mohel" be inserted after Shamas which was unanimously agreed to. Clause II was objected to by Mr. B Hart on the grounds that as we had now a Hebrew Philanthropic Society established we were not justified in giving away the funds of the Synagogue and moved Seconded by Mr. A. Joseph that this Clause be struck out on this motion being put to the Vote Seven voted for the motion and Seven against it. The President gave the Casting vote in favor of the amendment which was therefore carried. Clause III becomes Clause II Mr B Hart moved seconded by Mr Levy "That the word "Treasurer" be struck out and "Senior Trustee" inserted in its place which was unanimously agreed to Clause IV becomes Clause III and passed without any objections.

#### Article V

Clause I passed unanimously with the addition of the following words "on giving two days notice except in cases of emergency." Clause II passed unanimously. Clause III Moved by Mr Abraham Joseph and Seconded by Mr Samuel Benjamin that all the words after "shall" in the first line to "Collect" in the third line be struck out which was agreed to without opposition. Clauses IV V VI VII and VIII all passed without any remarks.

#### Article VI

All the Clauses in this Article viz from I to VII both inclusive passed unanimously.

#### Article VII

Clause I Mr. A Joseph moved seconded by Mr Myer Solomons that "Three Years" be inserted in lieu of "twelve months" which was lost Six voting for the Motion and Eight against it. Mr Saml Benjamin then moved Seconded by Mr Levy that the four last words "a majority of Votes" be erased and "Two thirds of the Votes" inserted in lieu thereof which was carried



unanimously -- Clause II was amended on motion of Mr Levy seconded by Mr Ascher by inserting the words "or Seatholder" after Member which motion was agreed to. Clause III was also amended on motion of Mr Saml Benjamin seconded by Mr Levy by inserting the words "or Member" before Seatholder, agreed to.

#### Article VIII

Clause I agreed to unanimously. Clause II passed with the addition of the mention of the year from which the first sale took place viz 1846 Clauses III, IV, V, VI, VIII were agreed to as they Stand. Clause VIII Mr S Benjamin moved Seconded by Mr Levy that the word "person" be struck out and "Member" inserted in its place agreed to. Clauses IX and X passed as they were.

Article IX Clauses I II III IV and V passed as they stand Clause VI Mr Saml Benjamin moved Seconded by Mr W Benjamin that the word "Three" be erased and "Two" substituted in its place. Unanimously agreed to.

Clause VII passed nem Con.

Clause VIII moved by Mr Hart seconded by Mr S Benjamin "that this clause be struck out" which was agreed to. Mr Levy moved Seconded by Mr Hart "that a fine of 5/. be enforced on the Officers who do not attend Synagogue on Friday nights and Saturday mornings which on being put to the Vote was lost the Votes being Six for and Seven against the motion.

Article X Clause I Moved by Mr Samuel David Seconded by Mr Levy that this Clause read as follows "Members and Seatholders shall be entitled to the Services of Hazan, Shochet, Shamas and Mohel on any occasion they may require their Services, Carried unanimously.

Clause II passed nem Con. Mr B. Hart then moved Seconded by Mr Abraham Joseph that all the Members whose families had contributed to the funds to erect the Portuguese Synagogue to be allowed to vote by Special Proxy--

Article-- To be that all members whose families have Contributed to the funds to erect the Portuguese Synagogue or themselves who reside out of the City but nevertheless have been and still Continue to be Seat-holders in the said Synagogue or become Seatholders or prevented by Sickness or absent from business may and are hereby allowed to vote by a special proxy provided the said proxy be in the hands of a member of the said Congregation, which was lost, only three members voting for the motion.

#### Article XI

Amended on motion of Mr A Joseph Seconded by Mr Saml Benjamin to read as follows, Clause I Any alterations amendments or additions to these Bye Laws are to be proposed in writing at one general meeting, and taken into consideration at another general meeting, after a lapse of at least thirty days -- passed nem Con.

The meeting then adjourned.

M. Solomons

Sec ---

6. Notification and protest by Benjamin Hart to and against Dr. A.H. David, President, and Myer Solomon, Secretary, of the Portuguese Congregation, Montreal.

On this Fourth day of the month of June in the forenoon in the year of our Lord one thousand eight hundred and forty seven at the request of Benjamin Hart Esquire of the city and district of Montreal in the Province of Canada one of the Trustees of the Corporation of the Portuguese Jews of Montreal, We the undersigned Public Notaries duly commissioned and sworn in and for that part of the Province of Canada which heretofore constituted the Province of Lower Canada residing in the aforesaid city of Montreal, went Firstly to the office in the said city of Montreal of Aaron Hart David Esquire, Physician, President of the Corporation of the Portuguese Jews of Montreal where being and speaking to himself and secondly to the office in the aforesaid city of Myers Solomon Esquire Notary Public Secretary of the aforesaid Corporation where being and speaking to (them)

