

Mennonite Archives of Ontario

Appeals to Government.
By various U.S. &
Organizations Canada

A SHORT AND SINCERE
DECLARATION,

TO OUR HONORABLE ASSEMBLY, AND ALL OTHERS IN HIGH OR LOW
STATION OF ADMINISTRATION, AND TO ALL FRIENDS AND IN-
HABITANTS OF THIS COUNTRY, TO WHOSE SIGHT THIS
MAY COME, BE THEY ENGLISH OR GERMANS.

In the first place we acknowledge us indebted to the most high God, who created Heaven and Earth, the only good Being, to thank him for all his great Goodness and manifold Mercies and Love through our Savior Jesus Christ, who is come to save the Souls of Men, having all Power in Heaven and on Earth.

Further we find ourselves indebted to be thankful to our late worthy Assembly, for their giving so good an Advice in these troublesome Times to all Ranks of People in Pennsylvania, particularly in allowing those, who, by the Doctrine of our Savior Jesus Christ, are persuaded in their Consciences to love their Enemies, and not to resist Evil, to enjoy the Liberty of their Conscience, for which, as also for all the good things we enjoyed under their care, we heartily thank that worthy Body of Assembly, and all high and low in Office, who have advised to such a peaceful Measure, hoping and confiding that they, and all others entrusted with Power in this hitherto blessed Province, may be moved by the same Spirit of Grace which animated the first Founder of this Province, our late worthy Proprietor, William Penn, to grant Liberty of Conscience to all its Inhabitants, that they may in the great and memorable Day of Judgement be put on the right Hand of the just Judge, who judgeth without Respect of Person, and hear of Him these blessed words, "Come, ye blessed of my Father, inherit the Kingdom prepared for you," &c. "What ye have done unto one of the the least of these my brethren, ye have done unto me," among which number (i. e. the least of Christ's brethren), we, by His grace, hope to be ranked; and every Lenity and Favor shown to such tender conscienced, although weak Followers of this our blessed Savior, will not be forgotten by Him in that great day.

The Advice to those who do not find Freedom of Conscience to take up Arms, that they ought to be helpful to those who are in Need and distressed Circumstances, we receive with cheerfulness towards all Men of what Station they may be—it being our Principle to feed the Hungry and give the Thirsty Drink;—we have dedicated ourselves to serve all Men in every Thing that can be helpful to the Preservation of Men's Lives, but we find no Freedom in giving, or doing, or assisting in any Thing by which Men's Lives are destroyed or hurt.—We beg the Patience of all those who believe we err in this Point.

We are always ready, according to Christ's Command to Peter, to pay the Tribute, that we may offend no Man, and so we are willing to pay Taxes, "and to render unto Cæsar those Things that are Cæsar's, and to God those Things that are God's," although we think ourselves very weak to give God his due Honor, He being a Spirit and Life, and we only Dust and Ashes.

We are also willing to be subject to the higher Powers, and to give in the manner Paul directs us;—"for he beareth the Sword not in vain, for he is the Minister of God, a Revenger to execute Wrath upon him that doeth Evil."

This Testimony we lay down before our worthy Assembly, and all other Persons in Government, letting them know, that we are thankful, as above mentioned, and that we are not at Liberty in Conscience to take up Arms to conquer our Enemies, but rather to pray to God, who has Power in Heaven and on Earth, for US and THEM.

We also crave the Patience of all the Inhabitants of this Country,—what they think to see clearer in the Doctrine of the blessed Jesus Christ, we will leave to them and God, finding ourselves very poor; for Faith is to proceed out of the Word of God, which is Life and Spirit, and a Power of God, and our Conscience is to be instructed by the same, therefore we beg for Patience.

Our small Gift, which we have given, we gave to those who have Power over us, that we may not offend them, as Christ taught us by the Tribute Penny.

We heartily pray that God would govern all Hearts of our Rulers, be they high or low, to meditate those good Things which will pertain to OUR and THEIR happiness.

The above Declartion, written by Benjamin Hershey, minister of the Menonist Church, and signed by a number of Elders and Teachers of the Society of Menonists, and some of the German Baptists, presented to the Honorable House of Assembly on the 7th day of November, 1775, was most graciously received.

Brethren in Christ.

WHAT We Believe and WHY We Believe It.

WE BELIEVE in an almighty, triune, eternal, self-existing God—Father, Son and Holy Spirit (John 1:14, 18; 3:16, 35; 10:34, 35, 36; 16:9-15; Matt. 11:27; Col. 1:12, 13, 14); in Jesus Christ, the Son, as the Atoner for the sin and sins of the world, and Savior of all who believe in him (I. Jno. 2:2; Rom. 1:16; Jno. 3:14; Acts 10:35); that he was conceived by the Virgin Mary through the Holy Spirit (Matt. 1:20, 21); born in Bethlehem of Judea (Matt. 2:1); circumcised the eighth day (Luke 2:21); rejected by the Jews (John 1:11); crucified on Calvary (Luke 23:33); rose from the dead on the third day (Luke 18:33); ascended to heaven (Luke 24:51); now at the right hand of the Father, interceding for us through the merits of his own shed blood, by which we are saved and cleansed (Heb. 6:20; 9:24, 26; 9:14; 10:29); in the Holy Spirit as the third person of the trinity (I. Jno. 5:7); and that he convicts the world of sin, righteousness, and judgment (Jno.

Mennonite Archives of Ontario

16:8); and guides believers into all truth (Jno. 16:13); empowers believers for service (Acts 1:8); bears witness to adoption, regeneration, sanctification (Rom. 8:15, 16; I. Peter 1:2; II. Thess. 2:13); bestows gifts upon the church (I. Cor. 12:3, 11); unifies believers (Eph. 4:3); reveals mysteries and truth (I. Cor. 2:10, 11).

WE BELIEVE in a repentance effected by godly sorrow (II. Cor. 7:10), producing confession of our sins to God, to individuals, or to the public, as the case may require (Prov. 28:13; I. Jno. 1:9); in restoring what we have taken by theft, fraud, or sharp bargains, etc. (Ezek. 33:14, 15, 16; Luke 19:8); in regeneration of the heart, conversion, and witness of the Spirit to the forgiveness of all our sins (Jno. 3:3; Acts 3:19; 26:18; II. Cor. 1:22; I. Jno. 5:10; Rom. 8:16); in the entire sanctification of believers from all carnality (I. Thess. 5:23; II. Cor. 7:1); in the anointing, sealing, and baptism of the believers with the Holy Spirit (Matt. 3:11; Luke 24:49; Jno. 7:38, 39; Acts 2:1-4; 8:14-17; 10:44; 19:2-5; Eph. 1:13, 14); that eternal life is a free gift and must be appropriated by faith; that obedience and good works are only evidences of faith (Jno. 3:14, 15, 16; Rom. 5:12).

WE BELIEVE in the baptism of believers in water by trine immersion (Matt. 28:19); in the observance of the "all things" (Matt. 28:20); in the communion of saints, the holy eucharist (I. Cor. 10:16; 11:23, 26); in the ordinance of wash-

ing the saints' feet (Jno. 13:1-17; I. Tim. 5:10); in the prayer veiling for women according to I. Cor. 11:1-16; in modest uniform, non-conformity to the world in dress (I. Pet. 3:3-5; I. Pet. 1:14; Phil. 3:16; I. Thess. 5:22; Rom. 12:1, 2; I. Tim. 2:9, 10); in non-resistance in a qualified sense—that war, duelling, suicide and pre-natal destruction of human life is murder, as well as all other forms of human life-taking (Ex. 20:13; 21:22; Matt. 5:38-44; Rom. 12:19, 20; 13:8, 9; Jas. 5:6).

WE BELIEVE that Free Masonry, and all other secret societies, are anti-Christian and should be denounced by all Christians (Lev. 5:4; Isa. 28:14-17; II. Cor. 6:14-17; Matt. 24:26; Jno. 3:19, 20; 18:20; Eph. 5:11, 12); that the taking of an oath is forbidden (Matt. 5:33; Jas. 5:12); that "trusts" and "unions," etc., are selfish institutions, and against the spirit of the gospel of Christ (Matt. 7:12; II. Cor. 6:14-17); that literal adultery is the only scriptural cause for divorce, and even then, remarrying is disallowed as long as both parties live (Matt. 5:31; Luke 16:18; I. Cor. 7:10-17; Rom. 7:1, 2, 3); that card-playing is a sinful game, the starting point of most gamblers; and that the dance, theater, horse racing and all other vain amusements must be abandoned; and that the blood of Christ will cleanse us from the desire of them all (Jno. 2:15-17; II. Cor. 5:17); that the use of tobacco is a filthy habit, and its expense a misuse of the Lord's

Mennonite Archives of Ontario

money (Isa. 55:2; II. Cor. 7:1); therefore its traffic and cultivation stands condemned (I. Cor. 6:17).

WE BELIEVE in divine healing in answer to the prayer of faith (Mark 16:18; Jas. 5:14, 15; Psa. 103:3; Isa. 53:4, 5; Matt. 8:16); in the general resurrection of the dead, both just and unjust (Luke 14:14; Jno. 5:28, 29; Acts 24:15; II. Cor. 5:10; Dan. 12:2); that the just shall rise at the second appearing of Christ, and be caught away from the earth (with the living saints) until it is purified by fire (I. Thess. 4:14-18; II. Pet. 5:9-13) that the unsaved at the same time shall be destroyed from the face of the earth (Mal. 4:1, 2, 3; II. Thess. 1:7-10; Matt. 13:37-42); that the saints shall reign a thousand years with Christ on the new earth in their glorified bodies (Matt. 13:43; II. Pet. 3:13, 14; Heb. 1:10, 11, 12; Rev. 20:4, 6; Dan. 2:44, 45; 7:14 and 18 and 27); that the unjust shall be resurrected at the close of the millennium, and receive eternal punishment (Rev. 20:5, 13, 14, 15; 21:8; Jude 7; Rev. 14:10, 11; Matt. 10:28; 25:41); that the devil, sin, death, and hell shall also ultimately be cast into the lake of fire (Rev. 20:10, and 14; Matt. 13:14).

