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HUTTERITES AND DOUKHOBORS

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THE LIMITS OF LIBERTY IN CANADA: THE EXPERIENCE OF
THE MENNONITES, HUTTERITES, AND DOUKHOBORS

by

C

William Janzen

A dissertation submitted to the Faculty of
Graduate Studies and Research in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
Department of Political Science

Carleton University

Ottawa, Ontario

August 21, 1981

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THE LIMITS OF LIBERTY IN CANADA:
THE EXPERIENCE OF THE MENNONITES, HUTTERITES AND DOUKHOBORS

submitted by William Janzen, B.A., M.A.
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ABSTRACT

The experience of the Mennonites, Hutterites and Doukhobors in Canada raises the issue of liberty not so much in individual terms as in communal terms. This resulted from the desire of a substantial portion of their people to live more communally, separate from the larger society. They sought to express this desire in practises relating to land-holding, schooling, military service, and social welfare. For this they needed special liberties from the federal and provincial governments. They received a significant measure of liberty but it was not as broad as some hoped. There were serious difficulties in relation to some schooling and land-holding practises. In one instance, these difficulties resulted in the migration of about 6000 Mennonites from Canada to Latin America. In addition to the limitations, many of the liberties which were granted were vulnerable and not firmly established.

This study of their governmental encounters in these four subject areas, concludes: (i) that they were given certain liberties at the time when they immigrated, largely because of the governmental desire to attract agricultural settlers; (ii) that soon thereafter the liberal values of individualism, social integration, egalitarianism, and majoritarianism became more dominant and that these militated against the separate communal life desired by these groups; but (iii) that there were other factors, including the flexibility of the Canadian political system which made a measure of mutual accommodation possible.

PREFACE

I have looked forward for some time to this opportunity to acknowledge the work of other people without which this study would not have been completed.

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William Janzen
August 21, 1981
Ottawa, Ontario

Table of Contents

	page
Abstract	(iii)
Preface	(iv)
Table of Contents	(v)
CHAPTER I: INTRODUCTION	1
A. The Purpose and Approach of the Study	1
B. The Background of the Mennonites, Hutterites and Doukhobors	5
1. General Background	5
2. Mennonite Background and Movements to Canada	9
3. Hutterite Background and Movement to Canada	15
4. Doukhobor Background and Movement to Canada	21
C. The Terms of Their Immigration to Canada	27
Footnotes to Chapter I	37
INTRODUCTION TO SECTION ONE: THE LAND-HOLDING CONCERNS	43
Footnotes to Introduction	47
CHAPTER II: THE MENNONITE RESERVES	48
A. The Mennonite and the Governmental Land-Holding Systems	48
B. The Reserves in Manitoba	52
1. Reserving Areas of Land	52
2. Village Settlement and Other Internal Matters	65
C. The Reserve at Hague, North West Territories	69
D. The Reserve at Swift Current	77
E. Conclusion	83
Footnotes to Chapter II	88
CHAPTER III: THE DOUKHOBOR COMMUNITY	100
A. Doukhobor Communalism and Governmental Accommodation	100
B. The "Entry" Problem and Other Difficulties	105
C. Towards A Withdrawal of the Accommodations	115
D. Rationalizing and Implementing A Policy of Restriction	124
E. Conclusion	134
Footnotes to Chapter III	142
CHAPTER IV: THE HUTTERITE COLONIES	150
A. Hutterite Communalism and Governmental Restrictions	150
B. A "Gentleman's Agreement" in Manitoba	152
C. Statutory Restrictions in Alberta	162
D. Varied Restrictions in Saskatchewan	175
E. Conclusion	184
Footnotes to Chapter IV	191

	page
INTRODUCTION TO SECTION TWO: THE SCHOOL CONCERNS	197
CHAPTER V: MENNONITE SCHOOL CONTROVERSIES IN MANITOBA AND SASKATCHEWAN, 1874-1925	202
A. Governmental Accommodation for Mennonite Schools	202
B. In Manitoba	205
1. The Governmental Structure and Some Mennonite Involvement	205
2. Bilingual Public Schools Alongside Private Schools	209
3. A Collision Between the Mennonites and the Government	211
C. In Saskatchewan	223
1. The General Education Structures and the Mennonites	223
2. The Conservative Mennonites and a Commission of Inquiry	228
3. The Promotion of Public Schools	233
4. A Collision And Unsuccessful Efforts at Com- promise	239
D. Conclusion	249
Footnotes to Chapter V	258
CHAPTER VI: THE DOUKHOBOR SCHOOL CONTROVERSIES IN SASKATCHEWAN AND BRITISH COLUMBIA	268
A. The General Doukhobor Approach To Education	268
B. In Saskatchewan	270
C. In British Columbia	279
1. The Governmental Education Structure and the Doukhobors	279
2. Conflict and a Commission of Inquiry	281
3. Conflicts, Solutions, and Conflicts Again	287
4. The Sons of Freedom and Mass Imprisonment	295
D. Conclusion	308
Footnotes to Chapter VI	314
CHAPTER VII: HUTTERITE SCHOOLS IN THE THREE PRAIRIE PROVINCES	321
A. The Hutterite Approach To Education	321
B. In Alberta	325
C. In Manitoba	338
D. In Saskatchewan	347
E. Conclusion	348
Footnotes to Chapter VII	354
INTRODUCTION TO SECTION THREE: THE MILITARY EXEMPTION CONCERNS	360
Footnotes to Introduction	369
CHAPTER VIII: EXEMPTION FROM MILITARY SERVICE IN WORLD WAR I	370
A. Developments Early In The War	370
B. National Service Registration	374

	page
C. The Military Service Act of 1917	382
1. "Exceptions" from the Act and the Prairie Situation	384
(a) Questions About The Arrangement	384
(b) Continuing Difficulties in Saskatchewan	392
(c) Post-War Restrictions	403
2. "Exemptions" Under the Act and the Ontario Situation	406
(a) Uncertainty About Their General Status	406
(b) Different Rulings from the Tribunals	413
(c) Further Restrictions and An Unusual Arrangement for Relief	418
(d) Continuing Questions About Their Legal Status	425
D. Conclusion	430
Footnotes to Chapter VIII	439
CHAPTER IX: EXEMPTION FROM MILITARY SERVICE IN WORLD WAR II	453
A. Early Developments and Assurances of Exemption	453
B. Conscription Legislation and National Registration	460
1. The National Resources Mobilization Act	460
2. National Registration and Special Arrangements	462
C. Exemption Regulations and Alternative Service Negotiations	469
1. The National War Services Regulations	469
2. Different Mennonite Views on Alternative Service	472
3. Alternative Service Negotiations With the Government	479
D. Military Exemption and Alternative Service	485
1. Stage One: December 1940 to Spring 1942	485
(a) Alternative Service Arrangements	485
(b) Opposition from the Doukhobors	488
(c) Problems for Mennonites	493
(d) Exemption Problems in Manitoba and Saskatchewan	496
2. Stage Two: Spring 1942 to Spring 1943	509
(a) Changes in Alternative Service and Problems	509
(b) Continuing Problems With Military Exemption	514
3. Stage Three: Spring 1943 to the End of the War	522
(a) Alternative Service Changes and Mennonite Involvement	522
(b) Continuing Problems With Military Exemption	527
(c) Alternative Service and the Doukhobors	531
(d) Unusual Arrangements for the Doukhobors	539
(e) The Hutterite Involvement	545

	page
E. Conclusion	547
Footnotes to Chapter IX	560
INTRODUCTION TO SECTION FOUR: THE WELFARE STATE CONCERNS	586
Footnote to Introduction	589
CHAPTER X: THE CANADA PENSION PLAN CONTROVERSY	590
A. The Canada Pension Plan and Mennonite Resistance	590
B. Seizures of Assets and Further Representations	597
C. The Hutterites Join The Mennonites In Seeking Exemption	605
D. The Cabinet Considers The Matter	609
E. Debating The Promised Amendment In Parliament	616
F. Conclusion	623
Footnotes to Chapter X	630
CHAPTER XI: THE HUTTERITE INCOME TAX CONTROVERSY	636
A. The Problem And Its Background	636
B. The Government Announces A New Policy	638
C. A Compromise Agreement With Some Hutterites	641
D. Other Hutterites Challenge the Agreement in the Courts	646
E. Court Rulings in Favour of the Government	654
F. Conclusion	657
Footnotes to Chapter XI	661
CHAPTER XII: CONCLUSION	665
A. Early Factors Favouring These Groups	666
B. Unsympathetic Values In The Larger Society	668
1. The Emergence of Unsympathetic Values	668
2. The Effect of the New Values on these Groups	670
3. The Principle of Freedom For Religion	677
C. Factors Making Some Mutual Accommodation Possible	683
Footnotes to Chapter XII	690
APPENDICES	
Appendix 1: A Survey of the Existing Literature	691
Appendix 2: Order-in-Council for Mennonites September 25, 1872	695
Appendix 3: Letter for Mennonites, July 25, 1873 and Excerpt from Order-in-Council August 13, 1873	697
Appendix 4: Order-in-Council for Doukhobors, December 6, 1898	700
Appendix 5: Order-in-Council for Hutterites, August 12, 1899	701
Appendix 6: A Petition from Hutterites, September 5, 1899	703
Appendix 7: A Reply to Hutterite Petition, October 27, 1899	705

	page
Appendix 8: A Letter of Assurance to Hutterites February 7, 1918	706
Appendix 9: Address by Lord Dufferin, Governor General of Canada, to Mennonite Settlers in Manitoba, August 21, 1877	707
Appendix 10: Notice to Doukhobors Regarding the Government's Repossession of the Land, February 1907	709
Appendix 11: "Gentleman's Agreement" Regarding Hutterite Land-holding in Manitoba, April 12, 1957	711
Appendix 12: Saskatchewan Agreement with Hutterites Regarding Land-holding, August 22, 1958	714
Appendix 13: Saskatchewan Regulations Regarding Hutterite Land-holding, 1972	715
Appendix 14: A Mennonite Statement About School Concerns, February 1919	717
Appendix 15: A Mennonite Statement Regarding War, 1915	723
Appendix 16: Military Exemption Regulations August 27, 1940	724
Appendix 17: Mennonite Submission Regarding Alter- native Service, November 13, 1940	726
Appendix 18: Alternative Service Regulations, December 24, 1940	728
Appendix 19: Mennonite Statement Regarding Government Sponsored Social Security Programs, October 16, 1967	730
Appendix 20: Excerpt from Hutterite Income Tax Agree- ment, 1968	733

BIBLIOGRAPHY

A. Books and Articles	735
B. Dissertations, Theses, Essays and Other Unpublished Work	739
C. Government Documents	740
D. Court Cases	742
E. Public Archives, Office Files and Private Papers	742

THE LIMITS OF LIBERTY IN CANADA:
THE EXPERIENCE OF
THE MENNONITES, HUTTERITES, AND DOUKHOBORS

CHAPTER I: INTRODUCTION

A. The Purpose and Approach of the Study

The history of the Mennonites, Hutterites and Doukhobors in Canada raises the question of the limits of liberty in a particular way. Instead of the liberty of individuals it presents the issue in terms of groups and communities. It does so because in each of these groups there is a communal orientation. This orientation is rooted in their religions and they have sought to express it in a particular way of life. However governmental sanction for their desired way of life, though significant, has had limitations.

In describing the way of life which they sought, it must be noted that there have been considerable differences not only among the groups but also within them. Their people have interpreted the teachings of their religions in different ways. Nevertheless, a substantial number of people in each group have tried to live in a communal way, unto themselves, and separate from the larger society. They wanted to hold their land in common, to educate their children in schools oriented towards their community life and their religious ideals, to live peacefully and not to serve in military forces, and to care for the material needs of their own people and therefore to remain outside certain kinds of public welfare programs.

Their concerns in these four areas constitute somewhat of a framework for a separate, communally oriented way of life. However, for them to pursue that way of life it was necessary that the provincial and federal governments of Canada modify various laws and regulations. In many instances the governments showed themselves willing to make the modifications and to grant the necessary liberties. But these liberties were limited. In some situations these limitations had severe consequences. On one occasion several thousand people emigrated from Canada. In other situations there were mutually satisfactory compromises.

The purpose of this study is to describe the limits of the liberties which the federal and provincial governments of Canada extended to these groups. It devotes one major section to each of the four areas: communal land-holding; private education; exemption from military service; and autonomy in certain social welfare concerns. Each of these sections consists of several chapters dealing with encounters that these groups had with governments. They describe the settings in which the differences between these groups and the governments emerged; they refer to the ideological dimensions of these differences; they set forth the institutional arrangements with which the liberties extended to these groups were formalized; and they deal also with the 'political process' through which the liberties were negotiated, particularly the petitions from these groups and the responses from the governments.

This approach involves a considerable amount of historical writing. However it is not the intent here to set forth a history of the way these groups related to governments. Such an approach, aside from being more voluminous, would involve issues and developments that do not relate to the question of the limits of liberty. Many Mennonites and Doukhobors, for example, have become integrated into the larger society to a significant extent. Their relations with governments add little to the question of the limits of liberty. The concern in this study is with those encounters, often brought on by the more conservative elements in these groups, which challenged existing liberties and sometimes served to enlarge them.

This study is different also from one dealing with the broader historical influences which made governments in one period more accommodating than those in another period. For example, in the last third of the nineteenth century, when several of these groups wanted to settle on the Canadian prairies, governments were willing to grant very considerable liberties to them. However, by the time of World War I and in the years following, that willingness had changed profoundly. An analysis of the broad historical influences which contributed to such changes over the course of time would be valuable, and this study will make some references to those influences but the emphasis here is more on the immediate problems and on the processes and arrangements used in dealing with them.

It should be noted too that this is not primarily a study of the concept of freedom for religion. There will be

many references to that concept and clearly these groups sought the liberties in order to live according to their religions. In this sense it is a study of whether governments in Canada gave them liberties broad enough to follow their religions. But often the governments, even when they granted the liberties, did so on grounds other than the concept of freedom for religion. It would be valuable to analyze the concept of freedom for religion as historically interpreted in Canada and to examine the extent to which governmental actions in relation to these groups were in keeping with that concept. But that is not the purpose of this study.

The approach used in this study is relatively simple, but it has some unique dimensions. By dealing with these groups it draws on material that has received relatively little attention in the study of Canadian politics. And dealing with all three on an issue-by-issue basis, helps to avoid an excessive preoccupation with the peculiarities of any one group. This in turn increases the likelihood of discerning a pattern in governmental action on the question of communal liberty. This study is significant also because in some respects these groups have an apolitical character. They have never had provincial or other official political status. Indeed the teachings of their religions would not lead them to seek such status. What has been sought, although not in a uniform way by all of their members, is the liberty to follow a particular way of life. The extent to which governments in Canada have allowed them to do so is the subject of this study.

The 1971 Canadian census reported that there were 168,150 Mennonites, 13,650 Hutterites, and 9,165 Doukhobors in Canada. (1) (Related literature is surveyed in Appendix 1.)

B. The Background of the Mennonites, Hutterites and Doukhobors

1. General Background

The encounters of the Mennonites, Hutterites and Doukhobors with the federal and provincial governments of Canada reflect important dimensions of their long historic background. They all began as separatist movements. They wanted to separate from the institutional and ideological framework of the societies in which they lived. For the Mennonites and Hutterites this was Germanic Europe in the sixteenth century and for the Doukhobors it was Russia about one century later. In each setting the institutions of religion and those of politics were closely integrated. The prevailing ideological view was that uniformity in religious belief and practice was necessary for maintaining the social order. Accordingly, political power was used to enforce religious uniformity.

The people who formed these groups took a different view. They believed that there should be a separation between the institutions of religion and those of politics. They held that true religion was a voluntary matter and could not be forced upon a person. They wanted no part in the use of force and violence. They adopted a simpler religious life and rejected

many of the elaborate forms which had developed. They wanted, generally, to separate themselves from the existing social and political order and to establish communities of their own.

When they first appeared, their views were thought to be fundamentally unacceptable and dangerous. As a result they were persecuted severely. Edicts were issued against them and they were forced to flee from one region to another. Many congregated in outlying areas where they were sometimes given refuge on the condition that they would make the land agriculturally productive. Such refuge, however, was not secure. Over time conditions changed and often this meant that the people had to migrate further. Their eventual migration to Canada was, in part, a result of such changes.

The beginning of this general pattern, for the Mennonites and Hutterites, occurred with an event in the city of Zurich, Switzerland in the mid 1520's. The religious and political leaders there had been deeply involved with religious reforms. The leading priest, Ulrich Zwingli, had broken away from the Roman Catholic hierarchy but the City Council, in a significant move, had invited him to serve as the city's priest under its own auspices. Zwingli accepted this arrangement and showed himself respectful of the Council's authority as he worked on further reforms.

Some of Zwingli's followers were uneasy about his dependence on the city's political rulers. In one controversy about possible changes in the liturgy of the Eucharist, a follower, Simon Stumpf, said:

Master Ulrich, you have no right to refer this question to the Council; the matter is already settled, the Spirit of God had decided. (2)

This statement did not come from a fully thought-out political philosophy but it contained a serious challenge to the jurisdiction of the political authorities. Before long these more radical reformers had parted from Zwingli and formed their own small community. They baptized only adults and only those who voluntarily sought to join, even though the civic law required the baptism of all infants. They studied the Bible in their own group and rejected the idea that only a duly authorized priest could determine its meaning. They chose their leaders from among their own people. They also refused to swear the oaths of allegiance and they renounced the use of force.

The political rulers of the time showed little toleration for this more radical reform movement. (3) There was severe persecution. In spite of this, the movement grew rapidly and in 1527 a number of them gathered at Schleitheim in Switzerland and consolidated their views. Their position statement entitled, "A Brotherly Union of A Number of Children of God Concerning Seven Articles" contained the following words:

...the command of the Lord is clear... He calls upon us to be separate from the evil and thus He will be our God and we shall be His sons and daughters... He further admonishes us to withdraw from Babylon and the earthly Egypt... everything which is not united with our God and Christ cannot be other than an abomination which we should shun and flee from.

By this is meant all popish and antipopish works and church services; meetings and church attendance, drinking houses, civic affairs, ...and other things of that kind which are highly regarded by the world...there will also unquestionably fall from us the unchristian, devilish weapons of force - such as sword, armor and the like...(4)

The Schleithem effort to consolidate their views was important. There were a variety of reform movements at the time. A number of these were loosely referred to as Anabaptist because of their rejection of the governmental decree that all infants be baptized. On other issues, however, there was little uniformity among them. Some, like Thomas Muentzer (Muenzer), who led a peasant uprising, were intent on overthrowing the existing order. In contrast, those who gathered at Schleithem were non-violent and wanted to separate from the existing order. They accepted the basic legitimacy of government but envisioned a more limited role for it. Among other things, it should not enforce religion. Menno Simons, who later emerged as a leader and from whom the Mennonite name derives, once wrote: "Tell me, kind reader, where have you, ...read in the apostolic Scriptures, or heard, that Christ or the apostles called upon the power of the magistracy against those who would not hear their doctrine or obey their works". (5) One more recent interpreter, Hans J. Hillerbrand, has described their view of government in terms of a dualism, stating:

The Schleithem Confession...acknowledges and accepts the state as "an order of God"; but places it outside the "perfection of Christ"... The Confession establishes a dualism of two distinct realities... Both

are equally valid within their respective realms, both have their principles and standards. The work and office of government are utterly necessary in the world, but they are not necessary for the Christian. On the other hand, the law of Christ is clear and absolute, but it has validity only in His church...(6)

The formulation at Schleitheim brought a measure of unity to the views of the reform groups in various parts of Germanic Europe who would eventually be known as Mennonites and Hutterites. However, in their geographic movements, prompted initially by the persecution, they were soon going in different directions.

2. Mennonite Background and Movements to Canada

The Mennonite movements can be divided into two streams. One stream consisted of those Mennonites who originated in Switzerland, fled to southern Germanic areas, moved on to Pennsylvania and from there began to move to Canada late in the eighteenth century. Their first places of refuge, after they left Switzerland, were in the regions of Alsace, Lorraine, and the Palatinate. However, conditions there were uncertain. There were numerous wars. On one occasion, Count Karl Ludwig welcomed them to the Palatinate because he "...desired thrifty farmers to build up the deserted agricultural lands laid waste by the ravages of the Thirty Years' War." (7) On another occasion, in 1712, soon after King Louis XIV of France gained control of Alsace, he ordered the expulsion of all Mennonites. However, local rulers intervened on their behalf and the order was modified. (8)

These uncertainties, and especially the War of the Palatinate from 1688 to 1697, in which French armies ravaged the countryside, together with various economic difficulties, made the Mennonites receptive to news about the possibility of settling in William Penn's colony in America. Penn, a Quaker from England and one of that country's strongest advocates of religious liberty, was building a colony in which dissenters like Mennonites would have full religious freedom. English Quakers were in frequent contact with Mennonites on the continent so news of the settlement possibilities spread quickly. A few departed for Pennsylvania as early as 1683 and a more sizeable number, perhaps around 5000, migrated early in the eighteenth century. (9)

Conditions in Pennsylvania were more than satisfactory. They were able to settle in communities. The soil proved to be fertile. They set up schools for their children. Indeed, one of their school masters, Christopher Dock, is credited with writing the first treatise on pedagogy in America. (10). They also made what some historians have cited as the first public protestation against slavery. (11)

By the middle of the eighteenth century, however, circumstances were changing. Pennsylvania's involvement in the Seven Years' War (1756-1763) caused uneasiness. A generation later the American War of Independence broke out. This placed the Mennonites in an awkward position. They did not feel aggrieved by Britain. On the contrary, they felt indebted to Britain for their freedom. In addition, their religion taught

them to respect authority and government. This did not endear them to the zealous and rebelling Americans who in some instances impressed their horses, took their grain supplies, confiscated their property and even threatened their lives. However, the Continental Congress in 1775, assured people "who from religious principles cannot bear arms in any case" that it intended no violence against their consciences. (12)

In spite of this, the situation remained uncertain. The new American government seemed fragile. Even after the War of Independence there were Indian wars and in 1794 a so-called Whiskey Insurrection broke out. Moreover, the German culture which had flourished there earlier was becoming weaker. These factors did not create an urgency. There was no persecution. Still, the Mennonites were attracted to what remained of British North America both because of the stable government and the available land. (13) Their migration began in 1786. At first only a few dozen families moved but by the early decades of the nineteenth century the flow to Upper Canada had become quite substantial.

If the first stream of Mennonites came to Canada via Pennsylvania, the second stream came via Prussia and Russia. They originated in the Netherlands. There they were persecuted by Emperor Charles V and by Philip, his successor. Eventually they found refuge in areas near the North and Baltic seas. The rulers in these more eastern areas were not fully integrated into the political system of western Europe. They had long been

sympathetic to religious reforms. They also wanted the agricultural potential of their lands developed more fully. The Mennonites from the Netherlands, many of whom had experience with draining swamps and building dykes and whose religion forbade rebellion against rulers, were well suited for this. These rulers, according to one writer:

were ready and anxious to attract any group of colonists likely to become successful farmers and obedient subjects. Frequently it was precisely sectarians who held out the best promise of answering the demand. The toleration of religious, linguistic, racial and similar differences was all the easier as the empires of the East, unlike the national states of Western Europe, neither required nor aimed at the cultural homogeneity of their populations. (14)

The Mennonites, in moving to the eastern areas, were promised exemption from military service and considerable internal freedom, although there were limitations on their external freedom. In some instances they were allowed to live only in certain geographical areas and on occasion they were barred from certain occupations and educational institutions too. In spite of these limitations they lived in relative peace and tranquility for many generations. (15)

In the second half of the eighteenth century, however, after many of these areas had been consolidated under Prussian rule, some questions arose about the special status of the Mennonite population. Their lands now were quite sizeable and productive. They had never been required to pay tithes to the established Lutheran church. And King Frederick II (the Great) began to question their exemption from military service. Gradually, some further restrictions were introduced.

In 1774, the right of the Mennonites to obtain additional land was curtailed. By 1780, they were obligated to pay 5000 thaler annually for the support of military training schools, as a condition for being exempted from personal military service. And in 1789 they were forbidden categorically from obtaining any more lands.⁽¹⁶⁾ For these reasons the possibility of migrating to Russia which appeared at that time was very attractive to them.

The possibility of migrating to Russia rose out of a more general effort on the part of the Russian government to attract colonists. Russia had expanded its southern frontier extensively and was eager to consolidate its political control over its new territories and to develop their agricultural potential. To do this it needed people. Czarina Catharina II, who reigned from 1762-96, made the attraction of immigrants a high priority. Prospective colonists were offered, among other things, perpetual exemption from military service, temporary exemption from the payment of taxes to assist in the pioneer years, and freedom of religion including the right to build and control their own schools and churches.⁽¹⁷⁾ Moreover, "colonists of different faiths were to settle in separate districts to forestall religious wrangling."⁽¹⁸⁾

Before long Mennonite leaders had negotiated a charter of freedoms with the Russian government and late in the 1780's a migration began. The flow of people continued for several decades and in spite of some initial pioneering difficulties, life in their insulated colonies soon flourished.

A century later, however, there were changes in the circumstances which had made Russia hospitable to non-Russian groups. Among the reasons for the changes was the rise of western liberalism. Its ideals were equality before the law, individual rights, and public participation in the affairs of state. In addition there was a romantic movement, determined "to purge the Russian soul of all foreign influences". (19) Both were incompatible with the special status of the Mennonites in Russia. According to E.K. Francis:

Both movements were nationalistic, aiming at the integration of all the subjects of the Tsar in one culturally, economically, and socially unified, cohesive, and powerful social system after the image of the modern nation. (20)

These new ideas were soon expressed in law. In 1861 a land reform liberated the serfs. In 1870 the system whereby the colonies of foreigners were administered was abolished. This ended their insulation from the surrounding peoples, their internal autonomy and their privileged status. Schools would be administered by the Russian government. The Russian language would become the main language of instruction. And military service would be required of all young men. (21) The foreign colonists would be given ten years to accommodate themselves to the new order. (22) Those who did not want to do so would be allowed to emigrate.

These changes raised strong concern among the Mennonites. They soon met with government leaders. Eventually the govern-

ment, prompted by fear that all the Mennonites might emigrate, agreed to permit their young men to render a non-military form of national service.⁽²³⁾ To some Mennonites this was an adequate, if imperfect, solution. Others were pessimistic about their future in Russia. They were receptive to the possibility of yet another migration.

The destination now was North America. The United States had already developed a reputation as a land of refuge and opportunity. But Canada too wanted immigrants. The settlement of the prairies was one of the most urgent concerns of the new Dominion. Because of the interest of both the Mennonites and the Canadian government the negotiations proceeded quickly. A delegation of twelve men from the colonies in Russia was sent to explore the situation in North America. A majority preferred the United States but four favoured Canada because the Canadian government was prepared to give stronger assurances of religious freedom.⁽²⁴⁾ This included the right to settle on blocks of land apart from other settlers; to be exempted from military service, and to operate their own schools. When the delegates reported back, the people in the colonies responded in a similar proportion. About 7,000 migrated to Canada and about 11,000 migrated to the United States in the 1870's. A majority, however, stayed in Russia. Of these, another 21,000 were to come to Canada in the 1920's.

3. Hutterite Background and Movement to Canada

The Hutterites share their beginnings with the Mennonites but when the persecutions set in they fled in a different direc-

tion. They went eastward and found refuge in Moravia. There the Hussite and other religious conflicts of the preceding century had brought a measure of tolerance. (25) Nevertheless it remained dependent on particular noblemen and sometimes the Hutterites had to flee from the territory of one nobleman to that of another. (26) In one such migration they started the practise of holding their property in common. Their own account is as follows:

Then they got themselves up, and went out and pitched camp...in a desolate village (Bogenitz) and abode there one day and one night, taking counsel together in the Lord concerning their present necessity, and appointed (geordnet) ministers for their temporal necessities (diener in der Zeitlichen Notdurst)... At that time these men spread out a cloak before the people, and every man laid his substance upon it, with a willing heart and without constraint, for the sustenance of those in necessity, according to the teaching of the prophets and apostles. Isaiah 23:18; Acts 2, 4 and 5. (27)

This practise of common property ownership remains the distinguishing characteristic of the Hutterites. They seek to follow, in a very direct way, the example of the early Christian church in which, "...all who believed were together and had all things in common;" (28) This doctrine was strongly emphasized by Jacob Hutter by whose name they came to be known. Hutter emerged as a leader at Austerlitz in the 1530's where the people had been torn by severe internal disputes. He argued that unity would come only with more detachment from worldly considerations. (29) He emphasized a "theology of Gelassenheit" indicating a "peaceful submission to God and to the believing group together with the forsaking of private

property...looking to the future for the ultimate vindication of their faith".⁽³⁰⁾ Hutter died a martyr's death late in the 1530's.

Although the Hutterites' first three decades in Moravia were marked by intermittent persecution, the second half of the sixteenth century became somewhat of a "golden age". During this time the Moravian nobles were strong, jealous of their local autonomy, and able to ignore the mandates from the government in Vienna to expel or persecute the Hutterites.⁽³¹⁾ As a result, they grew to over one hundred 'Bruderhofs', as their colonies were known, and their total membership rose to over 50,000.⁽³²⁾ Their work during this time was unusually creative and productive. Their activities included:

agriculture, bookbinding, ...carpentry, carriage- and wagon-making, cutlery, lantern-making, leather-working, harness and saddle-making, masonry, milling, nursing, pharmacy, ropemaking, shoemaking, tanning, pottery-making and glazing, tailoring, watchmaking, ...⁽³³⁾

Their ingenuity in educating their children placed them centuries ahead of their times.⁽³⁴⁾ And in medical care, the services of their "home-made" physicians were in high demand by leaders of the larger society.⁽³⁵⁾

These advanced skills helped the Hutterites to obtain religious freedom. Often rulers would give them permission to settle on their estates and to practise their religion freely in exchange for their services. In one 1558 statement a ruler made a lengthy outline of what he expected from them, and then described their exemptions in the following way:

They shall be excused from all things that are against their faith and conscience and shall not be harassed; whether in the matter of tips (gifts) to the shepherds, money for military service, war taxes or money for any warlike purpose, by whatever name, that is against their religion, whether for barracks or imperial taxes. I or my heirs or the owners of this estate will be responsible for and pay such things so that no one will have the right to demand such payments from them. (36)

This "golden age" of approximately 50 years was followed by a much harsher period lasting about 175 years. It was a time of wars and religious intolerance. In 1593 a war broke out between Turkey and the Hapsburg empire. It lasted until 1606. In 1618, the Thirty Years' War broke out, lasting until 1648. Then in 1658 another war with Turkey broke out. Later, Russia also became involved in the fighting. And the Hutterites suffered enormously: their communities seemed always to be caught in the middle; their large barns and community houses were well suited for the quartering of troops; their reserves of grain and food were useful to the armies; and they refused to defend themselves.

Those who survived the wars faced a new wave of religious intolerance. It came in the form of the Catholic Counter-Reformation which was a "concerted effort of the Roman Catholic church to regain lands and adherents lost to Protestantism". (37)

It was "not a bloody persecution", but "children were permanently removed from their parents, and, indeed the older people themselves were placed in monastic institutions. All worship outside the prescribed state churches was forbidden." (38) This had a devastating effect on the Hutterites. Nevertheless, some of them survived and in the 1770's they migrated to Russia.

They had sought the advice of Alexandrovich Rumiantsev, a Russian army commander involved in a military campaign nearby and he not only told them of Russia's general desire to attract immigrants, but invited them to settle on his estate. In a written pledge he "offered them complete religious liberty and freedom to live in community, exemption from military service and from swearing of oaths..." (39) This led to a hundred year sojourn in Russia.

Their century in Russia was marked by both rejuvenation and fragmentation. Perhaps their energies were too dissipated before they came. By 1819 the practise of living together on the 'Bruderhof' was abandoned. They then sought the assistance of Johann Cornies, a Mennonite leader. He helped them to become established in villages like the Mennonites. However, in 1859 there was a revival of the Bruderhofs. Later, in the 1870's, when Russia set out to integrate the foreign colonists into Russian society the Hutterites migrated to North America, along with many Mennonites.

At first the Hutterites chose to settle in the United States. The practicalities of pioneer life seemed less difficult there. Their concerns about religious liberty seemed sufficiently settled with a letter from Secretary of State Hamilton Fish dated September 5, 1873, which assured them that "...for the next fifty years we will not be entangled in another war in which military service will be necessary." (40) They also met with President Grant but he explained that some of the things which they were asking about were in the jurisdiction of the states.

If this satisfied the Hutterites in the 1870's, some decades later there were uncertainties. In 1898 when the Spanish-American war broke out they became concerned about their status and began to explore the possibility of migrating to Canada. That situation soon subsided but in World War I the difficulties were serious. Though not sympathetic to the Kaiser's cause, they held to their pacifism and as such did not join in the build-up of hatred against Germany. In addition, their Germanic background was known and their colony life-style made them conspicuous. Much public anger was directed toward them.

At one point, the colonies were charged with false incorporation on the grounds that "the Hutterite corporation instead of serving religious purposes as called for in the charter, was really used for economic gain and that the Hutterites had amassed a fortune without dedicating any of it to the worship of God."⁽⁴¹⁾ Hutterites, their accusers pointed out, did not even have a church building. The charge of false incorporation was upheld by the courts. They were further described as "a menace to society, depriving children of the right to attend county fairs and mingle with the outside world..."⁽⁴²⁾ Even more serious was the fate of their young men who refused to render military service. They were harassed and tortured to the extent that two died in prison.⁽⁴³⁾ Because of this most difficult situation, they made a hurried move to Canada in 1918 where they were welcomed as agriculturalists with generous promises of religious freedom.⁽⁴⁴⁾

4. Doukhobor Background and Migration to Canada

The Doukhobors are different from the Germanic Mennonites and Hutterites in that their origins are in Slavic Russia. Details of how they began, however, are not clearly known. Some writers trace them to the Great Schism or Raskol which after the 1650's divided the Russian Orthodox Church. (45) Others caution against such an identification. One scholar, Novitskii, writing early in the nineteenth century, stated that they first emerged in the early 1700's around a preacher, "...preaching that the church had perverted the real teachings of Christ, that all men were brothers and hence equal, and that the laws of God forbade the killing of other men." (46) There have been suggestions too of Anabaptist and Quaker influences but these remain speculative. (47)

If some details of their origins are not well-established, it is clear that, like the Mennonites and the Hutterites, they emerged as they separated from the established forms of the society in which they lived. Indeed, their rejection of those forms was even more thorough. Instead of external institutions they emphasized "the Christ within" each person. Institutions like the priesthood, baptism, and the eucharist which in a reformed way had remained important for the Mennonites and Hutterites, were not used at all by the Doukhobors. The Bible too played only a minor part. Still, they had religious gatherings and on such occasions there would be some salt, water, and bread, symbolizing the basic elements of existence, on a table in the middle of the assembly. Their emphases, according to

one account, were on the immanence of God and on the presence within each person of the Christ spirit which not only rendered the priesthood unnecessary but also made the Bible obsolete, since everyone could be guided by the voice within.⁽⁴⁸⁾ These emphases were reflected also in their views of government. Novitskii described this in the following way:

Inasmuch as all men are equal, and the children of God do good willingly, without coercion, they do not require any government or authority over them. Government, if needed at all, is needed only for the wicked... To go to war, to carry arms, and to take oaths - is forbidden.⁽⁴⁹⁾

Although the early history of the Doukhobors is unclear, around 1775 a strong leader named Pobirokhin appeared. He was, among other things, concerned about the peasantry. He spoke of the antagonists as "those in authority, those who live at the expense of the toil of others, those who as thieves and robbers withhold from the people the divine truth that should be freely available..."⁽⁵⁰⁾ He emphasized that the struggle against them must be carried on with love and not with anger, for "war and the taking of human life and all forms of hate towards our fellow men are the most impermissible deeds for a servant of God".⁽⁵¹⁾ Pobirokhin also taught a religious communism.

His teachings spread rapidly and soon raised the concern of the authorities. In 1779 an official governmental investigation took place. The result, urged by the Russian Orthodox Church, was an effort to eradicate the Doukhobor beliefs. Various methods were used. The severity of the effort is disclosed in a governmental report made about twenty years later.

under the more liberal Alexander I who was the Czar from 1801-1825. The report stated:

No group has, up to this time, been so cruelly persecuted as the Doukhoborts, and this is certainly not because they are the most harmful. They have been tortured in various ways, and whole families have been sentenced to hard labour and confinement in the most cruel prisons. (52)

Czar Alexander I wanted to alleviate the hardships of the Doukhobors. He ordered that they be allowed to live together and to locate in a separate colony in a new frontier region in Taurida province. The government would give them land, help them with transportation to the site of the colony, and exempt them from taxes in their early pioneer years. Such a move would satisfy the Russian Orthodox Church which wanted them isolated so that their teachings would not spread further among Orthodox adherents. The Doukhobors themselves would be pleased at the opportunity of living together on their own. It would also help the government to populate and develop some newly acquired territories and thus broaden the Empire's sphere of control.

Czar Alexander's objective then, was greater than that of alleviating the hardship of the Doukhobors. It was part of the same policy which sought to attract colonists from other countries including the German Mennonites and Hutterites whose settlement in Russia occurred around this time. Moreover, the arrangements for governing the colonies were similar. They would be quite independent, with a significant degree of

internal autonomy. For the Doukhobors, this new opportunity coincided with good internal leadership from a man named Kapoustin. They introduced the community of goods. The fields were tilled in common. The harvests were divided among all, and storehouses were built to provide for lean years. They also adopted some agricultural improvements from the nearby Mennonites and, according to a governmental report of 1807, "...they were sober, well-to-do people; exceedingly punctual taxpayers. In intercourse with the Russian officials they were submissive. They were accustomed to help one another..." (53)

Approximately one generation after their colonization in Taurida province there were difficulties. Two leaders died. One was their own very capable Kapoustin. The other was their friend outside, Czar Alexander I. Internally, some serious disputes arose. And externally, the new Czar, Nicholas I, was an absolutist by conviction. He saw a strong army and a strong Russian Orthodox Church as essential to a strong state. He had little sympathy for dissenters. He did not act against the Doukhobors immediately but in 1841 the colony was dissolved and the people were sent away to the Transcaucasian regions. The government's report announcing the exile is revealing. It states in part:

You the Doukhobors, have denied the dogma adopted centuries ago by the state church, and, as much by ignorance as by error, you have formulated and

accepted peculiar beliefs which are incompatible with the inner peace of the Church... The Emperor Alexander, trusting in God, hoped that by kindness and forgiveness you might be led to the path of duty and truth...he demanded of you only that you should respect the laws, live in peace and refrain from disturbing the public peace...you have exhausted the patience of the authorities, who in the end are convinced that the public peace demands that you should be transferred into distant regions where you will no longer be injurious to your fellow men. Informed of all your misdeeds, His Imperial Majesty has ordered that all individuals belonging to the harmful sect of the Doukhobors shall be colonized in the Transcaucasian provinces. (54)

If this was the government's official account, some interpreters see other factors at work. Woodcock and Avakumovic point to certain "reasons of state". They suggest that "...Transcaucasia was, as Taurida had been forty years before, the new frontier, and the Doukhobors could once again serve by acting as pioneers the very state against which they rebelled; they were later to do the same on the Canadian prairies and in British Columbia". (55)

The period in the Caucasus followed a pattern similar to that in Taurida province. After initial pioneering difficulties, they became prosperous agricultural communities. This was due largely to "their ability to adapt themselves to the harsh mountain climate and from the vigor with which they set about transforming their tracts of roadless wilderness into civilized settlements..." (56) Also, a strong new leader emerged in a woman named Lukeria. She served them well internally. Externally the new Czar, Alexander II (1855-81), was sympathetic and local authorities left them in peace.

Once again, however, the situation did not last. After some years there were disputes internally while externally a

new Czar, Alexander III (1881-94) was less sympathetic. His approach was more like that of Nicholas I. He was influenced by the bishops of the Russian Orthodox Church, and by generals of the army and in 1887 conscription was introduced into the Caucasus. (57) This divided the Doukhobors. Some complied with the law and allowed their young men to "enter the army, warning them, however...not to become murderers, and to be sure, if they had to go to battle, to shoot high so as not to hit anybody." (58) Others saw themselves as a pilgrim minority destined to be persecuted. The latter group was led by exiled Peter Verigin. Its young men suffered severely when they refused to obey the orders of commanding officers and to carry arms.

The division became serious. The Verigin group sought to purify itself by reinstituting a more thorough-going communism, by sharing their excess wealth with poorer non-Doukhobor neighbours, and by abstaining from tobacco, alcohol, meat, and for a time from sexual relations as well. They also burned their guns. This was critical. The burnings took place in their several localities on June 29, 1895 and they saw them as acts of religious devotion, accompanying them with all-night prayer vigils. (59) To some political authorities, however, they appeared as acts of defiance. They responded brutally. (60) The persecution which followed was so severe that Count Leo Tolstoy and some English Quakers who had had contact with the Doukhobors for some time undertook a major effort to help them. Before long they decided that the best way to help them was to arrange

for them to emigrate. As a result, the Verigin Doukhobors, numbering about 7400, were on their way to Canada before the end of the century. A larger number remained in Russia.

C. The Terms of Their Immigration to Canada

When the Mennonites, Hutterites and Doukhobors immigrated to Canada they did so on the basis of particular terms and conditions. There were letters and Orders-in-Council assuring them that they would be allowed to live according to the teachings of their religions. These assurances, however, were not complete. Not all the problems could be foreseen and some important negotiations would take place later. Nevertheless, the terms on which they entered do serve as an introduction to their particular status and to the subsequent negotiations. They are set forth here for each migration in the order in which they took place: for the Mennonites who started coming from Pennsylvania to Upper Canada late in the eighteenth century; for the Mennonites who came from Russia to the prairies in the 1870's; for the Doukhobors who came from Russia in 1899; for the Hutterites who started negotiating in 1899 but who did not migrate until 1918; and for the Mennonites who came from Russia in the 1920's.

The Mennonites whose migration from Pennsylvania to Canada began in 1786 seem not to have entered into elaborate

negotiations with the authorities before their arrival. At first only a handful of people came and they appear to have assumed that the British authorities would give them the same liberties that they had long enjoyed in Pennsylvania. (61) There is, however, a noteworthy letter written by Sir John Simcoe, Governor of Upper Canada, to the Right Honourable Henry Dundas, British Colonial Secretary in 1792. He stated:

There is every prospect of very great migrations taking place out of the United States into His Majesty's Dominions and I have not hesitated to promise to the Quakers and other sects the similar exemption from militia duties which they have always met with under the British Government. (62)

The importance of Simcoe's promise became evident one year later. In 1793 the Parliament of Upper Canada passed an Act exempting "persons called Quakers, Mennonists, and Tunkers" from militia duties. (63) Assurances on other issues appear not to have been sought prior to their arrival. Perhaps they did not seem important in the circumstances of the time. The movement from Pennsylvania was slow at first but by the early decades of the nineteenth century several thousand had made the migration.

The Mennonites who came from Russia to the Canadian prairies in the 1870's negotiated arrangements on several issues. They raised their concerns when they first approached the British Consulate about settlement possibilities in Canada in January of 1872. The Canadian government, eager to attract immigrants, responded with an Order-in-Council dated April 26, 1872 which referred to:

the 17th Section of the 'Act respecting the Militia and Defence of the Dominion of Canada' by which it is enacted that "any person bearing a Certificate from the Society of Mennonists shall be exempt from Military Service when balloted in time of peace or war, upon such conditions and such regulations as the Governor-in-Council may, from time to time prescribe." (65)

The Order-in-Council also stated that "free grants of land may be obtained or purchases made on easy terms and at merely nominal prices. The settlers may obtain contiguous lots of land, so as to enable them to form their own communities."

Though generally pleased with these terms, the Mennonites were uneasy about the statement that exemption from military service would be dependent on "such conditions and such regulations as the Governor-in-Council may, from time to time prescribe." To give them further assurance on this another Order-in-Council was passed on September 25, 1872. (66) It stated: "it is expedient to give the German Mennonites in Russia the fullest assurances of absolute immunity from military service". It also noted that the Governor General in Council does not have the power to require them "to render any military service". (This Order-in-Council is reproduced in Appendix 2.)

In 1873, after various other communications, a delegation of twelve, including two Hutterites, was sent to explore settlement possibilities in both Canada and the United States. Four of the twelve favoured Canada primarily because of the stronger assurance that they would be allowed to pursue their particular way of life. This assurance was set out in detail in a letter dated July 25, 1873 from John Lowe, the Secretary

of the Department of Agriculture which was then responsible also for Immigration matters.⁽⁶⁷⁾ (The full text of this letter is reproduced in Appendix 3.) Its fifteen points gave to the Mennonites, an exemption from military service, a reserve of eight townships of land in Manitoba, the possibility of additional townships, full freedom to exercise their religious principles and to educate their children in their own schools, the privilege of affirming instead of swearing, and assistance in covering the transportation costs. This letter was very important to the Mennonites. They saw it as outlining their basic governmental relationship. On August 13, 1873, the government approved the letter as an Order-in-Council. (The Order-in-Council is referred to in Appendix 3.) In the Order, however, the words referring to their freedom to educate their children were slightly changed. The Mennonites did not learn of the change until several decades later. They were satisfied with the arrangements as they understood them and about 7000 made the move from Russia to the Canadian prairies in the 1870's.

The Doukhobors, who came from Russia to Canada early in 1899, also entered into negotiations with Canadian authorities before their arrival. The negotiations, however, were complicated because they went through several intermediaries and some of the understandings were not clear. Among the intermediaries were Count Leo Tolstoy, Prince Peter Kropotkin, famous for his writings on anarchism, Prince Hilkooff, nephew of the transportation minister in the government of Russia who

had renounced a career in the Russian military and had gone to live among the Doukhobors, Aylmer Maude an English Quaker businessman with connections in both Russia and Canada, and James Mavor, professor of political economy at the University of Toronto.

Kropotkin had visited Canada earlier and had written of his positive impressions of the Mennonite communities in the west. He may have suggested that the Doukhobors be helped to settle there too. There were various discussions and exchanges and on September 8, 1898, Mavor communicated to Clifford Sifton, the Minister of the Interior, that "the Doukhobors would expect not only exemption from military service, but also an assurance that they could hold their land in solid blocks or reserves, and that they would 'wish to be consulted' with regard to the form of education that might be expected of their children". (68)

At the same time, two Doukhobor delegates, Ivan Ivin and Peter Mahortof and their families travelled to Canada, together with Hilkooff and Maude, to explore things more directly. They looked at some land, met with Sifton and his deputy minister James A. Smart, and received assurances of military exemption, block settlement, and that education, though "in the domain of the provincial governments...was not compulsory in the outlying areas and that in any case religious instruction was forced on no one in Canada." (69) Unfortunately, questions of whether they would need to register their births, deaths, and marriages, and how they would settle on the land

and farm it, were not dealt with in a sufficiently clear way at the time. Later there would be difficulties.

The formal commitment of the government came in an Order-in-Council dated December 6, 1898. It was prepared by the Minister of the Interior and stated: "The Minister... considering that the Doukhobors would appear to be a most desirable class of settlers to locate upon the vacant Dominion lands in Manitoba and the North-West Territories, is of opinion that it is expedient to give them the fullest assurances of absolute immunity from military service...". It then referred to the provision in the Militia Act by which, "Quakers, Mennonites, or Tunkers, and every inhabitant of Canada of any religious denomination, ...who, from the doctrines of his religion, is averse to bearing arms and refuses personal military service, shall be exempt...". (The Order-in-Council is reproduced in Appendix 4.) The exemption from military service was firm and land was available. In 1899 about 7400 Doukhobors arrived in Canada.

The Hutterites entered into negotiations with Canadian authorities on two occasions before they immigrated in 1918. Their first contact was in 1873 when two representatives from their colonies in Russia made an exploratory visit to North America along with ten Mennonites. The two Hutterite delegates visited Manitoba at the time and would probably have been able to settle there under the terms worked out by the four Mennonite delegates who chose Canada. However, like a majority of the Mennonites, they moved to the United States. Their second

contact with Canada came in 1898. The Spanish-American war had broken out and they were uncertain about their exemption from military service in the United States. They sent three delegates to Winnipeg where the Immigration office expressed strong interest.⁽⁷²⁾ An agent was sent to visit the colonies in the United States and he reported: "Any inducement possible should be made to secure them."⁽⁷³⁾ Things developed quickly and in the Spring of 1899 one colony moved to Manitoba, even though the negotiations were not yet complete.⁽⁷⁴⁾ On August 12, 1899, an Order-in-Council was passed which stated that they "appear to be a most desirable class of settlers" and promised them "the fullest assurance of absolute immunity from military service." (The Order-in-Council is reproduced in Appendix 5.) The Order-in-Council was clear but it dealt primarily with one issue. In September of that year they presented a six-point petition to the Winnipeg Immigration office, asking that they be allowed to have their own schools, to hold property in common and to pay taxes accordingly, to be exempted from voting, from using the oath, and other things. (The petition is reproduced in Appendix 6.) The Winnipeg Immigration Commissioner, W.F. McCreary, sent the petition to Ottawa where James A. Smart, Deputy Minister of the Interior responded favourably to each of their concerns. (Smart's response, dated October 27, 1899, is reproduced in Appendix 7.) In spite of these assurances the Hutterites did not move at the time. Their anxieties subsided when the Spanish-American war ended and even the one colony which had moved to Canada soon returned to the United States.

In 1917, after the United States had entered World War I, the situation was different. They were subjected to severe pressures for their refusal to join the military effort.

When two of their young men were imprisoned and tortured to the point where they died,

the Hutterites acted at once to obtain assurance from Canadian authorities that the earlier arrangements would still hold. (75)

The Deputy Minister of the Interior, W.W. Cory, responded favourably and the Hutterite migration began. (Cory's response in the form of a letter dated February 7, 1918 is reproduced in Appendix 8.) They purchased land in both Manitoba and Alberta and set up fifteen colonies. (76)

Canadian hospitality did not last, however. The social atmosphere of the war had made some Canadians hostile to those who were unwilling to render military service. Before long the press carried ominous reports of 30,000 - 60,000 being admitted. The Minister of Immigration claimed that only about 1000 Hutterites and 500 - 600 Mennonites were crossing into Canada. (77)

Nevertheless, the opposition from citizens groups and from the governments of Alberta and Manitoba became so strong that federal Orders-in-Council were passed on May 1, 1919 and June 9, 1919, prohibiting Mennonites, Hutterites and Doukhobors from immigrating into Canada. (78)

This action caused very considerable difficulty to Hutterites who were still in the process of disposing of their possessions in the United States. They appealed to the government to reconsider its action. The Mennonites made appeals too.

They were concerned about Mennonites in Russia who had remained there in the 1870's and were now suffering severely because of the World War, a famine, and the communist revolution. They were in a most difficult situation and the Mennonites in Canada wanted to help them to immigrate to Canada. (79) William Lyon Mackenzie King, leader of the Liberal party, proved to be sympathetic and on June 2, 1922, after he had become Prime Minister, a new Order-in-Council was passed rescinding the order barring Mennonites and Hutterites. (80) Four years later on March 17, 1926, the prohibition against Doukhobors was also lifted. (81)

The removal of the prohibition was of great importance. The Mennonites acted quickly and in the next few years they were able to bring about 21,000 Mennonites from Russia to Canada. (82) These came on the basis of an understanding that they would find shelter and support among other Mennonites, that they would be placed on land as farmers, and that they would not become public charges. (83) On the matter of military service the government stated "exemption...is no longer extended...to any particular class." (84) The Department of Justice also expressed its opinion that the Order-in-Council made for those who came in the 1870's would not apply to these. Nevertheless, it pointed out, they would be covered by the provisions in the Militia Act exempting all who "from the doctrines of their religions are averse to bearing arms or rendering personal military service." (85)

These terms for the immigration of these groups to

Canada did not deal with all the issues that would arise.

Their effort to follow a more communally-oriented way of life somewhat separate from the larger society would lead to many complex encounters with federal and provincial governments.

Changing conditions would bring new issues. Nevertheless, the terms on which they immigrated serve as an introduction to their particular status.

FOOTNOTES TO CHAPTER I

1. Statistics Canada, Publication No. 92724, Census of Canada "Population: Religious Denominations", 1971.
2. As found in C. Henry Smith, The Story of the Mennonites (Third Edition, Revised and Enlarged by Cornelius Krahn) Newton, Kansas, Mennonite Publication Office, 1950, p. 4.
3. The movement has been referred to as the radical wing of the reformation by George H. Williams in his monumental work, The Radical Reformation, Philadelphia: Westminster Press, 1962.
4. John C. Wenger, "The Schleithem Confession of Faith", The Mennonite Quarterly Review XIX, No. 4, 1945, p. 15.
5. Menno Simons, as found in Harold S. Bender, The Anabaptists and Religious Liberty in the Sixteenth Century. Facet Books Historical Series -16, Philadelphia: Fortress Press, 1970, p. 22.
6. Hans J. Hillerbrand, "The Anabaptist View of the State" in The Mennonite Quarterly Review Vol. 33, No. 2, 1958, p. 98.
7. C. Henry Smith, op. cit., p. 122.
8. Ibid., p. 327.
9. L.J. Burkholder, A Brief History of the Mennonites in Ontario, Markham, Ontario, Mennonite Conference of Ontario, 1935, p. 19.
10. Ibid., p. 20.
11. Albert P. Blaustein and Robert L. Zangrando (ed.) Civil Rights and the American Negro: A Documentary History, New York: Trident, 1968, p. 10.
12. Frank H. Epp, Mennonites in Canada, 1786-1920: The History of a Separate People. Toronto: MacMillan of Canada, 1974, p. 52. (Hereinafter cited as Mennonites in Canada, 1786-1920).
13. L.J. Burkholder, op. cit., p. 22.
14. E.K. Francis, In Search of Utopia: The Mennonites of Manitoba, Altona, Manitoba: D.W. Friesen & Sons Ltd., 1955, p. 18.

15. C. Henry Smith, op. cit., p. 268.
16. C. Henry Smith, op. cit., p. 282.
17. David G. Rempel, "The Mennonite Migration to New Russia, 1788-1870", Mennonite Quarterly Review, Vol. 9, April 1935, p. 75.
18. Ibid.
19. E.K. Francis, op. cit., p. 31.
20. Ibid.
21. Frank H. Epp, Mennonites in Canada, 1786-1920, op. cit., p. 177.
22. C. Henry Smith, op. cit., p. 440.
23. Frank H. Epp, Mennonites in Canada, 1786-1920, op. cit., p. 193.
24. C.A. Dawson, Group Settlement: Ethnic Communities in Western Canada (Volume VII of "Canadian Frontiers of Settlement" edited by W.A. MacKintosh and W.L.G. Joerg.) Toronto, MacMillan, 1936, p. 102.
25. As found in Victor Peters All Things Common: The Hutterian Way of Life, (Minneapolis, Minnesota: University Press, 1965), p. 12.
26. Victor Peters, Ibid., p. 13, 14.
27. John A. Hostetler, Hutterite Society, Baltimore: The Johns Hopkins University Press, 1974, p. 16.
28. The Bible, "The Acts of the Apostles", chapter 2, verse 44. See also Robert Friedmann "The Hutterian Brethren and Community of Goods" in The Recovery of the Anabaptist Vision, ed., Guy F. Hershberger, Scottdale, Pennsylvania, Herald Press, 1957, p. 85.
29. John A. Hostetler, op. cit., p. 20.
30. Ibid., p. 3. The idea of Gelassenheit and the concern about community were not unique to the Hutterites. The Mennonites believed in it too but they were satisfied with a "community of charity", a caring for the needy without the demand of giving up private property altogether. The Hutterites went further. They insisted on a "community of goods".
31. Ibid., p. 29.

32. The term Bruderhof translates literally into "place of brotherhood". The membership figure comes from Victor Peters, "The Hutterians: History and Communal Organization of a Rural Group" in Historical Essays On The Prairie Provinces, edited by Donald Swainson, Toronto, McClelland and Stewart (Carleton Library Series No. 53), 1970, p. 132.
33. John A. Hostetler, op. cit., p. 42. They had placed some noteworthy restrictions on their work. Breadknives, axes and hoes could be made, but swords and spears could not. Nor did they "apply their industry on outward ornamentation to please the world. Whatever tends to create pride, haughtiness, and vanity...we permit no one to make,...". Accordingly, "superfluous painting" on pottery was also forbidden.
34. William D. Knill, "The Hutterites: Cultural Transmission in a Closed Society" Alberta Historical Review Vol. 16, No. 3, (Summer 1968), p. 2.
35. John A. Hostetler, op. cit., p. 54.
36. As quoted in Ibid., p. 41.
37. John A. Hostetler, Ibid., p. 62.
38. Victor Peters, in "The Hutterians", op. cit., p. 133.
39. Victor Peters, All Things Common, op. cit., p. 31.
40. Ibid., p. 41.
41. John A. Hostetler, op. cit., p. 131.
42. Ibid.
43. Ibid., p. 130. See also "An Account, by Jakob Waldner Diary of a Conscientious Objector in World War I", edited by Theron Schlabach, translated by Ilse Reist and Elizabeth Bender in The Mennonite Quarterly Review XLVIII (January 1974), p. 73.
44. Victor Peters, All Things Common, op. cit., p. 46.
45. F.M. Mealing, Doukhobor Life: A Survey of Doukhobor Religion, History and Folklife, Castlegar, British Columbia: Kootenay Doukhobor Historical Society/Cotinne Books, 1975, p. 5.
46. George Woodcock and Ivan Avakumovic, The Doukhobors, Toronto: McClelland and Stewart, 1977, (Carleton Library Series No. 108), p. 24. (Hereinafter referred to as Woodcock, The Doukhobors.)

47. Aylmer Maude, A Peculiar People: The Doukhobors, New York, AMS Press Inc. 1970 (Reprinted from the edition of 1904), p. 79-110.
48. Ibid.
49. Aylmer Maude, op. cit., p. 16.
50. Woodcock, The Doukhobors, op. cit., p. 29.
51. Ibid.
52. Joseph Elkinton, The Doukhobors: Their History in Russia, Their Migration to Canada, Philadelphia, Ferris & Leach, 1903, p. 243.
53. Aylmer Maude, op. cit., p. 133.
54. As quoted in Woodcock, The Doukhobors, op. cit., p. 59.
55. Woodcock, The Doukhobors, p. 60.
56. Ibid., p. 66.
57. Aylmer Maude, op. cit., p. 26.
58. Ibid.
59. Woodcock, The Doukhobors, op. cit., p. 85 ff.
60. Woodcock, op. cit., p. 102.
61. Frank H. Epp, Mennonites in Canada, 1786-1920, op. cit., p. 54 and 99.
62. Lord Simcoe to the Rt. Hon. Henry Dundas, British Colonial Secretary, August 20, 1792, as in W.A. Cruikshank (ed.), The Simcoe Papers, Toronto: Ontario Historical Society, 1923, p. 198-199; also reported in Epp op. cit., p. 99.
63. The Militia Act, 1793, 33 George III, c.1, (1793) as quoted in Epp op. cit., p. 100.
64. Frank H. Epp, Mennonites in Canada, 1786-1920, op. cit., p. 185.
65. Order-in-Council, P.C. 827B, April 26, 1872, PAC, RG 2,1, Vol. 108.
66. Order-in-Council, P.C. 1043D, September 25, 1872, PAC, RG 2,1.
67. As quoted in E.K. Francis, op. cit., p. 44.

68. Woodcock, op. cit., p. 132.
69. Ibid.
70. Maude, op. cit., p. 61.
71. Woodcock, op. cit., p. 133.
72. Victor Peters, All Things Common, op. cit., p. 46.
73. As quoted in A.M. Willms, "The Brethren Known as Hutterians" Canadian Journal of Economics and Political Science, Volume 24, 1958, p. 391.
74. Peters, All Things Common, op. cit., p. 48.
75. John Hostetler, op. cit., p. 129.
76. Ibid., p. 137.
77. Frank H. Epp, op. cit., p. 395.
78. The Orders-in-Council, P.C. 923, May 1, 1919 and P.C. 1204, June 9, 1919, PAC, RG 2,1. The June 9 Order-in-Council stated in part, "Whereas owing to conditions prevailing as the result of war, a widespread feeling exists throughout Canada, and more particularly in Western Canada, that steps should be taken to prohibit the landing in Canada of immigrants deemed undesirable owing to their peculiar customs, habits, modes of living and methods of holding property and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their entry;..."
79. Frank H. Epp, Mennonite Exodus: The Rescue and Resettlement of the Russian Mennonites Since the Communist Revolution, Altona, Manitoba, D.W. Friesen & Sons Ltd., 1962, p. 102.
80. Order-in-Council, P.C. 1181, June 2, 1922, PAC, RG 2,1.
81. Order-in-Council, P.C. 418, March 17, 1926, PAC, RG 2,1.
82. The story of that migration is the subject of the book by Frank H. Epp, Mennonite Exodus, op. cit.
83. E.K. Francis, op. cit., p. 203.
84. Letter, F.C. Blair, Secretary, Department of Immigration and Colonization, to I.P. Friesen, February 15, 1923, as found in a letter from David Toews, Chairman, Canadian

Mennonite Board of Colonization, to F.C. Blair, April 26, 1923; PAC, RG 26, Vol. 175, file 58764, part 9.

85. Letter, W. Stuart Edwards, Acting Deputy Minister of Justice to Deputy Minister of Immigration and Colonization, June 18, 1924, PAC, RG 76, Vol. 175, file 58764, part 10.

INTRODUCTION TO SECTION ONE: THE LAND-HOLDING CONCERNS

For the largest part of their history in Canada, the Mennonites, Hutterites and Doukhobors have been agrarian peoples. Land, therefore, has been very important to them and in accordance with the religious orientation they have sought to hold it communally.

They have differed, however, in the form and extent to their communalism. The Hutterites have long rejected the idea of private property. When they arrived in Canada, as World War I came to an end, they bought land and set up colonies in various parts of the prairies. Each colony had about fifteen families and their property was held in common. The Hutterites have continued to live in this way even though each of the prairie provinces has, at one time or another, imposed restrictions on their land-holding rights.

The Doukhobors were somewhat different although a majority of them were also opposed to private property. They came to Canada in 1899 and made special arrangements with the government for homesteading in several large communities on the prairies. In the first decade, however, they encountered serious difficulties and a large portion of the land was reclaimed by the government. Following this some of them accepted private homesteads on the prairies while others obtained land in British Columbia by purchasing it. There they attempted to rebuild a community life and for some years they were successful in this. It broke up late in the 1930's for reasons other than governmental prohibitions on their right to hold land communally.

The Mennonites were less thorough in their communalism. They accepted private property. But they wanted to have their plots of land adjacent to each other and many wanted to live in villages as well. Not all of their efforts to live in this way were successful. Early in the nineteenth century some Mennonites who had recently come from Pennsylvania, to Upper Canada petitioned the Governor for "any portion of one of the Townships now about to be surveyed...to be located by the Mennonists only..."⁽¹⁾ They explained how this would help them to preserve a community way of life which they, for religious reasons, regarded as important. The authorities, however, denied the request, stating that "no lands (would) be granted to persons who will not enroll themselves in the Militia..."⁽²⁾

A more successful effort began in the 1870's when nearly 7000 Mennonites migrated from Russia to the Canadian prairies. They sought special arrangements in order to settle in a communal way and the government proved quite accommodating. It reserved certain areas of land and stipulated that only Mennonites would be allowed to claim homesteads within them. In addition they would be allowed to live in villages. On the basis of these and other arrangements the Mennonites settled in Manitoba. A few decades later, when more land was needed, they made two additional settlements in an area of the north-west soon to be known as Saskatchewan.

The willingness of the government to make such arrangements did not continue indefinitely. Late in the 1920's Mennonites from Manitoba were looking for another "suitable tract

of land where to settle in a colony the younger generation". (3) They asked the government that "from 10 to 20 townships" in the Peace River Valley of Alberta be reserved for them. Government officials discussed their petition at some length but in the end they rejected it. The government now wanted to preserve the principle "that the lands are available to the first eligible applicant". (4) There were concerns also about difficulties which had been experienced in administering such reservations earlier. (5)

There were, then, three occasions in which Canadian governments granted these groups the right to hold land in communal ways: the Mennonite reserves created first in Manitoba in the 1870's and then in the north-west around the turn of the century; the Doukhobor community created in the north-west in 1899; and the Hutterite colonies which continue in each of the prairie provinces. These three occasions are dealt with in the three chapters of this section.

Each occasion consisted of a complex governmental encounter. For the Mennonites and Doukhobors it was the federal government. At the time of their arrival the federal government was engaged in a very major effort to settle the prairies. To do so it had devised an elaborate system centered on the individual homestead. The main question in these encounters was the extent to which the government was willing to modify the homestead system in order to accommodate the more communally-oriented Mennonites and Doukhobors.

For the Hutterites the encounters were different. Instead of homesteading they purchased land. Such transactions were within provincial jurisdiction and initially there were no restrictions. However, after some decades the public in each province seemed to demand that some restrictions be imposed. The governments then did so. The issue for the Hutterites, though different from those involving the earlier Mennonites and Doukhobors, arose from the same basic question about the extent to which the governments would permit these groups to hold land in a communal way.

The way in which this question was dealt with is the subject of the three chapters in this section. They describe the encounters that these three groups had with the federal and provincial governments. They show, in a fairly detailed way, how the many particular problems were dealt with. They outline the institutional and legal framework and show how it was modified. They describe the negotiations between these groups and the governments. They also shed some light on how these groups, with their particular value orientations, related to governments and how governments in turn, influenced by political culture and other factors, dealt with the groups. Basically, the three chapters deal with the question of whether and to what extent governments in Canada permitted these groups to hold land in a communal way and to follow their particular way of life.

FOOTNOTES TO THE INTRODUCTION FOR SECTION ONE

1. Petition of the Mennonites (or harmless Christians) of the District of Niagara, Jacob Meyer - Minister, April 7, 1819. PAC, Upper Canada Land Petitions, R.G. I, L3, Vol. 340, "M" Bundle 12, No. 83. As found in Frank H. Epp, Mennonites In Canada, 1786-1920: The History of a Separate People. MacMillan, Toronto, 1974, p. 71.
2. Ibid.
3. A Petition of the Mennonites termed "Sommerfelder Gemeinde" to the Dominion Government, Ottawa, Ontario, from H.J. Friesen, Bishop, and Johann D. Klassen, Altona and Rosenfeld, Manitoba, January 28, 1927, PAC, R.G. 15, Vol. 233, No. 3129 (5).
4. Letter, Deputy Minister of the Department of the Interior to J.J. Loewen, Altona, Manitoba, June 21, 1927, Ibid.
5. Letter to P.M. Friesen, Enderby, British Columbia, March 15, 1928. The author of the letter is not identified but it is clear that it is an official in the Department of the Interior. Ibid.

CHAPTER II: THE MENNONITE RESERVES

A. The Mennonite and the Governmental Land-Holding Systems

The Mennonites who came from Russia to the Canadian prairies in the 1870's wanted to hold their land in a more communal way than that implied by the homestead system, newly formulated for the Canadian prairies. The Canadian government respected their wishes and made a number of modifications in that homestead system. The resulting arrangements were marked by considerable administrative difficulties. Nevertheless, they accommodated the way of life desired by the Mennonites to a significant extent.

The ideas about land-holding with which the Mennonites came from Russia to the Canadian prairies were influenced by both their religious teachings and the Russian laws for colonists. In Russia they had had several large blocks of land unto themselves. These were owned by the church community and each block, also referred to as a colony, contained several dozen villages. Each village would have at least a dozen individual farms and the land on these farms would be owned privately. There would also be some common land at each village which would be used for pasturing their cattle and other purposes. A village herdsman would gather the cattle from each farm in the morning, tend to them during the day, and return them to their respective owners at night for milking. If the common land had some wooded areas then this too would be held for the use of all villagers. The cultivated land around the village,

though individually owned, would be farmed according to a pattern that required close cooperation among the villagers.

Sociologist E.K. Francis has made the following observation about that system.

...it pre-supposes and fosters strong social coherence, intensive interaction on a face-to-face level, readiness to cooperate and offer mutual aid, and a common value system which leaves few alternatives in one's everyday conduct, and which is enforced by strict social controls based on both inner and external sanctions. In fact, it would appear that it cannot be made to work adequately unless these sanctions have a distinctly religious connotation. (1)

The Mennonite land-holding system was significantly different from the individual system just set up by the Canadian government as part of its long-range design to settle the prairies. This system had been worked out in the United States one generation earlier and there President Andrew Johnson had described it in the following way.

...the homestead act stands as the concentrated wisdom of legislation for settlement of the public lands. It protects the government, it fills the States with homes, it builds up communities, and lessens the chances of social and civil disorder by giving ownership of the soil, in small tracts, to the occupants thereof. (2)

The Canadian government adopted and adapted this system for settling the Canadian west. It surveyed the land and divided it into townships and sections. The sections were one mile square and the townships six miles square, thus consisting of 36 sections. According to the general scheme a settler could obtain a quarter-section, consisting of 160 acres, by registering his claim and paying the nominal fee of \$10.00. This was known as making a homestead "entry". The settler was

then required to reside on it and to cultivate at least a portion of it and after three years he could obtain the legal title, officially known as 'the patent'. Also, to obtain the patent an immigrant would have to become a naturalized British subject and for this he had to take the Oath of Allegiance.

One qualification of this system was that not all sections were open for homesteading. Some were withheld for the Hudson's Bay Company and a few were designated as School lands. More importantly, in many areas the odd-numbered sections were made the property of the railway company. The settlers, it was assumed, would purchase these as they became more established on their initial homesteads. And with these purchases the railway company would receive a financial return for building the railway. This would also give the railway company an interest in promoting the settlement of the west. Chester Martin, a prominent writer on these matters, points out proudly that while in the United States there had been continuous conflict between the railways and the government, in Canada there was "...the closest collaboration...between government and railway to settle the country". (3)

It was a grand scheme. The settlement of the prairies ranked among the greatest undertakings of the new Dominion. Before long there were Canadian agents in various parts of the world inviting people to come. Yet the system had an individualistic orientation. The land would be owned by individuals. Settlement would take place in a dispersed pattern. And it

was assumed that each settler would be eager to expand and to acquire additional holdings. C.A. Dawson, in his classic work on prairie settlement, described it as "a natural outgrowth of a competitive system whose outstanding characteristic was an experimental individualism." (4)

It was this individualistic character which the Mennonites, and later the Doukhobors, found objectionable. Yet when the Mennonites submitted their proposals for a more communal arrangement the government showed itself willing to accommodate them. This became evident early in the negotiations. The Order-in-Council of April 26, 1872, which was a response to the Mennonites' first official inquiry included the statement: "The settlers may obtain contiguous lots of land, so as to enable them to form their own communities." (5) Further, a study of Manitoba, published by the federal Department of Agriculture and written by Jacob Y. Shantz, a Mennonite businessman from Ontario who had been recruited to help attract the Mennonites from Russia, stated among other things that the settlers, "can obtain large grants of land en bloc, they can form a settlement or settlements of their own, where they can preserve their language and customs." (6) His report was translated into German and distributed among Mennonites in Russia.

The readiness of the Canadian government to make modifications in order to attract the Mennonites may have been due also to the newness of the homestead system and to the fact that there were not yet many settlers in the west. Whatever the reason the government made accommodations and in spite of some

serious administrative difficulties and other shortcomings, the Mennonites were relatively satisfied with the conditions of their settlements in both Manitoba and the north-west.

B. The Reserves in Manitoba

1. Reserving Areas of Land

The federal government's actions to accommodate the settlement pattern desired by the Mennonites can be described in terms of two categories, with one consisting of those actions designed to reserve certain areas of land for them, and the other consisting of actions related to the way they would settle inside the reserved areas as, for example, they wanted to live in villages rather than on individual homesteads.

The measures of the first category, that is those by which the Mennonites were given exclusive rights to certain areas were accompanied by numerous difficulties. There were disputes about the boundaries of these areas, problems with squatters, uncertainties about the status of the odd numbered sections, and eventually, questions about whether and how to terminate the exclusive rights and open the reserved areas to the public. The way these difficulties were dealt with is an indication of the extent to which the government accommodated the way of life desired by the Mennonites. A description of them involves a lot of detail.

The first action to reserve an area of land was an Order-in-Council passed on March 3, 1873, ⁽⁷⁾ It set aside eight townships. Unfortunately, the preparatory work had not been sufficiently thorough and soon it was learned that a number of

Canadians had already settled in one of those townships. These, "entered a strong verbal protest" so another Order-in-Council was passed, on May 23, 1873, changing the boundary of the reserved land so as not to interfere with the established settlement of Canadians. (8)

Later in the Spring of 1873, when the Mennonite delegates from Russia came they wanted to see the land and to explore more directly the possibilities of a migration. But they were not particularly impressed. Some parts of the eight townships were marshy. Others were subject to drought. The mosquitoes were "terribly bad". Grasshoppers were plentiful. And the transportation facilities necessary for starting farms seemed seriously inadequate. (9)

These factors persuaded a number of the delegates to favour the United States. Four, however, clearly preferred Canada primarily because of the stronger assurances for religious freedom. These delegates looked at some other land in Manitoba and returned to Ottawa where in a letter dated July 23, 1873, they informed the Minister of Agriculture of their acceptance of his "liberal offers" and of the eight reserved townships. (10) They also stated: "Should we after the arrival of the first of our immigrants, think that another location than the present one which you have reserved for us would suit us better, then we hope that you will exchange the reserve to such parts as we should find preferable,..." On July 25, 1873, they received a detailed reply from John Lowe, the Department's deputy minister, or secretary as the position was then known. (11) (The letter from Lowe is reproduced in Appendix 3.) In addition

to confirming the reserve of eight townships, "for the exclusive use of the Mennonites", there was an offer to reserve other land "in the same way" either in exchange for the first eight townships or as an addition to them if the Mennonites after their arrival would make such a request.

The willingness of the government to reserve additional land proved to be important. The first townships reserved were on the east side of the Red River and most of the 1300 Mennonites who arrived in 1874 settled there. But their fears that parts of the reserve were not suited for farming were soon confirmed. Some government officials had also been concerned about this. (12) As a result, some of the Mennonites began to settle on the west side of the river even before it was officially established as a reserve. The movement to the west side became quite substantial in 1875 when over 3000 Mennonites arrived from Russia. (13)

Even though formal arrangements for settling on the west side had not yet been made, government officials did not raise objections. According to one official, Canadians regarded the west side as unfit for settlement because of it "being destitute of timbers". (14) The Mennonites, in contrast, were familiar with open plains. They knew how to build homes and set up farms with only a small amount of wood. (15) They believed that the land was of good quality so they settled there and the government, eager to have them, passed an Order-in-Council on April 25, 1876, creating a reserve of seventeen townships for the Mennonites on the west side of the Red River. (16)

The matter of reserving a new area of land was much more complex than it initially appeared. Some settlers from Ontario had already located in one wooded corner of the seventeen townships. They now complained to government officials that they were hoping for more "British Subjects from Canada" and that the creation of a Mennonite reserve deprived them of the possibility of a Canadian neighbourhood. They would now be too few to establish their own schools and churches. (17) A number of other settlers, in addition to those already there, came even after the area had been officially reserved for the Mennonites. These were squatters and according to William Hespeler, an immigration agent of German background who had worked with the Mennonites from the beginning: "...they entered upon the lands defying anyone to interfere with them;" (18) He reported that they were "going as far as to threaten the lives of the Mennonites, should they remove any wood from such lots that they (the settlers) had trespassed upon." (19)

The problem of squatters became quite serious. In July of 1877 one Dominion Lands Agent, A. Belch, reported to the Surveyor General that, "the Government must either abandon the system of special reserves for particular classes of immigrants or else protect them in the enjoyment of the privileges conferred". (20) He asked for authorization "...to compel these squatters to abandon the lots upon which they have located". (21) In spite of his request the evictions did not take place and the Mennonites became more and more concerned about being "prevented from cutting wood upon lands undoubtedly in their reserve". (22)

In view of these reports the Department of the Interior made an investigation in November of 1877. It was carried out by William Pearce. He described the problems in considerable detail and said many of the complaints of the English-speaking settlers were either unjustified or frivolous. (23) He pointed out that if the Mennonites had not demonstrated that it was possible to settle on the "treeless plain" on the west side of the river then others would probably not be doing so either. He reported that some squatters had said that "no Gov't (sic) would dare to eject them and that there was not force enough in this Province..." (24) By way of a recommendation he said:

I think the best solution of the difficulty to be an ejection of the squatters at once, and if the few legal settlers who really have a grievance would take a reasonable compensation in land or money for the disadvantages under which they have been placed it would perhaps be advisable to do so; (25)

Another official reported that the feeling among the Mennonites was so strong that if the squatters were not removed then the flow of Mennonite immigrants would decrease sharply. (26) It was feared too that land agents from the United States would use these problems to persuade the Mennonites to leave Manitoba and go to the United States. (27)

The problem was not as acute as these reports suggested. The Mennonite settlements, at this time, had taken up less than one-half of the reserved lands. (28) And the squatters, it appears, had taken up considerably less than one-half of the remaining portions. Still, the fears are understandable. To deal with the situation, the Surveyor General, J.S. Dennis, recommended that the squatters be ejected and that several

government representatives, including William Hespeler and either William Pearce or Donald Codd, be sent out to negotiate a change in one of the borders of the Mennonite reserve so as to accommodate the English Canadians who had settled there legitimately. (29) Hespeler and Pearce undertook the negotiations. They met with both the English Canadians and the Mennonites and obtained agreement from both sides. (30) The Mennonites were reluctant about giving up part of their reserve but they did so and they received additional land on another side of the reserve. One local land agent christened the new border as the Meno-Canuck line. (31) Some individual English settlers later protested against the settlement and the Mennonites at one point asked for a further modification of the boundary line but these problems were resolved without serious difficulty. (32)

In spite of this very significant effort to deal with the problems, the squatter situation was not resolved. And gradually some government officials became somewhat sympathetic to the squatters' situation. It was noted that by 1879 the flow of Mennonite immigrants from Russia had almost ended and that sizeable portions of the reserve remained unsettled. (33) One observer referred to "an abundance of unoccupied land within the reserved townships" and that the removal and exclusion of non-Mennonites "will soon be made a public grievance." (34) Donald Codd of the Land office in Winnipeg wrote in the fall of 1879 that, "the popular feeling is becoming so strong that it will be difficult or impossible to remove future squatters". (35)

He recommended that the unsettled portions of the reserve be "thrown open for general settlement". In October of 1879, the Surveyor General wrote to the Deputy Minister of the Interior that "it would be a great injustice to go on retaining for the children of these foreigners land that we refuse to permit our own people to enter and cultivate and that is precisely what continuing the reservation means." (36)

Such discussions among officials and the numerous appeals which came from the squatters directly may have contributed to the new initiative of the Department of the Interior early in 1881. In March of that year, the Minister, in a submission to cabinet noted that "great pressure is brought to bear...by persons desirous of securing the unoccupied portion of those lands...(and) in order to prevent complaint of favouritism and to realize at the same time their fair value in the public interest..." he proposed to sell by public auction those lands in the reserve which the Mennonites had not yet occupied. (37) This request was approved with an Order-in-Council on March 24, and the sale was scheduled for June. (38)

This plan for dealing with the unsettled areas of the reserve brought new complications. Squatters, expecting to eventually gain ownership, now came in greater numbers. In addition, there were administrative difficulties. Donald Codd, the Land Agent appealed to the Surveyor General to first determine carefully and exactly what those lands were which the Mennonites had not yet occupied. (39) This reminder led to a postponement of the sale until September 19th, and in the meantime a list of the

lands to be sold was prepared. When this list was made public, however, it caused great concern because it described certain lands on which several Mennonite villages were located as vacant. (40) This led four Members of Parliament from southern Manitoba to cable the Minister stating that "utmost fear" had been aroused. They urged strongly that the sale be delayed until further investigations had been made. (41) As a result of this, instructions were issued on September 10, 1881 withdrawing large portions of the reserve from the sale. (42) Nevertheless, when the greatly restricted sale finally did take place, on October 19, 1881, some lands occupied by Mennonites were inadvertently sold. (43)

In spite of this administrative confusion, the sale represented an effort to legitimize the claims of the squatters by giving them an opportunity to buy the land. The Surveyor General, on September 2, 1881, asked that arrangements be made to let them buy the land which they occupied, "notwithstanding the manner in which these squatters have gone into occupation". (44) On September 7th, an Order-in-Council was passed providing that squatters in the reserve "be allowed to purchase the lands occupied and brought under cultivation by them" for \$3.00 per acre. For lands outside the reserve the price was \$5.00. (45)

The sale brought about a partial resolution of the squatter problem. But some squatters continued to come believing that eventually their claim too would be legalized. (46) Part of the difficulty in dealing with them lay in inept administration. It was found, later, that substantial differ-

ences existed in the number of claims registered in the land offices in Nelsonville, Winnipeg and Ottawa. These administrative problems combined with the mixed sympathies of some officials may explain why no further major action to deal with the situation was taken. (47) The government may have hoped that the problem would eventually resolve itself, as indeed it did when the settlements became more established. (48)

In addition to the problem of non-Mennonites settling on reserved land, there was uncertainty about the status of the odd numbered sections within the reserves. There was a general policy covering sizeable areas of the west, that these sections belonged to the railway company. As such they would not be open for homesteading. Instead they would be offered for sale. However for the Mennonites it had been arranged that within their reserves they could make homestead entries on both the even and the odd numbered sections. Without this they would not have been able to set up their villages. Some officials, however, were not clear on the claim of the Mennonites to the odd numbered sections and on July 9, 1879 the Department of the Interior announced that the odd numbered sections in certain large areas of Manitoba belonged to the railway company and would be purchaseable starting on August 1st. The areas described in the announcement included lands inside the large Mennonite west reserve. (49)

This action created very considerable confusion. It implied that the Mennonites would not be allowed to homestead on the odd numbered sections. Donald Codd, the land agent in

Winnipeg, quickly contacted Ottawa. To his surprise however, the Surveyor General there replied that the new Regulations, on which the announcement was based, did indeed "embrace all such Reservations" and that the odd numbered sections in them were no longer open for homesteading. (50) William Hespeler also made an inquiry at the office of the Surveyor General and he received a similar reply. (51) The Mennonites, when they were told that the odd numbered sections would have to be purchased, "considered this a hardship but accepted the situation feeling that as the Regulations were general, and as they had yet special privileges, they could not well protest,..." (52) One local land agent defied the new Regulations and continued to register homestead entries from the odd numbered sections for the Mennonites but when this was discovered the agent was forced to cancel these entries on instructions from the Surveyor General. (53)

Although the change from homesteading odd numbered sections to purchasing them was somewhat abrupt, the policy did not cause serious hardship. The Mennonites purchased "a considerable amount of land between their villages". (54) Codd prevented or attempted to prevent non-Mennonites from buying land within the reserve. (55) This helped the Mennonites to maintain their exclusiveness. Moreover, to some Mennonites who had first homesteaded on the poor land in the east reserve and who were by law restricted from making a second homestead entry, this possibility of obtaining land within a Mennonite reserve by purchasing it was very opportune. (56) A few Mennonites from the United States also took advantage of this and moved to Manitoba. (57)

The new arrangement, however, was not to last. The objections to the policy that the officials in Manitoba had made when it was first announced appear to have been accepted by the officials in Ottawa some months later. On February 18, 1880 Codd received the following telegram message from Ottawa: "It is reported that you are making sales of odd Sections within Mennonite Reserve - This will not be permitted at the present time - By order of the Minister." (58) Soon thereafter Codd was ordered to cancel all the sales which now involved over 8000 acres of land. (59) This was most confusing. The officials sent cables to Ottawa for further instructions and a delegation of Mennonites led by Isaak Mueller went to Winnipeg to find out why they were "forbidden" to either purchase or homestead odd numbered sections." (60) Lindsay Russell, the Surveyor General, now said, "because Order in Council prescribes that reservation is for exclusive use of Mennonites by settlement and does not accord them the right to purchase." (61) On March 23, 1880, Russell reverted to the original policy and stated that the Mennonites could homestead on the odd numbered sections. (62) Those who had purchased such sections were now given a refund of their money and allowed to make homestead entries instead. (63)

Although this seemed to settle the problem, it appeared again. Early in 1883 another Order in Council granted to the railway company all odd numbered sections in certain areas and once again these areas included the large Mennonite west reserve. (64) The railway company then announced its intention

to sell them. This, however, was not acceptable to the Deputy Minister of the Interior who argued that the reserve had been created before "any right of the Company had accrued".⁽⁶⁵⁾ These differences developed into a controversy which lasted a decade. The Justice Department became involved. Several times the matter was brought before the cabinet. Finally in 1893 there was a decision that the government had first given the lands to the Mennonites and therefore could not have given them to the railway company.⁽⁶⁶⁾ In this way the initial promises made to the Mennonites were upheld but the extended uncertainty and several reversals created considerable difficulty.