We declared that whereas by the Act Ninth Victoria Chap. 96 intituled an Act to amend an Act therein mentioned extending certain privileges to persons of the Jewish persuasion The Portuguese Jews of Montreal are recognized as a separate Congregation, their ground Synagogue and Pastor house confirmed to them and the members thereof privileged to elect from among themselves a President, Treasurer Secretary and three Trustees of their Congregation in whom certain specific powers are vested (if duly elected as prescribed by the Act aforesaid) as the body corporate and politic of the Portuguese Jews of Montreal under the name and description of the Corporation of the Portuguese Jews of Montreal that the said Aaron Hart David Esquire President of the said corporation has from time to time called meetings of the congregation for the disposal of matters altogether within the controul of the duly elected officers of the corporation, and at such meetings allowed the voice and voices of entire strangers and others merely seat or pew holders to have an undue weight in the proceedings and actually permitted such persons and others to vote with a view to subvert the power of the proper officers of the Corporation and place the same in the hands of purely strangers and himself in direct violation of the aforesaid act of incorporation. That the said Aaron Hart David in his aforesaid capacity has taken upon himself to receive and confirm G.S. Ascher, Simon Hart, John Levy and Wolfe Wink all of the said city of Montreal Traders as members of the aforesaid corporation of the Portuguese Jews of Montreal, who in reality are but "Seat Holders" German and Polish Jews having no knowledge of the Portuguese language, prayers, customs, or service nor have they or either of them contributed to the purchase of the ground upon which the synagogue and pastor house are built, or the building thereof, the entire expense of which exceeding Two thousand three hundred pounds currency being borne and subscribed by the few Portuguese Jews in this city and Province for whose exclusion such unjust and illegal proceedings are apparently carried into effect at the instance of the said President repugnant to and in direct violation of the aforesaid act of incorporation.

That the said Aaron Hart David in his aforesaid capacity did on the first day of June instant summon a meeting of the Congregation of the Portuguese Jews of Montreal for the purpose of confirming certain Bye laws and did then and there permit a stranger one Samuel Lyons who is also a German or Polish Jew to vote and become a member and did also then and there with the aid and assistance of the said Ascher, Levy, Hart, Wink and Lyons, upon whom the privilege of membership has thus been unjustly and illegally conferred, proceed to the confirmation of the said Bye laws, which Bye laws are in substance illegal (it being questionable whether the said congregation have the right to frame Bye laws and if even such right is conferred upon them, the method taken to confirm the said Bye laws in this instance was incorrect) inasmuch as they have been studiously framed contrary to the custom and usage of all Portuguese Jewish congregations and with a view to exclude the said Portuguese Jews from all proceedings connected with the governance of the matters of their said congregation, to which said Bye laws and the other specified and illegal proceedings the said Benjamin Hart did at the time object and tendered such his objections in writing, and requested the same to be recorded, the whole of which was however treated contemptuously by the said Aaron Hart David ~~and his stranger and foreign friends~~ and the German and Polish Jews then and there present

And whereas the said President and those who have illegally assumed the privilege of membership have an apparent unity of purpose to exclude the Portuguese Jews from the governance of their rightful property and of wresting from the proper officers of the said Corporation the revenue of the said Synagogue in order that they may convert the same to such uses as they may think proper

And whereas the said President and the illegally privileged members aforesaid by the unscrupulous accomplishment of the purposes aforesaid have now the uncontrouled possession and command of the aforesaid property and the revenue thereof, to the great and serious damage of the said Corporation of Portuguese Jews of Montreal

Wherefore we the said Notaries at the request aforesaid did and by these presents do summon notify and require the said Aaron Hart David and Myers Solomon in their aforesaid capacities to desist in future convening such illegal meetings, refrain from enforcing any of the Bye laws thus illegally framed and confirmed, and forthwith generally redress all grievances in the premises hereby notifying them that in default whereof the said Benjamin Hart will adopt such other and further legal means against them as he may be by his counsel at law advised, and as the nature of the case may require, hereby intimating unto them respectively the intention of the said Benjamin Hart to move for a writ of mandamus against the corporation of the Portuguese Jews of Montreal in the court of Queen's Bench for this district at the earliest possible moment

And we the said Notaries did and by these presents do also demand of and from the said Myers Solomon in his aforesaid capacity a certified copy of the minutes of the proceedings had at the meeting purporting



to be a meeting of the said corporation on the First June instant hereby offering to pay him any reasonable fees he may think proper to demand for the same

And we the said Notaries did and by these presents do solemnly protest as well against the said Aaron Hart David and Myers Solomon in their aforesaid capacities as against all others whom it doth shall or may concern for all costs charges losses damages and interests suffered and to be suffered by the said Benjamin Hart a Trustee and member of the Corporation of the Portuguese Jews of Montreal arising from and out of the causes reasons and matters above mentioned and for all that which we ought to protest for in such a case for thus &c.

And to the end that the said Aaron Hart David and Myers Solomon in their aforesaid capacities may not pretend ignorance in the premises we have served them respectively with a copy of these presents speaking as aforesaid.

In testimony whereof we the said Notaries have signed these presents.

(Signed) John Helder Isaacson N.P.  
" E. Guy N.P.

True copy of the original remaining of record in my office -- six words obliterated are null.

E. Guy n.p.

4th June 1847

Notification and Protest at the request of Benjamin Hart Esquire a Trustee and member of the Corporation of the Portuguese Jews of Montreal

To and against

Aaron Hart David Esqr MD President and Myers Solomon Esqre N.P.  
Secretary of the aforesaid Corporation.

1st Copy

E. Guy, Notary Public

7. Letter from Rev. Abraham de Sola to Goodman Benjamin, President of the Spanish and Portuguese Congregation, informing him of an offer received from the Hebrew Congregation of Savannah, Georgia, requesting his services and asking Mr. Benjamin what are the intentions of the Montreal Congregation.