[Formulated as instructed by the committee appointed by General Conference, 1906—Page 10, Article 13, in Conference Minutes.]

A STATEMENT
BY
Philadelphia Yearly Meeting of Friends
THIRD MONTH 29th, 1918

This decisive hour of history summons our Society to make its utmost contribution to humanity's deepest needs. Believing that this requires us to meet the moral and spiritual issues of the times simply and fearlessly, we feel called to make clear our Christian faith as applied to war.

Our Society's opposition to all war as un-Christian has been maintained throughout its history. In 1660 our forefathers declared:

"We utterly deny all outward wars and strife, and fightings with outward weapons, for any end, or under any pretence whatever; this is our testimony to the whole world. The Spirit of Christ by which we are guided is not changeable, so as once to command us from a thing as evil and again to move unto it; and we certainly know, and testify to the world, that the Spirit of Christ, which leads us into all truth, will never move us to fight and war against any man with outward weapons, neither for the Kingdom of Christ, nor for the kingdoms of this world."

These convictions have been re-affirmed by Friends in all generations and during the present war our Yearly Meetings throughout the world have given clear evidence that they are steadfast to the same principles.

The basis of our opposition to war is much more than any single command of the Old or the New Testament. It is our faith that the way of love by which our Master, Jesus Christ, met and conquered evil, remains for His followers today the true method of combating wrong. For us, as for Him, this involves refusal to use means which, like war, violate love and defeat its ends; but it does not mean a weak neutrality toward evil. For us, as for Him, it means a life of action devoted to the heroic purpose of overcoming evil with good. The unspeakable sufferings of humanity are now calling us and all men to larger sacrifices and more earnest endeavors to put this faith into practice. To such endeavors we dedicate ourselves.

In accordance with this faith, we desire to maintain all our relationships today.

To our beloved country, we affirm the deep loyalty of grateful hearts. We long to help her realize her noblest capacities as a great Republic dedicated to liberty and democracy. But we believe that we best serve our country and all humanity when we maintain that religion and conscience are superior even to the State.

To President Wilson, we declare our appreciation of his steadfast and courageous efforts to keep the aims of the United States in this great conflict liberal, disinterested and righteous.

To our fellow-countrymen, who are following the leadings of conscience into ways where we cannot be their comrades, we give assurance of respect and sympathy in all that they endure. Finally,

For all men, whether they be called our enemies or not, we pray that the sacrificial love of Christ, stirring us to repentance, may reconcile and unite all mankind in the brotherhood of His spirit.

*Adopted by the Yearly Meeting in
Session at Fourth and Arch Streets,
Philadelphia, Third Month 29th, 1918.*

The Petition Of The "TUNKER" Church To The Exemption Boards.

Whereas in the past history of Canada the church known as "Tunkers" have been placed on record as a Nonresistant body of christians in the statutes of the then, Government, of Canada and provisions made for their relief by the said Government, (sec. 27, of the statute passed in the 48th year of Geo. III. 1808, and amended by an Act passed in the 50th year of the reign of Geo. III, chap. XI, and also the present laws in force contained in the Revised Statutes of Canada, chap. 40.) by commutation or otherwise, and whereas the principles of the said church remain unchanged. WE as loyal, law abiding citizens in every other respect, remembering past privileges and hoping for their continuance, are willing, and will gladly submit to any commutation measures that may be imposed in lieu of, and outside of, direct military service. We also ~~in-lieu~~ further submit for your consideration the following in explanation of our position. It is authorised by the Executive Board of our General Conference in the United States and Canada to be presented to the "Exemption Boards" by our people.

RESOLVED, That we offer as a scriptural basis for our Nonresistant doctrine the following passages, "Love your enemies," -Matt. 5:44; "Do good to them that hate you." -Luke 6:27; "Pray for them that despitefully use you." -Luke 6:28; "If my kingdom were of this world, then would my servants fight." -John 18:36; "The weapons of our warfare are not carnal, but mighty through God." -2Cor. 10:4.

We respect our National Emblem, in accordance with our Faith and Practice; we are subject to the higher powers, and obey magistrates and uncomplainingly submit ourselves to every good work for the Lord's sake, as long as it is not in violation of the fundamental teachings of Christ, as interpreted by the Tunker Church. We appreciate the degree of immunity we have enjoyed, hitherto, and for the promise of future exemption. Our opposition to war is not founded upon dis-

loyalty to our Government, but upon the conviction that the Gospel of Christ is The Gospel of peace. We pray for our rulers, that we may lead a quiet and peaceable life, in all Godliness and honesty.

1 -Tim. 2:12.

Committee appointed by annual Joint Council Of Canada 1917.

FRED ELLIOT, Richmond, Hill, Ont.

ASA BEARSS, Ridgeway, Ont.

COMMITTEE.

A. F. Coffman

At a joint meeting of representatives of the Non-resistant churches of Lancaster and adjoining counties, the following resolutions were adopted:

Question: How can we make clear our position with reference to military service and to what extent can we conscientiously serve the government of the United States without renouncing the precepts of the Prince of Peace?

Resolved: First, Our attitude on the question of military service is correctly stated in the Selective Draft Law enacted May 18, 1917, which provides for exemption for all members of all churches "whose creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with its creed or principles."

Our loyalty to the government has been proven by our constant teaching of submission to the powers that be when not in conflict with the divine laws of God.

Resolved, That we, as a religious body, express ourselves as being conscientiously opposed to serving in military service in any form, believing that all such service under the military arm of the government, whether in a combatant or non-combatant capacity, is conflicting with the Bible doctrine of non-resistance.

Resolved, That the moderator of this meeting appoint a committee of five, including himself as chairman, to counsel and act with other non-resistant religious bodies concerning questions that may arise.

MILITARY SERVICE

APPEAL TO CIVIL AUTHORITIES

We, the Mennonites of the United States ~~and Canada~~, in General Conference assembled at the Yellow Creek Church near Goshen, Indiana, August 29, 1917, giving due recognition to the preponderous problems that are confronting the nation in the present world conflict realize that this condition has brought with it complicated and trying problems which we can little comprehend or appreciate. We as a people seek to adjust ourselves to the new state of affairs in willing submission in so far as we can do so without violating a law or principle of Christ Whom we recognize as Lord of lords and King of kings and Whose law we consider as the supreme guide of our lives.

As a people we stand united in expressing our gratitude to our President and those who are in authority for therecognition that has been given those of our faith in the matter of army conscription and further submit this humble petition that full recognition be given to our position on the great question of Nonresistance which has been one of the fundamental tenets of our faith and for which our fore fathers suffered exile and death in the old world and which principle has been cherished and kept alive in the bosom of those who carried their faith with them to the land of our present abode under the protection of whose government in times past they enjoyed liberty of conscience and the free exercise of their faith in the full confidence that those who were in authority would verify every pledge and promise given them when they settled here.

Removal of Penn.sylvania - for those come to enjoy liberty of British Govt. - Religion is the basis of morality and truth.

Under the stress of the hour we humbly present this petition in which ^{WE SEEK} to define clearly our position with regard to military service. As a people we recognize the same principle to which our government has justly given recognition in its construction and interpretation of law; that he who knowingly and willingly and with the intent to give aid; aids, shelters or otherwise lends to the comfort or efficiency of any

one in the violation of the laws of the land he becomes a transgressor and is subject to punishment. With this same principle in mind we must assume the painful duty to decline military service in any form, whether combatant or noncombatant, by which we would become a part of the military organization which is devised for the prosecution of war and the destruction of lives and property and limit our activities to such pursuits of civil life as are in keeping with the laws of God.

With a deep sense of humility before God and prayer that the authorities before ^{whom} this may come may be guided in their decisions by the Divine will that we may continue to dwell in godliness and follow the pursuits of peace, we respectfully submit this petition.

MENNONITES ON MILITARY SERVICE

A STATEMENT OF OUR POSITION ON MILITARY SERVICE AS ADOPTED BY THE MENNONITE GENERAL CONFERENCE, AUGUST 29, 1917.

Inasmuch as present war conditions call for an official utterance from our Church, we, the bishops, ministers, deacons and delegates of the Mennonite Church in General Conference assembled at the Yellow Creek Church, near Goshen, Indiana, August 29, 1917, representing sixteen conferences in the United States, Canada, and India, desire to present the following as an expression of our position on the doctrine of non-resistance as applied to present conditions brought on by the world war now raging.

OUR POSITION DEFINED.

As followers of the Lord Jesus Christ, the Prince of Peace, we interpret His command, "Resist not evil," by His other teachings on this subject; viz., "Love your enemies." "Do good to them that hate you." "Pray for them which despitefully use you and persecute you." "My kingdom is not of this world: if my kingdom were of this world, then would my servants fight." "All they that take the sword shall perish with the sword." The Bible also teaches us not to avenge ourselves (Rom. 12:17-21), that "the weapons of our warfare are not carnal" (2 Cor. 10:4), and that "the servant of the Lord must not strive" (2 Tim. 2:24). Believing that the children of God should imbibe and practice these teachings, we hold that Christian people should have no part in carnal warfare of any kind or for any cause. Our attitude on the question of military service is correctly stated in that clause of the Selective Draft Law enacted May 18, 1917, which provides for exemption for members of every church "whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein." We deeply regret, however, that this exemption is practically nullified (save in the matter of bearing arms) in the further provision empowering the government to impress non-resistant people into non-combatant service.

In our Confession of Faith, adopted at Dortrecht, Holland, in 1632, the position of our church is defined as follows:

"Regarding revenge, whereby we resist our enemies by the sword, we believe and confess, that the Lord Jesus has forbidden His disciples and followers all revenge and resistance, and has thereby commanded them not to 'return evil for evil, nor railing for railing'; but to 'put up the sword into the sheath,' or, as the prophets foretold, 'beat them into plowshares.' Matt. 5:39, 44; Rom. 12:14; 1 Pet. 3:9; Isa. 2:4; Micah 4:3.