In the course of dealing with these problems, the possibility of terminating official sanction for the reserves altogether was raised several times. Such a termination would consist simply of opening the reserved land to the public. No specific plan for a termination had been set at the beginning but Mennonite claims to exclusive rights were not to last forever either. The original purpose of reserving land for the Mennonites was to help them to become established in an area by themselves. This purpose had been fulfilled in the course of their initial settlement. Yet they had not taken up all of the reserved land. So, at one point Donald Codd, in an effort to deal with the squatter problem, recommended that the west reserve be thrown open. He argued that the Mennonites, having "failed in completely settling the reserve, had lost their right to it".⁽⁶⁷⁾ Some time thereafter the Minister of Agri-

culture asked Hespeler to discuss the possibility of "throwing open the reservation" with Mennonite leaders. (68) Action to do this, however, was not taken.

Some years later there were steps towards a partial opening. One of these was the sale in October of 1881 of land in a small portion of the reserve which, for the most part, the Mennonites had not yet occupied. Later, in the mid-1880's there were steps involving the differences between the odd numbered and the even numbered sections. Some Orders-in-Council were passed giving the public access to some but not to others, sometimes on a homestead basis and sometimes on a purchase basis. A number of these provisions were soon rescinded, however. (69)

The discussions about terminating the reserves continued in an uncertain way for some time. Some officials in the Department of Agriculture insisted that "good faith to the Mennonites requires that we shall continue these reservations indefinitely until the lands have all been taken up by Mennonites." (70) Several Mennonite leaders expressed the hope that the government would do so. It was clear, however, that the few areas within the reserves which had not yet been taken up were of poor quality and not desired by Mennonites. Moreover, a few Mennonites were selling their land to non-Mennonites. In addition there was the fact that a sizeable part of the reserved land had not been settled by Mennonites in the first place. According to the Minister of the Interior in 1898 only about half of the land in the west reserve was in Mennonite

hands.⁽⁷¹⁾ On this basis, the government moved to terminate the reserves later that year thus opening all unsettled land to the public at large.⁽⁷²⁾ The reserves had served their purpose. In spite of the many problems, they had helped the Mennonites to become established in an area by themselves.

2. Village Settlement and Other Internal Matters

In addition to reserving an area of land for the Mennonites some accommodations had to be made on issues relating more to their settlement inside the reserved areas. One such issue arose from their desire to settle in villages rather than on individual homesteads as the Dominion Lands Act required. To the Mennonites this was important. Their methods of farming, the operation of their schools, and numerous social and religious practices presumed settlement in villages.

In spite of its importance, the question of village settlement had not been directly addressed in the earlier negotiations. Indeed, the letter from John Lowe of July 25, 1873, which they regarded as their basic charter, stated that they were to settle in accordance with the terms of the Dominion Lands Act. The Mennonites, however, seem to have overlooked this. When they came, they proceeded to settle in villages without hesitation. They probably assumed that since they had been given reserves of land they also had the right to settle in villages within those reserves.

Even though this discrepancy had the potential of becoming a major problem, it did not do so. It was resolved with ease. Legislation amending the Dominion Lands Act, assented to on April 12, 1876, included the following provision:

in the case of settlements being formed of immigrants in communities (such as those of Mennonites or Icelanders) the Minister of the Interior may vary or waive, in his discretion, the foregoing requirements as to residence and cultivation on each separate quarter-section entered as a homestead. (73)

With this the matter was resolved, although some years later an official in the Department expressed concern that there was no record of the Minister having ever formally exercised his discretion in favour of the Mennonites. He concluded however that "it would seem that Parliament itself had done that, - by citing the Mennonites and the Icelanders as cases where immigrants had already been allowed to settle in communities, and which permission could be allowed to other immigrants at the discretion of the Minister." (74) Some decades later this became a problem for the Doukhobors.

For the Mennonites there was another favourable change. The forms with which a person was to apply for the patent, that is the legal title for his land, required him to declare: "I...have been actually residing on my homestead." Obviously, this was not suited to people living in villages. The problem was brought to the attention of the authorities on several occasions and in 1883, a form better suited for people living in villages and not on their individual homesteads was brought into use. (75)

The matter of applying for the patents, for which a person became eligible after he had had a homestead for three years, was to encounter several other problems. One was related to the requirement that an immigrant homesteader first become a naturalized British Subject. To gain this status he had to take

the Oath of Allegiance. The Mennonites were reluctant about doing this, in part because of a long antipathy against taking oaths and in part because the words of the oath suggested a willingness to render military service. (76) One official reported the situation to Ottawa in the following way: "They hesitate to become naturalized owing to a professed difficulty in taking the oath of allegiance and also because should they become subjects of Her Majesty they would be called upon to take up arms in her defence... They claim that they were promised...that they should be relieved from Military service and they object to naturalization until they have a reassurance of this promise." (77) This reassurance was quickly given. An inquiry was made with the Justice Department and then an Order-in-Council was passed. It referred to the earlier promise of exemption given to the Mennonites on September 25, 1872, and then stated: "taking the Oath of Allegiance...will not be construed as interfering with the immunity from Military Service secured to them..." (78) In spite of this reassurance a few Mennonites remained hesitant. Several tried to purchase their land and thus become owners without taking the oath. (79) For most, however, the arrangement was satisfactory. They affirmed the oath, became British Subjects, and owners of their land.

There was yet one other internal problem. For a time the issuing of patents was made conditional upon repaying a loan. The Mennonite settlers realized during their first winter in Manitoba, that their financial resources would be seriously inadequate. To deal with the situation Jacob Y.

Shantz and other established Mennonites in Ontario who had already assisted them in very considerable ways, approached the federal government for a loan of one hundred thousand dollars for the Mennonite settlers in Manitoba. This was approved, after a debate in the House of Commons, and the Ontario Mennonites served as guarantors. (80)

Unfortunately, the Mennonites in Manitoba found it impossible to keep up with the repayment schedule which required that the loan be repaid in ten equal annual installments. This was of considerable concern to the Ontario Mennonites who then, in 1881, made a request to the Treasury Board "that the time for the repayment of the loan...be extended." (81) The Treasury Board agreed to do so but then asked the Minister of the Interior not to issue any patents to the Mennonites for the homesteads that they had taken up. (82)

Some Mennonites were unhappy with this idea. It was a restriction and not all had received monies from the government loan. (83) Without patents they would not be able to mortgage their land and this would limit their ability to purchase farm machinery and make other acquisitions. However, some of their leaders, notably Isaak Mueller, supported the restrictive plan because they wanted to have the obligations to the Ontario Mennonites and to the government disposed of as soon as possible. Some leaders had personally guaranteed parts of the loan to the Ontario Mennonites on behalf of their individual members. (84) They knew too that if the people got patents and made mortgages then these new obligations might take priority over their obliga-

tion to repay the government loan. (85) Isaak Mueller was particularly concerned about nearby business interests, whom he described as "a ring of sharpers" and who, he feared, would put strong pressure on the Mennonites to make new purchases. (86)

To translate the idea into reality, long lists were compiled of settlers who had received monies from the loan and who now agreed, perhaps under some pressure from Mueller, that "such advances should be a first lien or charge upon our homesteads and...that the Patents for the same should not be obtained from the Crown until such sums so advanced were first repaid." (87) The lists were sent to the Department of the Interior and an Order-in-Council was passed approving the arrangement. (88) Isaak Mueller would accept the payments that the settlers could make towards the loan and upon completion he would give them receipts which would release them from the commitment and make them eligible for the patents. (89) There was some criticism of the power which Mueller was able to exercise over the members but the arrangement helped to get the loan repaid. After repayment of the loan, the Minister of the Interior praised the Mennonites warmly for their great faithfulness. (90)

C. The Reserve at Hague, North West Territories

By the 1890's some Mennonites in Manitoba were looking for another place to settle. Virtually all the land in their Manitoba reserves had been taken up, although a portion of it by non-Mennonites. Another wave of Mennonite immigrants from Europe was coming. Most had large families. Children of the

first settlers were now eager to set up their own farms. They needed more land.⁽⁹¹⁾ At the same time, other factors were opening land in the North West Territories. Railways, together with various branch lines were being completed. And the government was eager to promote settlement.

The movement of the Mennonites to the north-west began slowly. Several Mennonite families from Manitoba moved in 1891.⁽⁹²⁾ Soon thereafter some Mennonites came from Europe directly. These, however, settled more on the individual basis suggested by the general homestead system. A more substantial group effort began early in 1894 when leaders of the Mennonites in Manitoba asked their solicitor, J.B. McLaren, to write to the Department of the Interior "with a view to securing another small reserve further west".⁽⁹³⁾ They suggested that the land be reserved "for a period of say five years".

This request was followed by discussions with officials about the best suited areas. During the summer of 1894 Mennonite leaders from Manitoba visited the north-west and made a selection of four particular townships near the town of Hague.⁽⁹⁴⁾ They presented these to the Minister of the Interior in a personal meeting in the fall and asked the government to reserve the even numbered sections. According to their account of the meeting, they dealt with the situation of the odd numbered sections by asking the Minister to help them to make arrangements with the railway company whereby it would "reserve these lands for sale to the Mennonites for a term of say at least five years,..."⁽⁹⁵⁾ This was not part of the Minister's account of

the meeting but he indicated a willingness to take their general request to the Government and stated that the good record of the Mennonites would make it easy to do so. (96)

An Order-in-Council granting a reserve of the four townships was passed on January 23, 1895. (97) It noted that the principle of reserving land for Mennonites had begun in 1873, and that a new reserve was now needed "in order to meet the growing needs of their families, and to encourage the settlement of their fellow-countrymen in Canada". It also assured them that they would "be enabled to carry out the principles of their Social System, and to settle together in hamlets (for which provision is made by section 37 of the Dominion Lands Act) by obtaining entries for contiguous lands." (98)

News of the government's action encouraged the Mennonites in Manitoba and in the Spring of 1895 arrangements were made for a special train of eighteen cars to take the settlers to the north-west. (99) The movement soon became larger than had been expected so the Mennonites asked that a fifth township be added to the reserve. This was done with an Order-in-Council passed on June 24, 1898. (100)

With these Orders-in-Council the matter of reserving an area of land for the Mennonites was firm in an official sense. In reality, however, it proved more complex. As in Manitoba, there were other people who had an interest in the land and also as in Manitoba, there were some problems in administration. A number of these problems were related to an effort in 1898 by the Immigration Commissioner in Winnipeg

to settle a colony of Galicians in an area nearby. This had "encountered very great difficulty." Many had returned to the more settled areas in Manitoba. A few had been prevailed upon to remain but these, according to a Dominion Lands Agent, had consented to stay "only on the condition that they would be allowed to make their own selection of lands, which they did on the Mennonite reserve, and as the Mennonites in that locality did not offer any objection it was deemed best to allow them to remain there." (101)

This deliberate settlement by government officials of non-Mennonites on land within the reserve became a concern. It involved primarily the township which had been added in 1898. One Immigration official, C.W. Speers, who had been part of the effort to settle the Galicians, recounted the great deal of trouble that they had had with the Galicians and expressed the hope that the Mennonites would now be asked to make an adjustment "in the interest of the Galician settler." (102) The Deputy Minister of the Interior was reluctant to withdraw land from the Mennonites after the government had formally reserved it for them. He advised Speers: "adjust the matter as best you can." (103)

When more Mennonites found "that lands selected by them were homesteaded by non-Mennonites", they asked their Solicitor in Manitoba, J.B. McLaren to appeal to Ottawa. In a letter to the Secretary of the Department of the Interior, he wrote the following:

While the Mennonite Association appreciates the kindly recognition given to them as settlers in

setting aside this reserve for them and while they do not wish to appear as carping at small matters, they feel very keenly in regard to outsiders being allowed to settle on their reserve. As you are aware they live largely in the village system or at all events on the community system. They have their own Mutual Aid Societies, Mutual Fire Insurance Companies, Mennonite schools, commune system of herding cattle, together with other institutions peculiar to themselves and under the control of or in connection with their church. These institutions, as you will readily see, are based on the settlement being exclusively Mennonite, and a very few non-Mennonite settlers could prevent their successful operation. (104)

The authorities were in an awkward situation. Mr. Speers, it appears, was not aware that the fifth township referred to in the Order-in-Council of June 24, 1898, also belonged to the Mennonite reserve. (105) Also, it may be that the Mennonites who were said to have raised no objections to the settlement of the Galicians were those who had settled on a more individual basis near the reserve. Moreover, the understanding between the officials and the Galicians appears to have been quite firm. A senior land agent in Prince Albert warned that "any appearance of breach of faith with them might lead to undesirable results." (106) It is understandable, therefore, that the reply to McLaren from Ottawa, dated April 24, 1899, said little more than that, "Mr. Speers... has been instructed to see the persons interested and do what he can to have the matter satisfactorily adjusted." (107)

The problem was discussed at some length among officials in the following weeks. The complaints too continued. On one occasion Franz Froese, a leader in the Mennonite Church, wrote to the Honourable Clifford Sifton. (108) On another occasion

some thirty-five Mennonites signed a petition requesting the Government "to make arrangements so as to keep the Galicians from settling among us in our Reserve". (109) Meanwhile officials wanted to protect at least those Galicians who might have settled on the land before it was declared to be a reserve. (110) But this was not easily done since some Galicians had moved around, taking possession of land without bothering to immediately make official entries in land offices. When officials sought more definite instructions from Ottawa, the Department refused, saying: "It is impossible to give any definite instructions to Mr. Speers in this connection but he should go there, look into the matter on the spot, and make the best arrangement possible." (111)

In August of 1899, Speers carried out this laborious task. It appears that he visited many of the settlers concerned. He recommended, in some instances, that entries made by Mennonites be cancelled and that the claim of the Galicians be allowed. In other instances the Galicians were refused. (112) The Department proceeded to ratify his recommendations but several Mennonites, whose entries were cancelled, protested strongly. (113) Eventually it was found that he had favoured those Galicians who had made a claim to land in the summer of 1898 because he had understood that the land had been reserved for the Mennonites only in October of 1898. (114) In fact the fifth township had been reserved on June 24, 1898. The discovery of this, in January of 1900 strengthened the claim of the Mennonites. (115) Some Galicians, however, when they were

informed of this protested strongly. There were threats of violence. (116) The conflict continued into the summer of 1901. Mr. Speers made another personal visit. (117) Eventually, the few contending Mennonites were persuaded to surrender their claims and to take land in another part of the reserve. (118)

In addition to these difficulties with the Galicians, there was one other problem. It was related to their desire to live in villages. It appeared in 1899 when some who had held their homesteads for the required three years applied for patents and were refused. (119) Unknown to the Mennonites, there had been some changes in the law. The 1876 amendment, which allowed the Minister to waive the requirements that a homesteader reside on and cultivate his particular homestead, had been replaced in 1883 with one allowing only the residence requirement to be waived and even that one was now subject to conditions not set forth earlier. The law, as of 1883, stated:

If a number of homestead settlers, embracing at least twenty families, with the view to greater convenience in the establishment of schools and churches, and to the attainment of social advantages of like character, ask to be allowed to settle together in a hamlet or village, the Minister may, in his discretion, vary or dispense with the foregoing requirements as to residence, but not as to cultivation of each quarter section entered as a homestead. (120)

In fact, another amendment was added to this one in the Spring of 1898. (121) It provided that the Minister could reserve land for groups, authorize village settlement, and waive the requirements of both residence and cultivation on individual homesteads. These 1898 provisions seem not to have been referred to in the negotiations with the Mennonites nor in those with the Doukhobors which took place in the fall of 1898.)

The law, as it was presented to the Mennonites from Hague did not allow a homesteader to obtain a patent if he had not cultivated at least a portion of his particular homestead. Yet in the negotiations for the Hague reserve they had stated their desire "to perform their homestead duties according to the Village system in the same way as they had been permitted to do...in Manitoba". (122) Moreover, the Order-in-Council, of January 23, 1895 which established the reserve at Hague, and the one of June 24, 1898 which added one township, had stated that they would be able "to carry out the principles of their Social System, and to settle together in hamlets..." They had settled accordingly and were surprised now to learn that they would not get their patents.

To deal with the problem, their Solicitor, J.B. McLaren approached the Minister. Their leader, Franz Froese, who had been involved in the early negotiations, then made a solemn declaration about his understanding of the earlier negotiations. (123) As a result, an Order-in-Council was passed on March 6, 1900 which acknowledged that the Mennonites, who had settled in the north-west had "received assurance from the Department in the year 1894 that the privilege of residing in hamlets and cultivating land in common, which was at one time enjoyed by Mennonites in Manitoba..." would continue to apply to them, and that they had relied on such assurance and had proceeded to settle accordingly. The Order then stated that they could obtain the patents for their homesteads without residing on them. (124)

The issue of the odd numbered sections which belonged to the railway company seems not to have caused problems. In the

Early negotiations the Mennonites had asked the Minister to help them to make arrangements so that they would be able to purchase them from the company. Soon thereafter the Minister advised them to go to the agents of the company directly. Details of the arrangement are not described in the surviving records but the very rapid development of about a dozen villages suggests that a satisfactory arrangement for obtaining the odd numbered sections had been negotiated. (125) The records are incomplete also on matters relating to the termination of the reserve. (126)

D. The Reserve at Swift Current

In 1904, almost a decade after the movement to the Hague area, Mennonite leaders in Manitoba approached the government with another request. The reserve at Hague had filled quickly. Their population continued to increase and they needed more land. They had done some searching on their own and had decided on an area near Swift Current, about 200 miles south of Hague. In July of 1904 they sent two of their leaders, Franz Froese and John Wall, to Ottawa to ask the Honourable Clifford Sifton, Minister of the Interior, for a reservation in that area. (127)

Sifton, it appears, had an immediate interest in the venture. He instructed his officials to make the necessary inspections without delay. (128) On August 13, 1904, an Order-in-Council was passed reserving six townships of land for the Mennonite Association. (129) The Order noted that the lands were not of particularly good quality, stating:

They are reported as not being of a class which would make them suitable for farming by ordinary settlers,... but...guided...by the results which have attended the efforts of the Mennonite community in other parts of Manitoba and the North West Territories in founding colonies...they will be able to work the lands applied for with success.

Some of the odd numbered sections in the area, but not all of them, had become the property of the railway company. The Order provided that those remaining at the disposal of the government would be open, like the even numbered sections, for homesteading by Mennonites. And those which did belong to the railway company appear to have remained under the administration of the government. For these the Mennonites would have an exclusive purchase right. The Order also stated that no one unless approved by the Mennonite Association or otherwise authorized by the Department of the Interior was to have homestead rights within the reserve and that "such reserve shall be continued for three years".

These official provisions seemed adequate but several of the problems experienced in the other reserves soon appeared here too. One of them was the settlement of non-Mennonites in the reserved lands. The Mennonites, eager to avoid such problems, had "deliberately selected lands which had been in the market for nearly a generation" and for which there had been no demand. Indeed, the Department had felt that the lands were not good enough to warrant efforts to encourage settlers to locate in the area. (130) Nevertheless, in the summer of 1904, while the Mennonites were negotiating for the reserve, some other people were in the process of claiming homesteads.

in that area. Not all of these claims had been finalized at the time when the Order-in-Council creating the reserve was passed. Some of these were then rejected. (131)

Later, the problem reappeared. Early in 1906, the Lands Agent in Regina wrote to Ottawa stating: "I find by our records that entries for others than Mennonites have been allowed to go through, the order having been inadvertently overlooked by the Clerk in charge...please advise me at once what action I shall take..." (132) Also in the Spring of 1906, the Solicitors for the Mennonites, McLaren, McLeod, and Black, of Morden, Manitoba, wrote a strong letter to the Minister who now was Frank Oliver. (133) They said that they had long been involved with helping Mennonites to settle on reserves and that they had "always had interminable trouble in maintaining the reserves for the Mennonites." They said further that "the underlings in the Department seem to be opposed to allowing the Mennonites to have their reserves undisturbed." They noted that Mr. Turriff, the Commissioner of Dominion Lands had "openly avowed his objection to these reserves." They described the predicament of the Mennonites in the following way:

Mennonite settlers who are entitled to entry under the terms of the reservation, went up from here to Swift Current, taking their effects with them, and seven of them have found the lands which they selected taken up, and they are now stranded on the prairie awaiting your intervention in the matter. This Spring, 104 cars of stuff have left this district for the Swift Current Reserve, together with about 450 persons in all. So far 230 entries have been made, and there is a large number yet to be made. We do not know whether any further entries made by non-Mennonites or not, but we would ask you to take immediate steps to have the entries already made, cancelled... (134)

The Solicitors also drew attention to a suggestion that they had made earlier that every Mennonite, when applying for a homestead should "have a certificate from Mr. Franz Froese, the agent of the (Mennonite) association, showing that he is entitled to a Homestead on the Reserve,..." and that Land agents should grant entries only to applicants who had such a certificate from an agent of the Association. (135)

In reality the problem was not widespread. Less than ten homesteads had been given to non-Mennonites through this oversight. Still, the Department accepted the suggestion and instructed the Lands office in Regina that "applicants for entries should first obtain a certificate from an accredited representative of the Mennonite Association". (136) It warned the particular official involved in the oversight that any repetition would lead to his immediate dismissal. But it ruled that the several homesteads which had been granted should be allowed to stand since they were "granted to bona fide settlers."

If the issue of non-Mennonites on reserved land was less serious at Swift Current than it had been at Hague and in Manitoba, the issue of village settlement was slightly more complex. This issue had not been dealt with in a clear way at the time of the negotiations for the reserve although there were some references to it. (137) The Order in Council granting the reserve did refer to the way Mennonites founded "colonies" and to "the plan which it is proposed to follow..." (138)

The problem emerged soon after their arrival. They began to settle in villages but some local officials seem to have

objected. The Mennonites then petitioned the Minister to "allow them to perform their homestead duties on the hamlet system". (139) In their arguments they referred to the fact that they had been allowed this privilege before, that it had contributed to the rapid development of the areas where they had settled, and that it was particularly important in the Swift Current area since the difficulty and expense of digging the very deep wells necessary to get water, if placed upon each individual homesteader, would make the development of the area much slower than if they could have wells together in villages. They also referred to the importance of village settlement for their social and religious life.

A reply from the Department came in the Spring of 1905. (140) It was willing to let the people settle in villages subject to a strict interpretation of the provision which stated that there had to be a petition from "a number of homestead settlers, embracing at least twenty families,..." before the Minister would consider using his discretion to waive the normal residence requirements. (141) The insistence on such a strict interpretation created problems. The formation of hamlets or villages was naturally a gradual process. They did not suddenly have twenty settlers in them. When some officials expressed concern about this the Solicitor for the Mennonites, A. McLeod, in July of 1906 wrote another strong letter to the Minister, stating:

None of the hamlets yet have twenty settlers in them, and the inspectors of the Department are poking around and notifying the homesteaders in these hamlets

to get on their land. I cannot understand what the inspectors are doing there at all, unless they are there for the express purpose of worrying these people. No one can homestead the lands except Mennonites who get certificates from the society, and they will not give two certificates for the one piece of land. The society has three years to settle the reserve, and before that time is up, every homestead that is worth taking in the reserve will be settled if the officials simply let them alone,...(142)

The officials did not make an immediate positive response to McLeod.(143) Some months later, however, he wrote to the Department again and placed before them a tangible proposal. He explained that eight hamlets were in the process of being formed but that none of them had twenty settlers yet. He then asked that the entries of these settlers be protected until the required number had been reached, at which time the formal application for hamlet status would be submitted.(144) The Department accepted this proposal.(145) A slight complication arose when, early in 1907, the "hamlet privilege" was abolished.(146) The Department decided, however, to extend it for the Mennonites since "the arrangements with them were made before the change in the regulations".(147) Later in 1907, four villages presented formal applications, each having the required twenty residents.(148) There were several other villages in the reserve whose formation was facilitated, it appears, by the fact that they were able to purchase certain odd numbered sections.(149)

The Swift Current reserve was terminated on October 1, 1909, that is, any unclaimed reserve land could be taken up by non-Mennonites after that date. The original plan was that this would take place earlier. The Order-in-Council, on August 13,

1904 reserving the land for the Mennonites had stated that it should "continue for three years". When that time was about to expire a local official made an inquiry.⁽¹⁵⁰⁾ Officials in Ottawa then sent instructions that no action be taken to throw open the land to the general public.⁽¹⁵¹⁾ The matter was discussed in the Department for nearly two years. An Order-in-Council on April 8, 1909, upheld the de facto extension granted by officials.⁽¹⁵²⁾ On October 1, 1909, however, the lands were opened to the public.⁽¹⁵³⁾

E. Conclusion

In reviewing these many developments that relate to the Mennonite reserves in three areas of the Canadian prairies there are two things which stand out. One is that the federal government did accommodate these Mennonites. It made changes in the general homestead laws so that they could become established in their desired communal way. The second thing is that the process of doing so was marked by many complications.

The government made three main concessions in order to accommodate the way of life desired by the Mennonites. First, it reserved areas of land so that only Mennonites could homestead within them. Ordinarily, homesteads were to be given to the first eligible applicant. Secondly, it helped them to obtain the odd numbered sections within those reserved areas. Ordinarily, instead of being open for homesteading, these were to be purchased and the sellers, usually a railway company, could have sold them to non-Mennonites. The Mennonites needed both the even and the

odd numbered sections in order to set up their villages and to keep the areas to themselves. Thirdly, the government waived the normal requirements that homesteaders reside on and cultivate their individual homesteads. The Mennonites did not object as strongly to the cultivation requirement since they had always accepted private property. But if the government had not waived the residence requirement then they would not have been able to settle in villages. These three concessions, taken together, represent a fairly broad liberty. However, there were many difficulties of an administrative nature.

It can be expected that these concessions, since they represent an unusual arrangement, would be accompanied by administrative difficulties. One major source of difficulty was the settlement of some non-Mennonites in each of the areas officially reserved for Mennonites. Some had settled there legitimately before the land was reserved for Mennonites and officials in Ottawa had been unaware of them. Others squatted there after it had been reserved, sometimes with the tacit support of officials. Still others, like the Galicians in the Hague reserve, were given official homestead entries even after the land had been reserved for Mennonites. And in the Swift Current situation it seems to have been an honest mistake on the part of one official. There were other difficulties too. When lands in the west reserve in Manitoba not occupied by Mennonites were to be sold in a public auction there were serious discrepancies about which lands were indeed unoccupied. The records in the local, regional, and national land offices.

varied significantly. Also, there were prolonged uncertainties, in the case of the Manitoba west reserve, about the status of some odd numbered sections and how Mennonites might obtain them.

These and other administrative difficulties may suggest that the problems were more basic. Perhaps the broader institutional framework was not well-suited for dealing with such communities. The federal government had indicated its willingness to accommodate the Mennonites but the arrangements for doing so were of a piecemeal nature. The government had gone part way towards giving them the status of 'a society within a society' but it continued to administer a number of things within the reserves. Perhaps there would have been fewer difficulties if the government had left all internal matters to the Mennonites and committed itself only to maintaining the borders of the reserves. The arrangement that the Mennonites had in Russia was more like that. In Canada, however, such a 'special status' would have represented an even more basic institutional change.

The difficulties may also be related to the political culture. The lack of enthusiasm for the Mennonite reserves on the part of some officials appears to have come not from any general dislike of Mennonites but from a sense that the idea of a reserve for a particular group of people was somehow unfair. This is understandable. The general plan for settling the prairies was that homestead entries would be given to the first eligible applicant. The values inherent in that general plan

were those of egalitarianism and individualism. The Mennonites, in contrast, were given special privileges on a communal basis. It is not surprising that officials, when pressured by other settlers, sometimes reflected "mixed sympathies" about the idea of special reserves for Mennonites. Their status, it can be suggested, was not quite in harmony with the political culture;

If these broader institutional and cultural dimensions help to explain the difficulties, there are some other factors which may help to explain why, in spite of these, there was a significant degree of success. One factor is the general flexibility of the political system. This may be due, in part, to the fact that when the Mennonites came, there were relatively few agricultural settlers on the prairies. If the prairies had been well settled already, then it would have been more difficult for the government to be flexible. The Mennonites, for their part, were flexible too. They did not insist that things be established exactly as they had been in Russia.

A second factor which may help to explain the relative success relates to the "political process". It involved neither political parties nor the courts but it was open and direct. The Mennonites showed little hesitation in making requests of the government. They sent numerous communications to officials, both directly and indirectly through solicitors, and other intermediaries. They made complaints and proposed ways of resolving the difficulties. They were persistent. The government's responses were open and direct too. This characteristic is

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suggested in an 1880 letter from Isaak Mueller, the Mennonite leader in Manitoba, to Sir John A. MacDonald who in addition to being Prime Minister was also the Minister of the Interior. Before describing his specific complaint, Mueller said,

the Government of which you are the Honourable head has always met our complaints with justice remedying mistake(sic) where it was possible to do so and we again have always endeavoured to yield any point your department has demanded,...(154)

Mueller's words suggest a third reason for the success: that of good faith. The Mennonites, in spite of their separatism, were not anarchists. Their theology had a definite place for government. Moreover, those who had chosen Canada had done so because they believed that the Canadian government would be more accommodating of their particular way of life.(155) They were assured further when the Governor General visited their settlement in 1877 and gave them a very warm welcome. (The Governor General's address to the Mennonites is reproduced in Appendix 9.)

This good faith on the part of both the Mennonites and the government, the open and direct communications which characterized the process for dealing with the problems, the general flexibility on both sides, and the role of the Mennonites in the government's policy objective of settling the west, may help to explain why, in spite of numerous administrative difficulties, the arrangements for the Mennonite reserves were moderately successful.

FOOTNOTES TO CHAPTER II: THE MENNONITE RESERVES

1. E.K. Francis, In Search of Utopia: The Mennonites of Manitoba, Altona, Manitoba, D.W. Friesen & Sons Ltd., 1955, p. 64.
2. As quoted in Chester Martin, "Dominion Lands" Policy, edited and with an introduction by Lewis H. Thomas, Toronto, McClelland and Stewart Limited, 1973, p. 125.
3. Ibid, p. 144.
4. C.A. Dawson, Group Settlement: Ethnic Communities in Western Canada, Toronto, MacMillan, 1936, p. viii. E.K. Francis has a similar comment. He refers to "the essentially individualistic property system embodied in the Dominion Lands Act", in In Search of Utopia, op. cit., p. 64.
5. Order-in-Council, P.C., 827B, April 26, 1872, PAC, R.G. 2,1, Vol. 108.
6. Jacob Y. Shantz, Narrative of a Journey to Manitoba, together with an abstract of the Dominion Lands Act, and an Extract from the Government pamphlet on Manitoba, Ottawa, Department of Agriculture, 1873, p. 19.
7. Order-in-Council, March 3, 1873, PAC, R.G. 2,1.
8. Order-in-Council, May 23, 1873, Ibid.
9. E.K. Francis, op. cit., p. 41.
10. Letter to J.H. Pope, federal Minister of Agriculture from David Klassen, Jacob Peters, Heinrich Wiebe, and Cornelius Toews, July 23, 1873, as found in H.J. Gerbrandt, Adventure In Faith, Altona, Manitoba, D.W. Friesen and Sons Ltd., 1970, p. 56.
11. The full text of the letter can be found in Francis, op. cit., p. 44. An original, handwritten copy is in PAC, R.G. 15, Vol. 233, No. 3129 (2A). In this file the date of the letter is stated as July 26, 1873.
12. Frank H. Epp, Mennonites in Canada, 1786-1920: The History of a Separate People, Toronto, McMillan of Canada, 1974, p. 210. (Hereinafter cited as Mennonites in Canada, 1786-1920.)
13. Ibid, p. 211, and Adolf Ens, "Mennonite Relations With Governments Western Canada 1870-1925", an unpublished doctoral dissertation submitted to the Department of Religious Studies, University of Ottawa, Ottawa, Ontario, 1979, p. 46.

14. Telegram, Donald Codd, Dominion Lands Agent in Winnipeg, July 23, 1875. PAC, R.G. 15, Vol. 232, No. 3129, as found in Adolf Ens, op. cit., p. 49.
15. E.K. Francis, op. cit., p. 62.
16. Order-in-Council, P.C. 397, PAC, R.G. 2, 1, Vol. 142.
17. A Petition from John Johnston and 18 others to the Hon. The Minister of the Interior, August 17, 1876, PAC, R.G. 15, Vol. 236, No. 6411.
18. Letter, William Hespeler, Immigration Agent to C.A.P. Pellelier, Minister of Agriculture, November 5, 1877, PAC, R.G. 17, 1-1, Vol. 205, No. 21192.
19. Ibid.
20. Letter, A. Belch, Dominion Lands Agent to the office of the Surveyor General, Ottawa, July 14, 1877, PAC, R.G. 15, Vol. 232, No. 3129(1).
21. Ibid.
22. Letter, Donald Codd, Dominion Lands Agent in Winnipeg to the Surveyor-General, Ottawa, November 2, 1877, Ibid.
23. A Report by William Pearce, November 22, 1877, Ibid.
24. Ibid.
25. Ibid.
26. Letter, Donald Codd to the Surveyor General, November 29, 1877, Ibid.
27. A Report by William Hespeler and William Pearce, January 15, 1878, Ibid.
28. Letter, William Hespeler to Donald Codd, September 20, 1879. Ibid. In this letter Hespeler states that the Mennonites had taken up only about seven townships, which would be slightly less than one-half.
29. Memorandum, J.S. Dennis, Surveyor General to the Minister of the Interior, Ottawa, December 14, 1877, Ibid.
30. A Report by William Hespeler and William Pearce, January 15, 1878, Ibid.
31. Report by Geo. F. Newcomb, April 30, 1878, Ibid.
32. Letters, Geo. F. Newcomb to the Dominion Lands Agent in Winnipeg, February 23, 1878; Donald Codd to the Surveyor

- General, March 1, 1878 and Donald Codd to the Surveyor General, May 1, 1878, Ibid.
33. Letters, Donald Codd to William Hespeler, September 16, 1879, PAC, R.G. 15, Vol. 232, No. 3129(1).
 34. Memorandum by Chas. Allen, September 27, 1879, Ibid.
 35. Letter, Donald Codd to William Hespeler, September 16, 1879, Ibid.
 36. "Extract from Letter of the Surveyor General to the Deputy of the Minister of the Interior", October 4, 1879, Ibid.
 37. Minister of the Interior to the Privy Council, March 5, 1881, Ibid.
 38. Order-in-Council, P.C. 381, March 24, 1881, PAC, R.G. 2, 1.
 39. Letter, Donald Codd to the Surveyor General, Ottawa, March 30, 1881, PAC, R.G. 15, Vol. 233, No. 3129(2A).
 40. Letter, R. Rauscher to Lindsay Russell, the Surveyor General, September 1, 1881, Ibid.
 41. Telegram, M.P.'s Schultz, Scott, Ryan, and Royal, to the Hon. D.L. McPherson, September 6, 1881, PAC, R.G. 15, Vol. 233, No. 3129(2).
 42. Memo, A. Campbell, Acting Minister of the Interior to L. Russell, Surveyor General, September 10, 1881, Ibid.
 43. Letter, A.H. Whitcher, Dominion Lands Agent to the Surveyor General, November 17, 1881, PAC, R.G. 233, No. 3129(2A).
 44. Letter, Lindsay Russell to D.L. McPherson, Acting Minister of the Interior, September 2, 1881, Ibid. Arrangements to this effect were formalized with an Order in Council on September 7, 1881, PAC, R.G. 15, Vol. 233, No. 3129(2).
 45. Order-in-Council P.C. 1276, September 7, 1881, Ibid.
 46. One letter dated July 24, 1882, to Sir John A. MacDonald from a group of squatters led by George Faulkner contains the following words: "...we come to you as our fountain-head for help. We appeal to our Chief for aid. When the political struggle was at its height here in Manitoba, we never waived in our loyalty to our Chief...We are staunch Conservatives,...." PAC, R.G. 15, Vol. 233, No. 3129(3).

47. Further evidence of the mixed sympathies can be found in reports that some officials at certain points told squatters that "part of the Reserve would be thrown open for entry in a few days". This would appear to offer encouragement to them. Also, at one point, there were instructions to local officials that because of the high cost of evicting the squatters they should only "warn them that they are acting illegally and are liable to be ejected". Letter, R.R. Mills to the Honourable Minister of the Interior, November 29, 1880; a Petition signed by Mills and 21 others to the Minister of the Interior, December 14, 1880; and a letter from Donald Codd to the Surveyor General, May 19, 1880; PAC, R.G. 15, Vol. 232, No. 3129(1).
48. As found in Adolf Ens, op. cit., p. 64.
49. A German copy of the announcement can be found in PAC, R.G. 15, Vol. 232, No. 3129(1A).
50. Codd's inquiry and the reply of the Surveyor General are described in a letter from Codd to the Surveyor General dated April 2, 1880, PAC, R.G. 15, Vol. 232, No. 3129(1A).
51. This is referred to in a letter from Hespeler to Lindsay Russell, the Surveyor General, dated March 14, 1880, PAC, R.G. 15, Vol. 232, No. 3129(1A).
52. Ibid.
53. Letter, Codd to the Surveyor General, April 2, 1880, PAC, R.G. 15, Vol. 232, No. 3129(1A).
54. Letter, William Hespeler to the Surveyor General, March 14, 1880, Ibid.
55. Telegram, Donald Codd to Lindsay Russell, February 18, 1880, Ibid.
56. Letter, William Hespeler to Lindsay Russell, Surveyor General, Ottawa, March 11, 1880, Ibid.
57. Order-in-Council, January 31, 1881, Ibid. This Order-in-Council authorized a refund of money after the sales had been cancelled.
58. Memorandum to Lindsay Russell, Surveyor General, February 18, 1880, Ibid.
59. The order to cancel the sales came on March 9, 1880 according to a letter from Codd to Hespeler, October 11, 1880. The reference to over 8000 acres having been sold appears in a telegram from Codd to the Surveyor General March 8, 1880, Ibid.

60. Telegram, Codd to Russell, February 25, 1880, Ibid.
61. This note, which is Russell's reply to a telegram from Hespeler, appears on its back side. Ibid.
62. This note from Russell appears in the margin of a letter written to him by Hespeler dated March 14, 1880. Ibid.
63. This resolution of the problem is suggested in a letter from Henry Landarkin, a land agent, to the Surveyor General on October 13, 1880 and in other documents. Ibid.
64. Order-in-Council, P.C. 110, January 25, 1883, PAC; R.G.2,1, Vol. 245.
65. Lindsay Russell, now Deputy Minister of the Interior, used this phrase at an earlier stage in these discussions, in a communication to C. Drinkwater, Secretary C.P.R., Montreal, November 8, 1882, PAC, R.G. 15, Vol. 303, No. 67992.
66. These developments are described in Adolf Ens, op. cit., 46 ff.
67. Letter, Donald Codd, Winnipeg, to the Surveyor General, Ottawa, September 26, 1879, PAC, R.G. 15, Vol. 232, No. 3129(1).
68. Letter, H.B. Small, Acting Secretary, Department of Agriculture, to J.S. Dennis, November 25, 1879, Ibid.
69. These developments are described in Adolf Ens, op. cit.
70. Letter, A.M. Burgess, Deputy Minister of the Interior, to H.H. Smith, Commissioner for Dominion Lands, Winnipeg, May 13, 1891, PAC, R.G. 15, Vol. 570, No. 179925(1).
71. Order-in-Council, P.C. 1266, June 27, 1898, PAC, R.G. 2,1, Vol. 770.
72. Ibid.
73. An Act to amend the Dominion Lands Acts, Statistics of Canada, 1876, 39 Victoria, c. 19.
74. Memorandum, the Department of the Interior, dated March 23, 1889. The name of the author is not given. PAC, R.G. 50, No. 27630(2).
75. Requests for a change in the form had come from several sources. On June 6, 1881, N. Leslie, a local land agent, brought the problem to the attention of the Surveyor General, Lindsay Russell, and asked for "forms that will meet their case". PAC, R.G. 15, Vol. 250, No. 27630(1). Also, on

- November 28, 1881, the Mennonite leader, Isaak Mueller, wrote to Russell, now Deputy Minister of the Interior, and asked that different forms be used. PAC, R.G. 15, Vol. 233, No. 3129(3).
76. The Oath of Allegiance of the time (31 Vic., Cap. 66, Sec. 4.) was worded in the following way: "I do sincerely promise and swear (affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland; and of the Dominion of Canada, dependent on and belonging to the said United Kingdom, and I will defend Her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against Her Person, Crown and Dignity; and that I will do my utmost endeavor to disclose and make known to Her Majesty Her Heirs and Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her or any of them; and all this I do swear (affirm) without any equivocation, mental evasion or secret reservation. So Help Me God." As found in PAC, R.G. 15, Vol. 250, No. 27630(1).
77. Letter, A. Belch to the Surveyor General, July 14, 1877, PAC, R.G. 15, Vol. 237, No. 8974.
78. Order-in-Council, P.C. 786, August 27, 1877, Ibid. The exchange of correspondence with the Justice Department is in this same file.
79. Letters, James R. Bonny to Sir John A. MacDonald, Minister of the Interior, June 13, 1883, and John R. Hull, Secretary of the Department to James R. Bonny, July 3, 1883, PAC, R.G. 15, Vol. 233, No. 3129(2).
80. E.K. Francis, op. cit., p. 55 ff.
81. Letter, Secretary of the Treasury Board to The Right Honourable The Minister of the Interior, June 20, 1881. PAC, R.G. 15, Vol. 250, No. 27630(1).
82. Ibid.
83. Letter, William Hespeler to Lindsay Russell, Surveyor General, July 22, 1881, Ibid.
84. E.K. Francis, op. cit., p. 59.
85. Letter, Frank Smith, President, London and Ontario Investment Co. Limited to Sir John A. MacDonald, January 17, 1883, PAC, R.G. 15, Vol. 250, No. 27630(1).

86. Letter, Isaak Mueller, Leader of Mennonites, to The Honourable Minister of the Interior, Ottawa, November 28, 1882, PAC, R.G. 15, Vol. 233, No. 3129(3).
87. Several such lists, addressed to the Minister of the Interior are in PAC, R.G. 15, Vol. 250, No. 27630(1).
88. Order-in-Council, P.C. 251, February 6, 1883, Ibid.
89. Letters, Department of the Interior to J.Y. Shantz, April 28, 1883, and J.Y. Shantz to the Minister of the Interior, April 28, 1883, Ibid. The arrangement represented a considerable power of Mueller, and in a sense of the group, over its individual members. Some individual Mennonites were not happy with this. Letter; James R. Bonny to John A. MacDonald, November 24, 1882. PAC, R.G. 15, Vol. 232, No. 3129(2). His power over the group had been criticized in newspapers earlier already. Manitoba Free Press, April 19, 1880....
90. E.K. Francis, op. cit., p. 57. Here the Minister is quoted as saying, "The history of any country does not afford, I undertake to say, a case in which an obligation to the government on the part of any society, company, or individual, has been fulfilled with greater faithfulness than this."
91. E.K. Francis, op. cit., p. 144.
92. Richard John Friesen, "Old Colony Mennonite Settlements in Saskatchewan: A Study in Settlement Change", an unpublished M.A. thesis for the Department of Geography, University of Alberta, Edmonton, 1975, p. 68.
93. Letter, J.B. McLaren to The Secretary, Department of the Interior, February 21, 1894, PAC, R.G. 15, Vol. 652, No. 270476.
94. Memo, to A.M. Burgess from T. Mayne Daly, Minister of the Interior, November 3, 1894, Ibid.
95. Letter, J.B. McLaren to Hon. T. Mayne Daly, April 2, 1895, Ibid.
96. Memo, to A.M. Burgess from T. Mayne Daly, November 3, 1894, Ibid.
97. Order-in-Council, P.C. 188, January 23, 1895, Ibid. The land reserved consisted on Townships 40 in Ranges 3, 4 and 5 and Township 41 in Range 4.
98. Ibid.

99. Adolf Ens, op. cit., p. 147.
100. Order-in-Council, P.C. 1627, June 24, 1898, PAC, R.G. 15, Vol. 652, No. 270476. The new one was Township 41 in Range 3.
101. Letter, John McTaggart, Agent of Dominion Lands, Prince Albert, to Messrs. McLaren and McLeod, Barristers, Morden, Manitoba, March 28, 1899, PAC, R.G. 15, Vol. 652, No. 270476.
102. Letter, C.W. Speers, to James A. Smart, Deputy Minister of the Interior, April 4, 1899, Ibid. One letter describes Speers' involvement in the following way: "a number of Galician immigrants have been settled last year by Mr. Speers, immigration agent, upon lands which now are part of the Mennonite reserve." Letter, Huysmans de Deflal, Sub-agent, Dominion Lands office, Duck Lake, to the Deputy Minister of the Interior, April 8, 1899, Ibid.
103. Letter, James A. Smart, Deputy Minister, Department of the Interior to C.W. Speers, General Colonization Agent, Winnipeg, April 7, 1899, Ibid.
104. Letter, McLaren, McLeod and Black, to The Secretary, Department of the Interior, April 12, 1899, Ibid.
105. Extract from letter from Mr. C.W. Speers, General Colonization Agent, dated at Brandon, Manitoba, April 14, 1899 to Frank Pedley, Esq., Supt. of Immigration, Ottawa. Ibid.
106. Memo, Department of the Interior, October 6, 1898, Ibid.
107. Letter, John R. Hall, Secretary, Department of the Interior, to Messrs. McLaren, McLeod and Black, Morden, Manitoba, April 24, 1899, Ibid.
108. Letter, Elder Franz Froese to "the High and Worthy Minister Hon. Clifford Sifton, Ottawa", August 26, 1899, Ibid.
109. Letter, signed by B.J. Friesen and 34 others to The Department of the Interior, August 14, 1899, Ibid.
110. Letter, James A. Smart, Deputy Minister of the Interior, to C.W. Speers, April 20, 1899, Ibid.
111. Letter, G. Turiff, Department of the Interior, Ottawa, to W.F. McCreary, Commissioner of Immigration, Winnipeg, August 3, 1899, Ibid.
112. Letter and Report, C.W. Speers to W.F. McCreary, August 26, 1899, Ibid.

113. The several Mennonites who protested include Martin B. Ham, Franz Harder, and Abraham Penner. See letters from the fall of 1899 in Ibid.
114. Speers' misunderstanding about the date of the reserve, which is evident in his report of August 26, 1899, was based on a letter written to him by James A. Smart, the Deputy Minister of the Department of the Interior, April 20, 1899. In that letter Smart also stated that Galicians "or other squatters" in prior occupation of the land should not be removed. Speers' approach, therefore, is understandable. Ibid.
115. Letter, McTaggart, Agent of Dominion Lands, Prince Albert, to The Secretary, Department of the Interior, Ottawa, January 5, 1899, and the reply from P.G. Keyes, Secretary, January 12, 1899, Ibid.
116. Letter, C.W. Speers, to Frank Pedley, Superintendent of Immigration, April 25, 1901, Ibid.
117. Letter, P.G. Keyes, to C.W. Speers, May 6, 1901, Ibid.
118. A Report, from R.S. Cook to John McTaggart, April 7, 1900. One Mennonite, Abram Penner, was persuaded only after the Department agreed to pay him \$50.00 in compensation for the work that he had done on the land. Statement, signed by Abram Penner, June 1, 1901, at Rosthern, Ibid.
119. Letter, J.B. McLaren to Hon. Clifford Sifton, Minister of the Interior, November 24, 1899, Ibid.
120. "An Act further to amend and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned". Assented to on May 23, 1883. Statutes of Canada, 46 Victoria, c. 17, s. 32.
121. An Act further to amend the Dominion Lands Act. Assented to June 13, 1898. Statutes of Canada, 61 Victoria, Chapter 31, Section 3. This amending Act was debated in Parliament on May 23, 1898. Canada, House of Commons Debates, 1898, Vol. II, p. 5937.
122. A solemn Declaration made by Franz Froese, February 6, 1900. That they made such a request is evident also in the Minister's minutes of their 1894 meeting with him. See Memo, T. Mayne Daly to A.M. Burgess, November 3, 1894, PAC, R.G. 15, Vol. 652, No. 270476.
123. A Solemn Declaration... February 6, 1900, Ibid.
124. Order-in-Council, P.C. 441, March 6, 1900, Ibid.

125. Friesen, op. cit., p. 73.
126. In their initial inquiry, the Mennonites asked that land be reserved for them for a five year period. (See note 93 above.) The January 23, 1895 Order-in-Council granting the reserve did not specify a time limit, however. A Departmental memorandum dated May 27, 1908 noted that official sanction for the reserve had not yet been lifted, PAC, R.G. 15, Vol. 940, No. 917620(2). There seems to be no clear indication in the records that it ever was lifted.
127. Letter, A.M. McLeod to D. Stewart, M.P., July 6, 1904, PAC, R.G. 15, Vol. 940, No. 917620(1).
128. Memorandum for Mr. Smart from Clifford Sifton, July 14, 1904, Ibid.
129. Order-in-Council, P.C. 1605, August 13, 1904, Ibid. The Townships reserved for the Mennonites were 13 and 14 in Range 12; 12, 13 and 14 in Range 13; and the East halves of 12 and 13 in Range 14; all West of the Third Meridian.
130. See letter, McLaren, McLeod and Black to the Hon. Frank Oliver, Minister of the Interior, March 26, 1906. See also the Order-in-Council, Ibid.
131. See the following and other documents: a handwritten note by an official in the Department of the Interior, September 20, 1904; a letter, Dominion Lands Agent, Regina, to Secretary, Department of the Interior, Ottawa, December 9, 1904; a Memorandum to Mr. Burpe, Department of the Interior, November 15, 1904; a letter, Lyndwode Pereira, Assistant Secretary, Department of the Interior to James D. Ager, November 3, 1904; Ibid.
132. Letter, Agent Dominion Lands, Regina, to The Secretary, Department of Interior, Ottawa, February 7, 1906, Ibid.
133. Letter, McLaren, McLeod and Black to the Hon. Frank Oliver, Minister of the Interior, March 26, 1906, Ibid.
134. Ibid.
135. This suggestion was made in a letter from McLaren et al to the Dominion Lands Agent at Regina in a letter dated September 12, 1904. A copy of that letter was sent to the Minister along with the letter of March 26, 1906. Ibid. The suggestion is also alluded to in the Order-in-Council which created the reserve. It contains the following words: "...no one, unless aided by the (Mennonité) Association, or otherwise approved by the Department of the Interior, is to be allowed to make homestead entry..." This Order is referred to in note 129 above.

136. Letter, P.G. Keyes, Secretary, Department of the Interior, to The Agent of Dominion Lands, Regina, April 11, 1906, Ibid.
137. Letter, A. McLeod to D.A. Stewart, M.P., July 6, 1904, Ibid.
138. See note 129 above.
139. "To The Honourable The Minister of The Interior, Ottawa The Humble Petition of the Reinland Mennonite Association..." signed by Franz Froese, Agent, and Johann Wiebe, Bishop, December 12, 1904, PAC, R.G. 15, Vol. 940, No. 917620(1).
140. Letter, P.G. Keyes, Secretary, Department of the Interior to Messrs. McLaren, McLeod and Black, April 6, 1905, Ibid.
141. The full text of the provision is set forth above. See note 120.
142. Letter, A. McLeod to Hon. Frank Oliver, July 4, 1906, PAC, R.G. 15, Vol. 940, No. 917620(1).
143. A letter from P.G. Keyes of the Department to Messrs. McLaren, McLeod, and Black, September 8, 1906, is decidedly negative. Ibid.
144. Letter, McLaren, McLeod and Black to The Secretary, Department of the Interior, Ottawa, December 4, 1906, Ibid.
145. Letter, P.G. Keyes to Messrs. McLaren, McLeod and Black, December 10, 1906, Ibid.
146. Letter, A. McLeod to Hon. Frank Oliver, February 22, 1907, PAC, R.G. 15, Vol. 940, No. 917620(2).
147. Letter, P.G. Keyes, Secretary, Department of the Interior, to Messrs. McLaren, McLeod, and Black, April 20, 1907, Ibid.
148. Letter, McLaren, McLeod and Black to the Secretary, Department of the Interior, Ottawa, July 10, 1907, Ibid.
149. Letters, McLaren, McLeod and Black to the Hon. Clifford Sifton, January 25, 1905, PAC, R.G. 15, Vol. 940, No. 917620(1); and McLaren, McLeod and Black to Secretary, Department of the Interior, June 9, 1909, PAC, R.G. 15, Vol. 940, No. 917620(2).
150. Letter, J. Rutherford to William Greenway, July 20, 1907, Ibid.

151. Telegram, F. Fitz-Roy Dixon to Agent of Dominion Lands, Moose Jaw, August 15, 1907, Ibid.
152. Order-in-Council P.C. 729, April 8, 1909, PAC, R.G. 2,1, Vol. 1103. As found in Adolf Ens, op. cit., p. 167.
153. "Public Notice" and other documents in PAC, R.G. 15, Vol. 940, No. 917620(2).
154. Letter, Isaak Mueller to Sir John A. MacDonald, July 21, 1880, PAC, R.G. 15, Vol. 232, No. 3129(1).
155. This was related to a belief in the influence of the British Monarchy. See Francis, op. cit., p. 41.

CHAPTER III: THE DOUKHOBOR COMMUNITY

A. Doukhobor Communalism and Governmental Accommodation

The Doukhobors came from Russia to Canada in the first half of 1899. They numbered about 7400.⁽¹⁾ They wanted to settle on agricultural land in a communal way and to do this their representatives had made special arrangements with the federal government. For a time it appeared that their effort would be successful. After several years, however, serious difficulties set in.

The background of their communalism is somewhat uneven. It is implied in their religion but it appears not to have been a particular concern in their early history.⁽²⁾ Perhaps the many forms of cooperation in the traditional Russian village were sufficient.⁽³⁾ Late in the eighteenth century, however, their leader Pobirokhin, "sought to establish a form of religious communism".⁽⁴⁾ But he was not able to go far in implementing his ideas before a severe persecution began in which the Doukhobors were banished to "various regions on the periphery of the Russian Empire".⁽⁵⁾ They did not disappear, however, and at the beginning of the nineteenth century the more liberal Czar, Alexander I, stopped the persecution and arranged for them to settle in an area by themselves in Taurida province. Now they were able to practise their communalism and for about one generation they did so with success. Their settlement has been portrayed in the following way.

There were common herds of cattle and sheep. The land was tilled in common, and in the villages

there were common granaries and mills and also communal baking ovens, which supplied to the various households all the bread they needed. The members of the Community were encouraged to make farming their principal occupation, though, apart from the crafts necessary to self-sufficiency, such as metal-working and weaving, there were also a few cottage industries, such as the manufacture of linen and of gaily coloured woollen sashes and caps for sale outside the Community. Individuals were discouraged from trading. This was done by the elders on behalf of the Community as a whole. (6)

Their success in this was short-lived. After about two decades there was a gradual movement away from communalism. Families began to keep their own cattle and fields but there still were some "gardens and flocks which belonged to the whole community". (7) The revenues from these were used "for the common benefit of the society". The gradual shift away from communalism may have been prompted by some internal disputes but there were external pressures too. These became especially strong after 1825 when Czar Alexander I died.

Under the new Czar, Nicholas I, various measures were introduced against them and in 1841 they were exiled once more. This time they were destined for harsh mountainous regions in the Transcaucasian provinces. The exile was to be a form of punishment but before long they were prospering in the new setting. However, they showed no particular desire to establish a thorough-going communalism. They shared generously with those in need but they held their property privately. (8)

Late in the nineteenth century, when a division occurred among the Doukhobors, one group made a new effort to live communally. These developments began in the 1870's, when a Russian army General, who was conducting campaigns against

some Turks near the Doukhobor settlements, wanted help with military transport services. A sizeable portion of the Doukhobors agreed, reluctantly, to provide such services. Those who did not do so found a leader in Peter Verigin who then became unpopular with both the other Doukhobors and the Czarist authorities. In 1887 Verigin was sent into exile. There he met followers of Tolstoy whose views on pacifism, peasant communism, and government, brought a renewal to his own. By 1893, Verigin was sending communications back to his followers calling them "to return to the ancient Doukhobor traditions of Christian communism".⁽⁹⁾ Debts among the Doukhobors should be forgiven and those to outsiders should be paid. Property should be redistributed so that "all things would be held in common."⁽¹⁰⁾

Verigin also refused to take the oath of allegiance which the new Czar, Alexander III, demanded. Because of this he was sent to an even more remote place of exile. Still, his teaching continued. In a message to his people he said, "Christ had forbidden oaths; therefore no Doukhobor should swear allegiance to the tsar."⁽¹¹⁾ He also instructed them to burn whatever weapons they had in order to repudiate in a dramatic way the various compromises that had been made in the past. A serious clash with the authorities followed.⁽¹²⁾ The Doukhobors suffered severely but their plight now came to the attention of some prominent outsiders, among them Prince D.A. Hilkoﬀ. He had once served with a military regiment stationed near a Doukhobor village and had been impressed with

them. He and Count Leo Tolstoy now joined in efforts to help them. Before long, plans were underway for an emigration. As they prepared Verigin sent a further message about communalism, stating,

I want the Doukhobors to live in communities but they ought to be based on a free principle. Each family should have a separate house, a pair of horses, and a cow at their disposal. The increase of the cattle should join the common herd and be common. All the work in the fields should be done together. Each family should get its allowance in corn for itself and the forage for the cattle. The remaining revenue should be common and be kept in the cash office of the community. (13)

The desire for a communal life was a factor in the negotiations with the government of Canada but it was not dealt with in a precise way. In August of 1898, Prince Kropotkin wrote to Professor James Mavor of Toronto and stated that in addition to an exemption from military service, the Doukhobors would want "land in a block" and "full independence in the inner organization of their lives". (14) In September, Mavor entered into discussions with the Department of the Interior. Soon thereafter a small delegation of two Doukhobors, accompanied by Prince Hilkoﬀ and the English Quaker merchant, Aylmer Maude, were touring the north-west. They looked for a single block of land on which all the Doukhobors would be able to live but when this proved difficult they agreed on two smaller ones. These were located near the town of Yorkton and consisted of a number of townships each. In November of 1898 Hilkoﬀ recommended them to the Deputy Minister of the Interior, James A. Smart, who then instructed his officials to

reserve them for the Doukhobors. (15) Smart also made arrangements with the railway company so that they could have both the even and odd numbered sections within the reserved areas. (16) Later, in the Spring of 1899 two more townships were added to one of the Yorkton reserves and also at that time a third reserve was established several hundred miles north, near the town of Blaine Lake, along the North Saskatchewan river. This would be referred to as the Prince Albert reserve.

Unfortunately, not all matters related to these reserves were discussed in detail. It was known that in the Prince Albert reserve only the even numbered sections were held for the Doukhobors and this was acceptable since those who settled there were more individualistic. But it was not known that the same conditions applied to the two townships which were added to one of the Yorkton reserves in the Spring of 1899. More serious was the uncertainty about making entries and about the residence and cultivation requirements. Several years later, Maude reported that there had been an understanding that the Doukhobors would "make entry for their homesteads individually" but that they would be allowed to cultivate their land in common. (17) This understanding, it seems, was not clear to all the parties involved in the early negotiations. Later serious difficulties arose.

Nevertheless, at the time of the negotiations the prospects were good. And when the first Doukhobors arrived at Halifax, early in 1899, they were greeted warmly. Smart, the Deputy Minister, was there and newspapers carried glowing

accounts. (18) They spent some time in Immigration halls and proceeded on to their land in the Spring. They settled in villages. A number of the men took jobs on the railroad to earn money for the community. Others began to use their many domestic and farming skills. Quakers from Philadelphia sent 300 spinning wheels and other forms of assistance. It appeared that they would become a self-sufficient and well-established community.

B. The "Entry" Problem and Other Difficulties

In spite of good prospects there were difficulties. Already in January of 1899, after the land had been reserved but before the Doukhobors had settled on it, there were protests from other settlers in the area. Officials were informed that about 35 homesteaders in three townships "are going to stoutly rebell (sic) against the government if they allow Doukhobors to settle among them...". A local newspaper carried an appeal under the title, "No Canadians or Britishers Allowed" and criticized "the action of the Minister...in thus arbitrarily appropriating it for the sole use of his Doukhobor pets" (19) The three townships in question happened to be within the Manitoba border. This, in itself, was not a problem but when the protests of other settlers were brought to the attention of the Doukhobors they agreed to release the three Manitoba townships. (20) In return they received two townships on the other side of the reserve, close to the Swan River.

In the discussions for this exchange of townships there was a misunderstanding of some consequence. The Doukhobors,

so it was later reported, "were told by the Interpreter employed by the Immigration Department...that while they would not be permitted to settle in Manitoba, they might go west and settle anywhere in Swan River that they wished." (21) They used this freedom but when it was found a year later that they had set up several villages outside the boundaries of the reserves there was considerable concern. Herbert Archer, an English Tolstoyan who lived among the Doukhobors, made strong pleas on behalf of these villages. He pointed out that the land within the two added townships was of poor quality and stated: "there is really no part of the reserve proper where these three unfortunate villages can take their land if they are denied this." He noted that they had "built good villages, plowed a good bit of land, bridges over the Swan,...in general made a good start...they ardently desire to be in communities according to the understanding when they arrived in Canada". (22) He was "convinced that their settlement outside the Reserve... was done in perfect good faith". (23) In spite of Archer's efforts, the Department of the Interior refused to recognize the areas in which these villages were located as part of the reserves. (24)

In addition to the two townships given in exchange for those in Manitoba, two others were added in the Spring of 1900. Here, the Doukhobors settled in villages as they had elsewhere but in the summer of 1900 they learned that in these townships too, the status of the odd numbered sections was not

clear. Smart, the Deputy Minister, argued that since these had been reserved at the same time as those at Prince Albert the same provisions applied, namely that only the even numbered sections were reserved. (25) Once again Herbert Archer pleaded on behalf of the Doukhobors. He explained that unlike those in the north who had always known that they had access to the even numbered sections only, these had assumed that the odd numbered sections were reserved for them too. They had built their villages in good faith, he argued. (26) Once again, however, his efforts were not successful. By the fall of 1900, after various other discussions, Archer advised the Doukhobors to leave the area and to settle within the original reserve. (27)

In addition to these misunderstandings about the official status of the land, there were pressures from the surrounding people. In the summer of 1900 other settlers in the area sent a petition to the House of Commons asking that the arrangements whereby the Doukhobors were given exclusive settlement rights on certain areas of land be rescinded. (28) Some ranchers expressed their displeasure in other ways. One Immigration official reported: "...the Doukhobors informed me, and I believe they were right - that some of the Ranchers there actually came at night, pulled the fences down and drove their cattle into their crops,..." (29)

While these difficulties were being discussed another more basic problem surfaced. It was related to the requirement that settlers make formal entries for individual homesteads at the land registry offices. This challenged their communalism.

Some Doukhobors in the Prince Albert reserve complied but most in the Yorkton reserves did not. (30) At first this caused little concern, partly because the land had not been surveyed in a detailed way. By the summer of 1900, however, some government officials were beginning to ask them to make entries. However, Count Léo Tolstoy, concerned about this step in the direction of private property, advised them against it. In a lengthy letter, dated February 27, 1900, he stated:

if you wish to continue to live a Christian life, and do not wish to disavow all for the sake of which you suffered and were exiled from your fatherland, then you must not live as the world lives, each accumulating property separately...property means - that what I consider mine, I not only will not give to whoever wishes to take it, but will defend from him...property is defended by the threat of violence,...to acknowledge property is to acknowledge violence...(31)

This letter may have been influential. Soon a lengthy statement entitled, "Petition to the Canadian government from the delegates of the Society of Universal Brotherhood, near Yorkton,..." was sent to the government. It was dated June 22, 1900. It was signed by twenty-eight Doukhobors but may have been written by Alexander Bodyansky who has been described as an "anarchist" and who lived among the Doukhobors until 1901. The petition stated in part as follows:

...we ask you not to enforce against us such of your laws as contradict our beliefs, and thus to give us the possibility of living in your country without breaking openly or tacitly, directly or indirectly, our conception of the Truth... The laws of your country require that every male emigrant, 18 years of age, who wants to settle on vacant government land, has to record it in his name, and, after a certain term,

such land becomes his property. But we...cannot record homesteads in our individual names, cannot make them our private property, for we believe in so doing we should directly break God's Truth. ...there is no excuse for a man who, knowing the law of God, still appropriates as his own something that is not the fruit of his labor, but was created by God for the use of everybody. Is not the division, the ownership, and the recording of land the main cause of wars and strife among men, and is it not the cause of there being masters and serfs? ...we petition you to let us have the land for settlement and agricultural purposes, not upon your general conditions for emigrants, but upon the conditions given to your Indians - that is, the land to be held by the community and not by the individual members. It matters not to us whether that land be considered our community property, or the property of your country; but we would like it to be considered as given to us for an indefinite period of time, and if you wish us to pay rent we are willing to do so, provided we shall be able. (32)

The government did not make an immediate reply to the petition but "quiet measures were taken to have known friends and benefactors of the Doukhobors attempt to dissuade them". (33) This resulted in lengthy communications from Aylmer Maude, from the Quakers in Philadelphia, and from those in England. The letter from the Quakers in England, written in November of 1900, stated in part:

You say it is breaking the truth of God to write down parcels of land in your personal names, to make them your property, because God made the land for all people. But ...with so large an area of land being occupied by new settlers, it would be impossible for the Government to know what parts are still left free if it was not all measured and written down. If this had not been done it could not, without a long delay, have given you the land you needed; and you might have gone on to lots already taken up by other people, without your knowing it, thus causing great confusion and disappointment. ...We trust it will be your hearty desire to show your gratitude to the Government that has been so generous to you; and to help

others who come, like yourselves, to settle in Canada; and we therefore counsel you by all means to comply with the reasonable laws which require that each quarter section shall be written down in the name of the man to whom it is granted. ...There is no duty more clearly inculcated in the New Testament than obedience to rulers and governors, and to their laws, so long as these do not conflict with the higher law of God;... (34)

While these efforts to persuade the Doukhobors were being made by various intermediaries, the Doukhobor petition was also being discussed among government officials. Finally, on January 7, 1901, J.G. Turriff, the Commissioner of Dominion Lands replied, stating: "in reference to the question of taking up land it can only be done in the ordinary way. We have only one system of granting free homesteads to settlers, and the same rules apply to every settler...irrespective of his nationality or religious belief... The government is quite willing that your people should reside in villages, the cultivation of course to be done on the individual homesteads." (35) Turriff explained further that "after your individual settlers have completed their homestead duties a patent will issue to each homesteader, giving him the full and absolute ownership of the land," and if they would decide to then hold the land in common the government would not interfere in any way.

This statement of the government's position is clear but it did not accommodate the communalism of the Doukhobors. Soon thereafter one village proposed a compromise. They affirmed that they wanted the land but stated that they did not want to take it "separately for each man". They proposed: "We'll give you a list of those men who have according to your

laws a right to obtain land...by the law of the country you are obliged to fix the name of a man to his farm. You can do this... But we want common land." (36) Another proposal, made later in 1901, asked that the government sell the land to a loan company and then let the Doukhobors obtain it by purchase. This proposal had been approved at a meeting of representatives from the various Doukhobor villages but like the other one, government officials did not accept it. (37)

The distance between the Doukhobors and the government was becoming more firm. Some officials began to suggest that the land be taken away from the Doukhobors. J.O. Smith who had succeeded W. McCreary as Commissioner for Immigration in Winnipeg wrote: "I am convinced that some of these people will not take up their homestead entries in the ordinary way until they realize that by their neglect the land which is freely offered to them has passed from their possession". (38) Before long plans were made to implement this idea and to open to the general public at least some of the lands reserved for the Doukhobors. (39) However, before these plans could be carried out, two Doukhobor delegates met with the Minister of the Interior, the Honourable Clifford Sifton. As a result the Minister made a new proposal described in a letter dated February 15, 1902 in the following way.

It is...necessary for your own protection against outsiders that you should make individual entry for the land, and at the expiration of the three years you can do as you like with the same, either conveying it to some person as trustee of the village or...the Doukhobor Community.

...I have decided that those who will take their homesteads and accept of free land from the Government may live together in one or more villages and instead of being compelled to cultivate each quarter section held by each Doukhobor, that the land around the village itself may be cultivated and the work which otherwise would be required on each individual homestead may be done altogether around the village... If, for instance, a village wants 50 homesteads around the village, I will be satisfied if the amount of improvements required for each quarter-section is done around the village, only for the whole fifty. This would enable all those in the village to live together and to work together in and around the village without being compelled to go a long way out to their individual homesteads. (40)

In effect this letter waived the requirements that they reside on and cultivate individual homesteads. However, they would still have to make entries for individual homesteads at the registry offices.

Strangely, the 'Sifton concessions' had little effect on either the Doukhobors or government officials. The Doukhobors did not suddenly all go to the registry offices and make entries. Instead they became more fragmented. A few began to reject the use of horses for farm work. Others set their cattle free in the belief that it was wrong to raise animals for food purposes. (41) Some were generally dissatisfied with the land and talked about looking for a place where they would be able to grow fruit. (42) About 1700 began a pilgrimage across the prairie claiming that the voice of God in their hearts was telling them to go. (43) Government officials believed that these developments were caused in large part by the unresolved entry problem although in reality other factors may have been at work too. (44) Officials also

felt more and more the pressure from other settlers who wanted the land. (45) They now began to place their hopes in the arrival from exile in Russia of Peter Verigin, the Doukhobor leader. Indeed, it may be that the Canadian government asked the Russian government to release him. (46)

Verigin came to Canada in December of 1902. When his train stopped in Winnipeg, the Manitoba Free Press carried a positive and hopeful account, stating:

His eyes are dark and thoughtful, and his whole expression is that of a man who has suffered much and has triumphed over everything through the force of kingly courage and constancy. (47)

The Acting Immigration Commissioner was quoted as telling Verigin: "You will know all about the troubles the Government has had with the Doukhobors when you get among them. We hope your coming will have a very good effect. We will do anything possible to help you." (48) When he did arrive among them he received support from each of the different elements in the Doukhobor community. His words were such that he alienated none. (49)

Verigin acted quickly on the entry problem. Early in January of 1903 he invited J.S. Crerar, the Dominion Lands Agent in Yorkton, to meet with him and other Doukhobor leaders to find out "the true particulars of the Land Act" and the duties which the Doukhobors needed to perform. (50) When he asked Crerar whether the government would consider making some further changes, Crerar replied that "there was no hope in making any change as the matter was decided that they must make their homestead entries the same as other people." (51)

He noted that there were many people who were "waiting for the Government to throw open the Douk' (sic) Reserve". After a lengthy discussion, during which the Sifton concessions seem not to have been referred to, Verigin stated that they would soon have "a big meeting at a central village with a representative from all other villages when the whole land question would be settled". Crerar was optimistic that they would decide to take up their homesteads.

This "big meeting" took place on February 10, 1903. It lasted nearly a whole day and both Crerar and Hugh Harley, the Dominion Land Agents at Yorkton and Swan River respectively, were there. In addition to matters relating to homestead entries, the officials explained "that they would have to become British Subjects before they would be granted a patent for their lands". (52) This "was for some time a stickler with them" Crerar reported. They asked for two weeks time to think about it but Crerar and Harley refused saying that the matter had to be settled that day. According to Harley, "I told them that they had been humbugging and playing with the government....that they must settle it now or never, as if not the land would be thrown open to other settlers at once." (53) At this they decided to take up the land. They asked, however, "that they not be compelled to apply individually." (54) After further discussions with officials a three member committee was set up which received a power-of-attorney from the people and which then made the entries for them. In this way the individual Doukhobor did not know which quarter-section had

been entered in his name. The idea of holding the land communally had been preserved and in a legal way. The news of their willingness to make entries prompted the Manitoba Free Press to carry a headline, "The Doukhobors Will Homestead", and to write that they "will have no other aim but to settle in Canada and become Canadians.... They will have a stake and interest in the country."⁽⁵⁵⁾ By the Spring of 1903, the committee had made entries for over 2000 eligible Doukhobors.⁽⁵⁶⁾

After the Doukhobors had made their entries, about 31% of the land in the reserves remained unclaimed.⁽⁵⁷⁾ These lands became the next object of contention. Inquiries from other settlers were becoming stronger. There were squatters. And authorities began to make plans for opening these unclaimed areas within the reserves to the general public. When the Doukhobors first learned of this they were shocked.⁽⁵⁸⁾ They had thought that these would remain for their children and for some other Doukhobors still in Russia. The authorities agreed to let them make some claims for males seventeen years of age, but on December 15, 1903, the unclaimed areas were opened. Of the 448,615 acres reserved in the Yorkton area, 100,640 were then opened to the general public.⁽⁵⁹⁾

C. Towards A Withdrawal of the Accommodations

The resolution of the "entry" problem and the firm leadership of Peter Verigin brought on a brief period of prosperity. Verigin set up a central office and dealt with the Doukhobors as one community although many of those in the

Prince Albert reserve did not consider themselves part of it.

He also arranged for a Doukhobor Trading Company to handle all commercial transactions for those in the Yorkton reserves.

Farm machinery and horses were purchased and the effort to cultivate the land increased greatly. Much of the work was directed from Verigin's central office. Before long they were operating a very sizeable agricultural-industrial enterprise.

In addition to farming the land, they had grain elevators, flour mills, and brick works. Verigin had also purchased thirteen other sections of land near a small railroad station which was suitably named Verigin. (60)

In spite of these improvements, there were problems.

Peter Verigin was criticized for exercising too much control.

Some Doukhobors wanted to leave the community and farm independently but apparently Verigin was able to cause the cancellation of some homestead entries made for such people. (61) A local

Justice of the Peace reported: "There is a good deal of persecution going on on those who have left the Community." (62) In

addition, outsiders were becoming critical because much of the Doukhobor land was remaining uncultivated. (63) They worked first on that near their villages but this made it easier for squatters to occupy some of the outlying areas. Some of these squatters then went to the land offices and applied to have the Doukhobor entries for certain homesteads cancelled and their own claims registered instead.

Some land officials responded favourably to these requests from squatters. (64) They argued that this was justified because the

Doukhobors were not cultivating the particular homesteads in question. This prompted Peter Verigin to protest. In a letter of February 21, 1905, he explained that they were cultivating as much land as they could but that, in keeping with their communal cultivation practises, they were working first on the land near the villages. He said also that this was in accordance with an arrangement with the government. (65)*

The reference to such an arrangement with the government came as a surprise to James E. Peaker, Dominion Land Agent at Yorkton. (66) He did not know of the 'Sifton Concessions'. Verigin then made a personal visit to the Deputy Minister of the Interior, but he could not locate the Sifton letter either. (67) Finally, a copy was found in the Immigration office in Winnipeg. Orders were then issued that no more cancellations of particular homesteads be made for lack of cultivation upon them. (68) However when officials studied the letter from Sifton, who in April of 1905 had been replaced as Minister of the Interior by Frank Oliver, they felt that implementing it would be very difficult. Applications for homesteads from other people were coming in and to deal with them officials were to show that the existing entries could not be cancelled, that is, that the legal requirements for maintaining the entries were being fulfilled. To do this on the basis of the Sifton concessions could mean that they would have to measure the total amount of land that the Doukhobors had cultivated and divide it by the total number of Doukhobors for whom entries had been made. This would answer the question of whether the

amount of cultivation was sufficient but it would be a lot of work. Officials were also concerned that if the arrangement was extended to the issuing of patents, then, "patents will be issued for homesteads upon which there will be not a stroke of work done." (69) The officials were willing to respect the proposal made early in 1901 by the then Commissioner for Dominion Lands, J.G. Turriff, who had said that the Doukhobors could live in villages but that they would have to cultivate their individual homesteads. This would be more like the Mennonite pattern.

The question of whether the Department would permit the Doukhobors to practise communal cultivation and respect the Sifton concessions remained unclear for some time. However, several investigations of the situation were initiated. The first was carried out in the summer of 1905 by C.W. Speers, the General Colonization Agent, on instructions from Frank Oliver, the new Minister. Speers travelled among the villages and suspected initially that there were some irregularities, that Verigin, through the arrangement for making entries on a proxy basis, had entered the names of some people who did not exist. He also expressed his view that Verigin and the Doukhobor Committee had too much control over the people, stating: "The individual homesteader has never been impressed with his rights as a settler nor his independence as an individual..." (70) He recognized that the people probably had a "right to cultivate in block" but recommended that there be another more thorough investigation of their work on the land.

This second investigation was begun in October of 1905. The Department of the Interior instructed its local agents to

"lay aside whatever work you have on hand" and to make an investigation "so that not only the privileges of the homesteaders in question may be maintained, but also that the right of the applicants for cancellation shall receive due consideration". (71) This investigation was carried out by one Mr. McNab, a homestead inspector, who submitted his report in February of 1906. His view was moderate. He had found some 114 irregularities but he did not attribute these to a deceitfulness. He had words of praise for the Doukhobors but he was not sympathetic to their communalism. His report stated in part:

...we would respectfully suggest that no drastic method of procedure be pursued, but rather a line of action be taken in the light of the fact that these people have become anxious to attach themselves to particular locations - that they are among the very best material out of which to make good citizens - that they are superior to most of the foreigners finding homes in our land in intelligence, industry, aspirations and ambitions as evidenced by enterprises undertaken and work accomplished - and finally that they are rapidly absorbing Canadian sentiments,

...it might here be suggested that the regulations re cultivation might be so amended as to assist in the development of individuality of action. If it were required that after a sufficient amount of "en bloc" cultivation had been done in the neighborhood of the Village to maintain its inhabitants, that improvements be then made upon each individual homestead, ...curiosity would then impel them to discover the possessor of each parcel.

...If the suggestion that upon each individual homestead some improvements be required, were acted upon it would encourage those who have the inclination to leave the Community... (72)

Although moderate in one sense, it was clear that McNab's sympathies were not in favour of a permanent communalism. On March 7, 1906 Frank Oliver, the new Minister ordered that

generally the homestead entries should be "respected for the time being" but that immediate cancellation procedures should be taken against those entries where there were irregularities. More serious was his statement that, "No promise of patent can be made nor can patent be issued unless the requirements of the Dominion Lands Act have been fulfilled."⁽⁷³⁾ It soon became evident that Oliver's "requirements" included naturalization and cultivation on each particular homestead.⁽⁷⁴⁾ He had little sympathy for communalism. Sifton's promise would be reinterpreted so that it would refer only to a temporary and not a permanent communal cultivation.

Oliver's March 7 instructions were followed by some disputes regarding the cancellation of those homesteads for which entries appeared to have been made improperly. Peter Verigin argued that the entries were in order but that some of the men had been away from the community working on the railroad at the time when Speers and McNab had made their investigations and that the mothers had answered falsely because they had feared that the officials were actually trying to make a list of eligible men so as to force them into military service.⁽⁷⁵⁾

The controversies about these irregularities were minor in comparison to those which would follow a commission of inquiry which began its work in August of 1906. It continued for several months and was led by Reverend John McDougall, a Protestant clergyman from Alberta. The commission was to tour the Doukhobor villages, take a general census, list the home-

stead entries and identify the locations of the homesteads, inspect areas under cultivation, note the amount of stock and machinery held by the Doukhobors, and discuss with them "their experience with and attitude towards this country, the Government and things in general." (76) It was also to make recommendations on which a final solution of Doukhobor land issues could be based. (77)

The commission did its work in detail. It used the 1905 findings of McNab but was more critical in its judgements. McDougall wrote that the Doukhobor reserves were "a most serious block and impediment to the natural and righteous growth of the country" and that the government in allowing them to have these lands was committing a "serious injustice to the general public". (78) He stated that of their 421,155 acres, the Community Doukhobors had cultivated only 42,523 acres to date. (79) He did not point out that this was adequate, since the law at this time required only that a homesteader cultivate at least 15 of the 160 acres in order to retain his claim.

McDougall was particularly critical of their communism. He attributed this not so much to their background as to the leadership of Peter Verigin. The report stated: "all influences traditional and sectarian have been brought to bear on this people for the purpose of securing an abject communism under and subject to an absolute one man power,..." (80) McDougall referred to their illiteracy, superstition, and reverence in matters of faith, as making it easy for Verigin to control the people. The results of this communism were, he said, "extreme passivity and general lethargy...a childishness in the perform-

ing of all labour. No matter how small the task, yet a number will gather to perform the work therein. Thus energy and talent and time are frittered away..." He also said that "the individual having no special interest in the land or its product becomes extremely unstable...". He praised the Independent Doukhobors, who numbered 849 in comparison to the 7852 in the Community, but said they were being "systematically boycotted, and persecuted" by the Community.

McDougall also stated that the Community Doukhobors were not interested in becoming owners of the land. He saw this as "absolutely careless" and as "the effect of this kind of communism." He told of his efforts to persuade them to naturalize. In these discussions the Doukhobors had always agreed that the Canadian government was better than the one in Russia. They had made no particular complaints. Still, they had insisted that God was their King and that therefore they could not "join any Government in this world". They had remained firm in this even when McDougall had warned them that unless they naturalized and became citizens they could not secure patents for the homesteads for which they had entered. They had said: "We do not want to own the land - all we want is to be permitted to make a living thereon." The solution which McDougall proposed was simple but drastic. His first recommendation for dealing with the Community Doukhobors was as follows: "...relieve them... from the necessity of citizenship by cancelling all their entries to homesteads". (81) In other words the Doukhobors would lose the land.

