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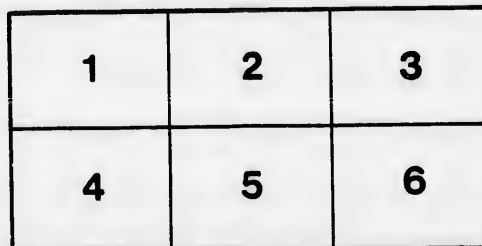
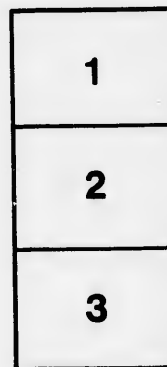
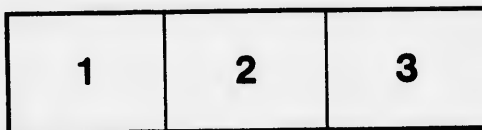
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BY-LAWS

OF THE

CORPORATION OF THE PORTUGUESE JEWS

OF MONTREAL.

REVISED AND PASSED THE 12TH DAY OF APRIL, 1885.

(27TH NISSAN, 5645.)

Montreal :
PRINTED BY JOHN LOVELL & SON.

1886.

649. Montreal

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1886.

5646-1886.



Officers of the Congregation.

President:
GERSHOM JOSEPH.

Larnas:
G. I. ASCHER.

Treasurer:
JESSE JOSEPH.

Secretary:
JACOB SAMUEL.

Trustees:
ISRAEL RUBENSTEIN, LOUIS DAVIS,
J. H. BLUMENTHAL.

Gabai Beth Haim:
M. RUBENSTEIN.



MINISTER.....REV. A. D. MELDOLA DE SOLA.

PRINTED BY THE
CONGREGATION OF THE
CITY OF NEW YORK

B Y - L A W S
OF THE
Corporation of the Portuguese Jews
OF MONTREAL.

REVISED AND PASSED THE 12TH DAY OF APRIL, 1885, (27TH NISSAN, 5645.)

PREAMBLE.

WHEREAS the Synagogue of this congregation was specially endowed as a Portuguese Synagogue; and 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 is hereby made and passed for that

purpose, with the hope that each member of the said Synagogue will comply with its dictates, so far as he is individually concerned, thereby contributing to further its sole object and intention, namely, the preservation of the peace, prosperity and weal of the said Congregation, of which he forms a part.

ARTICLE I.

Clause 1. The officers composing the Board of the Corporation shall be voted for, from among those members only who shall have in all respects complied with the following by-laws :

The said officers shall be voted for by ballot separately, viz:—The President, the Treasurer, the Secretary and the three Trustees, in the above order ; and such candidate having a majority of votes shall be declared elected.

2. Should there be more than one candidate proposed, and the result be a tie, the President shall 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 with a Hazan, Shochet, Shamas and Mohel to perform the services required of them in their several departments hereinafter described, and shall have exclusive control over them in relation to their duties and salaries ; it being enacted, however, that the appointment of a Hazan shall be submitted to the members of the congregation for approval and ratification.

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 (who may be a Trustee or other Officer) and he shall have the management of the whole internal affairs of the Synagogue, and attend all meetings of the Board, but shall have no vote thereat.

6. The Parnas shall have a superintending power over the Hazan and Shamas in the Synagogue, 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 Board of Trustees.

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

9. Should both the Parnas and President be absent, the Senior Trustee shall officiate for the occasion.

10. The said Members only, as aforesaid, shall select a Superintendent, or Gabai Beth-Haim, whose duties are laid down in the by-law relating to the cemetery.

ARTICLE II.

OF THE PRESIDENT.

Clause 1. It shall be the duty of the President to convene, through the Secretary, all meetings of the Board, and also all public meetings (at the latter of

which ten shall form a quorum), at both of which he shall preside, and in all cases have the casting vote. In his absence the Treasurer shall preside in his stead.

2. He shall issue all orders to the Hazan, in writing, permitting him to perform the ceremony of Marriage for all persons belonging to this Congregation; and also for 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, Shochet 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 Board, and ascertained that the party so applying for such services be not in arrears.

5. He shall certify all claims against the Congregation, (save and except the salaries of the Officials,) 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 five members, delivered to him in writing, stating the object and purpose of such meeting, and shall, at the written request of any two members of the Board of Trustees call a meeting of the said Board, provided such request states the object and purpose of such meeting.

ARTICLE III.

OF THE TREASURER.

Clause 1. The Treasurer shall collect all monies due to the Congregation, 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 of the Portuguese Jews of Montreal.

2. He shall in the absence of the President preside at any meeting either of the Board, or of the general body.

3. 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 fixed by the Board of Trustees.

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

ARTICLE IV.

OF THE SECRETARY.

Clause 1. The Secretary shall keep accurate minutes of the transactions both of the Board of Trustees 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 such 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 BOARD OF TRUSTEES.

Clause 1. All the meetings of the Board of Trustees shall be called by the Secretary by direction of the President, but, (except in cases of emergency), at least two days previous notice thereof shall be given.