"From this we see, that, according to the example, life, and doctrine of Christ, we are not to do wrong, or cause offense or vexation to any one; but to seek the welfare and salvation of all men; also, if necessity should require it, to flee, for the Lord's sake, from one city to another, and suffer the 'spoiling of our goods,' rather than give offense to any one; and if we are struck on our 'right cheek, rather to turn the other also' than to revenge ourselves or return the blow. Matt. 5:39, 10:23; Rom. 12:19.

"And that we are, besides this, also to pray for our enemies, comfort and feed them, when they are hungry or thirsty, and thus by well doing convince them and overcome the evil with good. Rom. 12:20, 21.

"Finally, that we are to do good in all respects, 'commending ourselves to every man's conscience in the sight of God,' and according to the law of Christ, do nothing to others that we would not wish them to do unto us. 2 Cor. 4:2; Matt. 7:12; Luke 6:31."—Article 14, Page 25.

This position has been uniformly held by our forefathers from Reformation times and their loyalty and devotion to their faith is attested by their suffering, even to the extent of martyrdom and banishment by those governments enjoining military service upon their citizens, and for which cause they gratefully accepted the hospitality and the guarantee

of religious liberty of this land, historical records bearing ample witness to these facts.

In relation to governments we believe that every child of God, besides being a citizen of the Heavenly Kingdom (John 18:36; Phil. 3:20), should also be in subjection to civil governments (Rom. 13:1-5; Tit. 3:1; 1 Pet. 2:13-17). Even laws which may seem unwise and unjust should be submitted to uncomplainingly and no thought should be entertained of doing anything but comply with all that they ask of us—unless they prescribe conditions contrary to the Gospel; in which case we should meekly but faithfully stand true to the principles of the Gospel, even if the consequences entail suffering. This position has been exemplified by the apostles (Acts 5:29) and our early church fathers.

PAST FAVORS ACKNOWLEDGED.

It is with grateful hearts that we recount the favors and considerations accorded our people in the past. In the days of William Penn our fathers accepted his invitation to immigrate to this land where they might enjoy the freedom of conscience in religion and exemption from military service. These benefits were later confirmed to them by the Constitution of the United States and by State Constitutions. We rejoice that freedom of conscience is thus recognized by the laws of our land. We appreciate the exemption accorded our brethren, both in the North and in the South, during the Civil War, when once their position with reference to war became fully known. We still have among us brethren who suffered for conscience's sake during that period, but recall with much gratitude the freedom from military service which that exemption secured for them.

We are grateful for the exemption clause for non-resistant people in the new Selective Draft Law, and hereby express the hope that when the powers that be fully understand our position with reference to military service, this clause referring to non-combatant service may be accordingly modified.

OUR STANDARD.

We acknowledge with deep humiliation that not all of our people have lived in full conformity with the Gospel standard or consistent with our profession of a holy life. Some, contrary to the teachings of the Church, have been entangled in politics, in commercialism, in pleasure-seeking, and in other forms of worldliness; but it should be borne in mind that such conduct has been without regard to the express wish and teaching of the Church. The Mennonite Church having continually stood for the surrendered life, a consistent separation from the world, and an attitude of peace toward all men, we call upon our people to bear in mind our obligations (Eph. 4:1) that in all places they may be known by the Scriptural designation—"A peculiar people, zealous of good works."

THE PRESENT ISSUE.

Recognizing with gratefulness the consideration given our religious convictions, as previously stated, we take this opportunity of giving expression of our attitude concerning the issue as it now confronts us. As a Christian people we have always endeavored to support the government under which we lived in every capacity consistent with the teaching of the Gospel as we understand it, and will continue to do so; but according to this teaching we cannot participate in war in any form; that is, to aid or abet war, whether in a combatant or non-combatant capacity. We are conscious of what this attitude, under existing circumstances, may mean. No one who really understands our position will accuse us of either disloyalty or cowardice; for our record has proven our submissiveness to the powers that be, and to maintain our position under present conditions requires greater courage than to accept non-combatant service. But believing as we do, that any form of service under the military arm of the government means responsibility, either directly or indirectly, for the taking of human life and other destructive acts of war, we cannot consistently do otherwise than hold aloof from every form of military service. Our people have at all times refrained from voluntary enlistment

for service in any form under previous military laws, and for us now to accept service under the military arm of the government, would be equivalent to a denial of the faith and principles which we have held as vital to our spiritual wellbeing and eternal salvation.

We appeal to the President of the United States and all others in authority to bear with us in this attitude and not to construe our position as a lack of appreciation for past favors or as an act of disloyalty; also to grant unto us full liberty of conscience and the free exercise of our faith.

RECOMMENDATIONS.

1. **To the Brotherhood.**—We recommend that in humility we seek at the throne of grace the blessings which others have sought to secure through the power of the sword. That we continue our prayers in behalf of the rulers of our land and all others in authority, continue to pray for the peace of nations; that we maintain a calmness of mind and heart that naturally accompanies a trust in God; that we refrain from uncharitable criticism in any form, and avoid heated controversy with those who do not agree with us on points of doctrine, missing no opportunity of complying with the Scriptural injunction of returning good for evil.

2. **To Our Brethren Liable for Military Service.**—We recommend that they comply with every requirement of the government, availing themselves of every opportunity to present their claims for exemption, exercising care that they do not commit any acts that could be rightfully interpreted as desertion or treason—and at the time when they receive the summons to enter the military service, they present themselves to the authorities and meekly inform them that under no circumstances can they consent to service, either combatant or non-combatant, under the military arm of the government, citing them to the fact that they are members of a church whose creed and principles forbid them to have part in war in any form, and that their consciences coincide with this position; submitting to any penalty the government may see fit to inflict, trusting the Lord for guidance and protection.

3. **To Our Conferences and Congregations.**—We recommend that they make every provision for the wellbeing of our brethren who may be called upon to suffer on account of their faith as a result of this trying situation. While we expect an attitude of submission and loyalty on the part of our members, we should not deal harshly, but charitably and with consideration, with our brethren who may be put to the test in these days of trial.

With a fervent prayer to Almighty God that He may bless and so direct the rulers of our land that we may lead a quiet and peaceable life, in the full exercise of our religious convictions; that we, as His children, may be faithful to and contend earnestly for the faith once delivered to the saints; that God in His wise providence may overrule all to the glory of His name and the strengthening of His cause among men, we humbly subscribe our names to these declarations and pledge our powers in devotion to the principles herein set forth.

BISHOPS

L. J. Heatwole, Dale Enterprise, Va.	J. A. Ressler, Scottdale, Pa.
Sanford C. Yoder, Kalona, Ia.	S. Gingerich, Wayland, Ia.
Andrew Shenk, Oronogo, Mo.	N. B. Stauffer, Aldersyde, Alberta.
A. J. Steiner, North Lima, Ohio.	D. G. Lapp, Roseland, Neb.
T. M. Erb, Hesston, Kans.	E. A. Mast, Kokomo, Ind.
J. S. Mast, Elverson, Pa.	Menno Esch, Mio, Mich.
David Garber, Lyndhurst, Va.	Aaron Loucks, Scottdale, Pa.
Joe C. Driver, Garden City, Mo.	Peter R. Nissley, Mt. Joy, Pa.
Peter Kennel, Strang, Neb.	J. M. Shank, Elida, Ohio.
D. H. Bender, Hesston, Kans.	Jonathan Kurtz, Ligonier, Ind.
J. E. Zimmerman, Wood River, Neb.	E. S. Hallman, Grand Bay, Ala.
J. M. Kreider, Palmyra, Mo.	Jacob K. Yoder, Wellman, Ia.
Daniel Kauffman, Scottdale, Pa.	A. I. Yoder, West Liberty, Ohio.
S. E. Allgyer, West Liberty, Ohio.	I. S. Mast, Minot, N. Dak.
S. F. Coffman, Vineland, Ontario.	D. A. Yoder, Elkhart, Ind.
Elias L. Frey, Wauseon, Ohio.	Abraham Metzler, Martinsburg, Pa.
D. D. Miller, Middlebury, Ind.	J. S. Shoemaker, Freeport, Ill.
E. B. Stoltzfus, Hudson, Ohio.	S. G. Shetler, Johnstown, Pa.
Lewis Shank, Broadway, Va.	Jacob K. Bixler, Elkhart, Ind.
Benj. Weaver, East Earl, Pa.	S. J. Swartzendruber, Bay Port, Mich.
Noah E. Miller, Springs, Pa.	J. S. Gerig, Smithville, Ohio.
John Nice, Morrison, Ill.	D. J. Johns, Goshen, Ind.
John Blosser, Rawson, Ohio.	John Garber, Goshen, Ind.
Chancy A. Hartzler, Tiskilwa, Ill.	David Burkholder, Nappanee, Ind.

MINISTERS.