McDougall also outlined a plan whereby the land located

immediately around each village and consisting of "from 17-20 acres per soul of population" would be formed into new reserves. In this way the outlying areas would be opened to the public, while the livelihood of the Doukhobors would be provided for. The new reserves would be much smaller and they would not become the property of the Doukhobors. They would be held for them "during the Government's pleasure". He also proposed that if the government accepted his recommendations, then, before implementing them, it should give the Doukhobors a three month grace period. During this time, instead of opening the cancelled entries to the public, the Doukhobors would be able to reclaim them. But such new Doukhobor entries should be accepted only if the individual Doukhobor would indicate his willingness to cultivate his particular quarter section, to take up residence on it or else to reside in a village not more than three miles away, and to become naturalized. (82)

On the basis of McDougall's recommendations the government would soon begin to withdraw the arrangements whereby it had earlier sought to accommodate the Doukhobors' communalism. McDougall, it appears, not only disagreed with their unwillingness to take the Oath of Allegiance, he failed to understand their view. He saw the role of Peter Verigin only in negative terms, even though Verigin had led the Doukhobors in making homestead entries, in building a general prosperity, and in bringing a measure of social stability. He recognized that Sifton had given them the privilege of cultivating their land in block but recommended, in effect, that this concession be severely curtailed.

D. Rationalizing and Implementing A Policy of Restriction

To have McDougall's recommendations approved by the Cabinet, the Minister of the Interior, Frank Oliver, prepared an elaborate memorandum.⁽⁸³⁾ His reasoning began with the fact that a "large proportion of the homesteads held under entry by Doukhobors were not being cultivated". As a result they had become the object of public concern. Other people were asking about the land. This created a public pressure which Oliver described in the following way:

...increasingly numerous and persistent demands have been made for the cancellation of those entries so that the land might be entered for by other settlers. ...The demand came not only from people who desired to acquire the land as homesteads, but also from people concerned in the business interests whose success depends on the settlement and cultivation of the adjacent land.

A considerable number of persons who desired to homestead on these lands have unlawfully entered into occupation by squatting on them...and hoping that if they were in occupation when the entries were cancelled they would thus secure a prior right to entry...

As a result of developments during the season of 1905 it became apparent that something must be done to satisfy public opinion on the one hand and to protect the legitimate interests of the Doukhobors on the other.⁽⁸⁴⁾

After acknowledging that something had to be done to satisfy public opinion, Oliver proceeded to recognize the Sifton concessions and the communal arrangement whereby the Doukhobor entries had been made but then he interpreted these in a new way. In his words:

...the Doukhobors have since assumed that the entries so made by the community on behalf of the community, and the letter of the Minister permitting cultivation in common were a sufficient protection to them in the exclusive occupation of

the area at first set apart as their reserves, and afterwards entered for as homesteads, without compliance with the terms of the Homestead Act. This, of course, is not the case. The affidavit which an applicant for homestead entry must take explicitly provides that the entry must be for the sole use and benefit of the entrant. (85)

Oliver was right about the affidavit for making homestead entries. In it an applicant had to swear or affirm, among other things, that the homestead entry: "is made for my exclusive use and benefit, and...for the purpose of actual settlement." The Doukhobors had been concerned about this at the time when they had made the entries. Their friend Herbert Archer had requested different forms but the Commissioner for Dominion Lands J.G. Turriff, had rejected the request. (86)

Oliver argued further that the Sifton concessions were only for a temporary period and that the Doukhobors had mistakenly assumed that they allowed for a permanent arrangement. In his words:

It would appear that they have also assumed that the permission of the Minister to cultivate in common was without restriction as to time,...that it was given to permit the perpetuation of community conditions.

The provisions of the Land Act are clear that... there must be...cultivation on individual holdings for individual use and benefit in order to maintain entry and to secure patent. While the Minister had power to hold in abeyance the effect of these provisions he could not vary them; and as the statute was not amended to meet the case it would seem that the permission was given to encourage and facilitate individual cultivation and ownership, not to permit it to be avoided.

...the Minister's permission to cultivate in common was a sufficient protection for Doukhobor entries - ...not sufficient to entitle him to patent -... (87)

It has to be admitted that Sifton's letter does not refer to patents but neither is there anything in it to suggest that the privilege of communal cultivation was for a temporary period only. To argue that it was for a temporary period only is to imply that Sifton either deliberately deceived the Doukhobors or unwittingly went beyond his legal authority.

Oliver also interpreted the general arrangement in terms of villages rather than in terms of the community as a whole. Sifton had stated: "the land around the village itself may be cultivated and the work which otherwise would be required on each individual homestead may be done altogether around the village..." (88) Oliver now held that Sifton's concession required "that the homesteads of the village must be located around the village in which the homesteaders reside". He stated that the concession,

...debars from protection all entries made by residents of one village in the area around another village and also those whose entries were at first in the vicinity of the village of their residence but who have since removed to some other village, as well as those at an unreasonable distance from the village in which the homesteader resides. (89)

This was a problem because the Doukhobor committee had made homestead entries for all the people in the Community without, it appears, always ensuring that the homestead of a particular person would be near to the village where he resided. Also, there had been a degree of movement among the villages. Some people had relocated.

Further, Oliver interpreted terms which Sifton had used to illustrate the privilege in a way so that they would serve to limit the privilege. Sifton had said, "If, for instance, a village wants 50 homesteads around the village, I will be satisfied if the amount of improvements required for each quarter-section is done around the village, only for the whole fifty. This would enable all those in the village to live together and to work together in and around the village without being compelled to go a long way out to their individual homesteads." Oliver now argued as follows:

Mr. Sifton's letter contemplates that there may be up to fifty homesteads around each village. Throughout the greater number of townships in which Doukhobor entries have been made... There...(are) 105 quarter-sections available for homesteading within three miles of each village, or twice as many homesteads as a village of 50 homesteads would be entitled to... It would therefore seem fair...that entries held on homesteads more than three miles distant from the village of the residence of the homesteader could not be held in compliance with the most liberal possible construction of Mr. Sifton's letter. (90)

Also, in accordance with McDougall's recommendation for a system of small reserves, Oliver's memorandum to the Cabinet stated that land around each village, "not exceeding in total area 15 acres to each resident of the village,...but in no case exceeding a distance of three miles from the village" should be held for the Community Doukhobors "during the pleasure of the Government". In setting forth the rationale for these, Oliver stated:

Whatever their religious beliefs and however much these have prevented them from conforming to the terms of the Lands Act they are at least a peaceable self-supporting people whom it would not be sound public policy under any circumstances to

reduce to the condition of paupers by depriving them of their homes and the land which they hold under cultivation.(91)

To further rationalize the cancellations Oliver referred to the failure of the Doukhobors to apply for patents. He noted that "the Dominion Lands Act provides that if at the end of five years from the date of entry patent is not applied for the entry may be cancelled".(92) In fact it was not yet five years from the time that the Doukhobor entries had been made but Oliver cannot be faulted for concluding that the Doukhobors were not intending to apply for patents.

The actions of the government proceeded quickly. Oliver's submission to the Cabinet was dated December 1, 1906. On December 17, McDougall was given another assignment. Now he was to serve as "Commissioner for the investigation and adjustment of land claims" for the Doukhobor lands.(93) To do this he was empowered to recommend the cancellation of homestead entries and the Dominion Land Agents would then act on his recommendations. He was also authorized to receive applications for re-entry from the Doukhobors, to issue receipts if homestead fees were paid, and to administer the naturalization oath.(94)

To carry out his new task McDougall made two tours of the Doukhobor settlements in 1907. The first took place in January and its purpose was to identify those entries which would be recommended for cancellation. At the same time a lengthy notice was sent to each Doukhobor village setting forth the government's new policy.(95) (The notice is repro-

duced in Appendix 10.) Distributed in English and Russian, it stated, among other things, that the government had hoped that every man would cultivate his own land for his own use and become a citizen and since that had not happened it would cancel all their entries except those held by people who lived either on their individual homesteads or in a village within three miles of their homesteads and who cultivated their own land for their own use and who had already become Canadian citizens or British subjects or were intending to seek such status. The notice also stated that for those who would not meet these criteria the government would hold reserves of land at its pleasure around each village up to an amount of 13 acres per person in the village so that the Doukhobors could continue to live there and not become destitute. The government would also give them a three month grace period during which they would be allowed to submit applications for re-entry. The Doukhobors were also informed that "the Government...will protect them as it has hitherto done in their religious beliefs, but it cannot longer give them privileges in regard to land which it does not give to other people."

When the Doukhobors learned of these new arrangements, they protested. On February 10, 1907, they made a lengthy submission to the government entitled, "Petition To The Minister of The Interior And All People In Canada From The Christian Community of Universal Brotherhood of The Doukhobors of Canada".⁽⁹⁶⁾ In it they set forth a number of arguments.

They said that the charge that they had not cultivated the land was untrue, and to support their contention they pointed to the McNab investigation of 1905 and to the 150,000 bushels of wheat and 100,000 bushels of oats that they had sold. They asked: "If we do not cultivate the land where do these crops come from?". They also emphasized their strong commitment to farming as a way of life, stating: "we prefer this work as being the most regular, the most honest, the most lawful and the most fundamental..." When they first arrived they had had no horses so, they said: "we, and our wives, harnessed ourselves to the plough and thus we tilled the soil..." In addition, they suggested that much of the animosity towards them came from local business people who were unhappy that they had set up stores and factories of their own. Finally, they explained why they would not take the oath by pointing to both their history in Russia and to certain teachings of Jesus set forth in the Bible. Then they said, "John McDougall assures us that the Government will protect us, as it is said in the circular letter, in the free exercise of our faith, as heretofore: but he insists at the same time on the necessity of taking the oath of allegiance." They did not understand this as freedom. (97)

Soon after sending this petition, a delegation of Doukhobors travelled to Ottawa and met with the Minister, Frank Oliver. Their lengthy exchange was very candid, but Oliver remained firm. The Doukhobors pointed out that, "Mr. Sifton...in the new agreement said nothing about naturalization.

He said that in three years the land would be ours..."(98)

Oliver replied that the Doukhobors had "mis-read" Sifton's letter. He emphasized that he could not treat the Doukhobors differently from other people or provide a special law for them. Referring to Sifton's letter, he said, "The whole intent of that letter was to get you to take the land individually, as the law required;..."(99)

The Doukhobors explained that in the early years some of their people had wasted energies on religious pilgrimages while others had to work on the railway, but that now they had machinery and were making good progress in cultivating the land. In conclusion they stated:

"We will ask you very earnestly as we know we cannot do anything against you. You have the power. You are the Government. We have very kind and friendly wishes to you and are asking you to take our condition before your attention and let us have the land we have entered for, and we hope that you will never be disappointed that the Doukhobors will do any harm to you. This year we have decided not to go out to work at all but to put all our force into cultivation, and we will do all we have promised and cultivate the land we have under entry, except land not fit for cultivation, like sloughs, and sand. All the Doukhobors say we hope the Canadian Government will continue... to protect us in our religion."(100)

Oliver replied: "the giving of public land is not a matter of religion but law and fairplay. ...I have to deal with all the people in the same way,..."(101)

After this exchange between the Doukhobors and the Government, Professor James Mavor tried to intervene on their behalf. He sent letters to several government officials including Prime Minister Laurier. He reviewed the early nego-

tiations, Sifton's letter, and the current situation. In one memorandum he charged that Oliver, in asserting that the subject of Sifton's letter had been to get the Doukhobors to take the land individually, "suggests that Mr. Sifton intended deliberately to deceive the Doukhobors and to prepare the way for the expropriation of their lands by himself or his successor, by affording a technical pretext".⁽¹⁰²⁾ He did not believe that Sifton was "capable of doing anything of the kind". He submitted that in implementing Oliver's plan, the government was guilty of a "very serious breach of faith".⁽¹⁰³⁾

Meanwhile, Oliver's plan was being implemented. McDougall had visited the villages and had recommended that 2,503 homestead entries be cancelled. A total of 8,175 Doukhobors chose not to accept the terms of the government for "re-entering" their homesteads. To deal with these a total of 768 quarter-sections were needed to give them land on the basis of 15 acres per person in the small new reserves. Only 384 individual homesteads were held by Doukhobors who either had already been Independent or were willing to accept Oliver's new "re-entry" terms. A total of 1,605 homesteads which had earlier been entered for by the Doukhobors now became available to the public.⁽¹⁰⁴⁾ When the land offices began to accept applications for them from the public on June 1, 1907, the demand was so great that additional police detachments had to be called to the offices to maintain order.⁽¹⁰⁵⁾ Nevertheless, on August 1, 1907 there were still 394 homesteads which had not been claimed.⁽¹⁰⁶⁾

The Doukhobors, seeing the land being taken up by others, were dispirited and discouraged. A few now made another pilgrimage across the prairie.⁽¹⁰⁷⁾ Others attempted to relocate so that their new small reserves would be as close together as possible but Oliver discouraged this. The majority, it appears, tilled their land with all possible diligence and lived with unusual frugality.⁽¹⁰⁸⁾

Their diligence and frugality were to help them to save money in order to find another place to live. Peter Verigin had been at work on this for some time and in the Spring of 1908 several thousand acres in British Columbia were purchased. The migration to British Columbia was a gradual one but by 1912, about 5000 had moved.⁽¹⁰⁹⁾ This still left a significant number who continued in Saskatchewan but the movement also resulted in a reduction in the reserves since the government held closely to its formula of allowing no more than 15 acres per person.⁽¹¹⁰⁾

By 1918 "the government's pleasure" in holding the reserves at all was coming to an end. It decided to sell them. Naturally, the remaining Doukhobors living on them were interested. But the government's opposition to communal arrangements was still so strong that it passed an Order-in-Council, on July 6, 1918, barring the community from purchasing the land. The purchase had to be made by individual heads of families in the amount of 15 acres per family member and the purchaser could not transfer the land to the community until he had gained title to it by completing payment.⁽¹¹¹⁾

The Doukhobors bought the land on these terms. They made several payments and then arranged for a loan from the Sun Life Insurance Company and paid the government in full and then re-established it as communal land. By this time however their numbers had become quite small. The main concentration of Doukhobor life had shifted to British Columbia.

E. Conclusion

This survey has shown that in 'the rise and fall' of the Doukhobor community on the prairies the land policies of the federal government played a major part. Initially, the government reserved large areas of land for the Doukhobors, allowed them to settle in villages, made arrangements with the railway companies so that they could have both the even and the odd numbered sections in most of the reserved areas, permitted them to register their homestead entries in a communal way, and even allowed for communal cultivation by waiving the normal requirement that each homestead be cultivated.

It was a broad range of accommodations, more extensive than those made for the Mennonites, but difficulties soon arose. When some other settlers claimed certain townships on one side of one Doukhobor reserve, their claims were respected and the Doukhobors were given some land on another side of the reserve. Soon thereafter, when the Doukhobors had just settled on the land, they found that in some townships they did not have a right to the odd-numbered sections. As a re-

sult they had to relocate several villages. Later, after the Doukhobors had made their entries they learned that the remainder of the reserved land, which they had assumed would be held so that their sons not yet of age could claim it later, would be opened to the public instead. Then, after Clifford Sifton, the Minister, had made the important concession about communal cultivation some key officials did not know of it for some time and when the Doukhobors finally brought it to their attention the officials were not certain that they ought to follow it. Eventually, there was a decision which amounted to a virtual withdrawal of the accommodations and resulted in the loss of about 250,000 acres or about two-thirds of the land that the Doukhobors had entered for. This still left them with about three times as much land as they had cultivated by that time, but now it was theirs only "at the government's pleasure". (112) By any standard it was a drastic move. It is not easily explained.

Some of the reasons for the change lie in the economic and agricultural developments of the time. In the 1890's, when the Doukhobors came, the government was eager to attract settlers. During the 1880's there had been a depression. Many Canadians had left for the United States. And Canada's wheat exports had fallen from six million bushels in 1882 to two million bushels in 1889. (113) Clifford Sifton, who became Minister of the Interior in the new Laurier administration in 1896, was determined to change things. He set out to attract more immigrants to the west and to do this he introduced, among other things, a greater flexibility in the land policy. (114) Thus the Doukhobors, with

their desire for various special arrangements, came at an opportune time. By 1905, however, the situation was different. In that year 146,266 people immigrated to Canada. In 1906 that figure rose to 189,064. The majority of these, as well as many land-hungry Canadians from Ontario, found their way to the prairies and the free homesteads. (115) And some who did not homestead, obtained land by purchasing it. According to one 1906 report land prices increased by 200% to 500% in the preceding six years. (116)

As land on the prairies became scarce there was pressure to apply the homestead regulations more strictly. If the "duties" of residence and cultivation were not being fulfilled on a particular homestead then the "entry" for it could be cancelled. In one purge around 1905 about 15000 entries which had been made before 1902 under more flexible policies were cancelled. (117) This opened nearly two and one-half million acres for genuine settlement. Some of this new strictness was due to the new Minister, Frank Oliver, but part of it would have come anyway. In the context of these developments the pressures on the Doukhobor situation are somewhat understandable.

In addition to this general land pressure there were problems with the institutional arrangements. The Doukhobors appear to have assumed that they had a very broad freedom, that inside their reserves they were virtually independent. (118)

The government, however, had a different view. Many of the general laws and regulations remained in effect even within the reserves. These different views involved basic questions

about jurisdiction and authority. Some of the problems were addressed in the special letter from the Minister, Clifford Sifton, dated February 15, 1902, but it did not deal with all aspects of the situation, at least not explicitly. (119) It left officials uncertain about how to respond to applications from other people for particular homesteads that the Doukhobor community had entered for but which were not being cultivated. The logic of the Sifton letter suggested that the officials measure the total amount of Doukhobor cultivation and then undertake elaborate calculations to determine whether it was sufficient to uphold all the entries or not. The Sifton letter also failed to spell out whether they should receive patents on the basis of communal cultivation and how the question of naturalization might be dealt with. Thus, even though the letter strongly favoured the Doukhobors it did not go far enough in providing an institutional framework for accommodating the way of life that they desired. Admittedly, to accommodate all aspects of that way of life would have been difficult. But the question can be raised, as it was in the preceding chapter, whether it would have been better if Canada had given the Doukhobors virtually complete independence inside the reserves. Institutionally it would have been clearer, but it would also have represented a much more thoroughgoing separation from Canadian society.

Another point of difference involved the role of religion. To the Doukhobors, it was an integral part of their way of life. It was a vital element in their reasons for initially

requesting reserves, for their desire to live in villages and to cultivate the land communally, for their resistance to the idea of making individual homestead entries, and for their refusal to take the Oath of Allegiance and become naturalized. They described the religious basis of their way of life in their petition of January 28, 1907, stating:

Christ in his teachings called and calls the whole of mankind up to such a union as children of the same Father, and such a life as described in the Gospel...those who followed with Faith Christ's doctrine also put it into practise: they brought their riches and all their material wealth to the apostles and called that common property. Our life in common is exclusively based on that principle. (120)

The government, however, did not understand religion in this way. John McDougall saw their religion as encouraging a subservient attitude among the people and thereby making possible both their communalism in general and the rule of Peter Verigin in particular. (121) McDougall was sharply critical of both, as were other officials. C.W. Speers stated: "The individual homesteader has never been impressed with his rights as a settler nor his independence as an individual..." (122) In the Circular Notice announcing the new restrictive policy the government stated: "It will protect them as it has hitherto done in their religious beliefs, but it cannot longer give them...privileges in regard to land..." (123) With this, religion had become a much narrower phenomenon. It was separated from their way of life. The government could now deal more easily with the problems of their communalism.

There were other factors. It was a peculiar juncture in the general history of the Canadian west. Until that time there had been a strong emphasis on attracting more immigrants. Gradually, however, another dimension appeared. It was the concern about integrating the many different ethnic groups who had settled on the prairies into one truly Canadian society. Among the many voices calling for such an integration was that of J.S. Woodsworth who, in 1909, wrote:

First of all, they (the new settlers) must in some way be unified. Language, nationality, race, temperament, training are all dividing walls that must be broken down. Poor distribution may do much. There is a very natural tendency for people of the same nationality to settle in large colonies... Such colonies are really bits of Russia or Austria or Germany transplanted to Canada. Not only are they less open to Canadian ideas, but closely united, they can control the entire community... It would seem a wise policy to scatter the foreign communities among the Canadian, in this way facilitating the process of assimilation. (124)

This concern was to become stronger in the following decade with further consequences for these groups.

A related development was the emergence of a political majoritarianism. The Circular Notice sent to the Doukhobor villages early in 1907 alluded to this in the following way:

"The government of Canada is the majority of the people of Canada, and when the majority of the people say that the Doukhobors must not be allowed to hold land without cultivation any longer, the government must obey..." (125) The new Minister, Frank Oliver, may have been sympathetic to this view for some time already. In 1898, when he was editor of the Edmonton Bulletin and the Mennonite reserve at Hague was in the news, he

wrote: "The bad feature about this arrangement is that Menno-
nites...are so anxious to keep themselves separate from the
rest of the community..." (126) He did not look favourably on
the perpetuation of ethnic distinctiveness. In the negotiations
with the Doukhobors he expressed the view that the government,
even when it had made special concessions for them, had hoped
that they would soon leave their peculiarities and become like
other Canadians. Years later a scholar would observe: "In
the traditional political thought of the English speaking
world, minority status is a temporary phenomenon,...appeals to
the majority principle can be highly dangerous, and special
accommodatory devices may be needed for resolving inter-group
differences." (127)

There are then a number of factors which help to explain
the change in the government's policy: lack of clarity in the
initial negotiations, inadequate institutional arrangements;
administrative difficulties; the antipathy of some officials
about communalism; the widespread 'land hunger' in the face of
the large amounts of Doukhobor land which remained uncultivated;
the government's rejection of the view that freedom for reli-
gion meant freedom to follow a particular way of life; the
growing desire to have ethnic groups become integrated into
one Canadian society; the emerging sense of political majori-
tarianism; and the particular personality of the Minister,
Frank Oliver. In addition there are some internal factors.
The Doukhobors' insistence on communalism even in matters of
cultivation combined with their refusal to take the Oath of

Allegiance and become citizens can be seen as an extreme form of the basic desire to live as a community separate from the larger society. The Mennonites and the Hutterites shared this basic desire but the Doukhobors pursued it in a more extreme form. And Canada, in the first decade of the twentieth century, seemed unable to accommodate them in that form.

FOOTNOTES TO CHAPTER III

1. George Woodcock and Ivan Avakumovic, The Doukhobors, Toronto, McClelland and Stewart, 1977, (The Carleton Library No. 108) p. 148.
2. One way in which communalism is implied in their religion has been described by Hugh Herbison. He has written: "it is assumed that as the same God is in every heart, the desired unanimity depends upon each person's giving up his own individuality so that the God within him may merge with the God in others, and in this corporate union is found the consensus...". See Ibid, p. 21.
3. The communalism that prevailed in the traditional Russian village is described in William Blackmore, Report of the Royal Commission on Matters Relating to the Sect of Doukhobors in British Columbia, 1912. Sessional Papers, British Columbia, 1913, p. 36.
4. Woodcock and Avakumovic, op. cit., p. 29.
5. Ibid, p. 31.
6. Ibid, p. 44.
7. Ibid, p. 45.
8. Ibid, p. 71.
9. Ibid, p. 89.
10. Ibid, p. 90.
11. Ibid, p. 93.
12. Ibid, p. 104.
13. As quoted in Ibid, p. 139.
14. As quoted in Kathlyn Rose Marie Szalasnyj, "The Doukhobor Homestead Crisis 1898-1907", an unpublished M.A. thesis in History, University of Saskatchewan in Saskatoon, 1977, p. 37.
15. Letter, James A. Smart, Deputy Minister of the Department of the Interior to T.G. Rothwell, also of the Department, November 16, 1898, PAC, RG 15, Vol. 753, file no. 494483(1).
16. Letters, James A. Smart to W.R. Baker, Manitoba and North-Western Railway Company and to T.A. Burrows of the Lake Manitoba Railway and Canal Company, December 1, 1898, Ibid.

17. Aylmer Maude, A Peculiar People, The Doukhobors, New York, AMS Press, 1970 (first published in 1904) p. 61. This is also referred to in Szalasznij, op. cit., p. 45..
18. Joseph Elkinton, The Doukhobors, Philadelphia, Ferris and Leach, Publishers, 1903, p. 190 ff.
19. Szalasznij, op. cit., p. 89, 90.
20. Letter, Herbert Archer to the Honourable Clifford Sifton, June 21, 1900, PAC, RG 15, Vol. 754, file no. 494483(2).
21. Ibid.
22. As quoted in "Extract from letter dated June 1, 1900 from H.P. Archer... to Mr. McCreary, Winnipeg, Manitoba". PAC, RG 15, Vol. 753, file no. 494483(1)..
23. Letter, Herbert Archer to the Honourable Clifford Sifton, June 21, 1900, PAC, RG 15, Vol. 754, file no. 494483(2).
24. Szalasznij, op. cit., p. 88.
25. Ibid, p. 91.
26. Letter, Herbert Archer to James A. Smart, June 16, 1900, PAC, RG 15, Vol. 753, file no. 494483(1)..
27. Szalasznij, op. cit., p. 91..
28. "To the Honourable, The House of Commons of the Dominion of Canada in Parliament..." signed by Wm. McGillvray and ten others, undated but received in Ottawa by the Department of the Interior on July 20, 1900, PAC, RG 15, Vol. 754, file no. 494483(2).
29. Letter, Wm. McCreary, Commissioner for Immigration to James A. Smart, June 9, 1900, PAC, RG 15, Vol. 753, file no. 494483(1):.
30. Szalasznij, op. cit., p. 106.
31. Letter, from Leo Tolstoy, February 27, 1900 as quoted in Aylmer Maude, op. cit., p. 271.
32. Joseph Elkinton, op. cit., p. 115.
33. Ibid, p. 120.
34. The Committee appointed by the Society of Friends in England for assisting the Doukhobors - per John Bellows (Clerk). "To the Doukhobors of Canada" November 11, 1900, PAC, RG 15, B1, Vol. 604660.

35. The letter, in its entirety is quoted in Elkinton, op. cit., p. 127.
36. Letter, Vassily Potapoff and three others of Village Woscresenovka, March 23, 1901, PAC, RG 15, Vol. 754, file no. 494483(2).
37. This is referred to in a letter from J. Obed Smith, Commissioner for Immigration in Winnipeg to the Commissioner of Dominion Lands, Ottawa, January 2, 1902, Ibid.
38. Ibid.
39. Woodcock and Avakumovic, op. cit., p. 171 ff.
40. The entire letter from Clifford Sifton is found in "Doukhobor Claims for Compensation", Canadian Slavonic Papers I, edited by L.I. Strakhovsky, University of Toronto, 1956.
41. Letter, J.O. Smith to Frank Pedley, Superintendent of Immigration, Department of the Interior, Ottawa, July 11, 1902, PAC, RG 15, Vol. 754, file no. 494483(2).
42. Ibid.
43. Woodcock and Avakumovic, op. cit., p. 178 ff.
44. Szalasznij, op. cit., p. 118.
45. Letter, C.W. Speers, General Colonization Agent, to J.G. Turriff, Commissioner of Dominion Lands, September 10, 1902, PAC, RG 15, Vol. 754, file no. 494483(2).
46. Blackmore, op. cit., p. 22.
47. As found in Woodcock and Avakumovic, op. cit., p. 185.
48. Blackmore, op. cit., p. 23.
49. Woodcock and Avakumovic, op. cit., p. 186 ff.
50. Letter J.S. Crerar to the Commissioner of Immigration, Winnipeg, January 8, 1903, PAC, RG 15, Vol. 755, file no. 494483(3).
51. Ibid.
52. Report of J.S. Crerar to J.O. Smith, February 12, 1903, Ibid.
53. Report of H. Harley to J.O. Smith, February 14, 1903, Ibid.

54. Letter, P.G. Keyes, Secretary of the Department of the Interior to J.O. Smith, March 6, 1903, Ibid.
55. As quoted in Szalasznj, op. cit., p. 134.
56. Szalasznj, Ibid., p. 135.
57. Ibid., p. 136.
58. Ibid.
59. Ibid., p. 139.
60. The general economic development is described in Woodcock and Avakumovic, op. cit., p. 200 ff, and referred to in Szalasznj, op. cit., p. 128, 141, and 157.
61. Letter, E. Challen Clark, J.P., to the Hon. Clifford Sifton, November 26, 1904, PAC, RG 15, Vol. 755, file no. 494483(4).
62. Ibid.
63. Letter, H.H. Brown to the Secretary of the Department of the Interior, January 7, 1905, PAC, RG 15, Vol. 755, file no. 494483(4).
64. Letter, Peter Verigin to Alex. Moffat, Acting Commissioner of Immigration, February 21, 1905, Ibid.
65. Ibid.
66. Letter, Jas. E. Peaker to The Secretary, Department of the Interior, Ottawa, March 13, 1905, Ibid.
67. Letter, J.O. Smith to W.W. Cory, Deputy Minister of the Interior, April 4, 1905, Ibid.
68. Szalasznj, op. cit., p. 166.
69. Memorandum, F. Fitz Roy Dixon to J.W. Greenway, Commissioner of Dominion Lands, July 6, 1905, PAC, RG 15, Vol. 755, file 494483(4).
70. Letter, C.W. Speers, General Colonization Agent to Hon. Frank Oliver, September 7, 1905, Ibid.
71. Letter, P.G. Keyes, Secretary, Department of the Interior to Thomas Young, October 11, 1905, Ibid.
72. Report, McNab, Homestead Inspector to The Secretary, Department of the Interior, Ottawa, February 24, 1906, Ibid.

73. Letter, Frank Oliver to J.W. Greenway, March 7, 1906, Ibid.
74. Memorandum, W.W. Cory, Deputy Minister of the Department of the Interior to Mr. Greenway, March 12, 1906, Ibid.
75. Letter, Peter Verigin to The Minister, Department of the Interior, July 24, 1906, PAC, RG 15, Vol. 755, file no. 494483(5).
76. "General Report Doukhobor Commission", John McDougall, to the Honourable, The Minister of the Interior, November 25, 1906, PAC, RG 15, Vol. 755, file no. 494483(6).
77. Szalasznij, op. cit., p. 182.
78. These statements appear not in the main body of McDougall's report, but in a statement entitled, "The General Settlement attitude towards The Doukhobors in the Northwest", addressed to The Hon. Frank Oliver by John McDougall and dated December 12, 1906. PAC, RG 15, Vol. 755, file no. 494483(6).
79. Ibid. McDougall's figures, unlike those of p. 116 above supported by note 59, included the land at Prince Albert.
80. "General Report Doukhobor Commission", op. cit.
81. Ibid.
82. Ibid.
83. "Memorandum for Information of Council" by Frank Oliver, Minister of the Interior, December 1, 1906, PAC, RG 15, Vol. 755, file no. 494483(6).
84. Ibid.
85. Ibid.
86. Szalasznij, op. cit., p. 133.
87. "Memorandum for Information of Council", op. cit.
88. See the quotation of p. 112 above, supported by note 40.
89. "Memorandum for Information of Council", op. cit.
90. Ibid.
91. "Memorandum for Information of Council", op. cit.
92. This is provided for in Section 7 of the 1891 amendments, Ibid.

93. Letter. W.W. Cory, Deputy Minister of the Department of the Interior to Rev. John McDougall, December 17, 1906, PAC, RG 15, Vol. 755, file no. 494483(5):
94. Letter, P.G. Keyes, Secretary to the Department of the Interior, to Rev. John McDougall, December 28, 1906, Ibid.
95. "To The Elders and People of the Village...", in English and in Russian, PAC, RG 15, Vol. 757, file no. 494483(10).
96. "Petition To The Minister of the Interior And All People In Canada From The Christian Community of Universal Brotherhood, The Doukhobors of Canada", January 28, 1907, PAC, RG 15, Vol. 757, file no. 494483(7)..
97. Ibid.
98. "Report of an Interview between the Honourable Frank Oliver, Minister of the Interior, and certain representatives of the Doukhobors, on Monday, the 25th February, 1907." PAC, RG 15, Vol. 755, file no. 494483(6).
99. Ibid.
100. Ibid.
101. Ibid.
102. "Memorandum Upon Doukhobor Affairs" by James Mavor, April 15, 1907, PAC, RG 15, Vol. 755, file no. 494483(6).
103. Ibid.
104. Letter, John McDougall to Frank Oliver, May 14, 1907, PAC, RG 15, Vol. 756, file no. 494483(7).
105. Letter, John McDougall to Frank Oliver, June 19, 1907, Ibid.
106. "Statement re Disposition of Doukhobor Homesteads" August 1, 1907, found in a collection of materials entitled "Reports And Maps Relating To Lands Held Under Homestead Entry By Doukhobors And The Disposition of Same". Saskatchewan Archives Board, lx/13. Saskatoon, Saskatchewan.
107. Woodcock and Avakumovic, op. cit., p. 223.
108. Szalaszyj, op. cit., p. 224.
109. Woodcock and Avakumovic, op. cit., p. 229.
110. Ibid., p. 228.

111. Letter, Anderson, Rose and Company, Barristers and Solicitors, to the Hon. Frank Oliver, May 5, 1919, PAC, RG 15, Vol. 758, file no. 494483(15).
112. Letter, W.W. Cory, Deputy Minister of the Interior to Rev. John McDougall, December 17, 1906, PAC, RG 15, Vol. 755, file 494483(5).
113. Edgar McInnis, as found in Szalaszyj, op. cit., p. 20.
114. Szalaszyj, Ibid., p. 22.
115. Woodcock, op. cit., p. 208.
116. Letter, John McDougall, to Hon. Frank Oliver, Minister of the Interior, December 12, 1906, PAC, RG 15, Vol. 756, file no. 494483(6).
117. Szalaszyj, op. cit., p. 163.
118. Blackmore, op. cit., p. 19. See also above, the statement on p. 104, supported by note 14.
119. This letter is quoted on p. 112 above, supported by note 40.
120. "Petition To The Minister of the Interior And All People In Canada From The Christian Community of Universal Brotherhood, The Doukhobors of Canada", January 28, 1907, PAC, RG 15, Vol. 757, file 494483(7). In this same document they speak further of their religious views. At one point they state: "we hope that the majority of the Canadian people...will take into consideration that the earth is God's creation, created for the benefit of the human race and for all that live on it, that the earth is our common mother who feeds us, protects us, rejoices us and warms us with love from the moment of our birth until we go to take our eternal rest in her maternal bosom:..." At another point in the petition they report: "John McDougall assures us that the Government will protect us, as it is said in the circular letter, in the free exercise of our faith, as heretofore: but he insists at the same time on the necessity of taking the oath of allegiance. We asked John McDougall if he believed in Christ. He answered: 'Yes.' We asked him if he was acquainted with Christ's teachings: he answered that he knew them. 'Does Christ in his teaching forbid to swear, i.e. the use of an oath'? - 'No, he answered, he does not'. We asked the interpreter to tell him that he did not know Christ's teachings. He became confused and, with a flushed face, he answered that in the Gospel it is said: 'Yes, yes or no, no'. For whatsoever is more than these cometh from evil." The passage in the Bible that the Doukhobors were referring to is Matthew, chapter 5, verses 34-37, where Jesus is quoted as saying: "But I say to you, Do not swear at all,... Let what you say be simply 'Yes' or 'No'; anything more than this comes from evil." The Bible, Revised Standard Version.

121. These views of Rev. McDougall are referred to on p. 122 above and supported by note 80.
122. See p. 118 above, supported by note 70.
123. See p. 130 above and Appendix 10.
124. J.S. Woodsworth, Strangers Within Our Gates, Toronto, University of Toronto Press, 1972, p. 234. (The first edition was printed in 1909.)
125. A Public Notice entitled "To the Elders and People of the Village...", PAC, RG 15, Vol. 757, file no. 494483(10).
126. The Edmonton Bulletin, October 24, 1898, p. 2.
127. Kenneth McRae, Consociational Democracy - Political Accommodation in Segmented Societies, (Carleton University Library No. 79), Toronto, McClelland and Stewart Limited, 1974, p. 300.

CHAPTER IV: THE HUTTERITE COLONIES

A. Hutterite Communalism and Governmental Restrictions

The Hutterites have been more successful in their communalism than either the Mennonites or the Doukhobors. They came to Canada later, arriving only in 1918. They obtained land by purchasing it, rather than by homesteading. And they wanted to live in small scattered colonies of about fifteen families each, rather than in large exclusive reserves with many villages. In 1978 there were approximately 175 Hutterite colonies in various parts of the three prairie provinces. (1)

These colonies are relatively autonomous and independent of each other but within each colony there is a highly integrated community. Each family occupies separate living quarters but meals are eaten in a communal dining hall. The property is owned collectively and no one receives wages but the needs of the people are provided for and all are treated alike. In nearly all instances a colony is a large farm and there is some division of labour and specialization of skills but the people all work for the benefit of the colony as a whole.

The Hutterite pursuit of communalism in this form has a long history, as was noted in chapter one, and is deeply rooted in their religious convictions. Paul Gross, one of their contemporary leaders has written:

It is not an invention or a social system devised by the Hutterites, nor is it always to their personal liking to live this life. In this they have no choice. They have to live by the command of the Holy Spirit, as we are exhorted by the apostle Peter. (2)

Gross explains further that they claim to follow the example of the early Christian church, as described in the following passage of the Bible:

...the company of those who believed were of one heart and soul, and no one said that any of the things which he possessed was his own, but they had everything in common... There was not a needy person among them. (3)

They see communal property as a sign of obedience to God whereas private property is viewed as a reflection of greed, vanity and pride. (4) There have been a few occasions in their long history when the practise of communal property lapsed but each time, they say, "a restirring of Christian conscience has revived it." (5)

Although they came to Canada only in 1918, they had entered into negotiations with Canadian authorities earlier. In 1899 a Deputy Minister of the Interior stated among other things: "There will be no interference with their living as a commonwealth, if they desire to do so." And in 1918, when they sought confirmation of the earlier arrangements, the then Deputy Minister said, in a telegram: "Agreeable also to granting of requests as to community life and holding of property in common, but matter is one of provincial control. Do not anticipate slightest difficulty..." (See Appendices 6, 7, and 8.)

During their first two decades in Canada, their communalism was not subject to restrictions, but in the 1940's some opposition arose. In part the opposition can be attributed to the general atmosphere of World War II when groups who refused to serve in the military and

who were also of German background were not popular. Other elements in the opposition may have risen from the social and economic dynamics in the rural areas. Whatever the source of the pressures, they did prompt the governments of each prairie province to place certain restrictions on their right to hold land communally. The nature of these restrictions and the way they were introduced and negotiated are described in the following sections of this chapter.

B. A "Gentleman's Agreement" in Manitoba

When the Hutterites arrived in Manitoba in the fall of 1918, the reception was mixed. The federal government had been eager to have them but locally there were some protests against them.⁽⁶⁾ According to one account: "reports of their coming were sandwiched in between long newspaper columns announcing the extermination of German armies and demanding the hanging of the kaiser."⁽⁷⁾ Before long, however, the Hutterites were accepted.

They came to be seen as quiet, peaceable, law-abiding citizens and good neighbours. People noted that unlike some other immigrant groups they accepted English schools. Even the Secretary of the Great War Veterans' Association visited a colony in 1919 and was "relieved to find that the Hutterians had no political connections with Germany". He was impressed also with the organization of their colony life.⁽⁸⁾

In the following years the Hutterites met with little controversy. The 1920's were prosperous generally and the

Hutterites bought more land and set up additional colonies to accommodate their growing population. During the 1930's they became not only accepted but popular with local authorities. Because of their self-sufficient economies they were not as strongly affected by the depression as other people on the prairies. They were able to keep on paying their taxes. And as a result of this municipalities began to compete with each other in efforts to attract Hutterite colonies to their areas. (9)

By the mid 1940's, however, there was a more negative public attitude. It arose not so much from their refusal to render military service as from their perceived effect on the rural communities. The colonies had their own schools and social activities and made their purchases in bulk from larger centres. This contributed to their unpopularity in the rural communities which, because of improved transportation methods and other general trends, were already experiencing a decline. One written complaint referred to "those rural citizens who are now being deprived of certain rights, such as community life, by the encroachment of Hutterite colonies." (10)

The pressure continued and in April of 1947 the Manitoba government appointed a Legislative Committee to investigate the concerns and to recommend a solution. The committee received a number of submissions. Some charged that the Hutterite children were getting an inadequate education. Others asked that the government require the colonies to give a share of their assets to any member who might want to leave. One

brief came from the Municipality of Cartier in which ten Hutterite colonies were located and where they owned 20% of the land and made up 40% of the population. This brief asked that, "the present Hutterite colonies within the municipality be restricted from further formation of new colonies in this municipality." (11)

The Committee also received submissions in defense of the Hutterites from the Civil Liberties Association of Manitoba, the Manitoba Conference of the United Church, and other groups and individuals. These pointed to positive elements in the education system of the Hutterites, and noted that they cared for their own sick and aged without public assistance, and that they were "peaceful industrious law-abiding people and seldom appear in either the civil or criminal courts." (12)

Of the Committee's recommendations, two are particularly significant. It recommended against imposing restrictions on their right to purchase land, stating:

This Committee hesitates to make any recommendation to the effect that anything be done by legislation or otherwise which will interfere with what may be termed one of the basic fundamental rights of every person - the right to purchase land in Manitoba where and when he pleases. (13)

The Committee was more sympathetic to the idea of a requirement whereby any person leaving a colony would be given "his or her equitable share of colony assets". It recommended that the Legislature at its next session appoint a committee to study this issue. (14)

This recommendation was accepted and a new committee was formed to consider such legislation. The new committee

began work in the summer of 1948 and again heard a number of submissions. One organization, the Community Welfare Association, had been formed especially to bring the Hutterite problem to the attention of both the public and the government. It favoured legislation requiring a colony to give a share of its assets to a member who might wish to leave. This, it argued, would be in the interests of "inmates of Hutterite colonies", whose participation in the larger society was now being impeded by the Hutterite system.⁽¹⁵⁾ The Association's brief argued that the Hutterites remained ignorant of the larger society, that the children did not have the privilege of having their faculties developed, and that the general inadequacy of Hutterite education was preventing them from fulfilling their duties to their fellow citizens. The brief noted, however, that even if such legislation was enacted it would not bring about a speedy assimilation of the Hutterites nor relieve the concerns of the rural communities where the colonies were located. It urged that the right of the colonies to obtain land be restricted.

The strongest defense of the Hutterites was made by their own solicitor, E.A. Fletcher.⁽¹⁶⁾ He reviewed the long history of the communalism of the Hutterites and the seriousness with which the people, as adults, took the vows of membership. He pointed out that the complete renunciation of personal property was a very basic part of these vows and that to require the colonies to give a share of their assets to a departing member would be like saying to a Hutterite: "In spite of

your solemn undertaking upon joining your church, and in spite of your contract under seal, you can leave the community and claim compensation for work done while a member of the community." He continued, saying: "If the Legislature desires to destroy these religious communities, this is the way to do it. They would then become merely secular organizations which it has herein been pointed out do not last."⁽¹⁷⁾ He argued that the Hutterian Brethren were "a just and good people" who could "safely be relied upon to treat an erring brother justly" and urged that the legislation being considered not be enacted. He said that communal property was "an essential element of Hutterian Brethren faith and doctrine" and that it was not "within the province of the Legislature to restrain or control religion (sic) practices."⁽¹⁸⁾ One unsolicited brief in favour of the Hutterites came from a Winnipeg businessman who said, among other things: "A friend of mine joined the Sisters of the Holy Name. She put in \$100,000 and she takes a vow of communal poverty. If she leaves she takes nothing." He opposed the legislation because it would interfere with religion.⁽¹⁹⁾

When a motion calling for the legislation was brought to the floor of the legislature later in 1948 it was defeated. For some years thereafter 'the Hutterite problem' remained quiet. By 1954, however, when the complaints had become quite strong again, the Union of Manitoba Municipalities, at its annual convention, called on the government to introduce measures that would restrict the amount of land that any one colony could have and specify also that no new colony could be

set up unless the location was at least a certain distance from existing colonies. (20) When the government did not act on these recommendations the pressure became more widespread. Eventually, the Union proposed that if the legislature would not act then it would try to make its own agreement with the Hutterites. Premier Campbell favoured this approach. Indeed, he called in the Hutterite leaders and said that if they did not make an agreement with the Union then he would have to deal with the matter through legislation. (21)

This left the Hutterites with little choice and on April 12, 1957 an agreement was reached between the Union of Manitoba Municipalities and the Hutterian Brethren of Manitoba. (The Agreement is reproduced in Appendix 11.) In the years following, it was often referred to as the "Gentleman's Agreement" since it did not have the status of law but in effect the Hutterites had acceded to virtually all of the demands of the municipalities. They promised, among other things, to limit the holdings of new colonies to 5,120 acres, to place no more than two colonies into any one municipality without specific permission from that municipality, and to ensure that the land of any new colony would be at least ten miles from the land of any existing colony.

This arrangement, though relatively satisfactory, did not resolve all the problems. Indeed, only a few months after the Agreement was signed the Hutterites negotiated for a land purchase which met all the terms of the Agreement but the

municipality still wanted the government to intervene and block the sale. (22) The government did not do so.

Some difficulties came from the fact that the land of a particular colony would not always be in one block. Sometimes pieces of land were scattered a number of miles from the colony. This made the provision in the agreement that "the land boundary of a colony may not be closer than 10 miles to the land boundary of another colony", more restrictive than it first appeared. (23) In spite of its restricting effect, the Hutterites respected the agreement.

In 1969, however, the Hutterites made it known that they would no longer consider themselves bound by the agreement. (24) Little became of their new position until 1971 when the government wanted to sell an abandoned airbase and a Hutterite colony made the highest bid. The Union of Manitoba Municipalities asked the government not to sell it to the colony since it was in violation of the agreement and announced that, if necessary, it would take legal action to force the Hutterites to comply with the agreement. However, the new Premier, Ed Schreyer, with the support of the Manitoba Human Rights Commission denounced the agreement as discriminatory and invalid. (25) The Manitoba Human Rights Commission stated that it viewed the agreement as "a gross violation of the spirit and intent of the Human Rights Act". (26) The union did not proceed with legal action and the government's policy towards the Hutterites since then has been that "they are people the same as anyone else and are entitled to the same rights, privileges and restrictions". (27)

While these questions about the expansion of the Hutterite colonies in Manitoba were being resolved, the problem of whether individuals leaving a colony were entitled to a share of its assets reappeared. In the mid-1960's several members of one colony became involved with an organization known as the Radio Church of God. They renounced the religious beliefs and practises of the Hutterites and after numerous efforts to persuade them to reconsider their position failed, they were expelled from both the Hutterian Brethren Church and from the colony. They then asked for their share of the colony's assets. The colony refused. Eventually the matter was brought to the courts and after several appeals it was heard by the Supreme Court of Canada. It became known as the Hofer case. In 1970 the court ruled in favour of the colony. (28)

The reasoning of the Court is significant. Justice Ritchie ruled that the property of the colony was not held in trust for the individual members but for the colony as a whole in conformity with the principle of community of property fundamental to the Hutterite religion and that the several members were validly expelled from both the church and the colony. An important element in his approach was a broad view of the role of religion and of the authority of a church. He saw membership in the colony as inseparable from membership in the church, not only because of the articles of association, which were accepted by each person voluntarily when he as an adult formally became a member of a colony, but also because of the nature of colony life. Moreover, he did not want to interfere with the right of the church to determine who should

be its members. He explained his position in the following way.

...in my view, adherence to the Hutterite faith was a prerequisite to membership in the Colony which by its very nature was required to be composed exclusively of Hutterian Brethren and their families. I am also of opinion that the decision as to whether or not any individual was a Hutterian Brethren so as to be entitled to continue as a member of the community was a decision which could only be made by the Hutterite Church. In the present case, as I have indicated, the decision to expel the appellants from the Colony was made by the church, but it had the effect of making the appellants ineligible for continued membership in the Colony...

There is no doubt that the Hutterian way of life is not that of the vast majority of Canadians, but it makes manifest a form of religious philosophy to which any Canadian can subscribe and it appears to me that if any individual either through birth within the community or by choice wishes to subscribe to such a rigid form of life and to subject himself to the harsh disciplines of the Hutterian Church, he is free to do so. I can see nothing contrary to public policy in the continued existence of these communities living as they do in accordance with their own rules and beliefs,...

Justice Cartwright agreed with Ritchie but spoke further about the principle of freedom for religion. The appellants had argued that the contract embodied in the articles of association, which a person would accept on joining a colony and in which he would renounce all claims to private property, was contrary to public policy in as much as it reduced the appellants to a condition of serfdom. Cartwright held that this did not violate the principle of freedom for religion. He explained his view in the following way:

...One of the liberties chiefly prized by a normal man is the liberty to bind himself. Unless the members are free to enter into contracts of the sort set out in the articles of association, it is difficult to see how the Hutterian Brethren could carry on the form of religious life which they

believe to be the right one... The appellants,... remain free to change their religion but they have contracted that if they do so and leave the Colony, voluntarily or by expulsion, they will not demand any of its assets.

Justice Hall also agreed with the judgement but wanted to register the reservation that the powers of a church should not be seen in terms so broad that they were virtually unlimited. In circumstances involving minors or others under disability, he said, public policy would limit the way in which a church might deal with them.

The one dissenting judgement came from Justice Pigeon. His view of religion and of the authority of a church were significantly more narrow. He stated that "freedom of religion includes the right for each individual to change his religion at will". Churches were free to make various rules and regulations, he said, but "freedom of religion means that they cannot make rules having the effect of depriving their members of this fundamental freedom". In his view this was precisely what these Hutterites were attempting to do. He rejected the decision of the lower courts in the following way:

the decision in the Courts below proceeds on the assumption that religion extends to whatever a particular congregation may choose to include in it and that the religious authority is coextensive with such definition. This is contrary to the proper legal conception of religion whereby its scope is limited to what is commonly so considered and the extent of religious authority is limited to what is consistent with freedom of religion as properly understood, that is freedom for the individual not only to adopt a religion but also to abandon it at will.

Pigeon pointed out that it was "as nearly impossible as can be" for people in a Hutterite colony to do otherwise than to embrace its teachings, that they had no right at any time in their lives to leave the colony without abandoning everything, even the clothes on their backs. In his view, this high cost of changing their religion meant, effectively, that they were deprived of freedom of religion.

In spite of Pigeon's strong reasons, his was only a dissenting judgement. The ruling of the Court was in favour of the colony. Nevertheless, soon thereafter in 1971, a Member of the Manitoba Legislature, J.R. Boyce introduced a bill "which would require a colony to take money from its communal assets and pay it to any Hutterite who leaves the colony".⁽²⁹⁾ Like the earlier attempts this one was rejected by the Legislature.

In Manitoba, then, there had been numerous attempts to impose restrictions on the Hutterites but the only ones ever implemented were those in the "Gentleman's Agreement" between the Union of Manitoba Municipalities and the Hutterian Brethren which remained operative only from 1957 until the early 1970's.

C. Statutory Restrictions in Alberta

When the Hutterites moved to Canada in 1918, nine of the first fifteen colonies were set up in Alberta. This relative concentration in Alberta has continued and may help to explain

the more elaborate and firm methods used in that province to regulate the expansion of the Hutterites.

The initial reception in Alberta was similar to that in Manitoba. There was some opposition in the early years but during the depression of the 1930's they were more popular. Indeed, the desire of local authorities to attract more colonies was quite strong. One telegram sent by a Calgary businessman to R.B. Bennett, the Prime Minister of Canada, requested the admission of more Hutterites and stated: "Owing to prevailing conditions due to several years' losses the entry of Rockport Colony would be of great benefit to vendors, their creditors and all other persons concerned in this district. Anything you may do to avoid further delay will be greatly and personally appreciated." (30)

With the outbreak of World War II, however, the hospitable public attitude quickly changed. The Hutterites were not serving in the military, although they were involved in the Alternative Service Program. Farming had become profitable again and farmers who wanted to expand their holdings had to compete with the Hutterites who also wanted more land. In addition, critics charged that they were contributing little to the social and economic life of the rural communities. (31) Before long, the criticism had become strong and according to one account: "The Canadian Legion, farmers groups and mass meetings of protest in some Alberta towns pressured the Alberta government to enact the Land Sales Prohibition Act in 1942". (32)

This first measure to restrict the growth of the Hutterite colonies was a simple prohibition on land sales to "enemy aliens and Hutterites". When the Honourable Solon Low introduced it in the Legislature, on March 11, 1942, he said its purpose was "to allay public feeling which has been aroused to the point of threatened violence in some instances..." He spoke positively of the Hutterites and said that the Act was "not a persecuting measure but one adopted to meet a situation which has developed since the war started." He saw it as "a temporary expedient until an orderly arrangement can be worked out". (33)

One year later, in March of 1943, the Act was amended so that it covered not only sales of land but leases as well. (34) Later that year, however, the federal government disallowed the Act "because it infringed on the exclusive jurisdiction of the federal government to legislate in the area of rights and obligations of enemy aliens". (35) This was a setback but it was quickly remedied. In 1944 the Legislature passed a new Land Sales Prohibition Act. The provisions were the same but they no longer applied to enemy aliens. In 1945 an amendment was passed which stated: "This Act shall remain in force until the cessation of hostilities in the war in which Canada is now engaged with the German Reich and Japan and for one year thereafter". (36) Another amendment, in 1946, extended the Act "until the first day of May, 1947". (37) Before it expired, however, a Legislative Committee was appointed to study the Hutterite problem and to make recommendations as

to "whether the said Act should be continued in force, and if so, whether it should be modified or amended in any way". (38)

This legislative committee was the first of several which would study the problem in the following decades. It heard briefs from a number of individuals and organizations including Alberta Farmers' Union Locals, municipalities, school trustee associations, Canadian Legion locals, and various citizens' groups. (39) Members of the committee also accepted an invitation to visit a colony and observe Hutterite life at first hand. The arguments against the Hutterites dealt with a number of concerns but most were focused on their expansion. The Alberta Farmers' Union brief addressed this concern at some length and noted that the Hutterites already owned one-sixth of the land in the Warner Municipality and one-tenth of that in the Sugar City Municipality. The Union urged that the Hutterites should go outside of Alberta if they needed more land. (40) The brief attributed their capacity to expand to their position during the war, stating:

while Canadian boys were fighting and dying for the very existence of our Nation, the Brethren have been able to save sufficient profits to enable them to establish at least one colony for each one now in existence... The Hutterites can pay more for land than any of our young men who expect to live by Canadian standards... thus making it impossible for the veterans to become established on any land that they, the Hutterites, may desire. (41)

The brief also charged that the Hutterites were depriving their children of culture, beauty and refinement. It urged that a group which denies its posterity "the right to live as free individuals and Canadian Citizens" should not be given any

special privileges.⁽⁴²⁾ The brief also stated: "What will become of our schools, hospitals, parks, playgrounds, swimming pools, rinks, churches - all the things which mark our modern civilization - if the Brethren be permitted to continue their expansion?" It argued that a dispersion of the colonies would result in a closer association and eventual assimilation with their Canadian neighbours.⁽⁴³⁾

The main statement in defence of the Hutterites was made by their lawyer, L.S. Turcotte.⁽⁴⁴⁾ He too presented a lengthy brief and among his arguments were the following: that the Hutterites obeyed laws and paid taxes; that none could be found in jails or asylums; that they cared for their weak and aged; that they accepted no Old Age Pensions and only one colony accepted Family Allowances; that none was a public charge in hospitals; that even during the depression they went without governmental assistance; that during the 1930's many organizations had asked for more Hutterites; that during the war they had purchased nearly half a million dollars of bonds of the interest-free variety lest they make money out of the war; that their young men performed alternative service in labour camps as prescribed by Selective Service Regulations; that if the reason for preventing them from buying land lay in their pacifism then Mennonites, Moravians, Seventh Day Adventists and Jehovah's Witnesses should also be subject to such restrictions; that the concern about their expansion was greatly exaggerated since they had only 275 square miles out of Alberta's 67,621 square miles of occu-

pied farm land and only 33 colonies out of Alberta's 99,732 farms; that most of the colonies were located on the outer edge of settled areas; that teachers in charge of Hutterite schools spoke well of their elementary school education; that immediate neighbours were not complaining; that with regard to the charge that they were competing with war veterans for land they would suggest a system whereby when they would make an offer on a particular piece of land that then it should be offered for sale under the Veterans' Land Act for 60 or 90 days during which a veteran would have priority; and that Alberta's recently enacted Bill of Rights provided "that every citizen of Alberta shall be free to acquire land...so long as he conforms to the laws".

In spite of this strong representation on behalf of the Hutterites, the committee found that:

...the conditions which prompted the passing of the Land Sales Prohibition Act still exist and that the communal form of living will continue to be a matter of concern to the people of Alberta unless regulations can be applied which will, in the public interest, control the expansion or increase of communal groups. (45)

Accordingly, it recommended that the government continue with some restrictions on Hutterite landholding. These were not to be a complete prohibition. Instead, the new restrictions should serve to prevent a concentration of colonies in any one area.

On the basis of the committee's recommendations the legislature passed The Communal Property Act. (46) It came into force on May 1, 1947 and stipulated that no colony could purchase land within 40 miles of any land held by another colony.

or increase its holdings beyond 10 sections or 6,400 acres. Also, before a colony could make a purchase, the land would have to be offered for sale under the provisions of the Veterans' Land Act for a period of 60 days. The new law improved the situation for the Hutterites but it was still very restrictive. The 40 mile limit virtually ruled out further expansion in the area south of Calgary. They would have to look elsewhere. Some moved farther north. Others turned to areas like Saskatchewan where as yet there were no restrictions. Some moved to the northern parts in the United States. South Dakota was somewhat attractive because it had enacted legislation in 1935 to facilitate Hutterite settlement. Some also looked at Mexico as a possible site for further expansion.

Within a few years there was a loosening in the Alberta restrictions. In 1951 the Act was changed so that the province was divided into three zones according to the productivity of the land. Hutterite colonies in the zone with the poorest land would be allowed to have 24 sections and those with the medium quality land would be allowed 16 sections, while those in the zone with the best land would remain under the 10 section restriction.⁽⁴⁷⁾ There may have been some other forms of loosening as well, involving unofficial leases, hire agreements, and other arrangements, but the Hutterites gained only very small amounts of additional land in these ways.⁽⁴⁸⁾ They faced a serious land shortage.

Late in the 1950's, the public criticism of the Hutterites again reached a level where it seemed necessary for the

government to do something. It then set up another committee entitled "The Hutterite Investigation Committee" and instructed it "To determine whether or not the provisions of the Communal Property Act...are necessary and in the best interests of our agricultural industry..." and to study "Any other matter relevant to the orderly and harmonious integration of members of the Hutterian Church into local communities." (49)

Like the 1947 committee, the one of 1958 heard a variety of briefs and again the Farmers' Union Locals were prominent in calling for further restrictions. The Local from Warner charged that the Hutterites were:

attempting to establish a country of their own within a country. If they are allowed to do so, they can eliminate personal contact of their members and hold them in ignorance which is the foundation and success of the communal system. (50)

The Farmers' Union Local from New Dayton stated that without restrictions the Hutterites would soon displace several thousand farm families in the larger Lethbridge area and that this would result in the loss of potential commercial markets, especially in automobiles, radios, television sets and appliances, dry goods, food stuffs, loss of advertising revenue, etc. (51)

As might be expected, the committee concluded that, "some form of regulation governing the acquisition of lands by Hutterites for the purpose of establishing communal settlements is necessary and in the interests of the agricultural industry as a whole." (52) On the matter of integrating the Hutterites into the larger society, the committee was some-

what more innovative. It stated:

Throughout this report the committee has endeavoured to emphasize that the assimilation of a religious sect exhibiting such strong social cohesion as the Hutterian Brethren will take time and patience.

Official restrictions placed upon these people over the centuries would seem to indicate that the process of integration has been retarded rather than advanced by such measures. In the opinion of the Committee then, the solution of the problems that have arisen in the province over the past years lies in other approaches. The appointment of a Board with discretionary powers and also acting in a consultative and advisory capacity would appear to be the answer. (53)

The committee's recommendation for a Board was passed into law in 1960: It became known as, "The Communal Property Control Board". Any Hutterite colony which wanted either to increase its holdings or to establish a new colony was now required to submit an application to the Board. The Board then had to determine two things: first, whether the proposed land acquisition met the criteria of the zoning system adopted in 1951 which limited their size to 10, 16, and 24 sections, depending on the zone in which they were located; and second, whether the proposed acquisition was "in the public interest". Although the Board had a broad discretionary power to determine "the public interest", it set up the following guidelines for itself: there should be no more than two colonies in an average sized municipality; colonies should be at least 15 miles apart; and no more than five per cent of the assessable land in any municipality should be under communal ownership. (54)

There were two other significant aspects of the new procedure which, though they had not been recommended by the

committee, found their way into the Act. These became operative not if the Hutterites wanted to add more land to an existing colony but only if they wanted to set up a new colony. To deal with such applications the Board had to hold public hearings and the final decision would be made, not by the Board, but by the Cabinet. These two conditions had the effect of politicizing this already contentious matter. The public hearings became focal points for bitter charges against the Hutterites. In one instance where Hutterites had applied to buy a ranch, some "300 people from the area warned that they were prepared to 'break civil laws...if necessary' if the application was granted". (55) In 1962 the requirement that there be public hearings was abolished but the role of the Cabinet remained. Of this a later governmental study made the following observation.

As long as the Cabinet had the power to approve or disapprove new colonies certain segments of the public which opposed the establishment of new colonies on emotional rather than factual grounds were likely to continue to attempt to influence the Cabinet's decision by bringing the pressure of public opinion to bear on the government. Under such conditions, it was extremely difficult to determine what course of action was "in the public interest". (56)

The later study also noted that the recommendations of the 1958 Hutterite Investigation Committee that the Board should "play a public relations role" had never been implemented. It stated that if the Board had been allowed to work effectively in accordance with the recommendations then "much of the public misunderstanding of the Hutterian Brethren could have been dispelled and the problem overcome". (57)

One development of a different nature but also significant was a challenge to the legality of the Communal Property Act. In the mid-1960's several people who had made land sales to Hutterites were prosecuted for violating the Act. In their defense they sought a declaration that the Act was ultra vires the legislature of the province since it dealt with religion. The case, which became known as the Walters case, was eventually appealed to the Supreme Court of Canada which ruled, in 1968, that the law dealt not with religion but with property and was therefore within the jurisdiction of the legislature of Alberta. (58) In the judgement for the Court, Justice Martland noted the argument that the Act, "in its pith and substance" deals with religion by quoting from Justice Johnson of the Appellate Division of the Supreme Court of Alberta, who had said in his reasons:

✓ If a bylaw which prevents the distribution of religious tracts (the Saumur case) was an interference with religion, I find it difficult to say that legislation which is aimed at the restriction of new and existing colonies and the holding of land in common as practised by these colonies when living in such colonies and holding land in that manner are the principal tenets of Hutterian faith, does not also deal with religion.

After recognizing this position Justice Martland rejected it and ruled as follows:

...the legislation in question...does not forbid the existence of Hutterite colonies...(and) is not directed at Hutterite religious belief or worship, or at the profession of such belief. It is directed at the practice of holding large areas of Alberta land as communal property, whether such practise stems from religious belief or not... The fact that a religious group upholds tenets which leads to certain economic views in relation to landholding does not mean that...legislation which may run counter to such views, can be said in consequence,

to be legislating in respect of religion and not in respect of property.

Although the legality of the Communal Property Act was thus confirmed, various social developments late in the 1960's were changing the framework for dealing with the Hutterites. The two major daily newspapers in the province, the Calgary Herald and the Edmonton Journal became markedly more sympathetic to them. Intolerance of ethnic groups became generally disreputable. And one scholar observed: "There has been a growing understanding and appreciation...of pacifism and of the communal values which the Hutterites profess as the effects of the bomb and of the excessive individualism and anomie of industrial society have become clearer".⁽⁵⁹⁾ Also, the Hutterites began to take a greater part in the life of the communities in which they lived. They began to vote, to participate in agricultural marketing associations, and to attend annual ratepayers' meetings. They also made contributions to local charities and provided free labour in the construction of community halls and hockey arenas even though they had no thought of using them. Generally, they became more trusting of the institutions of the larger society.⁽⁶⁰⁾

This change in atmosphere prepared the way for the next step early in the 1970's. Public figures began to question the need for the controls. Some found the controls incompatible with proposed changes in Alberta's Bill of Rights. A new political party was elected to office. And late in 1971, the operation of the Board was suspended and in May of 1972 a Select Committee of the Legislative Assembly was established

to study the matter once again. Like the Committees of 1958 and 1947, it heard many briefs. Most of these continued to ask for restrictions. But the Committee concluded that many of the criticisms grew out of other problems of rural life and that a close examination of them revealed that the Hutterites were not the true cause of the difficulties. (61)

The 1972 Committee dissociated itself from the objective of integrating the Hutterites which the 1958 Committee had been asked to look into. Instead it favoured "a policy of co-operation and co-existence". It stated; "the Hutterite colonies in Alberta make an important contribution to the Agricultural industry of our Province" and unlike the 1959 Committee, it found that restrictions were not "in the interests of the agricultural industry as a whole". (62) The Committee concluded:

that the Hutterite colonies presently established in Alberta, have had no disproportionate adverse effect on local communities...that the time has come to repeal the present restrictive legislation... although there is a definite need for a liaison function to promote understanding and co-operation, to advise the Hutterites, and to advise the government if any unforeseen difficulties occur. (63)

The Committee recommended that there be a liaison officer who would report to a Standing Committee of the Assembly and that the terms of reference for the work of the officer would be decided upon by the Committee in consultation with Hutterite elders and other relevant organizations. There had already been indications from the Hutterites of willingness to set up a Committee of Elders to be available for such consultation.

The Hutterites were willing to accept some voluntary guidelines for the sake of maintaining good neighbourly relations. They had also come to appreciate a dispersed settlement pattern because it prevented competition between colonies for local markets. They were now quite willing to co-operate with the Liaison Officer in their search for suitable colony sites to accommodate their ever growing population. (64) The arrangement proved satisfactory in the years which followed.

D. Varied Restrictions in Saskatchewan

The Hutterites first came to Saskatchewan in 1952 from Alberta when the restrictions there made it necessary for them to look elsewhere for land. The reception in Saskatchewan was not particularly hospitable, however. Local groups began immediately to press the government for restrictive legislation. But the C.C.F. Government of Saskatchewan was cautious. It wanted to deal with the situation in a way that would prevent the growth of strong anti-Hutterite feelings. It also wanted to respect the 1943 Bill of Rights which guaranteed the right to acquire land by purchase or lease or occupancy without discrimination. (65) As a first step, it asked the Saskatchewan Branch of the Canadian Mental Health Association to study the attitudes of the public towards the Hutterite settlements. (66)

The study found that the public attitude was mixed.

According to one summary:

A considerable number of people were concerned about the effect of Hutterite settlement on local community life - particularly on the local economy - but many others seemed to feel that the Hutterites might make a considerable contribution to community welfare through exemplification of advanced farming techniques.

Similarly local citizens disapproved of Hutterite isolation and pacifism but admired their religious conviction and industry. (67)

The study concluded that no serious problem existed at the time and that future difficulties could be kept at a minimum by disseminating accurate information about the Hutterites. Much of the opposition to the Hutterites was based on inaccurate information, the study concluded.

The findings of the study did not lead to substantial action. No "information service" was set up although some articles about Hutterites were published in local newspapers. For a time thereafter the matter was quiet. By 1956, however, the public criticisms were becoming strong again. They pointed to the Hutterites' social isolation and commercial practises and expressed "concern for the economic future of the local communities". (68) Organizations like the Canadian Legion and the Saskatchewan Association of Rural Municipalities (S.A.R.M.) became vehicles for pressing the government to bring in restrictive legislation. The S.A.R.M., at its 1956 annual meeting, passed the following resolution.

Whereas the Provincial Government has no legislation in force restricting the settlement of Hutterite colonies, and
whereas the colonies are of no asset to the community because they will not take part in any community affairs or activities, nor will they, if at all possible, patronize local businesses as it is their policy to endeavour to purchase requirements at wholesale prices, and
whereas several colonies have established themselves in the southwest part of the province and are endeavouring to gradually increase their holdings, thus creating the danger of forcing or crowding out the small farmer;
Be it Resolved Therefore, that the Provincial Government be asked to enact legislation similar to that in

force in Alberta, that the holdings of colonies be limited to 10,000 acres in the better farming areas and 15,000 acres in the poorer farming areas and that the colonies be 100 miles apart. (Resolution #72, 1956). (69)

The government did not take immediate action on the resolution of the S.A.R.M. However, the public criticism was so strong that it had to do something. In its search for alternatives, it set up a "Provincial Committee on Hutterite Settlement", under the chairmanship of the Honourable John H. Sturdy and with representation from the government's adult education staff. (70) This suggested that education would be used as a means of dealing with the problem. At its first meeting the committee decided that more information was needed about the Hutterite settlements before starting a program. Accordingly, another study was undertaken.

This second study, completed in 1957, confirmed that the anti-Hutterite sentiments had become quite widespread in those areas where the colonies were located and that, although not many persons were actively anti-Hutterite, "a few determined individuals could carry the bulk of the population along if they set out to exploit the feeling". (71) About the substance of the complaints the report said that the majority were unfounded and that "...people are using the colonies as scape-goats upon which to project the tensions and anxieties caused by changing conditions in rural Saskatchewan". (72) The study recommended: (i) the establishment of a Provincial Government Committee on Hutterites to "formulate, direct and co-ordinate provincial programming" with regard to Hutterite settlement; (ii) a more intensive study of Hutterite-community relations

with the objective of developing ways of integrating the two social systems into one complementary system, and (iii) the establishment of local committees composed of both Hutterites and representatives from the community to combat misconceptions of Hutterite life and to promote colony-community co-operation. (73)

The government acted quickly on the first two recommendations. However, as the study called for in the second recommendation got underway late in 1957 a significant change occurred. It became apparent that the establishment of local joint committees and the general objective of colony-community co-operation were premature, that instead the government should aim for "the development of a dispersed Hutterite settlement pattern which would free local communities from the ever present fear of overcrowding". (74) Initial investigations also indicated that "there was a possibility for voluntary dispersal of colonies if Hutterite confidence could be gained and their search for suitable sites facilitated." (75)

With these new objectives, the government's committee sought to equip itself with information about suitable settlement sites, to convince the Hutterites of "the fairness and sincerity of the government", and to inform the public of its plans so as to allay anxiety. A field worker went out to visit the Hutterites, to gain their confidence, to learn of their projections for expansion, to encourage them not only to consider the suggestions of the government's committee for new colony sites but to make it their general policy to go to the committee first whenever they wanted to set up new colonies. (76) If they would commit themselves to such a policy then, noted

the field worker, "Hutterite morality could be brought to bear on the problem of finding mutually satisfactory sites". (77)

After a number of visits the field worker was able to get one colony to make such a commitment. This colony was then used to encourage others. Eventually, on August 22, 1958, an agreement was signed with one group of Hutterites known as the Lehrer-leut. (The agreement is reproduced in Appendix 12.) The agreement was for an initial five year period with the understanding that it would probably be renewed thereafter. For the second five-year period the other main group of Saskatchewan Hutterites known as the Darius-leut also signed but only after the government threatened to bring in legislation if they refused. (78) Like the one in Manitoba, this one was referred to as a "Gentleman's Agreement". It was not very detailed. It emphasized the consultative dimension of the new relationship between the colonies and the government but the colonies did commit themselves to checking with the government's Hutterite committee before setting up a new colony and to working with that committee in finding mutually satisfactory sites.

Of greater significance was the government's statement of "Policy and Procedures - Hutterite Colonies". (79) It stated among other things that a new colony should be at least 35 miles from an existing one, that none should be larger than 10,000 acres, and that the needs of nearby farm families should be given priority. By way of procedures the committee, when informed of the Hutterites' intention to set up a new colony, would have its field worker investigate the situation by inter-

viewing the local councils, school officials, and business and farm people. He would then submit a detailed report to the committee. The committee would then make a decision and communicate it to the Hutterites.

This arrangement, although it was operative for many years, was not without some difficulties. The Hutterites found the procedure very time consuming. The government's committee, which included three cabinet ministers, would usually take more than six months from the time that the Hutterites first informed the committee of their interest in a particular site.⁽⁸⁰⁾ During this time the price of the land would often increase by very significant amounts.⁽⁸¹⁾ And sometimes the government had other reasons keeping the procedure slow. One civil servant reported that applications were "intentionally held up, on occasion, because of political queries or in the hope that a delay will result in Colony indecision with respect to proposed purchases..."⁽⁸²⁾.

As a result of these and other difficulties, the Hutterites refused, in 1968, to sign a renewal of the agreement.⁽⁸³⁾ This did not mean that they would proceed without consideration for the public's concerns. Indeed, the government now issued guidelines very similar to those in its earlier policy statement. The guidelines suggested among other things: a limit on the size of colonies; the desirability that the land of any one colony be in one block; that the distance between colonies be at least 35 miles; and that governmental approval be obtained before purchasing land. And the Hutterites tried to cooperate.

and to follow these guidelines, although not rigidly. The government's Hutterite committee also continued to function. (84)

In 1977, however, a dispute arose. A colony at Waldeck, Saskatchewan, had reached the size of nearly 150 people when it was customary to draw lots and have some of the people set up a new colony. (85) Some land had become available near Vanguard so they took out the "options" on it. The land, which was not in a single block, amounted to over 6000 acres and spanned the rural municipalities of Whiska Creek, Glenbain, and Auvergne. On October 27, 1977 Rev. Michael Entz who was to be the leader of the new colony sent a notice to the government to inform them of their intention to purchase the land. After this the liaison officer for the Cabinet's Hutterite committee, Michael Czornobay, set out to investigate the situation. (86) On November 10, 1977 he met with the Council of the Rural Municipality of Whiska Creek where he found strong opposition to the Hutterites. When asked whether anything could be done, he replied that the Council could meet with planners of the Municipal Affairs Department and draw up by-laws aimed at restricting construction within the municipality. On the same day Czornobay also attended a meeting of ratepayers where he learned further of the opposition to the Hutterites.

On November 14, 1977, when provincial planners met with the Council of Whiska Creek municipality, interim by-law zoning restrictions were drawn up and enacted. (87) On November 25, the Hutterites, having received no communication from the government requesting that they not purchase the land, proceeded to

make the purchase. (88) Then on November 28, they received a registered letter from the Whiska Municipality informing them of a requirement that they would have to obtain building permits before they could construct a building. (89) When the Hutterites attempted to obtain these permits, they were refused on the ground that the interim zoning by-laws allowed for no communal buildings and stipulated that only two family dwellings could be built on any one quarter section. (90) When this became apparent, Rev. Michael Entz expressed the view that: "The controls are absolutely intended to try and stop us from living our lifestyle." (91) The Whiska Council authorities were reported to have said: "Hutterites should live like everyone else, one dwelling per quarter section of land...(in) the traditional Prairie settlement pattern..." (92)

After the Hutterites had been refused in four attempts to obtain building permits, they proceeded with the construction anyway. (93) This led the Whiska Creek Municipality to lay charges. In the ensuing trial the Reeve of the Municipality, Henry Godenir, told the court that the controls were set up because of a concern about large farms generally and that they were not aimed at Hutterites specifically. (94) The lawyer for the Municipality argued: "If rural municipalities do not have the power to zone, they are emasculated." (95) Other municipalities appear to have supported Whiska Creek financially and the S.A.R.C., at its annual meeting passed a resolution indicating support "for all municipalities in their efforts to obtain financial assistance to uphold their zoning by-laws". (96)

The Hutterites, for their part, argued that the by-laws were directed at them and that they discriminated on the basis of religion and were therefore in violation of the provincial Bill of Rights. They felt too that the provincial officials had helped the municipality to draw up the by-laws in an effort to generally establish firmer control of the Hutterites. The Hutterite lawyer, when he cross-examined the provincial officials, found considerable evidence to support this view. (97) On June 27, 1979, Judge Fielding found the by-laws null and void on the basis of a technicality but added: "If,...it were necessary to do so, I would find that the municipality did not pass the resolution in good faith since it did so for the purpose of discriminating against people because they were Hutterites...". (98)

During the course of these proceedings, the government appears to have become somewhat more understanding of the difficulties that the Hutterites faced. The Minister of Municipal Affairs indicated a willingness to remove the 35-mile limit from the guidelines and to simplify the general procedures so that they could be completed more quickly. There was understanding also of the Hutterites' desire to have the procedures carried out with less publicity. One municipal official acknowledged that "prices rise when their interests are known". (99) Moreover, the Hutterites remained willing to work with the government to avoid problems. (100) This, indeed, is the way they have continued to operate. The Hutterites, through their own committee, consult with the government and try to follow its guidelines whenever they want to purchase

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land. They want to maintain good relations. (101)

E. Conclusion

This survey of the encounters that the Hutterites have had with the governments of the three prairie provinces allows for a number of concluding observations. The most significant one is that the Hutterites have been able to continue to hold land in a communal way. They have lived in Canada for more than six decades and have met with many restrictions but these have not been so severe as to destroy their particular form of communalism. They have survived.

A second concluding observation is that the restrictions in the three provinces have had two basic features in common: they limited the size of colonies and stipulated that there be a certain minimum distance between colonies. Admittedly there have been variations in the severity with which these two mechanisms were used. In Manitoba the maximum size was 5,200 acres and the minimum distance was 15 miles. In Saskatchewan the maximum size was 10,000 acres and the minimum distance 35 miles. In Alberta, other figures were used. It must be pointed out too that at one extreme there was a complete prohibition on their expansion for a brief period in the 1940's in Alberta. Similarly, in Saskatchewan, if the by-laws of the Whiska Creek Municipality had been upheld by the court they could have been prohibitive too. At the other extreme, in the 1970's there was a movement away from restrictions altogether. In between these two extremes of complete freedom on the one hand and a complete prohibition on the other hand, there were

the restrictions which continued for many decades but which did not alter the Hutterite way of life in a fundamental sense. They had always sought to live in colonies that would be small and somewhat removed from one another. Thus, their form of communalism was different from that of the Doukhobors and that of the Mennonites. Perhaps it was easier to accommodate their form.

A third observation is that even though the restrictions had regular and established elements they were somewhat "political", arbitrary and uncertain. In Alberta for a time, the law called for public hearings whenever a new colony was proposed. The final decision was to be made by the Cabinet. And, it was to be based on "the public interest". Each of these factors contained elements of uncertainty. They were vulnerable to political pressure. In Saskatchewan, the arrangements were less explicit but the government's Hutterite committee included three cabinet ministers: those of municipal affairs, agriculture, and education. Being elected they were also quite vulnerable. The practise of consulting with local leaders also contained uncertainties. In Manitoba, the process was less politicized, although it was the ultimatum of Premier Campbell which prompted the Hutterites to accept the 'Gentleman's Agreement'. This element of politicization and vulnerability to public pressure is not quite in harmony with the ideal of having rights based on established law. It should be noted, however, that in most instances the governmental leaders dealt with these matters in a restrained way. They did not completely give in to public pressure.

A fourth observation is that the public pressures affecting the Hutterites appear to have been similar in each of the prairie provinces. They were related to various economic, technological and cultural factors, not entirely unlike those which effected the Mennonites and the Doukhobors earlier. When the Hutterites first came there was a measure of opposition. This was due, in part, to the on-going atmosphere of World War I. Then in the 1930's they became popular, primarily because of the revenues which they could bring to an area. Then in the 1940's and in the following decades there was widespread opposition. One scholar, Howard Palmer, says that a large part of this arose from the fact that other trends were causing a decline in the rural communities and that the Hutterites served as a scapegoat. (102) He refers to improved transportation methods which made it easier for farmers generally to by-pass the small towns and go to the larger centers and also to the technology in farm machinery which resulted in fewer farmers and larger farms. He also attributes some of the anti-Hutterite sentiment to the "tradition of agrarian radicalism and...egalitarian and individualistic values". This may help to explain the relatively stronger anti-Hutterite sentiments in Alberta. In Manitoba, there was "a more established ethnic pattern". (103)

A fifth observation is that the political parties differed little in the way they dealt with the anti-Hutterite sentiment. They all imposed restrictions and these were of a remarkably similar nature. The record of the four

parties involved can be briefly reviewed. First, the Social Credit party, which formed the government in Alberta from 1935 until 1970, has sometimes been criticized for being most severe. Palmer, however, defends the Social Credit saying that its leaders never gave in to the "tremendous pressure" from the public and that Social Credit cabinets "consistently defended the Hutterites as good citizens...who are law abiding and do not contribute to the ranks of welfare roles, prisons or mental institutions". Secondly, there is the Progressive Conservative party. Palmer is more critical of this party, saying that some of its members sought to gain support by appealing to anti-Hutterite prejudices. However, when that party came to power in Alberta, it removed the restrictions altogether. Still, when that party formed the government in Manitoba in the 1960's, the Gentleman's Agreement was carefully maintained. Thirdly, the Liberal party, when it was in power in Manitoba in the 1950's, under Premier Campbell, it helped to bring that Gentleman's Agreement into existence. And when it was in power in Saskatchewan during the 1960's it upheld the restrictions set up by the preceding government. Fourthly, there is the CCF/NDP. It brought in the restrictions in Saskatchewan in the 1950's and maintained them through the 1970's even when they were being discontinued in other provinces. Still, in Manitoba the truest friend the Hutterites ever had was the N.D.P. Premier, Ed Schreyer.

A sixth concluding observation refers to the difficulty of dealing with the tension between liberty for the individual

and liberty for the community. Among the Hutterites, as with the Doukhobors and to an extent also with the Mennonites, the community has a very considerable amount of power over the individual member. Critics took issue with this and Palmer has noted: "anti-Hutterite sentiment is spurred on by the belief that individual Hutterites are denied freedom of choice by their theocratic and communal system". (104) This issue is illustrated in the Alberta Farmers' Union argument that a group which denies its posterity the right to live as free individuals and Canadian citizens does not deserve any special privileges and again in the Manitoba Community Welfare Association argument that Hutterite children were denied the privilege of having their faculties developed and of learning the things necessary to fulfill their duties to their fellow citizens. In 1948, the issue was the subject of study by a committee of the Manitoba Legislature. It dealt with the question of whether there should be legislation requiring a colony to give an equitable share of its assets to an individual who might wish to leave. E.A. Fletcher, who argued strongly that such legislation would destroy the Hutterite religion, seemed to persuade the committee. Decades later, however, the issue was dealt with by the Supreme court. It ruled, for reasons similar to those advanced by Fletcher, that the community was not obligated to give a share of its assets to a departing member but the ruling was not unanimous. And after it was handed down there was another effort to bring in legislation to this effect, but once again it failed to pass.

A seventh and final observation refers to the principle of freedom for religion. It was interpreted in a fairly broad way but the exact limits were not clear. The Doukhobors, earlier, felt that when the government refused to permit them to farm their land in a communal way, it was robbing them of freedom of religion. They understood religion in broad terms. But the federal government at that time took a more narrow view and promised, somewhat glibly, to continue to protect them in their religious beliefs. For the Hutterites, the 1970 Supreme Court ruling in the Hofer case reflected a broad view. The Court refused to interfere with their property holding pattern in the way that the appellants requested, on the grounds that to do so would be an unwarranted infringement on freedom for religion. However the view expressed in the Walters case in 1966 is slightly less broad, although there the issue did not affect the Hutterite way of life so fundamentally as that in the Hofer case. In the Walters case the question was whether the laws of Alberta which placed certain limitations on the right of the Hutterites to own land were valid. The Court held that they were valid. In 1979, in the Saskatchewan court case, the lawyer defending the by-laws of the Whiska Creek Municipality relied on the Walters ruling and argued that the issue of the by-laws did not raise "a question of religious discrimination". (105) The court now ruled that the by-laws were not valid, but it did not address the question of freedom for religion in a direct way. Thus the basic question remains: is religion primarily a set of beliefs or can it involve a way of life;

and when groups claim that it is inseparably linked to a way of life, to what extent does governmental protection for freedom for religion mean protection for that way of life.