11th Feby 5612 (1852)

My dear Sir:

It becomes my duty to inform you that on Sunday last I received a communication from the Savannah Hebrew Congregation offering me tho' quite unsolicited on my part the acceptance of the Ministry at that place, in a manner most complimentary and under terms most advantageous. And as my term of office with my present Congregation will soon terminate may I ask you, before replying to the letter from Savannah to take such steps as shall decide whether it be the wish of my congregation that I should continue my ministry among them and to acquaint me with the same at your earliest convenience

I am My dear Sir  
Very Respectfully Yours  
Abraham de Sola

Goodman Benjamin Esqr  
President of the K.K.  
Shearith Israel Montreal.

8. Letter from Rev. Abraham de Sola to Goodman Benjamin, President of the Shearith Israel Congregation in Montreal regarding salary difficulties.

Goodman Benjamin Esqr  
President K.K. Shearith Israel  
Montreal

Montreal 25th April  
6 Iyar 5612 (1852)

My dear Sir --

On 16th February last I received a communication from Dr David Secretary of the Congregation enclosing the following resolution.

Resolved

That in consequence of the present state of the monetary affairs of the Congregation and the absence of many of its

most influential members the Congregation regrets it cannot at present increase Mr. DeSola's salary, but would be glad to retain his services as Hazan Lecturer & Teacher for the next three years at the same rate he now receives

I have deferred until now replying to this communication, because a large proportion of the prominent members of the Congregation were absent from the meeting when this resolution was passed. I cannot look upon this resolution therefore as expressive of the voice of and opinion of the Congregation in toto, and have awaited the arrival of the gentlemen then absent in order to obtain as full an exposition of the views & wishes of the Congregation as possible. I have moreover been anxious to afford an opportunity for the reconsideration of certain plans and measures brought forward by some of the members and which I believe they are desirous of even now reconsidering.

It is with great regret however that I feel bound to call your attention to the very irregular and unsatisfactory manner in which my salary is paid. I have now several liabilities in consequence of this irregularity and therefore think I should be doing justice neither to the Congregation nor to myself were I to form any new engagement until my arrears are in course of settlement or before I find there is a disposition on the part of the Congregation to pay this salary in a more regular and proper manner in future.

Trusting that the above may meet with the best attention of yourself and the Congregation and that it may tend to a satisfactory issue

I am Dear Sir  
Yours very respectfully  
Abraham de Sola

9. Letter from Rev. Abraham de Sola, dated December 22, 1853 to the President & Trustees of the Shearith Israel Congregation, Montreal, regarding construction of a Mikveh.

Montreal, 22 Dec 5613.

To the President and Trustees of the K.K.  
"Shearith Israel" Montreal.

Gentlemen

For the formal consideration of the matter involved, I beg leave to lay before you the following communication.

Having been applied to by certain members of the Congregation to use my best exertions to bring about the building of a מִיָּקְוֶה (Mikveh) or bath constructed according to Jewish law for religious and sanatory purposes -- the absence of which I had reason to believe was the cause of regret to many consciencious persons,



I did not think I was justified in refusing such application, especially as the necessity of such a מִקְוֶה (Mikveh) is so strenuously insisted upon by those authorities which guide us in the government of our synagogue -- among these especially Maimonides in his Yad Hachasakah and the Yoreh Deah Treatises, Nidah & Mikva'oth. In company then with Mr. David Moss I canvassed the members for subscriptions but found that quite a large proportion of them declined contributing. This was the more awkward since Mr. W. Sternberg who was among the most zealous in urging the matter had already caused the bed of such bath to be made in the spare long room of the Synagogue in the belief that if once commenced the matter would soon be completed. Mr. S. having been obliged to leave town for business cannot attend your meeting but has requested me to say on his part that fully aware as he is that an application to the Trustees as a body for the use of the room would have been a more formal course that yet he designed them no discourtesy but proceeded entirely upon what seems a misapprehension between him and the President. And indeed being of opinion that the Congregation would to a man be in favor of their being this essential of our law -- tho' I condemned the manner of commencing as being more expensive than necessary, yet offered no opposition but concurred in his proceeding. After, however, the comparatively small success with the list, it was thought advisable that if during another fortnight sufficient funds could not be raised that we should institute a subscription of small sums to be paid at short intervals during the winter, this even if inconsiderable promised to answer especially as several agreed and do even now agree to double their subscriptions -- the commenced (Mikveh) being meanwhile covered with boards which would afterwards serve as materials for it. A few days back, however, Mr. Sternberg received a letter from your Secretary requesting Mr. S. in the name of the President to refill the bath. Mr. S. and myself have thought it but right however humbly to submit to your respected board collectively that such a course would remove the only probability there exists of the Synagogue being supplied with so necessary an appendage -- one which Synagogues all over the world possess -- ours as far as we know being the only exception, trusting and conscious that your Board will give us every encouragement and opportunity to carry out our design which we form from no hope of obtaining either aggrandisement or popularity; and as a body appointed to watch the temporal interests of Judaism in Montreal -- and whose pleasure it is no doubt that the building over which you have charge should subserve every legitimate purpose we trust that the following will meet your views --

Mr. Sternberg undertakes, for the avoidance of all inconvenience and accidents to have the bath closed for the present with boards and should he find it impracticable to finish it off in the Spring, he undertakes then to fill it up and restore it to its former state.