Silas L. Weldy, Wakarusa, Ind.
 E. D. Hess, Masontown, Pa.
 Levi J. Miller, Garden City, Mo.
 H. Frank Reist, Scottdale, Pa.
 Oscar S. Hostetler, Topeka, Ind.
 Clayton F. Derstine, Eureka, Ill.
 Howard W. Stevans, Sherkston, Ont.
 Harvey Freisner, Vistula, Ind.
 Jacob A. Heatwole, La Junta, Col.
 Paul E. Whitmer, Bluffton, Ohio.
 J. L. Hershberger, Wellman, Ia.
 David D. Miller, Kalona, Ia.
 John L. Stauffer, Altoona, Pa.
 Oscar Burkholder, Breslau, Ont.
 Peter Ropp, Pigeon, Mich.
 Isaiah W. Royer, Orrville, Ohio.
 N. A. Lind, Medina, Ohio.
 David Hostetler, Wellersville, Ohio.
 Jonathan B. Hartzler, West Liberty, O.
 J. S. Hartzler, Goshen, Ind.
 C. A. Graybill, Schellburg, Pa.
 John W. Hess, Palmyra, Mo.
 E. M. Detwiler, Calla, Ohio.
 Ed. Miller, Elk Lick, Pa.
 Ben B. King, Ft. Wayne, Ind.
 S. E. Graybill, Freeport, Ill.
 John D. Miller, Louisville, Ohio.
 A. G. Heishman, Broadway, Va.
 C. K. Brenneman, Canton, Ohio.
 Charles D. Yoder, Windom, Kans.
 J. S. Martin, Dayton, Va.
 Peter Garber, Cazenovia, Ill.
 A. M. Eash, Chicago, Ill.
 I. B. Witmer, Leetonia, Ohio.
 Wm. Jennings, Concord, Tenn.
 C. Z. Yoder, Wooster, Ohio.
 J. W. Christopel, Wakarusa, Ind.
 Ezra B. Yordy, Eureka, Ill.
 J. S. Horner, Greentown, Ind.
 Jos. H. Byler, Belleville, Pa.
 J. R. Shank, Purvis, Mo.
 H. R. Buckwalter, Palmyra, Mo.
 Moses H. Shantz, New Hamburg, Ont.
 D. B. Kauffman, Kenmare, N. Dak.
 A. H. Leaman, Chicago, Ill.
 D. J. Fisher, Kalona, Ia.
 J. D. Minniger, Kansas City, Kans.
 E. F. Hartzler, Marshallville, Ohio.
 P. R. Lantz, Marshallville, Ohio.
 Henry Weldy, Wakarusa, Ind.
 Aaron Eberly, Dalton, Ohio.

C. D. Esch, Dhamtari, C. P., India.
 H. R. Schertz, Metamora, Ill.
 Daniel J. Wyse, Archbold, Ohio.
 P. E. Brunk, Delphos, Ohio.
 Noah H. Mack, New Holland, Pa.
 George Ross, Elida Ohio.
 Peter Unsicker, Teleta, Texas.
 A. W. Hershberger, Kent, Ohio.
 L. A. Blough, Holsopple, Pa.
 John E. Hartzler, Goshen, Ind.
 A. L. Buzzard, Metamora, Ill.
 J. N. Kaufman, Dhamtari, C. P., India.
 I. R. Detweiler, Goshen, Ind.
 Amos Gingerich, Versailles, Mo.
 B. B. Stoltzfus, Lima, Ohio.
 Peter Boshart, Milverton, Ontario.
 J. M. Brunk, Wichata, Kans.
 Niles M. Slabaugh, Greentown, Ind.
 Samuel D. Grieser, Archbold, Ohio.
 John W. Weaver, Union Grove, Pa.
 F. J. Gingerich, Beaver Crossing, Neb.
 Calvin Mast, Millersburg, Ohio.
 John Y. King, West Liberty, Ohio.
 Jacob A. Good, Webb Summit, Ohio.
 Yost C. Miller, Shipshewana, Ind.
 Josiah J. Miller, Shipshewana, Ind.
 A. M. Shank, Nampa, Idaho.
 D. F. Driver, Versailles, Mo.
 L. J. Johnston, Cherry Box, Mo.
 Clarence A. Shank, Wakarusa, Ind.
 A. B. Snyder, Preston, Ontario.
 A. S. Miller, Spencerville, Ind.
 John H. Moseman, Lancaster, Pa.
 S. H. Miller, Sugar Creek, Ohio.
 Jonas Loucks, Nappanee, Ind.
 Raymond L. Hartzler, Topeka, Ind.
 J. J. Warye, West Liberty, Ohio.
 S. W. Sommer, Fairville, Mich.
 L. W. Yoder, Nappanee, Ind.
 A. C. Good, Sterling, Ill.
 J. B. Smith, Elida, Ohio.
 C. J. Garber, Alpha, Minn.
 Jonas D. Yoder, Bellville, Pa.
 Levi Plank, Bellefontaine, Ohio.
 Silas Yoder, Goshen, Ind.
 James H. McGowan, Nappanee, Ind.
 D. D. Troyer, Goshen, Ind.
 John H. Bare, Nappanee, Ind.
 Henry Rychener, Pettisville, Ohio.
 Amos Nusbaum, Middlebury, Ind.
 Amos S. Cripe, LaGrange, Ind.
 W. B. Weaver, Elkhart, Ind.

DEACONS.

J. R. Brunk, Windom, Kans.
 E. N. Eby, Lititz, Pa.
 A. S. Landis, Goshen, Ind.
 Menno J. Yoder, Topeka, Ind.
 J. C. Frey, Archbold, Ohio.
 J. V. Fortner, Dakota, Ill.
 Menno Wideman, Pigeon, Mich.
 Menno Steiner, Fairview, Mich.
 H. D. Heller, Witmer, Pa.
 Noah Weaver, Foraker, Ind.
 S. J. Schmucker, Nappanee, Ind.
 J. C. Luginbill, Graybill, Ind.
 Eli D. Yoder, West Liberty, Ohio.
 Daniel H. Coffman, Goshen, Ind.
 A. I. Hartzler, Orrville, Ohio.
 J. G. Wenger, Hesperon, Kans.

Jacob I. Weldy, Wakarusa, Ind.
 S. P. Good, Elida, Ohio.
 Sam Smeltzer, Wakarusa, Ind.
 Frank J. Martin, Ft. Wayne, Ind.
 Henry B. Weaver, Goshen, Ind.
 Henry T. Nice, Morrison, Ill.
 John Emmert, Topeka, Ind.
 Joseph Mishler, Clarksville, Mich.
 James J. Mishler, Shipshewa, Ind.
 Ira S. Johns, Goshen, Ind.
 Noah W. King, Amboy, Ind.
 Jacob C. Hershberger, Middlebury, Ind.
 Melvin D. Lantz, Topeka, Ind.
 Henry V. Albrecht, Tiskilwa, Ill.
 G. L. Bender, Elkhart, Ind.
 Jonas Brubaker, Elkhart, Ind.

LAY DELEGATE

D. S. Weaver, La Junta, Colo.

We, the undersigned, bishops, ministers, and deacons of several other branches of the Mennonite Church, while not affiliated in conference relations with those whose names are signed to the above document, most heartily endorse this as a statement of our position on the doctrine of non-resistance.

S. J. Swartzendruber, Bay Port, Mich.
 E. G. Swartzendruber, Wellman, Ia.
 Jephtha S. Troyer, LaGrange, Ind.
 Christian L. Ressler, Nappanee, Ind.

A. F. Wiens, Chicago, Ill.
 B. F. Esch, Washington, Ill.
 C. N. Amstutz, Apple Creek, Ohio.

MENNONITE BRETHERN IN CHRIST.

A. B. Yoder, P. E., Elkhart, Ind.
 C. K. Curtis, Pastor, New Paris, Ind.
 H. M. Metzger, Pastor, Elkhart, Ind.

D. W. Hunsberger, Deacon, Elkhart.
 Wm. Moyer, Deacon, Elkhart, Ind.

DEFENCELESS MENNONITES.

C. R. Egli, Bishop, Chenoa, Ill.
 E. M. Slagle, Pastor, Pioneer, Ohio.

D. N. Claudon, Deacon, Meadows, Ill.

COPY

Rev. Samuel Baker,

Gormley, Ont.

At your request I have endeavored to ascertain the earliest laws ezempting Mennoites, Dunkers and Quakers from Military Service. The earliest one I can find is one passed in the 48 th year of George III. 1808. I enclose three copies of section 27 which is the only section affecting the matter. This section was amended by an act passed in the 50 th year of George III, Chap.XI, which gives the same privileges to the Minor children of Mennonites and Dunkers. The law at present in force exempting from Military Service is contained in the Revised Statutes of Canada Chap. 40.

This I think covers all you desire to know.

Yours truly,

W. N. Miller

" Murlock, Tilt, Miller & Caruthers "

Solicitors.

LAW AFFECTING THE MEMBERS OF THE MENNONITE
RELIGIOUS SOCIETY AND MILITARY SERVICE IN CANADA.

As requested, a search was made of the various Statutes formerly in force in Canada and in Uppee Canada prior to Confederation (1867), which affect or refer to that body and military service and obligation.

Aparently there is no Statute of the Imperial (British) Parliament in connection with such matters, so far as the books at the Osgoode Hall and Legislative Libraries at Toronto show. In one volume, which was published by the Government at the time, and which purpots to contain all statutes and laws of the British Parliament, of Quebec and the subsequent Province of Upper Canada (and including all Ordinaces having the force of law), from 1716 to 1820, appears the first Statute in which mention is made of the Mennonites and Tunkers, such Statute being one of George III, passed in 1808.

The following extracts from the various Acts from time to time in force will show the history of such legislation and the existing law now in effect.

1808. - 48 Geo. III, Chapter 1. being "An Act to explain, amend and reduce to one act the several laws now in being for the raising and training the Militia of this Province."