FOOTNOTES TO CHAPTER IV

1. As told to the writer by Rev. Jacob Kleinsasser, leader of the Manitoba Hutterites, at Crystal Springs Hutterite Colony near Ste. Agathe, Manitoba on June 7, 1978.
2. Paul S. Gross, The Hutterite Way: The Inside Story of the Life, Customs, Religion and Traditions of the Hutterites, Saskatoon, Freeman Publishing Company Ltd., 1965, p. 28.
3. The Bible; "The Acts of the Apostles", chapter 5, verses 32-4.
4. John A. Hostetter, Hutterite Society, Baltimore: The Johns Hopkins University Press (first printing 1974) Paperback edition 1977, p. 146.
5. David Flint, The Hutterites: A Study in Prejudice, Toronto, Oxford University Press, 1975, p. 50.
6. Victor Peters, All Things Common: The Hutterian Way of Life, The University of Minnesota Press, 1965, p. 48.
7. Ibid.
8. Ibid.
9. Ibid., p. 53.
10. Manitoba, "Meeting of Select Special Committee of Manitoba Legislature On Hutterite Legislation", Winnipeg, Manitoba, July 23, 1948, p. 10.
11. Manitoba, "Report to the Honourable the Legislative Assembly of Manitoba of the Select Special Committee appointed to obtain information regarding colonies or societies of Hutterites or Hutterian Brethren and to report and make recommendations upon the same." Winnipeg, Manitoba, 1948, p. 22. (Hereinafter known as "Report to the Honourable the Legislative Assembly...")
12. Ibid., p. 21.
13. Ibid., p. 27.
14. Ibid.
15. Manitoba, "Meeting of Special Select Committee of Manitoba Legislature On Hutterite Legislation", op. cit., p. 8.
16. Ibid., p. 26 ff.

17. Ibid., p. 40.
18. Ibid., p. 35.
19. Ibid., p. 73.
20. Victor Peters, op. cit., p. 59.
21. As told to the writer by Rev. Jacob Kleinsasser, leader of Manitoba Hutterites, at the Crystal Springs Hutterite Colony near Ste. Agathe, Manitoba, on June 7, 1978.
22. Victor Peters, op. cit., p. 60.
23. As told to the writer by Rev. Jacob Kleinsasser in interview, op. cit.
24. Ian A. Hunter, Civil Liberties And Human Rights: A Canadian Sourcebook, Ottawa, Department of Law, Carleton University, 1972, p. 190.
25. As told to the writer by Rev. Jacob Kleinsasser in the interview, op. cit.
26. Ian A. Hunter, op. cit.
27. This report about Manitoba is found in Alberta, Select Committee of the Assembly, Report on Communal Property 1972, p. 11.
28. Hofer v. Hofer et. al. (1970) vol. 13 D.L.R. (3d) 1.
29. From "Hutterite Colonies Threaten to Leave over Manitoba Bill" in the Globe and Mail, June 22, 1971, as found in Ian Hunter, op. cit., p. 187.
30. Victor Peters, op. cit., p. 53.
31. Ibid., p. 54.
32. Alberta, Report on Communal Property 1972, op. cit., p. 6.
33. As quoted in Edwin A. Pitt, "The Hutterite Brethren in Alberta", unpublished M.A. thesis submitted to the Department of History, University of Alberta, 1949, p. 115 and in Victor Peters, op. cit., p. 54.
34. Edwin A. Pitt, Ibid.
35. Morris Davis and Joseph F. Krauter, The Other Canadians: Profiles of Six Minorities, Agincourt, Ontario, Methuen Publications, 1971, p. 94. The legislation was disallowed because it transgressed a field covered by the 1939 Consolidated Regulations Respecting Trade with the Enemy and

because it violated the 1942 Defence of Canada Regulations. Disallowance and Reservation of Provincial Legislation. Department of Justice, Ottawa; Queen's Printer, 1955, p. 101.

36. An Act to amend the Land Sales Prohibition Act, S.A., 1945, c. 59, Assented to March 28, 1945, as found in Pitt, op. cit., Appendix.
37. An Act to amend the Land Sales Prohibition Act, S.A., 1946, c. 54, Assented to March 27, 1946, as found in E. Pitt, op. cit., Appendix.
38. Order-in-Council 53-47, January 18, 1947, as found in E. Pitt, op. cit., Appendix.
39. E. Pitt, op. cit., p. 117.
40. Ibid., p. 120.
41. As quoted in Ibid., p. 119.
42. Ibid., p. 122.
43. Ibid., p. 121.
44. The Brief by L.S. Turcotte is set out in full in the Appendix of A.J.F. Zieglschmid, Das Klein-Geschichtsbuch der Hutterischen Brueder, Philadelphia, Carl Schwarz Memorial Foundation, (first edition 1943).
45. As quoted in Alberta, Report on Communal Property 1972 op. cit., p. 6.
46. The Communal Property Act S.A. 1947 c. 16. It is noteworthy that the Act "includes Hutterites or Hutterian Brethren and Doukhobors, but shall not include any church or other religious organization or congregation". This definition was formulated during the debate in the Legislature. At first the Bill's definition of Colony had been so broad as to include a variety of other religious organizations. The new definition, although much more specific implied that the Hutterites were not a church or religious organization. Their leaders were not happy that the government would look upon them in this way. The reference to Doukhobors is of marginal significance. The number of Doukhobors in Alberta was very small and for all practical purposes the legislation did not effect them.
47. This change was made by Order-in-Council No. 841/51, approved on June 12, 1951. The Order is printed in full

in Appendix D of Province of Alberta, Report of the Hutterite Investigation Committee, Edmonton, Alberta, September 1959.

48. Alberta, Report of the Hutterite Investigation Committee 1959, op. cit., p. 16, and Report on Communal Property 1972, op. cit., p. 7.
49. Alberta, Report of the Hutterite Investigation Committee 1959, op. cit., Appendix A.
50. As quoted in William G. Loatsch, "Hutterite Colonization in Alberta" in Journal of Geography, Vol. LXX, September 1971, p. 351.
51. Ibid., p. 352.
52. Alberta, Report of the Hutterite Investigation Committee 1959, op. cit., p. 45.
53. Ibid.
54. Howard Palmer, "The Hutterite Land Expansion Controversy in Alberta" in Western Canada Journal of Anthropology, Vol. II: No. 2, July 1971, p. 31.
55. Ibid.
56. Alberta, Report on Communal Property 1972, op. cit., p. 7.
57. Ibid., p. 8.
58. Walter et al. v. Attorney-General of Alberta (1968) 3 D.L.R. (3d) 1.
59. Howard Palmer, op. cit., p. 41.
60. Alberta, Report on Communal Property 1972, p. 8.
61. Ibid., p. 33.
62. Ibid., p. 7.
63. Ibid., p. 10.
64. Alberta, Special Advisory Committee on Communal Property and Land Use, A Report To The Minister of Municipal Affairs, October 1974.
65. Saskatchewan, Group Resources Consultant, Department of Municipal Affairs "The Treatment of Hutterian Brethren by Provincial and Federal Governments - A Summary" (Unpub-

- lished) October 1963, p. 12. (Hereinafter referred to as Saskatchewan, "The Treatment of Hutterian Brethren...")
66. Saskatchewan, "Final Report: The Hutterite Program", The date and author are not identified but other factors suggest that it was written late in 1958 by Vern Serl, as an official of the government, p. 2 (hereinafter known as Saskatchewan, "Final Report...1958").
 67. As summarized in Ibid., p. 1.
 68. Ibid., p. 2.
 69. As quoted in Ibid., p. 2.
 70. Ibid., p. 3.
 71. As quoted in Alberta, Report on Communal Property 1972, op. cit., p. 11, where it is attributed to Saskatchewan, "Report on Relations of South-Western Saskatchewan Communities with Hutterite Colonies". (Unpublished Manuscript 1957).
 72. Ibid.
 73. Saskatchewan, "Final Report...1958", op. cit.
 74. Ibid., p. 6.
 75. Ibid., p. 7.
 76. Ibid., p. 7-15.
 77. Ibid., p. 19.
 78. Ian A. Hunter, op. cit., p. 188.
 79. The statement entitled "Policy and Procedures - Hutterite Colonies" is in Ibid.
 80. Ibid., and The Saskatoon Star-Phoenix, July 28, 1978.
 81. The Globe and Mail, Toronto, October 16, 1978, p.4.
 82. Saskatchewan, "The Treatment of Hutterian Brethren..." op. cit., p. 13.
 83. The Western Producer, Saskatoon, February 15, 1979, p.33.
 84. Ibid.
 85. The Globe and Mail, Toronto, October 16, 1958, p.4.
 86. The Saskatoon Star-Phoenix, June 1, 1979, p.30.

87. Ibid., and The Western Producer, February 15, 1979.
88. The Globe and Mail, Toronto, October 26, 1978.
89. The Globe and Mail, Toronto, October 16 and 26, 1978, and The Western Producer, February 15, 1979.
90. The Western Producer, Ibid.
91. Ottawa Citizen, July 22, 1978.
92. The Globe and Mail, Toronto, October 16, 1978.
93. Ibid.
94. The Western Producer, February 15, 1979.
95. The Globe and Mail, Toronto, October 16, 1978.
96. Ibid., and The Western Producer, March 22, 1978.
97. The Western Producer, February 15, 1979 and The Saskatoon Star-Phoenix, February 8, 1979; February 16, 1979; and June 1, 1979.
98. "Judgement", in Henry Godenir v. Vanguard Hutterian Brethren Inc., Provincial Court, Swift Current, Saskatchewan. The judgement was written by G.K. Fielding, Provincial Court Judge, June 27, 1979. The judgement of Judge Fielding was upheld on appeal. R. v. Vanguard Hutterian Brethren Inc. (1979) 6 W.W.R. 335.
99. The Western Producer, January 4, 1979.
100. Ibid., February 15, 1979.
101. George Janzen, Herbert Saskatchewan, in a telephone interview with the author on April 5, 1981. Mr. Janzen served for a time as a teacher on a Hutterite colony.
102. H. Palmer, op. cit., p. 36 ff.
103. V. Peters, op. cit., p. 56.
104. H. Palmer, op. cit., p. 39.
105. The Globe and Mail, Toronto, October 16 and 26, 1978.

INTRODUCTION TO SECTION TWO: THE SCHOOL CONCERNS

The desire of the Mennonites, Hutterites and Doukhobors to live as communities somewhat separate from the larger society is reflected also in their approach to the education of their children. They have been concerned that the educational institutions of the larger society would lead their children away from their separate communal way of life.

This concern, however, has not been held in the same way by all members of these groups. Some have wanted a very complete social separation. These have criticized public schools on a number of grounds including: that they tended to support militarism; that they made people less willing to accept the burdens of daily toil; that they nurtured a spirit of competitiveness and profit seeking and a readiness to exploit other people, instead of cooperativeness and concern for the welfare of others; and that they conveyed a compartmentalized view of life rather than one where religious and secular truth are seen as part of one whole.

Others, who favoured a measure of integration with the larger society, accepted the public schools and then supplemented them with classes of their own in the evenings and weekends, in order to teach their religion and language. Many encouraged their own people to take the necessary training and become teachers in the public schools in their communities. And some also used the opportunity to serve on local school boards as a way of exercising a measure of control.

Because of the divergence in their views, the governmental encounters also varied. This study will not deal with all aspects of those encounters. It will give primary attention to those which relate to the limits of liberty. Often these involved the people in these groups who were most conservative. They were the most determined to continue in their particular way of life. As a result it was in their encounters that governments had to deal most rigorously with the question of whether and to what extent they should be given the liberty to do so. Before considering these in detail it may be helpful to make a brief survey of the encounters in general.

First to be considered are the Mennonites who began, late in the eighteenth century, to migrate from Pennsylvania to Upper Canada. These had little conflict with the government. Their settlements were not as exclusive and isolated as those on the western prairies later in the century. They lived among people of other religions but often these were also of Pennsylvania-German background and, as a result, a measure of cooperation in schools came quite easily. Some Mennonite leaders were instrumental in starting schools but these tended to be community schools rather than just Mennonite schools. Gradually, however, these schools came increasingly under public control, prompting some Mennonites to develop supplementary classes to ensure that their children would learn the Mennonite religion. Since there was so little conflict in this encounter it will not be dealt with in the three chapters of this section.

Second, and much more difficult is the case of the Mennonites who in the 1870's came from Russia to the Canadian prairies.

They had long had their own schools. Indeed, one reason for leaving Russia was the newly announced policy of that government to exercise more control over schools. In their negotiations with the government of Canada prior to the migration, they asked for and received assurances of a broad freedom in school matters. They then set up their own schools and operated them for several decades with little governmental interference. Gradually, however, the governments of Manitoba and Saskatchewan became involved and around the time of World War I, they ruled that all instruction had to be in the English language and that attendance at public schools was compulsory. While some Mennonites accepted this, others were determined to follow their tradition. A severe collision resulted. Some Mennonites were imprisoned and thousands of dollars in fines were exacted. Eventually, about 6000 emigrated to new homelands in Latin America.

A third encounter involves the Doukhobors. Soon after their arrival on the prairies in 1899 they established some schools of their own but these did not function in a regular way. Formal education was not firmly rooted in the Doukhobor background, in part because the emphasis in their religion on "the God within" made formal learning less important and in part because of their experience in Russia where many schools had been dominated by the Russian Orthodox Church. Thus when the government of Saskatchewan began to promote public schools among them, the Community Doukhobors remained hesitant for a number of years. The Independent Doukhobors, however, accepted them and eventually the others followed. In British Columbia the difficulties were more serious. The Community Doukhobors there resisted more strongly and even

after these began to comply with the school laws, the Sons of Freedom Doukhobors refused to do so. A bitter confrontation resulted. Eventually the British Columbia government removed Doukhobor children from their homes by force and placed them in a boarding school surrounded by barbed wire. In 1959, after that arrangement had continued for about six years, the Doukhobor parents agreed to send their children to public schools. The government then returned the children to the parents..

A fourth encounter involves the Hutterites. These were accommodated more easily. They had an historic interest in formal education. They were prepared to accept English as the language of instruction and a measure of governmental control over their schools. They had probably been helped in arriving at these views by their years in the United States. When they came to Canada in 1918 there were few difficulties. After some initial adjustments, a pattern developed whereby they had public schools on their colonies. Other children were not prohibited but in reality only Hutterite children attended. As a result, the schools were and remain somewhat like private Hutterite schools, in spite of their official status as public schools. Moreover, since the children do not have to spend time travelling it is easier to hold supplementary classes in the mornings and evenings. Here the children learn religion and the German language. The arrangement has not been entirely free of difficulties but most of these have been resolved in a satisfactory way.

There is a fifth encounter which deserves to be mentioned but like the first it will not be dealt with in the three chapters of this section. It involves a small number of Mennonites who, in the 1960's and 1970's, reverted to private schools. Some of them did so because the rural one-room public schools, which they had accepted decades earlier on the ground that being small and nearby they were subject to a measure of local control, were now being replaced by larger consolidated town schools. These had a markedly different atmosphere which would surely affect the education of their children. Others reverted to private schools for more strictly religious reasons. The number of these new private schools remained small and a discussion of these developments would add little to the issues already being dealt with in the three encounters of this section.

The three chapters of this section will deal with:

- 1) the Mennonites in Manitoba and Saskatchewan from 1870 until 1925;
- 2) the Doukhobors in Saskatchewan and British Columbia;
- and 3) the Hutterites in all three prairie provinces. A discussion of these will serve to identify many of the basic issues that relate to the limits of liberty in matters of education.

CHAPTER V: MENNONITE SCHOOL CONTROVERSIES IN MANITOBA AND SASKATCHEWAN, 1874-1925

A. Governmental Accommodation for Mennonite Schools

The Mennonites who came from Russia to the Canadian prairies in the 1870's were given a broad liberty. They were assured by the federal government that they could operate their own schools and that they would be completely free in doing so. This freedom, however, was short-lived. Several years after their arrival the provincial governments became involved in matters of education and around the time of World War I these earlier assurances of freedom were over-ruled in favour of public schools in the English language. For some of the Mennonites the consequences of this change were serious.

The educational concerns of these Mennonites were rooted in both history and theology. It had always been important to them that their children be able to read the Bible. Nevertheless, for the greatest part of their history, Mennonite schools were of a limited and simple nature. Children would learn reading, writing and enough arithmetic to operate farms but relatively little about the larger society or the world. Many of the curriculum materials were taken from the Bible and the main purpose of the schools was to prepare the children for life in their simple rural communities. (1)

In Russia they had been allowed to operate such schools for nearly a century. However, in 1870 the Russian government announced that it would take over the direction of the schools and that Russian would replace German as the official language

of instruction.⁽²⁾ These changes in the schools were part of a general new policy on the colonies of foreigners. But the Russian government, recognizing that some of them might oppose the new policy, gave them a period of ten years in which they could choose, either to make the necessary adjustments or to emigrate. Some Mennonites used this time to negotiate significant compromises with the government but others looked for a new place to continue in their particular way of life.

Before long some of those who wanted to emigrate made an approach to the authorities for Canada. And since the freedom to operate their own schools was important to them it was one of the things that they asked for.⁽³⁾ The initial responses from Canadian authorities were favourable and in 1873 when four members of the larger delegation to North America chose Canada they received an apparently firm assurance of this freedom. The Department of Agriculture, which was also responsible for immigration, set out the terms for the immigration of the Mennonites in an elaborate letter dated July 25, 1873. (The letter is reproduced in Appendix 3.) Paragraph ten of that letter stated:

The fullest privilege of exercising their religious principles is by law afforded to the Mennonites without any kind of molestation or restriction whatever, and the same privilege extends to the education of their children in schools.

To the Mennonites this promise of educational freedom was most significant. However it may be that the federal government, in giving it, went beyond its constitutional jurisdiction. The slight measure of federal authority in matters of education

referred to in Section 93 of the British North America Act would appear to be inadequate for such a promise. This may be the reason why a few weeks later, on August 13, 1873, when that letter was embodied in an Order-in-Council, the wording of this paragraph was changed so that the Mennonites now had, "the fullest privilege of exercising their religious principles and educating their children in schools, as provided by law,..."⁽⁴⁾ The difference in the words was slight and may not have been meant to be significant. Nevertheless, it can be suggested that the first version of the promise implies that the freedom of the Mennonites would be the law and that the second implies that their freedom would be circumscribed by other established laws. Decades later there would be serious difficulties.

Regardless of the particular wording, the substance of the promise was not unusual in the circumstances of the time. Most schools were operated by religious groups. French Catholic schools had long served the French Canadian settlers at St. Boniface, as well as the Métis and Indians throughout the west. And Anglican schools and those of other religious groups were also serving their people. It was assumed, says W.L. Morton, "that the education of the young was an office of religion, that church and school should be inseparable".⁽⁵⁾ Thus for the government to assure the Mennonites that they could have their own schools was not to promise something unusual.

B. In Manitoba

1. The Governmental Structure and Some Mennonite Involvement

Although the provinces were virtually autonomous in matters of education, the Manitoba Act passed by the federal Parliament in 1870 stated that the provincial legislature could not pass any laws that would "prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the Province at the union". (6) This acknowledgement and sanction of the existing denominational education structure was reflected also in the province's first School Act. Passed in 1871, it created a Board of Education and divided the province into 12 Protestant and 12 Catholic school districts. (7) Further, the Board was divided into Protestant and Catholic sections equal in size and with an equal amount of money to supervise and assist the schools in their respective districts.

The School Act was a significant step but there are many issues that it did not deal with. It did not require that schools be set up. Nor did the Board have the authority to do so by itself. A request had to come from local residents. Nor did the Act set out any particular language requirements, although it may have been assumed that the Protestant schools would be English and the Catholic ones French. There were no limits on religious instruction. And attendance was not compulsory either. The Act was of a minimal nature but it was in keeping with the time. (8)

Initially the Mennonites were not affected by this governmental arrangement. They set up their own schools soon

after their arrival and began to operate them just as they had in Russia.⁽⁹⁾ However, in 1877, the Protestant Section of the Board of Education sought to organize the Mennonite village schools into official governmentally-recognized district schools. The Board offered a grant of \$80-\$100 per year per school and the pioneering Mennonites, being in need of funds, were interested. The Board's offer was accompanied by strong assurances that Mennonite rights and freedoms would not be affected, that they could continue to use their own language, curriculum, and also their own teachers.⁽¹⁰⁾ It appeared to involve little more than the registration of their villages as school districts.⁽¹¹⁾ After some discussion two Mennonite Bishops, in the fall of 1878, agreed to have some 36 villages registered in this way.⁽¹²⁾

It soon became apparent, however, that the interest of the government's Board of Education extended beyond the mere giving of money. It also wanted a measure of control. The first indication came in 1879 when the Board attempted to examine and classify the teachers. This disturbed the Mennonites and when one Bishop, Gerhard Wiebe, expressed his concern, an official said: "Well, you don't think that the government will give its money to men who are cowherds in summer and school teachers in winter."⁽¹³⁾ When the seriousness of the Mennonite concerns became apparent, the Board modified its position but the episode prompted many Mennonites to withdraw from the governmental arrangement.⁽¹⁴⁾ Some, however, did not fear governmental involvement. They remained with the governmentally approved schools in the expectation that they would give their people the skills necessary for communicating with the larger Canadian society.

This division among the Mennonites was to become quite marked. Those favouring the district schools sought to promote their acceptance among the other Mennonites. In this they were helped by the municipal system of local government introduced into the Mennonite areas in 1884.⁽¹⁵⁾ The legislation for this provided that when the ratepayers in any locality petitioned for the formation of a school district then the municipality would raise the necessary funds by levying taxes on property. As a result, those who continued with the private schools had to pay for both. They were subject to a form of double taxation. In addition to this financial burden they felt that the existence of district schools within the Mennonite settlements violated the terms on which they had come to Canada. They assumed that their internal autonomy precluded the emergence of such schools within the reserves. They brought this concern to the authorities but the Deputy Minister of Justice held that the provincial legislature was within its jurisdiction in giving such authority to municipalities.⁽¹⁶⁾

Those who favoured the district schools continued their efforts. They made contacts with Mennonites in the United States who had developed more sophisticated educational institutions. They also received encouraging words from Dr. George Bryce, the chairman of the Provincial Board of Education who said that "they should improve the schooling of their children in order to give them a better chance in the competitive society in which they would have to make a living."⁽¹⁷⁾ Late in the 1880's they decided to improve the capabilities of the teachers by setting up a teacher training school. It began in

1889, in the town of Gretna, on a very limited scale but it was to continue for decades in spite of frequent difficulties. (18)

While these things were taking place among the Mennonites, there were other significant developments in the larger Manitoba society. Many of these were related to the arrival in Manitoba of new settlers of whom a sizeable portion were English Protestants from Ontario. These carried "a deep-set conviction... that Manitoba must be made British and that a 'national' school system should be the agent to accomplish this task". (19) These settlers became quite numerous and near the end of the 1880's a serious conflict arose with the Catholics. Specifically, they opposed the right of the French Catholics to have their own schools. Encouraged by developments outside of Manitoba they supported a political campaign and before long they were successful. (20) In 1890, the Manitoba legislature passed a School Act which, in its 179th section, stated simply: "In cases where...Catholic school districts have been established... such Catholic school districts shall...cease to exist". (21) The government would no longer recognize denominational schools. Instead, there would be one integrated public school system administered by a Department of Education whose Minister would be responsible to the Legislature.

This drastic action led to nearly a decade of political and legal controversy. The French Catholics were not the only ones affected. The Anglicans protested too. At one point the federal government attempted, unsuccessfully, to bring in remedial legislation, pursuant to section 93 of the British North America Act. Eventually, in 1897, a compromise was negotiated

which among other things allowed for a bilingual school system. The arrangement provided that "when ten of the pupils in any school speak French or any language other than English as their native language, the teaching of such pupils shall be conducted in French, or such other language, and English upon a bilingual system". (22) In addition, if a significant number of local people requested it then a Catholic teacher was to be hired. Also, schools could arrange to have religious classes for a small portion of each school day.

2. Bilingual Public Schools Alongside Private Schools

The arrangement, known as the Laurier-Greenway compromise, did not completely satisfy the French Catholics although it did meet some of their concerns. Nor did it satisfy the English Protestants. It was, however, relatively well suited to the Mennonites. It left alone those conservative Mennonites, like the Reinlaender Mennonite Church, who wanted no governmental involvement in the education of their children. These could continue with their private schools where German was the only language and where much of the curriculum had a religious orientation. However, if they lived in an area which had been organized into a public school district then they would have to pay taxes to support those schools too.

Other Mennonites were attracted to the bilingual public schools. However, instead of following the French-English bilingualism, they opted for a German-English bilingualism. In this way their children could learn how to deal with the larger society while also retaining the German language

and remaining close to their traditions. These Mennonites now set out with renewed energy to strengthen their small teacher training school at Gretna. Here they would train Mennonites as teachers for the public schools in their areas.

The government's newly formed Department of Education encouraged these Mennonites and offered to assist. In 1891 it helped them to recruit H.H. Ewert, a well-educated Mennonite from Kansas to serve as principal of the Mennonite teacher training school at Gretna. In addition, the government appointed him as a School Inspector in order to promote the public schools among the Mennonites. Ewert took on these tasks and the strengthening of education among the Mennonites of Manitoba became his life's work.

Understandably, Ewert's progress was slow. The teacher training program began as a series of 5 week courses. (23) A full year of training was unrealistic since most teachers had to spend much of their time in efforts to supplement their income. But these short "Normal Sessions", as they became known, made it possible for many of the teachers to pass government exams and to receive official teaching certificates. This helped to increase the number of public schools from 8 in 1891, to 34 in 1899. However, twice that many schools were still being operated on a private basis. (24) Ewert's 1899 report noted that even in some of the public schools, which were officially bilingual, "German predominates to a greater or lesser extent, yet there is no school in which there is not some English taught". (25)

Still, the efforts of these "progressive" Mennonites were generally successful. Indeed, if the bilingual system had worked as well in other parts of the province as it did in the Mennonite areas, it might have continued much longer. The 1911 report of Inspector A. Weidenhammer, a German from Ontario who had been brought in by the provincial government in 1909, stated that the year marked "an era of progress" which should be "very gratifying to the Department of Education." He attributed this to the "excellent work done by the teachers" whom he described as "a new force of educational missionaries". (26) C.B. Sissons, who was generally critical of the bilingual system, was to write later that "...by 1914 most of the Mennonites in Manitoba...were maintaining some of the best schools of the Province." (27) A 1916 Department of Education "Special Report on Bilingual Schools in Manitoba" summarized the various Inspectors' reports on individual schools in the following way:

Those on the French bilingual schools are generally unfavourable, and the same thing is true of the Polish and Ruthenian bilingual schools, while the words "very well," "very well, indeed", "fluently," appear quite frequently in descriptions of those among the Germans. (28)

In spite of this relatively good record, the arrangement under which some Mennonites had bilingual public schools and other Mennonites operated private schools, was not to continue. By 1916 the pressures on the provincial education system resulted in another basic change.

3. A Collision Between the Mennonites and the Government

The pressures on the bilingual education system had a number of sources. Some were due to the atmosphere of the war.

Others were related to difficulties in administering the system. And still others came from the long-standing conviction that Manitoba ought to be made British by means of a 'national' school system. In 1906 Premier R.P. Roblin had announced that the flag should be flown over every public school building to "inculcate feelings of patriotism and materially assist in blending together the various nationalities in the Province into one common citizenship irrespective of race and creed". (29) In explaining the measure further the Premier had said: "What we need is to get the youth filled with the traditions of the British flag and then, when they are men...they will be able to defend it..." (30)

This measure was most disturbing to the Mennonites who, "regarded the flag as a military emblem and believed that this was the thin edge of the wedge which, if consented to, would finally mean the loss of their military exemption in Canada." (31) Those who had not accepted public schools at all, saw it as a confirmation of their suspicions. Years later, I.M. Dyck, Bishop of the Reinlaender Mennonite Church wrote:

We could hear the peoples and the nations of this world preparing for war, more vigorously than ever before, to counteract the unprecedented military might of Germany.... That might itself have originated in the classrooms where militarism and the arts of war were implanted in the students with unquenching zeal.... And this example Canada wanted to follow... The rationale for the public schools was expressed with the following slogan: 'one king, one God, one navy, one all-British empire.' (32)

The "conservative" Mennonites were not alone in their concern, however. H.H. Ewert also opposed the government's flag policy. Numerous church meetings were held and a delegation was sent to Winnipeg to ask the government to modify the policy. Eventually

the government did so but not before eleven public schools in the Mennonite areas had reverted to private status.

In addition to the concern about integrating the different ethnic groups there were serious difficulties in administering the bilingual system. It was used by more groups than had been expected. (33)

And whenever these groups would make a request for bilingual instruction within the terms of the law then the Department of Education became obligated to provide the necessary bilingual curriculum materials and teachers. In order to do this it had set up special schools to train teachers in several other languages. However, the language requirements of a particular school could easily change. The relocation of one family could result in a call for a different second language. And sometimes the minimum number of ten children needed to request a second language was met by more than one ethnic group.

R.S. Thornton of the Education Department said: "each district becomes in succession a storm centre and peace returns because one or the other section is driven out of the settlements. In most cases the English people are driven out of the settlement and those who cannot afford to move have to stay and endure conditions." (34) Since attendance was not compulsory, these controversies led many parents to withdraw their children from school.

In view of these difficulties, it is not surprising that a move for some drastic changes began. The Liberal Party of Manitoba, at its convention on March 26, 1914, "demanded national schools, obligatory teaching of English in all public schools and compulsory school attendance." (35) The Manitoba

Free Press, which had long campaigned against the bilingual system, claimed that "the schools were in effect perpetuating the immigrant tongues without adding English to them." (36) In August of 1915 there was a provincial election. The Liberal party under the leadership of T.C. Norris, came to power and in the Speech from the Throne which followed, the government announced that there would be a measure making education compulsory. It indicated, however, that it would allow the requirement of a "proper elementary education" to be met either "by attendance at the public schools or by such substitute within the choice of parents or of guardians as shall attain that end." (37) This suggested flexibility but in reality the new government was firm. In January of 1916 the new Minister of Education, R.S. Thornton spoke in the Legislature stating:

We are building for the Canada of tomorrow, and our common school is one of the most important factors in the work. In this Dominion we are building up, under the British flag, a new nationality. We come from many lands and cast in our lot, and from these various factors there must evolve a new nationality which shall be simply Canadian and British... There should be one common school,... There should be one standard of teacher eligible to teach in all the schools of the province. There should be a normal training to which all teachers should measure up. There should be a school inspector, eligible to inspect every school under the government...

A grave injustice is being done to the children who do not receive a satisfactory education in English. Without that knowledge they grow up under a continuous handicap. We wish to give them the same consideration that is accorded to our own children, to fit them to earn their way through life and to take their places as citizens of our Canadian nationality. (38)

The Mennonites, at least those in the public bilingual system, had been aware for some time already that the political trends were not in their favour. They now sought to register

their concerns with the new administration in which the Minister of Agriculture, Valentine Winkler, was elected from their area. There were a number of meetings with Winkler. The first one took place in the fall of 1915, and there the Mennonites were assured that "their schools would not be affected by the new legislation if they operated them privately".⁽³⁹⁾ This was not the answer that these Mennonites had hoped for. They were not eager to revert to private status.

The harsh dimensions of the problem became more evident when the new legislation was announced. It was no longer a matter of requiring the effective teaching of English. Instead, English would be the only language of instruction. When this policy became public, the Mennonites sought another meeting with Winkler. It took place in January of 1916 and the Mennonites made a strong plea for a continuation of the bilingual system. They affirmed their desire to have their children learn the English language but argued that German was important too. They said that all their religious and devotional literature was in the German language, that their children needed to know it in order to have a common religious life with their parents, and that it was helpful also for communicating among themselves and for maintaining a sense of their tradition. They also said that they would cover all costs related to training the teachers necessary for the bilingual system. And in order to solve the general difficulties of administering the bilingual system, they suggested that the law be changed so that 75% of the ratepayers in any district would have to support a request for instruction

in a second language rather than just the parents of 10 children. (40)

Winkler, as the Minister of Agriculture, could not respond definitively to the concerns of the Mennonites. However, soon thereafter in the Spring of 1916 they met with the Premier and the Minister of Education. For this they came as a large delegation with representatives from most of the Mennonites except the conservative Reinlaender Mennonite Church. They sought to explain the Mennonite view of education and according to one summary:

They contended that the norms of this education could not be established by outsiders because Mennonites considered themselves responsible to God alone in this matter, that instruction in religion and the German language were indispensable ingredients in the right instruction of the children and that education provided continuity of spiritual fellowship between the generations. (41)

They also pointed to the promises on the basis of which they had come to Canada and indicated that they might consider emigrating to another country rather than surrender their values.

The Mennonite pleas were not successful. The government had committed itself to certain drastic changes. Within months the clause providing for bilingual instruction was repealed and English was made the sole language of instruction. In addition, school attendance was made compulsory although this requirement could be fulfilled at either public schools or satisfactory private schools. In this way, the rights of Catholic parents, set out in Section 22 of the Manitoba Act of 1870, were given at least a slight measure of respect. (42) It also allowed the Mennonites the option of operating all of their schools privately. Whether they would do so was now a critical question.

In light of the seriousness of the situation the Mennonites held numerous church meetings to search for a proper course of action. When further efforts to find a compromise arrangement with the government failed, a large majority of the Mennonite public schools reverted to private status.⁽⁴³⁾ Even H.H. Ewert, who had done so much to help the Mennonites fit into the provincial education system, supported the change to private status. Private schools, however, were financially burdensome. They had to be supported directly by the people who, in many instances, also had to pay taxes for public schools. Moreover, there was uncertainty about the private schools. The government now had the authority to determine, at any time and for any reason, that the private schools were not providing "a proper elementary education".

For a time after the enactment of the new laws the government regarded the Mennonite schools as "a rather minor problem" which did not require immediate action.⁽⁴⁴⁾ But the return of public schools to private status was not welcomed. The Mennonites understood the reversion to be within the provisions of the law but the government saw it in a different light. Education Minister Thornton stated in the legislature that early in 1918 "a campaign was inaugurated to destroy our public school system in the rural districts. Meetings were held, urging the ratepayers to give up the government grants and run the schools as private schools."⁽⁴⁵⁾ In accordance with this perception, the government took decisive action to prevent the reversion of schools to private status. As local trustees resigned, it appointed an Official Trustee who would then hire teachers and

thus keep the schools open as public schools. Some 29 schools were saved for the public system in this way. (46) But their official status was different from the reality. One teacher described his experience as follows:

When I hoisted the flag on the first of September, there wasn't a child in school. The old people got together, fixed up a log cabin and hired a private teacher for the 45 children in the district. They paid him the same salary I was getting -- \$80 a month. But I stuck to it and hoisted the flag every one of the 202 days but I did not have one pupil. (47)

When parents in these districts refused to send their children to the public schools the government launched prosecutions. Most of the sentences were in the form of fines but some people were imprisoned for brief periods. (48) One case reached the Manitoba Court of Appeal. It involved one John Hildebrand. He was charged with violating the provisions for compulsory attendance by failing to send his daughter to public school or making other "satisfactory provisions" for her education. He based his defence on the promise made by the federal government at the time when the Mennonites had come to Canada, set forth in the letter of July 25, 1873 from John Lowe. (The letter is reproduced in Appendix 3.) The Court, however, was not persuaded. It noted paragraph ten in the letter, which spelled out the privilege of operating their own schools, and referred also to the paragraph in its slightly changed form in the Order-in-Council of August 13, 1873. (The Order-in-Council is also referred to in Appendix 3.) The court then ruled that the position in Lowe's letter "must be taken as merged" in that

of the Order-in-Council and that the education promise in the Order-in-Council was of no effect because of Manitoba's constitutional authority to make laws in relation to education. The judgement stated in part as follows:

This province came into being on May 12, 1870, by virtue of the Manitoba Act, ch. 3, 33 Vict., confirmed by the Imperial Act, ch. 28, 34 S. 35 Vict. By sec. 22 of that Act it is provided that "In and for the Province, the said Legislature may exclusively make Laws in relation to Education". Nothing can be plainer. The Dominion Parliament itself could and can pass no legislation affecting education in this province, save in the circumstances indicated in subsecs. 2 and 3 of sec. 22, which have absolutely no application here. And if that cannot be done by a statute of Canada how is it possible that it could be accomplished by an order of the Governor-General in Council or by the letter of an official of a department of the Dominion Government?(49)

An attempt was made to have the case heard by the Privy Council in London, but it refused to grant leave to appeal. (50)

In the face of this decisive action many of those Mennonites who had earlier been in the public school system decided to comply. But this did not include the more conservative groups like the Reinlaender Mennonite Church. Throughout the several decades when the other Mennonites had been in the public school system, they had continued to operate their own schools without any government involvement. As a result they had remained on the sideline of the controversies. But now Education Minister Thornton was determined to bring them into the public system as well. The legislation was amended to give the Department of Education the authority to create school districts without petition from local residents. Districts were then

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mapped out and the construction of school buildings begun. When people refused to sell land for school sites, the government expropriated it. When local merchants refused to sell building materials, they were brought in from Winnipeg, with the additional cost charged to the district.⁽⁵¹⁾ And since local people were unwilling to serve as trustees, an Official Trustee was appointed by the government. It was a harsh confrontation accompanied again by fines and some prison sentences.

When Thornton began to press these conservative groups, the Reinlaender Mennonite Church, which was the largest among them, prepared an elaborate submission and addressed it to the Members of the Legislative Assembly.⁽⁵²⁾ (It is reproduced in Appendix 14.) In it they expressed gratitude for the protection given by federal and provincial governments through the years and assured the legislators of their loyalty and their prayers. They then reviewed the privileges given to them by the government at the time of their immigration and stated: "Believing then as we do now that the word of the Government is inviolate because the Government is ordained of God, we started our own schools..." They described the schools, which now numbered 22, and emphasized that the curriculum was well-suited to their particular way of life. They said their children were taught to be loyal to governments, to live in harmony with nature, to work physically, to live in community, to be cooperative, to help the needy, and to live peaceably with all. They said they felt conscience bound to teach their

children "both religious and secular truth as part of one whole, that they may be holy and good and loyal and diligent and unselfish and cooperative in all their relations to God and to their fellow men." They noted that their way of life had been blessed with prosperity and felt that this had been of benefit to Canada as well. Then they requested that the government, before breaking the arrangements of 1873, make a broad investigation, stating:

We would ask you to kindly make an independent and unprejudiced investigation into the social, economical and moral conditions of our community and base your opinion of us and our school system on the facts as you find them...one favour we would ask of you...that is not to examine the details of our school system...and condemn it because it differs in some respects from that of the state school, without considering the results we obtain through our schools.

The submission reflected their view of the purpose of schools: they were to prepare their children for life in their communities.. It was profoundly different from that held by the Manitoba Free Press which had long campaigned for a 'national' school system. It published the Mennonite brief but the editors then expressed their own view that state schools were symbols of a new freedom and that the modern democratic state,

cannot agree that the parents have the sole right of determining what kind of education their children shall receive...a doctrine which in its practical working means every time absolute clerical control of education. The children are the children of the state of which they are destined to be citizens; and it is the duty of the state that they are properly educated. (53)

The government followed the view articulated by the Free Press.

It was determined to bring about the acceptance of the public schools by force if necessary.

When the conservative Mennonites found that their appeals were being rejected they began to consider the possibility of emigrating to another country. They now sent delegates to numerous parts of the western hemisphere, the way they had once sent them from Russia to North America. This raised the concern of some observers. Wm. Jennings O'Neill, a Winnipeg businessman who had had considerable contact with these Mennonites, wrote lengthy letters to the provincial Education Minister, Thornton, and also to Prime Minister Borden in Ottawa. (54) He argued that the Mennonites were conscientious, law-abiding, hard-working, and of good morals and that they had been generous during the war by buying Victory Bonds and contributing to the Red Cross and to other funds. He held that in a free country, inhabited by so many different kinds of people, governments should be tolerant. He referred to the arrangements made in the 1870's at the time when the Mennonites had come, stating: "Whether this treaty was a good one or not for the government to make, I respectfully submit is not for us to say. It is law, and it is the majesty of that law which we have to respect..." In the letter to Borden he concluded by saying: "I trust that the Government may deem it expedient to take some action or

make pronouncement in regard to the Government rights that were guaranteed to the Mennonites in 1874". (55)

The appeals of Jennings O'Neill were in vain. The governments continued in their course and the Mennonites continued in their efforts to find a new homeland. Eventually, the Reinlaender Mennonite Church was able to make satisfactory arrangements with the government of Mexico while another group reached agreement with Paraguay. During the decade of the 1920's about 6000 Mennonites left Canada for Latin America. (56)

C. In Saskatchewan

1. The General Education Structures and the Mennonites

The development of the education structures in Saskatchewan was similar to that in Manitoba, although the institutionalization of a Protestant-Catholic dualism was more limited and the idea of a bilingual system was not seriously pursued. Governmental involvement in education began before 1905 when Saskatchewan became a province. Indeed, there were some church sponsored schools in the area before the North-West Territories Act was passed in 1875. That Act, however, provided that a majority of the ratepayers of any district or portion of the North-West Territories could "establish such schools therein as they may think fit, and make the necessary assessment and collection of taxes therefor;" (57) The Act also provided that the minority of ratepayers in an area, whether Protestant or Catholic, could establish separate schools and pay taxes only for those.

The next step was taken in 1884 when, "An Ordinance providing for the Organization of Schools in the North-West Territories" was passed. It moved in the direction of a denominationally controlled dualistic structure by providing for a Board of Education with Protestant and Catholic sections. Each section was to supervise its respective schools and each had the authority to prescribe the curriculum and text books, and to regulate the training, licensing, and inspection of teachers. (58) There were no restrictions on religious instruction nor was any particular language prescribed.

If the 1884 enactment suggested a dualistic denominational school system, in 1892 there was a consolidation. The Board of Education with its two sections was replaced by a Council of Public Instruction consisting of the Territorial Executive Committee, which was somewhat like a cabinet, and four non-voting advisers two of whom would be Protestant and two Catholic.

This Council "assumed control of the administration of all schools in receipt of public funds, public and separate, in the matter of inspection, the certification of teachers, and the authorizing of textbooks." (59) With this Act, says C.B. Sissons, the "management of the schools had been virtually taken over by the State." (60) Religious instruction was restricted to the last half hour of a school day, and then only if it was locally requested, and the French language could be used only in the first grade. (61) Separate schools were allowed but since they

were subject to the same restrictions little was gained by having them and few were started.

Even though attendance was still not compulsory, the Council worked energetically to promote the public schools. As in Manitoba, there was a great concern that the schools serve to integrate the different ethnic groups. D.J. Goggin, Superintendent of Education for the Territories, wrote in 1898:

...one of our most serious and pressing educational problems arises from the settlement among us of so many foreign nationalities in the block or colony system... To assimilate these different races, to secure the co-operation of these alien forces, are problems demanding for their solution, patience, tact and tolerant but firm legislation. Modes of life, customs, political forms, thoughts and ideas differing from ours have made these people what they are and have dowered them with an inaptitude for our political form and a disregard for our social customs that tend to keep them apart from us... In the interests of the children as well as those of the country at large every means should be taken to encourage the opening and maintenance of schools among these non-English speaking communities. (62)

In 1901, the government's eagerness to promote the public schools led to a School Ordinance which gave the Council the power to set up School Districts by appointing an Official Trustee. (63) In this way it would not have to wait for a local request. Several years later there was a measure making attendance compulsory. It was a very limited measure, however. (64) It applied only to areas where school districts were formally organized. Since the conservative Mennonite communities had not been organized as school districts they remained free to operate the private schools which they had set up soon after

their arrival. In most areas, however, people wanted to have official school districts organized. In 1894 there were 300 school districts in the Territories. In 1905, the year when the provinces of Alberta and Saskatchewan were formed, there were 1459. (65)

The provisions for education were debated further when the autonomy bills, as The Saskatchewan Act and The Alberta Act were known, were introduced in the House of Commons in Ottawa. Some wanted the French Catholic minorities firmly protected while others wanted the provinces to be autonomous and unrestricted in matters of education. According to one account, the bills "came very close to destroying the fabric of Canadian unity." (66) Clifford Sifton, who favoured stronger provincial autonomy, resigned from Laurier's cabinet and other members defected from the party, while on the other side of the issue Roman Catholic Parliamentarians joined forces to work for protective provisions. To deal with the differences, various compromises were made and in the end the Saskatchewan Act provided only that no "law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act,..." (67) In this way the rights of the separate schools, which were very limited at the time, would not increase. Saskatchewan would have an integrated public school

system with little room for minorities who preferred a different arrangement.

This general education structure, although it restricted the French Catholics, did not raise particular concern among the Mennonites. A sizeable portion of them were prepared to accept the public schools. Many had come from the United States. Others came directly from Prussia. And still others came from Russia, having stayed there after the emigration of the 1870's to Manitoba. In all of these settings the Mennonites had become more accepting of the ways of the larger societies. Still, they wanted to make the best possible use of the provisions which did exist, namely a half-hour at the end of a school day, to teach religion and German. They now set up a teacher training school, suitably called the German-English Academy.⁽⁶⁸⁾ Here they trained their own people to serve as teachers in the public schools in their areas. This would help them to preserve their religious and traditional values while also benefitting from the public school system.

These Mennonites made few complaints although on one occasion in 1915, one group joined some nearby Doukhobors and "petitioned the Department of Education to prohibit the singing of patriotic songs in schools."⁽⁶⁹⁾ Their request was granted. In another instance, in 1920, a Mennonite father complained that in the public schools, "his children (were) being drilled in a military fashion." He wanted the government to allow children to be exempted from such exercises.⁽⁷⁰⁾ His

request was not granted. Premier Martin, who was also Minister of Education at that time, could not see any legitimate grounds for the objection. (71)

2. The Conservative Mennonites and a Commission of Inquiry

In contrast to those Saskatchewan Mennonites who accepted the public schools, there were others who wanted to operate their own schools. These were the conservative Mennonites who had settled in the reserves at Hague and Swift Current. They did not meet with serious difficulties until the middle of the century's second decade, however one encounter in 1908 is significant. Several members of the Reinlaender Mennonite Church had moved to nearby towns to operate commercial enterprises. They had also begun to send their children to the public schools. This act, together with other features of their lifestyle, resulted in their excommunication from the church. By itself this might not have been serious. Most of them soon joined other Mennonite churches. But members of the Reinlaender Mennonite Church, with encouragement from the leaders of the Church, followed their well-established practise of shunning those who had been excommunicated. This had serious economic and social consequences, so these new Mennonite businessmen complained to the government. One letter, written by J.J. Friesen to the Minister of Education, J.H. Calder, on October 1, 1908, stated in part as follows:

No doubt at this time you are fully aware of the undesirable condition of our schools and church governments. As I am one of the ex-communited Mennonites

I think it very necessary to tell you briefly my experience in this matter and hope that it might help to stir up the Government of Saskatchewan without any more delay. I lived in Warman until last spring and my business connections were principally with the members of the so-called Old Colony Church; and as I had two boys of school age I was sending them to the public school in Warman, which the leaders of the aforesaid church, as soon as they found out about it, forbade me to do... As soon as the leaders of the Old Colony Church got notice of my steps they excommunicated me and forbade all the members to have any more dealings with me. The consequence was that I had to give up my home, my business, and everything for the sake of giving my children a better education; and this in the land of the free. Now my dear Mr. Calder, don't you think that the existing conditions are an insult to our liberal constitution?(72)

The government was not sure how to respond. It considered threatening the Mennonites with the possibility of forcing public school districts into their communities and with the withdrawal of the right of their clergy to solemnize marriages. (73) It decided, however, to conduct a more formal inquiry. Frank Ford, Deputy Attorney General and Duncan Purrington McColl, Deputy-Commissioner of Education were made Commissioners and hearings were held at the public school in the town of Warman, December 28 and 29, 1908. (74) They heard testimony from about a dozen of the excommunicated people as well as from two leaders of the Reinlaender Mennonite Church.

The stories of those who had been excommunicated were similar to that of J.J. Friesen quoted above. There were charges of oppression and church leaders were faced with the task of providing an explanation. It became apparent, however, that Bishop Jacob Wiens did have at least some reasons for the actions of the church. These emerged gradually in the exchange of questions and answers, made through an interpreter.

Q. ...Do I understand you to say that the Word of God teaches you not to send your children to the public school?

A. Yes, because God's Word says about Moses: "What I instruct you today thou shalt take to heart, and instruct thy children..." Out of that, he says, we take that we want to teach God's Word. That is why we left Russia and so forth, that we wanted to teach God's Word in the schools and so forth, which privilege has been granted to us from the High Government. (75)

The questioning then turned to the process and the power of excommunication.

Q. Who has the power to excommunicate?

A. The whole community. The whole congregation has that power. He says it is first presented to the congregation...they pass a resolution that a certain member be excommunicated.

Q. Would the member himself know anything about it before the meeting?

A. Yes, he is invited to come and attend and speak for himself.

Q. Can the bishop excommunicate?

A. Not alone. (76)

After this, the questioning turned to the case of one particular person.

Q. Was he excommunicated because he sent his children to the public school?

A. He says, because he was disobedient...

Q. He would not send his children to your schools? Is that right?

A. No, he didn't want to.

Q. Is that the only thing he was disobedient in?

A. And then we wanted to talk to him and we asked him to come and he would not come. And then he has sent notice that we can excommunicate him 50 or 75 times and he would not come.

Q. ...in order to prevent excommunication a man would have to promise not to send his children to the public school?

A. Yes, the congregation takes that view.

Q. And that is your view?

A. Yes, since we understand that out of the Scripture. (77)

The next questions dealt with the effects of the excommunication.

Q. Do you tell your brethren not to buy anything from a man who is excommunicated? ...Do you tell them that God's Word teaches that they must not have any business dealings with a man?

A. Yes, he teaches it that way.

Q. Suppose a member of your Church does buy something in the store of a man who is excommunicated what would happen to him: what would you do?...

A. He says as far as he remembers they have not excommunicated anybody on that account. (78)

The questioning then turned to the significance of the federal government's 1873 promise that they would be free to exercise their religious principles and to operate their own schools without any kind of molestation or restriction whatever.

Q. ...ask him if he is not violating the principle of that when he molests and restricts others in the exercise of their own opinions?

A. He says, We can't understand any different according to the Word of God, and we are trying to abide by what we believe. (79)

Another minister of the church, Rev. John Wall, explained, under questioning: "...we don't avoid...people who don't belong to our church and send their children to the district schools. It is only when those of ours who don't wish to keep the vow which they once made to us..." (80) The vow

which he referred to was made by people when, as adults, they were formally received into the church. It was, among other things, a vow of loyalty to the church and once made the church would not release a person from it. At one point a Commissioner asked: "Which would you rather do: give up your rights to solemnize marriage or let your people send their children to the public school?"⁽⁸¹⁾ At another point the Commissioner explained, "...boycotting is a criminal offence, and we pride ourselves on this being a free country, and while those of your people who want to send their children to the private schools may not necessarily be interfered with, still you should not interfere with those who want to send their children to the public schools, and it may be necessary to take some steps, ...and making it understood that you must accord religious liberty and freedom to your fellowmen."⁽⁸²⁾

Since Bishop Wiens had said, at several points, that he could not speak on certain issues without first consulting the membership of the church the Commissioners encouraged him to call a meeting of the membership. The bishop did this and on January 21, 1909 he reported on it to the Provincial Government stating, after a lengthy and gracious salutation:

...we feel ourselves forced not to accept the claims made upon us by our revolting brethren.

This was unanimously decided and voted on at the meeting, which was promised you in Warman, which was held on the 19th instant, and at which more than 300 brethren were present.

...we cannot accept this claim without transgressing God's word and commandments...we would ask you kindly not to consider us disobedient and troublesome people. No, we wish to obey you in everything insofar as Jesus

teaches us in Matthew 22, 21. Render, therefore, unto the King the things that are the King's and unto God the things that are God's. We trust and hope that you will not deprive us of this right. (83)

The work of the Commission appears not to have resulted in a policy change. However, in the following years it was observed that the church had become reluctant to excommunicate people for sending their children to a public school. (84) And the government, for its part, did not press the matter further. Education Minister Calder wrote, on October 3, 1910, that the Commission's report had convinced them that "even if it were possible to establish public schools among these people they would not send their children as their religious beliefs prohibit them from doing so." (85) Perhaps, then, the encounter had encouraged a co-existence.

3. The Promotion of Public Schools

The peace between the conservative Mennonites and the provincial government was short-lived. During the century's first decade nearly 500,000 immigrants came to Saskatchewan and only about one-half of these were of British origin. (86) This led to a great concern about the assimilation of the "foreigners". The annual report of the Department of Education for 1913 concluded with the statement: "Every effort should be made to furnish the child with such ideas and trend of action as will assist in making him an intelligent and patriotic citizen." (87) In 1915 E.H. Oliver, Principal of the Presbyterian Theological College in Saskatoon and Vice-President of the Saskatchewan Public Education League said:

The problem that confronts us is one that involves almost the dearest possession in a man's life, his language; and, I fear, the question is not entirely free from religious associations. Let us in our discussions not seek to wound. But let us remember that the greatest wound of all would be a wound to Canada, her national life. We are citizens of no mean country. Let us seek her good. Let us approach this language question with an eye single to the good of the future Canadian citizenship of this Province... Are we to be a homogeneous people on these plains or are we to repeat the tragic sufferings of polyglot Austria? This question must be solved in our elementary schools. And we must solve it now. A few years and it may be too late. (88)

Oliver surveyed the situation of schools in several immigrant settlements including 32 private schools among the Mennonites. Seventeen of these were in the Hague area and fifteen in the Swift Current area and together they had about 800 school children. These, he said: "are receiving what no stretch of imagination can designate as an adequate education, ...are learning nothing of our literature, our history, or our language..." (89) He then asked: "Can this state of things be allowed to continue?... What is the function of a school?..." He answered: "I venture to state that the function of our schools must not be to make Mennonites, nor Protestants, nor Roman Catholics, but Canadian citizens."

The general concern which Oliver articulated in 1915 had been evident for some time already. In 1912 Professor H.V. Meyer had been hired by the government for the task of "organizing school districts amongst...the foreign and mixed communities." (90) This included the Mennonites. Meyer approached them with caution since the government was still quite hesitant about organizing a school district if it was not requested by

the local people. Still, he was successful in organizing two districts on the fringes of the Mennonite settlement at Swift Current. He reported on the way this took place as follows:

...the organization of the Dunelm School District No. 3232 was carried by a majority of only one. Mr. Duncan Brown and I were present at the meeting. The Wymark School District No. 3265 could only obtain a majority if the south-eastern section were omitted from its boundaries. This was because there was a village formed at the south-east end of the proposed Wymark district, the ratepayers of which would have turned the vote against the formation of the district, so the elimination of the Section was provided for. (91)

Mennonites who lived inside such organized public school districts were subject to compulsory attendance legislation. When they failed to comply the government launched prosecutions. But these were of little effect. Premier Scott who was also the Minister of Education recounted: "in one instance the parent of Mennonite children was taken before Court three times, convicted, and fined under our law, but it did not change his ways. ...They have religious convictions about the matter." (92) The Premier was ambivalent about the use of force. At one point, late in 1915, he said, "Jail may prove to be the only and the necessary remedy, -- not for the delinquent parents but for the heads of the church who coerce the parents." (93) At another point, early in 1916, he said: "I doubt if the Mennonite problem will be best settled by any application of coercive methods." (94)

The ambivalence of Premier Scott notwithstanding, there was a trend toward firmer action. In December of 1916, W.S. Cram, School Inspector in the Swift Current area expressed his

view that it "would not only be to the best interests of the newer generation of children on the reserve but to the best interests of the state as a whole, that steps be taken toward organizing school districts amongst these people..."⁽⁹⁵⁾ He hoped for "a more drastic compulsory system of education".

A step toward greater firmness came with a new School Attendance Act on May 1, 1917. It made attendance compulsory for all children in the province between the ages of seven and fourteen years. The head of the provincial police was made the chief attendance officer.⁽⁹⁶⁾ The Act stated also that "All schools shall be taught in the English language,..." although a language other than English could be taught between the hours of three and four in the afternoon.⁽⁹⁷⁾ The Act did not rule out private schools completely but the government did have power to set up public school districts, without a request from the local people, and to appoint an Official Trustee for the schools if people in the district were unwilling to serve in that way. The government could also expropriate land for school sites if people did not want to sell it.⁽⁹⁸⁾

The new approach would have direct implications for the conservative Mennonites. Premier Martin set forth his view of their situation in a speech in the Legislature, stating:

The Mennonite question is one by itself. The Mennonites are the only people who do not want their children to learn English. A distinction must be made between the old colony Mennonites and the more progressive class...the old colony Mennonites,... Before they came, they sent three representatives over to Canada to see the government and in 1873 an agreement was made with the dominion government under

which they were exempted from military service and given certain privileges in regard to religion and education.

While the situation is very unfortunate I have never been able to see how we could allow them to continue to have schools where they learn nothing but their own language, the Bible and the Catechism. It was unfortunate that these people came here deceived by some document that they had from the Dominion government...whoever comes here must be given to understand that they must adopt our public school system and see to it that their children are given a proper appreciation of Canadian institutions. (Cheers). Some months ago the government determined that the only course we could pursue with respect to the Mennonite problem was to establish schools among them. (99)

Premier Martin also communicated the government's position to Bishop Jacob Wiens. He had personally visited some of the Mennonite schools in the summer of 1917 and on April 23, 1918 he wrote to Bishop Wiens stating:

After seeing the schools that were being conducted in the Mennonite Colonies I came to the conclusion that it was high time that some improvement should take place; and I now desire to advise you that it is the intention of the Department of Education to enforce the provisions of the School Attendance Act insofar as they can be enforced among your people. The teachers you employ in your schools are not in many instances qualified to teach and have no standing insofar as the law is concerned. No instruction in English is being given. If you desire to retain your private schools you must have these schools conducted according to the standards of efficiency of the public schools and the teachers employed by you must be recognized by the Department of Education and the authorized text books of the Department of Education must also be used. I shall be glad to hear from you to the effect that you intend to act along these lines. (100)

The Reinlaender Mennonite Church, which was commonly referred to as the Old Colony Mennonite Church, saw this action on the part of a Provincial Government as an invasion of the

rights guaranteed to them by the Federal Government in paragraph 10 of the July 25, 1873 letter. (The letter is reproduced in Appendix 3.) They now asked the Federal Government to intervene. But it refused. The Solicitor General, Arthur Meighen, discussed the matter in Cabinet and then replied in the following way:

...the Government does not feel that it would be justified in interfering with the course outlined with the Prime Minister of Saskatchewan..., nor in contesting the validity of the view which the Government of Saskatchewan evidently holds that the exercise of the privilege guaranteed your community in Clause 10,...., is not inconsistent with the fullest provision on the part of that Government of the essential elements of education for all children in your community. (101)

If the government was becoming more firm so too was public opinion. The Provincial Liberal Party, at its convention in Moose Jaw in March of 1917, passed a resolution emphasizing the need to ensure that every child obtains a thorough knowledge of the English language. (102) The Saskatchewan Rural Municipalities Association expressed a similar view. (103) The Council of the Rural Municipality of Warman, which included most of the Hague reserve, urged "the Government to continue to enforce the School Regulations in the Province and to carry out, without fear or favour, the promise to see that properly qualified teachers are placed in every private school in the Province, and to insist that the English language be used in these schools in accordance with regulations laid down in the School Acts." (104) A citizens' meeting in Swift Current similarly resolved that "the children of these people must be

educated up to our standards of British and Canadian citizenship, so that they may, in the future, voluntarily relinquish their claims to an unjust exemption." (105) In 1918 the provincial school trustees' association met in Saskatoon and called for "national schools and one language". (106)

4. A Collision And Unsuccessful Efforts at Compromise

Empowered with the School Attendance Act, and the support of the public, the government now set out to organize school districts in the Mennonite areas. (107) However, instead of local people offering to serve as trustees, the government had to appoint Official Trustees. Instead of land for school sites being willingly sold, it had to be expropriated. (108) Teachers were sent out but sometimes no students attended. (109) The Mennonites would not give in. In the summer of 1919 Premier Martin visited Rev. Abram Wiebe, Bishop of the Swift Current group, and tried in vain to gain his co-operation. (110) The Premier, however, was not to be deterred. He said: "...I presume that by the application of constant pressure, ultimately we will have a much better attendance..." (111)

The 'constant pressure' was applied through prosecutions and fines under the School Attendance Act. Since more areas had now been organized as school districts the pressure could be applied in a more thoroughgoing way. By mid-May of 1918 there had been some fifty prosecutions. (112) At one point the government imprisoned eleven men for a period of ten days but then decided against this course lest those imprisoned "pose

as martyrs for their religion". (113) Instead it would seize their goods and chattels. In the fall of 1919, when eight ratepayers in the Flora school district, near Swift Current, refused to pay the fines, the government seized "three horses, a hog, and five cured hams" and sold them at a public auction in Wymark. When the total proceeds, \$129.50, were not sufficient, the police made another seizure of "five cows, two heifers and two horses". (114) For the year 1920, \$7,834.00 was extracted in fines from the Saskatchewan Mennonites. For 1921, this figure rose to \$13,150.00. (115) This was for districts where the total number of Mennonite school age children was estimated to be under 1000. (116)

The situation in two villages is illustrative. In Neuanlage, near Hague, the Pembroke School District was organized in 1918. In 1919 the school building was constructed. The number of school-age children was said to be 66 for 1920 but almost none attended. Consequently, 231 fines were imposed yielding a total of \$2,250.00. In 1921, 326 fines were imposed yielding a total of \$3,178.00. (117) For 1922, the number of fines imposed was 129; for 1923 the number was 395; for 1924 it was 280; and in 1925, until October, it was 245. (118) In the somewhat smaller village of Blumenheim the School District of Renfrew was organized, also in 1918 and the school constructed, also in 1919. The number of school-age children for 1920 was 46 but only 5 attended. Consequently, 121 fines were imposed in that year, yielding a total of \$1,051.00. In 1921, in the first eleven months 120 fines were imposed yielding

a total of \$1,164.00. The higher amount suggests that each fine was for slightly more money. For 1922, the number of fines imposed was 79; for 1923, the number was 138; for 1924, it was 63; and for 1925, the number fell sharply as some moved away and others decided to send their children to the public school. (119) The fines were a heavy burden on these people. They were levied several times per year and for large families the costs were high. The 1922 decrease in prosecutions reflects a temporary suspension of proceedings, pending land transactions that the Mennonites were making in order to leave the country. Unfortunately for the Mennonites, the suspension was of short duration. The arrangements for the mass exodus took longer. (120)

While these prosecutions were going on, there were a number of interventions in the hope of finding a compromise solution. Some of these efforts were made by Henry Vogt, a Mennonite lawyer near Swift Current. Already in March of 1917 when he learned of the government's intention to become more firm in its efforts to bring public schools to the Mennonites, he proposed that the government entrust this matter to a special mediating committee "composed of men that know these people not only in a business way but also know their church principles, moral etc., in every way;" (121) Some time later, in 1918 W.S. Cram the School Inspector in the Swift Current area wrote to W.M. Martin, who was both Premier and Minister of Education at the time, that people who had been left to themselves for so long would not change quickly and that there-

7

fore "...some form of license system for private institutions ...would prove of value at the present time." (122) The Premier did not agree. He replied, "I question very much whether any law with respect to private schools would simplify our difficulties among the Old Colony people..." (123) On November 22, 1919, W.W. Cooper, a businessman in Swift Current, reported that a Mennonite delegation to South America had just returned, that it now seemed likely that a sizeable emigration would take place, and that, since "There are a number of families being reduced to destitution through the fines being imposed upon them," perhaps the government should consider "...that the School Attendance Act be not forced for a period of about two years...to give the families that leave the country an opportunity to get away,..." (124) Such a suspension of prosecutions was considered but several months later the Premier wrote: "I do not see how we would be justified in stopping the operation of the Act." (125)

On April 13, 1920, Johann F. Peters, a leader of the Reinlaender Mennonite Church in the Hague area, appealed to the Premier stating:

We cannot send our children to public schools because it is contrary to our religious belief, it is against the laws of God according to our faith, we have not trespass the promise given our God and Redeemer at the time of baptism... Is the Premier's intention to force us to disobey God's commandments ...in that case our Redeemer would say: "If you are trespassing my commandments and not remain true unto them, you will become unworthy of me,... If you knew how hard it is to be a true Mennonite,... there is much distress amongst our people,... If you had been here and seen the conditions you would not have had the heart to exact money from these

poor people. I beg you, Honourable Sir, to be good enough to grant us two years time to leave this country if you consider us a bad class people, we believe that we are worthy of such a privilege at least. (126)

Again, the Premier replied in the negative. He affirmed the intention of the government to enforce the School Attendance Act among all classes of people. He also stated that he did not want to interfere with their religion but that "the sending of children to school where they will acquire proper education cannot in any way interfere with your religion." (127)

On May 29, 1920, Henry Vogt appealed to the Premier again. He had had further discussions with the conservative Mennonite leaders and had come to the conclusion that they would not object to teaching the English language but that they opposed the school system which the government was attempting to force upon them. They feared that it would eventually have the effect of changing the church as well even on the very basic issue of military service. Vogt suggested that if the government would offer an arrangement whereby they could retain their private schools but teach English within them then the emigration plans would be set aside. (128) Once again the Premier replied in the negative. He was convinced that no mutually satisfactory compromise was possible. He emphasized that the government had "no desire to interfere with their religion." In his words: "All that we desire is that they should give their children an education that will properly fit them for citizenship in this country." (129)

On June 30, 1920 Vogt wrote one more letter to the Premier. He reported that one of the Mennonite leaders had come to him and emphasized that they had "absolutely nothing against the English language and were willing to take it into their schools." However, they did not want to hand over control of the schools to the government. The government's school system, they felt, was for one thing "too militaristic and for another not good enough to raise Christians". They would also want to "train their own teachers from their own boys" and "keep up their own tongue".⁽¹³⁰⁾ Vogt thought that this approach was reasonable and suggested that the government call on H.H. Ewert, the Mennonite educator in Manitoba, to help set up a mutually satisfactory arrangement. The Premier, however, was not to be persuaded. In his reply he said: "...our school law provides for the teaching of religion for one half hour a day...this will not satisfy them... I do not believe it is possible to get an agreement with them to the effect that they will use the text books which are authorized in this Province."⁽¹³¹⁾

Meanwhile, the preparations for an exodus continued. But these too brought forth appeals. In November of 1921, A.J.E. Summer of Saskatoon, who as a real estate agent was involved in the land transactions, appealed to the Premier in the following way:

This movement, if allowed to take place will be a serious economic loss to the West, and in a lesser degree to the Dominion as a whole,.... An extensive trip of inspection...has prompted me to ask whether

it is necessary that thousands of the best farmers Canada possesses should be allowed to leave in this manner.

Twenty-five years in the history of the nation are nothing but that time would suffice to prove that the present matters of contention would solve themselves.

I suggest that even at this late date an effort be made to avert this migration...(132)

The Premier replied stating: "I have exhausted every means at my disposal to arrive at some reasonable compromise with the leaders of these people. I think...all classes of people... should abide by all laws and...give their children an education such as our schools provide." (133) Summer tried again stating:

"I believe the reason that negotiations have failed is primarily due to lack of sympathy and failure to appreciate the deadly earnestness of these people by your colleagues and officials." The imposition of fines and seizure of goods, he said, had resulted in situations where families have been stripped and left to starve except for their neighbours' assistance. He agreed that the School Attendance Act was for the good of the country but he argued, "there are more broader and underlying principles to be considered in this question, and the policy adopted has been wrong." (134) Summer's efforts proved futile.

The Mennonites also made several appeals by themselves. On January 7, 1922, the Reinlaender Mennonite Church at Swift Current sent a "Petition to the Honourable Members of the Legislative Assembly of the Province of Saskatchewan" which stated in part as follows:

...consider in what serious a position we are put by having enforced the School Attendance Act upon many of us, notwithstanding the facts that we have been granted by the Dominion government the privilege of not being restricted in educating our children...

If these enforcements of the said Act could be suspended for several or for a few years only, it would be worth much thankfulness to us,...

We are preparing, as our Forefathers have done centuries ago, to migrate, not for the sake of the language but for the sake of our religious grounds to which we all have professed before God and many witnesses to be true...

It is with grief and sorrow that we prepare to migrate to a new home, but we are hopeful, as we have found and got promised what we desire, but to carry out such an undertaking it takes time and money, and to get the latter we have to sell out, which also takes time, and for this reason we humbly pray once more, like children to their fathers, and please do not reject our prayers when we petition you to suspend the enforcements of said Act for a sufficient time to carry out this problem,...(135)

Soon thereafter, on February 12, 1923, the church in the Hague area made a similar request of the Minister of Education. In a lengthy letter, Rev. John P. Wall described the situation of their people in the following way:

There are many who are weakened so much in financial respect through the many, many prosecutions that it is a very great loss to the country, specially to the District. Since they have been unable to do their farming according to the usual good methods.

Yes many of them could not support themselves any more, and would be in need and misery if they had not been supported by others.

But the credit is exhausted, and paying the School Fines will eventually cease. And when the Farmers are deprived of their working stock, they cannot do their farming, as much as they want to do it.

The misery is very much larger, than what I think, you believe.

Therefore...if you cannot keep the exemption that was granted to our people, please give us a few years in which to settle our affairs, we pray...

Would you not be inclined to show sympathy as well as the Russian Government did, who granted sufficient time in which they were free to carry out their move?(136)

In addition to these letters there were some personal visits. But they accomplished little. The Minister of Education, Mr. Latta, replied to Rev. John P. Wall stating in part:

...you have my sincerest sympathy in the condition in which your people are placed in relation to the compulsory school attendance law,... (But) the law is on the statute book and...the Legislature of the province is supreme in these matters. I am powerless to do anything outside of that which the law says I should do...(137)

These words of sympathy from the Minister were not completely without significance. In the fall of 1921, A.W. Ball, the Deputy Minister had ordered a suspension, albeit a temporary one, of the prosecutions in the Hague area. Soon thereafter he wrote that while most people do not need to be prosecuted more than once, "with the Mennonites it is a case of repetition, which I personally very much regret but which, under our school attendance law, cannot be avoided." (138) He had also noted that if the Mennonites would be exempted from the School Attendance Act, "it will produce a storm of opposition from many parts of the country." Also, in the fall of 1923, he prepared a memorandum for Mr. Latta, the Minister, suggesting that since in the six years that the School Attendance Act had been in force there had been "no appreciable headway in the direction of getting into our schools the children of the Old

Colony Mennonites", the government would now be "amply justified in attempting to compromise with the Mennonite leaders". No Government, he argued, "has yet been successful in applying methods of compulsion and punishment in the case of 'conscientious objectors'." (139) The compromise that he proposed was to permit them to attend a traditional Mennonite school in the afternoons "on the understanding that the children attended regularly an 'English' school in the mornings." He concluded the memorandum by noting that "some of the Mennonite families have been reduced to a condition of privation by the continual fines. Considerations of humanity almost compel an attempt at compromise."

Newspapers too carried an occasional expression of sympathy for the Mennonites. One person, J.N. Doerr, who had taught in a public school near a Mennonite colony, wrote that the public schools were superior "in those many things which are considered necessary for man's equipment in this materialistic age," while the Mennonite private schools would probably be superior "so far as the science of human relations is concerned." Doerr praised the Mennonites also for not contributing to the prison population and for their ability as farmers. He condemned the intolerance of the people and called on the government to work out something so that they would not emigrate. (140)

In spite of these expressions of sympathy, the position of the government did not change. Nor was there, with the exception of the brief 1922 pause in the Hague area, any suspen-

sion in the enforcement of the School Attendance Act. The problem was "resolved" when the Mennonites emigrated. Those who stayed in Canada eventually complied with the law.

D. Conclusion

It was a harsh encounter. The prosecutions and fines, at least those in Saskatchewan, continued for so many years that people became destitute. Efforts to find a compromise failed. A "solution" came only when many of the Mennonites emigrated while those who stayed eventually submitted to government pressure and complied with the school laws. What had begun in the 1870's as a broad liberty ended around 1920 on very narrow terms.

Part of the narrowness can be attributed to the atmosphere of World War I but many of the influences were at work earlier already. In the half-century under consideration there were very substantial changes in the general conditions relating to education. When the Mennonites first came to the western prairies there was virtually no governmental involvement. It was assumed that religious groups would operate their own schools. Thus the early educational efforts of the Mennonites, facilitated by the 1873 federal government promises, represented no departure from the pattern of the time. Gradually, however, provincial governments became involved in education. This involvement began with financial support but since there had to be some guidelines for dispensing the funds it became necessary to examine and classify the teachers. It then developed through a number of stages. Eventually there was one large integrated

English language school system under government control with compulsory attendance and with virtually no room for the special arrangements desired by some minorities.

One aspect of the broad transformation which occurred in the half-century under consideration is that minority groups were perceived in a different way. Until the end of the nineteenth century the attraction of settlers to the western prairies was a primary objective. To achieve this minority groups were readily assured of protection for their particular way of life. However, by the turn of the century the emphasis was changing. There was a growing desire to integrate the various groups into one Canadian society. An 1898 education report from the North West Territories emphasized the need to set up schools among the "many foreign nationalities... To assimilate these different races,..." (141) In 1906 Manitoba's Premier R.P. Roblin based a new policy requiring schools to fly the flag on the belief that it would "assist in blending together the various nationalities...into one common citizenship..." (142) In 1913, a Saskatchewan report emphasized the need to furnish the child with ideas that would make him "an intelligent and patriotic citizen". (143) In 1915 E.H. Oliver, Vice-President of the Saskatchewan Public Education League, spoke about the importance of becoming a homogeneous people, with a truly Canadian citizenship and about the role of the schools in accomplishing this. (144) In 1916 the Manitoba Minister of Education said: "We are building for the Canada of tomorrow, and our common school is one of the most important factors in the work. In

this Dominion we are building up, under the British flag, a new nationality. ..."(145)

This new understanding about the place of minority groups came gradually but it was strong and had far-reaching implications. In effect, it overruled the formal promises of educational freedom given to the Mennonites in 1873. This was done quite deliberately. The promises were recognized but not upheld. In Saskatchewan, Premier W. Scott said of the Mennonites in January of 1916: "they will come to the Legislature and submit a document which was given to them by the Government of Canada guaranteeing full liberty should they come to Canada, both in matters of religion and education. That certainly complicates the situation..."(146) If Scott saw the situation as complicated, W.M. Martin, his successor, was clear about how to deal with it. He said: "While the situation is very unfortunate I have never been able to see how we could allow them to continue... It was unfortunate that these people came here deceived by some document that they had from the Dominion government... whoever comes here must be given to understand that they must adopt our public school system."(147) In Manitoba there was a similar view but there it had judicial sanction. The ruling in the Hildebrand case was that the promises made by the federal government, whether considered in the form of the letter of July 25, 1873 or the Order-in-Council of August 13, 1873, went beyond federal jurisdiction. In light of this the provincial laws regarding attendance at English language public schools remained in force.

If the court ruling in 1919 had the effect of nullifying the legality of the promise made in 1873, there were some who held that a moral obligation remained. But this too was set aside. One prominent observer wrote:

It should have been abundantly clear to the legal advisers of the Mennonites that the Order in Council of 1873 had only a moral significance. This moral obligation was respected by the federal authorities in exempting the Mennonites from military service in 1917. Assuredly, however, there was no moral obligation on the part of the Manitoba Government to permit the children of certain deluded, if conscientious, zealots to be deprived of an elementary knowledge of the English language. The moral obligation in the latter instance was undoubtedly of the opposite nature. (148)

There is a question of whether the federal government intended to discard the 1873 promises as completely, as these developments suggest. This question arises from a statement made by Arthur Meighen, federal Solicitor General, in response to an appeal from the Mennonites of Saskatchewan. They wanted the federal government to intervene on their behalf with the provincial government. The federal government refused to do this, but its refusal was based not on the grounds that the 1873 promise was invalid but that the provincial government, when it insisted on providing "the essential elements of education" for the Mennonite children, was not acting in violation of that promise. (149) This reasoning is significant. It could be interpreted as a policy of minimal standards in the sense that even if governments wanted to be very tolerant of the particular ways of minorities, most would still want to ensure a minimum standard of things. Perhaps the federal government of the time felt that the Saskatchewan government was doing nothing

more than working for such standards and that, even though this interfered with Mennonite school practises, it was not incompatible with a proper interpretation of the promises given to the Mennonites in the 1870's. In this sense Meighen's statement is of conceptual significance but in the reality of this situation it meant that there would be virtually no tolerance of the Mennonite schools. E.K. Francis has noted that some of the conservative Mennonites declared themselves ready to raise the educational standards of their schools in substantial ways, to intensify the training of their teachers, to facilitate inspection by the Department of Education, and to "place our schools beyond just criticism", but they wanted to keep them under church control. (150) Their proposals were rejected and Francis states:

It was no more a question of educational standards which prompted the authorities to destroy the Mennonite private grade schools once and for all; and to replace them with English public schools. It was part of a consistent national policy aimed at the assimilation of ethnics to safeguard national unity and cultural uniformity. In this policy the school figured prominently as the most effective means to wean the children of immigrants away from the traditions of their group and to indoctrinate them with the ideals and values of the dominant majority. (151)

Another aspect of the transformation is that religion came to be seen in a more narrow way. The promises of 1873, in both the letter and the Order-in-Council, described the freedom to operate their schools as related, very closely, to the general freedom to follow their religion. This was in keeping with the view of the conservative Mennonites. They saw the two as virtually inseparable. In one submission they referred

to the teaching of their children and said: "we have the duty laid on our conscience to teach them both religious and secular truth as part of one whole, that they may be holy and good and loyal and diligent and unselfish and cooperative in all their relations to God and to their fellow men." (152) They said further: "our belief is that we should apply the precepts of the holy scriptures to the daily routine of life, that is to temporal as well as spiritual affairs." At another point they wrote that their children were instructed, "in reading, writing and arithmetic, and also in religion, morals and cleanliness in such manner as...appropriate for the needs of (their) rural community..." (153)

To these conservative Mennonites religion was a way of life. To the larger society, as expressed in the century's second decade, religion was something more narrow. It could be no more than a part of life. Thus the Manitoba Free Press could say, in spite of the very forceful way in which the Mennonites were pressured to comply with the school laws: "there never was any attempt made to interfere with religion..." (154) And W.M. Martin, the Premier of Saskatchewan, felt that the Mennonites had no just grounds for complaint since, in his words: "...our school law provides for the teaching of religion for one half hour a day..." (155) In a letter to one Mennonite leader the Premier argued: "the sending of children to school where they will acquire proper education cannot in any way interfere with your religion." (156) In another letter to Henry Vogt, the lawyer who tried so hard to negotiate a compromise, the

Premier wrote that there was no intent to interfere with their religion; adding: "All that we desire is that they should give their children an education that will properly fit them for citizenship in this country." (157) The authorities interpreted freedom for religion in a narrow way. The result was similar to that in the Doukhobor land situation described in an earlier chapter. There the government reclaimed a large portion of the land but assured them of protection in their religious beliefs. Religion, in this view, was little more than a set of beliefs.

Related to the issue of whether the schooling of children was a matter of religion, there was a question of whether parents had the right to control that schooling. The Mennonites felt that they, as parents and church, had to retain control, that the education of their children was a sacred responsibility which they could not neglect "...without culpable consequences". (158) In one petition they said: "...your Petitioners cannot delegate to others the all-important responsibility of educating their children, convinced as they are that instruction in other than religious schools would result in the weakening and even loss of faith,..." (159) In contrast to this view, the Manitoba Free Press argued: "The children are children of the state, of which they are destined to be citizens, and it is the duty of the state that they are properly educated." (160) The policies of the government were similar to the views of the Free Press.

Another noteworthy aspect of this encounter is that it again raises the question of whether the government, by giving a broad liberty to a group allowed that group to restrict the

liberty of its individual members. The communalism of the Doukhobors was criticized on these grounds as was that of the Hutterites. The latter were pressed on several occasions for a policy of giving a share of their assets to an individual who might wish to leave. In this Mennonite education encounter the issue arose first around 1908 in Saskatchewan when several people were excommunicated from the church for sending their children to public schools. As a result they were shunned and since they were store-owners this had the effect of an economic boycott. They then appealed to the government, asking that it compel the church to give its people the freedom to send their children to public schools. Some years later the argument appeared again but in a different form. This time it was the children who were being deprived. Manitoba's Minister of Education said: "A grave injustice is being done to the children who do not receive a satisfactory education...to fit them to earn their way through life and to take their place as citizens of our new Canadian nationality." (161) In Saskatchewan, Inspector W.S. Cram argued that a public school education "would not only be to the best interests of the newer generation of children on the reserve but to the best interests of the state as a whole." (162) These statements cannot be faulted for identifying a problem. Liberty for the groups did allow for restrictions on individuals within them. But the solution is not free of questions either: it ensured individuals of the benefits of public schools but it took away their right to Mennonite private schools; the power of the group over its individuals was severely restricted

but the power and involvement of the state was greatly increased; and education, instead of serving the church community, now had to give greater attention to the interests of the state.

Generally, then, the half-century under consideration marked a profound transformation. The movement of the majority was strong and irresistible. Institutions based on religion, tradition, and ethnicity were replaced with a social order that reflected different philosophies. Morton has noted how the Mennonite village and the Catholic parish, which had long served as institutions of local government, were replaced with municipalities which flourished in "The atmosphere of secular and utilitarian democracy, not that of traditional, religious custom,..."⁽¹⁶³⁾ E.K. Francis has said: "It is not accidental that the Liberal party was the first power group in the Province which adopted a platform directly aiming at the assimilation of minority groups."⁽¹⁶⁴⁾ This new social order, more accepting of liberal and utilitarian values, seemed unable to accommodate the way of life desired by the conservative Mennonites.

FOOTNOTES TO CHAPTER V

1. The nature of their schools is referred to in I.I. Friesen "The Mennonites of Western Canada With Special Reference to Education", Unpublished Master of Education degree thesis, submitted to the Department of Education, University of Saskatchewan, Saskatoon, 1934, p. 94. It is also referred to in Henry J. Gerbrandt, Adventure in Faith, The Background in Europe and the Development in Canada of the Bergthaler Mennonite Church of Manitoba, Altona, Manitoba, D.W. Friesen and Sons Ltd., 1970, p. 29 ff.
2. A. Willows, "A History of the Mennonites", Thesis for Master of Arts Degree submitted to the University of Manitoba, Winnipeg, Manitoba, 1924, p. 29.
3. Gerbrandt, op. cit., p. 283 ff.
4. See Appendix 3.
5. W.L. Morton, Manitoba, A History, Toronto, University of Toronto Press, 1967, p. 186.
6. As quoted in C.B. Sissons, Church and State in Canadian Education: An Historical Study, Toronto, The Ryerson Press, 1959, p. 173..
7. Ibid., p. 175..
8. Ibid.
9. Peter D. Zacharias, Rainland An Experience In Community, Altona, Manitoba, D.W. Friesen and Sons Ltd., 1976, p. 247.
10. Adolf Ens, "Mennonite Relations With Governments Western Canada 1870-1925", an unpublished doctoral dissertation submitted to the Department of Religious Studies, University of Ottawa, Ottawa, Ontario, 1979, p. 106.
11. R.K. Francis, In Search of Utopia, The Mennonites In Manitoba, Altona, Manitoba, D.W. Friesen and Sons Ltd., 1955, p. 165.
12. The 1878 Report of School Inspector W.D. Pinkham, as found in John Jacob Bergen, "A Historical Study of Education in the Municipality of Rhineland", Unpublished M. Ed. thesis, University of Manitoba, Winnipeg, 1959, p. 43. Aside from the 36 village schools that were registered there was probably at least an equal number that remained unregistered.