Trusting the above will meet with your approval I am  
(and on behalf of Mr. Sternberg)

Gentlemen

Your very obedient Servant

Abraham de Sola

10. Manuscript decision of Rev. Abraham de Sola, dated January 12, 1854, outlining the steps necessary to make the new Jewish cemetery on Mt. Royal Avenue conform to traditional Jewish requirements.

I hereby state the following to be the conditions upon which, in my opinion, the Portuguese Congregation of Montreal may, in strict accordance with the requirements of the Jewish law make use of the Mount Royal Cemetery for the interment of their dead: My remarks have reference to the plan of said Cemetery as laid out by Sydney & Neff, and published by the Mount Royal Cemetery Company in 1852.

1. The road approaching the Cemetery proper, from the Mile End Road may be used as the road of approach to the Jewish Congregation's burial place and is not to be considered as the Cemetery proper of the M.R.C.C. which
2. is contained within the boundary fence and gates of the M.R.C.C.; or, otherwise, within the line around, and forming the limits of, the plan.
3. The Congregation instead of using the gate or door of the M.R.C.C. require an entrance of their own to the piece of ground they select, which, for various considerations (hereafter to be explained if required)--
4. -- I would recommend to be either the plot or Section of the Cemetery on the left hand side of the present main entrance, and bounded by the Company's fence on two sides and the "Forest Drive" on the other, being in Section E; or else, and otherwise the plot or Section on the right hand of the present main Entrance, bounded by the Company's fence on one side and the "Forest Drive" on the other, terminating at the point where the "Forest Drive" almost meets the fence, at the rocky ridge marked on the plan.
6. Either of the Sections or plots chosen will be required to be enclosed, before used as the Jewish burial place, with any by a close plank or board fence not lower than  $\text{ד'תפאח !}$  i.e. ten tepachim\* (say one yard or 36 inches English measurement) at the top of which fence should and may be added palings of an ornamental character, and trees planted on the side of said fence nearest the "Forest Drive."
7. Should it be required to select the North-West corner of Section I contained within and bounded by the Company's fence and the "Forest Drive," the Congregation cannot use the "Forest Drive" as an approach to said Section from the Main Road, but must either enolose

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\* A  $\text{תפאח}$  (tepach) is a Scripture measure called a hand's breadth or palm supposed to be about 3 inches 648 decim. English measure. See Ex. XXV. 25 and Lingua Sacra reading  $\text{תפאח}$  (tepach).

a road by putting up a fence of the height and character already referred to in the foregoing paragraph (6) or they must make a road for themselves without the fence of, and in the ground or property adjoining, the Cemetery.

The above my opinion I have committed in writing in accordance with the wishes of Messrs. Samuel Benjamin and A.H. David, M.D. appointed with myself by the Trustees of the Portuguese Synagogue to treat with a Committee of the Mount Royal Cemetery Company for a piece of their land, and I beg leave to recommend it hereby to the best consideration of both my Fellow Committeemen and the Trustees. In witness whereof I have hereunto set my hand this 12th Tebet 5614 (12th January 1854)

Abraham de Sola  
Minister K.K. Shearith Israel  
Montreal

11. Bye Laws of the Portuguese Congregation of Montreal for management of cemetery, adopted at general meeting held on April 25th, 1855.

At a meeting of the Members of the Portuguese Congregation of Israelites in Montreal held on the Twenty fifth day of February 1855 the following Bye Laws for the Government of the Cemetery were adopted

- |          |   |
|----------|---|
| Preamble | Whereas the said congregation having purchased from the                 |
| Carried  | Heirs McCulloch a certain lot of Land for the purpose                   |
|          | of a cemetery and the same having been laid out by                      |
| 1stly    | Spriggins and allotted as per plan, It is necessary for                 |
|          | the proper maintenance and government that the following                |
|          | be the Bye Laws for regulating the same That is to say,                 |
|          | That the said Cemetery be under the Controul and management             |
| Carried  | of the President, Treasurer, Secretary and Trustees of the              |
|          | said Congregation   |
| 2ndly    | That at the annual Meeting for the election of the Officers             |
|          | of the Congregation a Superintendant or " <u>Gabai Beth Haim</u> "      |
|          | shall be elected from the members of the Portuguese Congre-             |
|          | gation who shall be under the Controul of the Trustees and              |
|          | whose duties it shall be to keep the key of said Cemetery               |
|          | & give the requisite permission in writing for the opening              |
|          | and closing of all graves, and also notify in writing the               |
|          | <u>Hazan</u> and That he shall through the <u>Shamas</u> give notice of |
|          | all interments to the said members the time appointed for               |
|          | funerals and place and hours of prayers during " <u>Shiva</u> "         |
|          | He shall also see that the said cemetery is kept in proper              |



order so that no Member or non Member infringe on the following Bye Laws\* The first Superintendant shall be elected at the passing of these Bye laws and then and after at the General meeting as aforesaid

Carried

\* That in the absence of the "Gabay Beth Haim" the above duties shall be performed by the President or in his absence the senior Trustee