Section 11.- That every male inhabitant from sixteen years of age to sixty shall be deemed capable of bearing arms, and shall enroll his name as a militia man on the first day of trainig, Etc.

section 27.- Be it further enacted by the authorities aforesaid, that the persons called Quakers, Menonists and Tunkers, who from certain scruples of conscience decline bearing arms, shall not be compelled to serve in the said malitia, but every person professing that he is one of the people called Quakers, menonists or Tunkers, and producing a certificate of his being a Quaker, Menonists or Tunker signed by the clerk of the meeting of such society or by any three or more of the people called Quakers Menonists or Tunkers, shall be excused and exempted from setving in the said malitis; provided, nevertheless, that every such person or persons that shall or may be of the people called Quakers, Menonists or Tunkers, from the age of sixteen to ~~twenty~~ sixty shall on or before the first day of December in each and every year give in his name and place of residence to the Treasurer of the District where he or they shall reside, and pay to ^{such} the Tresurer to and for the public uses of such District in time of peace the sum of twenty shillings, and in time of actual invasion or insurrection, or when any part of the Malitia of that District shall be called out on active s service the sum of five pounds, and in default of such payment it shall and may be lawful on information ar complaint on oath made by the said Treasurer before any Justive of the Peace of such District for the said Justice to issue his warrant under his ~~hand~~ and seal to levy the same by distress and sale of the offenders goods and chattels, returning so much of the said distress as shall ~~exceed~~ the sum of twenty shillings per annum in time of peace and five pounds per annum in time of actual invasion or insurrection or when any part of the malitia of that district shall be c called out on active service, deducting therefrom the charges and all other incidental expenses of such distress and sale, as well as the expenses of summoning such offender before such Justice to answer the said information and complaint, and the said sum so levied by the said Justice, as aforesaid, shall be by him within the space of two calendar months paid into the hands of the Colonel, or in his absence the next senior officer of the regiment, battalion or independent company of the division where the offense has been committed, to be applied for the like purposes as the fines, forfeitures and penalties imposed by this Act, and for want of such distress the Justice before whom such person shall have been convicted shall commit him to the common goal of the district until he shall pay and satisfy such sum together with the reasonable charges incident to such conviction; provided nevertheless that no person or persons so convicted shall in any case be detained in custody longer than the space of one

calendar month, provided also that it is hereby enacted that each and every of the persons usually called Quakers, Menonists and Tunkers that have attained the age of fifty years, shall not be liable to the payment of such sum of twenty shillings for being exempted from serving in the said militia in time of peace, but in time of war or other emergency they shall be liable to serve, or to the payment of five pounds for being exempted for every year, until they shall have attained the age of sixty years.

1809.- 49 Geo. III, Chapter 6.-being an Act for the relief of Menonists and Tunkers in certain cases.

Whereas the religious societies of the Menonists and Tunkers from certain scruples of conscience against taking an oath are subject to many inconveniences to themselves and families, as well as to others who may require their evidence; for remedy whereof, be it therefore enacted, Etc. That from the passing of this Act any Menonist or Tunker in any case in which an oath is required by law or upon lawful occasion, wherein the affirmation or declaration of a Quaker will by law be admitted, shall be, and is hereby permitted to make his or her affirmation or declaration in the same manner and form as a Quaker may be by the laws now in force required to do.

Section 3.- And be it further enacted by the authority foresaid That no Menonist or Tunker shall by virtue of this Act be qualified or permitted to give evidence in any criminal cases or to serve on juries in criminal cases, or to hold or enjoy any office or place in the Government of this Province, anything herein contained to the contrary, notwithstanding.

1910.- 50 Geo. III, Chapter 11.-Whereas the sons of Menonists and Tunkers who are minors cannot avail themselves of the twentyseventh clause of (48 Geo. III? Chapter 1), by reason of not being able to obtain the certificate required by the above mentioend Act, until they shall have attained the age of twenty-one years, according to the rules and regualtions of the said societies, for further remedy whereof; be it enacted (Etc.) That the sons of Menonists and Tunkers liable to serve in the militia, under the age of twenty-one years, shall instead of the certificate required by the above mentioned Act, produce a certificate, stating his name, that his father is a Menonist or Tunker (as the case may be) and that such minor is brought up and educted in the principles of the Menonists or Tunkers, (as the case may be), which certificate shall be signed by the Clerk of the Meeting of such Cowiety, or by three or more of the people called Menonists or Tunkers, such minor shall then be entitled to the benefits and indulgences in said clause mentioned, subject nevertheless to all other restrictions and provisions of the said clause.

1837.- 1 Vic., 8, Sec. 50. being "An Act to amend and reduce into one Act the Militia Laws of this Province (virtually the same as the following):

1839.- 2 Vic., Chap. 9, Sec. 52. And be it further enacted thqt the persons called Quakers, Menonists and Tunkers, who from certain scruples of conscience decline to bear arms, shall not be compelled to serve in the said Militia, but every person professing that he is one of the people called Quakers, Menonists or Tunkers and producing a certificate of his being a Quaker Menonist or Tunker, or being the son of a Quaker, Menonist or Tunker, brought up and educated in the principles of the Quakers, Menonists or Tunkers, and under the age of twenty-one years, signed by the Clerk of the Meeting of such Society or by three or more of the people called Quakers, Menonists or Tunkers, shall be excused and exemted from serving in the Militia; Provided nevertheless, that every person who may be so excused as aforesaid shall on or before the first day of June in every year give in his name and place of residence to the Colonel or Officer Commanding the Regiment within the limits of which he may reside, and pay at the same time to the Colonel or Officer commanding the sum of twenty shillings currency, and in time of actual invasion, insurrection or rebellion when any

portion of the Militia are called upon for actual service, the sum of ten pounds, and in default of such ~~return~~ and payment as aforesaid such Colonel or Officer commanding shall be required to complain of such neglect or refusal and to summon and try the party so offending and to decide and determine upon every such case by a Regimental Court in the same manner and form as is provided for the trial of other offenders against this Act.

1841.- 4-5 Vic., Chap. 2. That the Persons called Quakers, Menonists or Tunkers shall not be compelled to serve in the Militia within that persion of this Province which formerly constituted the Province of Upper Canada but every person who shall profess to be one of the people called Quakers, Menonists or Tunkers and shall, if required, produce a certificate thereof signed by the clerk, Pastor, Minister or Leader of the Meeting of Society to which he shall belong, shall be excused and exempted from serving in said Militia. (Here follows provision for giving names, etc. to assessor and for the payment of ten shillings in times of peace and five pounds in times of invasion, etc. and providing for assessment as Quakers, Menonists or Tunkers. The money was apparently to be spent on roads.)

1846.- 9 Vic., Chap. 28, Sec. 31. (This Section was repealed by the following Act.)

1849.- 12 Vic., Chap. 88. Whereas it is expedient to repeal so much of the Act regulating the Militia of this Province as obliges Quakers, Menonists and Tunkers to enroll themselves in any Company Division in Upper Canada and to revive the Act herein mentioned relating to the payment to be made by such persons in lie of serving in the Militia; Be it therefore enacted that the 31st Section of § 9 Victoria, Chapter 28, and as much of the said Act as repeals the Act of 4 and 5 Victoria, Chapter 2, and ~~as~~ so much of the said first mentioned Act as may be inconsistant with or repugnant to this Act or to the Act secondly mentioned, shall be and are hereby repealed in so far as regards that poertion of this Province which formerly constituted the Province of Upper Canada, and that the Act secondly mentioned shall be and is hereby revived and shall be reckoned in force and shall apply to the Militia Law now in force and to the militia thereby organized and the things to be done under the same as fully and effectually as if the provisions thereof were herein repeated and re-enacted.

1855.- 18 Vic., Chap. 77, Sec. 7. All persons bearing certificates from the Society of Quakers, Menonists and Tunkers, or any inhabitant of this Province, of any religious denomination, otherwise subject to military duty in time of peace but who from the doctrines of his religion shall be adverse to bearing arms, and shall refuse personal military service, shall be exempted therefrom. (Here follows a provision requiring an affidavit to be filed a month before exemption claimed.)

1859.- Being the consolidated Statutes of Upper Canada, Chapter 35, Section 73, repeats the law of 1855.

The Confederation of the Dominion of Canada having been formed in 1867 the Militia Act was revised as follows:

1868.- 31 Vic., Chap. 40, Sec. 17. Any person bearing a certificate from the Society of Quakers, Menonists or Tunkers or any inhabitant of Canada of any religious denomination, otherwise subject to military duty, but who, from the doctrines of his religion, is adverse to bearing arms and refuses personal military service, shall be exempt from such service when balloted in times of peace, or war, upon such conditions and under such regulations as the Governor-in-Council may from time to time prescribe, (Exemption to be claimed with affidavit as prescribed in the Act.) This clause was repeated practically verbatim in 46 Vic. and R_{ev}

STATUTES NOW IN FORCE.

The Militia Act. * Revised Statutes of Canada 1906, Cap. 4i, Sec. 10. All male inhabitants of Canada, of the age of eighteen and upwards and under sixty, not exempt or disqualified by law, and being British Subjects, shall be liable to serve in the Militia: Provided that the Governor-General may require all the male inhabitants of Canada, capable of bearing arms, to serve in the case of a levee en masse.

Sec. 11. The following persons only shall be exempt from liability to service in the Militia;— (~~Amongst~~ others) Persons who, from the doctrines of their religion, are averse to bearing arms or rendering personal military ~~service~~ service, under such conditions as are prescribed.

Sec. 12, ss. 2. No person shall be entitled to exemption unless he has, at least one month before he claims such exemption, filed with the commanding officer within the limits whereof he resides, his affidavit, made before some justice of the peace, of the facts on which he rests his claim.

Sec. 69. The Governor in Council may place the Militia, or any part thereof, on active service anywhere in Canada, and also beyond Canada, for the defence thereof, at any time when it appears advisable so to do by reason of emergency.

THE MILITARY SERVICE ACT, 1917.

Among the grounds of exemption allowed is,

Sec. 11, ss. (f) That he conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect on the 6th day of July, 1917, of any organized religious denomination existing and well organized in Canada at such date, and to which he in good faith belongs; and if any of the grounds of such application be established, a certificate of exemption shall be granted to such man.

(2) (a) A certificate may be conditional as to time or otherwise, and, if granted solely on conscientious grounds, shall state that such exemption is from combatant service only.

To this Military Service Act 1917 a schedule of exceptions is attached, among which is: 7. Those persons exempted from Military Service by Order in Council of August 13th, 1873, and by Order in Council of December 6th, 1898. Mennonites might possibly come under Exception 7 but I could not find any copy of these Orders in Council or any reference to them except in this ~~At~~ in the Library at Osgoode Hall, not being published in the ~~Canada~~ Gazette around the dates mentioned.