13. Frank H. Epp, Mennonites In Canada 1786-1920, The History of A Separate People, Toronto, MacMillan of Canada, Ltd., 1974, p. 340.
14. Francis, op. cit., p. 212.
15. Ens, op. cit., p. 113.
16. Francis, op. cit., p. 167.
17. Ibid.
18. Gerbrandt, op. cit., p. 254.
19. Morton, op. cit., p. 245.
20. Ibid., p. 244.
21. As quoted in Sissons, op. cit., p. 181.
22. Ibid., p. 194.
23. H.H. Ewert, "Report of 1892" as found in J.F. Galbraith, The Mennonites in Manitoba, 1874-1900: A Review of their Progress and their Present Prosperity, Morden, Manitoba, The Chronicle Press, 1900, p. 22.
24. Epp, op. cit., p. 340.
25. H.H. Ewert, "Report of 1899" as found in J.F. Galbraith, op. cit., p. 24.
26. A. Weidenhammer, "Annual Report to the Department of Education, 1911", as found in Bergen, op. cit., p. 53. Weidenhammer changed his name to Willows around the time of World War I.
27. Sissons, op. cit., p. 203.
28. C.B. Sissons, Bi-Lingual Schools in Canada, London, 1917, p. 144.
29. R.P. Roblin, as quoted in Francis, op. cit., p. 174.
30. Ibid.
31. Friesen, op. cit., p. 108.
32. Bishop Isaac M. Dyck, as quoted in Epp, op. cit., p. 346.
33. The true motivation for the bilingual system seems somewhat ambiguous. J.W. Dafoe was later to write: "It was expected, by the negotiators, that these privileges would be claimed only by the French; but the clause was made inclusive to forestall criticism - against Laurier for

claiming and against Sifton for conceding special privileges to the French". As quoted in C.B. Sissons, Church and State In Canadian Education, op. cit., p. 195. Sissons himself saw another dimension. He wrote: "No doubt Sir Wilfred Laurier and the then Premier of Manitoba had also in mind the claims of those sturdy, if somewhat fanatical, German settlers in southern Manitoba. But it is certain that the innocent bilingual clause of the act of 1897, which embodied the agreement of November, 1896, was never intended to make a babel of a Province of Canada". Ibid., p. 201.

34. R.S. Thornton, as quoted in Francis, op. cit., p. 182.
35. Francis, op. cit., p. 179.
36. Morton, op. cit., p. 351.
37. As quoted in Morton, op. cit., p. 350.
38. R.S. Thornton, as quoted in Bergen, op. cit., p. 256.
39. Willows, op. cit., p. 74.
40. "To the Honourable Valentine Winkler...From the Mennonite School Commission of Southern Manitoba...Presented... January 7th, 1916", Manitoba Archives, ME-14 B45.
41. Epp, op. cit., p. 355.
42. Morton, op. cit., p. 350 ff.
43. Epp, op. cit., p. 357 and A. Willows, op. cit., p. 75.
44. Francis, op. cit., p. 182.
45. R.S. Thornton, as quoted in Friesen, op. cit., p. 116.
46. Ens, op. cit., p. 214.
47. As quoted in C.A. Dawson, Group Settlement: Ethnic Communities in Western Canada, The MacMillan Company of Canada Limited, Toronto, 1936, p. 105.
48. See Dawson, op. cit., p. 105; Willows, op. cit., p. 75; Francis, op. cit., p. 185; Ens, op. cit., p. 212 ff.
49. Rex v. Hildebrand; Rex v. Doerksen 1919 3 W.W.R. 289.
50. Francis, op. cit., p. 185.
51. R.S. Thornton in a speech to the Legislature, as quoted in Friesen, op. cit., p. 117.

52. "Memorandum re Mennonite Schools...To the Honourable Members of the Legislative Assembly of Manitoba". February 1919. On behalf of the Reinland Mennonite Church, Johann J. Friesen, Bishop, Franz F. Froese, Overseer. Manitoba Archives ME-14 C45.
53. The Manitoba Free Press, as quoted in Francis, op. cit., p. 179.
54. Wm. Jennings O'Neill in the Manitoba Free Press, July 24, 1919.
55. Letter, Wm. Jennings O'Neill to The Hon. Robert Borden, Prime Minister, August 6, 1919, PAC, Borden Papers, M.G. 26, H, RLB, 1167, 121189.
56. Francis, op. cit., p. 187.
57. George M. Weir, The Separate School Question in Canada, Toronto, The Ryerson Press, 1934, p. 63.
58. Ibid., p. 64.
59. Sissons, Church and State in Canadian Education, op. cit., p. 256.
60. Ibid.
61. This restriction is referred to in Weir, op. cit., p. 65 and also in E.H. Oliver, The Country School in Non-English Speaking Communities in Saskatchewan, published by the Saskatchewan Public Education League, Regina, Saskatchewan, 1915, p. 6. It must be noted too that in 1918 an amendment to the School Act confirmed this restricted use of French, although the French language could still be taught as a subject for one hour each day, see Sissons, Church and State in Canadian Education, op. cit., p. 293. Also to be noted is that in 1930, the government of J.T.M. Anderson abolished the provision for allowing French as the language of instruction in grade 1. See Weir, op. cit., p. 113.
62. Northwest Territories, Report of the Council of Public Instruction, 1898, Report of the Superintendent of Education, D.J. Goggin, p. 11, quoted in John E. Lyons, "History of Doukhobor Schooling in Saskatchewan and British Columbia 1899-1939". Unpublished Thesis for Master of Arts in Education, University of Calgary, Calgary, Alberta, 1973, p. 60.
63. Lyons, Ibid.
64. Sissons, Church and State in Canadian Education, op. cit., p. 259.

65. Oliver, op. cit.
66. A.S. Brent, "The Right to Religious Education and the Constitutional Status of Denominational Schools" in Saskatchewan Law Review Vol. 40, 1976, p. 260.
67. The Saskatchewan Act, 4-5 Edward VII, c. 3.
68. The story of this Academy is described in Frank H. Epp, Education With A Plus: The Story of Rosthern Junior College, Conrad Press, Waterloo, Ontario, 1975, 450 p.
69. John Lyons "The (Almost) Quiet Evolution: Doukhobor Schooling in Saskatchewan" in Canadian Ethnic Studies Vol. VIII, No. 1, 1976, p. 27 (Hereinafter referred to as Lyons, "The (Almost) Quiet Evolution...")
70. A letter on behalf of Mr. Peter J. Friesen of Aberdeen, Saskatchewan, by Lieut.-Col. J. McAughey to the Honourable W.M. Martin, Minister of Education, Regina, August 21, 1920, Martin Papers, SAB, #18964.
71. Letter, W.M. Martin to Lieut.-Col. J. McAughey, Saskatoon, September 16, 1920, Ibid., #18970.
72. Letter, Jacob J. Friesen to Hon. J.A. Calder, October 1, 1908, Calder Papers, SAB, also quoted in Epp, Education With A Plus, op. cit., p. 36.
73. "Memorandum for Mr. Calder", September 2, 1908, Calder Papers, SAB.
74. Memorandum, J.A. Calder to His Honour The Lieutenant Governor, December 15, 1908, Calder Papers, SAB.
75. "Proceedings of Commission of Inquiry at Warman, December 28-29, 1908", SAB, RC, M28, p. 61. The reference to the Bible here is to the book of Deuteronomy, chapter 6, verse 4.
76. Ibid., p. 64.
77. Ibid., p. 66.
78. Ibid., p. 69.
79. Ibid., p. 72.
80. Ibid., p. 76.
81. Ibid., p. 75.
82. Ibid., p. 86.

83. Rev. Jacob Wiens, Bishop, to the Provincial Government of Saskatchewan, Regina, January 21, 1909, SAB, Scott Papers, 12d, 118G.
84. Oliver, op. cit., p. 7.
85. ~~Letter~~, J.A. Calder to Mr. Barrett, October 3, 1910, SAB, Calder Papers, #2801.
86. Sissons, Church and State in Canadian Education, op. cit., p. 275.
87. Oliver, op. cit., p. 3.
88. Ibid., p. 6.
89. Ibid., p. 8.
90. "Report re Organization Work in Mennonite Districts, in German Parochial Schools and in Hungarian and Roumanian Settlements", SAB Martin Papers, #17329-35.
91. Ibid., p. 2.
92. As quoted in "Report of proceedings when delegation from Grand Orange Lodge of Saskatchewan waited upon Government, ...January 20, 1916" which is Appendix II in Weir, op. cit., p. 258.
93. Letter, Honourable Walter Scott to J.W. Brady, Esq., Radisson, Saskatchewan, September 8, 1915, SAB, Scott Papers, #34643.
94. As quoted in Weir, op. cit., p. 266.
95. Letter, W.S. Cram to the Deputy Minister, Department of Education, Regina, Saskatchewan, December 15, 1916, SAB, Martin Papers, #18836.
96. Lyons, "History of Doukhobor Schooling in Saskatchewan and British Columbia 1899-1939", op. cit., p. 72.
97. J.T.M. Anderson, The Education of the New Canadian, London, J.M. Dent & Sons Ltd., 1918, p. 103 ff.
98. "Memorandum for Mr. Martin" by R.F. Blacklock, Deputy Minister of Education, December 7, 1917, SAB, Martin Papers, #19863.
99. Premier W.M. Martin, Notes from a speech in the Saskatchewan Legislature, December 19, 1918, SAB, Martin Papers, #18478.
100. Letter, Premier W.M. Martin to Rev. Jacob Wiens, Hague, Saskatchewan, April 23, 1918, PAC, MG 26, H, RLB, 1167, #121123.

101. Letter, Arthur Meighen to Rev. J.P. Wall, Hague, Saskatchewan, May 14, 1918, PAC, The Borden Papers, Ibid., #121124.
102. The Regina Morning Leader, September 2, 1918, p. 4, as quoted in Ens, op. cit., p. 225.
103. Ens, Ibid., p. 226.
104. Rural Municipality of Warman #374, Warman, Saskatchewan, February 15, 1918, SAB, Martin Papers, #19878.
105. The Canadian Annual Review, 1918, p. 427, as quoted in Ens, op. cit., p. 188.
106. Sissons, Church and State in Canadian Education, op. cit., p. 293.
107. The Canadian Annual Review, 1920, p. 756.
108. Report, W.S. Cram, Inspector of Schools, "New Public School Districts - Mennonite Reserve South of Swift Current", August 14, 1919, SAB, Martin Papers, #18889.
109. Letter, W.S. Cram to the Honourable W.M. Martin, K.C., Minister of Education, Regina, November 24, 1919, Ibid., #18908.
110. Ens, op. cit., p. 235.
111. Letter, Premier W.M. Martin to W.S. Cram, Inspector of Schools, Swift Current, Saskatchewan, August 18, 1919, SAB, Martin Papers, #18892.
112. Ens, op. cit., p. 236.
113. Ibid., p. 237.
114. Ibid., p. 253.
115. Charts entitled "Mennonite Schools: Cases submitted to the Provincial Police for investigation and prosecution for Year 1920" and "Mennonite Schools: Cases submitted to the Provincial Police for investigation and prosecution for Year 1921 up till month of November" in the Latta Papers, SAB.
116. A chart entitled "Statement Showing the Number of Children in the Mennonite Districts for the Years 1917-1923", The Latta Papers, Ibid.
117. A chart entitled "Pembroke S.D. No. 4115", The Latta Papers, Ibid.

118. A chart entitled "Summary of Prosecutions Under the School Attendance Act from January 1921 to October 1925, Menno-nite Districts", the Latta Papers, Ibid.
119. The figures for Renfrew School District are taken from the same charts as those for the Pembroke School District referred to in the four preceding footnotes.
120. S.H. Braund, Chief Attendance Officer to Inspector E.L.J. Sparkman, Provincial Police, Saskatoon, October 4, 1921 and a letter from Latta, Minister of Education for Saskatchewan, to R.S. Thornton, Minister of Education for Manitoba, March 6, 1922, the Latta Papers, Ibid.
121. A letter from Henry Vogt to Professor H.V. Meyer, referred to in a letter from Meyer to R.F. Blacklock, Acting Deputy Minister of Education, March 17, 1917, SAB, Martin Papers, #17324.
122. Letter, W.S. Cram to the Honourable W.M. Martin K.C., Minister of Education, Regina, November 18, 1919, the Martin Papers, Ibid., #18904.
123. Letter, W.M. Martin to W.S. Cram, Esq. B.A. Inspector of Schools, Swift Current, Saskatchewan, November 21, 1919, Ibid., #18906.
124. Letter, W.W. Cooper to Premier W.M. Martin, Regina, Saskatchewan, November 22, 1919, Ibid., #18912.
125. Letter, Premier Martin to J.P. Murphy, Esq. 430 Eleventh Street, Saskatoon, Saskatchewan, March 22, 1920, Ibid., #18933.
126. Johann F. Peters, Neuanlage, Box 143, Hague, Saskatchewan, to Honourable Premier Martin, Regina, Saskatchewan, April 13, 1920. (Translation from German by N. Goldsmith) Ibid., #18941.
127. Letter, Premier Martin to Johann F. Peters, Esq., Box 143, Hague, Saskatchewan, May 10, 1920, Ibid., #18947.
128. Letter, H. Vogt, Barrister, Neville, Saskatchewan to Honourable Premier Martin, Regina, Saskatchewan, May 29, 1920, Ibid., #18955.
129. Letter, Premier N.M. Martin to H. Vogt, Esq., Barrister, Neville, Saskatchewan, June 7, 1920, Ibid., #18956.
130. Letter, H. Vogt, Neville, Saskatchewan to Honourable Premier Martin, Regina, Saskatchewan, June 30, 1920, Ibid., #18957.

131. Letter, W.M. Martin to H. Vögt, Neville, July 3, 1920, Ibid., #18959.
132. Letter, A.J.E. Summer of the B.M. Buchanan Company, Limited of Saskatoon, to the Honourable W.M. Martin, K.C., Premier of Saskatchewan, November 29, 1921, Ibid., #18991.
133. Letter, Premier Martin to A.J.E. Summer, December 2, 1921, Ibid., #18993.
134. A.J.E. Summer to the Honourable W.M. Martin, K.C., Premier of Saskatchewan, December 9, 1921, Ibid., #18994.
135. "Petition to the Honourable Members of the Legislative Assembly of the Province of Saskatchewan" from Bishop Abraham Wiebe and six ministers, dated at the Village of Schoenfeld, near Wymark, Saskatchewan, January 7, 1922. The Latta Papers, SAB.
136. Letter, Rev. John P. Wall of Hague, to the Honourable Minister of Education, Regina, February 12, 1923, Ibid.
137. Letter, Minister of Education to Rev. J.P. Wall, February 19, 1923, Ibid.
138. Letter, A.W. Ball to G.C. Thomson, Barrister, Swift Current, Saskatchewan, November 29, 1921, Ibid.
139. "Memorandum for Mr. Latta", Regina, August 21, 1923, by A.W. Ball, Ibid.
140. The Regina Leader, October 14, 1922.
141. See p. 225 above, as supported by footnote 62.
142. See p. 212 above, as supported by footnote 29.
143. See p. 233 above, as supported by footnote 87.
144. See p. 234 above, as supported by footnote 88.
145. See p. 214 above, as supported by footnote 38.
146. Quoted in Appendix II of Weir, op. cit., p. 258.
147. See p. 237 above, as supported by footnote 99.
148. Weir, op. cit., p. 107.
149. See p. 238 above, as supported by footnote 101.
150. E.K. Francis, op. cit., p. 106.

151. Ibid.
152. This quotation is taken from the submission referred to on p. 220 above, supported by footnote 52, and reproduced in Appendix 14.
153. Ibid.
154. As quoted in E.K. Francis, "The Mennonite School Problem in Manitoba 1874-1919", Mennonite Quarterly Review, Vol. 27, July 1953, p. 235.
155. See p. 244 above, as supported by footnote 131.
156. See p. 243 above, as supported by footnote 127.
157. See p. 243 above, as supported by footnote 129.
158. Quoted in I.I. Friesen, op. cit., p. 127.
159. Ibid., p. 126.
160. See p. 221 above, as supported by footnote 53.
161. See p. 214 above, as supported by footnote 38.
162. See p. 236 above, as supported by footnote 95.
163. Morton, op. cit., p. 187.
164. E.K. Francis, In Search of Utopia, op. cit., p. 179.

CHAPTER VI: THE DOUKHOBOR SCHOOL CONTROVERSIES IN SASKATCHEWAN AND BRITISH COLUMBIA

A. The General Doukhobor Approach To Education

The school controversies of the Doukhobors were similar to those of the Mennonites in several ways. Like the Mennonites they were concerned that the public schools would lead their children away from their community life and religious ideals. But, as with the Mennonites again, there were internal differences. Some Doukhobors saw positive elements in the public schools. These sent their children to the public schools and then tried, through supplementary classes, to teach their own language and other values of their tradition. Those who resisted the public schools more categorically met with an equally determined government. The result was a collision. However the Doukhobors, unlike the Mennonites, did not emigrate. They stayed and the conflict, which sometimes became quite bitter, continued intermittently for about half a century.

The background of formal education among the Doukhobors is different from that among the Mennonites. It was not emphasized strongly. Perhaps their view of "the God within" tended to make formal learning less important. Also, the involvement of the Russian Orthodox Church in the schools of Russia served to dissuade them. Nevertheless, according to one writer:

...careful attention was paid to the religious and vocational instruction of children. Parents were responsible for the proper upbringing of their children. It was their responsibility to see that their children learned the psalms, the law of God. Within

the Mir each commune member believed that he was obliged to teach something useful to each child in the village. (1)

Another perspective comes from a Doukhobor spokesman directly. He indicates that their educational practices were oriented towards their community with its religious ideals and practical needs, saying:

To us education means being a good Doukhobor. That is, to love all living things and to do no evil, not to shoot, not to eat meat, not to smoke, not to drink liquor. We teach these things to our children. And more, too. The mothers teach their daughters to bake and to cook and to spin and to embroider, and the fathers teach their sons to be handy with an axe, a carving knife, a plough, a team of horses. Such things are useful and are good, and the other things that you educated people speak of...you can have them. (2)

Still another perspective cautions against literacy. This comes from their leader, Peter Verigin, who in a letter of the mid-1890's expressed the view that literacy was "a hindrance and a brake to man's development; that is the development of knowledge of truth...". He had, after careful consideration, come to the conclusion that "it would be better if there were no literacy". (3)

This general ambiguity may be one reason why education was not dealt with in a clear way in the negotiations for their immigration to Canada. At one point in those negotiations, James Mavor, Professor at the University of Toronto, wrote to Leo Tolstoy and asked "if they would send their children to non-sectarian common schools and if they would object to the compulsory education". (4) Tolstoy replied that they "would send their children to the common school if the children would

not be obliged to receive religious training".⁽⁵⁾ Kropotkin too was optimistic. He wrote: "In ten years they all will speak English".⁽⁶⁾ Vladimir Tchertkoff, who worked on behalf of the Doukhobors in both Russia and England, also wrote to Mavor and stated that the matter of education "must be left to the Doukhoborts themselves to be consulted. They are quite willing that their children be educated, but have not wished them to be taught the superstitions of the Greek church".⁽⁷⁾

While the preparations for the migration to Canada were under way Peter Verigin, now in Siberian exile, wrote another letter on the subject. This time he encouraged the people to accept the schools of their new homeland, stating:

...I am told that education is absolutely compulsory in North America. That is for the best, because simple literacy is necessary as an aid to life; for example, so that one should know how to read and write. One must not understand that literacy will positively enlighten a man, yet again I repeat it can only be an aid, and a person reading books may gather information; and in such manner his mind may become developed. In general, I think if God wishes that our people should establish themselves in America, then simple literacy (reading, writing and arithmetic) is absolutely necessary...⁽⁸⁾

These words from Verigin suggested that there would be few difficulties with the public schools. However when the Doukhobors came, first to Saskatchewan and later to British Columbia, the earlier ambivalence appeared again. As a result there were difficulties especially in the latter province.

B. In Saskatchewan

The Doukhobors of Saskatchewan accepted the public schools more quickly than those in British Columbia. This was especially

true of the Independent Doukhobors. The Community Doukhobors hesitated for a number of years but then also accepted them. The only categorical resistance came from a small radical group who later became known as the Sons of Freedom. But by the mid-1930's the strongest opponents had moved to British Columbia.

The first schools among the Doukhobors in Canada were operated by the Tolstoyans and Quakers. Among the latter were Eliza Varney and Nellie Baker. These came from Ontario to serve as teachers already in 1899, the same year that the Doukhobors arrived.⁽⁹⁾ Immigration officials gave them a tent in which to hold classes and within one month 46 pupils were enrolled. Herbert Archer, the generally helpful English Tolstoyan, also assisted with teaching. And Michael Sherbinin, a Russian nobleman and former diplomat, fluent in twelve languages, began educational work in the so-called Prince Albert colony on the North Saskatchewan River.⁽¹⁰⁾

Generally, the Doukhobors welcomed these efforts but there were misgivings. Perhaps the Quakers were proceeding too quickly. They took a few Doukhobors to Philadelphia for schooling. They also had plans to build a school "to train Doukhobor girls to become teachers".⁽¹¹⁾ Moreover, in spite of their helpfulness, the Quakers disagreed with the Doukhobors on the issue of communal property which was a point of controversy at the time. One Quaker, Joseph Elkinnton, wrote of the

Doukhobors: "they do not wish strangers to indoctrinate them with new interpretations, as they have suffered so much to maintain their own." (12)

The misgivings about the Quaker education efforts became stronger in 1903 when Peter V. Verigin, released from his exile in Russia, assumed the leadership of the people. In the summer of that year, when the Quakers were making plans to expand their work, he thanked them but said that the Doukhobors no longer desired charity. They would provide for their own education by building schools and choosing teachers from among themselves, he said. (13) Soon thereafter a number of village schools were built but their record was uneven. By 1908, some villages were without schools altogether. According to one Doukhobor, Verigin was not pursuing the matter seriously on the ground that "a true Christian should have only Christ for teacher". (14) A Quaker observer wrote later that Verigin had feared that "if their children were educated then he would be unable to dominate them along communistic lines." (15) In spite of Verigin's opposition, the Quaker education efforts did not stop completely. In the Prince Albert colony where the Independent Doukhobors were numerous and where Verigin's influence was weak, the work continued. There it included a boarding school which operated for nearly a decade until around 1912, when the public schools became more common.

The public schools came into the Doukhobor settlements in a gradual way. The policy of the government was that they

be set up only on the basis of a request from local people. The Community Doukhobors did not make such requests for some time but the Independent Doukhobors soon indicated interest. However some of their early contacts were not endearing. In the Devil's Lake area, near Yorkton, where a number of Independents had settled, the non-Doukhobors had already formed a school district in 1899. But when they discovered that the boundaries of the district included several Doukhobor villages, they wrote to the attorney-general stating:

...we should like to know if we shall have to provide accommodation for the Doukhobor children... We are not anxious to have them at our school, as they are not, in our opinion, a desirable class for our children to come in contact with. (16)

These non-Doukhobors wanted, however, to collect school taxes from the Doukhobors. At this the Doukhobors complained to officials that "not only did they not have access to the school, but that some of their members were being charged with inordinately high school taxes." (17) Finally, in 1903 a settlement was reached whereby the Doukhobor children were accepted at the school along with the Doukhobor tax monies.

The gradual acceptance of the public schools by the Independent Doukhobors was helped by the efforts of Herbert Archer, the Tolstoyan. In February of 1907 when he was working among them near Yorkton, he joined with two of them and submitted a petition to the Department of Education for the formation of the Bear's Head School District, stating:

We, the Doukhobors living in the Swan River Valley, not members of the Doukhobor Community hereby petition to have School Districts formed in our several

localities. There are not among us men able to write English and so form Districts according to law; we also do not desire that we wait until the Doukhobor Community organize Districts so that our children may learn English and appoint a Commissioner to manage same. (18)

As a result of this action several school districts were established. Archer then took formal teacher training, received a certificate, and taught in the public schools. He continued to be instrumental in the formation and operation of new districts for several years thereafter among both Doukhobors and non-Doukhobors. Often he served as secretary-treasurer of the new districts.

In addition to the work of Archer there were some direct efforts by the government. In 1908, Joseph Megas, a Supervisor of Schools, was successful in organizing two school districts among the Doukhobors in the Prince Albert colony. In his report for 1910 he wrote: "Even the reluctant phlegmatic Doukhobors have awakened and school districts are being organized in their ...settlements at their own request". (19) By 1912 most of the children of the Independent Doukhobors were attending public schools. Also in that year one young Doukhobor, who had studied in Quaker schools in the United States, received a certificate to teach in Saskatchewan's public schools. In 1932 the Independent Doukhobors in the Prince Albert colony could boast "nine public schools, almost entirely under the supervision of Doukhobor trustees and teachers. ...13 qualified teachers, four doctors, one practising lawyer, about 12 university students, and approximately 30 high school students..." (20)

If the Independent Doukhobors accepted the public schools, quickly and completely, those in the Christian Community of Universal Brotherhood (C.C.U.B.), commonly known as the Community Doukhobors, were more cautious. However, many of these moved to British Columbia after 1909 and most of those who remained gradually accepted the schools before the government forced them to do so. An early indication of their interest was evident in a dispute in 1911 when a petition for a school district for the town of Verigin had been filed with the Department of Education. At first the local Member of the Legislative Assembly, J.K. Johnston, opposed this. But then a leader of the Saskatchewan Community Doukhobors, M.W. Cazakoff, wrote to the Department, stating: "Mr. J.K. Johnston...has been of the opinion, all along, that this school was unnecessary. He being unmarried, and having no children is trying to deprive our children of an education. Then too, he would be liable to extra taxes, and this he would rather not pay." (21) The dispute became quite intense involving not only the views of Johnston but those of other local people as well. By 1913, however, through the appointment of an Official Trustee, the problem was resolved and the school constructed.

Cazakoff's support for the public schools was clear, but it was not unqualified. Some Community Doukhobors did not send their children to the public school and when the Official Trustee indicated his intention to force them to do so, Cazakoff appealed to the Deputy-Minister of Education stating:

...I do not think it advisable for the government or any school trustees to enforce the compulsory education on the children of the Doukhobors...and I might say it to you friendly, that if the government enforced compulsory education on the Doukhobors, it would only make trouble for the government as well as the Doukhobors, and will bring no beneficial results. (22)

Cazakoff's appeal was successful. Attendance was not forced but the voluntary attendance of Doukhobor children increased to such an extent that even the School Attendance Act of 1917, which made attendance compulsory generally, caused few difficulties. Later in the decade, when Premier Martin spoke in the Legislature of various school attendance problems, he boasted that "there is not a solitary Doukhobor child in this province attending any school where there is anything but the English language taught". (23) The Premier may have over-stated the situation but there was widespread support for the public schools. This was strengthened further after 1927 when Peter P. Verigin assumed leadership, Peter V. Verigin having been killed in a British Columbia train explosion in 1924. At first Peter P. Verigin attempted to set up a private Doukhobor school system but when this failed, he made a general commitment on behalf of all Doukhobors to support the public schools.

In spite of this, some opposition remained. It came from the radicalism which had earlier expressed itself in the occasional pilgrimage-like wanderings across the prairie, in the brief refusal to use animals for normal farm work, and in the 1918 burning of Peter V. Verigin's elaborate house in the

town of Verigin. The purpose of the burning was to free Verigin from the encroaching worldliness and materialism. (24) It was a religious act and these Doukhobors, who later became known as the Sons of Freedom, gathered around the fire, undressed, and sang hymns. Now, late in the 1920's, they began to see Peter P. Verigin's commitment to the public schools as a departure from true Doukhoborism too. In June of 1928 they issued a manifesto to the other Doukhobors and identified the public school as the cause of wars, revolutions and other calamities plaguing the world, stating:

The cause of all this is the SCHOOL with its wrong orientation, thrusting sadism upon the youthful generation. Especially when a person partakes of higher education, or attends military academies, does he become a truly insane animal. Sometimes, through oversight on the part of a common soldier to salute a general or a lesser officer, the unfortunate is beaten half to death or oftentimes to death.

The clergy, upon graduation from the institutes of higher learning, i.e. the universities, under pretext of religion and fanaticism, inveigle the unwary, bless them in the churches and then send the young people off to war, to kill their own brothers and themselves in the name of their fatherland. (25) -

They pointed to such educated individuals as G.B. Shaw, Tolstoy, Tagore, and Gandhi, and said that they had "received enlightenment through Spiritual Regeneration," not through public schools. (26) Along with this manifesto, they withdrew their children from the public schools.

The emergence of this radicalism among the Doukhobors coincided with an increasingly unfriendly atmosphere in the province. This was expressed in the election of J.T.M. Anderson as Premier in 1929. Anderson was not sympathetic to minorities.

In an earlier position as ~~Director~~ of Education among New Canadians, he had followed the policy that every child should have "an adequate knowledge of the English language and the training necessary for good Canadian citizenship". (27) Now when the Doukhobors withdrew their children from the public schools the government began to prosecute them. When this happened several school buildings were burned down. (28) By mid-July of 1929 a dozen school buildings in Doukhobor areas had been destroyed by fire. A considerable amount of property belonging to the C.C.U.B. was also destroyed. (29) In addition, several nude demonstrations took place in towns near Doukhobor settlements. A total of 55 men and women were convicted and imprisoned, although most for very brief periods. (30) Premier Anderson threatened to hold the C.C.U.B. liable for all damage to public property. The Community protested strongly against this. One Doukhobor said: "British Justice...holds a man innocent until he is proven guilty; there is no...evidence to even suggest that Doukhobors of our Community...had anything to do with the burning of schools". (31) Anderson denied that he was accusing the Community Doukhobors of burning the schools, but then added: "If you and your leader are prepared to acknowledge loyalty to our Sovereign and our Country -- if you both are prepared to endorse our public school system: if you are prepared to give allegiance to what the Union Jack stands for, then there is no cause for further argument or discussion". (32) To this the Doukhobors replied: "State patriotism affects our religious

feelings and our contemplation of the world as a universal brotherhood and the equality of all men upon the face of the earth". (33)

For various reasons the confrontation subsided. According to one account: "The moderation exercised by Saskatchewan civil servants and judges seemed to placate the fears of the Sons of Freedom". (34) Judges in nudity trials granted short sentences and the police offered a reward for information leading to the capture and conviction of school arsonists. This last aspect was significant strategically in that it provided an incentive for other Doukhobors to oppose the extremists. Another factor in the decline was that when the imprisoned Sons of Freedom were released they were expelled from the C.C.U.B. Consequently, they were forced to depend on friends and relatives. Many modified their views.. Others moved to British Columbia where greater confrontations were to take place in the years to come.

C. In British Columbia

1. The Governmental Education Structure and the Doukhobors

The Doukhobors' acceptance of public schools in British Columbia was much more complex than that in Saskatchewan. Part of the reason for this lies in the more orthodox character of the Doukhobors who participated in the migration to the west coast province. There were few Independents. Most were members of the orthodox Christian Community of Universal Brotherhood. Another part of the reason lies in the approach of the British

Columbia government. Because of the unusual homogeneity of the population, its education system began and continued in a highly uniform way. (35) As in other provinces, the first schools were started by churches, but Governor Seymour, in an 1867 address to the Legislative Council, expressed his opinion "That when the time comes for the establishment of a large common school, religious teaching ought not to be allowed to intrude". (36)

His opinion became a reality when in the next decade a public school system was set up. This early school system also included an attendance requirement although this applied only to children between the ages of 7 and 12 years of age, and only if they lived within three miles from a school accessible on public roads, and even then only for six months per year. (37)

The control over the schools was more centralized too. In the prairie provinces the public schools were to be set up at local initiative and administered by a board of local trustees but in British Columbia, the central Council of Public Instruction was stronger relative to the local boards. This tended to bring school issues into the arena of provincial politics even though it might have been possible to resolve them locally.

The Doukhobors' first contact with the school system of British Columbia came soon after they arrived in 1909. (38) By 1910, some of them who lived in areas where public schools were established, discovered that their children were expected to attend. They complied without complaint. In 1911 the school district of Grand Forks built the Carson school near Community

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lands to accommodate more Doukhobor children. Soon thereafter the Community Doukhobors built a school on their own land near Brilliant. It was an official public school with an all-Doukhobor board. It opened in 1912 with an enrolment of 48 pupils.⁽³⁹⁾ And the teacher, Beulah Clarke Darlington, spoke highly of the virtues of the Doukhobors and the experience in general. In a letter to a local newspaper she stated:

It is a relief to find people with no pretense who are willing to work with their hands, and who show, by the wonderful development of that country, that they are capable of working with their brains as well; who are content with simple pleasures and who keep a right outlook on life because they are not striving after wealth or trying to attain a position in society which is worthless when procured.⁽⁴⁰⁾

The Doukhobors were "very much pleased with the teacher".⁽⁴¹⁾ They encouraged Darlington to bring some of her friends to serve as teachers and planned to expand classroom facilities for the coming year. Then, suddenly, there was an interruption. The school children were withdrawn, not to return until four years later. The reason was the arrest of five Doukhobors.⁽⁴²⁾ They were charged with failing to register a death and sentenced to three months in prison.

2. Conflict and a Commission of Inquiry

This incident, although small, marked the beginnings of conflict. The Chief Constable for the Grand Forks area met with Peter Verigin and was informed that the Doukhobors at a large meeting had decided not to register births, deaths, and marriages

even though the law required it. (43) When the Constable reported this to the Attorney General he was told: "You may inform Mr. Verigin...that the laws of British Columbia must be obeyed...and...will be strictly carried out, without any favour being shown to him and members of his Society". (44) At this the Doukhobors sent a letter dated July 16, 1912, addressed to "The Government of British Columbia", to explain their position. They said, among other things:

We believe that the favourable adorable power is ruling all the world and endeavour to be written in eternal life book, and propose ourselves obligation to live quietly and to employ honest labour on the earth, so as to get substance. All the human race registration we calculate unnecessary. We can say, briefly, our religion confines on two commandments to be gentle and to employ agriculture. (45)

Alongside this exchange with the government, the public was also becoming involved. Newspapers criticized the Doukhobors for not taking the oath and for co-operating poorly with the 1911 census. (46) And local citizens expressed concern that they were becoming numerous and might "swamp the community" and "that it would be impossible for them to be assimilated". (47) To deal with the problem the Conservative government of Sir Richard McBride appointed a Royal Commission to make a broad inquiry. The person chosen for the task was William Blackmore, a newspaper editor from the nearby town of Nelson. When Blackmore came to the Community, he was welcomed in an elaborate way.. The Doukhobors showed him their orchards and saw-mills and talked of their plans for further development. They also invited him to their religious assembly where the children sang

for him. In one such ceremony, a young boy stepped forward and said:

We've been attending school during the eleven weeks it was in session, but we no longer wish to go to school again, because the teacher, though very kind, belonged to the people who had put our friends in prison. (48)

Blackmore stayed with the Doukhobors for almost four months and held long public hearings. He also made a trip to their settlements on the prairies. At the end he produced a report that was sympathetic to the Doukhobors but did not relieve them from the responsibility of abiding by the laws of the province. Regarding their refusal to register births, deaths and marriages, Blackmore stated:

They will not register because they desire to remain unmolested in their communal life. They want no interference, as they call it, which means no intrusion of any kind. They claim that birth and death are the acts of God, and call for no cognizance on the part of man; and as to marriage, they take the high ground that it is purely a matter between the contracting parties. (49)

Blackmore also found that they feared that registration would somehow lead to military service. A general statement submitted by the Doukhobors set forth their views in the following way:

...the registration intimately...tied...with religious faith...we wish to be citizens of all the world, and do not wish to register our children in the Royal Crown Government books;...

We are not refusing to give knowledge of increase or decrease of our Doukhobor Community people in ten or five years once. But to enter in your register books we will never do it. Because we calculate we are already registered in the Book of Life before Him the Founder, which is called Eternity. (50)

On the matter of their opposition to public schools Blackmore found that they were concerned that "education was

likely to make the children discontented with their life of cultivation of the soil followed by their parents," and that this "would tend to separate the children from their parents and from the customs and habits of the Community": He reported further that the women had said that "among them crime was unknown, and that, whereas among educated people poverty existed, no Doukhobor ever suffered for want of food or clothing; so... while the laws spoken of were needed for other people; they did not think they were required among the Doukhobors." (51)

The Doukhobors also submitted a statement of their own. In it they listed three reasons for their objection to the public schools:

1) The school education teaches and prepares the people, that is children, to military service, where shed harmless blood of the people altogether uselessly. The most well educated people consider this dreadfully sinful such business as war, lawful. We consider this great sin.

2) The school teaching at the present time had reached only to expedience for the easy profit, thieves, cheaters, and to large exploitation working-class laborious on the earth. And we ourselves belong to working-class people and we try by the path of honest labour, so we may reap the necessary maintenance, and to this we adopt our children to learn at wide school of Eternal Nature.

3) The school teaching separates all the people of the earth. Just as soon as the person reached read and write education, then, within a short time leaves his parents and relations and undertakes unreturnable journey on all kinds of speculation, depravity and murder life. And never think of his duty, respecting his parents and elder-ones, but he looks opposite, turning themselves, enslaving of the people, for theirs own licentious and insatiableness gluttony,... educated people, swallow down all the national peoples...the people suffer from not having land even a piece of daily bread...we distinctly understand instruction of Christ, we holding on to Community life and we calculate all the people on earth are our brothers... (52)

These three objections -- that the education of the public schools leads to militarism, that it is not practical, and that it alienates people from one another, thus militating against community life -- were to be referred to again and again in the following half century as the controversy continued. (53)

In his report, Blackmore also recorded his positive impression of their own provisions for the education of their children, stating:

It must not, however, be supposed that, because this misguided people refuse elementary education for their children, they do not give them the best home training.

The children are intelligent, respective, and observant. The home life is almost ideal. They are taught all the cardinal virtues with which most of us, as children, were acquainted, but which are now too often regarded as old-fashioned -- such as obedience, reverence, industry, and thrift; and it is not a little to the credit of their parents to find that the chief objection that they entertain to education is, that they fear that secular teaching may undermine the religious spirit. (54)

Blackmore also praised their capability as agriculturalists, the water irrigating system that they had developed, the large orchards, and other things, stating:

...it is not out of place at this point to comment on the wonderful success that has attended the fruit-growing operations of the Doukhobors.

To them it was a new industry. They had never been engaged in it before coming to British Columbia. Yet, today, if you were to go through their orchards, you would find that they are the cleanest, the best-kept, the heaviest-cropped of any in the district,...

In addition...the Doukhobors have manifested a spirit of enterprise at Brilliant by putting in a splendid concrete reservoir capable of holding 1,000,000 gallons of water, and from this reservoir the water is being piped all over the Settlement. It is to be used both for domestic purposes and irrigation.

The reservoir will be supplied partially from a creek in the mountains, and partially by an immense pumping plant which the Doukhobors have erected...on the banks of the Kootenay River. This is the largest pumping plant in British Columbia,....

Besides the farming industry, the Doukhobors have established saw mills on all their properties, which are used chiefly to convert the timber into building material... They have also a good brick-making works at Grand Forks, which is producing a high-class brick, commanding a ready sale. This brick is being used in the new Government Buildings at Grand Forks, which is a fair testimony as to its quality. (55)

In spite of Blackmore's high respect for the Doukhobors, he recommended that they should be required to obey provincial laws. However, he cautioned against "drastic steps...to force their immediate compliance", stating: "persecution is fuel to the flames of fanaticism. Withdraw the fuel, and the fire will die out". (56) He suggested a policy of "patience with the people" and "pressure on their leaders", and that, "if it is found necessary to resort to prosecution and conviction ensues, it is desirable that the punishment should take the form of fines rather than imprisonment." (57) Prison sentences, he felt, might nurture a martyrdom complex. He also recommended that to facilitate the registration of births, deaths and marriages, a member of the Doukhobor Community be appointed as a Sub-Registrar. And to facilitate matters in the schools he said that "Russian teachers could be employed in conjunction with Canadian teachers, and that the curriculum be modified so as to include only elementary subjects." He also suggested that a permanent Doukhobor agent be appointed to serve somewhat like Indian agents. (58)

Most of Blackmore's observations and recommendations were such that a mutually satisfactory compromise might have developed. But the Doukhobors' disposition towards a compromise was set back, in a drastic way, because at the very end of the report, Blackmore recommended that their exemption from military service be cancelled. (59) This was most upsetting to the Doukhobors. They had asked the Commissioner a number of questions about the possibility of war between Britain and Germany, the probability of Canadian involvement, and the status of their exemption. (60) Now they felt confirmed in their suspicion that a connection existed between registration requirements, school attendance requirements, and military service. They were strengthened in their position. (61)

3. Conflicts, Solutions, and Conflicts Again

The moderate tone of Blackmore's report was disappointing to the authorities. (62) Supported by local citizens they soon discarded his counsel for patience. In August of 1913 proceedings began for an inquest into an uncertified burial and to obtain evidence the body was exhumed. (63) When two constables tried to make an arrest the Doukhobor opposition was so strong that they were not able to do so.

Attempts to have the children attend public school were unsuccessful too. In addition to the objections raised by the Doukhobors earlier, they now took issue with a newly introduced program of military drills in the schools. The Department of Education had started the program, which included rifle shooting,

for the general purpose of fostering "the spirit of patriotism in the boys, leading them to realize that the first duty of every citizen is to be prepared to defend his country". (64) The formation of cadet corps in the schools was encouraged and teachers were trained to lead the program and even to become officers in the corps. By 1913, the number of teachers so trained was 1,279.

When the Doukhobor opposition continued, the authorities looked for more efficient enforcement procedures. This led to the Community Regulation Act passed on March 4, 1914. (65) Its provisions were simple although unusual. It made the Community liable for an infraction by any member. It defined a member of a Community as one who "has been found in, upon, or about lands in the Province which are occupied by two or more persons under tribal or communal conditions as distinguished from the ordinary and usual conditions of family life and residence." (66) To establish a person's membership in a community, the Act stated: "It shall be sufficient proof that a person is a member of a community if it be shown on the oath of one witness that such person has been found in, upon, or about lands..." (67) And by way of enforcement, the Act provided that to recover a penalty imposed on a person as a member of a community, the goods and chattels of that community, "shall be liable to distress and sale" and "no personal service of any warrant or process of distraint shall be necessary". (68)

As the authorities became more threatening, some Doukhobors, apparently against the advice of Peter V. Verigin,

responded with a threat of their own. They sent a long list of grievances to Attorney-General Bowser and then said:

The (Community) Doukhobors, of whom there are six thousand members, are planning beforehand in this case, to all, take off what clothes still remaining on them after the plunder they have been subjected to in Saskatchewan, take them and throw them into the faces of your officials in Nelson and Grand Forks, and leave themselves stark naked on the very streets of the town. This will be a good illustration to show the attitude taken by the government officials, in regards to Doukhobors. (69)

The Attorney-General replied that if the clothes came off the law against indecent exposure would be enforced. (70)

As the confrontation became increasingly intense several non-Doukhobors tried to intervene. Blackmore continued to counsel moderation in the columns of his newspaper. (71) A lawyer from the town of Nelson wrote to the Attorney-General stating: "I contend that the Grand Forks people are not playing the game square as far as these people are concerned.

They welcomed them to their midst and took their money for the land, and now, when they have made a success of agriculture in that district, they want to drive them out..." (72) A CPR superintendent urged the government to seek a compromise so as to avoid "injury to the religious convictions of the Doukhobors". (73) A.E. Miller, Inspector of Schools, was cautious too. He predicted that "any attempt to enforce attendance will be met with opposition through the courts". (74) Others, however, supported the action of the government. A group of Quakers from Pennsylvania who had earlier supported the Doukhobors now said: "The sooner the Commune is broken up, the sooner will be real progress amongst these simple, misled people". (75)

For a time the trends pointed towards a harsh confrontation. A.E. Miller, the Inspector of Schools was instructed to warn the Doukhobors that "the refusal to comply with the requirements as to education would mean the breaking up of their community..." and in August of 1915 the Attorney-General issued instructions to enforce the Community Regulations Act. (76)

Then, suddenly, a compromise appeared. On September 20, 1915 the Attorney-General promised a delegation of Doukhobors that no military training would be forced upon their children and that they would be excused also from the religious exercises. (77)

The Doukhobors in turn promised that their children would return to both the Carson and the Brilliant schools. The compromise resolution, clearly supported by Peter Verigin, came unexpectedly but to the Doukhobors it was satisfactory. In the next few years they built nine additional schools although these were administered, not by local boards, but by a government appointed Official Trustee. At one point, in the 1920-21 school year, the enrolment rose to 414, which was more than 80% of those eligible, although the attendance was said to be little more than 50%. (78) Inspector Miller, following a policy of caution and patience, did not press for full attendance.

This reasonably satisfactory compromise lasted for several years but soon after World War I there were signs of strain. In large part these came from a more general hostility towards the Doukhobors because of their exemption from military service. In February of 1919 a meeting of returned soldiers in Nelson demanded that all Doukhobors be deported to Russia and

that their lands be given to veterans. A meeting of citizens declared its support for the veterans and at one point a squad of twelve ex-soldiers actually went to see Verigin to force their demands upon him and apparently he signed an agreement to turn over the Doukhobor lands to the Soldiers' Settlement Board. (79) A few days later, however, Verigin wired Arthur Meighen, the Minister of the Interior, that he had signed under duress. Meighen, who according to George Woodcock "consistently proved fairer to the Doukhobors than his Liberal predecessor Frank Oliver," ruled that the Soldiers' Settlement Board had no right to carry out expropriations. (80)

The soldiers' claim to the land was thus disposed of but the general criticism of the Doukhobors continued. This led some Doukhobors to withdraw their children from school. However, a 1920 amendment to the Public Schools Act broadened the compulsory attendance provisions. Moreover, Inspector A.E. Miller, under whose patient supervision things had worked reasonably well, was no longer there. He had been replaced by E.G. Daniels who ordered the construction of several new schools at Doukhobor expense and began to press for better attendance. In December of 1922, the Grand Forks School Board took legal action against eight cases of truancy. Fines were imposed and when they were not paid some community property was seized. However, before it could be sold Community officials intervened and paid the fines. (81) In April of 1923, Inspector Daniels pressed further. Fines of \$50 each were levied on six parents and when they were slow in paying a large

truck, used by the Community for farm work, was seized. Again the Community paid the fines. But soon thereafter, in May of 1923, a school building was destroyed by fire.⁽⁸²⁾ In the months that followed a total of nine schools in the Brilliant area were destroyed, the burnings in each case coinciding with some attempt on the part of the police to seize property in payment of fines.

The action of burning schools, if it was done by the Doukhobors, was new. There were some acts of civil disobedience in their history. Also, from time to time property had been destroyed as a way of curbing materialistic influence. However, this more widespread destruction was a departure from their tradition. It also created a new dynamic among the Doukhobors. Those who committed these acts were only a small minority, and Community leaders and other members tried hard to dissociate the Community from such acts. At one inquiry a teacher of a burned school testified that the Community Doukhobors had, "instead of burning the schools been guarding them and that the destruction has been the work of a small but fanatical element among them."⁽⁸³⁾ The authorities, however, did little to apprehend the guilty individuals. Instead, they followed the orientation of the Community Regulation Act and held the Community liable for the depredations. This was most disturbing to the Community. Verigin publicly declared that the Community as a whole had nothing to do with the burnings and that many of their children were still attending school.

While dissociating themselves from the acts of destruction the Community also charged that School Inspector Daniels was using undue compulsion in pressing for attendance. They warned that if the prosecutions continued then they would not be able to guarantee the safety of other schools. In a letter to the Minister of Education, dated May 17, 1923, they said:

...it is apparent that the government is only seeking an excuse to create a quarrel with the Doukhobors, on the basis of the school issue.

Doukhobors are fanatics - so the English say, but what can we term the action of Mr. Daniels? This is more than fanaticism. What compels them to take such measures when the school question is so favourable, and the people are living peacefully, working and cultivating their own holdings... You are only expert at ruining peaceful residents and plundering the proletariat...

There is a saying: "One fool can roll a stone off a mountain top into a river, but ten wise men, try as they may cannot take it up again." Mr. Daniels rolled this stone down, although it's not yet of very large proportions. He too must salvage it from the nether regions before it is too late. (84)

In April of 1924 Verigin's own house was destroyed. He then appealed to the Premier for protection and offered to provide the names of the 20-30 arsonists but to his surprise, there was little interest in his offer. (85) The government, instead of seeking to apprehend the guilty individuals, levied special taxes on the Community in order to pay for the destroyed property. On October 24 of that year an event of even greater significance occurred. Peter V. Verigin, the great Doukhobor leader, was killed in a train explosion, along with eight other people. The reason for the accident was never established. Many blamed the "fanatical" Doukhobors but some Doukhobors

thought that the government had killed him. The question was never satisfactorily resolved. In 1939 an editorial in The B.C. Teacher stated: ..

It is nothing short of a national calamity that our police failed to discover the culprit and it is without saying that the Doukhobors themselves claim that failure on the hypothesis that Verigin was murdered by agents of the Canadian government. For such assassination their memories and traditions of the government of Russia supply plenty of precedents. (86)

The death of Peter V. Verigin did not interrupt the efforts of the authorities to enforce the law. Prosecutions continued. Fines were imposed. Community property was seized. And most of the remaining Doukhobor children still in school were withdrawn. In a court session on April 9, 1925 a total of \$4,500.00 in fines was levied. When the Doukhobors refused to pay, "Inspector Dunwoody, ten deputies, and 100 citizens forced their way into C.C.U.B. warehouses and seized office equipment, building supplies, and produce, appraised at \$20,000.00 by the Community". (87)

Then, suddenly another solution appeared. The new Doukhobor leader, Peter P. Verigin, son of the late Peter V. Verigin, wrote from Russia that "all children should be sent to school and no protests held until he arrived". (88) The Doukhobors accepted this advice and a three-year period of calm followed. In the summer of 1925 the Community built five new schools and in the next few years they erected several more. When Peter P. Verigin arrived in Canada in September of 1927 he spoke of wanting the Doukhobors to have the best possible education while retaining their religious faith. He also had

plans to set up private Doukhobor schools. To assist in this he had brought Paul Biriukov, a friend of Tolstoy. Provincial authorities, however, turned down a proposal so the effort was redirected to Russian language classes after regular school hours, and to choirs, and other cultural activities to supplement the public school programs. (89) Peter P. Verigin's new directive settled the question of attending public schools for a majority of the Community Doukhobors. Those who were not persuaded gradually became known as the Sons of Freedom.

4. The Sons of Freedom and Mass Imprisonment

One of the primary concerns of the new leader, Peter P. Verigin, was the disunity among the Doukhobors. To deal with this he formally decentralized the Christian Community of Universal Brotherhood and divided it into "branch communes" of up to one hundred men, women, and children. (90) Each "commune" would be responsible for cultivating a portion of land and for selling the products to the Community's factories and grain elevators and also for collecting certain assessed fees from each member for the Community. The change was significant. Money would now be used much more in the exchanges within the Community. And the land, while still owned by the Community, would be cultivated for profit by individuals.

Verigin hoped that this new and more decentralized structure would be able to accommodate all the Doukhobors. He called on them to come together, praising each group: the Independents for their industry; the Community members as the solid core of the movement; and the Sons of Freedom for being

"the ringing bells who cleared the way for the movement". (91) He also indicated that the new organization would stress "non-violence, marriage based on love, registration of births, deaths and marriages, internal settlements of all minor Doukhobor disputes, expulsion of criminals, and the acceptance of public schooling (except where hatred and imperialism were taught)". (92)

In spite of this effort to accommodate them, the Sons of Freedom followed a course of their own. They believed that Verigin had a certain divinity but they reinterpreted his directives. They reasoned: "our leader is really trying to confuse his opponents -- the government and others -- just as the Doukhobors of old used to confuse the Orthodoxy in Tsarist Russia". (93) They held that the true meaning of his words was the exact opposite of their apparent meaning. They took his description of them as the "ringing bells" of true Doukhoborism as an endorsement of their more radical approach and, says one student, their ideas were strengthened "when the following of these inverted orders resulted in punishment", since "suffering had long been looked on by the Doukhobors as an essential part of achieving purity". (94)

Initially, the Sons of Freedom numbered only a few hundred but their ranks were soon to grow. (95) In January of 1929 they withdrew their children from school and announced that they would not be returning. (96) This resulted in ten arrests which in turn led to a nude demonstration. Verigin quickly denounced and disowned them. In a press release to newspapers dated February 6, 1929, he stated:

Please take notice that the Christian Community of Universal Brotherhood, Limited, had nothing to do and will never have any connection with these people and with their dirty insolent violence, and all their stupid, childish actions, such as unclathing to the skin...these persons do not belong to the membership of the Community. The Community is not taking any responsibility for their actions materially or morally and moreover the Community refuses to consider such persons as brothers and to have any connections with them. (97)

In March of 1929, the Sons of Freedom made a public statement of their own. A letter addressed to "the Executives of all Countries: Judges, Government Inspectors, Police and all other servants of man-made Laws", stated in part:

The time has come to reveal...why we reject the Government schools and their orders. We are conscious of our history, and denote it by saying that Christ was the first Doukhobor. We are the direct Spiritual descendants of the Apostles of Christ and his followers, the so-called Christian martyrs of this time. It was the same kind of Government as the Canadian, that crucified Christ two thousand years ago...Savage barbarism is practised today as freely as two thousand years ago...here is an example: the poor half-starved miners in England - supposed to be the wealthiest nation in the world... Take our Government school education; people are so hypnotized by it that they do not see that its results are demoralizing. The present Government schools are nurseries of militarism and capitalism... If there are men to be found among educated people like George B. Shaw, Tolstoy, Tagore, Ghandi, and many others, these men received enlightenment through Spiritual Regeneration, heeding the voice of Christ, and if such men are to be given honour, it was not attained by college education. Our whole history is marked by cruel persecutions by the churches, governments and capitalists. These persecutions are on account of our loyalty to Christ's teaching and our uncompromising refusal to submit to any Authority but God's... (98)

In the summer of 1929 numerous acts of property destruction occurred. In most instances it was property used by the Community Doukhobors. On June 29, 1929 three schools which the

Community Doukhobors had built in 1925 were burned. In August three more schools, a flour mill, and a warehouse belonging to the Community were destroyed. (99) When two men were arrested, demonstrations involving nudity took place. This resulted in the arrest of 104 persons, 55 men and 49 women. They were convicted for indecent exposure and sentenced to six months at the Oakalla Prison Farm in New Westminster, B.C. Some of their children were held in custodial care by the province until the parents were released. (100)

This was the first of several mass imprisonments but the government was firmly set on its course. In August of 1929 the Attorney-General stated that in order to put an end to the troubles, the government proposed "to sequesterate a number of their younger children by proper court action under the Neglected Children's Act and place them with such bodies as Children's Aid societies for education...If the Doukhobors behave themselves for a period they will get their children back. If they persist in disorderly habits they will lose more children until we have them all under training institutions." (101)

In February of 1930 those who had been imprisoned were released but they now found that they were not accepted as members of the Community any longer. Community officials expelled them. But some in the "branch communes", especially in the poorer ones, welcomed them. This led Verigin to withdraw all loyal Community Doukhobors from those areas, thus creating a more complete separation of the Sons of Freedom from the other Doukhobors. This, however, did not prevent the acts of property

destruction from reappearing. But, to the consternation of the Community, the police did not seem eager to apprehend the guilty individuals or to protect its property. The Community wanted the Sons of Freedom removed from its property and offered to pay the cost of a governmental investigation into the problems. (102)

At one point Peter Verigin complained: "the police are standing and looking...what is the use of building schools when they are burning and dynamiting them faster than we can build them". (103)

Verigin's complaint seems to have been well-founded. The depredations were attacks on the Community but the authorities tended not to distinguish between the Sons of Freedom and the Community Doukhobors. Moreover, while the nude demonstrations included large numbers of the Sons of Freedom, it is believed that the acts of property destruction were committed by only a few individuals. The police were quick to arrest the nude demonstrators but their approach to the acts of property destruction tended to be little more than that of holding the Community liable. There seemed to be little determination to prosecute those individuals who committed these acts.

In pursuing this policy, the provincial authorities received help in a unique form from the federal government. In August of 1931, the Criminal Code was changed so as to provide "a mandatory penalty of three years' imprisonment for nudity in a public place". (104) Since prison terms extending beyond two years could be served in federal penitentiaries, this change brought some financial relief to the provincial government.

Also, it was an election year in British Columbia and the provision made it easier to project an image of "getting tough" on the Doukhobors. As a deterrent to the problem, however, this lengthening of the prison term was not effective. The demonstrators wanted to make a religious witness and the longer imprisonment could only enhance the martyrdom which they sought. (105) Instead of stopping the demonstrations they became larger. One participant later spoke of them in the following way:

You see the (zealots) refused to pay their taxes, refused to comply with the ownership regulations; they just refused...and had written a kind of appeal to everyone to the effect that the time had arrived when we must take this ownership from Caesar and give it back to God... It was a wonderful sight. I doubt if this planet had ever seen anything like it... It was a protest against land ownership and all ownership - against the Caesar's injustice that he has taken the cosmic property into his own hands. (106)

The demonstrations took on such proportions that in the spring of 1932, approximately 600 adult men and women were convicted for nudity and sentenced to three years' imprisonment. To serve their sentences they were sent to Pier's Island, forty miles from Victoria, where special facilities were erected. As the train carrying the convicts departed from the Kootenay Valley, they sang the hymns of their martyred forefathers. It was like a spiritual pilgrimage. (107)

No less significant than the imprisonment of the parents was the custodial care provided for their 365 children. In part it was simply a matter of taking care of the children while their parents were in prison, but there was also the hope

that by exposing the children to a new environment their attitude would change. In the first objective the program was successful. Reports indicate that the children were cared for relatively well. But on the second objective the outcome was different. A 1947 study concluded: "It is known that some of these children are actively participating in the quasi-anarchistic activities of the present day". (108)

The children's placement did not last the three years. The depression of the 1930's had set in and there were public complaints about money being spent on the Doukhobors. So after one year, when a delegation of Independent and Community Doukhobors approached authorities with an offer of taking the children into their homes, it was accepted on the condition that they would attend public school. When the parents were released between October 1934 and July 1935, the children were reunited with them.

In the years of their absence school officials reported "better progress" but for 1935-36 an Inspector's report stated:

In the community schools and in those schools in which there is a major proportion of Doukhobors, no great progress has been made in Canadianizing this people. The persistence of the Doukhobors in maintaining their identity as such and in resisting Canadian influence is as strong as ever.

While the children seem to be happy at school, they quit at the earliest possible date and at the present time there are many of school age who, supported by their parents, are defiantly absenting themselves from school. (109)

The issue remained of widespread concern. In 1939 the British Columbia Teachers' Federation suggested that real Canadian

homes "radiating the best in our Canadian mode of life" be placed among the Doukhobors in order to help them to establish intimate contacts with "lovable Canadians" and thus overcome their prejudice. Two years later, the Federation stated that "the supervision and administration of all Doukhobor schools should be vested in a single official, a trained and experienced educator of vision, initiative and wide sympathies, whose contacts with the Doukhobors will justify affection and confidence, and that it would be part of wisdom to entrust such a man with authority to adjust the curriculum..." (110) Some years later the Federation recommended that the teachers for the schools among the Doukhobors be chosen with special care, that they be given a wide liberty to adapt the Curriculum to the needs of the Doukhobors, and that attendance be enforced consistently but only with fines and not with prison sentences. (111)

During the second world war the Sons of Freedom were relatively quiet. There had been some attacks on the property of the Community but these ceased in 1938 when the C.C.U.B. went into formal bankruptcy. The reasons for the bankruptcy were mixed. The many depredations and the depression will have had a significant effect but it has been argued that certain governmental policies also contributed to it. (112) Some time after this the Community changed its name from the Christian Community of Universal Brotherhood to the Union of Spiritual Communities of Christ, U.S.C.C. Then in 1944 there was a demonstration in which "women's clothes and jewelry were burnt as symbols of the vanity of modern civilization". (113) Soon thereafter, the house of John J. Verigin, who had succeeded

Peter P. Verigin as leader of the Community Doukhobors, was burned. From then until 1947 there were over one hundred acts of depredation. Most of these were again directed against other Doukhobors as a protest against the prosperity and materialism that they had accepted during the war years. But some were directed at public property, including a C.P.R. station, a bridge, and schools. (114) The U.S.C.C. condemned the destruction and John J. Verigin publicly asked for police protection for his followers.

To deal with the continuing problem, the government of British Columbia in September of 1947, appointed Judge H. Sullivan to conduct an inquiry into the cause of the disturbances and to recommend a remedy. (115) He began to hold public hearings but neither the Independents nor the U.S.C.C. Doukhobors wanted to become extensively involved. And the Sons of Freedom seem not to have presented their views in a clear way either. One person wrote to the Inquiry stating: "Schools, forced upon the Doukhobors by the government were destroyed by fire because schools are propagators of a false conception of civilization, patronizing the beast, militarism." (116) Most of their statements, however, were confusing. According to one account, they created "an epidemic of true and false confessions, of accusations and counter-accusations that brought an atmosphere of pseudo-religious hysteria into the courtrooms." (117) The situation was such that Judge Sullivan soon adjourned the hearings in exasperation. He described the Sons of Freedom as lunatics and criminals and recommended drastic penal action against them. (118) He also stated that:

It requires very little observation and thought to come to the definite conclusion that the only real and permanent solution to the 'Doukhobor problem' lies in education and assimilation; and with this thought in mind I feel that opportunity must be provided the Doukhobor children to participate in all the educational, cultural and recreational activities which our larger schools afford. Such things as libraries, manual training, domestic science, organized games, even modern sanitary facilities, would all contribute to the social education of the Doukhobor child, enabling him to mingle and fit in with Canadian children of different religious persuasions than his own but with whom he must live and work in later years. (119)

The government did not act on Sullivan's brief report immediately but when the depredations continued the Attorney-General, in the Spring of 1950, asked the President of the University of British Columbia to assemble a group of social scientists to study the matter in a deeper way. The invitation was accepted and led to a two year study by twelve researchers, under the chairmanship of anthropologist H.B. Hawthorn. Their lengthy report, which became known as the Hawthorn Report, was similar in tone to the 1912 report of Blackmore. It showed considerable sympathy and respect for the Doukhobors but called also for compliance with the laws. As a matter of strategy, it recommended "a balance of pressures and inducements". (120)

Claudia Lewis, one of the social scientists engaged in the study, advised against removing children from their parents. Instead, schooling should be made more acceptable to the Doukhobors. She suggested that Doukhobors be included on local boards, that the practises of saluting the flag and singing patriotic songs be abolished, that some teaching of the Russian language and

music be included, that the reading program be modified to include excerpts from Tolstoy, and that some aspects of the social studies program be changed too. Notwithstanding these proposals for change, the report did not rule out prosecution as a way of dealing with cases of habitual truancy. (121)

The course of action proposed by this lengthy study was not followed, at least not immediately. The Sons of Freedom explored the possibility of migrating to Uruguay, although this did not materialize. (122) And the government which had commissioned the study was defeated in the 1952 election. The Social Credit party which then came to power was in a minority situation at first so in 1953 it went back to the people in an effort to get a majority. In doing so "getting tough with the Doukhobors" became a priority. (123) Social Credit received the desired majority and on September 9 of that year 148 Doukhobor adults were arrested and imprisoned for parading nude near a school. Some argued that the parade had taken place half a mile from the school but that was of little consequence. They were taken to Vancouver in a train that had been especially prepared for them. There a court was convened the next day in a community hall and all those arrested were sentenced to three years at the Oakalla prison. (124) In addition, 104 children were loaded into buses and taken to New Denver, an old mining town, where the buildings of an old sanatorium served as their dormitory. The government invoked the Children's Protection Act to make them wards of the Provincial Superintendent of Child Welfare. Occasional police raids on the settlements of

the Sons of Freedom brought more children to New Denver. In one such raid, 70 police officers entered the small village of Krestova before dawn and seized 40 children. (125) One mother said of the officials performing these raids: "They sure made a very poor example for well-educated people with such brutality. Now they want my child to attend the same school as they did, and make the same brutal and Godforsaken person out of her like they are themselves." (126) A total of 170 children passed through the institution. They attended the regular public school in the town of New Denver while evenings and weekends were spent in the dormitory. Parents were allowed to visit their children two Sundays per month.

Understandably, the project drew a lot of controversy. Civil libertarians protested the brutality of a government that would separate children from their parents in this way. Journalists wrote numerous stories about it. One reported on the death of a woman found hanging from a beam in her home with a note beside it from her nine year old daughter at New Denver, saying: "Mommy, I am lonesome for you - come and visit me. I love you. Goodbye." (127) The government also publicized its point of view. It stated that it was "the birthright and privilege of every Canadian child to receive an education" and that since the Sons of Freedom refused to send their children to school the government had no alternative. It pointed out also that of the 12,500 Doukhobors in the province only about 2,500 belonged to the Freedomite group and that of these only about 46 families continued to refuse to send their children to school. (128)

For their part, the Sons of Freedom lodged a complaint with the United Nations under the Genocide Convention which condemns the forcible transferral of children from one group to another. (129) They also challenged the action of the government in the courts arguing that the question was one of freedom of religion. However, the Judge, Sidney Smith, J.A., did not accept that argument. In what became known as the Perepolkin case, he said:

I, for my part, cannot feel that in this case there is any religious element involved in the true legal sense. It seems to me that religion is one thing: a code of ethics, another, a code of manners, another. To seek the exact dividing line between them is perhaps perilous but I absolutely reject the contention that any group of tenets that some sect decides to proclaim form part of its religion thereby necessarily takes on a religious colour. I turn to the affidavit relied on by the appellants: ...the objection to public schools is that they interpret history so as to glorify, justify and tolerate intentional taking of human and animal life or teach or suggest the usefulness of human institutions which have been or can be put to such purposes. ...that public schools 'expose their children to materialistic influences and ideals.' ...that Doukhobors object to education on secular matters being separated from education on spiritual matters.

This clearly to my mind involves the claim that a religious sect may make rules for the conduct of any part of human activities and that these rules thereby become...part of that sect's religion. This cannot be so. (130)

At one point some thirty Doukhobor women went to see Dr. Campbell, the Deputy Minister of Education. Campbell told them that if they would agree to send their children to school, they would be returned. "We can't change the laws of the country," he explained. The Doukhobor women replied: "We can't change

the laws of God either". (131) The other Doukhobors, even though they had often sought to dissociate themselves from the Sons of Freedom, were sympathetic to them in this situation. They too appealed to the government but without success. Eventually, in 1959, when the parents appeared before a Judge in Nelson and promised that their children would attend the regular public school they were returned to their homes.

D. Conclusion

When the Doukhobors agreed to send their children to the public schools it was, in a sense, a victory for the provincial government but the confrontation had been long and harsh. One question which needs to be considered at the outset is about the relationship between the school issue and the destruction of property. The destruction of property in British Columbia was serious and widespread, more so than this study indicates. (132) But it was only one aspect of the encounter between the Doukhobors and the larger Canadian society. It was not there in the early period and later, in spite of its seriousness, it involved only a very small portion of the people. Indeed, it has been suggested that much of it was done by non-Doukhobors. (133) Another assessment, made after an interview with the Attorney-General of British Columbia, holds the Doukhobors accountable but says that "the real terrorists who destroyed public property...probably numbered no more than two hundred, a black elite belonging to a few families..." Another six hundred engaged in "exhibitions of nakedness and the burning of their own shacks,..." (134) This made for a total of eight

hundred, less than one-third of those who identified themselves as Sons of Freedom who in turn were only a small portion of the total Doukhobor population of Canada. (135)

Even though it involved only a small number of people, it remains true that the depredation was serious and that the government simply had to deal with it. Perhaps, however, its strategy could have been different. In the early years there were many complaints that the government, instead of making every possible effort to arrest the individual "terrorists", seemed to place more emphasis on simply holding the Community, then known as the Christian Community of Universal Brotherhood, liable for all the destroyed property. Later, when the nude demonstrations became more common, the government found it easier to arrest these demonstrators than to pursue those who destroyed property. It was a strategy markedly different from that used in Saskatchewan where the government offered a reward for information leading to the arrest and conviction of the guilty individuals. That strategy had the effect of isolating the individuals.

The British Columbia government appears to have perceived the acts of arson, not as acts committed by individuals but as a manifestation of "the Doukhobor problem". This broad approach served the "terrorists" well. It allowed them to remain among the Freedomites, to promote their peculiar nihilistic philosophy, and to make their violent activities part of the general Freedomite response to the larger society which, they felt, was

continuously pressuring them to become more integrated. According to one student:

While Freedomite nude parades and destruction of Community property may have been attempts to convert Independents and Community members, incendiary attacks on schools and other non-Doukhobor property were clearly a response to attempts to enforce registration laws and compulsory education... They reacted...against what they viewed as an attempt to destroy their way of life and the faith of their children...also against the Independent and Community members' acceptance of the forces of acculturation. (136)

This interpretation suggests that the primary issue was not the destruction of property but the desire of the Doukhobors to continue in their own way of life. This then raises the question of why the government did not give them the necessary liberty to follow that way of life. One reason why the government did not do so is that the liberty required by the Doukhobors was a very broad one. This may not have been so when they first arrived in British Columbia. At that time they sent their children to the public schools and generally their approach appears to have been moderate. But gradually some of them became more extreme. Their extremism may have been caused, in part, by the actions of the government, including its insistence that they register their births, deaths, and marriages, by the recommendation in Blackmore's report that their exemption from military service be rescinded, by the operation of a program of military drills and cadet training in the schools, and by the determination of Inspector E.G. Daniels, who replaced the more patient A.E. Miller, to enforce the attendance laws in a rigorous way. The extent to which these factors contributed to their

position cannot be known but, clearly, some of the Doukhobors became quite extreme, opposing not only the public schools but formal learning in general. Perhaps this was related to their early teaching about "the God within" which made formal learning less important. Whatever the reason, it was an unusual position and to accommodate it, a very broad liberty would have been necessary.

If the position of the Doukhobors was such as to require a very broad liberty, the position of the government allowed for only a narrow liberty. It insisted on a high degree of uniformity. British Columbia's educational institutions had long been highly centralized. Local Boards had relatively little power. And the province had never had to accommodate a French Catholic or other minority. This background influenced its approach to the Doukhobors. According to John Lyons: "...from the time the Doukhobors arrived in British Columbia the government attempted to enforce uniform educational regulations." (137) It claimed to act in the interest of the Doukhobor child and passed over numerous recommendations that called for modifications in its approach. In 1912, Blackmore recommended that Russian teachers be employed alongside the Canadians, that the curriculum be reduced to include only the elementary subjects, and that the general approach be one of patience. His advice was not followed. In 1939, the Teachers' Federation recommended that the curriculum be changed to make it more suited to the needs of the Doukhobors and that the approach be one that would "justify affection". In 1952, Claudia Lewis, as part of the Hawthorn team, made similar recommendations.

Again, little effort was made to implement them. Whether these modifications would have been adequate cannot be known but the observation of Ewart P. Reid, who studied the situation in 1932 may be significant. He said:

Much of the Doukhobor opposition to public schools arose not because of school per se...but because of the course content and methodology employed. Many of these difficulties arose because of the educational theories and practices...dividing children into grades, or using military drill,...competitive tests and comparative grading,...teaching history with military and political orientations, and refusing to allow the teaching of Russian did nothing to make schools more palatable, even to the Independent Doukhobors. (138)

In the effort to have the Doukhobors conform, the government was helped by the courts. Especially noteworthy is the Perepolkin case of 1959. This arose in relation to the detainment of Doukhobor children at New Denver. Some Doukhobors sought a court ruling that the government was violating the principle of freedom of religion. In rendering the decision, Judge Smith, J.A. set forth the general principle that a declaration by a group that certain things are part of their religion, is not sufficient to give those things a "religious colour" for legal purposes. He then ruled against the Doukhobors, stating that the case did not involve any religious element. The ruling is similar to the position taken by governments in other encounters in that it indicates a narrow view of freedom for religion. In the Mennonite education encounter, the authorities held that the requirement that children attend the public schools instead of the Mennonite private schools did not interfere with their religion. In the Doukhobor land controversy the government reclaimed large areas of land but assured them

that it would continue to protect them in their religious beliefs.

These encounters suggest that governments in Canada tend to view religion as a matter of belief and not as a way of life, involving educational, agricultural and other matters. Accordingly, they seem quite ready to offer freedom for religious beliefs but freedom for a way of life is another matter. Yet there are instances of a broader view. The ruling in the Hofer case protected the Hutterites in their economic practises. In it religion was seen as much more than a matter of belief. In spite of this one case, the basic problem of the narrow view as opposed to the broad view remains. The Perepolkin ruling in 1959 supported the narrow view which, in a sense, the government of British Columbia had been following for decades.

FOOTNOTES TO CHAPTER VI

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4. James Mavor to Leo Tolstoy, July 26, 1928, Provincial Archives of British Columbia, James Mavor correspondence re: Doukhobor immigration to Canada, as quoted in Lyons, "A History...", op. cit., p. 24.
5. Leo Tolstoy to James Mavor, August 16, 1898, as quoted in Ibid.
6. Peter Kropotkin to James Mavor, August 31, 1898, as quoted in Ibid., p. 25.
7. Vladimir Tchertkoff to James Mavor, August 27, 1898, as quoted in Ibid.
8. Peter V. Verigin to "...all the brothers and sisters," November 27, 1898, as quoted in Wright, op. cit., p. 132.
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10. Lyons, "A History...", op. cit., p. 53.
11. Ibid., p. 57.
12. Elkinton, op. cit., p. 89.
13. Lyons, "A History...", op. cit., p. 57 and p. 58.
14. As quoted in Ibid., p. 58.
15. A letter from William Harvey to Ewart Reid, March 16, 1932, as quoted in Ewart Reid, "The Doukhobors in Canada", Unpublished M.A. thesis, McGill University, 1932, p. 117.

16. Letter, H.W. Peel, Secretary-Treasurer to Attorney-General of Northwest Territories, January 16, 1900 as quoted in Lyons, "A History...", op. cit., p. 62.
17. Lyons, Ibid.
18. As quoted in John Lyons, "The (Almost) Quiet Evolution: Doukhobor Schooling in Saskatchewan", Canadian Ethnic Studies, Vol. VIII, No. 1, 1976, p. 25.
19. Saskatchewan, "Annual Report of the Department of Education, 1910", p. 65 as quoted in Lyons, "A History...", op. cit., p. 75.
20. "An open letter to all our neighbours, peaceful citizens, and our Democratic Government of Canada" in the Blaine Lake Echo, April 13, 1932, signed by the President and Secretary of the Society of Independent Doukhobors, as quoted in C.A. Dawson, Group Settlement: Ethnic Communities in Western Canada, Toronto, The MacMillan Company of Canada Limited, 1936, p. 69.
21. M.W. Cazakoff to D.P. McColl, July 5, 1911, as quoted in Lyons, "The (Almost) Quiet Evolution:...", op. cit., p. 28.
22. Letter, M.W. Cazakoff to A.M. Mall, Deputy Minister of Education, July 14, 1913, Verigin School District No. 361 File, as quoted in Ibid.
23. Premier W.M. Martin in the Legislative Assembly, The Martin Papers, SAB, #18478.
24. George Woodcock and Ivan Avakumovic, The Doukhobors, Toronto, McClelland and Stewart, (Carleton University Library No. 108) p. 311.
25. "Open Letter From the Sons of Freedom, 1928" as quoted in Harry B. Hawthorn, ed., The Doukhobors of British Columbia, Vancouver, The University of British Columbia, 1955, p. 261.
26. Koozma J. Tarasoff, "In Search of Brotherhood: The History of the Doukhobors", 1963 (Unpublished manuscript available at the Library of the University of Victoria), p. 588.
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28. Lyons, "The (Almost) Quiet Evolution:...", op. cit., p. 32.
29. Ibid.

30. Lyons, "A History...", op. cit., p. 101.
31. As quoted in Tarasoff, op. cit., p. 600.
32. Ibid.
33. Ibid.
34. Lyons, "The (Almost) Quiet Evolution:...", op. cit., p. 33.⁷
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43. Blackmore, op. cit., p. 34.
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47. As quoted in Blackmore, op. cit., p. 64.
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49. Blackmore, op. cit., p. 54.
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51. Ibid., p. 50.
52. Ibid., p. 52.
53. Woodcock, op. cit., p. 247.
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55. Ibid., p. 32.
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57. Ibid., p. 65.
58. Ibid., p. 66.
59. Ibid., p. 66.
60. Lyons, "A History...", op. cit., p. 123.
61. Woodcock, op. cit., p. 249.
62. Lyons, "A History...", op. cit., p. 123.
63. Tarasoff, op. cit., p. 453.
64. Lyons, "A History...", op. cit., p. 124.
65. Tarasoff, op. cit., p. 457.
66. As quoted in Ibid.
67. As quoted in Lyons, "A History...", op. cit., p. 128.
68. As quoted in Tarasoff, op. cit., p. 457.
69. Ibid., p. 458, see also George Woodcock, op. cit., p. 250, and Lyons, "A History...", op. cit., p. 128.
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98. As quoted in Ibid., p. 588.
99. Ibid., p. 590.
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114. Ibid., p. 328.
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116. As quoted in Mary Ashworth, op. cit., p. 157.
117. Woodcock, op. cit., p. 326.
118. Ibid., p. 327.
119. As quoted in Johnson, op. cit., p. 536.
120. Hawthorn, op. cit., p. 246.
121. Ibid., p. 97ff and p. 248.
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123. Johnson, op. cit., p. 538.
124. Woodcock, op. cit., p. 341.

125. Sidney Katz, "The Lost Children of British Columbia" Maclean's Magazine, May 11, 1957..
126. As quoted in Mary Ashworth, op. cit., p. 164.
127. Ibid., p. 165.
128. Ibid., p. 166.
129. Johnson, op. cit., p. 540.
130. Perepolkin v. Superintendent of Child Welfare (1957) 23 W.W.R. 592.
131. As quoted in Katz, op. cit.
132. A fuller account of the destruction can be found in Woodcock, op. cit., Tarasoff, op. cit., and also in Simma Holt, Terror In The Name of God, The Story of the Sons of Freedom Doukhobors, New York, Crown Publishers, 1964. The Holt book has been criticized for being excessively sensational. Still, it provides at least some information.
133. Tarasoff, op. cit., p. 691.
134. Woodcock, op. cit., p. 333.
135. According to Woodcock, p. 333, this was less than one-twentieth of the whole Doukhobor population of Canada.
136. Lyons, "A History...", op. cit., p. 186.
137. Lyons, "A History...", op. cit., p. 191.
138. Ewart P. Reid, "The Doukhobors In Canada", unpublished Master's degree thesis, McGill University, Montreal, 1932, p. 190.

CHAPTER VII: HUTTERITE SCHOOLS IN THE THREE PRAIRIE PROVINCES

A. The Hutterite Approach To Education

The Hutterite approach to education is similar to that of the Mennonites and Doukhobors. They have wanted schools to prepare their children for their own way of life and they have been concerned that the regular public schools would lead them away into the larger society. Yet their concern has been more moderate than that of the other two groups. This moderation has helped them in making relatively successful arrangements with the governments of the three prairie provinces in the decades since their immigration in 1918.

The Hutterite concern about education has a long history. One contemporary scholar, William D. Knill has written:

Three hundred years before Froebel introduced the first kindergarten in Europe and James Mill introduced the infant school in London, the Hutterian Brethren had established their kleinschule. Our programs of technical education were preceded with the Brethren's apprenticeship program by four hundred years. The hygienic principles of cleanliness and healthful living were introduced to their schools in the early 16th century at a time when these principles were not accepted generally... Most Hutterians were literate in a century when illiteracy prevailed; and for those adults who joined the Brotherhood and could not read or write, special adult education classes were established. (1)

This long history and multi-faceted emphasis has had a particular purpose. According to a leader in 1568, schools were to direct the minds of children "to honour and fear God, so that they may be brought up in the nurture of the Lord..." (2) A contemporary leader has written that Hutterites "are interested in attaining Godliness not...acumen in making money." (3) Public

schools, they say, promote an exploratory attitude and an intellectual curiosity, encouraging people to question values and preparing them to compete and to succeed on materialistic terms in the larger world. (4) When a 1974 sociological study asked Hutterite parents to identify the highest good that they hoped that their children would achieve in life, they answered: "That they be honest and faithful Christians and learn to love God and the communal way", and "We want our children to be good born-again Christians, strong supporters of the Hutterite faith - not only to be able to talk about being a Christian but rather to show it in works and deeds by following the footsteps of our Dear Lord and Savior; to give their time and strength, and if need be, their blood and very life". (5)

In contrast to this approach, a 1961 study with the self-explanatory title, The Central Purposes of American Education, stated: "A person with developed rational powers has the means to be aware of all facts of his existence... He can enrich his emotional life and direct it toward even higher standards of taste and enjoyment... He can free himself from the bondage of ignorance and unawareness. He can make of himself a free man." (6) The Hutterites do not agree with this interpretation of human nature. They see it as tending towards evil and argue that education should redirect it. It should reorient the individual's self-regard and nurture a desire to abide by the will of the community, they say. (7) They want the children to learn first obedience and then faith and thus overcome their carnal nature and receive the spiritual nature. This, "wisdom of God",

they say, cannot be obtained in the public schools, because they "deny the true source of knowledge." (8)

The Hutterites argue further that modern educational authorities hold an amoral perception of human nature and that this has destroyed "the organic unity which is necessary for healthy minds". (9) According to one Hutterite leader the modern educational "process has become fragmentalized into various often antagonistic subprocesses, teaching incompatible elements to the growing generation. The result of this fragmentalized educational process is ambiguity, alienation, and often cynicism in the younger generation." (10) They argue that "false theories about the nature of men" have "removed an awareness of responsibility from young people". (11) They see a connection between the public school system and crime, juvenile delinquency, and alcoholism. When educational authorities say that Hutterite children ought to become more integrated with the larger society they reply that their children are already well integrated within their own communities and that sending them to public schools would lead to a disintegration.