2. Any two members of the Board shall have the power to call a meeting of the said Board by addressing the President in writing, requesting him to call such meeting, and stating its objects.

3. It shall be the duty of the Board 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. It shall be the duty of the said Board to enforce either by law or otherwise 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.

5. The General Meeting for the election of Officers shall take place during the month of April, at which time the newly-elected Board and Parnas shall assume their duties.

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

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

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

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

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

11. 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.

12. The President, Treasurer and Secretary shall be members of the Board of Trustees.

ARTICLE VI.

OF MEMBERS.

Clause 1. Before any person shall be eligible to become a member of this congregation, he must have been a seat-holder for at least three 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 the Preamble.

3. Any person having been a seat-holder of this congregation for at least three years, as aforesaid, and being desirous of becoming a member, must make application in writing to the President, stating such his desire, which application shall be laid by the President before the Board of Trustees without delay for their action thereon.

4. 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.

5. All payments shall be due and payable three months in advance, and no member shall be entitled to vote on any question, or interfere at any meeting, who is in arrears six months; and, if required, the Treasurer shall produce a list of such defaulters.

6. Every member not in arrears shall be eligible to be elected an Officer of the congregation, and also eligible to be elected Hatan Torah and Hatan Beres-hith, the two latter appointments to be in the gift of the Parnas.

7. Members shall have the right to officiate as Segan on the occasion of the confirmation of any of their children, (by first obtaining the permission of the Parnas, and not being in arrears). They shall also be called to the law in rotation, and at the discretion of the Parnas. They shall also have the right to the attendance of the Hazan, Shochet or Mohel, on all occasions when their services may be required, (permission of the President being first obtained.)

8. 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 all arrears must be paid within one month, the Board shall have the power to refuse his offerings and to let his seat to any applicant; he, the member in arrears, having forfeited the same, together with all privileges and immunities.

9. 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, he may occupy any other vacant seat.

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

11. 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 of the congregation.

12. 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.

13. Any expelled Member, being desirous of re-admission, shall first pay to the Treasurer all arrears with which he may stand charged and then make

application in writing, to the President, who shall without delay summon a meeting of the Board of Trustees to take the same into consideration, and act upon it 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 he shall be charged such sum as may be deemed equitable, which sum must be paid strictly three months in advance.

2. 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, Shochet, or Mohel, he must make application to the President, in writing, stating such his desire; and before granting the services of its officials, the Board of Trustees shall charge a sum it may deem just for such services.

3. Clauses 8, 9, 10, 11 and 12 of Article VI shall also apply to seat-holders.

ARTICLE VIII.

OF THE MICVAH.

Clause 1. This Congregation having a Micvah in the Synagogue building for the use of members, seat-holders, and their families only, it is hereby enacted that the fuel required for the same be provided

by the Shamas, who shall have the superintendence of the said Micvah and keep it in order.

2. 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, an amount not less than fifty cents currency, save and except the poor.

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

ARTICLE IX.

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 for 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 every occasion, in Synagogue or elsewhere, unless prevented by illness or absence from town, in which case the prayers shall be read by the Shamas or any duly qualified person appointed by the Parnas.

4. Provided always that, should a Hazan or lecturer of any other orthodox congregation visit Montreal,

and he, being requested by the Board of Trustees, consent to read the prayers or deliver a lecture, the same shall be allowed; (permission of the Parnas being first obtained).

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

6. The Hazan shall not engage in business, and must strictly conform to all the before-mentioned regulations relating to his office, and conduct himself in every way becoming the dignity of his position.

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 Board of Trustees.

8. He shall not perform the Marriage Ceremony, nor any other ecclesiastical or rabbinical function, without the permission of the President being first obtained.

9. He shall be a member of the Congregation, and entitled to all the privileges of the same during his term of office.

10. He shall be entitled to a fee of not less than five dollars for officiating at weddings or funerals, from the party requiring his services; which fees the Board may require to be paid in advance.

ARTICLE X.

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 seat-holder of the congregation.

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

3. He shall attend at the butchers' stalls at such hours as the Board of Trustees may direct.

4. The Shammas shall attend (illness excepted) the Synagogue upon all and every occasion, and be therein 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 seat-holder 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 seat-holders of the congregation.

6. He shall attend the bakers and superintend the making and the delivering the Matsoth, for which he shall receive the following tariff of fees, viz:—20lbs. and under, twenty-five cents; above 20lbs. and under 50lbs., fifty cents; 50lbs. and under 75lbs., seventy-five cents; 75lbs. and over, one dollar.

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 to the Treasurer when requested so to do; he shall also collect all accounts due the congregation and hand the proceeds thereof into the hands of the Treasurer, and deliver all notices in any way appertaining to the 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 fifty cents, except from the poor, from whom he shall not take payment.

11. The Shamas when Mohel, shall not circumcise the child of any member or seatholder 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 other matters, under the direction of the President and Board of Trustees.

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

15. He shall be entitled to a fee of not less than two dollars for attendance at weddings or funerals, from the party requiring his services, and which fees the Board of Trustees may require to be paid in advance.

ARTICLE XI.

OF THE CEMETERY.