-----0-----

"1868"

That a sub-section, of Section 17, of the Act 31 Victoria, Chapter 40, is as follows; Any person bearing a Certificate from the Society of Quakers Mennonites or Tunkers, or any inhabitant of Canada of any religious denomination, otherwise subject to military duty, but who, from the doctrines of his religion, is averse to bearing arms and refuses personal military service shall be exempt from such service when ballotted in time of peace, or war, upon such conditions and under such regulations as the Governor in Council may from time to time prescribe. That under this Section all the persons above mentioned, and the Mennonites are expressly included, are absolutely free and exempted by the law of Canada from military duty or service, either in time of peace or war. That the intention of the Act in conferring upon the Governor General in Council the power of making conditions and regulations was to enable the Government to provide, if necessary, for the registration of the exempted persons in such a manner as to prevent persons belonging to any other denomination than those specified in the section of the Act above quoted from avoiding military duty under false pretences. That the constitution does not confer upon the Governor General in Council any power to over-ride or set aside, under any circumstances, the plain meaning of Statute law, and he recommends that this explanation be conveyed to the Mennonites in Russia.

The Committee concur in the foregoing report, and advise that a copy of this minute be transmitted by Your Excellency to the Earl of Kimberly.
(Signed) John J. McGee, -Clerk, Privy Council.
To the Honourable The Minister of the Interior.

-----0-----

Department of Agriculture,
Immigration Branch,
Ottawa, July 23, 1873.

Gentlemen:

I have the honour under the instructions of the Hon. the Minister of Agriculture, to state to you in reply to your letter of this day's date the following facts relating to advantages offered to settlers and to the immunities afforded to Mennonites, which are established by the Statute Law of Canada and by orders of His Excellency the Governor General in Council, for the information of German Mennonites having intention to emigrate to Canada via Hamburg.

An entire exemption from military service is by law and Order in Council granted to the denomination of Christians called Mennonites.

Memorandum
of Laws Affecting the Members of
the Mennonite Religious Society
and Military Service
in Canada



**MEMORANDUM OF LAWS AFFECTING THE MEMBERS
OF THE MENNONITE RELIGIOUS SOCIETY AND
MILITARY SERVICE IN CANADA.**

As requested, a search was made of the various Statutes formerly in force in Canada and in Upper Canada prior to Confederation (1867), which affect or refer to that body and military service and obligation.

Apparently there is no Statute of the Imperial (British) Parliament in connection with such matters, so far as the books at Osgoode Hall and Legislative Libraries at Toronto show. In one volume, which was published by the Government at the time, and which purports to contain all statutes and laws of the British Parliament, of Quebec and the subsequent Province of Upper Canada (and including all Ordinances having the force of law), from 1716 to 1820, appears the first statute in which mention is made of the Mennonites and Tunkers, such Statute being one of George III, passed in 1808.

The following extracts from the various Acts from time to time in force will show the history of such legislation and the existing law now in effect.

1808—48 Geo. III, Chapter 1, being "An Act to explain, amend and reduce to one Act the several Laws now in being for the raising and training the Militia of this Province."

Section 11.—That every male inhabitant from sixteen years of age to sixty shall be deemed capable of bearing arms, and shall enroll his name as a militia man on the first day of training, Etc.

Section 27.—Be it further enacted by the authorities aforesaid, that the persons called Quakers, Mennonists and Tunkers, who from certain scruples of conscience decline bearing arms, shall not be compelled to serve in the said militia, but every person professing that he is one of the people called Quakers, Mennonists or Tunkers, and producing a certificate of his being a Quaker, Mennonist or Tunker, signed by the clerk of the meeting of such society or by any three or more of the people called Quakers, Mennonists or Tunkers, shall be excused and exempted from serving in the said militia; provided, nevertheless, that every such person or persons that shall or may be of the people

called Quakers, Mennonists or Tunkers, from the age of sixteen to sixty shall on or before the first day of December in each and every year give his name and place of residence to the Treasurer of the District where he or they shall reside, and pay to such Treasurer to and for public uses of such District in time of peace the sum of twenty shillings, and in time of actual invasion or insurrection, or when any part of the Militia of that District shall be called out on active service the sum of five pounds, and in default of such payment it shall and may be lawful on information or complaint on oath made by the said Treasurer before any Justice of the Peace of such District for the said Justice to issue his warrant under his hand and seal to levy the same by distress and sale of the offender's goods and chattels, returning so much of the said distress as shall exceed the sum of twenty shillings per annum in time of peace and five pounds per annum in time of actual invasion or insurrection or when any part of the Militia of that District shall be called out on active service, deducting therefrom the charges and all other incidental expenses of such distress and sale, as well as the expenses of summoning such offender before such Justice to answer the said information and complaint, and the said sum so levied by the said Justice, as aforesaid, shall be by him within the space of two calendar months paid into the hands of the Colonel, or in his absence the next senior officer of the regiment, battalion or independent company of the division where the offense has been committed, to be applied for the like purposes as the fines, forfeitures and penalties imposed by this Act, and for want of such distress the Justice before whom such person shall have been convicted shall commit him to the common goal of the district until he shall pay and satisfy such sum together with the reasonable charges incident to such conviction; provided, nevertheless, that no person or persons so convicted shall in any case be detained in custody longer than the space of one calendar month; provided also that it is hereby enacted that each and every of the persons usually called Quakers, Menonists and Tunkers that have at-

tained the age of fifty years, shall not be liable to the payment of such sum of twenty shillings for being exempted from serving in the said militia in time of peace, but in time of war or other emergency they shall be liable to serve, or to the payment of five pounds for being exempted for every year, until they shall have attained the age of sixty years.

1809—49 Geo. III., Chapter 6.—Being an Act for the relief of Menonists and Tunkers in certain cases.

Whereas the religious societies of the Menonists and Tunkers from certain scruples of conscience against taking an oath are subject to many inconveniences to themselves and families, as well as to others who may require their evidence; for remedy whereof, be it therefore enacted, Etc. That from the passing of this Act any Menonist or Tunker in any case in which an oath is required by law or upon lawful occasion, wherein the affirmation or declaration of a Quaker will by law be admitted, shall be, and is hereby permitted to make his or her affirmation or declaration in the same manner and form as a Quaker may be by the laws now in force required to do.

Section 3.—And be it further enacted by the authority aforesaid that no Menonist or Tunker shall by virtue of this Act be qualified or permitted to give evidence in any criminal cases or to serve on juries in criminal cases, or to hold or enjoy any office or place in the Government of this Province, anything herein contained to the contrary notwithstanding.

1910.—50 Geo. III., Chapter 11.—Whereas the sons of Menonists and Tunkers who are minors cannot avail themselves of the twenty-seventh clause of (48 Geo. III., Chapter 1), by reason of not being able to obtain the certificate required by the above-mentioned Act, until they shall have obtained the age of twenty-one years, according to the rules and regulations of the said societies, for further remedy wherof; be it enacted (Etc.) That the sons of Menonists and Tunkers liable to serve in the militia, under the age of twenty-one years, shall instead of the certificate required by the above-mentioned Act, produce a certificate, stating his name, that his father is a Menonist or Tunker (as the case may be) and that such minor is brought up and

educated in the principles of the Menonists or Tunkers (as the case may be), which certificate shall be signed by the Clerk of the Meeting of such society, or by three or more of the people called Menonists or Tunkers, such minor shall then be entitled to the benefits and indulgences in said clause mentioned, subject nevertheless to all other restrictions and provisions of the said clause.

1837.—1 Vic., 8, Sec. 50— Being "An Act to amend and reduce into one Act the Militia Laws of this Province (virtually the same as the following):"

1839.—2 Vic., Chap. 9, Sec. 52.—And be it further enacted that the persons called Quakers, Menonists and Tunkers, who from certain scruples of conscience decline to bear arms, shall not be compelled to serve in the said Militia, but every person professing that he is one of the peopel called Quakers, Menonists or Tunkers and producing a certificate of his being a Quaker, Menonist or Tunker, or being the son of a Quaker, Menonist or Tunker, brought up and educated in the principles of the Quakers, Menonists or Tunkers, and under the age of twenty-one years, signed by the Clerk of the Meeting of such Society or by three or more of the people called Quakers, Menonists or Tunkers, shall be excused and exempted from serving in the Militia; Provided nevertheless, that every person who may be so excused as aforesaid shall on or before the first day of June in every year give in his name and place of residence to the Colonel or Officer Commanding the Regiment within the limits of which he may reside, and pay at the same time to the Colonel or Officer commanding, the sum of twenty shillings currency, and in time of actual invasion, insurrection or rebellion, when any portion of the Militia are called upon for actual service, the sum of ten pounds, and in default of such return and payment as aforesaid such Colonel or Officer commanding shall be required to complain of such neglect or refusal and to summon and try the party so offending and to decide and determine upon every such case by a Regimental Court in the same manner and form as is provided for the trial of other offenders against this Act.

1841.—4-5 Vic., Chap. 2.—That the persons called Quakers, Menonists or Tunkers shall not be compelled to serve in the Militia withtin that portion of this Province which formerly constituted the Province of Upper Canada but every person who shall profess to be one of the people called Quakers, Menonists or Tunkers and shall, if required, produce a certificate thereof signed by the Clerk, Pastor, Minister or Leader of the Meeting of the Society to which he shall belong, shall be excused and exempted from serving in said Militia. (Here follows provision for giving names, etc., to assessor and for the payment of ten shillings in times of peace and five pounds in times of invasion, etc., and providing for assessment as Quakers, Menonists or Tunkers. The money was apparently to be spent on roads.)

1846.—9 Vic., Chap. 28, Sec. 31.—(This Section was repealed by the following Act.)