In addition, they have said that the public schools have militaristic elements. Physical drills are too much like military drills and "there is too much emphasis on war in history text books". (12) They have argued: "Neither do we consider the military leaders of the past to be heroes. Yet in school much valuable time is taken studying the lives of mass butchers which time should be given to God, or to the study of righteous men." (13) In addition they have pointed out that "though we

may not have the diplomas to prove it, our young men study scientific and technical literature on agriculture, and are well-informed farmers in the country, up-to-date in all the latest technological discoveries and advances. It is not a diploma which makes the ground bring forth its fruit, but knowledge and industry!" (14)

Even though some of these criticisms were expressed long after their immigration to Canada, the basic views were held much earlier. Accordingly, they asked about the possibility of having their own schools when they first inquired about immigrating to Canada. Their petition in 1899 included the following paragraph. (The petition is reproduced in Appendix 6.)

We would humbly beg for legal right to practise our religious services and principles, without any molestation, or encroachments, and that our children might also be accorded the same, and that we may be allowed to hold independent schools in order to teach them their mother tongue, and that they may not be compelled to attend other schools. (15)

The reply to this came from the Deputy Minister of the Interior, James A. Smart. (His letter is reproduced in full in Appendix 7.) He stated:

These people will not be molested in any way in the practise of their religious services and principles, as full freedom of religious belief prevails throughout the country. They will also be allowed to establish independent schools for teaching their children if they desire to do so, but they will have to be responsible for their maintenance themselves. The children will not be compelled to attend other schools if their education is properly provided for. (16)

In spite of these negotiations, the Hutterites did not migrate to Canada at the time. As noted in earlier chapters, their anxieties in the United States subsided when the Spanish-

American war came to an end. Two decades later, however, their refusal to give full support to the American effort in World War I, resulted in a most difficult situation. Now they made a hurried move to Canada. At this time, their agent, Michael Scott wrote: "...they are quite willing to conform to the school laws of any province in which they settle".⁽¹⁷⁾ Part of this new willingness to accept the public schools may have been due to the urgency of the immediate situation. But in the intervening two decades they had partially accepted the American public schools, supplementing them with a system of morning, evening, and weekend classes to teach their religion and the German language. This would be their pattern in Canada as well.

B. In Alberta

When the Hutterites moved to Canada in 1918 a majority settled in Alberta. Soon after they arrived, government officials went to the colonies to explain the provincial education laws.⁽¹⁸⁾ The Hutterite elders were receptive and co-operative and before long there were mutually satisfactory arrangements. In most instances schools were erected on the Hutterite colonies although in a few cases Hutterite children began to attend nearby public schools. By the end of 1918 seven of the nine colonies in the province had erected schools and in several of these, children from neighbouring farms were also enrolled.⁽¹⁹⁾

This mixture of Hutterites with non-Hutterites did not last long, however. The non-Hutterites became uneasy with the fact that their children were having such close contact with

the Hutterite children and the Hutterites too had some concerns. Consequently, a more complete separation resulted. The Hutterites continued to operate the public schools on their colonies but only Hutterite children attended. In spite of this the authorities were generally satisfied. In 1919 one Inspector reported:

The people in these colonies appreciate the efforts of the department, in extending educational advantages to their children. They are very prompt in the payment of their taxes, and exert themselves in making comfortable the teacher who serves them... The teachers in these communities are consistent in their efforts to further the knowledge of the English language;... During the winter evenings the teacher's residence is the meeting place of the younger men of the colony. With the teacher's help they read the current magazines dealing with Agriculture and scientific problems. Encouragement has been given the teachers to foster these meetings, and make them of real value. (20)

In 1920 another Inspector reported that there was good co-operation, regular attendance, and that the colony "displayed a deep interest in the school and inquired closely into the progress the children were making in school, especially in the learning of English." (21)

In spite of this relatively trouble-free beginning, several difficulties appeared. The Department of Education had registered each colony as a School District. This had the result that colony land was not usable as a tax base by the non-Hutterite community for its public school. In most instances these problems were amicably resolved. But in one instance the local Member of the Legislative Assembly opposed it strongly and argued that "Hutterites should be assimilated."

through the existing schools".⁽²²⁾ In another instance, the Hutterites instead of defying the surrounding community, set up their own school under the provisions for private schools while continuing to pay taxes for the nearby public school.⁽²³⁾

Another area of concern related to the character of the teachers. The Department required them to have an official Alberta teaching certificate and since no Hutterite qualified for such certificates, they had to come from the outside. Some of these, appointed by the Official Trustee, had recently returned from the battles of World War I and were not sympathetic to the Hutterite way of life.⁽²⁴⁾ To deal with the problem the Hutterites decided to try to have some of their own people certified. With this in mind they sent four of their young men to high school. However, only one of the four returned to the colonies to teach. Two returned years later. One never came back. Because of this failure the plan was discontinued.⁽²⁵⁾ After this they tried to influence the selection of teachers. They set up a committee of Hutterites on each colony and proposed that these work with the Official Trustee in selecting better suited teachers. The Minister of Education responded favourably to this, in a letter of July 8, 1925, stating:

Your petition that the wishes of the various Hutterian communities be given consideration in the appointment of teachers is one which can be readily granted.

As a means of doing so, I would suggest that in each community there be appointed a school committee of three, with one of the members acting as chairman, and that you send to me the names and addresses of the various chairmen of these committees.

When this is done, I will send the names to the School Inspector J. Morgan, B.A. your Official Trustee instructing him in the appointment of teachers to carry

out as far as possible the wishes of the communities as expressed through their local committees. (26)

The economic depression of the 1930's brought out some new aspects in the relations between the Hutterites and the larger society. Not only was the Department of Education continuing to receive favourable reports, but the Hutterites were among the few who were able to pay their taxes. In the Lethbridge School Inspectorate of 187 School Districts, only three were free of tax arrears. These happened to be on Hutterite colonies. (27) The financial situation led municipalities to compete with each other in attempts to have new colonies locate in their areas. Efforts were also made to bring more Hutterite colonies into the province. In one such effort in 1934, Owen Williams, a school inspector, wrote a testimonial to Premier Brownlee stating:

As the Official Trustee of these Districts I have been responsible for the selection of teachers and for the maintenance of their schools... The leaders of these Colonies have always co-operated with the Department of Education in the schools and have invariably supported their teachers.

When the isolation of the children in these schools is considered their attainments in the English branches is all the more remarkable.

...They pay their taxes promptly. In the Hutterite District of the Lethbridge Inspectorate, all obligations to banks, teachers and school supply houses are regularly made at the end of each month.

During the inspection of these schools I have never witnessed mentally deficient children. In fact the Hutterites have the proud boast that since their arrival on this continent only one instance of such is on record. (28)

The financial solvency, which made Hutterites popular during the depression of the 1930's, was not characteristic of

all the colonies. There were exceptions. One colony, which had been operating a private school while also paying taxes to the nearby public school, found itself in financial difficulty. To deal with this, representatives from the colony approached the board of the public school and asked for permission to send their children there. To deal with this request the board called a public meeting and among the views expressed was that of the school teacher. He said:

Personally I am glad to welcome these Hutterite children into my school. I know of no better way to make Canadians out of them. I have not the least doubt that, through association with our own boys and girls, through observation of our ways, our customs and our manner of dress, and by taking part in our games and by learning our songs, they will become quite dissatisfied with the colourless, monotonous life of the colony. These children will be quick to learn and to adopt our way of life, and to discard that which circumstance and accident of birth now forces upon them. It is through the children that we will break up these colonies, these islands of isolation within our midst, and eventually bring about a true assimilation of the Hutterites into Alberta and Canadian society. (29)

When the Hutterites heard that their children would be welcomed with a view to their assimilation, they quietly walked out of the meeting not to return.

Late in the 1930's the Department of Education began a process of reorganizing the small School Districts into larger School Divisions. This was to continue for several decades and the implications for rural life were far-reaching. However on the Hutterites the effect was relatively slight. Admittedly, the colonies could not be school Districts any more. They were inside the Divisions now. But generally Division authorities allowed the Hutterites to continue to have their own schools.

Detailed agreements were drawn up with Division Boards which stipulated that the colonies would provide the school buildings, teacher's residences, and various other facilities while the Division would appoint and pay the teachers.⁽³⁰⁾ In this way the Division Boards would implement the general principle that the operation of the school on the Hutterite colony not cost the non-Hutterites any more than if the Hutterite children would attend the centralized schools of the Division.

The good relations between Hutterites and the larger society which prevailed during the years of the depression were not to continue through the following decade. By the end of World War II there was considerable opposition. And in 1947, when a Legislative Committee was appointed to investigate the Hutterite situation to see whether the 1944 Land Sales Prohibition Act should be extended, the public opposition to the arrangement for Hutterite schools became evident too. One of the more elaborate briefs presented to the Committee came from the Alberta School Trustees Association. It stated in part as follows:

Education forms the background of society and conditions the manner in which Governments function. An adequate system of public education is a prerequisite for a successful democracy. It is the catalyst that resolves the composite sects and racial groups in this country into Canadians. In its broad, philosophical aspect it provides the means whereby the individual may obtain a better enjoyment of life and may become more useful citizens who can make some contribution to the country that shelters them.⁽³¹⁾

The Association's brief then proceeded to criticize the isolation of the Hutterites stating:

The tenets of their religion include a belief in the community of goods, that is, that all property is held in common, that they shall not take oaths, and that they shall not vote or hold public office. Hutterites are opposed to higher education because they believe it makes people shirk their share of manual labour. It is a part of their creed that they will not mix with the society in which they are living,... They seek to remain isolated and sufficient unto themselves,....

Not only do the Hutterites isolate themselves, but these barriers have the effect of isolating some parts of the divisions with respect to both normal rural life and the administration of the educational system. (32)

The Association also criticized some physical aspects of the Hutterite schools including the lighting and seating arrangements, the ventilation and furniture, and the absence of pictures and other decorations. It also charged that the classes in German and Religion which the Hutterites were conducting by themselves after hours, had the effect of so exhausting the children that they were not able to work properly in the English school. It was critical too of the fact that the school buildings were used not only for the German school but for Church Services as well and that for these functions the flag was always taken down. It concluded:

The Hutterites have in effect, arrogated to themselves a special position under School Law.. To permit these Colonies to expand or multiply is to aggravate the trouble... For that reason, the Association supports the extension of the Land Sales Prohibition Act. (33)

Another brief, submitted by the Alberta Farmer's Union, stated that the Hutterites were depriving their children of all culture, beauty, and refinements. The Union's brief said:

Music, art, literature and organized sport are as far removed from them as if they lived in darkest Africa...any Society that must keep its members in ignorance to hold them in subjection...is not one to be encouraged and given special privileges so that they may continue to deny their posterity the right to live as free individuals and Canadian citizens. (34)

In favour of the Hutterites was a brief from L.S. Turcotte, their solicitor. He submitted the testimonial letter written by school inspector Owen Williams in 1934 to Premier Brownlee. He also produced depositions signed by 13 teachers in charge of Hutterite schools stating that "Hutterite children are well behaved, possess better than average ability and are receiving a good public school education". (35)

Since the task of the Legislative Committee was primarily that of determining whether the Land Sales Prohibition Act should be continued it made no specific proposals regarding the education of the Hutterite children but its tone suggested that "legislation and regulations on education should be more strictly enforced". (36)

During the decade of the 1950's the concern about Hutterite education reappeared on several occasions. At one point in the mid-1950's the school committee of one county in which seven Hutterite colonies were located, wanted to set up one centralized school for them. (37) The Hutterite children were to be transported by bus from the different colonies to this one school which would be equipped with modern teaching aids like motion picture projectors to help give the Hutterite children a "good" education. The county's school committee worked

on this plan for several years but the Hutterites objected strongly. In a lengthy formal response they declared that centralizing "would bring the ultimate abolition of the Hutterite faith", that the radios, televisions, pianos, and movies would expose their children to various influences from the outside world, that it would be undesirable to so remove the children from the setting of the colony with its religious exercises and parental supervision and to turn them over in a large number to the control of non-Hutterites, that the time taken up with transportation was badly needed for their own supplementary classes in Religion and the German language, that children were needed close by so that they could help with farm chores, and that the cost of such a school would probably raise resentment of county taxpayers against them. (38) They added: "we are confident you will not disprove as gentlemen who believe in freedom of religion". The Minister of Education, perhaps influenced by the strength of their opposition, stated that the Department "would hesitate to support an enforced transporting of Hutterite pupils to schools outside their colonies." (39) With little support from the Department and strong resistance from the Hutterites the proposal was dropped.

Still, the public sentiment against the Hutterites continued. One newspaper early in 1958 called for the dissolution of the colonies and suggested two methods of bringing this about; stating: "One way is by making it compulsory for the colony to pay a certain sum to any person who wishes to leave the colony and another way is insisting that the children go

to division schools rather than to their own school on the colony land". (40) The agitation was such that in September of that year when the provincial government set up another Committee to investigate the adequacy of the land restrictions, it also asked that educational matters be studied. The Order-in-Council of September 8, 1958, setting up the Committee, stated that its purpose was, among other things:

To determine whether or not the existing educational facilities established for Hutterite colonies are satisfactory especially in the matter of instruction in the responsibilities of Canadian citizenship... (and) any other matter relevant to the orderly and harmonious integration of the Hutterian church into local communities. (41)

The objective that the Hutterites be integrated into the larger society was supported by a number of the briefs presented to the Committee. The Lethbridge School Division stated: "there is no possibility of Canadianizing these people until their education is standardized with ours away from the domination of the elders". (42) It proposed a centralized Hutterite school built by the Division "so that the full resources of the Division could be brought to bear on the problem." (43) A United Farmers of Alberta group from New Dayton also saw the education system as the only way to gradually integrate the Hutterites into the social and economic life of the larger society. One University of Alberta professor suggested that Hutterite children should be required to attend non-Hutterite schools "in order to learn about birth control". (44) At this, one Hutterite in attendance at the Committee hearings said, "And this is what a university education does to you". (45)

The Committee also heard from some who were sympathetic to the Hutterites. R.A. Kimmet, a former school superintendent in an area heavily populated by Hutterites, said that their attendance was good and that the technical education received on the colonies was excellent. He also spoke against the idea of forcing assimilation saying that Canada had fought wars for the sake of freedom. His statement met with angry shouting. (46) Other supporters asked whether the larger society was indeed that much better and whether the Hutterites were not well within their rights. Still others praised them for being good farmers and good citizens.

In spite of these several statements in support of the Hutterites, the report of the Committee was clearly in favour of integration. It said: "the ultimate aim must be to look forward to a time when these people are prepared to enter more fully into the life of the dominant society". (47) It was sharply critical of the Hutterite German school, stating:

...the average child learns by rote many verses of scripture and Hutterian doctrine. No studies designed to develop the intellect are offered or encouraged. This dual system of education has a serious effect on scholarship in the colony public school courses. One or more hours of study per day under the German teacher leaves the pupils with only a limited amount of time and energy to devote to the day school courses. Counter indoctrination by the colony minister, the German teacher and parents further retard the work of the day school.

Pupils are promptly removed from school at the age of fifteen regardless of ability or grade attained.

No loyalty to the country in which they live is acknowledged by the Hutterites, as responsibilities of citizenship are not accepted even by those born in the country. (48)

The Committee noted that "the progress of pupils in colony schools from Grade IV up does not compare too favourably with the scholarship in public schools generally". (49)

Although integration was the goal, it was not to be brought about by drastic methods. The Committee recognized that such an approach, "...would be strongly opposed by the Brethren and would only lead to them taking advantage of The Department of Education Act...which makes provision for the establishment of private schools". (50) In view of this, the Committee suggested a different strategy stating:

A more subtle approach, aimed at ultimate integration, might be more effective. The Department of Education could make it possible to secure capable, personable teachers by providing higher salary bonuses. Indoctrination is not recommended but it is felt that Hutterite children would respond well to stimulating teachers with plenty of personality. (51)

The Committee also said that the teachers should work under the supervision of a superintendent trained in anthropology who would try gradually to improve Hutterite education. To do this, it recommended the use of correspondence courses, night schools and extension lectures "to raise the level of education and pave the way for integration of Hutterite people with the dominant culture of the country". (52)

In view of the Committee's clear desire to promote their integration, the Hutterites made further representations to the Government. In one substantial brief, submitted on March 29, 1960, the Hutterites emphasized their desire to have their own schools, arguing that:

Parents have a prior right to choose the kind of education that shall be given to their children. It is neither the function of the neighbours or the state to do this, above all, in non-communist countries.... There are no high fences around Hutterite colonies as some would make believe, nor is force applied in any form in preventing children from leaving the colonies if it is their wish. (53)

They also pointed out that:

In view of the large number of children in the province leaving school with a Grade 9 education only, and unprepared to take up employment in different fields, as contrasted with the Hutterites staying on the farm and furthering their skills in agriculture under parental tutelage, it is a question of fact whether or not the Hutterite children might not be better prepared for the occupation they will follow than many other boys and girls in Alberta. One thing certain is that the Hutterites would not be joining the ranks of the unemployed nor will they be competing for positions in the professions or elsewhere. (54)

The government did not pursue further the matter of integrating them into the larger society. However, the issue of school leaving age remained controversial for some time. The Hutterites continued to argue that when their young people left school at age 15 they were in a reasonably good position. Each Hutterite teenager would enter an apprenticeship in one of the several lines of work on the colony while teenagers in the larger society would often remain uncertain and unsettled for several years. To deal with the situation of these non-Hutterite teenagers, the government, in 1966, raised the school leaving age from 15 to 16. (55) But this created difficulties for the Hutterites. Among them the age of 15 had long been so important, as a time when their people entered more fully into the colony's work force, that according to one Hutterite, the

change "threw our system out of kilter".⁽⁵⁶⁾ Until this point there had been few attendance problems, but now there were problems. Some Division School Boards then decided to exempt Hutterite children from attendance when they became 15 years of age. Other Boards, however, refused. In 1969, one Rev. Marten Walter of the Spring Point Colony spent 10 days in jail after being convicted for refusing to send his 15 year old son to school.⁽⁵⁷⁾

A new School Act in 1970 kept the school leaving age at 16 but provided a formal discretionary power to exempt children from attendance after the age of 15 under certain conditions.⁽⁵⁸⁾ This was a partial resolution but some inequities continued. In some areas Hutterites at age 15 were automatically exempted. In other areas there was strong pressure for continued attendance. Some parents were prosecuted. Eventually a compromise, whereby children could discontinue at the age of 15 years on the condition that they remain for the duration of the term which they had begun, was widely accepted.

Other concerns were also settled in a compromise. The 1972 Legislative Committee, although it did not deal with education concerns at length, was oriented less towards integration and more towards co-existence.

C. In Manitoba

The arrangements of the Hutterites with education authorities in Manitoba were similar to those in Alberta. When they moved to Canada in 1918, six of the first fifteen colonies

were set up in Manitoba and, as in Alberta, the authorities soon helped to organize them into School Districts and to open public schools on the colonies. Also as in Alberta, organizing these districts required the appointment of an Official Trustee. The Hutterites could not form a board of trustees since they were neither Canadian citizens nor "individually registered property owners". (59) Nevertheless, the Official Trustee, School Inspectors, and Attendance Officers seem to have discharged their responsibilities well. On February 21, 1921, Education Minister Thornton made the following statement in the Legislature:

During September of last year I personally visited the various public schools which had been established in the Hutterite settlement west of Winnipeg. There are now six of them in operation and all the children are attending these public schools. The buildings which have been erected are of the very best type and the members of the community are taking a very justifiable pride in the equipment which they have provided for the children, and in the very evident progress which they are making in education generally and the knowledge of the English language. Today the public school with its regular curriculum and its Canadian teachers is an accepted part of the life of each of the Hutterite communities. (60)

This arrangement, whereby public schools were operated on Hutterite colonies, worked reasonably well for several decades. In a few instances when new colonies were set up the established school districts were unwilling to relinquish taxable land and allow the Hutterites to have their own school district. As a result the Hutterites sometimes set up private schools while continuing to pay taxes to the district's public school. (61) There were situations too where Hutterites mixed

with others. In one case several French Canadian families sent their children to a public school on a Hutterite colony.

In another case, Hutterite children attended an off-colony public school together with children from neighbouring farms. These instances were exceptions, however. The most common arrangement was for the Hutterites to have a public school on a colony, attended by Hutterite children only. (62)

During World War II the Hutterites in Manitoba, like those in Alberta, became the object of considerable public criticism. This led, in 1947, to the appointment of a Legislative Committee to "obtain information regarding colonies or societies of Hutterites or Hutterian Brethren and to report and make recommendations upon the same". (63) The education arrangements had not been the main focus of the criticism but neither were they excluded from the Committee's broad mandate. One brief, submitted by School Inspector E.D. Parker, stated,

...there is not the same desire for an education on their part. There has never been any particular desire for a higher education, and so the standard in that way is low.

The attendance too, to a certain extent, will interfere with that, because of the fact that they require their children to aid them in looking after the babies and looking after the geese, and looking after the various chores about a big farm. (64)

Inspector Parker held that, "it would be better to have the children of the Hutterites and the other children of the surrounding territory all attend the same school". (65) Another submission argued against this, however. Dr. Marcus Bach, a well-known American education expert said that the Hutterites

"are on the threshold of assimilation" and that it would be better to let the various natural forces take their course than to force it. (66)

In its report, the Committee did not recommend that the Hutterite children attend the same schools as others. However, it did ask that the standard of education used in other schools be enforced also in the Hutterite schools, that the functions of the School Administrator, the School Inspector, and the Attendance Officer be vested in a single official who would then be the main education official for the Hutterites, that the Hutterite schools be within the public school system wherever possible, and that the Hutterite pupils be encouraged to continue attendance at school after the minimum requirements of the School Attendance Act had been met. (67)

The Committee of 1947 was followed by another in 1948. (68) The new Committee's mandate did not include education matters but its hearings provided another opportunity for people to express their concerns and some of these related to schools. Mr. John Bend of the Community Welfare Association which had been set up mainly to deal with the concern about Hutterites, said:-

God has endowed every child with certain faculties. It is the undeniable right of every child to have the privilege of having these faculties developed. Such an opportunity is provided outside of Hutterite colonies and so we have teachers, professors, doctors, lawyers, merchants, nurses, music teachers, etc. In Hutterite colonies no such opportunities are afforded. Children born in Hutterite colonies are all destined to be farmers; they have no alternative.

Every child has a right to be taught and trained to take his or her place among his fellow citizens. Under the Hutterite way of life this is impossible. ...inmates of Hutterite colonies through lack of education and training are prevented from discharging their duties to their fellow citizens and to their country. (69)

In spite of this strong criticism, Bend said: "We at no time have questioned the right of any individual to pursue his own religious thoughts." (70)

Another person who appeared before the Committee was a Mrs. Piper, who had lived in an area where the Hutterites had settled when they first arrived. For a time she had also served as a teacher. In her words: "When these Hutterites were allowed to immigrate here into Canada, the general idea was that in the years to come, through education and association with us other Canadians, they might in time become true Canadians." (71) She was concerned that this was not happening and she saw the reason for the failure in their communal form of living. With regard to the criticism directed at her that she was attacking their religious system, she said: "That is entirely untrue. It is not their religious system, it is their communal system." (72)

In spite of these concerns, the 1948 Committee did not refer to education matters in its recommendations. However, the recommendations of the 1947 Committee were gradually implemented. Several of these were quite vague but the one calling for a consolidation of the three education offices, - Administrator, Inspector, and Attendance Officer, - was of immediate significance. The Department of Education acted on it by appointing Bernard

Grafton as Supervisor of Special Schools. He would now carry responsibility for all matters relating to Hutterite schools. In the years that followed Grafton came to be highly respected by the Hutterites. He did not seek to create pressures for assimilation. However, he did try "to raise the existing standards in all grades and extend general interest in education". (73) He reported to annual school meetings on each colony and usually his recommendations were accepted. The result, according to one account, was that "the Hutterian public schools operate more efficiently in many ways than some rural schools in Manitoba". (74)

This happy arrangement continued without serious interruption until 1967 when some province-wide changes were made in the school structure. The small district schools were replaced with the larger more centralized ones operated by the School Divisions. This was of considerable concern to the Hutterites whose schools in the province numbered close to 50 at this time. On January 23, 1967, before the change took effect, Hutterite leader Rev. Jacob Kleinsasser, together with their lawyer, Roy Baker, met with Education Minister Dr. George Johnson "with a view to getting some special consideration for the Hutterites so far as the proposed consolidation" was concerned. (75) Baker reported on the meeting in the following way:

Doctor Johnson indicated that the Hutterites' position, although understood by the Government and appreciated, could not become a political issue and no amendments for the benefit of Hutterites could be made to the Public Schools Act. We have, how-

ever, been assured by Doctor Johnson and Mr. Dalton that the Department of Education will assist our office in making representation before the Divisional Boards in order to protect your interests. The Department of Education believes that...the new Divisional Board will understand and respect the problems of the Hutterites and maintain Public Schools upon the Colonies to service the children of the Hutterian Brethren. (76)

After this the Hutterites entered into negotiations with the Divisional School Boards but it soon became apparent that some of them were not interested in allowing the Hutterites to continue to have public schools on their colonies. The Hutterites then prepared an elaborate presentation addressed to "The Unitary School Divisions of Manitoba". (77) They reiterated their basic approach to education by referring to "the obligation of the adults to rear their young as honest, forthright and upstanding citizens devoted to their way of life". They also referred to a recent professional sociological publication which had said of their educational practises: "The ultimate goal of education is salvation. In order to achieve this, children are to be kept separated from the world where they would see, hear, and learn all sorts of Godless things, and are disciplined in school and at home". (78) They explained the role of education in their social structure in an elaborate way, stating:

Education for the Hutterian Brethren is the crux of their way of life since perpetuation of Hutterianism depends upon the education of the children. All children between the ages of 6 and 15 under supervision of the German School Teacher, have a daily routine upon a Colony as follows: Morning prayers in the children's dining-room, in conjunction with the partaking of the first meal of the day; thereafter German School classes are conducted for one hour at which time German Education and Language, Religious teachings, Christian Ethics and Citizenship are taught to the children; thereafter the

children attend a public school situate upon the Colony which school is maintained for the standard hours with the curriculum approved by the Department of Education taught by qualified public school teachers; for one hour after termination of public school, German school is conducted once again by the German school teacher in the same manner as the German school held prior to the commencement of public school in the morning; at the end of the day the children attend for their evening meal at the children's dining-hall under the supervision of the German school teacher where they partake of their evening meal in conjunction with prayers. (79)

In contemplating the possible attendance of Hutterite children at the consolidated schools, they said:

...the Children of the Hutterian Brethren, if forced to Consolidated Schools, will be displaced persons, foreigners, in the midst of children bred in a Society completely and utterly different to theirs.

Can we permit an unpleasant meeting between two groups of children, the result of which may cause very serious mental injury to one or other of the two groups. (emphasis in the original) (80)

In concluding their presentation they reaffirmed their respect for the Divisional Boards, their capability "of administering the school system on the Colonies," and expressed the hope "that the Divisional Boards will continue to see their way clear to maintain upon each of the Colonies a Public School, to service the children of the Hutterian Brethren". (81)

Soon after this the Divisional Boards agreed, at least for the 1967-68 school year, that the public schools on the Hutterite colonies would continue to operate. (82) A longer term commitment, however, was not immediately forthcoming. In May of 1968, Dr. Johnson, the Minister of Education, indicated a willingness to assist the Hutterites in approaching the Divisional Boards. (83) But some Boards were not to be persuaded even at this. Consequently several Hutterite colonies began to

operate their schools on a private basis while continuing with further appeals. (84) In one submission to the Department they pointed to the problems that transporting their children to the consolidated schools would create. They said it would:

seriously disrupt a 400 year-old tradition of daily education of our children in their religion and in the German language, which education takes place one hour prior to and one hour after public school. We cannot suffer to permit this education to be terminated or abridged as our children will suffer irreparable damage in their way of life. The long day, resultant from transportation, would not permit them to enjoy the valuable benefit of additional education.... (85)

If the Divisional Boards would not allow them to have public schools on their colonies, then, instead of having their children transported long distances to consolidated schools, they would operate their schools on a private basis. But this too would create various difficulties. They said:

(i) qualified teachers will not likely be available for such private schools since teachers are generally required to relinquish their pension rights in order to teach in private schools.

(ii) teachers in such private schools will be without the valuable assistance of a school superintendent and therefore at a distinct disadvantage.

(iii) when qualified teachers are not available, then the Colonies will be forced to retain permit teachers thereby drastically limiting the quality of teaching for their children. (86)

They said that the arrangement which had been used for several decades was effective in preparing Hutterite children for the way of life that they would follow as adults and that "it is the obligation of the Department of Education with respect to the education of all children to consider their ultimate welfare and so gear their education with a view to such welfare". (87)

They argued also from the basis of religious freedom stating:

According to our way of life, we have...reared our children within our homes and colonies and...any infringement on this right would be a denial of the religious and other freedoms granted to us as citizens of Manitoba and Canada. (88)

Some Divisional Boards continued to resist the idea of public schools on Hutterite colonies. The possibility of a centralized Hutterite school to which Hutterite children from different colonies would be transported was considered but not implemented. (89) Eventually, the pressure from both the Hutterites and the Department of Education prevailed and all Divisions agreed to operate public schools on the Hutterite colonies. (90)

D. In Saskatchewan

Since the Hutterites came to Saskatchewan only in 1952, more than thirty years after they settled in Alberta and Manitoba, their encounter with the provincial government on matters of education was relatively less complex. As in the other provinces they wanted to have schools on their colonies but since the process of replacing the small School Districts with the larger School Units was already well underway in Saskatchewan they had to make arrangements with the Unit Boards. Most Boards were agreeable to this. The Hutterites would commit themselves to providing the school building and other facilities while the Unit would assume responsibility for providing teachers. (91)

The Department of Education supported such arrangements but it did not have the power to force a Unit Board to make them. In one instance in 1962 the Board of the Leader School

Unit declined, in spite of encouragement from the Department, stating that there was a school within easy travelling distance and that the per pupil cost of operating another school on the Hutterite colony would be high and that "the burden of the cost would fall upon the ratepayers of the Unit."⁽⁹²⁾ The Hutterites replied that they had agreed to locate in the area "only after receiving assurances from a provincial Cabinet Minister, and the Leader Unit Board, that an on-colony school would be maintained".⁽⁹³⁾ The Unit Board persisted and eventually the Hutterites, instead of going to the nearby public school, arranged to take the official government correspondence courses under the supervision of an older Hutterite.⁽⁹⁴⁾ In doing so they became the only colony in Canada and the United States without a school of their own.⁽⁹⁵⁾

E. Conclusion

This survey of the encounters of the Hutterites with the governments of the three prairie provinces on matters of education raises a number of issues but what may be most significant is that they survived. This distinguishes them from the conservative Mennonites who, after a traumatic encounter, moved away. It is different also from those Doukhobors whose resistance to the public schools was overcome only when the government resorted to measures of direct coercion.

One basic reason for the relative success of the Hutterites is that the liberty which they sought was less broad than that of the other two groups. They were more accepting of both

the English language and the need for a formal education. Indeed, they accepted the public schools, albeit on the condition that those which their children would attend would be located on their colonies. By accepting these things the Hutterites charted a course which did not depart as far from the Canadian norm as that pursued by the conservative Mennonites and some Doukhobors. In this sense the liberty which they asked for was less broad. And as such, it was easier for governments to accommodate them.

Even though the liberty sought by the Hutterites was less broad, there was considerable public pressure against them, at least after the mid-1940's. Various groups and associations wanted them to become more integrated into the larger society. And they worked towards this with arguments very similar to those used in the Mennonite and Doukhobor encounters. The Alberta School Trustees Association argued, in 1947, that the Hutterites had arrogated for themselves a special position under the law, that their integration with the larger society was important for a successful democracy and for helping Hutterites to "obtain a better enjoyment of life and become more useful citizens..." (96) The Alberta Farmer's Union urged their integration on the ground that in their own schools Hutterite children were being deprived of music, art, literature, and organized sport and "the right to live as free individuals and Canadian citizens." (97) The 1959 Alberta Legislative Committee reported that the Hutterite schools were not developing the intellect of the children and that no loyalty to the country was acknowledged. (98) In Manitoba, the

Community Welfare Association said that Hutterite schools were denying children the right to have their God-given faculties developed and preventing them from learning the things necessary for discharging their duties to their fellow citizens. (99) The Lethbridge School Division said the problem was in the domination of the Hutterite schools by the Hutterite elders. (100)

And Mrs. Piper in Manitoba saw the problem as rooted in their communal form of living. (101)

The Hutterites resisted this pressure and their arguments too were similar to those used in the Mennonite and Doukhobor encounters. They argued that the right of parents to determine the education of their children had priority over that of the state, that they were not forcing their people to follow the Hutterite way of life, that Hutterites were free to leave. (102)

They described at length how their educational practises were an integral part of their way of life. (103) They supported the public school classes because they helped their young people to learn English and to read materials related to farming and to other aspects of their work but they wanted these classes to be held on their colonies. In this way they could supplement them with classes of their own, both in the morning before the public school classes began and also in the afternoon after they were through. This gave them a good opportunity to teach religion, the German language, and to have their common prayers. They argued that this arrangement of combining public school classes with classes of their own, prepared their people for the way of life that they would probably follow at least as well

as the regular public schools prepared those in the larger society for their future.⁽¹⁰⁴⁾ To send their children to a regular public school outside their colonies would, because of travel time, force them to reduce these supplementary classes. It would also remove the children from Hutterite supervision and the general colony atmosphere and expose them to a wide range of influences from the outside world. The resulting emotional confusion would be harmful to the children and, ultimately, threaten their way of life.⁽¹⁰⁵⁾

In addition to these arguments there were specific references to the issue of freedom for religion. In 1956 when one Alberta county with seven Hutterite colonies wanted to set up a centralized school, fully equipped with modern teaching aids, the Hutterites made a lengthy response in which they described the negative effects that this would have on their way of life. They asked for a simple continuation of the existing arrangements and stated: "we are confident you will not disprove as gentlemen who believe in freedom of religion."⁽¹⁰⁶⁾ Late in the 1960's, in Manitoba, when it appeared that the Hutterite schools might be consolidated along with other rural schools, the Hutterites argued that they were teaching their children in accordance with their way of life and that "any infringement on this right would be a denial of the religious and other freedoms granted to us as citizens of Manitoba and Canada."⁽¹⁰⁷⁾

If the Hutterites saw freedom for religion in broad terms, as encompassing not beliefs only but a way of life as well, some of their critics had a narrow view. John Bend of Manitoba's

Community Welfare Association argued at length for the integration of the Hutterites into the larger society but then added: "We at no time have questioned the right of any individual to pursue his own religious thoughts." (108) Mrs. Piper, also of Manitoba, argued in a similar way. She explained that when the Hutterites had been allowed to immigrate it had been expected that they would gradually become "true Canadians". She was disappointed that this had not happened and saw the problem in their communal system but denied emphatically that she was critical of their religion. (109) The question of whether freedom for religion includes freedom for a way of life remains unresolved.

If then the arguments were similar to those used in the Mennonite and Doukhobor encounters, they were less strong and less effective for the Hutterites. The Hutterites survived. They were criticized by some members of the public, but they received a measure of support from the governments. There were exceptions to this but during the 1920's and 1930's especially, there were numerous favourable reports from government officials. These reports referred to their efforts to learn English, their general educational progress, their acceptance of the public school curriculum, the efforts of their young men to read agricultural and other scientific magazines, their cooperativeness with officials, and other things. (110) Clearly, these favourable reports could not have been made except for the moderation of the Hutterites, referred to above. The conservative Mennonites and some Doukhobors resisted most of these things. The

liberty which they wanted was broader. Accordingly, it was more difficult to accommodate them.

It must be noted, however, that even though the Hutterites were given a sufficiently broad liberty to continue in their way of life, this liberty was not firmly institutionalized. In Alberta in the 1950's, when the Hutterites opposed the plan of one county to set up a centralized school for them the Minister of Education eventually came to their defence but the seriousness with which the plan was considered, over the course of several years, shows that the Hutterite educational arrangements were vulnerable. (111) In Manitoba in the 1960's, when the larger school units were being formed, the Hutterites expressed a similar concern. They wanted to continue with the arrangement of having an officially recognized school on each colony. But the Divisional Boards resisted this strongly. Again the Minister of Education sided with the Hutterites. He encouraged the Boards to accommodate them but he refused to make it a statutory right that they could have on-colony schools. He argued that steps to that end could make this "a political issue". (112) In Saskatchewan the dynamic was similar and there one Unit, in spite of Departmental encouragement, simply refused to let a certain Hutterite colony have its own school. (113) These situations demonstrate that this liberty, which for the Hutterites was of great importance, remained vulnerable and uncertain. It was not firmly institutionalized. There was no assurance based on a Bill of Rights. That the Hutterites were given this liberty is a credit to the Canadian political system. That it remains so uncertain and vulnerable stands as a criticism.

FOOTNOTES TO CHAPTER VII.

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5. As quoted in John A. Hostetler, Hutterite Society, Baltimore, The Johns Hopkins University Press, 1974, p. 201.
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9. Ibid., p. 52.
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16. See Appendix 7. The letter is also quoted in Victor Peters, op. cit., p. 47.
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18. Alberta, Select Committee of the Assembly, Report on Communal Property 1972, p. 5.

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21. As quoted in MacDonald, op. cit., p. 13.
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25. Ibid., p. 84.
26. Parren Baker, Minister of Education, To the Hutterian Brethren Church, July 8, 1925, as quoted in Ibid., p. 171.
27. Alberta, Report on Communal Property 1972, op. cit., p. 5.
28. Owen Williams, Inspector of Schools to The Honourable J.E. Brownlee, January 12, 1934, as quoted in Appendix of A.J.F. Zieglschmid, Das Klein-Geschichtsbuch der Hutterischen Bruder, Philadelphia: Carl Schurz Memorial Foundation, 1947, p. 649.
29. E.A. Pitt, as quoted in David Flint, The Hutterites: A Study in Prejudice, Toronto, Oxford University Press, 1975, p. 108.
30. "Copy of Type of Agreement Between a Divisional Board and Hutterite Colony", in Appendix G of Knill, "Hutterite Education...", op. cit., p. 182.
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50. As quoted in Ibid., p. 35.
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55. Alberta, Report on Communal Property 1972, op. cit., p. 9.

56. As quoted in MacDonald, op. cit., p. 19.
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95. Ibid.
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97. See p. 331 and 332 above, supported by footnote 34.
98. See p. 335 above, supported by footnote 48.
99. See p. 341 and 342 above, supported by footnote 69.
100. See p. 334 above, supported by footnote 42.
101. See p. 342 above, supported by footnote 72.
102. See p. 336 and 337 above, supported by footnote 53.
103. See p. 344 and 345 above, supported by footnote 79.
104. See p. 337 above, supported by footnote 54.
105. See p. 345 and 346 above, supported by footnotes 80 and 84.
106. See p. 333 above, supported by footnote 38.
107. See p. 347 above, supported by footnote 88.
108. See p. 342 above, supported by footnote 70.
109. See p. 342 above, supported by footnote 72.
110. See p. 326, 328, and 339 above, supported by footnotes 20, 21, 28, and 60 respectively.
111. See p. 333 above, supported by footnote 39.
112. See p. 343 and 344 above, supported by footnote 76.
113. See p. 348 above, supported by footnote 94.

INTRODUCTION TO SECTION THREE: THE MILITARY EXEMPTION CONCERNS

A third area in which the way of life pursued by the Mennonites, Hutterites and Doukhobors required special governmental arrangements is that of military service. They wanted to be exempted from the requirement to render such a service. This was one of the basic teachings of their religions and they had held to it with an unusual unanimity. Indeed, it was a major reason for their many migrations. Governments would make promises of exemption but then, generations later when conditions had changed, the promises would be withdrawn. These groups would then look for another place to settle. This pattern eventually led them to Canada as governments here responded favourably to the requests for exemption from each migrating group.

Initially, the requests from these groups were simple and the promises of the government appeared comprehensive. However, in the two world wars of the twentieth century the situation became more complex. In World War I the Military Service Act set forth two categories. One dealt with those whose promise of exemption had been made with Orders-in-Council. These were referred to in the Act's Schedule of Exceptions and as such had no duty to perform under the Act. Others whose promise of exemption had been made in the form of statutes, decades earlier, had to deal not with the Act's Schedule of Exceptions but with its provision for exemption. However, this exempted them from combatant service only. They could still be called on for non-combatant military service, such as army

transport work. Those affected saw this as a serious problem, as a liberty less broad than they had assumed. They worked hard to secure the more complete exemption that they felt the earlier promises entitled them to.

In World War II the situation was different but again there was a question of an incomplete exemption. This time it arose because of a civilian alternative service program. The idea for such a program came from some Mennonite leaders. Yet it was administered by the government and those exempted from military service could be compelled to serve in it. In a sense the alternative service program was still a form of national service and some people in these groups did not want to participate in it. They saw it as narrowing the more complete exemption that they had been promised earlier.

In addition to the issue of an incomplete exemption and some differences within these groups, there were other problems. The early promises had stated that for an individual to be exempted he had to have a certificate from the leaders of his religious community. This gave considerable authority to those leaders. Yet when the wars came the government set up its own adjudicatory institutions in the form of Tribunals and Boards. These did not always accept the certificates of the leaders of these groups. They rejected some of the young men in their claims to military exemption. This resulted in considerable disputes as the leaders of these groups and the officials appointed by the government challenged each others' authority.

In their substance these various problems are similar to those found in other chapters even though in their form they may be unique to the issue of military service. The questions about how broad the liberties were, how they were to be administered, and what the proper authority of the groups was, have appeared in preceding sections. This section, however, deals with the material in a different form. Instead of having three chapters, one for each of the three groups, it will have two chapters, one for each of the two world wars. Each of these chapters will then deal with the three groups simultaneously. There is, however, a long background which predates even World War I. This includes the negotiations which led to the initial exemption promises as well as a brief reference to the War of 1812. This background needs to be dealt with first.

The provisions for military exemption in Canada can be traced to the last decade of the eighteenth century when many people moved from what had become the United States to what remained of British North America. Among those moving north were several groups who wanted an assurance of exemption from militia duties. Lord Simcoe, Governor of Upper Canada, gave them such assurance and in 1793, when the first parliament of Upper Canada passed a Militia Act it contained the following provision:

And be it further enacted, 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 any three or more of the people (who are or shall be by them authorized to grant certificates for this or any other purpose of which pastor, minister, or preacher shall be one) shall be excused and exempted from serving in the said Militia, and instead of such service, all and every such person and persons, that shall or may be of the people called Quakers, Mennonists, or Tunkers, shall pay to the lieutenant of the county or riding, or in his absence to the deputy lieutenant, the sum of 20 shillings per annum in time of peace, and five pounds per annum in time of actual invasion or insurrection. (1)

This exemption provision is significant but there were two problems with it. One was the requirement that the people pay a special tax in lieu of militia service. Aside from being a financial burden on the pioneers, it was difficult to reconcile the paying of this tax with their religious position. It seemed to be just another way of supporting the military. Yet if they refused to pay the tax, and some Quakers did refuse, their property might be confiscated. (2) The second problem involved the question of church membership. For both Mennonites and Tunkers formal church membership was open only to adults. This was related to their historic rejection of infant baptism and to their theology of the church as a voluntary association. Now, however, it resulted in a situation where some of their young men would not be able to produce the membership certificates and would therefore not receive the exemption provided in the Act. To deal with this problem they petitioned the authorities to have the law changed. In one petition they said:

...we therefore humbly pray the same indulgence may be extended to them that is granted to ourselves, their parents, that is that they may be exempted from serving in the Militia by paying the commutation money until they arrive at the age of twenty-one, or until they be admitted as Church Members.

... And Your Petitioners further pray that your Honourable Body will take into consideration the many difficulties which poor people, with large families have to labour under in new settlements, and if you in your wisdom should deem meet to lessen the burden of our commutation money, Your Petitioners, as in duty bound, shall ever pray. (3)

In 1810 their efforts were rewarded with "An Act for the Relief of Minors of the Society of Mennonists and Tunkers". (4)

During the War of 1812, the provisions for exemption were tested quite rigorously but it appears that they were

generally respected. The historian, W.H. Breithaupt, states:

"...the government, finding them unalterably opposed to carrying arms, required the Mennonite settlers to serve in camps, hospitals, etc., and as teamsters in the transport service,

they having to furnish their own horses." (5) Breithaupt notes

further that "throughout the war the brethren in Canada and in the United States remained on the friendliest terms". In spite

of this relatively good treatment during the war, the special tax continued. For some years after the war the exempted groups

accepted it without complaint. However, from 1829 onwards they

made a series of petitions and eventually, in 1849, the tax was removed. (6)

New Militia Acts were passed in 1855 and in 1868. (7)

Each contained the exemption provisions. The one of 1868 is significant because it extended the provisions beyond these three

named groups and also because it formed the basis for the promises of exemption given to the Mennonites from Russia, who would migrate to Manitoba in the 1870's. The provision in the Militia Act of 1868 stated:

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 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. (8)

The negotiations for the immigration of the Mennonites from Russia began in January of 1872 when they contacted the British Consulate in Berdjansk, Russia. Their questions, even in this first official inquiry, included a request for "exemption from all military service". (9) A report of their interest was quickly communicated to Ottawa and on April 26, 1872, an Order-in-Council was passed which among other things, referred to the existing statutory provisions and stated: "any person bearing a Certificate from the Society of Mennonists shall be exempt from Military Service...upon such conditions and such regulations as the Governor-in-Council may...prescribe." (10)

The Mennonites were concerned about this wording. They did not want their exemption to depend on what the Governor in Council might prescribe. They asked for clarification. This resulted in another Order-in-Council, dated September 25, 1872, which stated: "it is expedient to give the German Mennonites in Russia the fullest assurances of absolute immunity from military service if they settle in Canada". (11) It quoted the existing statute and then explained: "the Menno-

nites 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" and "the Governor General in Council cannot prescribe any conditions or regulations under which, under any circumstances, the persons referred to in the above quoted section can be compelled to render any military service."

Soon after this assurance was given the Mennonites of Russia sent a sizeable delegation to visit Canada and the United States to investigate the prospects of a new settlement more directly. (12) They spent a number of weeks in North America and only a minority of the delegates indicated a preference for Canada. What persuaded these, however, was precisely the more specific assurance of exemption from military service. They felt that in the United States this would not be as sure. (13) Their confidence was strengthened further with the elaborate letter of July 25, 1873, from John Lowe on behalf of the government. (This letter is reproduced in Appendix 3.) Its fifteen paragraphs dealt with various matters but the first one stated: "An entire exemption from military service is by law and Order-in-Council granted to the Denomination of Christians called Mennonites." This letter, with a slight alteration in the paragraph dealing with education and school rights, became part of an Order-in-Council on August 13, 1873. (This Order-in-Council is referred to in Appendix 3.) Following the formulation of these arrangements approximately 7000 Mennonites migrated from Russia to Manitoba, Canada.

Several decades later, in 1898, when the Doukhobors of Russia also wanted to immigrate to Canada, the government passed an Order-in-Council with a similar promise. (This Order-in-Council, dated December 6, 1898, is reproduced in Appendix 4.) The Order noted that "the Doukhobors would appear to be a most desirable class of settlers to locate upon the vacant Dominion Lands" and that therefore "it is expedient to give them the fullest assurances of absolute immunity from military service". The exemption would be unconditional but a Doukhobor would have to produce "a certificate of membership from the proper authorities of their community." A few months after this Order was passed nearly 7400 Doukhobors arrived in Canada.

In 1899, a similar Order-in-Council was passed for the Hutterites. (This Order is reproduced in Appendix 5.) The Hutterites had joined the Mennonites of Russia in 1873 in exploring settlement prospects in both Canada and the United States. But at that time, they, like many Mennonites, had chosen the United States. However, during the Spanish-American War at the turn of the century they became concerned about their status there so some began to move to Canada. To encourage and facilitate this the Canadian government passed an Order-in-Council on August 12, 1899. The words were similar to those in the Order for the Doukhobors. It observed that the Hutterites had shown themselves to be good farmers in South Dakota, that they "would appear to be a most desirable class of settlers to locate upon vacant Dominion Lands" and that therefore "it is

expedient to give them the fullest assurance of absolute immunity from Military Service,". As with the Doukhobors, the exemption was unconditional but to obtain it a person would have to produce "a certificate of membership from the proper authorities of their community."

Unlike the Doukhobors and the Mennonites, the Hutterites did not migrate to Canada at the time when the arrangements were formulated. The Spanish-American War was of short duration so their anxieties subsided. However, near the end of World War I when they encountered severe difficulties in the United States, they made further inquiries with Canadian authorities and again they were assured of exemption from military service. (The letter giving them such assurance, dated February 7, 1918, is reproduced in Appendix 8.) At this time they did immigrate but before long they encountered difficulties in Canada too. The atmosphere which prevailed near the end of that war was such that some of the provisions for exemption and also for immigration were set aside, albeit only for a few years. (14)

These restrictions on the Hutterites suggest an uncertainty in the promises for exemption generally. In the two chapters of this section the general character of those promises and the way they took effect in the context of the two world wars is examined in detail.

FOOTNOTES TO THE INTRODUCTION FOR SECTION THREE

1. 33 George III, chap. 1, (1793), as cited in Frank H. Epp, Mennonites in Canada 1786-1920: The History of a Separate People, Toronto, MacMillan of Canada, 1974, p. 100. The earlier assurances given by Lord Simcoe to these groups are referred to on p. 29 of this study.
2. Epp, Ibid., p. 101. See also A.G. Dorland, The Quakers In Canada, A History, Toronto, The Ryerson Press, 1968, p. 317.
3. Alexander Fraser, Eighth Report of the Bureau of Archives, Toronto, King's Printer, 1911, as cited in Epp, Ibid., p. 103.
4. 50 George III, chap. 11 (1810).
5. W.H. Breithaupt, C.E., "First Settlements of Pennsylvania Mennonites in Upper Canada", Ontario Historical Society, Papers and Records, Vol. XXIII, (Toronto, 1926).
6. Epp, op. cit., p. 106.
7. These were respectively, 8 Victoria, c. 77; 31 Victoria, c. 4; See also Revised Statutes of Canada, 1886, c. 1; and I.E. 4 Edward VII, c. 23; and Revised Statutes of Canada, 1906, c. 41.
8. 31 Victoria, Chap. 40, sect. 17 (1868).
9. Epp, op. cit., p. 185.
10. Order-in-Council, P.C. 827B, April 26, 1872. See p. 30 above.
11. Order-in-Council, P.C. 1043D, September 25, 1872; PAC, RG 2,1. See also p. 30 above.
12. Adolf Ens, "Mennonite Relations With Governments Western Canada 1870-1925", an unpublished doctoral dissertation submitted to the Department of Religious Studies, University of Ottawa, Ottawa, Ontario, 1979, p. 31.
13. E.K. Francis, In Search of Utopia: The Mennonites in Manitoba, Altona, Manitoba, D.W. Friesen & Sons Ltd., 1955, p. 43.
14. Epp, op. cit., p. 391.

CHAPTER VIII: EXEMPTION FROM MILITARY SERVICE IN WORLD WAR I

A. Developments Early In The War

The World War I encounter involved primarily the Mennonites and the Doukhobors since the Hutterites had not yet immigrated to Canada. The Mennonites and Doukhobors were "as of one mind" in their determination not to render military service. However, in other ways there were differences. Especially significant were the differences within each group. Their people were located in different provinces. They held different positions on land-holding, public schools and other issues. And the legal provisions for their exemption were not the same either. The Military Service Act of 1917 had one category for the Mennonites and Doukhobors on the prairies who had come to Canada pursuant to certain Orders-in-Council and another under which the Mennonites in Ontario would have to find their way. Both provisions, however, were interpreted in increasingly narrow ways as the war progressed, resulting in serious difficulty.

The general approach of these groups is suggested in their reaction to the declaration of war on August 4, 1914. One historian has written: "Whereas the Mennonites viewed the outbreak of the war as a major tragedy, many English Canadians greeted it with an outflow of patriotism which has never been duplicated in Canadian history."⁽¹⁾ The scene in Winnipeg, which apparently had parallels in many Canadian cities, was described by the Winnipeg Free Press in the following way.

The floodgates of patriotism were thrown open in Winnipeg, last night, and scenes of the wildest enthusiasm were enacted on the main thoroughfares when a Free Press "extra" announced shortly after

8 o'clock that war was declared between Great Britain and Germany.(2)

The willingness of the larger society to support the war effort was evident also in governmental activity. In the preceding months, the government had prepared what was known as the War Book. It contained plans for measures which would put the government on a "war footing".(3) After the declaration these measures were put into effect through "scores of Orders-in-Council...activating the Militia, providing for home defence, taking control of communications networks, establishing censorship of trans-Atlantic cables, and shoring up the credit of the banks against an unanticipated run on their funds."(4) The most far-reaching of the government's actions was the introduction of the War Measures Act. With it the government obtained virtually all the authority necessary for pursuing the war effort. It would no longer have to receive Parliamentary approval for particular measures. Clause 6 of the Act stated in part:

The Governor in Council shall have power to do and authorize such acts and things, and to make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary for the security, defence, peace, order and welfare of Canada;...(5)

In spite of its broad authority the government was not about to impose conscription. On August 22, 1914, the Minister in charge of the Militia and Defence, the Honourable Sam Hughes, reported that 100,000 men had volunteered for overseas service. As Hughes announced this he also stated: "I am absolutely

opposed to anything that is not voluntary in every sense, and I do not read in the law that I have any authority to ask Parliament to allow troops other than volunteers to leave the country".⁽⁶⁾ Prime Minister Borden, speaking in Halifax in December of 1914, said: "there has not been, there will not be, compulsion or conscription. Freely and voluntarily the manhood of Canada stands ready to fight beyond the seas".⁽⁷⁾

Although the government was not imposing conscription many private organizations were promoting a strong recruitment campaign. Citizens' recruiting associations were formed in many areas. There were public meetings, advertisements, and appeals of many kinds. Churches, entertainment centers, and the mails were used to promote enlistment.⁽⁸⁾ However, by the summer of 1915, there were "rumblings about difficulties in securing men for the army".⁽⁹⁾ The concern became greater after October of 1915 when plans were made to raise the number of men in the army to 250,000 and greater still after January of 1916 when that figure was raised to 500,000.⁽¹⁰⁾

The complaints dealt not only with the difficulty of recruiting an adequate number. There were criticisms also that the system was unfair, that it was not distributing the burden of sacrifice equally, and that therefore it was not democratic. One critic, Lieutenant-Colonel Lorne Mulloy, an instructor at the Royal Military College, denounced the existing voluntary system as "wasteful and unreliable."⁽¹¹⁾ He argued that "voluntarism entailed the right to refuse" and that this undermined "the basic principle of democracy" which he defined as:

"In Time of War the Eligible Male Citizen Must Fight". He argued further that the system was "drawing largely from the more efficient and those the country can least afford to spare," and that it did not distinguish between industries, "drawing alike from the munitions plant and the distillery". According to Mulloy, what was needed was an authoritative selection system involving a classification of industries and a registration of all manpower. Those employed in the important industries would then be allowed to stay there while those in less essential industries might be conscripted.

This call for national registration and selective conscription, articulated by Mulloy in March of 1916, was heard also from other sources. On April 14, a large delegation from private recruiting organizations met with the Prime Minister and proposed the registration of all manpower, the classification of industry, and "some just and comprehensive system of draft".⁽¹²⁾ When the Prime Minister asked why they considered the existing system as a failure since substantial numbers were still being recruited, they replied: "We are getting the wrong men". Chief Justice T.G. Mathers of the Manitoba delegation said that the voluntary system was iniquitous because it distributed the burden of sacrifice unequally.

Prime Minister Borden did not promise immediate changes. He was concerned about the effect that conscription might have on Quebec and also about the obstacle that it would pose for prospective immigrants. The government was still trying to attract immigrants and for the duration of the war the main

source would be the United States. In a letter soon after meeting with the delegation Borden wrote: "American Real Estate men who are actively engaged against the effort of our Immigration Agents have eagerly seized upon the cry of conscription to render our efforts entirely nugatory".⁽¹³⁾

In spite of its reluctance, in August of 1916 the government began to assist the recruiting efforts in a more direct way. It appointed a Director-General of Recruiting "to obtain the largest number of recruits possible, having regard at the same time to the needs of agriculture, industry, and commerce".⁽¹⁴⁾ To do this, the Director-General was to set up a Board with "the power and the duty of determining whether the services of any man of military age are more valuable to the State in his present occupation than in military duties...and either to permit or forbid his enlistment". The Board soon became known as the National War Services Board and the director's title was changed to that of Director-General of National Service. In mid-October of 1916, R.B. Bennett assumed the director's position and at the first meeting of the Board it decided to take an inventory of the national manpower.⁽¹⁵⁾ This meant that there would be a national registration.

B. National Service Registration

The national registration effort represented an unusually direct and comprehensive contact between the government and the people. Cards were sent out and distributed through the post offices in all areas of the country. People were to complete

them and send them back to Ottawa. It was not compulsory to do this, but efforts were made "to create an atmosphere sufficient to induce the people voluntarily to sign the cards". (16) To this end public meetings were held, advertisements were placed in newspapers, and letters were sent to about 150,000 prominent people throughout the country asking them to promote the registration effort. In addition, the first week of the year 1917 was especially designated for the registration effort. When people expressed the fear that it would lead to conscription, Borden explained that national registration was only to systematize and strengthen the voluntary arrangements and thus make conscription unnecessary. (17)

The Mennonites and Doukhobors remained hopeful that the government would honour the promises of exemption given to them earlier. But the general excitement that accompanied the registration campaign in the fall of 1916 caused them concern. They now made stronger representations to the government. Some representations had been made earlier already. In 1915, the Mennonites in Ontario had sent a statement describing their theological views on war and military service to the government. (18) (The statement is reproduced in Appendix 15.) And in the summer of 1916, one group of the more "integrated" Mennonites (integrated in the sense of having accepted the public schools) from Manitoba and Saskatchewan passed a resolution expressing gratitude to the Dominion government not only for not conscripting them but also because the campaigns for voluntary enlistment had not put undue pressure on their people. (19)

Now, in November of 1916, the "conservative" Reinlaender Mennonite Church sent a delegation to Ottawa to seek further clarification of their status. The delegation consisted of Johann J.S. Friesen, Abram Doerksen, and Jacob Wiens, who were the Bishops respectively at their settlements in Manitoba; Swift Current, Saskatchewan; and Hague, Saskatchewan. The government assured them that it would honour its earlier promises and in a letter Prime Minister Borden stated, "I...beg again to assure you of the determination of the Government to adhere to the full to the obligations of honour incurred by this country at the time of the admission of your people to this country."⁽²⁰⁾ As a sign of their gratitude for this assurance, the Reinlaender Mennonites sent a cheque of \$1383.00 to the Prime Minister with instructions that he use it wherever it was most needed to relieve victims of the war.

The Reinlaender Mennonites understood the assurance to mean that they would not be expected to participate in the national registration either. Thus, in January of 1917, when other Canadians were filling in their registration cards, the Reinlaender Mennonites did not do so. Bishop Friesen, in a letter dated January 4, 1917 to Prime Minister Borden and the Solicitor-General, Arthur Meighen, stated that in view of the understanding arrived at, at the meeting in November of 1916 they assumed that it would be in order if they would return the cards without filling them in. He added that they desired only to be "the quiet in the land", that they did not seek government offices or vote for others who sought them,

that instead they sought the welfare of the country by praying to God on its behalf. (21)

The government, however, was of a different understanding. It wanted them to register and tried hard to persuade them to do so. The Manitoba Director of the National Service Board called the church leaders to Winnipeg and urged them to reconsider their position. (22) The leaders agreed to give the matter further thought and to do this they called a large meeting with representatives from the churches in both Saskatchewan and Manitoba. The result was the same, however. According to a police report:

...at a large meeting of Mennonite preachers and Bishops at Rhineland, Manitoba, at which there were about 450 delegates, ...it was decided to fill in no National Service cards, regardless of what form such cards should take.

However it was decided that the heads of the Church, would, if required, draw up a statement of the male members of the congregation... (23)

This arrangement of drawing up a list with some of the information that they would otherwise have put onto the registration cards appears to have been accepted by the authorities. (24)

The more "integrated" Mennonites approached the matter of registration in a slightly different way. They too were concerned about its possible connection with conscription and they too sent a delegation to Ottawa. It consisted of Klaas Peters and David Toews from Saskatchewan and Heinrich Doerksen, Abraham Doerksen and Benjamin Ewert from Manitoba. (25) Peters was a prominent person of Mennonite background but he had joined

5

a different church. This was to become a problem later.) On January 8, 1917, these delegates met with three representatives of the government: the Honourable Robert Rogers, Minister of Public Works, who was from the west; Col. Clark, Under-Secretary of State for Internal Affairs; and R.B. Bennett, Director-General of National Service. In a written presentation they indicated their apprehension about the registration cards and also their desire for further assurance that their exemption from military service would be respected. They reviewed their theological reasons for opposing military service and also the history of their arrangements with Canadian governments. They noted further that in the 1870's their predecessors had chosen Canada rather than the United States primarily because of the definite promise given by Canadian authorities that they would never have to render military service. They also referred to the address given in 1877 by Lord Dufferin, Governor-General of Canada, to the early Mennonite settlers. (This address is reproduced in Appendix 9.) He had welcomed them with warm words, assuring them of "absolute religious liberty" and reaffirming their exemption from military service. He had called them, instead, to a battle against the wilderness, to till the soil and to make it productive. He had also invited them to participate in the politics of Canada at all levels. The delegation reported also that many Mennonites still in Russia would want to immigrate to Canada as soon as the war was over and that further assurance of exemption would be important for them too. (26)

The delegation received a detailed reply. In a letter of the same day, January 8, 1917, R.B. Bennett stated: "The terms of the Order-in-Council under which the Mennonites settled in Canada, guarantee their freedom from Military Service. Canada will respect to the utmost its obligations under that Order-in-Council." He stated further: "Members of the Mennonite communion are requested to fill in correctly and return promptly National Service Cards, and it is suggested that they should write across the face of each card the word "Mennonite" as indicating their religious faith." He explained that the information on the cards might be needed for directing people to "agricultural or industrial work". Bennett also encouraged the Mennonites to increase their agricultural productivity, "which while not essential to the success of our cause, is as important as military service, for the reason that armies cannot exist without food." He also stated that any Mennonite who had joined an overseas battalion under misapprehension or otherwise, would be released if he made a request to that effect. (27)

The reference in Bennett's reply to the possibility that Mennonites might be sent to work in agriculture or industry is noteworthy. It suggests a form of alternative national service. In World War II there would be an elaborate alternative service program. In World War I it did not develop but a 1918 governmental document states that Mennonites in the west "signified their willingness to agree to any legislation by which

their people shall be required to serve the country in any capacity other than military, at regular soldiers' pay." A similar opinion was expressed by a prominent Ontario Mennonite leader, S.F. Coffman.⁽²⁸⁾ Also, in the fall of 1918, "a proposal to form a forestry unit for service in Canada (for)... drafted men who would otherwise spend their time uselessly in the penitentiary" was considered but the war soon came to an end so it was not implemented.⁽²⁹⁾ Even though the idea of an alternative service, alluded to in Mr. Bennett's reply of January 8, 1917, was not developed in World War I, these Mennonites expressed their gratitude for Bennett's assurances just like the Reinlaender Mennonites had earlier. They collected money, an amount of \$5577.17, and sent it to the government to be used for relief purposes.⁽³⁰⁾

The Doukhobors approached the matter of registration in a way remarkably similar to that of the Mennonites. They too wondered whether it was a step that would lead towards conscription. To resolve their concerns they too sent a delegation to Ottawa. In a meeting with Meighen, they said that they were quite willing to sign the cards provided their religion would be respected. They also indicated that in lieu of military service they would be willing to pay a double measure of taxation. They reported that they were supporting the greater production campaign and that they had placed as much of their land

as possible under crop. As with the Mennonites, Meighen assured the Doukhobor delegation that there would be no interference with their privileges.⁽³¹⁾ And like the Mennonites they also sent a sum of money to be used for the victims of war. In one letter the Society of Independent Doukhobors at Buchanan, Saskatchewan sent a donation and stated in part:

Our faith and conscience will not permit us to take an active part in the strife, but our sympathy and compassion for those who, though innocent and in no wise responsible for the hostilities, have been rendered homeless, indigent and destitute by its progress, bid us to at least share with them the produce of our labor applied to God's soil.⁽³²⁾

Throughout the time of the registration the government maintained that it was not a precursor to conscription. When Parliament opened on January 18, 1917, a government spokesman said:

...I think I am voicing the opinion of the majority of the honourable members in stating that the constitution of the country forbids sending our soldiers to fight outside of Canada, without special legislation being enacted in this House, and that no such legislation altering the very basis of our constitution would be enacted without its being first submitted to the people of Canada. No, Mr. Speaker, there can be no question of conscription.⁽³³⁾

By March of 1917, however, some things were changing. Prime Minister Borden travelled to the Imperial War Conference in London where British Prime Minister, Lloyd George, emphasized that there was a great need for more men.⁽³⁴⁾ Borden, who also visited the battle fronts in Europe, came to agree with this. In a letter, some weeks later, to Archbishop Bruchesi

of Montreal, Borden wrote: "What I saw and learned made me realize how much more critical is the situation of the Allies and how much more uncertain is the ultimate result of the great struggle..." He added that he had had the "privilege of looking into the eyes of tens of thousands of men at the front who look to us for the effort which will make their sacrifice serve the great purpose for which it was undertaken". (35)

On May 18, 1917, Borden announced in the House of Commons that he would introduce a conscription bill. (36)

This announcement intensified the public debate about the issue. Newspapers in English Canada, like the Globe in Toronto and the Free Press in Winnipeg, promoted it strongly, while in Quebec anti-conscription parades became a common sight. (37)

In the House of Commons Borden tried to broaden the political support for conscription, first by proposing a coalition government with Laurier and when he refused then by various other means. At one point a War-Time Elections Act was passed which enfranchised the mothers, wives, sisters, and daughters of soldiers and disenfranchised naturalized immigrants from enemy countries who had arrived in Canada after 1902 as well as Mennonites, Doukhobors and conscientious objectors. (38)

The debates in the House were unusually contentious but on August 29, 1917 the Military Service Act was passed and conscription became law. (39)

C. The Military Service Act of 1917

The Military Service Act was elaborate and detailed.

It divided men into six classes according to age, marital status, and family responsibilities. These would then be called out one class after another. The Act also set forth six grounds on which a claim to exemption from military service could be made. The first five were situations where it would be in the national interest if the man would: 1) remain in the "work in which he is habitually engaged"; 2) "be engaged in other work in which he wishes to be engaged and for which he has special qualifications"; 3) "continue to be educated or trained"; 4) "remain where he is since serious hardship would follow upon his departure"; and 5) "remain, for reasons of ill-health". The sixth ground for an exemption referred to conscientious objectors and stipulated that the person, in order to be eligible, had to "conscientiously object to the undertaking of combatant service" and be prohibited from doing so by his religion. (40) However, the Act stated further that if an exemption was granted "solely on conscientious grounds" then "such exemption is from combatant service only." In other words, a conscientious objector might still be liable for non-combatant military service. To the Mennonites this was a new and incomplete exemption. It would become a point of controversy. (In this study the term "exemption" as defined by the Act will be used in quotation marks to distinguish it from the more general understanding of exemption which did not carry the qualification of being liable to non-combatant military service.)

In addition to this "exemption" provision within the Act there was also a Schedule of Exceptions which in its seventh paragraph referred to, "Those persons exempted from Military Service by Order-in-Council of August 13, 1873, and by Order-in-Council of December 6, 1898." These, it would be said, had no duty to perform under the Act. This included the Mennonites who had come from Russia to Manitoba in the 1870's, some of whom had moved on to several points in Saskatchewan. It also included the Doukhobors. But the Mennonites who had lived in Ontario since late in the eighteenth century would come under the "exemption" provision. The distinction would become significant and this study will deal first with the "exception" category.

1. "Exceptions" from the Act and the Prairie Situation

(a) Questions About The Arrangement

The Orders-in-Council of August 13, 1873 and December 6, 1898 referred to in the Schedule of Exceptions had been passed for Mennonites and Doukhobors respectively to encourage them to migrate from Russia to the Canadian prairies. The assurances provided in these Orders had been of critical importance to these groups. Without them they would not have come. However, now that these assurances had to be made operative various questions arose. Some of these involved the question of who is a Mennonite and who is a Doukhobor. The Orders-in-Council had stated that a person was to produce a certificate signed by the proper authorities of his church or community. This procedure gave considerable power to those community leaders. As

might have been expected, it raised the question of who the rightful leaders really were, and whether they had been entrusted with too much power.

These questions arose quickly among the Doukhobors. By the time of the war, they had broken into two groups: the Christian Community of Universal Brotherhood and the Society of Independent Doukhobors. The former were said to number about 8000 and the latter 4000. Peter Verigin was the leader of the Community Doukhobors and he did not recognize the Independents as Doukhobors. He felt that by leaving the Community and living like other Canadians they had forfeited their privileges. In a letter of early October, 1917, addressed to the Honourable Chas. J. Doherty, Minister of Justice, Verigin explained the Doukhobor situation in the following way:

One party is still following their previous principles. The principle is not to have firearms, not to eat meat, not to drink wine, not to smoke tobacco, not to belong to any empire in existence, and, therefore, this party carries the name "The Christian Community of Universal Brotherhood", in other words, these people belong to all empires, recognize all people as brothers, and therefore cannot be subject to any one empire... (41)

Verigin said further that they had lost their land because they had refused to become British subjects. The "other party", he explained, "accepted the homesteads and became British subjects and now they have firearms in their houses, and shoot wild animals, and fowl, also kill domestic stock and eat meat, drink whisky, smoke and chew tobacco and openly laugh at Doukhobors religion and therefore, the Government of Canada in such a serious question as military service should carefully distinguish between

the two parties." His opinion about what course the government ought to follow was clear.

At the present time, I Peter Verigin, the representative of Doukhobor community, do not recognize the second party as Doukhobors and consider that these people must be liable to be conscripted for military service on the same basis as other citizens of Canada, ... (42)

The government was not to be persuaded, however. In a memorandum dated October 18, 1917, S. Mabor, Superintendent of the Department of the Interior, stated that the Independent Doukhobors had become British subjects and had accepted the homesteads on the understanding "explained to them repeatedly that the exemption in this case held, that they were exempted in good faith and that they could become British subjects and still be exempted from conscription." (43) Mabor continued:

In our opinion, the persons who are exempt under the Order-in-Council of 6th Dec. 1898, are those Communist Doukhobors or Independent Doukhobors or other Doukhobors who were members of the Doukhobor sect which migrated to Canada under the guarantee of exemption provided in the said Order-in-Council, and who still retain conscientious objections to military service.

After this and with the exception of some brief episodes in the summer of 1918, the Doukhobors appear to have encountered few problems during the war. Leaders of both the Christian Community of Universal Brotherhood and the Society of Independent Doukhobors issued certificates to their young men and on the basis of these certificates, the public authorities in both Saskatchewan and British Columbia recognized them as being "excepted" from the Act. Between two and three hundred

enlisted voluntarily, but "there appears to have been no attempt to enforce military service." (44)

The Mennonites had other questions. They made an inquiry with A.L. Haining, the Registrar for the Saskatchewan Military District as to what, if anything, they ought to do. Haining replied that he was not certain but that he would advise them to register under the Act and then to file claims for "exemption" under the Act. (45) Later, Haining would recognize that this was not the correct procedure. It did not acknowledge that they were "excepted" from the Act. It implied that the decisions about whether they would be relieved of military service obligations would be made by the tribunals.

In spite of the erroneous nature of the advice the Mennonites accepted it and publicized it in the October 1917 issue of Der Mitarbeiter, a Mennonite periodical. (46) Many young Mennonites then followed the procedure but soon difficulties appeared, especially with regard to those young men who, though of Mennonite parents, had not yet become members of the church in the formal sense. It appeared that they might not be recognized as Mennonites and thus not be relieved from military service duties. Mennonite leaders said that they had mentioned this concern in their meeting in Ottawa on January 8, 1917 and even though it was not referred to in the written reply from Bennett they claimed to have received assurances that their young men would also be recognized as Mennonites. Now Benjamin Ewert, who had been part of the January delegation, appealed to the Prime Minister. He described the difficulties and asked that the tribunals be

instructed to carry out the government's policy as it had been explained to them in January. (47) Referring to that January meeting he said: "Your ministers also stated that by the term Mennonite they understood not only the persons who had actually joined the Mennonite Church but also the young people of Mennonite parentage, who may not have yet considered themselves mature enough to join that church." He continued: "Our deputation brought this assurance back to our people and their hearts were filled with deep gratitude for the prospects of such liberal treatment by your government." He then said that some of the local tribunals were not carrying out this policy, stating:

We may particularly name the one at Winnipeg. Some of our young people who share with us the same religious convictions, but have not yet joined the church, - it being customary with us to receive them at the age of 18-24, - have had their exemption claim denied them and ordered to enter the service.

He then asked that the local tribunals be instructed: "to deal with our people in conformity to the promise made to our deputation; i.e. that sons of Mennonite parents, who have not yet actually joined the Mennonite church, shall also be exempt from military service."

The appeal seems to have resolved the problems in Manitoba, at least for a time. And in some other areas of the west things were going reasonably well too. In one part of Alberta, for example, the Mennonites were going to the tribunals with letters from their bishop and receiving exempt status without hesitation. (48) In the Swift Current area of Saskatchewan, the Tribunal was also quite generous. (49) In some other parts

of Saskatchewan, however, the difficulties with regard to the young men continued. Some of the Saskatchewan Mennonites discussed this at a conference in the spring of 1918 and decided to send another delegation to Ottawa. (50) It consisted of David Toews, of the Rosthern area, H.M. Klassen of the Waldheim area, and Klaas Peters of the Herbert area. In a written presentation, dated April 12, 1918, to Col. Machin, Col. Mess and Mr. Justice Duff, they proposed a more elaborate way of identifying their young men, stating:

As a number of young Mennonites in Manitoba and Saskatchewan and Alberta, also some in B.C. have erroneously put in a claim for exemption and in some cases find it difficult to get their exemption allowed and as further it might be difficult for some to identify themselves as Mennonites, we would submit the following suggestions:

1. That every Mennonite of Military age be required to have a Certificate signed by an ordained minister, stating that he is a Mennonite and exempted from all Military Service.
2. That this Certificate be countersigned by some man on whom they all agree and who is acceptable to the authorities, his signature being known to them.
3. Further we suggest that one such person be appointed for Manitoba, one for the district around Rosthern, Saskatchewan, and one for the district around Herbert, Saskatchewan.

4. That these names be submitted to the Registrars in order to notify the Tribunals and the Police Authorities.

5. That all persons having anything to do with the execution of the Military Service Act, be instructed to be guided by such Certificates.

6. That all Mennonites outside of the above named districts be instructed to have their Certificates countersigned by one of the above named men.

Hoping that the above suggestions will meet with your approval, and assuring you of our appreciation of your assistance... (51)

This proposal for having the certificates countersigned and for having them recognized by the tribunals and by police authorities was accepted by the authorities although not immediately. (52) The government officials also assured the Mennonite delegates, at least so they understood, that "the children of parents belonging to any communion must be considered as belonging to that communion until by their actions they show a contrary intention". (53)

The immediate effect of this Ottawa meeting was positive. In Alberta, some Mennonites had been ordered to report for military duty but now the Registrar there "cancelled all orders to report for duty issued to Mennonites". (54) In Saskatchewan, too, a different attitude appeared. In mid-May of 1918 Registrar Haining acknowledged that the advice which he had given in the fall of 1917 to the effect that the Mennonites should register and then apply for "exemption" had been wrong. (55) To rectify the situation, he now stated: "Whenever a man in whose file appears indication that he is a Mennonite, is about to be ordered to report for duty, the Order will not be sent

until an Ordained Minister of the Mennonite Church has been communicated with." (56) This suggested that if a Minister claimed that a given young man was a Mennonite then he would not be called up. As such it gave effect to their "exception" status.

The improved conditions did not last long, however. In June of 1918, three young Mennonites in Manitoba who were ordered to report for military training were taken to an army barracks and held there. (57) Two were released when it was shown that they were church members. The third, Abraham Dyck who was not yet a church member in the formal sense was detained for a longer period. To deal with the problem, Mennonite leaders went to the Board in Winnipeg and made an elaborate argument that a person born of Mennonite parents was still seen as belonging to the Mennonite church community even though he had not yet become a member of the church in the formal way through baptism. (58) They explained: "As soon as a child is born to Mennonite parents, besides state registration, he is registered in a church book used for that purpose and from that moment he is recognized as belonging to the church." They pointed out that children attend church, are raised in its atmosphere, and that it is customary that people become members formally, through baptism only at the age of twenty-one. They stated further:

Our church considers its children and young people just as much their own as a baptized member and any protection that our church has sought and obtained against military service, is in all honesty considered as given to their young people or men of military age, irrespective of their being baptized or unbaptized. No assurance meaning less than that could ever have induced us to

accept the invitation of the Canadian Government to come and settle in this country. (59)

After this appeal, Abraham Dyck was released and in Manitoba few subsequent problems appeared. It seems that the Board there now recognized the Mennonites as "excepted" from the Act. (60)

(b) Continuing Difficulties In Saskatchewan

In Saskatchewan the difficulties continued. The Mennonite leaders there also explained their view of church membership in an effort to resolve the problem of those young men who were not church members in the formal sense. (61) But this issue along with others was not resolved as easily there. In May of 1918, Registrar Haining had indicated willingness to acknowledge the authority of Mennonite Ministers in determining whether a person would be recognized as a Mennonite. By June, however, Mennonites reported that he "began to question by what authority ministers of the Church became ministers so that they could sign such certificates. If they were ordained from whom did the persons so ordaining obtain the power to ordain? Who appointed the Bishops and presiding Elders, etc.? What right our ministers had to perform marriages and solemnize baptism; what church records were kept;..." (62)

These questions were the source of many frustrations to Bishop David Toews. In one appeal he wrote: "up to that moment everyone seemed to know who was a Mennonite and who was a Mennonite Minister, Elder or Bishop; that such vexatious subtleties were not resorted to in the adjoining provinces of Alberta and Manitoba." (63) Nevertheless, he tried to respond to the Regis-

trar's questions, and to do so he prepared an affidavit listing fifty-eight "properly qualified and duly ordained ministers of the denomination of Christians called Mennonites" in fourteen districts of Saskatchewan. (64) He also responded when the authorities requested that they bring in their church records to show that they indeed "were bona fide Mennonite organizations, and that records were kept by the Church including baptisms, marriages and births, and that these organizations had been in existence for some years." (65) Even though the officials of the government were demanding, they insisted that they did not want to "break faith with the Mennonite community in the matter of military service" nor "allow small technicalities to stand in the way of seeing that substantial justice ~~is done~~." (66)

Moreover, David Toews acknowledged:

In justice to the Military authorities we must say that when once satisfied as to the standing of the individual conscript among our boys, they have invariably discharged him. But the trouble and inconvenience caused us has been almost intolerable, our boys being in camp and compelled to do work for weeks and in many cases months which our people hold in the greatest abhorrence. Our main trouble, however, has continued to be with the civil authorities who through the Registrar have continued calling up our boys to report for duty. (67)

If the authorities were interpreting the laws in a stricter way there were reasons for it. In the spring of 1918, the Imperial forces suffered serious setbacks on the battlefields of Europe. This resulted in an intensified effort to recruit soldiers. And to do this the Canadian government passed an Order-in-Council, on April 19, which, among other

things, cancelled all exemptions for those in class one, that is, those from 19-34 years of age and resulted in the immediate call-up of those aged 19-23 years. (68) The Order had a serious effect on farmers. In December of 1917 there had been an Order-in-Council "granting a virtual blanket exemption" to farm workers. (69) That was now set aside. Indeed, the new Order, commonly known as the Manpower Bill, provided authority for by-passing the tribunals since "time does not permit of examination by exemption tribunals of the value of civil life." Although the Order had far-reaching implications it specifically excluded those "excepted" from the Act. Nevertheless, it is understandable that the question of precisely who was "excepted" would also be looked at more closely.

To further strengthen the recruiting efforts, there was another national registration. It was scheduled for June 22, 1918, and unlike the one in 1917, this one was compulsory. (70) Again these groups were concerned that it would lead to military service and again the authorities stated that it had "no military significance whatever". (71) Some Mennonite groups cooperated only after officials had gone to great lengths to persuade them but then, after agreeing, they offered to assist by registering themselves. The Doukhobors also did this. They worked out an elaborate system whereby some of their own people were appointed as deputy registrars for the purpose of this registration effort. (72)

The stricter interpretation of the laws was prompted not only by the increased need for soldiers on the battlefields but also by some internal factors. The public was beginning to express not only its opposition to the privileged status of the Mennonites and Doukhobors, but also its suspicion that the leaders of these groups were misusing their authority to sign the identification cards. (73) In at least one instance those suspicions were justified. Klaas Peters, in the Herbert area, was signing certificates as if he was a Mennonite Minister, when in fact he was not a Mennonite. (74) He had come from Russia as a child in the migration of the 1870's. However, as an adult he had become interested in the teachings of the dissenting Lutheran theologian Immanuel Swedenborg. By 1902 he had left the Mennonite church and formally joined Swedenborg's Church of New Jerusalem where he soon became a Minister. (75) In spite of this he had retained strong connections with Mennonites. And a police report stated: "he has been the most prominent colonizer of Mennonites in Canada, having been sent out by the Government on many occasions to bring these people from 'Europe and elsewhere' for colonization purposes". (76)

Some Mennonites had used Peters to help resolve their military problems. He had interceded on their behalf before local tribunals and also before officials in Ottawa. Yet other Mennonite leaders had been concerned for some time that he was signing certificates as if he was a Mennonite Minister. They

had tried, in vain, to dissuade their people from going to him for certificates. (77) During the summer of 1918 the police investigated the situation. A prosecution followed in which David Toews, the prominent Mennonite Bishop from Rosthern, was one of the witnesses against him. Late in the fall, after the war ended, he was convicted. (78)

The Doukhobors were also faced with questions about the adequacy of the certificates and about the authority of the leaders signing them. In July and August of 1918 a number of draft-age Independent Doukhobors in Saskatchewan were arrested even though they had certificates signed by officials of the Society of Independent Doukhobors. The certificates were disregarded and "in a number of instances, were destroyed" by the police. (79) Some of the men were fined, from \$10 - \$50, and then released. Others were detained and some were turned over to the military. At the town of Blaine Lake, this raised such a strong concern that "the whole community gathered at Blaine Lake and all their farm work was suspended during that time, despite the fact that the grain had already ripened and was ready for cutting." Soon thereafter the men were released.

At one point the Doukhobors were faced with a request from the police that they produce, "certificates of membership signed by ordained ministers". This was a problem since the Doukhobors had never had "ordained" ministers. At another point it was "maintained by the Military Police, and apparently upheld by the trial of the Justice of the Peace, that the Order-in-Council, exempting Doukhobors from Military Service, is applicable

only to Community Doukhobors, under the leadership of Peter Verigin,...". (80) To deal with this problem the Doukhobors sent a telegram to the Hon. Arthur Meighen in Ottawa. (81) They also sent a delegation to Regina. Authorities there quickly recognized it as a case of "misunderstanding on the part of the Military Police". (82) Thus the matter was resolved in favour of the Doukhobors.