3rdly That all interments in said ground to be only in strict accordance with the rites and customs of the Jewish religion, and the burial service to be only performed by the Hazan of the Congregation excepting always, That the "Gabay Beth Haim" and in his absence the president as aforesaid shall be permitted to allow the service to be performed by any other recognized Hazan, upon application, should he deem fit

carried

4thly That every family lot being divided for graves and lettered, it shall be the duty of the "Gabai beth Haim" for the time being or in his absence the President to keep a special register of all interments so that each grave may be for ever readily known and designated and That all owners of lots who may require their ground opened shall give notice thereof and obtain permission from the "Gabai Beth Haim" or in his absence the President of the congregation

adopted

5thly That the "Gabay Beth Haim" or in his absence the President shall have the power to cause the interment without charge of any indigent Israelite upon representation of such case being made

adopted

6thly That the proprietor of each lot in said cemetery shall have the privilege to erect Tombstones or Monuments over each or any grave in his lot and also to cultivate plants flowers or shrubs But no proprietor shall be allowed to put any wood stone or brick fence around such lot or lots to the detriment of the general arrangement of the said Cemetery and that any inclosure of lots if of stone shall not exceed 18 inches in height and if of Iron or Iron and stone shall not exceed  $4\frac{1}{2}$  feet in height

adopted

7thly That no lot can be used by its proprietor for any other purpose than the burial of his own immediate family save and except he has residing with him any ~~unmarried~~-relative male relative under the age of 13 years & female relative under the age of 15 years who shall in that case be considered as one of his own family

8thly That any party owning a lot in said cemetery (not having been used or only partially used) should he be leaving the district of Montreal and wishing to dispose of said lot or unoccupied portion thereof shall do so in manner following that is to say, That the Trustees appoint a person being a member of the Portuguese Congregation and the owner of said lot

adopted

appoint a person also a member of said congregation who shall make award of such sum to be refunded by the said Trustees for the reownership of the said lot. Provided always that the said sum shall not be larger in amount than the original price paid for said lot, That in case the said arbitrators not agreeing they shall call in a third party also a member of said congregation, the award of the majority of whom shall be final saving the above proviso

- 9thly  
adopted That any Israelite not being a member of the Portuguese Congregation now residing in the district of Montreal desiring a family lot in said cemetery shall be entitled to obtain a lot in said Cemetery on the terms following that is to say That by paying within Three months from this date to the Treasurer the sum of Ten pounds currency (being the amount paid by the original proprietors and shareholders of said Cemetery) he or she shall become owner of a family lot and their name or names be registered with the number of said lot on the original plan of said cemetery as laid out by Mr. Spriggins
- 10thly  
adopted That any Israelite now residing in the district of Montreal desiring a family lot in said Cemetery after the expiration of the three months as laid forth in ninth Bye law shall pay to the Treasurer the said sum of Ten pounds currency and such further sum in addition as the President and Trustees shall deem fit
- 11thly That any Israelite (~~not-being-a-member-of-the-said-Portuguese-congregation~~)-- desiring a single or double grave in said Cemetery shall be allotted one by paying ~~to-the-Tre~~ ~~within-three-months-from-this-date~~ to the Treasurer the sum of-----Pounds, such a sum as the President & Trustees shall deem fit and whose name shall then be registered as laid down in Bye law No 9
- 12thly  
adopted That in consequence of the said cemetery requiring an annual disbursement for the purpose of keeping the same in order Proprietors of family lots and single and double graves being members of the said Portuguese congregation shall pay to the Treasurer the sum of Five per Centum per annum on the amount of their original purchase and proprietors of family lots, single or double graves not being members of the said Portuguese Congregation shall pay to the Treasurer the sum of Ten per centum per annum on the amount of their original purchase, for that purpose
- 13thly  
adopted That in every case all arrears whether due by members of the said Portuguese Congregation or non members shall be paid previous to permission being granted for the opening of any grave

- 14thly That provided any application be made for burial in said Cemetery of any person or persons now resident in the district of Montreal, his or their executors or assigns shall pay to the Treasurer previous to interment such a sum as the President and Trustees shall deem fit to charge for grave in said Cemetery and also shall pay for the services of the Hazan a sum not less in amount than Five dollars and for the services of the Shamas a sum not less than Three dollars
- 15thly That all expences such as opening and closing graves, Hearse Hire, watching and all other expences attending any burial shall be paid and borne by the representatives of the deceased person
- 16 All proprietors of either family lots or single or double graves shall be required to sign these Bylaws-- thereby binding themselves to be governed by them
- 17 That any alterations, amendments or additions to these Bye Laws shall be proposed in writing at one General Meeting and taken into consideration at another General Meeting after a lapse of at least Thirty days

Bye Laws of the Portuguese  
Congregation of Montreal for  
Management of Cemetery adopted  
at a general Meeting held on  
25th day of February 1855

A.H. David MD  
Secy--

12. Printed bylaws of the Corporation of Portuguese Jews of Montreal,  
revised and passed November 1, 1857.

B Y - L A W S

of the

Corporation of the Portuguese Jews

of Montreal

Revised and Passed the 1st day of Nov., 1857 (14th Heshvan, 5618).

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Preamble.

Whereas by the Act of the 2nd Session 2nd Parliament 9th Vict., Chap.96, it is enacted that Persons of the Jewish faith, calling themselves Portuguese Jews, being inscribed and registered in the manner provided by the



Act 9th and 10th Geo. IV., Chap. 75, and being members of this Synagogue, shall elect from among their number a President, Treasurer, Secretary, and three Trustees, to remain in office for one year, and be known and designated under the name, style and title of "THE CORPORATION OF THE PORTUGUESE JEWS OF MONTREAL."--That in conformity with the said several Acts, and to effect a right understanding among the several members of the said Synagogue, and to promote the peace, good order, and welfare of the general body, the following Code of Laws are hereby made and passed for that purpose, with the hope that each member of the said Synagogue will comply with their dictates, so far as he is individually concerned; thereby contributing his effort to further their sole object and intention, namely, the preservation of the peace, prosperity and weal of the said Congregation, of which he forms a part.