1849.—12 Vic., Chap. 88.—Whereas it is expedient to repeal so much of the Act regulating the Militia of this Province as obliges Quakers, Menonists and Tunkers to enroll themselves in any Company Division in Upper Canada and to revive the Act herein mentioned relating to the payment to be made by such persons in lieu of serving in the Militia; Be it therefore enacted that the 31st Section of 9 Victoria, Chapter 28, and as much of the said Act as repeals the Act of 4 and 5 Victoria, Chapter 2, and so much of the said first-mentioned Act as may be inconsistent with or repugnant to this Act or to the Act secondly mentioned, shall be and are hereby repealed in so far as regards that portion of this Province which formerly constituted the Province of Upper Canada, and that the Act secondly mentioned shall be and is hereby revived and shall be reckoned in force and shall apply to the Militia Law now in force and to the Militia thereby organized and the things to be done under the same as fully and effectually as if the provisions thereof were herein repeated and re-enacted.

1855.—18 Vic., Chap. 77, Sec. 7.—All persons bearing certificates from the Society of Quakers, Menonists and Tunkers, or any inhabitant of this Province, of any religious denomination, otherwise subject to military

Mennonite Archives of Ontario

duty in time of peace but who from the doctrines of his religion shall be adverse to bearing arms, and shall refuse personal military service, shall be exempted therefrom. (Here follows a provision requiring an affidavit to be filed a month before exemption claimed.)

1859.—Being the consolidated Statutes of Upper Canada, Chapter 35, Section 73, repeats the law of 1855.

The Confederation of the Dominion of Canada having been formed in 1867 the Militia Act was revised as follows:

1868.—31 Vic., Chap. 40, Sec. 17.—Any person bearing a certificate from the Society of Quakers, Menonists or Tunkers or any inhabitant of Canada of any religious denomination, otherwise subject to military duty, but who, from the doctrines of his religion, is adverse to bearing arms and refuses personal military service, shall be exempt from such service when balloted in time of peace, or war, upon such conditions and under such regulations as the Governor-in-Council may from time to time prescribe. (Exemption to be claimed with affidavit as prescribed in the Act.) This clause was repeated practically verbatim in 46 Vic. and Rev. Statutes of Canada, 1886, Chap. 1, Sec. 26.

STATUTES NOW IN FORCE.

The Militia Act.—Revised Statutes of Canada, 1906, Cap. 41, Sec. 10. All male inhabitants of Canada, of the age of eighteen and upwards and under sixty, not exempt or disqualified by law, and being British subjects, shall be liable to serve in the Militia; Provided that the Governor-General may require all the male inhabitants of Canada, capable of bearing arms, to service in the case of a *levee en masse*.

Sec. 11.—The following persons only shall be exempt from liability to service in the Militia:—(Amongst others) Persons who, from the doctrines of their religion, are averse to bearing arms or rendering personal military service, under such conditions as are prescribed.

Sec. 12, ss. 2.—No person shall be entitled to exemption unless he has, at least one month before he claims such exemption, filed with the Commanding Officer within the limits whereof he resides, his affidavit, made before some Justice of the Peace of the facts on which he rests his claim.

Sec. 69.—The Governor-in-Council may place the Militia, or any part thereof, on active service anywhere in Canada, and also beyond Canada, for the defence thereof, at any time when it appears advisable so to do by reason of emergency.

THE MILITARY SERVICE ACT, 1917.

Among the grounds of exemption allowed is:

Sec. 11, ss. (f)—That he conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect on the 6th day of July, 1917, of any organized religious denomination existing and well organized in Canada at such date, and to which he in good faith belongs; and if any of the grounds of such application be established, a certificate of exemption shall be granted to such man.

(2) (a) A certificate may be conditional as to the time or otherwise, and, if granted solely on conscientious grounds, shall state that such exemption is from combatant service only.

To this Military Service Act, 1917, a schedule of exceptions is attached, among which is: 7. Those persons exempted from Military Service by Order-in-Council of December 6th, 1898. Mennonites might possibly come under Exception 7 but I could not find any copy of these Orders-in-Council or any reference to them except in this Act in the library at Osgoode Hall, not being published in the Canada Gazette around the dates mentioned.

MEMORANDUM OF EXTRACTS FROM DOMINION GOVERNMENT RECORDS

which appear to relate to Section 7 of the Military Service Act 1917.

1868—That a sub-section of Section 17 of the Act, 31 Victoria, Chapter 40, is as follows: Any person bearing a Certificate from the Society of Quakers, Mennonites or Tunkers, or any inhabitant of Canada of any religious denomination, otherwise subject to military duty, but who, from the doctrines of his religion, is averse to bearing arms and refuses personal military service shall be exempt from such service when balloted in time of peace, or war, upon such conditions

and under such regulations as the Governor-in-Council may from time to time prescribe. That under this Section all the persons above mentioned, and the Mennonites are expressly included, are absolutely free and exempted by the law of Canada from military duty or service, either in time of peace or war. That the intention of the Act in conferring upon the Governor-General-in-Council the power of making conditions and regulations was to enable the Government to provide, if necessary, for the registration of the exempted persons in such a manner as to prevent persons belonging to any other denomination than those specified in the section of the Act above quoted from avoiding military duty under false pretences. That the constitution does not confer upon the Governor-General-in-Council any power to over-ride or set aside, under any circumstances, the plain meaning of Statute law, and he recommends that this explanation be conveyed to the Mennonites in Russia.

The Committee concur in the foregoing report, and advise that a copy of this minute be transmitted by Your Excellency to the Earl of Kimberly.

(Signed) John J. McGee, Clerk, Privy Council.

To the Honourable The Minister of the Interior.

Department of Agriculture,
Immigration Branch,
Ottawa, July 23, 1873.

Gentlemen:

I have the honor under the instructions of the Hon. The Minister of Agriculture, to state to you in reply to your letter of this day's date the following facts relating to advantages offered to settlers and to the immunities to Mennonites, which are established by the Statute Law of Canada and by orders of His Excellency the Governor-General-in-Council, for the information of German Mennonites having intention to emigrate to Canada via Hamburg.

An entire exemption from military service is by law and Order-in-Council granted to the denomination of Christians called Mennonites.



MEMORANDUM OF LAWS AFFECTING THE MEMBERS OF THE MENNONITE RELIGIOUS SOCIETY AND MILITARY SERVICE IN CANADA.

As requested, a search was made of the various Statutes formerly in force in Canada and in Upper Canada prior to Confederation (1867), which affect or refer to that body and military service and obligation.

Apparently there is no Statute of the Imperial (British) Parliament in connection with such matters, so far as the books at Osgoode Hall and Legislative Libraries at Toronto show. In one volume, which was published by the Government at the time, and which purports to contain all statutes and laws of the British Parliament, of Quebec and the subsequent Province of Upper Canada (and including all Ordinances having the force of law), from 1716 to 1820, appears the first statute in which mention is made of the Mennonites and Tunkers, such Statute being one of George III, passed in 1808.

The following extracts from the various Acts from time to time in force will show the history of such legislation and the existing law now in effect.

1808—48 Geo. III, Chapter 1, being "An Act to explain, amend and reduce to one Act the several Laws now in being for the raising and training the Militia of this Province."

Section 11.—That every male inhabitant from sixteen years of age to sixty shall be deemed capable of bearing arms, and shall enroll his name as a militia man on the first day of training, Etc.

Section 27.—Be it further enacted by the authorities aforesaid, that the persons called Quakers, Mennonists and Tunkers, who from certain scruples of conscience decline bearing arms, shall not be compelled to serve in the said militia, but every person professing that he is one of the people called Quakers, Mennonists or Tunkers, and producing a certificate of his being a Quaker, Mennonist or Tunker, signed by the clerk of the meeting of such society or by any three or more of the people called Quakers, Mennonists or Tunkers, shall be excused and exempted from serving in the said militia; provided, nevertheless, that every such person or persons that shall or may be of the people called Quakers, Mennonists or Tunkers, from the age of sixteen to sixty shall on or before the first day of December in each and every year give his name and place of residence to the Treasurer of the District where he or they shall reside, and pay to such Treasurer to and for public uses of such District in time of peace the sum of twenty shillings, and in time of actual invasion or insurrection, or when any part of the Militia of that District shall be called out on active service the sum of five pounds, and in default of such payment it shall and may be lawful on information or complaint on oath made by the said Treasurer before any Justice of the Peace of such District for the said Justice to issue his warrant under his hand and seal to levy the same by distress and sale of the offender's goods and chattels, returning so much of the said distress as shall exceed the sum of twenty shillings per annum in time of peace and five pounds per annum in time of actual invasion or insurrection or when any part of the Militia of that District shall be called out on active service, deducting therefrom the charges and all other incidental expenses of such distress and sale, as well as the expenses of summoning such offender before such Justice to answer the said information and complaint, and the said sum so levied by the said Justice, as aforesaid, shall be by him within the space of two calendar months paid into the hands of the Colonel, or in his absence the next senior officer of the regiment, battalion or independent company of the division where the offense has been committed, to be applied for the like purposes as the fines, forfeitures and penalties imposed by this Act, and for want of such distress the Justice before whom such person shall have been convicted shall commit him to the common goal of the district until he shall pay and satisfy such sum together with the reasonable charges incident to such conviction; provided, nevertheless, that no person or persons so convicted shall in any case be detained in custody longer than the space of one calendar month; provided also that it is hereby enacted that each and every of the persons usually called Quakers, Mennonists and Tunkers that have at-

tained the age of fifty years, shall not be liable to the payment of such sum of twenty shillings for being exempted from serving in the said militia in time of peace, but in time of war or other emergency they shall be liable to serve, or to the payment of five pounds for being exempted for every year, until they shall have attained the age of sixty years.

1809—49 Geo. III, Chapter 6.—Being an Act for the relief of Mennonists and Tunkers in certain cases.