Another problem, related primarily to the Mennonites, which would not be easily resolved arose in the summer of 1918 when government officials prescribed a declaration form which stipulated that for a Mennonite to be "excepted" he had to be "a Mennonite and a member of the denomination of Christians aforesaid and that he is a descendent of one of those Mennonites who came to Canada from Russia subsequent to the order of the Governor-General in Council of 13th August 1873, pursuant to the arrangement thereby sanctioned." (83) This was one of several restrictive changes introduced in the summer of 1918. Of particular significance was the requirement that the words "to Canada from Russia" meant direct travel. This was not a problem for those in Manitoba, nor for the Reinlaender Mennonite groups in Saskatchewan. However in Saskatchewan there were many who could not meet this requirement. Some had come around the turn of the century from the United States, having migrated there from Russia in the 1870's. Others had come from Prussia directly.

Especially significant was the fact that the government of Canada had encouraged these various migrations and had assured the people that in Canada they would be free from military service

obligations. Klaas Peters was one who had been asked by the government to carry this message to prospective immigrants in Europe. A police report about him stated: "Sometime about 1895 Klaas Peters was called to Winnipeg by the Government and the railroads and told to colonize Western Canada with these people 'from Europe and elsewhere', assurance being given that the agreement of 1873 recognizing their aversion to military service still obtained." (84) He testified to this personally and said that without this specific promise many would not have come. (85)

Similarly, David Toews, in a submission outlining the problems, stated: "immigration agents of the Canadian Government have gone among our co-religionists in European countries and have held out to them the 'treaty' of 1873 as an inducement to emigrate to Canada." (86) He also referred to the Mennonites who came to Canada from the United States prior to the passing of the Military Service Act of 1917 and said: "In their cases too authorized representatives of the Canadian Government held out that 'treaty' of 1873 to them as an inducement to change their place of abode and which was the only inducement that could have brought such large numbers". (87)

The effect of this new and more restrictive interpretation of the Order-in-Council of 1873 was serious. If upheld, then more than half of the Mennonites in Saskatchewan might no longer be "excepted" from the Act. David Toews could identify with these in a particular way since he too had been born in Russia, migrated to the United States as a child, and then come to Canada just before the turn of the century. Yet the

reason for the new interpretation may have been related not so much to those who had come around the turn of the century as to those who came during the time of the war. In the United States, after it had entered the war, there was considerably less sympathy for conscientious objectors than in Canada. Both Mennonites and Hutterites feared that their situation in the United States would become very difficult. They now looked to Canada for refuge. And Canada for a time was still willing to promise exemption from military service in order to attract immigrants. On February 4, 1918, W.D. Scott, the Superintendent of Immigration, had written:

It is held that a Mennonite who still belongs to the religious community is included in the "exceptions". It should be noted as well that our Military Service Act applies only to British subjects resident in Canada and hence as matters now stand these people are exempt not only by virtue of the fact that they belong to the Mennonite Community but also from the fact that those entering from the United States would not likely be British subjects. (88)

The situation of the Hutterites was also spoken to.

On January 30, 1918, the Commissioner of Immigration in Winnipeg had stated: "It would appear to me that these people are very desirable; that they are clean, honourable, industrious and law-abiding, and that if they could be assured...that the conditions...provided for in Privy Council No. 1676 of August 12, 1899 would apply to them, they would be satisfied." (89)

In reply, the Deputy Minister of the Interior sent a telegram stating: "Subject to production of certificate of membership from proper authorities of community and subject to convention between Governments of Canada and the United States with re-

gard to military service, department would guarantee exemption from Canadian military service".⁽⁹⁰⁾ It may be significant that this reply referred to exemption rather than to the exceptions. In one sense, the Hutterite Order-in-Council of 1899 was similar to those for the Doukhobors and the western Mennonites which were referred to in the Exceptions of the Act. On the other hand, it was probably impossible for the authorities to hold that the Hutterites were exceptions from the Act, since the words in the Schedule of Exceptions simply did not refer to them. Yet to be under the exemption provision left the Hutterites liable to non-combatant military service and their Order-in-Council of 1899 had promised them absolute immunity from military service. Regardless of these details, the Hutterites now immigrated and settled in Alberta and Manitoba.

The assurances given to the Mennonites during the summer of 1918 were not always clear. While some letters referred to exceptions others referred to exemptions.⁽⁹¹⁾ Also, the possibility of an immigrant from the United States avoiding military service in Canada by virtue of not being a British subject was changed in July of 1918 when an agreement was signed with the United States whereby a citizen of one country, who was subject to military service there, and who had migrated to the other, would remain liable to such service although he would have 60 days to choose whether to serve in the forces of the country in which he was resident or in those of which he was a citizen.⁽⁹²⁾ This removed the protection for some but on August 20, 1918 a partial protection was reinstated. On that date an Order-in-Council was passed making U.S. citizens resident in Canada

"liable to military service in Canada and...entitled to exemption or regulations governing military service...in Canada". (93)

Two months later, however, this protection was curtailed. On October 25, 1918, the government passed an Order-in-Council which confirmed a narrow interpretation of the "exception" provision and, for all practical purposes, cancelled the "exemption" provision. The Order stated in part:

Mennonites in Canada who did not immigrate, or are not descendants of those who did immigrate to Canada pursuant to the arrangement evidenced by the Order-in-Council of August 13, 1873, or, who having so immigrated, or being descendants of the latter, have not continued without interruption to be members of the sect or denomination of Christians called Mennonites, or to reside permanently in Canada, shall not be deemed to be exempted from Military service or within the 7th exception to the Military Service Act of 1917,...(94)

To David Toews, the Mennonite leader, these developments were most disappointing. Some of the people whom he represented would now be eligible for neither the "exception" nor the "exemption". He had felt for some time that the authorities were trying to restrict the term "Mennonite" to include only the most conservative ones. In his words:

What was sought was to restrict the Mennonite church to include only those who had refused in secular affairs to associate themselves with the rest of the community, who refused to patronize the public schools, who refused to use any language other than German in their private schools, who refused to accept Lord Dufferin's invitation to take part in public affairs and help to mould the political future of the country. (95)

With the restrictions so severe, Toews made an elaborate appeal to the federal cabinet. (96) With the help of J.E. Doerr,

a lawyer in Regina, he prepared a brief which continued for 27 pages and had an additional 21 pages of Exhibits. In it, he surveyed the many efforts that they had made to obtain the protection from military service which they believed to be rightfully theirs based on what they had understood as governmental promises. He described the problems with the tribunals and noted that the Honourable Arthur Meighen had said in the House of Commons: "the honour of the nation is pledged to these people and they should not have to prove their cases before Tribunals." He reported that some government officials had advised them to seek a resolution of their problems in the courts but that they had refrained from doing so because such action might just aggravate public feeling and because: "our faith rested and continues to rest in the successors in office of those with whom our fathers entered into a solemn contract. It is unthinkable to us that they should violate this contract and we are quite sure that it only requires a thorough presentation of our case..." He proposed that the government set up a Commission to investigate the charges of fraud against them and, if these were found to be false, that the government then pass legislation so as to make their position unmistakably clear. Specifically, he asked that it "make the provisions of the Order-in-Council of August 13, 1873 applicable to all Mennonites who have arrived in Canada and whose home previous to that was in Europe, and the descendants of such, whether baptized or unbaptized, irrespective of whether they immigrated into Canada from the United States or from any coun-

try of Europe;". This would place them under the Schedule of Exceptions and thus relieve them of the burdensome and complicated matter of claiming "exemption" before the tribunals. If the law could not be made clear in this way, then, he submitted, the government of Canada ought to give them ten years notice so that they could settle their affairs and look for a different country in which to make their homes. He explained: "Even barbarous Russia gave our fathers such notice as did also Germany and Holland centuries before".

The long brief, addressed to "His Excellency, The Governor-General of Canada in Council", was dated November 4, 1918. One week later the war came to an end so it was not dealt with. In a sense the problems were lifted but the questions of their status were not clearly answered.

(c) Post-War Restrictions

The public antagonism against these groups continued even after the war came to an end. It had become quite strong already in the summer of 1918. In July, the Saskatchewan War Veterans Association called for the levying of a tax on those exempt from military service, but it also asked the government to continue to respect the "exemption treaties".⁽⁹⁷⁾ Other Veterans' associations soon expressed their criticism more sharply. In September of 1918, a petition signed by some 2000 people in southern Saskatchewan stated, among other things, that "at least ninety per cent of men claiming and being granted exemption...are not entitled to its protection, as a thorough investigation of their antecedents

and actions previous to 1914 will show they are not members of the Mennonite church within the meaning of the act..."(98)

These suspicions became focused sharply on those Mennonites and Hutterites who were then immigrating from the United States. In September of 1918, the influential Winnipeg Free Press expressed itself very strongly. In one of several editorials against them, it stated:

We do not want in Canada anybody who is not prepared to become a citizen in the full meaning of the word ... People of 'peculiar' religions living in colonies and cling to an alien tongue and to racial habits are from every point of view undesirable... If this country is not good enough to fight for, it is not good enough to live in...(99)

A number of other newspapers in the west expressed themselves in a similar way. The Calgary Eye-Opener asked: "Why do they want to impose such a bunch of cattle on us?"(100) The Toronto Globe noted: "The agitation over the Mennonite invasion is not an isolated protest but the explosion of a feeling that has been developing for years."(101) One public speaker referred to their admission as "treason" and that Canada was being used "as a dumping ground for these outlawed parasites from the States".(102)

Among the various concerns of the critics was the returning soldiers' need for land. It was argued that these immigrants, while not willing to fight for the country, were taking up land which belonged more properly to the returning soldier. This was a particular problem for the Hutterites in Alberta and also for the Doukhobors in British Columbia.(103) There, at a mass meeting of returned soldiers on February 13, 1919, a motion was

passed calling on "the government to deport the Doukhobors from Canada, back to the country from whence they came", and that "All lands which Doukhobors currently hold...be handed over to the soldiers who have returned from the war". (104) In British Columbia, the opposition to these groups was expressed also in an amendment to the Provincial Elections Act. On March 29, 1919, the Legislature disenfranchised, "Every person, male or female, exempted or entitled to claim exemption from military service by Order of the Governor of August thirteenth, 1873, or...of December sixth, 1898; or...of August 12, 1899...". (105)

This sentiment, to a significant extent, was a western phenomenon and the federal government did not recognize it immediately. However, in the summer of 1918 federal officials instructed agents not to encourage any more such immigrants to come to Canada. Eventually, W.D. Scott, the Superintendent of Immigration, said:

In my judgement the time has arrived when we cannot any longer afford to encourage settlement in Canada of a class of people who are not prepared to become citizens and fulfill all the obligations that such citizenship ordinarily entails. (106)

The Minister, J.A. Calder, had expressed himself in a similar way, stating: "no man should be allowed to come to this country unless he is prepared to carry his full share of the military burden". (107) On April 8, 1919, an Order-in-Council was passed which cancelled the promise of exemption given to the Hutterites in the Order-in-Council of August 12, 1899 for all those who would enter Canada on or after April 10, 1919. (108) On May 1, 1919, an Order-in-Council was passed which barred all three groups

from immigrating to Canada. This Order stated in part as follows:

Whereas...owing to conditions prevailing as the result of the war, a widespread feeling exists throughout the Dominion and more particularly in western Canada, that steps should be taken to prevent the entry to Canada of all persons who may be regarded as undesirable, because owing to their peculiar customs, habits, modes of living and methods of holding property, they are not likely to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time...

On and after the second day of May, 1919, and until further ordered, the entry into Canada of immigrants of the Doukhobor, Hutterite and Mennonite class is hereby prohibited. ... (109)

2. "Exemptions" Under the Act and the Ontario Situation

(a) Uncertainty About Their General Status

The Mennonites in Ontario were not covered by the Orders-in-Council referred to in the Schedule of Exceptions of the Military Service Act of 1917. They had received promises of exemption decades before those Orders-in-Council were passed, and their promises had been in the form of statutes. These, however, were not referred to in the Military Service Act of 1917. As a result they had to work with the provisions for "exemption" within the Act. These provisions referred to several grounds including the importance of a person's occupation, his family responsibilities, and others. The one which set out the conscience grounds stated:

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 sixth day of July, 1917, of any organized religious denomination existing and well recognized in Canada at such date, and to which he in good faith belongs. (110)

The Act provided further that a certificate of exemption "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." (111)

When the Act was passed on August 29, 1917, it was not known how these provisions would be interpreted. The Mennonites were concerned about the possibility that they might be required to render non-combatant service so they sent a delegation to Ottawa. On October 11, 1917, they met with Prime Minister Robert L. Borden and the Honourable Arthur Meighen, Solicitor-General, and submitted a statement which contained the following:

...we have always maintained that any form of military service is opposed to the spirit and practice of good will to man, and hence our desire to follow only such activities and pursuits in civil life as are in keeping with the doctrine which we believe to be the laws of God and of Christ.

We recognize the good will of the Government in inserting in the Military Service Act a clause granting exemption to all adherents of religious denominations whose articles of faith forbid combatant service, and hereby express our thanks for this gracious consideration, while we also humbly petition that the exemption clause cited may always be so construed as to meet the requirements of the faith and practice of those whom the government has thus graciously favoured, in continuing to them those principles of liberty which have been the occasion of many thanksgivings to God and the constant joy of many humble citizens. (112)

The submission reflected their uncertainty about the meaning of the exemption provisions. The records do not contain a full account of the discussions but a report of the meeting which the Mennonite delegates prepared for their churches consisted of the following four points.

1. All of our members who are in the age limit liable for military service, when called must apply for exemption according to Government regulations.
2. Physical examination before a medical Board is not required of those who apply for exemption for conscientious reasons.
3. None of our members are expected to vote under the present Election Act. Those who do so forfeit their right of exemption.
4. Non-combatant service will be dealt with later should circumstances require it. (113)

They sent a copy of this report to Meighen and he assured them stating: "Your understanding of our position as set forth in your letter is fairly correctly expressed."

The Mennonites were grateful for this exchange but soon new questions arose. On October 13, 1917 the proclamation was issued calling up the men in class one and it deemed them "to be soldiers in the military service of Canada save as the said Act otherwise provides." (114) Also, on October 18 there were newspaper reports indicating that according to regulations soon to be published, "a tribunal is not to allow an application for exemption on conscientious grounds unless the applicant signifies in writing his willingness to perform when required non-combatant work or service including service in the army medical corps, the army service corps and mechanical transport." (115)

These developments were disturbing to the Mennonites. In their view, non-combatant military service was not acceptable either. To deal with the situation they prepared another petition for the Prime Minister. (116) It was dated October 22, 1917 and in it they emphasized at length and in detail that

the law; as it was now being interpreted, was not recognizing their religious position. It deemed them to be soldiers "on leave of absence without pay" and it did not exempt them from non-combatant service. They said: "In this respect the proclamation seems to us to contravene the articles of faith of our church and its members would thus be made to transgress its principles and practices which have been maintained during the centuries past." They added: "we cannot participate in war in any form; that is to aid or abet war whether in combatant or non-combatant capacity." They also pointed out that their own religious position was identical to that of the Mennonites mentioned in the "Schedule of Exceptions" who were not liable for non-combatant military service. They reminded the Prime Minister that in the earlier meeting he had told them that no arrangements for calling them to non-combatant service would be made without first consulting them and pleaded that the government reconsider the matter immediately. They did not want their people to appear before the tribunals and be in a position of either receiving no exemption at all or else having to sign statements indicating a willingness to render non-combatant service in order to receive exemption from combatant service. In conclusion they assured the government of their basic desire to respect the laws and the law makers, to avoid any "act that may be construed as insubordination and disloyalty", and to "bear our part of the nation's burdens." (117)

This elaborate and strong appeal brought a strangely positive response. In a letter dated November 3, 1917, E.L. Newcombe, the Deputy Minister of Justice, stated:

With further reference to your letter of the 22nd instant, addressed to the Right Honourable the Prime Minister of Canada, I have to inform you that under paragraph 7 of the Schedule of Exceptions to the above Act, Mennonites are excluded from the operation of the Act and have no duty to perform thereunder.

...the matter has been thoroughly discussed by the Military Service Council and the opinion now is that if Mennonites should be prosecuted for non-compliance with the Act the answer to the prosecution would be that they are Mennonites and on the proof of that fact, undoubtedly prosecution would be dismissed.

...your mind may now be at rest on the whole subject. (118)

This position, stated by the Military Service Council of the Department of Justice, that the Mennonites from Ontario were "excepted" from the Act and had no duty to perform thereunder, was not held for long. Nevertheless, there were some reasons favouring it. In Tribunal Circular No. 11, issued on November 5, 1917, the Military Service Branch of the Department of Justice described the Order-in-Council of 1873 as granting "an entire exemption...to the denomination of Christians called Mennonites...", without limiting it to those who had migrated from Russia to Manitoba at that time. (119) This logic was reaffirmed by E.L. Newcombe on November 6, 1917. In a letter of that date he also suggested that the Mennonites had been disenfranchised in the War-Time Elections Act on the assumption that they would not be required to render military service. (120)

Even though this position of being "excepted" was attractive to the Mennonites some of them had doubts about its legal validity from the beginning. L.J. Burkholder, moderator of the Mennonite Conference of Ontario, was of the opinion that "it is a mistake and that the Minister of Justice has confused the issue with the position of the Manitoba Mennonites". (121) Another Mennonite leader, J.L. Byler, who had, on his own initiative, written a long letter to the Prime Minister and who had received the same reply, wondered: "after all my details as to Ontario conditions in the letter to Sir Robert Borden could such a mistake occur? ... While I think it seems too good to be true yet I cannot conceive of such a blunder being made on such a serious question". (122)

S.F. Coffman, who was appointed by the Mennonites of Ontario to serve as their governmental correspondent, was confident that it was not a mistake. He pointed out that the 1873 Order-in-Council, made to encourage the Mennonites of Russia to immigrate to Manitoba, was based on Militia Acts which had long exempted the Quakers, Mennonites and Tunkers of Ontario. He also pointed to words found in the September 25, 1872 Order-in-Council: "That the Constitution does not confer upon the Governor General any power to over-ride or set aside, under any circumstances, the plain meaning of statute law,..." (123)

(This Order-in-Council is reproduced in Appendix 2.) He reasoned that if the Order-in-Council has the effect of excepting the Mennonites of Manitoba from the Act then surely the statute upon

which the Order-in-Council is based, and which had been worked out for the Quakers, Mennonites and Tunkers of Ontario years earlier, would have the same effect.

On the assumption that this interpretation was correct and would remain operative, the Mennonites prepared a letter of thanks, dated November 20, 1917. It was addressed to the Prime Minister and said: "We cannot adequately express to yourself and to the Government what this interpretation of the regulations of the said Act means to us, nor can we tell you of the joy that it gave to our people, nor the thanksgivings to God which have ascended from hearts and homes and assemblies...". They also indicated their desire, "to undertake voluntarily some share in the sacrifices of our fellow-citizens, and by some means, the plans of which are now under consideration, express in a more substantial manner our gratitude to the Government...(and) our Christian sympathy toward our fellow-citizens and toward humanity..." (124)

This indication of willingness to serve on the part of the Ontario Mennonites appears, like that of the Mennonites in the west, as a suggestion for an alternative service program. Coffman favoured this. Among the things which he suggested were "care for disabled soldiers", and contributions for relief work in countries devastated by the war. He said: "Our taxes are not sufficient as a share of the burden. Others are giving more and we should not give less." (125) Some months later the Ontario Mennonites and Tunkers formed the Nonresistant Relief

Organization and supported a substantial amount of relief work in the war ravaged countries. (126)

The letter of thanks of November 20, 1917, although carefully written, was not sent at the time. Before it was ready for mailing some difficulties had appeared.

(b) Different Rulings from the Tribunals

While the discussions between Mennonite leaders and officials in Ottawa were taking place, many young Mennonites were being called before the Tribunals. But these, it was found, were reluctant about recognizing their claims to exemption on grounds of conscience. They were more inclined to exempt them on the basis that they were needed on the farms. Most Mennonites were farm people and they were pleased to receive the exemptions but they were concerned that this practise failed to acknowledge their religious position. Early in November, J.L. Byler from Markham reported that he had asked a local tribunal official, "what they would do with any Mennonite that they deemed was not necessary for the production of food etc.", and that the official had replied, "that they would be likely called for Army Transport work, etc.,". (127) Such a statement about the possibility of non-combatant military service was of great concern to the Mennonites.

Not all tribunals, however, interpreted the law in this way. Some took the position that Mennonites were free from all military service obligations. A November 10, 1917 letter of instruction from W.E. Wismer, the Deputy Registrar of the District Tribunal in London, to the local tribunal at Milverton,

to which some Mennonites had to report, stated:

All these Mennonite people of course are excepted from the Act, and as long as you are fully satisfied that they are in fact Mennonites you have no option but to grant them exemption: (128)

If the authorities for the London district were clear, in other areas there were further complications. (129) Some tribunals granted exemption only to church members and not to those young men who, though of Mennonite parents, had not yet formally joined the church. Some held that to qualify it was necessary for the men to have been church members before July 6, 1917, a date which the Act used for other purposes. Some exempted the men from combatant service but wanted them to sign a statement saying that they were willing to render a non-combatant service. Most Mennonites, however, appear to have refused to sign such statements, choosing instead to appeal their cases to higher tribunals. Still other tribunals granted them an exemption on religious grounds with little hesitation.

This diversity among the Tribunals was a concern to Mennonite leaders. On November 21, 1917 S.F. Coffman wrote: "there must be a mistake...since the statement from the Department of Justice clearly says that Mennonites are excluded from the operation of the Military Service Act and have no duty to perform thereunder." (130) He encouraged all "young brethren who are not entirely exempted on account of their belonging to the

9

Mennonite church to appeal at once to the next higher tribunal", believing that this was in keeping with the advice which the Department of Justice had given on November 3, 1917. (131)

Coffman also took steps to have the November 3, 1917 letter from the Deputy Minister of Justice brought to the attention of every tribunal before which Mennonites or Tunkers might appear. But this did not resolve the problem either. One leader, Osias Cressman, who took responsibility for showing the letter to the tribunals in one area, reported that the officers had given it little recognition arguing instead that it is "the judge who has to say what is really law..." (132)

These developments led S.F. Coffman to the conclusion that they would simply have to press their appeals to the District Tribunals and, if necessary, to the Central Appeal Tribunal. In one letter he said: "If the Central Appeal Tribunal gives a different verdict...then it will be necessary for us to appeal to the Government or even to the Crown for a ratification of the privileges which we have heretofore enjoyed." (133)

This strategy of appealing was not only in keeping with the letter of November 3, 1917 from the Deputy Minister of Justice, it had also been suggested to them by W.G. Weichel, a Member of Parliament for the Waterloo area. On November 8, 1917 Weichel reported that he had discussed some of the problems with Mr. Meighen stating: "he told me that if the Tribunals refuse exemption to your young men who have not as yet been taken into the Mennonite Church as active members, then they should just take the appeal... I can assure you that from

what I can gather from Mr. Meighen that you will not have cause for worry, as the situation is thoroughly understood at Ottawa..."(134)

To this end, Coffman, on December 7, 1917 wrote letters to both the Minister of Justice and to the Central Appeal Judge, stating in part:

...there has not been a uniform consideration of the said claims for total exemption from all military service, which privilege they have had just reasons to claim as a result of the appeal made by a Committee of our Church to the Government and the decision rendered there upon by the Military Service Council,...

We have taken the liberty of advising our members not totally exempted or who have been exempted for other than religious reasons, to appeal from the decisions from the Local Tribunals, this advice being based on the above mentioned decisions of the Military Service Council.

We trust that these appeals may be granted the same favourable and uniform consideration as has been granted us by the Military Service Council, for which our people have been sincerely grateful,...(135)

Coffman also presented their problems to the District Registrar in London. In a letter dated January 29, 1918, he reviewed their negotiations with Ottawa and noted especially the promise received on November 3, 1917, that they had no duty to perform under the Military Service Act. (136) He then pointed out that "the majority of the local tribunals have not taken into consideration the fact that Mennonites are totally exempted and have granted only...exemption from combatant service." He concluded in the following way:

Because there has not been a uniform decision on the part of the local tribunals, and because some

of the decisions are not clear in stating the extent of exemption granted, and in order to avoid having the names of our brethren placed on the lists as eligible for non-combatant service and considered "soldiers on leave of absence" which would be in contravention of their principles of faith, we have advised them to appeal to the higher tribunals for total exemption so that they may secure a uniform and complete exemption and be freed from all military obligation.

While Coffman was making these appeals there were more indications that the promise of complete exemption might not be fulfilled. On February 2, 1918, Glyn Osler, Registrar for Ontario, replied to one inquiry stating: "Men exempted on religious grounds are not, as you seem to think entirely exempt from performing any duties under the Act. According to Appendix 4 of the Instructions to Tribunals, the decision in the case of a man exempted for religious belief will read as follows: Exempted from Combatant Service on account of religious belief". (137) Of one hearing around this time, a Mennonite Minister reported: "The judge spoke kindly and firmly, told us he could not grant our desire, but, urged us to appeal at central judge or court, and told us how to do it, and said repeatedly he thinks it will come out all right there." (138)

Some weeks later, on March 27, 1918, a delegation met with officials in Ottawa. The delegation represented the newly formed Non-Resistant Relief Organization and the main purpose of the meeting was to make arrangements so that a fund, which the Mennonites were in the process of collecting, could be turned over to the government and "be used for relief and charitable purposes only". (139) During the meeting, however,

they also discussed their difficulties regarding exemption from military service. They pointed out especially that their religious position was not being recognized by the law, that "no provisions were made under the Exemptions Regulations for correctly stating our faith and the grounds of our claims as opposed to all forms of Military Service, whether combatant or non-combatant." (140) They described the way the tribunals were dealing with their claims and that their appeals were not yet successful. In conclusion they said: "We could not believe that the Canadian Government had annulled in any degree those religious liberties and immunities which our forefathers enjoyed."

Initial arrangements for the meeting in Ottawa had indicated that the delegation, which consisted of both Mennonite and Tunker representatives, would meet with a committee of the cabinet. When the meeting took place, however, only the Honourable J.A. Calder, Minister of Immigration and Colonization, and F.S. Scott, Member of Parliament for South Waterloo were present. They gave the delegates "the fullest assurance" that their concerns would not be disregarded and that "complete exemption from Military Service would be allowed". (141)

(c) Further Restrictions and An Unusual Arrangement for Relief

The efforts of Calder and Scott were to become especially important when further restrictions were introduced. On April 19, 1918, an Order-in-Council, commonly referred to as the "Manpower Bill", was passed cancelling all "exemptions" for men in class one, that is those 19-34 years of age and without family responsibilities. It placed them under military law, ordered them to

register within ten days, and called up those aged 19-23 years for immediate service. (142) One of the purposes of this bill was to recruit the many young men exempted for farm reasons. But those exempted for reasons of conscience were affected in the same way and S.F. Coffman quickly appealed to Calder and Scott. In an April 22 letter to Calder he asked: "What application will be made of the provisions for Mennonites as stated in the Man-Power Bill? Will it apply to all Mennonites as well as to those other established Churches - Quakers and Tunkers, whose faith was recognized and provided for by the laws of Canada?" (143) He also stated: "Under the War-Times Elections Act, provisions were made that sons of such persons as were disenfranchised as Conscientious Objectors, who had not attained their majority, were not to be called into service. Will the present Man-Power Bill cancel the provisions of the War-Times Elections Act...?" In the letter to Scott, of the same date, Coffman wrote:

We do not wish to place ourselves on the list of Excepted classes if it is not the purpose of the Government to class us as such, yet we feel that, owing to our tenets of faith and practices of our Christian principles we belong to such excepted classes. (144)

In light of the very difficult situation in which this Manpower bill placed the Mennonites, S.F. Coffman came to the conclusion that they should simply claim to be in the "exceptions". Those "excepted" from the Act were excluded from the Bill and Coffman now argued that since "the name Mennonite is stated in the Order, I believe that we should avail ourselves of the privilege of claiming the exclusion as belonging to all Menno-

nites." (145) He had some misgivings about this approach suspecting that it "may lead to a definite test". But he advised the Ministers in the churches that the young men should not even register, saying, "Any of our brethren called to register or report for service should claim to be under the Exception which the Military Service Council decided applied to all Mennonites,..." (146)

There were some indications that this might be the right approach. N.W. Rowell, President of the Privy Council, had written, "that the Mennonites are excluded from the new Act and from all military service", that they "have no duty to perform and are altogether excluded from the operation of the Military Service Act and also from the new Manpower Bill just passed". (147) Rowell had raised the matter with Colonel Machin, head of the Military Service Council, who had replied: "Mennonites are undoubtedly excepted from the Act and have no duty to perform in connection therewith." (148)

There were reports also that some tribunals were interpreting the law in this way. One Mennonite, David Hoover, had received a notice to report from Leslie Wilson, the Registrar in Toronto. He had immediately written back that he was a Mennonite whereupon Wilson had replied "that it was a mistake that the notice was sent as he was a Mennonite and exempted under the Act...and that they would shortly send him an exemption certificate." (149) Similar things had happened to several other young men so there were some reasons for believing that the problems were being resolved.

There were other indications, however, that the situation remained unsatisfactory. These were sufficiently strong to prompt Coffman to make a lengthy appeal to the Honourable J.A. Calder. In a letter dated May 4, 1918, Coffman attempted especially to have the government understand and recognize their religious position. (150) He said that they were not trying to avoid danger or hardship nor to stay at home for the purpose of economic and material gain even though, he said: "the Tribunals that have answered our appeals have been inclined to interpret our appeals as based on desires to claim some material liberties or advantages." In appearing before the tribunals, he reported, their people had been "shamefully abused and needlessly exposed to the heartless badgering of some officials who did not know and could not appreciate the faith of our people." In reality, he said; "The motive of our appeals for freedom from military service has been to be free to fulfill our obligations of loyalty to God,... We desire to continue the testimony of those who have lived according to these principles and have kept these tenets of faith in the history of the Church..."

He pointed to the problems with regard to their legal status, noting first, the difference between being "excepted" on the basis of an Order-in-Council, and being "exempted" from combatant service only. There are, he said of the current interpretation, "two laws for the same class of people, and the Statutes are set aside for citizens of long residence and

recognized principles, in favor of Orders-in-Council,..." He also pointed out the problems of the Tunkers, stating:

May I call your attention to the fact that the Tunker People who were and are represented with us in this plea, have not received the slightest recognition by the Tribunals. Their history is contemporary with that of the Mennonites, being an early branch from this Society. Their principles of non-resistance precisely the same...their recognition has been witnessed to by their name being found on the statutes of Canada along with the names of the Quakers and Mennonites. It is a sore disappointment to the Tunker Brethren that their young men who subscribed to the clause granting exemption to conscientious objectors, were not granted the courtesy of recognition for religious principles but the majority of them were given exemption as farmers.

He asked whether the Military Service Act, and especially the recent Manpower Bill, "have superceeded (sic) the Statutes of Canada which provided freedom from Military Service", stating:

...if such is the case, we trust that some measures may be taken by the Government that will restore and permanently safeguard lawful religious beliefs... We hope that there may be affixed to the one-hundred years record of liberty for the non-resistant faith the seal of the Government which will perpetuate such liberties forever. If it is lawful to believe the teachings and follow the example of Christ, we pray that it may be permitted us. In full accord with the liberality of the Government toward our people we hope that immediate steps may be taken to prevent any of our brethren from being molested...under present regulations,...(151)

While Coffman was making this appeal he continued to advise the people not to register. (152) The legality of this was questionable since the Order-in-Council of April 19, 1918 had prescribed that those in ~~class one~~ and "not within one of the exceptions in the Schedule to the Act" should report to a Registrar's office within ten days. They would then, until "placed on active service be deemed to be on leave of absence

without pay..."(153) F.S. Scott, the Member of Parliament appears to have supported Coffman, at least for a time, in advising his people not to register. (154) At the same time Scott and Calder were trying to find a solution through a different avenue. They discussed with Militia authorities the possibility of by-passing the civil authorities altogether. In mid-May Scott and W.G. Weichel had a meeting with the Militia Council of which Scott made the following report.

The Minister of Militia was present and after discussing the whole situation thoroughly, it was arranged that we should secure from your Church the names of Bishops or someone in authority who could issue certificates of membership in your Church. The Officer Commanding the Military District will then be authorized to accept these certificates and allow the men off on leave. (155)

This approach was to be most instrumental in resolving the problems. Scott reported that the agreement had been reached when they had been able to persuade the military authorities to take the view "that these men would be of little use to them under any circumstances holding the belief which they did and that it was better to leave them at their present occupations." (156)

At the time in May of 1918 when the initial discussions took place the arrangement was not yet developed sufficiently to cover all the concerns. Scott reported that he had been able to persuade the authorities to consider this arrangement for members of the church only and not for adherents, that is, the young men who had not yet become members of the church in

the formal sense. Also significant was the fact that the solution came from the Department of the Militia and Defence and not from the Department of Justice which was responsible for administering the tribunals and interpreting the law.

In accepting this new arrangement the Mennonites agreed also to register.⁽¹⁵⁷⁾ They did this reluctantly because it was almost like enlisting, at least for those in the age categories for which the exemptions had been cancelled. Nevertheless, they did so on the assumption that the General Officers Commanding would be merciful and give them "leave". It was not an ideal arrangement. In one report to the churches Coffman stated: "While registering implies an application for service and a leave of absence is a soldier's permit to be absent, the arrangement is the best that the Government is able to make for us under the present military law."⁽¹⁵⁸⁾

In spite of the questions that remained, steps to make the arrangement operative were taken quickly. By May 21, 1918, F.S. Scott received a list of the Mennonite Bishops who would sign the certificates, and sent it on to the Department of Militia and Defence.⁽¹⁵⁹⁾ On May 22, the Department replied that, "instructions have been issued to the General Officers Commanding, Military Districts Nos. 1 and 2, at London and Toronto, to grant leave of absence without pay, to any draftee who submits a certificate signed by any one of the Bishops mentioned in the list enclosed in your letter, to the effect that the draftee was, before the 6th July 1917, and still is, a bona fide member of that Sect."⁽¹⁶⁰⁾

Before long there was a solution also for those who had not formally joined the church before that date but who were regular attenders. On May 31, 1918 the Department of Militia and Defence wrote to the General Officer Commanding at London and stated, with reference to both Mennonites and Tunkers:

...it has been brought to the attention of the Department that a large number of bona fide adherents of these Sects were not actually members of the Church on the 6th July 1917.

It has accordingly been decided that leave may be granted, as stated in the letter of the 22nd, on certificate of one of the Bishops whose names have been submitted, to the effect that the man concerned was, prior to July 6, 1917, a regular attendant at the Church, and a bona fide adherent and has since actually joined the Church. (161)

The arrangement was timely. The Order-in-Council of April 19, 1918 had placed the Mennonites of Ontario in a most difficult position. Some were taken into the military. Others were imprisoned. Now, at least some of them, although not all, were released. (162)

(d) Continuing Questions About Their Legal Status

Even though they now had a way out of military service, it was based on the discretion of military officials and their status in law remained unclear. Member of Parliament, W.D. Euler appealed to the Minister of Justice for a measure to clarify the situation. In a letter dated May 29, 1918, to the Minister, he said:

Legal Officers of the Department of Militia have given opposing views of the matter. One officer, Col. Biggar, holding that the Ontario Mennonites do not come under the Order-in-Council, which places the Mennonites and Doukhobors outside the scope of the Act altogether, while Col. Machin is of the opinion that all Mennonites etc., no matter where found, are included under the Order-in-

Council. If the second view is correct they would not be required to register, I presume, but would prove themselves outside the operation of the Act by exhibiting certificates of membership from the heads of the church.

May I suggest that there seems to be no good reason why any distinction should be made among the various classes of Mennonites and other bona fide conscientious objectors, ... I would suggest that the Government remove all uncertainty by amending Order-in-Council which would place all Mennonites and other objecting sects outside the operation of the Act. Thus the possession of a membership certificate in said churches, signed by a Bishop or other ecclesiastical head, would be all the protection necessary, ... (163)

Since there was considerable uncertainty the Registrar in Toronto cancelled Orders to Report pending clarification from the Central Appeal Judge. (164) That clarification came late in June. He ruled that "Tunkers and Ontario Mennonites are not excepted from the Military Service Act". (165) This confirmed that those for whom exemption privileges had been cancelled in the Order-in-Council of April 19, would now have no other recourse than to depend on the mercy of the military authorities to give them "leave", while those in other age categories, if called, could expect the tribunals to give them no more than exemption from combatant service. This prompted the Ontario Registrar to suggest to S.F. Coffman that the Mennonites and the Tunkers reconsider their opposition to non-combatant service. He advised them "to make a compromise on the subject of non-combatant service with Hospital Corps or other non-combatant units...you should find some better use for your young men than having them sent to prison." (166)

The decision from the Central Appeal Judge, that the Mennonites of Ontario were not in the "excepted" category, was

a disappointment. (167) It meant that they would probably have to continue with the existing arrangements. Though grateful for these arrangements, they were not ideal. S.F. Coffman, in a letter late in July 1918 to Member of Parliament F.S. Scott, wrote:

We would appreciate very much to have our boys relieved of the necessity of attesting for service and passing medical inspection and being assigned to army corps in order to receive their Leave of Absence. We understand that their presenting a Certificate from the Mennonite or Tunker Church is equivalent to a protest to their attesting or serving, but their signing for service is in their case a declaration, which they are obliged to make, knowing that they cannot and will not be obliged to fulfill it; in either case it is a false declaration, and is embarrassing and as much a matter of conscience as the service to which they object. We realize that conditions are not what they should be and not what you would like them to be, and are thankful for what we enjoy. While we also trust that more satisfactory conditions may be arranged as occasion may afford. (168)

In addition to the complaints about the procedure for obtaining "leave", a number of men were put in prison during the remaining period of the war although in most instances they were released within a few weeks, thanks in part to the efforts of Coffman and others. (169)

Some of the complaints about the procedure for obtaining "leave" dealt specifically with the situation of those who had become formal members of the churches only after October 13, 1917, when the proclamation conscripting the men in class one had been issued. The Registrar in Toronto, working under the Department of Justice, raised the issue several times. In mid-July of 1918 he wrote:

....permit me again to draw your attention to the fact that the Military Headquarters Military District No. 2 have instructions from the Adjutant General, making it necessary for them to recognize certificates of membership in the Mennonite and Tunker churches of men who joined the Order subsequent to October 13, 1917. This affects a large number of cases in this District and I think it should be stopped at once. (170)

Some General Officers Commanding were not enthusiastic about the arrangement of granting "leaves" either. On one occasion, later in the war, their reluctance became a problem and an official in the Office of the Adjutant General offered the following advice.

...it is suggested that a strong letter be forwarded to the General Officers Commanding, and inform them that they must accept a Certificate from the Bishop of the Mennonite Church which states that the man concerned was an adherent or a bona fide member of the Mennonite Church.

This may look like as if giving a broad opening, but from my person (sic) knowledge, as I have lived in Western Ontario among these people, I feel quite sure that a Bishop of the Mennonite Church would not give a Certificate to a man who was not an adherent or a bona fide member of the Church. (171)

If it was possible to overcome the hesitation of some military officials about recognizing those who had joined the church after October 13, 1917, as church members, this was not true for the Department of Justice. It decided, formally, that these were not to be considered as members. (172) This Justice Department decision, which was binding on the tribunals, was of great concern to Mennonites. S.F. Coffman saw it as a serious invasion of the rights of the church. He argued: "the question is raised what shall constitute the evidence of bona fide membership, the

decision of the Department of Justice or the decision of the Church?" (173) In his view, the decision of the Department was, "the equivalent to placing a ban on the fundamental doctrine of the church..." (174) He explained:

...if the present decision stands, our non-Resistant Churches must close their doors to our own sons who, by the force of present circumstances, are obliged to decide concerning matters of their faith. If our churches continue in their usual christian work even among our own people, after the publication of the decision...many will consider our Churches as acting in a spirit of rebellion, insubordination and even traitorous. We are glad to assure you that such is not the case among our people... However, no one will refuse a young man taking upon himself religious obligations at such time as this. In the case of Mennonite or Tunker young men, the question of Non-Resistance is involved in his Church relationship. The Church cannot be expected to change its creed. (175)

Fortunately, the authorities in the Department of Militia and Defence were not bound by the decisions of the Department of Justice. It appears that most General Officers Commanding, in spite of some reservations, granted "leaves" if they were satisfied that the individuals had strong personal "conscientious objections" to military service. However, the exact legal status of the Mennonites remained a matter of dispute and diverse interpretation. At one point, early in August, it appeared that the status of the Ministers and Bishops who were signing the certificates might be called into question too. (176) In sharp contrast, in mid-September, the Central Appeal Judge ruled of one John Roes of Brunner, Ontario, that "The subject is in the class referred to in the Order-in-Council of Canada, passed in the year 1873, and is not under the application of the Military Service Act 1917." (177) There was at least one

other such ruling that a particular young Mennonite in Ontario was "excepted" from the Act, but generally the Registrars and Tribunals held that they did not come under the exceptions. (178) Most serious was an Order-in-Council passed on October 25, 1918, which indicated not only that the Mennonites of Ontario were not "excepted" but took away the possibility of being exempted as well. All Mennonites, the Order stated, not specifically covered by the Order-in-Council of 1873 "shall not be deemed to be exempted from military service or within the 7th exception to the Military Service Act 1917". (179) In spite of this, it appears that the General Officers Commanding, under instruction from the Department of Militia and Defence, continued to grant "leaves" to those who could produce a certificate signed by a recognized Minister or Bishop showing that they belonged to the Mennonite church. (180)

D. Conclusion

If this encounter was marked by many difficulties, it is important to see those difficulties in the context of the time. It was a most unusual time in Canadian history. The energies of the government were taken up with very demanding issues. Tens of thousands of Canadians were being killed on the battlefields. In that context the fate of a few conscientious objectors was a minor concern.

Nevertheless, from the perspective of these groups the question of legal protection for conscientious objection was important. The teaching against rendering military service was

basic in their religions. They had held to this throughout their history. It set them apart from the larger society. And they had immigrated to Canada only after being assured that such a service would not be required of them.

The difficulties in World War I occurred in spite of these early assurances. In the west, where most of the people in these groups were to establish their status under a "Schedule of Exceptions" of the Military Service Act, the procedures for doing this were confusing and even government officials did not understand them clearly. Young men were held in military camps for weeks and even months before their status was established. Leaders like David Toews worked tirelessly to clarify the procedures but they had only limited success. Instead, the "exceptions" were interpreted in increasingly restrictive ways. Eventually the difficulties became so serious that Toews came to believe that they might have to leave Canada altogether. This is especially significant since he and the Mennonites whom he represented had become integrated into the larger Canadian society on issues like public schools and other things.

In Ontario the difficulties were serious too. Instead of "exceptions" they had to deal with an "exemption" provision within the Act but their eligibility for this depended on tribunals whose rulings, it turned out, varied widely and even when they did rule to exempt them on religious grounds it was an exemption from combatant service only. Most serious was the cancellation of this partial exemption. This took place

first in April of 1918 for a certain age category and then in October of that year in a more comprehensive way. Fortunately, by this time the Ontario Mennonites had made an unofficial arrangement whereby they received "leaves" from the military authorities regardless of their status in law. But the process was complex and a number of young men spent time in prison. Some years later S.F. Coffman described the situation of the Ontario Mennonites in the following way:

In many cases their young men were brought before the tribunals and no exemption was granted them. They were forcibly placed under military discipline, but steadfastly refused to do military service of any kind, which resulted in their being brought before military Courts and sentenced to severe penalties. Some were sent to military prison encampments and others detained in guard houses or barracks or in county jails. (181)

Not all the reasons for these difficulties can be explored here. Some were of an administrative nature and without conceptual significance. Others, however, reflect the more basic problem that the liberty of military exemption was not firmly institutionalized. This problem has appeared in relation to issues dealt with in preceding chapters. That it appears here too is surprising in light of the explicit nature of the promises set forth in the early statutes and Orders-in-Council. The first statute with a promise of exemption was a Militia Act passed in 1793. Another statute designed specifically to clarify the status of minors was passed in 1810. The initial beneficiaries of these provisions were Mennonites and other groups resident in Upper Canada. However, in the last three decades of the nineteenth century, the promise of exemption in the Militia

Act, even though it had been revised in the intervening years, served as the basis for the Orders-in-Council passed in order to attract Mennonites and Doukhobors from Russia and Hutterites from the United States to the Canadian prairies.

In spite of the apparent clarity of the early promises, the arrangements in World War I were complex. The peculiar distinction in the Military Service Act of 1917 between the "exemption" provision and those who were "excepted", which resulted in those under the former category remaining liable for non-combatant service, was not in keeping with the promises given in the statutes and Orders-in-Council generations earlier. The distinction was probably the result of poor drafting and not intentional. Nevertheless it had the force of law. Moreover, an individual's eligibility for relief from military service obligations in either of the two categories, instead of being assured as the earlier promises suggested, was now dependent on the rulings of tribunals and other intermediaries. And near the end of the war as public pressure for more recruits mounted both provisions were interpreted so as to exclude sizeable numbers of people who earlier had received firm assurances that they were covered.

Related to the fact that this liberty was not firmly institutionalized is a question of jurisdiction and authority. On one side of this question was the state which in time of war made a very direct claim on each individual. On the other side were these religious groups who in a sense claimed a primary jurisdiction over their people. The groups had the argument

that the state had given them the authority to exercise such a primary jurisdiction by promising, both in the early Militia Acts and in the Orders-in-Council, that it would grant exemption to those individuals who leaders of these groups would certify as belonging to them. These promises represented a fairly broad jurisdiction which the government, in a sense, had surrendered to these groups. And it is understandable that in the pressures of war and conscription the government would interpret this area of surrendered jurisdiction in a narrow way.

The government's questioning of the jurisdiction of these groups involved several areas. One involved the authority of the leaders signing the certificates for the young men. There were questions about Mennonite ministers and how they became ministers, and if they were ordained by a bishop then how did the bishop receive his authority, etc. And Doukhobors were arrested because certificates were not signed by ordained ministers. In their case the problem was resolved when it was explained that they did not have ordained ministers. It must be admitted too that some leaders did abuse their signing authority. Klaas Peters signed certificates as if he was a Mennonite minister when in fact he was not a Mennonite. And Peter Verigin, leader of the Community Doukhobors, wanted to use his authority to pressure Independent Doukhobors into returning to the Community.

Another area in which the authorities questioned the jurisdiction of these groups involved the status of the young Mennonites who had not yet formally joined the church. In the

west the issue was whether they qualified as Mennonites under the terms of the Order-in-Council. And only after Mennonite leaders had explained in detail that such young people had a definite place in the Mennonite community did the authorities accept them. In Ontario the question became not only one of whether they had formally joined but whether they had done so before a certain date. The "exemption" provision in the Act stated that a person had to be prohibited from military service by his membership in a religious denomination of which the Articles of Faith in effect on July 6, 1917 prohibited military service. The date, then, referred to the time when the Articles of Faith were in effect and not to the time when a person became a member of such a denomination. Some tribunals, however, followed the latter interpretation, probably out of concern that young men would join the Mennonite church for reasons of opportunism. Later the qualifying date was changed to October 13, 1917 when the first "call up" was made. Regardless of which date was used the refusal to recognize as church members those who joined later meant that a jurisdiction which the churches claimed for themselves was not fully recognized by the government. This was of considerable concern to the church leaders. S.F. Coffman wrote: "The question is raised what shall constitute the evidence of bona fide membership, the decision of the Department of Justice or the decision of the church?" (182)

In spite of these many difficulties, these groups enjoyed a very considerable liberty. No more than a few of their young men were required to render military service. This might not have been the case if the war had continued longer since the

latest and most severe restrictions came only as the war ended. Nevertheless, the measure of success is worth noting and one reason for it lies in the diligent and persevering way in which the leaders of these groups worked to overcome the difficulties. They worked to obtain the release of individual men sent to military camps or prison. They also worked on the general problems. In the west David Toews devoted a great deal of effort, although with only partial success, towards having the signing authority of Mennonite ministers recognized and for having the 1873 Order-in-Council applied to a broad range of Mennonites. In Ontario where the Act of 1917 allowed for exemption from combatant service only, the leaders tried hard to have the law recognize their religious position in a fuller way with regard to both the incomplete nature of the exemption and the problems of those young men who had not joined the church before a certain date. When they were unsuccessful in this they made an informal arrangement whereby the military authorities would give "leaves" to their men regardless of their status in law.

In working at these problems the leaders made innumerable petitions and appeals. They made direct approaches to officials, be they appointed or elected. There was also some use of the courts, at least in Ontario where the process involving the tribunals had a more judicial character. There the Mennonites appealed the ruling of the lower tribunals to the higher ones. In the west David Toews hesitated to use the courts but this may have been due to the different nature of the process there. Whatever the reason the most commonly used procedure was the direct petition.

This procedure may have been well suited for winning the sympathy of individuals in government. Both J.A. Calder and F.S. Scott were persuaded in this way to work on behalf of the Mennonites. And they in turn were able to make the informal and extra-legal arrangements whereby Mennonites in Ontario received "leaves" from the military authorities. The fact that they were able to do this indicates also a remarkable flexibility in the political system. It was able to bend in accordance with the efforts of these two men and to accommodate these Mennonites even though the law no longer required such an accommodation.

Also noteworthy is that the Mennonite leaders, by making so many appeals to the government, indicated that they wanted to work with the government in spite of their desire to be separate from the larger society. They did not defy the government or simply refuse to cooperate. They tried very hard to work out arrangements that would be acceptable to both sides. This element of respect and good faith was well expressed by David Toews when, after repeated failures, he prepared a lengthy petition and stated:

Our faith rested and continues to rest in the successors in office with those whom our fathers entered into a solemn contract. It is unthinkable to us that they should violate this contract and we are quite sure that it only requires a thorough presentation of our case. (183)

S.F. Coffman's efforts reflect a similar view. It was comparable to that expressed in the school controversies by the Reinlaender Mennonites of Manitoba when in their elaborate petition early in 1919 they stated: "Believing then as we do now that the word of the Government is inviolate because the Government is

ordained of God...". (This petition is reproduced in Appendix 14.)

This dimension of respect for government was deeply rooted. It helped them to persevere in the work towards a mutually satisfactory arrangement. If they had not persevered then this liberty would probably have become even more narrow and more uncertain.

FOOTNOTES TO CHAPTER VIII

1. George H. Reimer, "Canadian Mennonites and World War I" an unpublished paper submitted to the Manitoba Historical Society, March, 1972, p. 17. The paper is in the Conference of Mennonites in Canada Archives, 600 Shaftesbury Blvd., Winnipeg. (Hereinafter referred to as C.M.C. Archives.)
2. Winnipeg Free Press, August 4, 1914.
3. Robert Craig Brown and Ramsay Cook, Canada 1896-1921: A Nation Transformed, Toronto, McClelland and Stewart, Reprinted 1976, p. 213.
4. Ibid.
5. 5 George V, chap. 2, also quoted in Ibid.
6. John Lewis, "Canada at War" in Canada In the Great World War: Vol. II by Various Authorities, Toronto, United Publisher of Canada, 1918, p. 32.
7. Brown and Cook, op. cit., p. 212.
8. Charles Hanbury-Williams, "Creating the Canadian Army" in Canada in the Great World War, Op. cit., p. 73.
9. J.L. Granatstein and J.M. Hitsman, Broken Promises: A History of Conscription in Canada, Toronto, Oxford University Press, 1977, p. 34.
10. Ibid., p. 36.
11. Ibid., p. 37.
12. Ibid., p. 38.
13. Ibid., p. 40.
14. Ibid., p. 43.
15. Ibid.
16. Hanbury-Williams, op. cit., p. 84.
17. Granatstein and Hitsman, op. cit., p. 45.
18. L.J. Burkholder, A Brief History of the Mennonites in Ontario, Toronto, Mennonite Conference of Ontario, 1935, p. 262.
19. Adolf Ens, "Mennonite Relations With Governments Western Canada 1870-1925", an unpublished Ph. D. disseration sub-

mitted to the Department of Religious Studies, University of Ottawa, Ottawa, Ontario, 1979, p. 281.

20. The assurance given to the delegates is implied in a letter of January 4, 1917 from Bishop Johann J.S. Friesen to Robert L. Borden and Arthur Meighen and in a letter dated January 29, 1917 from Borden to Rev. Jacob Wiens. Both letters are in PAC Borden Papers, MG 26, H. Vol. 214, #121078 and #121093, respectively.
21. Letter, Johann J.S. Friesen to Robert L. Borden and Arthur Meighen, January 4, 1917, Ibid.
22. Letter, Abraham Doerksen to Benjamin Ewert, C.M.C. Archives, Vol. 542, file #3, as cited in Adolf Ens, op. cit., p. 285.
23. "Report re distribution of National Service Cards" by Cpl. C.T. Hildyard, Rosthern Detachment R.N.W.M.P., April 4, 1917, in the Robert L. Borden Papers, PAC MG 26 H, 1(c), Vol. 214.
24. The grounds for believing that this arrangement was accepted are that it was suggested by the authorities when the Mennonite leaders met with the Manitoba Director of the National Service Board in Winnipeg and that the surviving records do not indicate further difficulties.
25. Der Mitarbeiter, January 1917 (This monthly periodical, published from Gretna, Manitoba, served many of the Mennonites in Western Canada at that time.)
26. "A Petition of the Mennonite Delegation to the Government at Ottawa, in regard to military service." January 8, 1917, C.M.C. Archives, Vol. 1321, file 929.
27. Letter, from R.B. Bennett entitled, "Written Reply to the Petition of the Mennonite Delegation" Ottawa, January 8, 1917, Ibid.
28. The view of the western Mennonites is set forth in Circular No. 5, issued by the Military Service Branch of the Department of Justice to all Registrars, on August 29, 1918, PAC, RG 24, Vol. 115, file HQ 7168-1-1. The view of S.F. Coffman is described in a letter from him to Daniel Kauffman, dated July 12, 1917, quoted in John S. Weber, "History of S.F. Coffman, 1872-1954: The Mennonite Churchman", Unpublished M.A. thesis, University of Waterloo, July 1975, p. 41.
29. "Memorandum on the Treatment of Conscientious Objectors in Canada", dated October 10, 1918, Department of National Defence, Directorate of History Archives 934.009 D322.
30. Letter, R.B. Bennett to Rev. Abraham Doerksen, May 28, 1917, C.M.C. Archives, Vol. 542, file #3.
31. Ottawa Citizen, January 15, 1917, also in PAC, RG 15, Vol. 758, file no. 494483(14).

32. Regina Leader, March 1, 1917, also in PAC, RG 15, Vol. 758, file #494483(14).
33. As quoted in Ross Munro, "Conscription in Canada" in Canada in the Great World War, op. cit., p. 91.
34. Granatstein and Hitsman, op. cit., p. 62.
35. Colonel G.W.L. Nicholson, C.D., Canadian Expeditionary Force 1914-1919, Ottawa, The Queen's Printer, 1964, p. 342.
36. Munro, op. cit., p. 93.
37. Ibid., p. 95.
38. The War-Time Elections Act, 1917, 7-8 George V, Chap. 39. It is reproduced in C.P. Stacey Historical Documents of Canada, Vol. V, Toronto, MacMillan of Canada, 1972, p. 591.
39. The Military Service Act, 1917, 7-8 George V, Chap. 19. A portion of the Act is reproduced in Stacey, Ibid.
40. Ibid.
41. As reported in the Regina Post, October 12, 1917, PAC, RG 15, Vol. 758, file no. 494483(14).
42. Ibid.
43. S. Mabor, Superintendent of the Department of the Interior to the Deputy Minister, October 18, 1917, Ibid.
44. The enlistment of two or three hundred is referred to by S. Mabor in the memorandum, Ibid., and the quotation that "there appears to have been no attempt to enforce military service", comes from George Woodcock and Ivan Avakumovic, The Doukhobors, Toronto, McClelland and Stewart, 1977, (Carleton University Library Series No. 108), p. 252.
45. Petition to "His Excellency, the Governor-General of Canada in Council", November 4, 1918, signed by the Solicitor for the Mennonites, J.E. Doerr, PAC, RG 2,3, Vol. 199, PC #2897. (Hereinafter referred to as Petition to "His Excellency...".)
46. Der Mitarbeiter, Gretna, Manitoba, Vol. 12, No. 1., October 1917, p. 1.
47. Letter, Benjamin Ewert to the Honourable, The Premier of Canada, Sir Robert L. Borden, November 17, 1917, C.M.C. Archives, Vol. 542, file #3.
48. Der Mitarbeiter, Vol. 12, No. 3, December 1917.

49. Letter, Klaas Peters to Benjamin Ewert, January 23, 1918, C.M.C. Archives, Vol. 542, file #3.
50. Letter, David Toews to Benjamin Ewert, March 26, 1918, C.M.C. Archives, Vol. 542, file #4.
51. A copy of the submission from David Toews et al., to Col. Machin, April 12, 1918, Ibid.
52. That the arrangement was accepted is stated in the Petition to "His Excellency...", November 4, 1918, op. cit., p. 14 and in Exhibit D. That it was not immediately accepted is reported in a letter from David Toews to Benjamin Ewert, May 1, 1918, Ibid.
53. Petition to "His Excellency...", November 4, 1918, op. cit., p. 13.
54. Letter, J.M. Carson, Registrar, Province of Alberta, to David Toews, May 3, 1918, in the Petition to "His Excellency...", November 4, 1918, op. cit., Exhibit J.
55. Petition to "His Excellency...", November 4, 1918, op. cit., p. 17.
56. Ibid.
57. Der Mitarbeiter, June 1918.
58. A submission from the Bishops of Sommerfeld and Bergthal congregations in Manitoba, June 11, 1918, in C.M.C. Archives, Vol. 542, file #3.
59. Ibid.
60. Frank H. Epp, Mennonites In Canada 1786-1920: The History of A Separate People, Toronto, MacMillan of Canada, 1974, p. 382.
61. Petition to "His Excellency...", November 4, 1918, op. cit., Exhibit B.
62. Ibid., p. 14.
63. Ibid.
64. Ibid., Exhibit E.
65. Letter, J.E. Doerr to David Toews, June 28, 1918, in Ibid., Exhibit H.
66. Ibid.

67. Ibid., p. 17.
68. Order-in-Council, P.C. 919, April 19, 1918. This Order is reproduced in Stacey, op. cit., p. 580.
69. Granatstein and Hitsman, op. cit., p. 86.
70. Epp, op. cit., p. 382.
71. Ens, op. cit., p. 306.
72. The way the Doukhobors registered is referred to in three letters: 1) P.G. Makaroff to Peter K. Reibin, June 21, 1940; 2) P.G. Makaroff to Hon. Mr. Justice T.C. Davis, July 11, 1940; and 3) P.G. Makaroff to J.J. Verigin, July 29, 1940. Makaroff Papers, SAB. In the last of these letters Makaroff wrote: "In the last war I helped our people to conduct their own registration and sent in our questionnaires separately in one parcel to the Government with a notation that the parcel did not contain the names of any one liable to military service. As a result, none of the Doukhobors who went through that special procedure were called up to serve in the army. Those few Doukhobors who registered in the ordinary way, however, were called up and had to prove their right to exemption at much trouble and expense." Unfortunately, there is no definite indication in these records as to whether this refers to the registration of 1917 or to the one of 1918. This study assumes that it referred to the latter.
73. This public opinion, not only about the power of Mennonite Ministers to sign certificates, but about their privileged status in general with regard to military service was expressed vehemently in the newspapers of the time. This is described by Kirk Barons in "An Examination of the Mennonite and Hutterite Immigration Crisis 1918-19, in the provinces of Western Canada", Major Essay, for History 433, Carleton University, April 16, 1974. It is also described in Epp, op. cit., p. 16.
74. Letter, Augustus M. Pearman, Provincial Constable to Capt. F.R. Glover, Chief Inspector, Dominion Police, M.S.A., Vancouver, June 5, 1918, in PAC, RG 24, Vol. 115, files 7168-1-2.
75. Letter from Chief Inspector Civil Section, C.M.P.C., to Assistant Provost Marshal, M.D. No. 12, Regina, "re Klaas Peters, alleged Mennonite Minister", October 23, 1918, Ibid.
76. Ibid.

77. On July 12, 1918 a conference of Mennonites passed a resolution stating: "We, the Mennonites of the Rosthern District, urgently request the Mennonites of the Herbert and Rush Lake districts, to separate themselves in their dealings with the authorities regarding our position in Military matters, from those who are not of our faith...". Ibid.
78. Kirk Barons, op. cit., and Adolf Ens, op. cit., p. 301.
79. A statement entitled, "Facts Communicated By A Deputation of the Society of Independent Dukhahors"(sic), in PAC, RG 24, Vol. 6613, file HQ 8498-1-1.
80. Ibid.
81. Telegram, P.G. Makaroff to Hon. Arthur Meighen, August 17, 1918, in Ibid.
82. Letter, Colonel, Provost Marshal, to Adjutant General, August 30, 1918, in Ibid.
83. In the Petition to "His Excellency...", November 4, 1918. This relates also to the enforcement of a regulation which had been dormant for some time which required that immigrants to Canada come directly from their native country. This was used to bar the immigration of some, who, though they had lived in the United States for some time were still citizens of Russia. See Kirk Barons, op. cit., and A.M. Willms, "The Brethren Known As Hutterians" in The Canadian Journal of Economics and Political Science, Vol. XXIV, No. 3, August 1958, p. 393.
84. Letter, J.H. Reid, Chief Inspector, Civil Section C.M.P.C. Regina, to the Provost Marshal D. of C., Ottawa, October 15, 1918, PAC, RG/24, Vol. 115, files 7168-1-2.
85. Letter, Klaas Peters to Benjamin Ewert, February 1, 1918, C.M.C. Archives, Vol. 542, file #3.
86. In Petition to "His Excellency...", November 4, 1918, op. cit., p. 20.
87. Ibid.
88. Memorandum, W.D. Scott, Superintendent of Immigration, Department of the Interior, February 4, 1918, PAC, Department of Colonization and Immigration files 58764#1.
89. As quoted in A.M. Willms, op. cit., p. 392.
90. Ibid.

91. Various letters in PAC, RG 76, I, Vol. 173, file #58764.
92. Treaty between the United States and Canada, PAC, RG 24, Vol. 115, HQ 7168-1-1.
93. As quoted in the Petition to "His Excellency...", November 4, 1918, op. cit., p. 25.
94. Order-in-Council, 2622, October 25, 1918, PAC, RG 2,1, also in RG 76, Vol. 176, part 15.
95. In the Petition to "His Excellency...", November 4, 1918, p. 14.
96. Ibid.
97. Kirk Barons, op. cit., p. 11.
98. Ibid., p. 14.
99. Ibid., p. 15.
100. Ibid., p. 20.
101. Ibid.
102. Ibid.
103. David Flint, The Hutterites: A Study in Prejudice, Toronto, Oxford University Press, 1975, pp. 65-96.
104. As found in The Daily News, Nelson, British Columbia, February 14, 1919.
105. Koozma Tarasoff, "In Search of Brotherhood, The History of the Doukhobors", unpublished but available at the Library of the University of Victoria, Victoria British Columbia, 1963, p. 494.
106. As quoted in Kirk Barons, op. cit., p. 23.
107. As quoted in Ibid., p. 22.
108. Order-in-Council, P.C. 768, April 8, 1919, PAC, RG 76, Vol. 176, part 15, also in Manitoba Archives, MG 8 A18-1.
109. Order-in-Council, P.C. 923, May 1, 1919, Ibid. Another Order-in-Council, of almost identical words was passed on June 9, 1919, P.C. 1204, Ibid.
110. The Military Service Act, 1917, 7-8 George V. chap. 19, sec. 11(1)(f).
111. Ibid., sec. 11(2)(a).

112. S.F. Coffman, "Mennonites and Military Service" in L.J. Burkholder, op. cit., p. 264. This was not the first time that the Mennonites of Ontario were expressing their concern to the Government. In the spring of 1917 they asked the law firm of McCullough and Button of Stouffville, Ontario to inquire about their status. A reply from the office of the Minister of Militia and Defence stated, "...no proposal has been made to treat Mennonites in Ontario any differently than Mennonites in Western Canada." See Letter, McCullough and Button to The Minister of the Militia, March 9, 1917, PAC, RG 24, Vol. 115, HQ 7168-1-1, and letter E. Bristol, Private Secretary to the Minister of Militia and Defence to Messrs. McCullough and Button, May 24, 1917, CGC Archives, Military Problems Committee files (hereinafter referred to as MPC files) XV-11.2.2.
113. Coffman, Ibid., p. 265.
114. "Non Resistant Groups in World War I", an unpublished paper probably written by S.F. Coffman, CGC Archives, MPC files, XV-11.4.7.
115. As quoted in Ibid.
116. Ibid.
117. Ibid.
118. Letter, E.L. Newcombe, Deputy Minister of Justice, to S.F. Coffman, November 3, 1917, CGC Archives, MPC files.
119. Tribunal Circular No. 11, issued by the Military Service Council under the Military Service Branch of the Department of Justice, November 5, 1917, CGC Archives, MPC files XV-11.4.6.
120. Letter, E.L. Newcombe, the Deputy Minister of Justice, to Messrs. McCullough and Button, Barrister, Stouffville, Ontario, November 6, 1917, CGC Archives, MPC files.
121. As reported in a letter from J.L. Byler to S.F. Coffman, November 5, 1917, CGC Archives, MPC files.
122. Ibid.
123. Letters, S.F. Coffman to L.J. Burkholder, November, 1917; and S.F. Coffman to Asa Bearss and Fred Elliot, November 6, 1917; CGC Archives, MPC files.
124. The draft of the letter of thanks addressed to the Prime Minister is dated November 20, 1917. The names of eight Mennonite leaders appear as its authors. CGC Archives, MPC files.

125. Letter, S.F. Coffman to L.J. Burkholder, November 13, 1917, CGC Archives, MPC files. This suggestion is significant for understanding the discussions about an alternative service program in World War II. S.F. Coffman played an important part in formulating the large alternative service program in World War II.
126. S.F. Coffman, "The Non-Resistant Relief Organization" in Burkholder, op. cit., p. 273 ff.
127. Letter, J.L. Byler to S.F. Coffman, November 5, 1917, CGC Archives, MPC files.
128. Letter, W.E. Wismer, Deputy Registrar, London, Ontario, to Local Tribunal, 263, Milverton, Ontario, November 10, 1917, CGC Archives, MPC files.
129. The difficulties are described in various letters, including those from 1) J.L. Byler from Markham to S.F. Coffman, November 5, 1917; 2) Osias Cressman from New Hamburg to S.F. Coffman, November 19, 1917; 3) Asa Bearss from Ridgeway to S.F. Coffman, December 3, 1917; 4) Jonas Snider from Waterloo to L.J. Burkholder, November 20, 1917; 5) Osias Cressman, in reference to the tribunals at Drumbo and Preston to S.F. Coffman, November 28, 1917; 6) an unsigned letter from Waterloo, to the Hon. Arthur Meighen, November 26, 1917, CGC Archives, MPC files. The fact that the tribunals dealt with the Mennonite cases in many different ways is also referred to in Burkholder, op. cit., p. 267.
130. Letter, S.F. Coffman to Osias Cressman, November 21, 1917, CGC Archives, MPC files.
131. Letters, S.F. Coffman to Osias Cressman, November 29 and 30, 1917, CGC Archives, MPC files.
132. Letter, Osias Cressman to S.F. Coffman, November 28, 1917, CGC Archives, MPC files.
133. Letter, S.F. Coffman to David Bergey, December 22, 1917, CGC Archives, MPC files.
134. Letter, W.G. Weichel to D. Bergey, November 8, 1917, CGC Archives, MPC files.
135. Letters, S.F. Coffman to the Honourable Charles J. Doherty, Minister of Justice, December 7, 1917, and to His Honour Chief Justice Duff, Central Appeal Judge, December 7, 1917, CGC Archives, MPC files.
136. Letter, S.F. Coffman to W.E. Wismer, Registrar Under Military Service Act, 1917, London, Ontario, January 29, 1938, CGC Archives, MPC files.

137. Letter, Glyn Osler to L.J. Burkholder, February 2, 1918, CGC Archives, MPC files.
138. Letter, John Ebersole to S.F. Coffman, February 14, 1918, CGC Archives, MPC files.
139. Letter, S.F. Coffman to the Prime Minister, the Right Honourable Sir Robert Borden, February 20, 1918, CGC Archives, MPC files.
140. A four point statement from the Non-Resistant Relief Organization to the Government, entitled, "The Conflicting Points Between the Faith Of The Non-Resistant Churches And The Military Service Act", CGC Archives, MPC files XV-11.4.7.
141. "Report of Committee" by delegates S.F. Coffman, Thos. Reeser, and D.W. Heise, CGC Archives, MPC files. This meeting is also referred to in J.S. Hartzler, Mennonites In The World War or Non-resistance Under Test, Scottdale, Pennsylvania, Mennonite Publishing House, 1924, p. 84.
142. Order-in-Council, P.C. 919, April 19, 1918. This Order is reproduced in Stacey, op. cit., p. 580.
143. Letter, S.F. Coffman, Secretary of the Non-Resistant Relief Organization, to Hon. J.A. Calder, Minister of Immigration and Colonization, April 22, 1918, CGC Archives, MPC files.
144. Letter, S.F. Coffman to F.S. Scott, Member of Parliament April 22, 1918, CGC Archives, MPC files.
145. Letter, S.F. Coffman to the "Brethren" (meaning various Ministers and members of the Non-Resistant Relief Organization), April 20, 1918, CGC Archives, MPC files.
146. Letter, S.F. Coffman to the "Brethren", April 22, 1918, CGC Archives, MPC files.
147. This information had come from N.W. Rowell to J.L. Byler of Markham who in turn passed it on to S.F. Coffman. Coffman referred to it in letters dated April 23, 1918, to Osias Cressman and John Ebersole, CGC Archives, MPC files.
148. As quoted in a letter written by J.L. Byler to S.F. Coffman, on May 1, 1918, CGC Archives, MPC files.
149. As reported in J.L. Byler to S.F. Coffman, May 2, 1918, CGC Archives, MPC files.
150. Letter, S.F. Coffman, Secretary of the Non-Resistant Relief Organization, to the Honourable J.A. Calder, Minister of Immigration and Colonization, May 4, 1918, CGC Archives, MPC files.

151. Ibid.
152. That Coffman was continuing to give this advice is indicated in a letter from John R. Ebersole to S.F. Coffman, May 18, 1918, CGC Archives, MPC files.
153. The Order-in-Council of April 19, 1918, is printed in Stacey, Historical Documents, op. cit., p. 580.
154. This is suggested in quotation from Scott, in a letter written by S.F. Coffman to the "Brethren", May 23, 1918, CGC Archives, MPC files.
155. Letter, F.S. Scott to S.F. Coffman, May 17, 1918, CGC Archives, MPC files.
156. Letter, F.S. Scott to S.F. Coffman, June 15, 1918, CGC Archives, MPC files. The approach of by-passing the tribunals and relying directly on the Military authorities had been suggested in the Order-in-Council of April 19, 1918. The tribunal system had allowed for so many appeals that in Quebec where more people took advantage of the appeal opportunities, relatively few recruits were found. The Order-in-Council, while cancelling the exemptions, had stated that the Minister, referring to the Minister of Militia and Defence, could grant a leave of absence without pay to people in special circumstances.
157. Letter, S.F. Coffman to John R. Ebersole, May 21, 1918, CGC Archives, MPC files.
158. Letter, S.F. Coffman to the Bishops and Ministers of the Mennonite and Tunker Churches, June 14, 1918, CGC Archives, MPC files.
159. Letter, F.S. Scott to Colonel Osborne, Department of Militia and Defence, May 21, 1918, PAC, RG 24, Vol. 115, files HQ 7168-1-1.
160. Letter, Captain, D.A.A.G., Secretary, Military Service Sub-Committee, to F.S. Scott, May 22, 1918, Ibid.
161. Letter, Captain D.A.A.G., to the General Officer Commanding Military District No. 1, London, Ontario, Re: Status under the M.S.A., 1917 of Mennonites, Tunkers, and Amish, Ibid.
162. Letters, S.F. Coffman to F.S. Scott, May 24, 1918; S.F. Coffman to "the Brethren", May 23, 1918; F.S. Scott to Col. Osborn, May 28, 1918; and E.L. Newcombe to the Deputy Minister of Militia and Defence, July 17, 1918, in Ibid. and in CGC Archives, MPC files.

163. Letter, W.D. Euler to the Honourable Minister of Justice, May 29, 1918, CGC Archives, MPC files.
164. Letter, S.F. Coffman to "Brethren", May 23, 1918, CGC Archives, MPC files.
165. Letter, Ontario Registrar to Bishop S.F. Coffman, June 27, 1918, CGC Archives, MPC files.
166. Ibid.
167. The possibility that this was the first clear recognition of the Tunkers, is suggested in Epp, op. cit., p. 384.
168. Letter, S.F. Coffman to F.S. Scott; July 29, 1918, CGC Archives, MPC files.
169. The story of the imprisonment of a member of the Tunker church, E.J. Swalm, is told in Epp, op. cit. The Tunker church was soon to be renamed the Brethren-in-Christ Church and Swalm was to play a prominent role as Bishop of that church during the World War II negotiations. See also letters, S.F. Coffman to Freeman Johnson, July 17, 1918; S.F. Coffman to L.J. Burkholder, July 31, 1918; S.F. Coffman to L.J. Burkholder, August 2, 1918; Asa Bearss to S.F. Coffman, July 5, 1918; S.F. Coffman to "the Brethren", July 12, 1918; S.F. Coffman to John Ebersole, June 1, 1918, and June 12, 1918; S.F. Coffman to Thomas Reesor, November 14, 1918; all in CGC Archives MPC files. See also the letters referred to in footnote 162. above.

The practice of putting conscientious objectors in prison is described further in a document entitled "Memorandum on the Treatment of Conscientious Objectors in Canada" prepared by the Judge-Advocate-General for the Minister of Militia and Defence on October 10, 1918 and found in Department of National Defence, Directorate of History Archives, 934.009 D322. It states in part as follows,

"4. It has been found necessary to punish some 130 alleged conscientious objectors. Until recently the practice had been to try them by district court martial and to punish them by sentences of imprisonment up to a limit of two years, but, especially in the military District the Headquarters of which are at Toronto, such sentences were not found to constitute a sufficient deterrent against the setting up of conscientious objections which were not, in truth, bona fide entertained, many men preferring a short sentence of imprisonment at the Burwash Industrial Farm to military duty.

5. Instructions were, accordingly, given to the general effect that Officers Commanding units to which were ordered to report men who, on their arrival, set up conscientious objections were to endeavour by enquiry to determine whether or not the man's objections was bona fide. If the Commanding Officer was of opinion that the conscientious objection alleged was bona fide held by the man concerned, he was instructed to transfer him to a non-combatant unit, provided the man expressed himself ready to do non-combatant duty. If, however, the objection did not seem to be bona fide held, or refused to perform military duty of any kind, a general court martial was to be applied for.

6. Such general courts martial have been applied for in some twenty-five cases and the sentences imposed have ranged from five years penal servitude to penal servitude for life. Speaking generally, the longer sentences have been mitigated to ten years penal servitude. The imposition of these sentences has been found very effective in preventing conscientious objections being set up unless they are very strongly held. In two cases in which they were imposed the men concerned, on further study of the Scriptures, came to the conclusion that their first duty was to obey the law, and since the first batch of sentences was promulgated the number of cases arising has very substantially decreased."

170. As quoted in a letter from the Director of the Military Service Branch of the Department of Justice to Captain O.S. Tyndale, D.A.A.G., Secretary, Military Service Sub-Committee, July 20, 1918, PAC, RG 24, Vol. 115, file 7168-1-1.
171. Letter, Major D.A.A.G. (3) for A I Adjutant General to Capt. Tyndale, Secretary, Military Service Sub-Committee, November 5, 1918, Ibid.
172. This decision is referred to in a letter from the Director of the Military Service Branch of the Department of Justice to Captain O.S. Tyndale, D.A.A.G., Secretary, Military Service Sub-Committee, July 20, 1919, Ibid.
173. Letter, S.F. Coffman to F.S. Scott, July 30, 1918, CGC Archives, MPC files.
174. Letter, S.F. Coffman to F.S. Scott, July 29, 1918, Ibid.
175. Letter, S.F. Coffman to F.S. Scott, July 30, 1918, Ibid.
176. Letter, S.F. Coffman to "the Brethren", August 8, 1918, Ibid.

177. Letter, H.S. Beresford, Registrar under Military Service Act, London, to Mr. John Roes, Brunner, Ontario, September 13, 1918, CGC Archives, MPC files. The fact that people were held to be "excepted", even at this late date, is indicated also in Epp, op. cit., p. 385.
178. Epp, Ibid.
179. Order-in-Council, P.C. 2622, October 25, 1918, PAC, RG 76, Vol. 176, part 15.
180. Letter, Major D.A.A.G., (3) for A I Adjutant General to Capt. Tyndale, Secretary, Military Service Sub-Committee, November 5, 1918, PAC, RG 24, Vol. 115, file HQ 7168-1-1.
181. S.F. Coffman in L.J. Burkholder, op. cit., p. 269.
182. See footnote 173 above.
183. See footnote 96 above.

CHAPTER IX: EXEMPTION FROM MILITARY SERVICE IN WORLD WAR II

A. Early Developments and Assurances of Exemption

In a number of ways the situation in World War II was different from that of World War I. The Hutterites were now established in Canada although their total population was still only about 5000. ⁽¹⁾ The Mennonites had increased substantially because of the immigration of about 21,000 Mennonite immigrants from Russia in the 1920's. And the Doukhobors too were somewhat more numerous. Along with this increase in population these groups were also more dispersed: they were located in more geographical settings; their social structures were more varied; and their attitudes were more diverse. Another important difference was in the character of conscription. It was in force for a much longer period of time, being introduced in 1940 already. However, with one brief exception it was used only for home defence and not for overseas service.

The response of these groups to conscription was different too. Instead of seeking exemption from military service only, many became involved in a large Alternative Service program. This program was of a civilian nature. It was started because of the initiative of Mennonite leaders and most Mennonites participated in it. Most Doukhobors, however, opposed it. They wanted what they described as a complete exemption. The efforts of government officials to involve them in the program were never very successful. Meanwhile the Mennonites, though willing to render an alternative service, encountered difficulties in obtaining exemption from military service. In spite

of these problems the basic promise of exemption from military service was largely respected and by the end of the war about 10,900 men had served in the Alternative Service program.

The encounter of these groups with the government can be traced to their efforts to obtain assurance of their exempt status, long before the war began. Already in 1923 there was correspondence with a Mennonite Bishop in Manitoba on the question of whether the very restrictive Order-in-Council of October 25, 1918, was permanently binding. A reply, dated April 25, 1923, from F.C. Blair, Secretary to the Department of Immigration, stated that that Order-in-Council was no longer in effect since it had been made under the authority of the War Measures Act which in itself was no longer in force. (2) Blair continued: "The position of Mennonites as to military service is governed by the Order-in-Council of the 13th August 1873 and this specifically exempts Mennonites from military service."

Of particular concern was the status of the Mennonites who came from Russia in the 1920's. They had not received a special Order-in-Council promising military exemption like those who had come in the 1870's. Indeed, for their admission it had been necessary for the government first to set aside the 1919 prohibition on Mennonite immigrants. (3) This was done with another Order-in-Council, dated June 2, 1922, after Mennonite leaders in Canada appealed to the government, explaining the great hardship which their people in Russia were suffering as a result of war, revolution, and famine. (4) The new Order-

in-Council lifting the prohibition on Mennonite immigration had the same effect for Hutterites. They too had made special appeals to the government. However, this new Order-in-Council did not contain a promise of exemption from military service obligations.

The absence of a specific promise of exemption was a concern to the Mennonites arriving in the 1920's. When they asked whether the Order-in-Council of 1873 would cover them too the Acting Deputy Minister of Justice, W. Stuart Edwards, stated, on June 18, 1924, that that promise of exemption, "should legally be held not to apply to persons of the Mennonite class who may now be seeking entry to Canada from southern Russia". (5) He argued: "More than half a century has elapsed and conditions have changed so much that I do not think it could reasonably be held that the Government is now inviting immigrations upon the terms then stipulated." Nevertheless, he maintained that the 1873 Order-in-Council still had "legal effect to grant immunity from military service...to Mennonites who belong to or are descended from the immigration of 1873." Exemption for later immigrants, he said, would have to be based on the section in the Militia Act which stated: "Persons who from the doctrines of their religion are averse to bearing arms or rendering personal military service...". This provided some reassurance although there was concern that the "Russlaender", as the newly arriving Mennonite immigrants were known, would be treated differently from the "Kanadier", as the Mennonites of the earlier migration from Russia were known. (6)

In 1935, David Toews, the prominent Mennonite Bishop in the west, made a further effort to obtain clarification. He wrote to a lawyer, several Members of Parliament, and also to William Lyon Mackenzie King, then Leader of the Opposition.⁽⁷⁾

The replies again were reassuring. Mackenzie King replied by sending to Toews a letter prepared by F.C. Blair, now Assistant Deputy Minister of Immigration. In the letter, dated April 18, 1935, Blair reviewed the matter at some length and then wrote:

"The only conclusion that I can reach is that Mennonites are just as much exempt from military service as ever they were and that as long as the tenets of their faith remain as they are now, they will continue to be exempt".⁽⁸⁾ Another letter, dated July 6, 1935 and written by Mr. Magladery, Deputy Minister of Immigration to Mr. Hooge, a lawyer in Rosthern, Saskatchewan who served the Mennonites at the time, stated: "There is not, as far as I am aware, the slightest difference as regards military service between one class of Mennonites and another. The date of their admission to Canada has no important bearing on this subject."⁽⁹⁾

A more elaborate explanation was made by F.C. Blair to David Toews. In a letter dated November 2, 1936 he said:

All exemption from military service that now exists or has existed in Canada since Confederation in 1867 is by Statute not by Order-in-Council. ...

The Governor-in-Council has not now and never had authority to grant exemption to persons who are not entitled to it by Statute. What the Order-in-Council did was merely to define certain religious bodies as

coming within the exempted classes and the exemption as expressed in the law is available to: "Persons who from the doctrines of their religion are averse to bearing arms or rendering personal military service, under such conditions as are prescribed."

...it is not necessary that there be any Orders as the law is perfectly clear and not only Mennonites but any others who can establish from the doctrines of their religion that they should not perform military service, may claim exemption. No resident of Canada need become restless about the matter or think it is necessary to take some action at the present time. In the event of Canada being drawn into war there would be plenty of time then for persons who are exempt under law to claim that exemption.(10)

These exchanges settled the matter for the Mennonites, at least for the time being.