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#### ARTICLE I.

Clause 1. The Officers of the Corporation shall be voted for from among those members only, who shall have in all respects complied with these Bye Laws -- The said Officers shall be voted for separately, viz.; The President, the Treasurer, the Secretary, and the three Trustees, by being duly proposed and seconded, in the above order, and such candidate having a majority of votes, to be elected.

2. Should there be more than one candidate proposed, and having an equal number of votes, the President to have the casting vote.

3. The same Officers, or any one of them, may be re-elected.

4. The Officers and Trustees so elected shall provide the said Congregation a Hazan, Shochet, Shamas and Mohel to perform the services required of them in their several departments hereinafter described.

5. After the election of the Officers above stated, the said members only as aforesaid shall elect, in a similar manner, a member to act as Parnas and who may be a Trustee or other Officer) who shall have the management of the whole internal affairs of the Synagogue, and attend all meetings of the Board but shall have no vote therein.

6. The Parnas shall have a superintending power over the Hazan, Shochet, Shamas and Mohel and see that they faithfully perform the duties of their respective offices.

7. Should either of them appear deficient in the discharge of their duties, he shall report the same to the President, in writing, who shall immediately take cognizance of the same by laying the said communication before the Corporation.

8. All the Mitsvoth shall be in the gift of the Parnas; and, in the case of his absence, the Treasurer, who shall officiate for him.

9. Should both the Parnas and Treasurer be absent, then in that case, the Senior Trustee shall officiate for the occasion.

10. The said Members only, as aforesaid, shall also elect from among their members a Superintendent or Gabai Beth-Haim, as laid down fully in 2nd clause of By-laws passed for the management of the Beth-Haim or Cemetery, of this Corporation on the 25th Febr 1855.

## ARTICLE II.

### OF THE PRESIDENT.

Clause 1. It shall be the duty of the President to convene, through the Secretary, all meetings of the Corporation, and also all public meetings, at both of which he shall preside; and, in all cases, shall have the casting vote.

2. He shall issue all orders to the Hazan, in writing, permitting him to perform the ceremony of Marriage to all persons belonging to this Congregation; and also to any person or persons not being members thereof.

3. He shall also issue all orders to the Mohel permitting him to operate for all persons belonging to this Congregation, and also for any person or persons not being members thereof.

4. All and every application for the services of the Hazan, Shamas, or Mohel, of this said Congregation, shall be made to the President, who shall grant such permission, after having first obtained the consent of the Trustees of this Corporation and ascertaining that the party so applying for such services be not in arrears.

5. He shall certify all claims against the Corporation save and except the salaries of the Officers, and keep in his possession, during his term of office, the Seal of this Corporate Body, which he shall affix to all documents when necessary.

6. He shall, through the Secretary, summon special meetings of the Congregation at the request of any five members, delivered to him in writing, stating its objects and purpose, and shall, at the request of any two members of the Corporation, delivered to him in writing, call a meeting of the Corporation provided such request states the objects and purpose of such meeting.

## ARTICLE III.

### OF THE TREASURER.

Clause 1. The Treasurer shall collect all monies due to the Corporation, liquidate all claims certified by the President, and also liquidate all claims certified by the Gabai Beth-Haim, and deposit all amounts over the sum of one hundred dollars currency, in one of the banks of this city, in the name of the Corporation.

2. He shall in the absence of the Parnas act in his place during service in the Synagogue or elsewhere.

3. He shall also in the absence of the President, preside at any meeting either of the Corporation or of the general body.

4. All applications for seats in the Synagogue shall be made to the Treasurer whose duty shall be the letting of the same, according to the terms and rates hereafter fixed by the Corporation.

5. It shall be the duty of the Treasurer to see that the Real Estate and other effects belonging to this Corporation be properly insured against Fire.

#### ARTICLE IV.

##### OF THE SECRETARY.

Clause 1. The Secretary shall keep accurate minutes of the transactions both of the Corporation and of all meetings of the congregation, both of which he shall summon, when requested by the President so to do.

2. The Secretary shall give to each member at least one week's notice of all meetings of the congregation, and which notice shall mention the object of the meeting; save and except for Annual Meetings, and for introduction and alteration of By-Laws, for which he shall give three weeks notice, which notice shall also mention the object of such meeting and proposed alteration.

#### ARTICLE V.

##### OF THE CORPORATION.

Clause 1. All the meetings of the Corporation shall be called by the Secretary, by direction of the President, by giving two days notice except in cases of emergency.

2. Any two members of the Corporation shall have the power to call a meeting of the Corporation in manner following, that is to say by addressing the President in writing, requesting him (the President) to call such a meeting, and stating its objects therein.

3. It shall be the duty of the Corporation to make and renew all contracts within its cognizance in such a manner as may be deemed proper and conducive to the interest of the Congregation.

~~4. The Corporation shall meet at least once every six months for the transaction of business.~~



5. It shall be the duty of the Corporation to enforce by law the payment of all monies due this congregation arising in any manner whatsoever, and it is hereby expressly understood that all fines from members refusing to accept office, according to the By-Laws hereinafter described, are included in this clause.

