

— No. 4. —

(No. 65.)

COPY of a DESPATCH from Governor Lord *Aylmer* to Mr. Secretary *Stanley*.

Sorel, Lower Canada,  
18 June 1833.

(Received, 18 July 1833.)

Sir,

No. 4.

BEING about to issue a new Commission of the Peace for the Province of Lower Canada, in which the names of several gentlemen not in the existing Commission will be introduced, I proposed to two individuals, Messrs. Benjamin Hart & J. M. Hays, residents of the city of Montreal, and professing the Jewish Religion, to become Magistrates, an office which they are now competent to fill by law. It appears, however, that the omission of the words "upon the true faith of a Christian" in the oath which must be tendered to them on entering upon office, not having been provided for, this circumstance operates as a bar to their acceptance of my proposal, which they have accordingly declined. I have now the honour of transmitting herewith a copy of the joint letter addressed by these gentlemen to my Civil Secretary to that effect; and of the legal opinion of the professional gentleman who it appears has been consulted by them on the subject, and I take leave to submit to your consideration the expediency of affording relief in this particular to these parties, and others who may be under similar circumstances, in the Bill in favour of persons professing the Jewish religion, which is understood to be now in progress through the Imperial Parliament, more especially as any enactment on this subject, in this country, would not (as I am informed) avail.

Governor  
Lord Aylmer to Mr.  
Secretary Stanley,  
18 June 1833.

I have, &c.  
(signed) *Aylmer*.

Enclosure 1, in No. 4.

Sir,

Montreal 3 June 1833.

SINCE we had the honour of signifying to you, for the information of his Excellency the Governor-in-Chief, our willingness to qualify ourselves as justices of the peace for the district of Montreal, in acceptance of the office tendered to us by his Excellency, we have, in consequence of doubts arising in our minds respecting the possibility of our taking the oaths of office as required by law, consulted a professional gentleman, whose opinion we beg to enclose with this, and who does not think that we can possibly omit the words "upon the true faith of a Christian," which, form part of the abjuration oath which is obliged to be taken by justices of the peace, the Provincial Legislature not having gone far enough in the Act 1 Will. 4, c. 57, which was passed "to declare persons professing the Jewish Religion entitled to all the rights and privileges of the other subjects of his Majesty in this Province," nor having provided for the omission of the above words in the taking of the abjuration oath.

Encl. 1, in No. 4

We must therefore beg of you to signify to his Excellency the Governor-in-Chief, that finding it impossible, under the present existing circumstances, that we can, as Jews, take the oath of abjuration in accepting the office of justice of the peace, we must request, respectfully, that we may not be included in the new Commission; at the same time we must tender to his Lordship our sincere acknowledgments of the honour intended us, and we pray that his Excellency will be pleased to bring the question in some way before the Imperial Parliament, so that this only remaining disqualification of the Jews in this Province may be removed, and that no objection to their hereafter accepting offices or places of trust in this Province may remain.

We have, &c.  
(signed) *Benjamin Hart*  
*M. J. Hays*.

Lieutenant-colonel Craig,  
Civil Secretary, Quebec.