Whereas the religious societies of the Mennonists and Tunkers from certain scruples of conscience against taking an oath are subject to many inconveniences to themselves and families, as well as to others who may require their evidence; for remedy whereof, be it therefore enacted, Etc. that from the passing of this Act any Mennonist or Tunker in any case in which an oath is required by law or upon lawful occasion, wherein the affirmation or declaration of a Quaker will by law be admitted, shall be, and is hereby permitted to make his or her affirmation or declaration in the same manner and form as a Quaker may be by the laws now in force required to do.

Section 3.—And be it further enacted by the authority aforesaid That no Mennonist or Tunker shall by virtue of this Act be qualified or permitted to give evidence in any criminal cases or to serve on juries in criminal cases, or to hold or enjoy any office or place in the Government of this Province, anything herein contained to the contrary notwithstanding.

1910—50 Geo. III, Chapter 11.—Whereas the sons of Mennonists and Tunkers who are minors cannot avail themselves of the twenty-seventh clause of (48 Geo. III, Chapter 1), by reason of not being able to obtain the certificate required by the above-mentioned Act, until they shall have obtained the age of twenty-one years; according to the rules and regulations of the said societies, for further remedy whereof, be it enacted (Etc.) That the sons of Mennonists and Tunkers liable to serve in the militia, under the age of twenty-one years, shall instead of the certificate required by the above-mentioned Act, produce a certificate, stating his name, that his father is a Mennonist or Tunker (as the case may be) and that such minor is brought up and educated in the principles of the Mennonists or Tunkers (as the case may be), which certificate shall be signed by the Clerk of the Meeting of such society, or by three or more of the people called Mennonists or Tunkers, such minor shall then be entitled to the benefits and indulgences in said clause mentioned, subject nevertheless to all other restrictions and provisions of the said clause.

1837.—1 Vic., 8, Sec. 50.—Being "An Act to amend and reduce into one Act the Militia Laws of this Province (virtually the same as the following):"

1839.—2 Vic., Chap. 9, Sec. 52.—And be it further enacted that the persons called Quakers, Mennonists and Tunkers, who from certain scruples of conscience decline to bear arms, shall not be compelled to serve in the said Militia, but every person professing that he is one of the people called Quakers, Mennonists or Tunkers and producing a certificate of his being a Quaker, Mennonist or Tunker, or being the son of a Quaker, Mennonist or Tunker, brought up and educated in the principles of the Quakers, Mennonists or Tunkers, and under the age of twenty-one years, signed by the Clerk of the Meeting of such Society or by three or more of the people called Quakers, Mennonists or Tunkers, shall be excused and exempted from serving in the Militia; Provided nevertheless, that every person who may be so excused as aforesaid shall on or before the first day of June in every year give in his name and place of residence to the Colonel or Officer Commanding the Regiment within the limits of which he may reside, and pay at the same time to the Colonel or Officer commanding, the sum of twenty shillings currency, and in time of actual invasion, insurrection or rebellion, when any portion of the Militia are called upon for actual service, the sum of ten pounds, and in default of such return and payment as aforesaid such Colonel or Officer commanding shall be required to complain of such neglect or refusal and to summon and try the party so offending and to decide and determine upon every such case by a Regimental Court in the same manner and form as is provided for the trial of other offenders against this Act.

1841.—4-5 Vic., Chap. 2.—That the persons called Quakers, Mennonists or Tunkers shall not be compelled to serve in the Militia within that portion of this Province which formerly constituted the Province of Upper Canada but every person who shall profess to be one of the people called Quakers, Mennonists or Tunkers and shall, if required, produce a certificate thereof signed by the Clerk, Pastor, Minister or Leader of the Meeting of the Society to which he shall belong, shall be excused and exempted from serving in said Militia. (Here follows provision for giving names, etc. to assessor and for the payment of ten shillings in times of peace and five pounds in times of invasion, etc., and providing for assessment as Quakers, Mennonists or Tunkers. The money was apparently to be spent on roads.)

1846.—9 Vic., Chap. 28, Sec. 31.—(This Section was repealed by the following Act.)

1849.—12 Vic., Chap. 88.—Whereas it is expedient to repeal so much of the Act regulating the Militia of this Province as obliges Quakers, Mennonists and Tunkers to enroll themselves in any Company Division in Upper Canada and to revive the Act herein mentioned relating to the payment to be made by such persons in lieu of serving in the Militia; Be it therefore enacted that the 31st Section of 9 Victoria, Chapter 28, and as much of the said Act as repeals the Act of 4 and 5 Victoria, Chapter 2, and so much of the said first-mentioned Act as may be inconsistent with or repugnant to this Act or to the Act secondly mentioned, shall be and are hereby repealed in so far as regards that portion of this Province which formerly constituted the Province of Upper Canada, and that the Act secondly mentioned shall be and is hereby revived and shall be reckoned in force and shall apply to the Militia Law now in force and to the Militia thereby organized and the things to be done under the same as fully and effectually as if the provisions thereof were herein repeated and re-enacted.

1855.—18 Vic., Chap. 77, Sec. 7.—All persons bearing certificates from the Society of Quakers, Mennonists and Tunkers, or any inhabitant of this Province, of any religious denomination, otherwise subject to military duty in time of peace but who from the doctrines of his religion shall be adverse to bearing arms, and shall refuse personal military service, shall be exempted therefrom. (Here follows a provision requiring an affidavit to be filed a month before exemption claimed.)

1859.—Being the consolidated Statutes of Upper Canada, Chapter 35, Section 73, repeats the law of 1855.

The Confederation of the Dominion of Canada having been formed in 1867 the Militia Act was revised as follows:

1868.—31 Vic., Chap. 40, Sec. 17.—Any person bearing a certificate from the Society of Quakers, Mennonists or Tunkers or any inhabitant of Canada of any religious denomination, otherwise subject to military duty, but who, from the doctrines of his religion, is adverse to bearing arms and refuses personal military service, shall be exempt from such service when balloted in time of peace, or war, upon such conditions and under such regulations as the Governor-in-Council may from time to time prescribe. (Exemption to be claimed with affidavit as prescribed in the Act.) This clause was repeated practically verbatim in 46 Vic. and Rev. Statutes of Canada, 1886, Chap. 1, Sec. 26.

STATUTES NOW IN FORCE.

The Militia Act.—Revised Statutes of Canada, 1906, Cap. 41, Sec. 10. All male inhabitants of Canada, of the age of eighteen and upwards and under sixty, not exempt or disqualified by law, and being British subjects, shall be liable to serve in the Militia; Provided that the Governor-General may require all the male inhabitants of Canada, capable of bearing arms, to service in the case of a levee en masse.

Sec. 11.—The following persons only shall be exempt from liability to service in the Militia:—(Amongst others) Persons who, from the doctrines of their religion, are adverse to bearing arms or rendering personal military service, under such conditions as are prescribed.

Sec. 12, ss. 2.—No person shall be entitled to exemption unless he has, at least one month before he claims such exemption, filed with the Commanding Officer within the limits whereof he resides, his affidavit, made before some Justice of the Peace of the facts on which he rests his claim.

Sec. 69.—The Governor-in-Council may place the Militia, or any part thereof, on active service anywhere in Canada, and also beyond Canada, for the defence thereof, at any time when it appears advisable so to do by reason of emergency.

THE MILITARY SERVICE ACT, 1917.

Among the grounds of exemption allowed is: Sec. 11, ss. (f)—That he conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect on the 6th day of July, 1917, of any organized religious denomination existing and well organized in Canada at such date, and to which he in good faith belongs; and if any of the grounds of such application be established, a certificate of exemption shall be granted to such man.

(2) (a) A certificate may be conditional as to the time or otherwise, and, if granted solely on conscientious grounds, shall state that such exemption is from combatant service only.

To this Military Service Act, 1917, a schedule of exceptions is attached, among which is: 7. Those persons exempted from Military Service by Order-in-Council of December 6th, 1898. Mennonites might possibly come under Exception 7 but I could not find any copy of these Orders-in-Council or any reference to them except in this Act in the library at Osgoode Hall, not being published in the Canada Gazette around the dates mentioned.

MEMORANDUM OF EXTRACTS FROM DOMINION GOVERNMENT RECORDS

which appear to relate to Section 7 of the Military Service Act 1917.

1868.—That a sub-section of Section 17 of the Act, 31 Victoria, Chapter 40, is as follows: Any person bearing a Certificate from the Society of Quakers, Mennonists or Tunkers, or any inhabitant of Canada of any religious denomination, otherwise subject to military duty, but who, from the doctrines of his religion, is adverse to bearing arms and refuses personal military service shall be exempt from such service when balloted in time of peace, or war, upon such conditions and under such regulations as the Governor-in-Council may from time to time prescribe. That under this Section all the persons above mentioned, and the Mennonites are expressly included, are absolutely free and exempted by the law of Canada from military duty or service, either in time of peace or war. That the intention of the Act in conferring upon the Governor-General-in-Council the power of making conditions and regulations was to enable the Government to provide, if necessary, for the registration of the exempted persons in such a manner as to prevent persons belonging to any other denomination than those specified in the section of the Act above quoted from avoiding military duty under false pretences. That the constitution does not confer upon the Governor-General-in-Council any power to override or set aside, under any circumstances, the plain meaning of Statute law, and he recommends that this explanation be conveyed to the Mennonites in Russia.

The Committee concur in the foregoing report, and advise that a copy of this minute be transmitted by Your Excellency to the Earl of Kimberley.

(Signed) John J. McGee, Clerk, Privy Council.

To the Honourable The Minister of the Interior.

Department of Agriculture,
Immigration Branch,
Ottawa, July 23, 1873.

Gentlemen:

I have the honor under the instructions of the Hon. The Minister of Agriculture, to state to you in reply to your letter of this day's date the following facts relating to advantages offered to settlers and to the immunities to Mennonites, which are established by the Statute Law of Canada and by orders of His Excellency the Governor-General-in-Council, for the information of German Mennonites having intention to emigrate to Canada via Hamburg.

An entire exemption from military service is by law and Order-in-Council granted to the denomination of Christians called Mennonites.