6. That the General Meeting for the election of Officers shall take place on the Sunday week previous to Rosh Hashanah, at which time the newly elected Corporation shall assume their duties.

7. The newly elected Parnas shall assume his duty on the Sabbath before Roshashana.

8. Any member elected to fill the office of President and refusing to accept the same, shall pay a fine of ten dollars.

9. Any member elected to fill the office of Treasurer, refusing to accept the same, shall pay a fine of five dollars.

10. Any member elected to fill the office of Secretary, refusing to accept the same, shall pay a fine of five dollars.

11. Any member elected to fill the office of Parnas refusing to accept the same, shall pay a fine of ten dollars.

12. Any member refusing, when elected, to act as Trustee shall pay a fine of four dollars.

13. Should any member who has filled any of the above offices for one year be elected to any of the offices or Trusteeship, and decline to serve, he shall not be subject to be fined for one year; and any member paying any of the above mentioned fines shall also be exempt for one year.

#### ARTICLE VI.

#### OF MEMBERS.

Clause 1. That before any person shall be eligible to become a privileged member of this congregation, he shall have been a seatholder for two years at not less than ten dollars per annum.

2. All members of this congregation must conform to the act of incorporation as laid down in Preamble, viz. That it is enacted that all members to be qualified to vote for Officers of this congregation must be registered in manner provided by Act of the Provincial Legislature.

3. That any person having been a seatholder of this congregation for two years as aforesaid, and being desirous of becoming a member, shall make application in writing to the President, stating such his desire, which application shall be laid by the President before the Corporation without delay for their action thereon.

4. That upon being admitted a member and (registered as aforesaid) he shall be entitled to vote on all questions brought before the general body of the congregation at all general meetings, and be entitled to such vote or votes as shall be hereinafter described.

5. Members contributing the sum of Ten Dollars per annum to be entitled to one vote; eleven dollars to twenty dollars per annum two votes; twenty one dollars to forty dollars per annum, three votes; and over forty dollars per annum, four votes; and be it understood that in all cases the majority of votes to be binding on the whole.

6. That all payments shall be due and payable three months in advance, if by note or notes or otherwise, and no member shall be entitled to vote on any question, or interfere at any meeting, who is in arrears six months account; and if required, the Treasurer shall produce a list of such defaulters.

7. And be it further understood, that any note or notes that may have become due, and owing to this congregation, and unpaid, shall be considered as arrears, and deprive the maker of such note or notes the privilege of voting or interfering at any meeting as aforesaid.

8. That all members not in arrears shall be eligible to be elected an Officer of the Corporation to be also eligible to be elected Hatan Torah and Hatan Bereshith, the two latter appointments to be in the gift of the Parnas.

9. That any member being appointed to either of the above offices, refusing to serve shall pay a fine of Four Dollars; but a party serving one year, or paying the said fine, shall be exempt for three years.

10. A Member shall have the right to officiate as Segan on the occasion of the marriage or confirmation of any of his children, (by first obtaining the permission of the Parnas and not being in arrears). He shall also be called to the law in rotation, and at the discretion of the Parnas. He shall have the right to the attendance of the Hazan, Shamas or Mohel, on all occasions when their services may be required, (permission of the Parnas being first obtained.)

11. That no member shall be deprived of his seat so long as he pays his contributions and offerings, but should any member refuse to pay the same after being in arrears for six months, and being duly notified by the Treasurer, that if all arrears be not paid within one month, the Corporation shall have the power to let his seat to any applicant, he the member in arrears having forfeited the same together with all privileges and immunities.

12. No member shall be allowed to transfer his seat to any other person, nor shall he take any other seat than his own; but he may permit his seat to be taken by a stranger or non-resident, (not being a subscriber to this congregation) upon any special occasion, and with permission of the Parnas may occupy any other vacant seat.

13. No member shall bring or send any child to Synagogue under the age of five years.

14. Any person marrying contrary to the laws of orthodox Judaism shall neither be eligible to receive any honors of the Synagogue nor hold any of the offices in the Corporation.

15. It being indispensable that order and decorum should reign in the house of prayer, every member must, during service, remain at his place and conduct himself with propriety; and all persons leaving the Synagogue shall retire in a quiet and orderly manner; every act in defiance of this rule will render the offender liable to be admonished by the Parnas.

16. That any expelled Member, being desirous of readmission, shall first pay to the Treasurer all arrears that he may stand charged with, and then make application to the President, in writing, who shall without delay summon a meeting of the Corporation to take the same into consideration, and act upon the same as it deems fit.

#### ARTICLE VII.

##### SEAT-HOLDERS.

Clause 1. Any person wishing to obtain a seat in the Synagogue must apply to the Treasurer, and shall be charged such sum as may be deemed equitable, which sum must be paid strictly three months in advance.

2. That should any person being a seat-holder, or any other person, whether residing in the City of Montreal or elsewhere, require the services of the Hazan, Shamas or Mohel, he shall make application to the President, in writing, stating such his desire; and be charged such sum the Corporation may deem just, before granting the services of their officials.

#### ARTICLE VIII.

##### OF THE PRAYERS.

Clause 1. The Prayers shall be read in the Hebrew language, according to the custom of the Great Portuguese Synagogue in London.

2. The hour for commencing the Morning Service shall be, in Summer, at half-past eight, A.M.; and in Winter, at 9 o'clock, A.M.