Clause 1. The cemetery shall be under the control and management of the President and Board of Trustees, who shall, through the Secretary, give the necessary permission for the opening of all graves.

2. At the annual meeting of the election of the officers of the Congregation, a Superintendent, or Gabai-Beth-Haim, shall be elected, who shall be under the control of the Board of Trustees, and whose duty it shall be to keep the key of the said cemetery, notify in writing the Hazan and Shamas of all interments, and, through the Shamas, give notice to the members of the time appointed for funerals and place and hours of prayer during the Shivah. He shall also see that the said Cemetery is kept in proper order, so that no member or non-member infringe the by-laws. In the absence of the Gabai-Beth-Haim the above duties shall be performed by the Secretary or, in his absence, the Senior Trustee.

3. All interments in the said cemetery shall be only in strict accordance with the rites and customs of Orthodox Judaism as laid down by the Shulchan Aruch and other recognized authorities, and exemplified in the practice of the Portuguese Synagogue, Bevis Marks, London, at the date of the passing of this By-law. The burial service shall only be performed by the Hazan of the congregation, excepting upon occasions when it is customary for a layman to read the prayers. In the absence of the Hazan the service

shall be performed by the Shamas, or by any other duly qualified person appointed by the President.

4. Every family lot being divided for graves and lettered, it shall be the duty of the Gabai-Beth-Haim to keep a special register of all interments, so that each grave may be for ever readily known and designated ; and all owners of lots who may require their ground opened shall give notice thereof and apply to the President of the Congregation for permission.

5. The President shall have the power to order the interment, without charge, of any indigent Israelite upon satisfactory representation of such case being made to him.

6. The proprietor of each lot in said cemetery shall have the privilege of erecting tombstones or monuments over each or any grave in his lot, and also to cultivate plants, flowers and 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 any enclosure 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.

7. No lot shall be used by its proprietor for any other purpose than the burial of his own immediate family, save and except any male relative under the age of 13 years, or female relative under the age of 15 years, who had resided with him, and who shall in that case be considered as one of his own family.

8. Any Israelite desiring a family lot in said cemetery, shall be entitled to obtain one on paying, in ad-

vance, to the Treasurer the sum of sixty dollars currency; and he or she shall then become owner of the said family lot, subject to the provisions of these By-laws, and his or her name shall be registered with the number of said lot on the plan of said cemetery as laid out by Mr. Spriggins. The dimensions of family lots shall be twelve feet by twelve.

9. Any Israelite desiring a single or double grave in said cemetery shall be allotted one by paying to the Treasurer in advance such a sum as the President and Board of Trustees shall deem fit, and his name shall then be registered as laid down in By-law No. 8.

10. In consequence of the said cemetery requiring an annual disbursement for the purpose of keeping it in order, proprietors of family lots shall pay for such purpose to the Treasurer the sum of five dollars per annum. Proprietors of double or single graves shall pay two dollars and one dollar per annum respectively.

11. 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.

12. For attendance at funerals for members of the congregation the Hazan shall be entitled to a fee of not less than five dollars from the person requiring his services; which fee the Board of Trustees may require to be paid in advance. The Shamas also shall be entitled to a fee of not less than two dollars for attendance at funerals for members of the con-

gregation, which fee the Board may also require to be paid in advance.

13. Should any applications be made for burial in said cemetery by or for any person or persons not being a member or members of the said Portuguese Congregation, his or their executors or assigns shall pay to the Treasurer previous to interment such a sum as the President and Board of Trustees shall deem fit to charge for the services of the Hazan and Shamas.

14. All expenses, attending any burial, such as opening and closing graves, hearse hire, watching, &c., shall be paid and borne by the representatives of the deceased person.

15. All proprietors of either family lots or single or double graves shall be required to sign these By-Laws, thereby binding themselves to be governed by them.

ARTICLE XII.

ALTERATION OF BY-LAWS.

Any alteration, amendment, or addition to the foregoing by-laws must be offered in writing as a notice of motion at one Annual General Meeting of the congregation, and taken into consideration at another General Meeting, after a lapse of at least one year; and said alteration, amendment, or addition cannot be carried unless by a majority of not less than three-quarters of the votes present.

ARTICLE XIII.

OF THE RITUAL.

The services shall be conducted in the Sephardic Hebrew language only (with the exception of the prayer for the Royal Family or Government, and Sermon), and the mode of worship and form of prayer shall be orthodox, and in accordance with that followed by the Portuguese Synagogue, Bevis Marks, London, at the date of the passing of this By-law. Any alteration, suspension, amendment, or addition to this ritual thus prescribed, or any motion for amendment of the Act of Incorporation which would conflict with the said ritual must be offered in writing as a notice of motion at one Annual Meeting of the members of this congregation, and taken into consideration at the next Annual Meeting; and said alteration, suspension, amendment, or addition, or motion to amend the Act of Incorporation which would conflict with the ritual prescribed and established as aforesaid, cannot be carried unless by a majority of votes, numbering not less than three-fourths of all the members of this Congregation.

All and every member shall sign these by-laws, pledging himself to support the same.