ARTICLE IX.  
OF THE CEMETERY.

Clause 1. Respecting the right of Burial, reference is hereby made to the By-Laws passed at a general meeting of this Congregation, held on the 25th Feb., 1855, for the management of their Beth Haim or Cemetery, which code of By-laws to continue in full force and effect.

ARTICLE X.  
OF THE MICVAH.

Clause 1. This Congregation having completed the erection of a Micvah in the Synagogue building for the use of members, seat-holders, and their families, it is hereby enacted that the fuel required for same be provided by the Shamas, and who shall have the superintendence of same.

2. That persons requiring the use of the said Micvah shall pay to the said Shamas a fee, for each and every time they use the same, of not less an amount than two shillings and sixpence currency, save and except from the poor.

3. The fees accruing from the said Micvah shall belong and be for the sole use of the said Shamas, towards the expense of providing the necessary fuel.

ARTICLE XI.  
THE DUTIES OF THE HAZAN.

Clause 1. The Hazan shall attend (illness excepted) in the Synagogue upon all and every occasion the same is opened for prayers, or the performance of any religious ceremony, in his official dress; also at all funerals, when notified so to do by the Gabai-Beth-Haim.

2. He shall, when requested so to do, attend at the dwelling of any member or seat-holder, when afflicted with illness; and also at the house of mourning.

3. The Hazan shall officiate on all and every occasion, in Synagogue or elsewhere, (unless prevented by illness or being absent from town); in which case the prayers shall be read by the Shamas.

4. Provided always, that should a Hazan or lecturer of any other congregation visit Montreal, and being desirous, or at the request of the Corporation, consent to deliver a lecture, or read prayers, the same shall be allowed; permission of the Parnas being first obtained.

5. He shall, according to law of this Province, keep a proper register of Births, Marriages and Funerals performed by him, and report the same in required time to the appointed legal officer of the Government.

6. The Hazan shall not transact any business, and strictly conform to all the before mentioned regulations and conduct himself in every way becoming the dignity of his situation.

7. He shall at all times be under the direction of the Parnas, or in his absence the Treasurer, in all matters relating to the Synagogue; but, in all others, under the direction of the President and Corporation.

8. He shall not perform the Marriage Ceremony, or any other ecclesiastical or rabbinical function, without the permission of the President being first obtained.

## ARTICLE XII.

### THE DUTIES OF THE SHOCHET AND SHAMAS.

Clause 1. The Shochet shall attend at the Butchers' Shambles, for the purpose of killing meat, when requested so to do, and shall not refuse to kill poultry for any member or seatholder of the congregation providing the poultry is sent to the market during such hours he attends at the butchers; or at his house.

2. He shall not be required to go to the domicile of any member or seatholder to kill meat or poultry.

3. He shall attend at the butchers' stall for two hours on each market day to purge the meat and kill poultry from the 1st day of May to the 31st day of October, from 6.30 to 8.30, A.M., and from the 1st day of November to the 30th day of April, from 8 to 10 o'clock, A.M.

4. The Shamas shall attend (illness excepted) the Synagogue upon all and every occasion, and be there in due time to open the same, and make all the necessary preparations for service.

5. He shall in the absence of the Hazan read the prayers, also attend at the house of any member or seatholder when afflicted with illness when requested so to do. He shall attend all marriages and funerals, and all other ceremonies in any way appertaining to members or seatholders of the congregation.

6. He shall attend the bakers to superintend the making and delivering the Matsoth, for which he shall receive the following tariff of fees, viz:--20 lbs. and under 1s. 3d.; above 20 lbs. and under 50 lbs. 2s. 6d.; 50 lbs. and under 75 lbs. 3s. 9d.; 75 lbs. and over, 5s.

7. He shall be answerable for all property committed to his care.

8. He shall not allow any person to officiate in his stead without permission of the Parnas being first obtained.

9. He shall keep an account of all the offerings, and hand the same into the Treasurer when requested so to do, he shall also collect all accounts due the Corporation and hand the proceeds thereof into the hands of the Treasurer, also deliver all notices in any way appertaining to this congregation.

10. He shall provide fuel for the Micvah, and have the same ready for use when requested so to do, for which he shall receive a fee of not less than two shillings and six pence, except from the poor, from whom he shall not take payment.

11. The present Shamas being Mohel, he shall not circumcise the child of any member or seat-holder of this Congregation, or the child of any other person, whether residing in Montreal or elsewhere, without permission of the President being first obtained.

12. It shall be his duty to keep the Synagogue and Micvah clean and in proper order.

13. He shall, at all times, be under the direction of the Parnas or Treasurer in all matters relating to the Synagogue; and in all and every other, under the direction of the President and Corporation.

14. And further, he, the Shamas shall, when required, perform all duties for the benefit of the Congregation, not derogatory to his situation.

#### ARTICLE XIII.

##### ALTERATION OF LAWS, &c.

Clause 1. Any alteration, amendments or additions to these By-Laws are to be proposed, in writing, at one General Meeting, and taken into consideration at another General Meeting, after a lapse of at least thirty days, said alterations, amendments or additions only to be made or carried by two-thirds of the votes present.

2. Upon the passing of the foregoing By-Laws, the old code are hereby abrogated, and declared null and void.

3. All and every member shall sign these By-Laws, pledging himself thereby to support the same.