The status of the Hutterites was not entirely clear either. They had received a promise of exemption in an Order-in-Council of August 12, 1899. (This Order is reproduced in Appendix 4.) However, on April 8, 1919 another Order-in-Council had been passed cancelling the effect of the earlier one for all Hutterites who entered Canada on or after April 10, 1919. Most Hutterites had arrived before that date so the cancellation did not affect a large number. It appears, however, that those who did enter later were, like the Mennonites who entered in the 1920's; dependent on the exemption provision in the Militia Act. In one memorandum of 1927, W.J. Egan, the Deputy Minister of Immigration stated:

...the Militia Act contains a provision under which not only Hutterites but any of the religious bodies holding similar doctrines, may claim exemption, the Hutterite does not by the Order-in-Council of 1899 (even if the same were regarded as now in effect which it is not) secure any right or privilege to which he may not lay claim under the existing Statute.(11)

The Deputy Minister did not explain why the Order-in-Council of 1899 was no longer in effect.. From the Immigration perspective it is understandable. Hutterites were being admitted, not on the basis of that early Order-in-Council, but on the basis of existing Immigration Regulations. However, to hold that the promise of military exemption contained in that Order-in-Council was of no effect, not even for Hutterites who had entered before April 10, 1919, would seem to contradict the view, quoted above, that the promise of exemption contained in the Mennonite Order-in-Council of 1873 still had effect for those Mennonites who had immigrated pursuant to that Order.

The status of the Hutterites remained somewhat unclear. In 1940 when the Regulations for conscription were being drafted the Deputy Minister of Justice referred to the promises of exemption contained in the Orders-in-Council of 1873 and 1898 for Mennonites and Doukhobors respectively but said that he was not aware of any such measure for Hutterites. (12) Later some officials did acknowledge the 1899 Order-in-Council but by then the Regulations were established and the Hutterites could make their claim only through the general provisions for conscientious objectors and not on the basis of the Order-in-Council. This distinction, however, had little practical consequence.

The Doukhobors also sought reassurance that they would be exempted in the event of a war. In 1934, John Shukin, a Doukhobor leader at Verigin, Saskatchewan, asked for "an authoritative statement regarding the exemption of Doukhobors from military service." The reply, written by F.C. Blair,

was similar to those which he had prepared for the Mennonites. He explained that all exemption was "by Statute not by Order-in-Council", that an Order-in-Council could only "set forth certain conditions that would have to be fulfilled in claiming exemption" and that the Order-in-Council of December 6, 1898 made for the Doukhobors, was based on the Militia Act of 1886 which had since been amended so as to delete the names of any particular groups while retaining the principle of exempting "persons who from the doctrines of their religion are averse to bearing arms or rendering personal military service..." (13)

The search for reassurance continued. Early in 1939, several Ontario groups sent statements of their position to the government and in July of that year, they asked one Mennonite leader, J. Harold Sherk, to interview the Honourable W.D. Euler, a Minister in the federal cabinet, who was vacationing near Sherk's home. Sherk did so and reported back that Euler had expressed his opinion, that "the MacKenzie King Government would take the necessary steps to insure for our people freedom of conscience, if and when war should come and conscription would be used to mobilize an army." (14)

At this time, early in 1939, the possibility of conscription was becoming a matter of public debate. On March 23, 1939, just after Hitler took over the remains of Czechoslovakia, the Ontario legislature passed a resolution calling on Ottawa, "to immediately pass Legislation providing that in the event of a War emergency the wealth and manpower of Canada shall be mobilized...for the duration of the War, in defence of our free

institutions". (15) The Prime Minister, however, spoke against conscription. On March 30, 1939, he announced in the House of Commons that there would be no conscription in any future war. On September 8, 1939, just before Canada declared war he said in the House of Commons:

The present government believes that conscription of men for overseas service will not be a necessary or an effective step. No such measure will be introduced by the present administration. We have full faith in the readiness of Canadian men and women to put forward every effort in their power, to defend free institutions, and in particular to resist aggression on the part of a tyrannical regime which aims at the domination of the world by force. (16)

The commitment not to conscript men for overseas service would be respected but in the Spring of 1940 the government did introduce conscription for "home defence". This created a large pool of trained soldiers who were then encouraged to volunteer for overseas service.

B. Conscription Legislation and National Registration

1. The National Resources Mobilization Act

In the Spring of 1940 the military situation became more pressing. France "fell" on June 16. Britain was in danger. Even the security of North America could no longer be taken for granted. On June 16, MacKenzie King wrote in his diary: "...I see wherein now there is a real possibility of invasion of our shores, an effort will be made to seize this country as a prize of war." (17) On June 17, 1940, the Conservative Party's House Leader, R.B. Hanson, urged the Prime Minister to bring in legislation similar to the British Emergency Powers Act. And the

Cabinet War Committee said: "we should have a measure that would enable us to call out every man in Canada for military training for the defence of Canada."

In this atmosphere, on June 18, the National Resources Mobilization Act (NRMA) was introduced. Its text was brief but by passing it, three days later, Parliament gave very broad powers to the Cabinet. The Act stated in part:

An Act to confer certain powers upon the Governor-in-Council for the mobilization of national resources in the present war.

2. Subject to the provisions of section three hereof, the Governor-in-Council may do and authorize such acts and things, and make from time to time such orders and regulations, requiring persons to place themselves, their services and their property at the disposal of His Majesty in the right of Canada, as may be deemed necessary or expedient for securing the public safety, the defence of Canada, the maintenance of public order, or the efficient prosecution of the war, or for maintaining supplies or services essential to the life of the community.

3. The powers conferred by the next preceding section may not be exercised for the purpose of requiring persons to serve in the military, naval or air forces outside of Canada or the territorial waters thereof. (18)

The Act authorized the Government to exercise very broad conscription powers but it made no reference to the question of exemption. However the Prime Minister, at the end of the long speech to introduce the bill, said that the existing rights to exemption held by certain religious groups would be respected, stating:

There is one other matter, the only one to which I shall refer in conclusion. It is the question asked as to the exemption of certain religious groups in the matter of military service. I wish solemnly to assure the House and the country that the government has no desire and no intention to disturb the existing

rights to exemption from bearing arms which are enjoyed by members of certain religious groups in Canada as for example the Mennonites. We are determined to respect these rights to the full. (19)

2. National Registration and Special Arrangements

In order for the conscription bill to take effect it was necessary to conduct a national registration. Orders-in-Council were passed so that all men and women over the age of 16 years were required to fill in registration cards with information about their occupational skills, physical condition, educational background, language facility, domestic responsibilities, and other things that would help the government to find the most effective way of using them in the war effort. The registration was scheduled for August 19-21, 1940, although there were provisions for registering later too, and the structure for the registration would be that used in the March general election. The Chief Electoral Officer became the Chief Registration Officer. Members of Parliament nominated registrars and deputy registrars for their constituencies and the places which had served as polling booths during the election now served as registration centres.

To these religious groups, the registration caused concern. They feared, in spite of the earlier assurances, that if they participated in the registration then they might later be conscripted. Accordingly, some of them negotiated special arrangements for the registration. Those with the fewest concerns were the Hutterites. They were satisfied with assurances received in Ottawa in July of 1940. (20) Mennonites in the west,

under the leadership of David Toews, proposed to have the word "Mennonite" written on to their registration cards. (21) The questions on the cards did not ask for a person's religious affiliation but in World War I they had written the word "Mennonite" on to their registration cards and they felt that now too this would make it easier for the officials to identify them. The initial response from James Gardiner, the Minister responsible for the newly created Department of National War Services, was favourable. He agreed to advise the Registrars accordingly. However when the registration took place many Registrars not only did not write the word "Mennonite" on to the cards, but refused also to let the Mennonite registrants write the word on to the cards by themselves. When David Toews complained about this he was informed by T.C. Davis, Associate Deputy Minister of National War Services, that "it may be that in the hurry of events here that we overlooked instructing the Registrars....". (22)

It was an unfortunate oversight. The National War Services Regulations, announced on August 27, 1940, referred, among other things, to "Persons whose registration cards disclose that they represent themselves to be...Mennonites...". (23) Many of the registration cards of Mennonites did not disclose this fact and later in the war when some Mennonites had difficulty persuading the Boards of the legitimacy of their stand, David Toews saw this failure at the time of the Registration as part of the problem. (24)

The Mennonites in Ontario approached the registration matter in a different and more successful way. At the time when the registration was announced they were in the process of forming the Conference of Historic Peace Churches (CHPC), together with the Friends (Quakers), Brethren-in-Christ (Tunkers), and other groups. It appears that they cooperated with the government's registration program but they also did a registration of their own. They received approval for this from officials in Ottawa and proceeded to print their own CHPC registration cards. Then through the structures of each participating group, they registered more than a thousand young men. (25) Later, their own registration cards were very instrumental both for obtaining exemption from military service and for assigning men to the alternative service projects. When the young men were ordered to report for military training, or, more exactly, when they received the notice to take a medical examination which normally was the first step, a representative of the CHPC had only to point out to the authorities that the person was registered with the CHPC. He was then given "indefinite postponement of military training" and assigned to alternative service work. (26) Unlike many of the Mennonites in the west they did not have to appear individually before the Boards and persuade them of their personal sincerity.

The Doukhobors, who were concerned about the registration too, were able to make elaborate modifications in the government's plans. They were quite fragmented by this time but those in Saskatchewan had acted already in September of 1939 to set up "a

joint committee...for the purpose of assuring the Doukhobor people the protection against military service afforded them by law." (27) This joint committee, consisting of Independent Doukhobors and a more orthodox and community oriented group designated as the Named Doukhobors by Peter P. Verigin in 1928, had followed the developments of the war closely. In June of 1940, when the government's plans for national registration were announced, the committee decided to send a delegation to Ottawa for the purpose, in their words: "of arranging with the government, as we did in the last war, to handle our own registration in the forthcoming registration of man power in Canada for war purposes." (28) The Saskatchewan joint committee wanted representatives from the other provinces to join the delegation to Ottawa so that it would be able to speak for all the Doukhobors of Canada. (29) In this, however, they were not successful. The groups in British Columbia, where the Sons of Freedom were a significant factor, "could not settle their differences between them" sufficiently to make a decision to join. (30)

The delegation consisted of only two people, P.G. Makaroff and Wasyl Novokshonoff. In a letter to the Prime Minister, written before they set out, they described their concerns in the following way:

1. The question of registration of members of the Doukhobor denomination in the forthcoming national registration of man-power of Canada as recently announced by the Government.
2. The position of members of the Doukhobor denomination with respect to conscription of man-power.

3. What the Doukhobors could do to help in the solution of the child refugee problem. (31)

The first meeting in Ottawa took place on July 4, 1940 with the Minister, James Gardiner, and senior officials of the National War Services Department. These, however, showed little interest in an arrangement whereby the Doukhobors would opt out of the government's registration system and set up their own. But the Doukhor delegates, instead of accepting a negative response, made another appeal in writing. (32) They repeated their desire to register their own people and stated that they wanted to do so only in a manner acceptable to the government. They explained that for the government by itself to register their people would aggravate their fears about conscription and might lead some to withhold all cooperation. As Doukhor leaders, they said, they wanted to spare the government such troubles. They also said that in World War I many of their people would certainly have refused to comply if a separate registration arrangement had not been allowed. But such arrangements had been made and as a result they were able to make a positive report, stating:

In the last War...the Government obtained full compliance with its wishes in that regard and at no cost to itself insofar as the Doukhobors were concerned. Instead of friction, resulting in hardships to our people and annoyance to the Government of the day, the best of relationship was preserved between the government and our people throughout the course of the war.

They indicated that even though they represented only the Doukhobors of Saskatchewan they felt confident that any system which they would be able to negotiate would be acceptable to Doukhobors elsewhere too.

The response of the government was still not favourable, in spite of the long written submission. The Minister was of the view that if deviations were allowed in a large undertaking like this, it might just lead to chaos. He tried also to assure the delegates that: "military service is distinct and separate from the national registration". (33) The Doukhobor delegates, however, made another submission and this time they were successful. In a letter dated July 12, 1940, the Deputy Minister, T.C. Davis, referred to a "simple system...whereby the Doukhobors would make their own registration, or, in other words, fitting their own registration into our system", and said, "both the Minister and I are favourably impressed with the desirability of doing this." (34)

After this, detailed arrangements were made in many of the Doukhobor communities and over 11,000 Doukhobors were registered through their own system. (35) Somewhat like the Ontario Mennonites, it helped them later to by-pass the personal appearance before the Boards. Some Doukhobors, however, did not cooperate with even this modified form of registration. In Saskatchewan the hesitations were overcome when T.C. Davis sent a telegram explaining that the information was needed because: "if your people in future ask to perform useful services not connected with war and independent of military control then we would need the list of persons to be asked to render such service. We would only ask those in same classes as other citizens who are rendering military service". (36)

In British Columbia the opposition was stronger. A letter, dated August 6, 1940, sent by some B.C. Doukhobors to the government stated:

We are informed that you will in the near future call all Canadian citizens to pass war registration... We understand your situation and sorrow for all mankind giving mind to all the misfortune that has enveloped the world. But nevertheless... we...protest against all war preparations,...we shall remain unchanged in our conviction because we cannot become traitors of our forefathers and, the Teacher Christ... We enclose...copies of part of the family list of our members (the rest shall be following) for your information...we are always prepared to give a full account of ourselves. However, we cannot give you other registration...(37)

An R.C.M.P. report, prepared nearly a year later, said that the Doukhobors had been told that the registration "had no connection whatsoever with military service of any kind" and that on that understanding many "were more or less reluctantly prevailed upon to register." However, the Sons of Freedom, numbering about 2000, had refused even after this assurance. (38) The report continued that these had "agitated among the other Douk groups" to persuade them not to cooperate arguing that "the Government could not be trusted, that registration was for military purposes..." (39)

In response, the authorities launched some prosecutions. In September 7, 1940 "four men were sentenced to three months in jail for failing to register." However, "provincial police had to use tear gas to disperse the ensuing demonstration." (40) For some time after this the government acted with considerable restraint. Instead of prosecuting them it used "economic pressure in a general way" by refusing things like licenses for cars,

and ration books for things like sugar, to those who had not registered. It appears that the Doukhobors accepted this quietly, at least for a time, perhaps as a reasonable price for not registering. (41)

Not all Mennonites cooperated with the registration either. Several families from a Holdeman Mennonite group near Waldheim, Saskatchewan refused. As a result 14 people were jailed and when they were released and still refused to register they were jailed again. Their argument was that national registration would identify them with war. They attempted, also, to pay the government for the food which they were given in jail and also for the costs incurred in their arrests. They said: "...we have never taken anything from our dear Government for which we did not pay. No relief, no land, nothing - the Bible says we shall work with our own hands and earn our own bread." (42)

In spite of these instances of opposition most of the people in these groups cooperated with the national registration effort, albeit on the basis of some modifications and special arrangements.

C. Exemption Regulations and Alternative Service Negotiations

1. The National War Services Regulations

After the national registration was completed, preparations began for calling the men to report for military training. This was a critical stage for these religious groups. The basic questions of whether they would indeed be exempted; what

conditions might be attached to such exemption, and what procedures they would have to follow, would now be answered in one way or another.

A major indication of the way these groups would be dealt with came on August 27, 1940 when the National War Services Regulations, 1940 (Recruits) were published.⁽⁴³⁾ (Sections 17, 18 and 19 of these Regulations are reproduced in Appendix 16.) These Regulations organized the country into thirteen Administrative Divisions, most of which coincided with provincial boundaries. Each Division would have a National War Services Board which among other things would judge all claims to exemption, which in the Regulations, was referred to as "indefinite postponement of military training". There would also be Registrars to issue the orders to the men in accordance with the directives of the Boards.

The provisions under which people in these groups could obtain exemption, though quite elaborate, had some refined distinctions. One category referred to Mennonites and Doukhobors. Another referred to Conscientious Objectors. Eligibility in the first category was limited to those who had immigrated to Canada pursuant to the Orders-in-Council of 1873 and 1898 and their descendants, if they had "continued without interruption to be members" of the denomination of Mennonites or the community of Doukhobors and had "resided without interruption in Canada". This was broad enough to cover all Doukhobors but for Mennonites it was narrow. It covered only the so-called Kanadier Mennonites. Not included were those Mennonites who had come from Pennsylvania,

most of whom now lived in Ontario, nor those who had come from Russia in the 1920's. These would have to seek exemption under the second category, that for conscientious objectors.

The conscientious objector category was slightly different. It also had a membership criterion, at least in the first version of the Regulations, as well as a personal belief criterion. It provided that a person could be exempted if he "conscientiously objects to the bearing of arms or the undertaking of combatant service and is prohibited from (doing so) ...by the tenets and articles of faith in effect on the first day of September 1939, of any organized religious denomination" to which he belongs. Later, in December of 1940, when the Regulations were amended, this was changed so that a person still had to belong to a religious denomination but it was no longer required that that denomination prohibit military service. This opened the way for people from the United Church, Roman Catholics and others. Later the membership criterion for conscientious objectors was removed altogether. An Order-in-Council of April 22, 1942 stated simply: "Any man who claims that he conscientiously objects to bearing arms or to undertaking combatant service may...apply for an order...postponing his military training...")

Another noteworthy aspect is that the first category, while referring to the Mennonites and Doukhobors covered by Orders-in-Council, did not refer to the Hutterites. When the Department of National War Services prepared the Regulations it asked the Department of Justice for an opinion on these

groups and the Deputy Minister of Justice replied, on July 23, 1940, stating, among other things: "I am not aware of any special immigration arrangements having been made with the Hutterites,...".⁽⁴⁴⁾ As a result, the Hutterites would have to deal with the second category, that for conscientious objectors.

The distinction between the two categories was slight and its practical significance is not certain. Both were subject to the provision in Section 19 which stated that a postponement could be cancelled at any time, and that the people could be compelled to render a non-combatant service under military or civilian auspices. This provision introduced an element of uncertainty. It served as a further incentive for Mennonite leaders to try to arrange an Alternative Service program acceptable to the government.

2. Different Mennonite Views on Alternative Service

The idea of an alternative service was supported especially by the Russlaender Mennonites, that is those who had come from Russia in the 1920's. They had had such a service program in Russia. In the 1870's after the Russian government had passed legislation requiring military service, which had led to the departure of some Mennonites for North America, they had stayed in Russia and had been able to negotiate arrangements for non-military forms of national service. For many years this had consisted mainly of planting and cultivating trees and other forestry work.⁽⁴⁵⁾ But during World War I the program had

expanded to include a special medical corps on Russia's front lines. The Mennonites had formed "complete hospital units, including stretcher bearers who gathered the wounded on the battlefield, complete hospital trains transporting them back to hospitals at Ekaterinoslav and Moscow, also fully manned by Mennonites". (46) About 8000 Mennonites had served in the medical corps while 4000 had continued in forestry work. (47) Some 120 of those in the medical corps had lost their lives in the war. And as with the forestry work, almost the entire cost was met by the Mennonite communities. (48)

If the Russlaender Mennonites with their particular background turned quickly to the idea of an alternative service program, other Mennonites were not enthusiastic. The differences had become evident already in May of 1939 when David Toews had invited the various Mennonite groups of Canada, and the Hutterites too, to a conference at Winkler, Manitoba in order to formulate a more unified position in the event of another war. (49) The conference had revealed quickly that all were opposed to military service but that on the question of alternative service they held different views. One Russlaender leader, B.B. Janz of Alberta had indicated that Mennonites, "must be active - be ready to assist...willing to aid and heal the enemy as well as friend, in peace or in war". He had stated that his particular group "would be prepared, in case of need, for an alternative service, and that in the medical corps, thereby manifesting that the churches are willing to save life, but not to destroy it." (50)

The Kanadier Mennonites, however, were cautious. They did not rule out the possibility of rendering an alternative service, but they tended to perceive it as undesirable, as a compromise, as a form of national service which could lead to military service. This was one reason why they had left Russia before the Russlaender Mennonites and they were not prepared, now, to offer such a service to the government. (51) The Hutterite representative at the conference also indicated hesitations about such a service. (52) The Mennonites from Ontario had a position somewhat in between the Russlaender and the Kanadier. They were willing to serve, but opposed any form of "service under the military arm of the government". They were hesitant too about the matter of offering a service to the government. They preferred to concentrate on the relief services of the church. (53) To David Toews these differences were disappointing. The conference had not resulted in a unified position. In a private letter written soon after the conference he stated: "To me it seems the only way in which we might unite would be that in case of war we offer the government non-combatant service under church supervision, but I am not sure that we will even get that far." (54)

At the time when the conference took place, in May of 1939, the matter of conscription was still more than a year away. In the intervening time there were few communications with the government regarding questions of exemption from military service and possible arrangements for alternative service. Instead, most of the efforts of the Mennonites were directed

6

towards relief work in war-torn Europe. The Non-Resistant Relief Organization, which had been started in World War I in Ontario, was revitalized. In the west the Mennonite Central Relief Committee (MCRC) was formed with sub-committees in each of the four western provinces. Large amounts of food and clothing were gathered and sent overseas together with personnel to do the work. It continued until long after the war and received considerable recognition. (55)

By the summer of 1940, however, the concerns about exemption and alternative service were beginning to press. In June of that year, when the National Resources Mobilization Act was debated in the House of Commons, David Toews travelled to Ottawa and met with the Prime Minister. According to a newspaper account: "The venerable chairman of the Mennonite Church in Canada came to Ottawa from Rosthern, Saskatchewan to offer the help of his people in any way that would be consistent with their principles which are opposed to taking part in war in any way". (56)

There had also been significant developments in Ontario. In the summer of 1940 representatives from several groups whose objection to military service was based on similar religious positions had met and begun to form the Conference of Historic Peace Churches (CHPC). Member groups included Mennonites, Brethren-in-Christ (Tunkers), Old Order German Baptists, Church of the Brethren, and the Society of Friends (Quakers). (57) The Friends had a particular interest in an alternative service program. At a meeting on July 22, 1940 the Friends indicated a

desire to propose "a project of non-military national service" to the government. (58) The other groups, who by this time had overcome some of their hesitations, began to support this.

At the next meeting of the CHPC, on September 3, 1940, attended also by David Toews from the west who was then on his way to Ottawa, they decided to send three delegates along with him. These were E.J. Swalm, J.B. Martin and Fred Haslam. (59) In Ottawa, on September 5, the four met with T.C. Davis, Associate Deputy Minister of the Department of National War Services. They discussed matters relating to the status of conscientious objectors and the procedures for gaining such status and also expressed their desire "to make some positive contribution to the country's welfare, provided this could take the form of constructive civilian work under civilian control." (60)

By the time of the next CHPC meeting, on October 8, 1940, a much more detailed proposal was formulated. It was entitled, "Canadian Fellowship Service", and according to its statement of purpose it was "not alone an expression of appreciation to our government, but much more, an acknowledgement of our Christian duty to God and to our fellowmen." (61) It was to provide an avenue for service primarily to those "who by Government proclamation are called for military service or training and whose conscientious objection to war permits their term of training to be deferred, postponed or changed to civil duties,..." (62) It was to be "strictly non-military in character" and for the general welfare of the public, and the types of services envisioned included work on roads, forests, farms, industries,

ambulance and first-aid, as well as relief and reconstruction whether in Canada or abroad. The proposal was communicated to officials in Ottawa by letter on October 16.

In the west, the developments in the fall of 1940 were different. The differences of opinion between the Russlaender Mennonites and the Kanadier Mennonites were widened by the National War Services Regulations, announced on August 27, 1940. In these it appeared that the two might be treated in different ways. The Kanadier Mennonites interpreted the Regulations' specific reference to their 1873 Order-in-Council to mean that they might be completely exempted. They were strengthened in this view in a September meeting with National War Service officials in Winnipeg. (63) As a result they decided that they would oppose the idea of offering an alternative service to the government. However, if the government would require such a service, then they would consider it, at least if it was under civilian supervision. They also appointed a committee of Bishops to co-ordinate their concerns and to relate to authorities on their behalf. (64)

In spite of the position of the Kanadier, the Russlaender leaders, who were well represented in the MCRC, were eager to proceed in the effort to arrange an alternative service program. David Toews had been in Ottawa early in September and had raised the possibility of such a program with officials there. Others, like B.B. Janz from Alberta, were pressing strongly. Janz felt that the public had to be shown that Mennonites too were sacrificing for the country in this time of crisis. In Alberta, the

criticism had become so strong that in June of 1940 two Mennonite churches had been burned down. (65) The Kanadier, being more concentrated, at least in southern Manitoba, may not have felt the public criticism as sharply. Before long the Kanadier Mennonites and the Russlaender Mennonites parted ways. According to a report by a Kanadier representative:

The Mennonites who immigrated later were of the opinion that in their case it would be better to offer an alternative service which they could choose beforehand and not then need to fear that by neglecting to make such an offer, to later have to face difficult and undesirable obligations. The early Mennonites who claimed the privileges of the Order-in-Council of 1873 did not as yet want to make an offer of any kind of alternative service, but to wait quietly, trusting the promise that they would be exempted from all military service. (66)

The formal parting of the Kanadier and the Russlaender occurred at a meeting on October 22, 1940. At that same meeting the Russlaender accepted a six-point outline for alternative service. Broadly similar to Ontario's "Canadian Fellowship Service", it indicated a willingness to work in forestry and in a medical corps, among other things, and asked that all service be under civilian authority. It also asked that their men be exempted from having to appear individually before the National War Services Boards. They wanted them to be recognized as conscientious objectors by virtue of being certified as such by church leaders. The proposal also asked that their men be allowed to do alternative service work in groups in order to make spiritual supervision easier. (67) It was a clear statement, providing a basis for the negotiations with the government which would now begin in a more serious way.

3. Alternative Service Negotiations With the Government

The Mennonites in Ontario and the Russlaender Mennonites in the west now favoured the idea of offering an alternative service program to the government. The Kanadier Mennonites would cooperate on certain conditions if it was required of them. The Hutterites were similar to the Kanadier. The Doukhobors were relatively silent on the issue but some of their leaders had expressed support. (68)

The government, for its part, had little interest in an alternative service program. This had been evident in September already when David Toews and the Ontario delegates travelled to Ottawa and, among other things, expressed a desire to work under civilian supervision "for sixty days without pay". This was in contrast to the thirty days of military training required of conscripted men at that time. T.C. Davis had not been attracted to the idea. Instead he suggested that all the Mennonite young men in any province be sent to one military training camp to be trained "in some military non-combatant service - such as first aid to the wounded..." (69) The instruction would be given by military officers but it would be completely separate from the training for combatant service. When Toews indicated that to many Mennonites this would not be acceptable, Davis suggested further, in a letter on October 19, that the Mennonites go to the military camps and simply do maintenance work and other things without taking training of any kind. He indicated that arrangements could be made to house them separately as well. (70)

These initial exchanges suggested the way officials in Ottawa would approach the issue. But the Mennonites wanted some-

thing else. At the October 22, 1940 meeting of western Mennonites at which the six-point outline for alternative service had been adopted, it had also been decided to send a delegation to Ottawa to work out arrangements. However, the CHPC in Ontario, concerned that some Mennonites in the west might make a commitment to a program of service under military supervision, asked that the western delegates meet with them in Waterloo before going on to Ottawa. The western delegation agreed to this and the two groups found that their ideas were more alike than they had expected. As a result they travelled to Ottawa together as a joint East-West delegation of eight people:

David Toews, B.B. Janz, C.F. Klassen, and J. Gerbrandt from the West, and E.J. Swalm, J.H. Janzen, J.B. Martin, and Fred Haslam from Ontario. (71)

Their first meeting in Ottawa took place on November 12, 1940 with T.C. Davis and E.R. Lafleche, the two Deputy Ministers of National War Services. The main item on the agenda was the outline of the westerners, it being similar to the "Canadian Fellowship Service" proposal which the Ontario people had sent in by mail some weeks earlier. Both emphasized that the service program should be of a non-military nature, under civilian supervision, and for the benefit of the country. Also, it was to allow the men to serve in groups so that there could be spiritual supervision. (72)

The two deputy ministers were not enthusiastic. They stated that the number of men who might go into such a program would be small, that the transportation costs would be high, and that some organizations in Canada were expressing the opinion

that "no provision should be made for conscientious objectors".⁽⁷³⁾ They suggested that the delegation give further consideration to non-combatant service under military control. They added that the men serving in such a program would not have to wear the uniform.⁽⁷⁴⁾ The Mennonites, however, were not ready to accept this so it was decided to meet again on the following day.

If the deputy ministers expected the delegates to change their minds they were disappointed. When the discussions resumed on November 13, the Mennonites presented another proposal, similar in substance to what they had suggested earlier but signed by all eight delegates. As such it was the first formal submission made jointly.⁽⁷⁵⁾ (Their proposal is reproduced in Appendix 17.) They referred to the National War Services Regulations which provided, in Section 19 (2), that conscientious objectors might render non-combatant duty under civilian authority and said: "It is our conviction that the young men whom we represent would not respond favourably to the suggestion that they should do work in military camps. The matter of whether or not uniforms were worn would in our opinion not affect the situation." Then they asked again for an opportunity to serve in a program "of an agricultural or forestry nature combining if possible reforestation, setting up of nurseries as needed, and reclamation and farm improvement." They proposed that, "this work might be done on government owned land in order that the benefit from the labour expended should accrue to the country as a whole." They suggested that "sites might be chosen after

consultation with the Department of Agriculture and the Department of Lands and Forests, and that supervisors might be selected from such Departments." They also said that "first aid courses might be given...in order to equip them to render services in the event of epidemics of other emergency resulting from the war."

It was an elaborate submission but the two deputy ministers were still not persuaded. They said: "there would be considerable difficulty in arranging for civilian work under civilian control." They did not see why the young men would not undertake non-combatant service in the army. However, they agreed to "give full consideration to the proposals presented." (76)

The delegates felt there was little more that could be done so they returned home, hoping that as the officials gave "full consideration" they would become more sympathetic. One delegate, however, did not return. B.B. Janz, the Albertan, stayed on, determined to pursue the matter further. This caused concern to the other delegates since he had long been sympathetic to the idea of serving in a medical corps under military supervision. (77) When Janz then did submit his ideas, Lafleche contacted some of the other delegates to see if they could be taken as those of the group. (78) The reply was strongly negative. The others now asked for another opportunity for the whole delegation to meet with the officials. This took place on November 22, 1940, and now Lafleche prodded them to go along with the approach that Janz had outlined, indicating that it would be received more favourably by the Department. The Menno-

nite delegation remained unmoved, however. Lafleche then attempted to frighten them by saying: "What'll you do if we shoot you?" At this Jacob H. Janzen who had lived through the revolution in Russia replied forcefully:

Listen, Major General, I want to tell you something. You can't scare us like that. I've looked down too many rifle barrels in my time to be scared in that way. This thing is in our blood for 400 years and you can't take it away from us like you'd crack a piece of kindling over your knee. I was before a firing squad twice. We believe in this. (79)

Lafleche then adjourned the meeting, stating that he would be making recommendations to the Minister, the Honourable James G. Gardiner, and that a decision on the matter would probably be made quite soon.

Since the delegates were not very trusting of Lafleche, they decided to try to meet with Gardiner directly. In this they were successful. They met on the afternoon of November 22 and were received with unusual warmth. When E.J. Swalm introduced himself as bishop of the Brethren-in-Christ church, once known as Tunkers, Gardiner happily recounted some connections that he had had with Tunkers years earlier. (80) On the matter of alternative service they said:

While it is true that some of our members of military age, in Alberta, would be prepared under certain circumstances, to undertake ambulance work under military supervision, we feel that the larger number of our men are strongly averse to undertaking any form of service under military authority. These men, however, are ready to render constructive service under civilian authority. (81)

They referred to the more detailed proposals which they had submitted to the Deputy Ministers and expressed the hope that

their concerns would be respected. Gardiner listened sympathetically and then assured them, stating: "there's one hundred and one things that you fellows can do without fighting; we'll see that you get them." (82)

Gardiner's response was most heartening to the delegates. They were hopeful now that a satisfactory alternative service program would yet materialize. In the days following, they also received support from Members of Parliament notably Walter Tucker, from Rosthern, Saskatchewan. Tucker pointed especially to the willingness of these people to serve Canada in other than military ways, saying in part:

What do we find today?... We find that within the last ten days representatives of the Mennonites of Western Canada; the Mennonites of Ontario, the Quakers in Canada and the Tunkers came to Ottawa to interview the Ministry of National War Services to say to that department that while they do not believe in bearing arms, they are prepared to go into any branch of the service of the country where they could help to save life, where they could help the wounded, and for other services of that kind. It did not matter to them whether it was dangerous work or otherwise. All they ask is that they shall not be asked to bear arms, and they have asked too, that their operations should be made under civilian auspices... They appreciate the rights of citizenship in Canada. They wanted to show their appreciation, and they were not trying to get out of doing their full share. All this was done after the Government had exempted them from military service. (83)

One month later it became apparent that their representations had been heard. (84) On December 24, 1940 the government amended the National War Services Regulations and included provisions which allowed for alternative forms of training and service, including: (1) training and service under military

auspices but without being required to bear arms; (2) training for stretcher-bearer, ambulance and first-aid work; and (3) service of a completely civilian nature. (85) (Relevant portions of the amended Regulations are reproduced in Appendix 18.)

D. Military Exemption and Alternative Service

1. Stage One: December 1940 to Spring 1942

(a) Alternative Service Arrangements

The new Regulations were significant in that they provided the authority so that the National War Services Boards could now order the exempted men to render an alternative service. But there would yet be many problems. Obtaining military exemption would be marked by difficulties, especially for the Mennonites. And, in the Alternative Service program there would be uncertainty about the kind of assignments that were acceptable. Also, the cooperation of the Doukhobors would be very limited. These various problems can be dealt with in terms of three time periods, coinciding approximately with changes in the Regulations for the Alternative Service program. The first is a fifteen month period from December 1940 until the Spring of 1942.

To start the alternative service program it was necessary first of all to arrange for the work projects. The Regulations allowed for three kinds of work. In Section 18(A) (1) they stated that people could be sent to a military training centre, "to receive non-combatant training or to render non-combatant

service... Provided, however, that in no case shall such person be required to perform any training or service which involves the bearing of arms." (86) In Section 18(A) (2) they stated that a person could be directed to report at a place and time to be announced, for training, "as a stretcher bearer, hospital attendant or helper, ambulance operator or in the rendering of first aid to injured persons." And in Section 18(A) (3), which would become the most important provision, they referred to "any civilian service or labour".

Deputy Minister Lafleche communicated these three options to the National War Services Boards across the country, in a Circular Memorandum dated January 7, 1941. (87) He suggested that they decide each case on its merits and added that he was of the understanding that "many members of the Mennonite faith would be prepared to take ordinary military training". He also advised the Boards not to direct a man to a military training centre for non-combatant training or service without first checking with the appropriate authorities to ensure that adequate arrangements for such non-combatant involvement had been made. In addition, he informed the Boards that while they remained autonomous in the sense that their rulings could not be appealed to a higher body, they could rehear cases if that seemed appropriate.

Lafleche then proceeded with the practical arrangements for the alternative forms of service. (88) He approached the Department of National Defence stating that his Department, that is, National War Services, "cannot carry out the Regulations so

amended until your Department has created the necessary special training facilities for...non-combatant training." He said further: "I can see no reason why their services should not be placed at the disposal of your Department should you so desire and as long as National Defence would put them to work under the conditions specified in the Regulations..."

The Department of National Defence rejected the offer stating that it was poorly equipped for using the large number who it expected would now opt for the alternative service. (89) More favourable responses came from the Department of Mines and Resources, particularly its National Parks Bureau. (90) Several provincial governments were also willing to cooperate. This interest, however, involved primarily the third alternative, that of civilian service. This particular alternative had been emphasized also by representations in January and February of 1941 from the Mennonites in Ontario and the Kanadier Mennonites in the west. (91) Both had sent delegations to Ottawa to, among other things, express again their opposition to any form of service under military supervision.

In the following weeks work camps were set up in the National Parks at Banff, Jasper, Prince Albert, and Riding Mountain. The men would clear the forests of dead timber, build trails and roads so that forest fires could be fought more effectively, work on insect control, construct drainage facilities, and do various other things. (92) Several road construction projects were set up outside national parks. One, under an agreement with the government of Saskatchewan, involved work

on a highway near Lac La Ronge in the north and nearly all of the men sent here would be Doukhobors. The other, under an agreement with the government of Ontario, was for the construction of a portion of the Trans-Canada highway, north of Sau Ste. Marie, and those sent to this project would come primarily from Ontario.

The announcement of these projects did not take place until May 29, 1941. (93) But when they were made public, some Mennonite leaders in the west, seeing that their hopes were now materializing, sent a letter to the Minister expressing their determination to cooperate with the program and their gratitude for the government's respect for "the principle of religious liberty and that promises once given are kept to the utmost." (94) In June the men started the work. Nearly 1000 men were sent for a four month period, equivalent to the training time then required of those in military service. (95)

(b) Opposition from the Doukhobors

Organizing these projects, although a sizeable task, did not resolve all the concerns. Some in these groups were not eager to participate. Most of the opposition came from the Doukhobors but the Kanadiér Mennonites also had concerns. They had sent a delegation to Ottawa in February of 1941 to ask whether the Order-in-Council of 1873 did not exempt them from all forms of service. In reply they were told: "It is impossible at this time to dismiss you from all service because of the agitation amongst the people." (96) They also asked that their young

men not be required to appear personally before the Boards, suggesting that a declaration of a Bishop should be sufficient. When this request was rejected too they accepted the situation and sought to cooperate.

The position of the Doukhobors was expressed in a different way. They too wanted to avoid personal appearances before the Boards and they argued, in a determined way, that in the Order-in-Council of 1898 they had been promised exemption on the basis of being Doukhobors and that it should not be necessary to seek it again from a National War Services Board.⁽⁹⁷⁾ This time the government was ready to accommodate the concern. Lafleche noted that the Doukhobor registration process had already given the Registrars a record of who they were. He advised the Boards that they could "grant the Doukhobor postponement from military service without requiring his appearance..." and that they should simply assign the Doukhobors to the alternative service projects and inform them accordingly.⁽⁹⁸⁾

This simple ruling, though not followed in an absolute way, helped to ensure that the Doukhobors would have few difficulties in obtaining exemption from military service. Lafleche made the same ruling for Mennonites but the Boards in several provinces, especially Saskatchewan and Manitoba, continued to require personal appearances of them, perhaps because of the diversity among them. Whatever the reason, the personal appearances made it possible for the Boards to examine the applicants more closely and some of the Mennonites were rejected in their claims for exemption. This was to become a major concern.

If the Doukhobors had few problems in obtaining exemption from military service, their support for the alternative service program was limited. Initially there had been a few words of support. In June of 1940, when their representatives negotiated the special registration arrangements, they also expressed a desire to make contributions for refugee relief work. And in September of 1940, one of their leaders, P.G. Makaroff, wrote:

it is just possible that our privilege may be in danger unless we do something to allay the criticism and ill feeling... Those in authority would welcome some voluntary effort on the part of our people... Such a gesture could take the form of some construction work having nothing to do with war, or some project in the way of improving our National Parks perhaps... we should be giving some thought to some such effort. (99)

This, however, was a minority view. In February of 1941, they held a conference in Saskatoon and sent a statement to Ottawa indicating their assumption that they were exempted from both "direct or indirect war service". (100) Government officials, however, wanted their participation so they invited Doukhobor leaders to a conference in Calgary in May of 1941 and appear to have gained a partial acceptance. (101) The officials felt, however, that there would be difficulties in British Columbia so they wanted to get things under way in Saskatchewan first. (102) They planned to have the Doukhobors work on road-building projects organized in cooperation with provincial governments. They met with Saskatchewan Doukhobor leaders in April of 1941, described the project, and explained that service in one form or another would be required of them. (103) The Doukhobor leaders accepted the project but then when the "orders

to report" were issued to the 117 Saskatchewan Doukhobors in the first age category, only 42 reported. (104) Arrangements at the camp had been made for about 120 so those in the next category were also called. As a result, the number who participated in the first four-month assignment rose to about 70.

To deal with those who refused to report the authorities quickly launched prosecutions believing that not to do so would jeopardize the cooperation of those who had reported. The chairman of the Board in Saskatchewan, J.F.L. Embury, even proposed that they be sent to an internment camp perhaps for the duration of the war. (105) This proposal; however, was not accepted but at least 53 were imprisoned at Prince Albert. (106) And four Doukhobor leaders were arrested for encouraging the young men not to cooperate with the alternative service program. In the words of a Doukhobor report they were "actively engaged in defending our religious ideals and rights". (107) One received a one year prison sentence.

Obviously, the Doukhobors were divided. They held numerous meetings to discuss the issues. (108) The Society of Independent Doukhobors passed a resolution on June 10, 1941 stating that the project: "is not in any sense incompatible with our religious convictions and does not violate our exemption from military service." (109) Some of the men in the camp sent positive reports back to their communities. (110) Other Doukhobors held to the view that the alternative service program was an indirect form of military service and therefore unacceptable. (111) They applauded those who went to prison and

criticized those leaders who had negotiated the road-building project for "playing politics" and compromising their historic position. (112) In the fall of 1941 those who had been in the Alternative Service program for four months returned to their homes. When it became apparent that another call would be no more successful than the first, officials left them alone, at least for a while. (113)

The Doukhobors of British Columbia opposed the alternative service program more categorically. The imprisonment of Doukhobors in Saskatchewan had increased their apprehension and the Sons of Freedom soon began to express their opposition through demonstrations. (114) The R.C.M.P. reported that if "orders to report" were issued, the Sons of Freedom "would refuse and...if arrest followed then mass demonstrations, nude parades, etc. would be organized until all were in custody". (115) Government officials were not sure how to deal with the situation. At one meeting early in June of 1941 between federal and provincial officials a recommendation was formulated calling for the internment of the Sons of Freedom on the assumption that it would then be possible to make satisfactory arrangements with the other Doukhobors. (116) This recommendation was rejected, however. And when the authorities found no other way of gaining the cooperation of the Doukhobors they began to reason that since those in British Columbia had been disenfranchised it was in order to exempt them from the obligation to render a national service as well. (117) As a result, the Doukhobors of British Columbia like those of Saskatchewan were left alone, more or less, until 1943 when new alternative service policies were introduced.

(c) Problems for Mennonites

The Mennonites participated willingly in the alternative service program but they encountered other problems. Some of these were related to uncertainties about the different forms of alternative service referred to in the Regulations. In the Spring of 1941, several young men in Ontario who claimed to be conscientious objectors, enlisted in a field ambulance unit on the assurance that they would not be required to take any training involving rifle drill.⁽¹¹⁸⁾ After enlisting they discovered that the required training involved rifle drill after all. As a result the CHPC appealed to Ottawa where Lafleche explained: "no recruiting officer has authority to promise to any recruit exemption from basic drill". He pointed out that a member of an Ambulance Corps would normally not be required to use arms but that a situation could well arise in which he would be ordered to do so and that it was necessary, therefore, to take basic training including rifle drill.

Lafleche's explanation identified a basic problem with Section 18(A)(2) of the Regulations. It provided the authority for training in ambulance and first-aid but it did not state explicitly that this service was to be of a completely non-combatant nature nor were training facilities separate from those of the military ever set up. To deal with the immediate problem of the several young men in Ontario, Lafleche suggested that the delegation ask the Board to rehear their cases and that they also approach the Officer Commanding of the unit to which they had been assigned. Soon thereafter the men were

released. (119) After this the men in Ontario had few difficulties in obtaining military exemption. CHPC representatives simply brought the names, gathered in their own registration effort, to the Registrars who then gave them the desired "postponement". The men did not have to appear personally before the Boards. (120)

In Alberta the problems were somewhat more complex but there too they were soon resolved. On June 10, 1941, the Board sent out letters announcing that it would "meet for the purpose of disposing of claims of Mennonites and other Conscientious Objectors" at the court houses of four cities on certain dates in the second half of June. (121) The announcement also stated: "If you do not take military training you will be required to perform equivalent service in the National Parks...". This was disappointing to B.B. Janz, the prominent Alberta Mennonite. He had understood, after his elaborate representations both in Ottawa and before the Board in Edmonton, that their young men would have an opportunity to do ambulance and first-aid work "for the wounded and sick soldiers". (122) He now appealed to the Minister, J.G. Gardiner, but was told that the necessary arrangements for such a service had not been made. (123)

Two weeks later, after the hearings had taken place, there were problems of a different and more serious nature. Janz now wrote, the "situation has turned to the worst". (124) The Board had been unwilling to grant "indefinite postponements" to many of these objectors. Out of approximately 180 applications as Mennonites or other C.O.'s only 17 were granted post-

ponement on these grounds". (125) The rest were ordered to do non-combatant military service. Horace Harvey, chairman of the Board in Alberta, explained the situation by stating that many of them "when told that if they would take two months of basic training they could then elect to enter a non-combatant unit, consented to take military training..." (126) Janz, however, was very upset. On June 28, 1941, he again appealed to the Minister, who now was J.T. Thorson, stating that the service to the wounded and sick which they had offered was an expression of the Christian idea of love and mercy and that what the government was now proposing was entirely different. He said: "The idea there is to work for destruction. We always have been opposed to do that." (127) He criticized the Board strongly, saying that it had rejected "the young men, no matter how good they expressed themselves,...". He had had a long discussion about the matter with the Board and especially with Harvey, its Chairman. But these discussions had only deepened the disappointment. Janz reported that the Board, "felt bound to do so in promoting the war effort" adding "they gave me to understand, that only the people with the Order-in-Council of 1873 may have exemption, but we other people though C.O.'s have to do non-combatant service and if the young man cannot agree then the Board has to overrule him." (128)

In replying to Janz, T.C. Davis stated simply: "The Board decides each case on its merits,". With regard to the possibility of organizing an ambulance corps for the C.O.'s, he said the time was not yet ripe for that. (129) Janz now con-

cluded that not only would they not be allowed to do ambulance and first-aid work but that the authorities were also unwilling to recognize their basic claim to exemption. In another letter he wrote:

...after the hearing of the boys in June we are witnessing the collapse of the whole situation for our C.O.'s: No ambulance work at all, but a very strong pressure to work in the army for destruction as non-combatants, including 2 months full military training with arms. (130)

Janz's strong appeals seemed to be of no avail but the Ontario CHPC delegation, referred to above, which was meeting with Davis and Lafleche around this time, discussed the problems in Alberta as well. Davis and Lafleche advised them to suggest to the Alberta Mennonite leaders that they ask the Board to rehear the cases. (131) The Board in Alberta agreed to do this and soon many of the men were redirected to the alternative service projects in the National Parks although some of the problems with obtaining military exemption were to reappear from time to time. (132)

(d) Exemption Problems in Manitoba and Saskatchewan

In Manitoba and Saskatchewan the problems were more complex and the efforts to resolve them less successful. In both instances the chairmen of the Boards - J.F.L. Embury in Saskatchewan and J.E. Adamson in Manitoba - held strong views. Embury, though prepared to respect the concerns of these groups and to send them to the alternative service projects, tried a number of times to find a place for them within the military. Some Mennonites were willing to go along with this. Already

in January of 1941 after some had been sent to the military training centres, the Department of National Defence reported that it had "been able to place these men at work of a character which they were prepared to do". (133) The report explained further that "in many cases these Conscientious Objectors, after being treated in this manner and not being forced to bear arms, of their own volition decided to take all of the training".

Embury began by assigning as many as possible to what he thought was non-combatant service. In the Spring of 1941 he reported that their Board "had allotted a great number of these people to undergo military training in a camp apart from arms drill, preparing them to be stretcher bearers and to do first-aid work...". (134) This was done with the consent of the Board's Military Liaison Officer. However, there were no facilities for training that would not involve the use of arms. Soon thereafter the Board was informed "by people in higher authority that this was not to be done". As a result the men were sent to work under civilian supervision in the National Parks. (135)

In the fall of 1941, Embury made another attempt. He recognized now that the training would involve at least some use of weapons but argued that after two months of this training the Mennonites could select "some arm of the Service, where they do not have to bear arms to take life". (136) This was proposed to the Mennonites, and according to Embury, "the matter has been so well explained to them...that nearly all of

the Mennonite young men have fallen in line with this". Later he admitted that the options he had in mind were only "more or less non-combatant" and that the consent of the Mennonites had been "preceded by a certain amount of persuasion". (137) Nevertheless, he felt confident that the plan was sound.

Before proceeding with the plan, he needed the approval of the Department of National Defence. But this was not forthcoming. In a reply dated November 26, 1941, an official of that Department explained: "there is no conditional service in the army...all personnel therein must be subject to transfer from one arm to another in the interest of the service." (138) The official stated further:

No branches or units of a modern army can be considered as entirely non-combatant. Modern warfare makes all branches the object of direct attack, and, therefore, all units must be responsible for their own defence. They are trained to bear arms with the idea that these weapons will some day have to be used by the men so trained.

The Defence Department did not want to work with a person whose enlistment would be conditional. It was of the view that "the manner of dealing with Mennonites, Doukhobors and Conscientious Objectors should be a matter for the civil authority,..."

In Manitoba the problems included another dimension. There the personal sincerity of the young Mennonites was questioned. Officials felt that instead of speaking their own minds they were pressured by their church leaders. This concern became evident in December of 1940 already. At a three-day sitting of the Manitoba Board in the town of Morden, almost all of the 498 Mennonites whom it dealt with had claimed that it

would be wrong for them to go into the military. A local physician found this incredible. In a letter to the Winnipeg Free Press he said it was, "impossible to escape the conviction that there has occurred in the Morden courthouse...the worst demonstration of mass perjury that has ever taken place in that building". (139) He continued: "I have no quarrel with the Mennonite young people...but I am forced to believe that they are very unfortunate in their church leadership."

Later, in May of 1941, when the Board opened a session in the town of Steinbach, also heavily populated by Mennonites, the Chairman, J.E. Adamson, urged them to reconsider their position. (140) In a lengthy speech he described the purpose of Canada's involvement in the war saying that no one in Canada wanted war but that it was necessary to defend freedom and avoid the "slavery of body and mind" now being threatened. He then challenged the Mennonites to help their country in its "hour of trial" saying: "Every man and every woman in this country is either for Canada or for Hitler." He commended them for their desire not to take life but in his view: "Canada's part in this war is to save lives, to save the lives of women and children. ...no true Christian can say he would stand by and see a murderer take the life of a child rather than take the murderer's life."

Adamson continued by pointing to the agreement of 1873 and said that the conditions of war had changed completely, that now everyone had to be involved. In his words: "...agree-

ment, or no agreement, the Mennonites can no more escape taking part in this mobilization than a box of matches can escape in a burning building. ...The government has been very liberal in recognizing your special position under the agreement of 1873, but I tell you that no Government can save you from the pressure of world events." He said that in the modern army only one in four was actually engaged in fighting and then asked: "Why should your young men not go and serve in transport corps or ambulance corps or as mechanics." He noted that "a considerable number" of young Mennonites had enlisted and expressed his belief that many more would do so if the Mennonite leaders would not try so hard to influence them. He concluded, saying:

To you Bishops, preachers, elders and fathers, I say, do not attempt to influence your young men. Leave them free. ...it is their conscience, and not yours. ...And to you young men, I say...speak the truth. Do not say anything that you do not really, sincerely believe. Remember it is your conscience. Remember too that it is your country.

Before proceeding with the hearing Adamson said that he and his colleague wanted only "to find the truth and to carry out the true spirit and intention" of the Regulations.

The implications of Adamson's strong personal views cannot be known but in the weeks which followed various difficulties appeared. Early in June several young men who had answered affirmatively when asked to take training, objected when they learned that it would be the regular military training and not for ambulance work as they had expected. (141) When this was explained to Adamson the men were released, at least most of them. (142)

Early in July, when the problems seemed to be more serious three Mennonite Bishops appealed to the Minister, J.T. Thorson, saying: "...we are greatly worried about a number of Mennonite boys, who did not pass their examination before the judge and will now be asked to take military training."⁽¹⁴³⁾ The Bishops referred to the exemption promised in the Order-in-Council of 1873 and said that the boys on whose behalf they were appealing were descendants of those who had come to Canada pursuant to that Order and that these boys were true to the Mennonite faith. They said they did not speak on behalf of boys who were not true to the Mennonite faith.

This time the response was not as favourable. Chairman Adamson reported to the Minister that a number of men whose applications had been rejected by the Board had then gone into military service and were doing well while one, whose application for conscientious objector status had been granted had enlisted voluntarily one week later.⁽¹⁴⁴⁾ In spite of this, he recognized that there was a problem but in his view: "The only way to prevent some with conscientious objections being called as recruits would be to allow every claim. If that were done, many who are not sincere would avoid the service." To deal with the situation of those who had been called but who, perhaps for reasons of conscience, were refusing to report he proposed to Lafleche that the Officers Commanding at the training centres be authorized to exempt such men from training exercises involving the use of arms and that instead they be assigned to do "labor and fatigue work about the camp" perhaps

without a uniform. In this way a possible injustice to these men could be avoided, he said. Lafleche, however, rejected Adamson's proposal, arguing that the Department of National War Services could not instruct the Department of National Defence on how to deal with the men at the training centres. (145)

After this the authorities began to prosecute those whose applications for exemption had been rejected and who refused to go into the military. Early in October 1941, six cases were heard in the Mennonite town of Gretna and the Magistrate imposed sentences of 12 months with hard labour and a fine of \$200. (146) Adamson was "glad to see a substantial sentence", believing that this would serve as an incentive for complying with the orders. (147) He continued to be critical of the church leaders arguing that while they might counsel the young men in preparation for their appearance before the Board, they had no right "to advise these young men to disregard the orders calling them up after the Board has made its decision". The possibility of prosecuting the Bishops was considered but not pursued.

The sentences given to these and other young men increased the concern among the Mennonites and on October 20, 1941, three leaders - David Toews, C.F. Klassen and J.H. Enns - wrote to the Minister, J.T. Thorson. (148) They referred to Mennonites having been "sentenced to gaol terms of from six to fifteen months". They reviewed some of the earlier negotiations and reaffirmed their "willingness to perform labour or service or to take training of a non-military character". They also described their understanding of the laws and then asked for "the release of young men who appear to have been unjustly imprisoned".

Soon thereafter, on November 3, 1941, David Toews made an appeal directly to the Prime Minister. (149) He reviewed the historic Mennonite position, the negotiations in the preceding year, and their willingness to serve in alternative ways. Then he explained that in some provinces their young men were being ordered to take military training. The Prime Minister directed the matter to Thorson, who replied to Toews on December 3, 1941, and stated in part:

Major-General L.R. Lafleche, associate deputy minister of my department, with whom you have had conversations, informs me that on several occasions in recent months, by letters and even over the long distance telephone, he has indicated to the officials of the divisional boards most concerned with the Mennonite problems that they should not hold out to any of your young men the hope of choosing a service of a non-combatant nature, because at the present time no such service exists. In view of his warnings he doubts if any of the divisional boards of late have been holding out such hopes to your young men. (150)

Such communications from Lafleche to the Divisional Boards may have taken place but they did not resolve the problem. Obtaining military exemption in Saskatchewan was difficult. Many applications were rejected. In mid-December of 1941 the Board disposed of "126 applications for exemption on the grounds of conscientious objection" in the following way: 70 were ordered to take military training; 52 were ordered to go into the civilian labour alternative; and 4 were found to be unfit for any service. (151)

The situation in Saskatchewan was made more complex by the differences among the Mennonites. Early in January of 1942 a number of Mennonites from the Hepburn area indicated that they

objected to bearing arms but that they were willing to serve in a non-combatant way. (152) However, the Board rejected their applications for conscientious objector status and ruled "that they were not entitled to the alternative service provided for conscientious objectors". It "ordered (them) to report for military training". (153) The men then indicated that they would rather go to jail than undertake training involving the use of arms. They also discussed the matter with their Member of Parliament, Walter Tucker. He now appealed to Chairman Embury not to take action against these men until authorities in Ottawa had had a chance to review the situation. He argued that the generally cooperative attitude of the Mennonites would be seriously affected if these young men were jailed. He added: "I cannot think that the Government would want to treat Mennonites, who are willing to cooperate to the extent that these are, in this way, when they take no steps against the Sons of Freedom in British Columbia, who have not even registered and seem entirely unwilling to cooperate in any way." (154)

Embury's reply was firm. He said: "We are not prepared to deviate one inch from our findings..." (155) He was greatly concerned with what he felt was the generally unpatriotic attitude of the Mennonites. In his words:

Some schools have been carrying on all across this Province and Alberta and Manitoba openly teaching High German, and turning out students intended to be preachers, some of whom, openly in effect, say they are not interested if Hitler wins this War or not - as they will leave it to Providence...it is to us nothing more or less than an utterly traitorous doctrine which has not even the remotest connection with religious doctrine...

...some of our public Schools have been used to instil into the minds of the young people at a tender age that they should never engage in war, regardless of the circumstances. How ~~is~~ is it possible when this kind of thing goes on, ~~to~~ create a nation able to defend itself...(156)

Tucker then carried the appeal further. In letters to the Minister J.T. Thorson, he argued that Embury, by basing his decisions on such concerns, was deviating from the law and that the government should not allow this. However, like Embury's earlier efforts, he urged that arrangements be made with the Department of National Defence for a truly non-combatant service.

Embury too made another attempt to have a non-combatant service set up. In a series of memoranda in mid-January 1942 he criticized the practise of assigning Mennonites to the National Parks saying that it "produces no noticeable public benefit, annoys the old Soldier, is of no value as a War Effort; and is unsuited to the many educated Mennonites, who have expressed to our Board their desire to serve the country in any dangerous war service except that involving the actual taking of life". (157) He asked again that arrangements be made for a truly non-combatant form of service. Once again, however, the plan was rejected by the Department of National Defence. (158)

Meanwhile, there were difficulties in obtaining exemption from military service and Mennonite leaders looked for stronger ways of appealing to the government. In January of 1942 David Toews and C.F. Klassen drew on the resources of the Ontario CHPC and together with two delegates from there - J.B. Martin and J. Harold Sherk - they travelled to Ottawa and met with the

Minister J.T. Thorson and his deputy L.R. Lafleche. (159) In a lengthy petition they reviewed first the situation in Saskatchewan where their people had been told by the Board "that they must accept two months of basic military training, after which they may elect some type of non-combatant service". They said, "thirty or more young men" who had recently been dealt with in this way and who were now receiving orders to report were "unable to accept military training because of religious convictions". As a result they were again asking the Board for an "indefinite postponement". In Manitoba, they said, about 800 Mennonites had applied for "indefinite postponement". Of these, 260 had been sent to the alternative civilian service camps. Another 20 had been ordered to report for military training, having been told that after two months of basic training they could elect some form of non-combatant service. Eleven of these twenty, having refused to comply, had been penalized with jail sentences and fines. The remaining - approximately 520 - had not yet received any instructions.

After describing the situation, the delegates asked that the Boards be instructed "to give affect to the letter and intentions of the Regulations" so that those with conscientious objections to military service would be allowed to serve in a different way. They also wanted the Department in Ottawa to ask the Boards in Manitoba and Saskatchewan to respond favourably to the requests for "rehearings" made by those whose applications for postponement had been rejected. In addition they asked for clemency on behalf of those in prison who were "steadfastly professing their conscientious objection...".

In reply the delegates were told what Thorson had already written on December 3, 1941, namely that, "clear instructions" had been issued to the Divisional Boards that no form of non-combatant military service was available in which there was complete assurance that combatant duties would not have to be performed. The Ottawa officials explained that there were only two forms of service: "military service in its various forms, all of which require basic military training" and "alternative (civilian) service in camps now operated by the Department of Mines and Resources." (160) The officials also stated that "the Department favours clemency very much" for those imprisoned and that they wanted the Boards to deal fairly with all concerned but that since the Boards were "autonomous and supreme" the Department could not force them to change their decisions.

The problems continued. On April 2, 1942, David Toews wrote to Chairman Embury again because "a number" of Mennonites receiving calls to report for military training, were coming to him for advice on what to do. This placed him in a difficult position, he said. On the one hand, if he advised them not to report then he would be violating the law. On the other hand, if he advised them to obey the law and report for military training then he would be violating one of the most basic tenets of their religion. He knew that the authorities were already suspicious that he was exercising too much influence. Thus he wrote to Embury: "I am worried about what to advise them." (161)

Toews also wrote to Thorson in Ottawa. In a letter on April 8, 1942 he said: "I shall not repeat our grievances,

because at our last interview you would not accept our statements." However, he emphasized:

...our young men are quite in earnest in asserting their conviction that they oppose military training on conscientious grounds and although a number of them may be induced by threats to do military training, the majority of our young men will remain firm in the conviction that they must obey God more than man and many will do this at any risk of the consequences. (162)

He pointed out that of the five provinces in which there were Mennonites, it was only in Manitoba and Saskatchewan that "our young men are required to do military training with the promise that they will be assigned to non-combatant service in the army after two months of military training". In other provinces, he said, "young Mennonites are not even required to appear before the Board." (163)

These problems were not resolved but in the Spring of 1942, there were other developments which would effect the situation. The Japanese attack on Pearl Harbour in December of 1941 had created fears of sabotage action against British Columbia's forests. To deal with this it was decided to send out 1000 conscientious objectors to serve as "fire rangers". (164) This represented a diversification in the alternative service program. Later there would be more diversification as the exempted men came to be seen as an important source of greatly needed labour.. David Toews saw this as a positive trend but it was not to be without difficulties.

At the end of this first period then the record was quite imperfect. Some Mennonites, especially in Manitoba and Saskatchewan, had met with serious difficulty in obtaining exemption

from military service. (165) There was confusion about the kind of alternative assignments to which they could be sent. And most of the Doukhobors refused to cooperate with the alternative service program altogether.

2. Stage Two: Spring 1942 to Spring 1943

(a) Changes in Alternative Service and Problems

The second stage can be seen as a transition, not for matters relating to military exemption where the problems continued, but for the alternative service program. At the beginning of the war it had been "pushed" by Mennonite leaders on to a reluctant government. Later it would be "pulled" by the government as it tried to use the exempted men to meet more diversified labour needs. In this transition period, a number of changes were introduced but they were not well integrated.

Until the Spring of 1942, the alternative service workers served only for four month periods and many were not called up at all. After this more would be called up and they would have to serve for the duration of the war. (166) One reason why many had not been called up was that the government did not have enough camps to hold them. (167) This changed with the decision to send 1000 to serve as fire rangers in the forests of British Columbia. The Mennonites did not oppose the idea of serving for the duration. They had always said that they did not want to avoid sacrifice and service. Nevertheless, it meant that the pattern of relating to their men in the camps would be different. Among other things there would need to be more support in terms

of clothing and footwear. Regular clergy visits would also become more important. In addition, there would be requests for "leaves", especially for reasons of farm work. These "leaves" were not easily obtained.

In addition to the possibility that those already in the alternative service camps might obtain "leaves", there was now a provision whereby those not yet called up could apply for a postponement on the basis that they were needed for farm work. (168) This new provision, sometimes referred to as "freezing the men on the land", was prompted by the many complaints about labour shortages and also by the desire of the government to increase agricultural productivity. The object of increasing agricultural productivity was significant to Mennonites since most of them were farm people. Some farm organizations had already tried to obtain their services and one Mennonite Bishop had proposed that instead of rendering an alternative service in the national parks, they should increase their own acreages and organize farm labour units, under the supervision of the church, which would then be sent to "wherever the work should be done". (169) This proposal was not accepted.

Mennonites also wanted to learn more about the procedures for obtaining farm leaves and farm postponements. To do this, they sent several delegations to Ottawa. C.F. Klassen of Winnipeg met with Lafleche in March. (170) An Ontario delegation met with him in April. (171) And Kanadier Mennonite representatives from the west met with him in May. (172) They received similar answers: Mennonites were eligible for farm

leaves and farm postponements but the commitment to the British Columbia forests had priority and so it was not certain how many Mennonites would receive these privileges. The Kanadier Mennonites made a strong plea to have the four-month system reinstated, saying that if this was arranged on a rotation basis, then they could have about 300 men on the alternative service projects at any one time but that if it was not arranged and if all of their men would be called out and required to stay out for the duration of the war, then "our farming will be greatly crippled". Their request was rejected. (173)

While these exchanges with officials in Ottawa were taking place, David Toews in Saskatchewan was discovering the reality that farm leaves and farm postponements were not easily obtained. On April 27, 1942 he wrote to the Minister and explained that a number of young men in the camps were urgently needed for the spring work on their farms, saying: "These farms cannot be cultivated unless these boys are permitted to come home for farming operations in the spring". (174) In his view the operation of these farms was "in the interest of Canada as a whole". The reply from Ottawa was not favourable, however. Lafleche wrote that it was difficult to grant leaves "in view of the very great urgency of providing men for the protection and conservation of British Columbia forests...". (175) He also reminded Toews of an earlier comment by Mennonite leaders that their communities "would go to great lengths to assist the parents of young Mennonite men sent to alternative service work camps,...".

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The effect of the new arrangements on their farming situation remained a serious concern of the Kanadier Mennonites of southern Manitoba. On June 4 they held a general meeting, attended by over one hundred ministers, and agreed to send an urgent appeal to the Minister, J.T. Thorson. They said: "We face a very serious situation... The operation of many farms will cease, sugarbeet growing must vanish, and dairy farming cannot be maintained." They added: "...under such circumstances many of the boys will not answer the call for service". They asked again that the four-month system be reinstated and that it operate on a rotation basis.⁽¹⁷⁶⁾ Again the request was rejected.

Meanwhile, David Toews continued with his appeals. In June he made the argument that the procedure for obtaining leaves was not working in a satisfactory way. The procedure was that the person in the alternative service camps would submit an application to the Superintendent of the camp who if he believed that the leave should be given, would send the application on to the National War Services Board in the province where the man originated.⁽¹⁷⁷⁾ The Board would then make the decision on whether to grant the "leave". David Toews now reported that a number of applications had been submitted by men in the alternative service camps to their Superintendents, that these men were needed very badly at home on their farms, but that the applications did not even get to the Boards.⁽¹⁷⁸⁾

If the authorities were reluctant it must be noted too that a number of young Mennonites who had been given "leaves"

did not return to their alternative service assignments as the Regulations required. (179) Also to be noted is that the government took some other accommodating measures. Specifically, it delayed issuing the orders to send the men to the alternative service camps until late in the fall after much of the farm work was completed. This was helpful to the particular people involved but it introduced a serious inequity in that some conscientious objectors were not required to serve at all while others were in the camps for the duration and were not even allowed to go on leave. The Board in Manitoba complained to the Minister about this and it created difficulties among the Mennonites too. (180) It prompted one Kanadier Mennonite Bishop, J.J. Froese, to propose again that the alternative service workers be sent out on a rotating basis but again this was rejected: (181)

If some Mennonites were enjoying a delay, the Doukhobors were not being called up at all. Some of those in Saskatchewan had worked in the Alternative Service program for four months in 1941 but they had not been sent out again. In the summer of 1942 the police reported that while some of these were expecting to be called up again, others had said that they would again go to jail rather than to the alternative service projects. The police noted also that they were "all busy with their harvest operations". (182) In light of this the authorities appear to have chosen to leave them alone.

In British Columbia where the strong opposition in 1941 had led authorities to the view that "the wisest thing to do was

to do nothing at all" there was some discussion now of using the Doukhobors to cut timber on the Queen Charlotte Islands. (183) The Chairman of the Board there was of the opinion that "by some tactful handling the young men...could be brought to accept alternative service". (184) Yet when the police there investigated the situation, they reported: "conditions among the B.C. Doukhobors are as satisfactory as can be expected... no trouble is anticipated until such time as alternate service is enforced on them". (185) Accordingly, the British Columbia Doukhobors were also left alone.

Another development in this transition period was the transfer, late in September of 1942, of the administration of the National War Services Regulations from the Minister of National War Services to the Minister of Labour. The transfer was to strengthen the capability of achieving "the most effective use of manpower in the war effort". At the time this transfer had little practical effect but it indicated the general desire to coordinate more closely the domestic labour needs with those of the military. At the end of the year the Regulations were given the name: National Selective Service Mobilization Regulations. (186) Early in 1943 there would be other measures to more fully utilize the labour potential of the conscientious objectors.

(b) Continuing Problems With Military Exemption

Aside from the many developments in relation to alternative service, the difficulties in obtaining exemption from military service continued. On June 1, 1942, Toews wrote to the

Minister, J.T. Thorson, and expressed his support for the idea of sending conscientious objectors to serve as fire rangers in the forests of British Columbia but complained that they had great difficulty getting conscientious objector status. (187)

In his words: "There certainly has been the tendency on the part of our National War Services Board in Saskatchewan not to recognize our young men as real conscientious objectors and to get as many as possible into active military training." He noted that the work in the forests was being described as "work of essential value". He did not see why more of their young men, claiming to be conscientious objectors, were not permitted to do that instead of military training. He noted: "a number of the young men who received calls for military training have not answered the call and now stand in danger of being arrested". He felt that the Board had made up its mind to reject their applications even before the hearings took place. (188) In another letter to the Minister, dated June 23, 1942, he referred to the Boards as "mere recruiting offices". (189)

In a further effort to seek relief, Toews wrote to F.C. Blair, Director of the Immigration Branch of the Department of Mines and Resources. (190) He had had a great deal of contact with Blair on immigration matters earlier so he now sought his advice on this matter. It was a "private and confidential" letter and in it he said: "We find it absolutely useless to appeal to the Deputy Minister, General Lafleche," and the Minister, J.T. Thorson, he said, seemed unwilling to believe that there were problems. He noted that in the other provinces

the situation was almost trouble-free, but that in Manitoba and Saskatchewan there were serious difficulties. He described these in the following way:

Our boys are not recognized as Mennonites nor as conscientious objectors. I claim that ministers who have known the boys from their youth on know more about their convictions than a biased Board could know after they have examined them for five or ten minutes.

He then cited several incidents.

A young Mennonite...came before the Board and one of the questions was: "Did you go to school?" Answer: "Yes". Question: "Did you ever have a scrap in school?" Answer: "Yes". - "Well, you are not a conscientious objector, your application is not accepted, get out!!!"

Another boy came before the Board. "Are you a Mennonite and a Conscientious Objector?" Answer: "Yes". - "Why is it that you are asking for postponement?" Answer: "Besides being a Mennonite and a Conscientious Objector, I am a farmer and I am the only one working on the farm." Answer: "I do not care a hoot about your farm, we want you, your application is not accepted, get out!!!"

In responding to a letter from Thorson, Toews wrote, on July 14, 1942:

If only some of the young men, as you state in your letter, were not recognized as conscientious objectors, I do not think that I would have taken the liberty to write to you, but if almost all of our young men are not given recognition as having conscientious scruples about military service, I believe some consideration should be given to this fact. (191)

He said that surely the purpose of the Regulations was to provide justice for all, including conscientious objectors. In his view the Boards in Manitoba and Saskatchewan were not pursuing this purpose.

At Mennonite church conferences in the summer of 1942 there were reports from all five provinces where Mennonites

resided. (192) From Ontario there were no complaints; in British Columbia the Registrar had recently talked of the difference between the Kanadier Mennonites who came to Canada pursuant to the 1873 Order-in-Council and those who came in the 1920's but no problems had appeared at the time; in Alberta, there were no complaints about obtaining "indefinite postponement" on grounds of conscience, but there were some difficulties in obtaining farm leaves; and in Saskatchewan and Manitoba, however, the problems remained very serious. In view of this it was decided to send a delegation to Ottawa to describe the situation to officials personally.

It was a small delegation, consisting only of David Toews and C.F. Klassen. (193) They met with Thorson and Lafleche on September 28, 1942 and presented a lengthy statement. They began with a word of gratitude for the alternative service arrangements. They referred also to reports indicating that government officials were well satisfied with the work of their young men. Then they began to deal with the problems, stating:

In November 1940 we pointed out to Mr. Justice Davis and Major General LaFleche our doubt as to whether justice could be expected if the War Services Boards were given full authority to decide whether a young man is a Mennonite or a conscientious objector, because in some cases these Boards have not the information to enable them to give a just verdict as to the honest or dishonest claim of young men being examined. We could not understand why the National War Services Board should be given such far reaching authority to decide whether a young man is an honest conscientious objector. We submit that the leaders of the churches know more about the stand of the young men than these Boards, and should at least be regarded as witnesses and their testimony should receive some consideration. We also could not understand why the decision of the Boards should be final and without the possibility of an appeal.

They reported that a number of their young men were receiving calls for military training and that some obeyed the call but that most did not because, in the words of the delegates, "they knew their scruples re military training better than any other person". Along with their refusal, these young men sent letters of explanation to the Boards in which they also reaffirmed their willingness to render an alternative service. Nevertheless, reported Toews and Klassen, "one after another of these men was called before a Police Magistrate and sentenced to very severe penalties. Eleven young men persisted in their stand and went to gaol." On appeal to the County Court the penalties had been reduced to six months. On a further appeal to the Minister of Justice, the men had been released after serving five months in jail. Later, however, another eight young Mennonites had been sentenced to jail, some to twelve months with hard labour. In conclusion the delegates stated:

Conditions are becoming unbearable in Manitoba and Saskatchewan. ... Is it just to put men in gaol who are ready and willing to do the other work provided by our Government? Why is the testimony of the ministers given no consideration? Why are Mennonites examined and cross-examined by lawyers as though there is an attempt to hide the truth? Have we not established a reputation for honesty and truthfulness?

We humbly submit, that justice demands that the situation be changed so that there is a possibility of an appeal for those who are refused recognition as Mennonites or conscientious objectors. (Emphasis in the original.)

The possibility of setting up a higher body to which these decisions could be appealed had been raised in the House of Commons earlier already. (194) Both John Diefenbaker and T.C.

Douglas favoured it but the government opposed it on the ground that the many appeals in World War I had made that recruitment process very complex and inefficient. Now, when the Mennonite delegates asked for an Appeal Board, the Minister again rejected the idea but he did indicate that he would give further thought to the matter of allowing for reconsideration of the Board decisions. The Minister questioned again whether the situation was really serious since he knew of some 500 Mennonites who seemed to be serving well in the army. The delegates agreed that a number of people of Mennonite background were willing to render military service but that they were appealing only on behalf of those who were sincere and conscientious followers of the historic Mennonite position. The delegates left with a feeling that the officials were not willing to help. (195)

When the problems continued, David Toews on October 24, 1942 wrote directly to Prime Minister Mackenzie King. (196) He reviewed their four-hundred year history of refusing to participate in war, even at the cost of persecution, saying: "Non-resistance has always been one of the principal tenets of our faith...". In view of this long history, it was wrong, he felt, that: "Now the National War Services Board, composed of a judge, a lawyer, a military man and another person are given the right to decide as to whether our boys have conscientious scruples about going to war and shedding human blood." He pointed out that in Ontario, Alberta, and British Columbia there were no significant difficulties but that in Manitoba and Saskatchewan there were problems. Here, he said: "our young

men,...are being sent to jail for not being willing to deny the faith of their fathers." He referred to the various assurances of exemption given to them before the war and said: "Now we are told that only those who came to Canada pursuant to the Order-in-Council of 1873 are free from military service." He pointed out that there was no appeal from the decisions of the Boards and that their numerous petitions to the Department of National War Services brought little satisfaction. He suggested that the Prime Minister lay some of the questions before the Supreme Court. He emphasized again that they were willing to serve the country but that they did not want to bear arms.

The Prime Minister replied by saying that he was asking the Minister of National War Services to look into the concerns. (197) But instead of an improvement, church leaders from Manitoba reported that the situation there was deteriorating further, that more and more were being imprisoned and that the Board seemed caught-up in the fervor of the war. (198) They did not know what further steps they could take. They considered the possibility of seeking a personal audience with the Prime Minister and perhaps also with the cabinet. The surviving records do not show that an effort to this end was made but on February 2, 1943, C.F. Klassen of Winnipeg wrote to the Minister of Labour, Humphrey Mitchell, who was now responsible for the administration of the Regulations, and asked him to "grant an interview to a small group of Mennonite delegates from the western provinces in order to place before you our need and submit plans and suggestions how best to overcome those

difficulties which now confront us." (199) He described the problems and said that the Boards were not capable of deciding fairly the question of "who is a Mennonite or conscientious objector". That question, he argued, should be lodged with "a body which is thoroughly familiar with the young man in question and the Mennonite Church." He pointed to the Militia Act of 1927 which provided exemption for "Persons who, from the doctrines of their religion, are averse to bearing arms or rendering personal military service. ...". Hence, he reasoned, no Board "may lawfully compel a Mennonite or Conscientious Objector to bear arms or undergo military training." He described the prevailing situation in the following way:

If the Board refuses to recognize the Mennonite status of a certain young man and sends him a 'call for military training' notice, and the young man for conscience sake refuses to answer the call, then he is...sentenced to imprisonment and at the expiration of the prison term, ordered to be turned over by the Police to the nearest military training centre, where he is to be kept until he consents to become a member of the army.

Klassen also referred to the different forms of alternative service which they had first offered in 1940 and noted with regret that to date the government had accepted only a narrow range of such services.

The Minister, only recently made responsible for these matters, was not persuaded. He rejected the request for a meeting and made a strong defence of the Boards, stating:

...the Associate Director of Selective Service (Military)...advises that there are some persons of the Mennonite denomination who do not come under the protection of the agreement made with the Dominion Government at the time of their

immigration to Canada, and of this latter group some have been unable to establish to the satisfaction of the Board that they are conscientious objectors. The Board's decision in each case constitutes a finding of fact based upon the evidence submitted to it. The Chairman of each Board is a Superior Court Judge and the Boards, as constituted, are competent to arrive at fair decisions... Applicants should be prepared to abide by the Board's decision. (200)

Regarding the suggestion for a more diversified use of alternative service workers, the Minister reported that that matter was being studied "with a view to enabling conscientious objectors to take employment in agriculture or employment in essential industry,..."

The diversification in the alternative service program was to become a reality some months later and with it the problems of obtaining exemption from military service would ease, although not immediately.

3. Stage Three: Spring 1943 to the End of the War

(a) Alternative Service Changes and Mennonite Involvement

There were further changes in the Alternative Service program early in 1943. These were designed to more fully utilize its personnel resources for domestic labour needs. They also had the effect of simplifying the program. Work in agriculture came to be seen as more important, so gradually more and more alternative service workers were assigned to farms. As a result, many Mennonite farms received help from their own young men. In addition there was some improvement in the matter of obtaining military exemption.

Mennonites learned of the prospective changes in January of 1943. A delegation from the CHPC of Ontario was in Ottawa to discuss various other matters when the Deputy Minister of Labour, Mr. Arthur MacNamara, asked for their opinion as to the practicality of having Alternative Service men employed in private industry, including agriculture, lumbering and coal-mining.⁽²⁰¹⁾ The delegates generally favoured a diversified program to "enable each person to make the largest possible contribution to the good of Canada and of all mankind".⁽²⁰²⁾ However, to make a specific response they felt they would need to consult with their people. MacNamara encouraged them to do so and then to submit a reply.

When the CHPC did formulate a position, it was one of caution. They were concerned about having their men assigned individually to private industry: the disparity in earnings between alternative service workers and those doing the work as a normal occupation might lead to disaffection; the industries to which they might be assigned could have "greater war significance" than the work performed to date; and individual assignments would make it more difficult to provide religious guidance.⁽²⁰³⁾ The CHPC was more supportive of the agricultural possibility, however here too they indicated a preference for group assignments in order to facilitate religious supervision. They suggested that the work be done on government owned land.

After initiating these discussions with the CHPC of Ontario, the Minister of Labour also sought the opinion of Walter Tucker, a Member of Parliament from a western consti-

tuency with many Mennonites. In doing this the Minister described the plan in a more detailed way stating:

...When a man is postponed from military service as a conscientious objector his name will be turned over to the Selective Service Officers who will have the authority to direct the man either to the performance of Alternative Service in camp as at present, or to take specified employment on the farm or in industry at a wage rate which, if in agriculture, will be fixed by the Department, or if in other employment at the going wage rate. In either case, there will be a contract of employment which will limit the remuneration which the man himself will receive to \$25.00 per month plus board and lodging, and the balance of the wages will be paid into the Crown:

Men now performing alternative service at camps would be similarly subject to the direction of the Selective Service Officer, and may be retained in camp service or directed to outside employment on the terms which I have outlined.

I would assume that if a man were needed on the home farm, he would be directed to employment on such farm. Otherwise, he would be directed to take employment elsewhere. (204)

With these details in hand, Tucker sought the views of several western Mennonite leaders. Generally, these were supportive.

The possibility of having the young men back on their farms was very attractive. B.B. Janz of Alberta was supportive too but felt that in some respects it was still too restrictive. (205) He continued to hope for arrangements whereby Mennonites could form a medical corps unit.

Formal authorization for the new arrangements was made by Order-in-Council on April 7, 1943. (206) This Order noted that hitherto alternative service had been done mainly in the National Parks and in the forests of British Columbia but that now it was "expedient to make such persons available for work in

agriculture and industry". Mennonite leaders were concerned about how this would be implemented so they again travelled to Ottawa and raised, among other things, the question of which industries their men might be assigned to. (207) When MacNamara, the deputy Minister of Labour, responded by inviting them to draw up a list of those which they would find acceptable they submitted the following statement:

Industries and Occupations which are approved by the Historic Peace Churches as fields of service for Conscientious Objectors - Agriculture, Experimental Farms, Feed Mills, Food Processing, Meat Packing, Cheese-making, Creameries and Dairies, Canning Factories, Teaching, Hospital Service, Medical and Dental Services. (208)

Soon thereafter they received a letter from MacNamara, stating: "In regard to the industries and occupations suggested, we will work along this line." (209)

Implementing the new plan was a very sizeable task. The National Selective Service Civilian Regulations remained in force, albeit in an amended form, but the responsibility for the Alternative Service program now lay with the Employment Service of the Department of Labour. A Chief Alternative Service Officer was appointed by the Minister of Labour to direct this new branch of the Employment Service. In addition, Alternative Service Officers were named for Divisions in the five western-most provinces because these had most of the conscientious objectors. (210)

These Officers then went to the Registration files in the Divisions and gathered information on each conscientious objector. Their first task was to find Alternative Service assignments for the several hundred who had appeared before the

Boards and received the desired "postponement" but who had not yet been sent to an Alternative Service project. These men were now interviewed and if it was found that they were already in work of an essential nature, in either agriculture or industry, then they were permitted to continue in it, on the condition of accepting an Alternative Service contract by which part of their earnings would be given over to the Canadian Red Cross Society. Normally they were allowed to keep only \$25.00 plus room and board. Those not willing to accept such a contract were sent to the Alternative Service camps. Anyone not in essential employment was given a new assignment subject to his acceptance of the Alternative Service contract or else sent to the camps. (211)

The second task of the Alternative Service Officers was to examine those in the camps. A camp replacement program was introduced whereby these men, if they had been there for more than a year and if they were qualified for work elsewhere, in either agriculture or industry, and if they were willing to accept the contract, were given new assignments. Their places in the camps were then filled by men who had not served in the camps before and who, for one reason or another, were not suited for service elsewhere. Since many of the men were well qualified for farm work and since the government now recognized it as essential, many were given farm assignments. The Officers even invited them to make suggestions. (212) As a result some were allowed to work on their parents' farms, albeit under the normal Alternative Service contract.

The movement of men from the camps to the farms became quite substantial in 1944 when the fire prevention service in

the forests of British Columbia was discontinued. The decision to discontinue that was made by the federal government on the grounds that the needs of agriculture were pressing and that the threat of a Japanese invasion had passed. By the end of the war very few of the men were still serving in the camps. Over 6000 were placed on farms and nearly 1500 in industries. (213)

Another noteworthy service opportunity, albeit a small one, was created in September of 1943. It allowed men to enlist for medical corps work while remaining assured that they would not have to bear arms. (214) B.B. Janz had long pressed for medical corps work, arguing especially for a separate Mennonite medical corps unit. However, the new arrangement provided only that the men could serve individually in the regular medical corps. In spite of this, the Russlaender Mennonites endorsed the arrangement. (215) However, the Kanadier from the west and the Mennonites in Ontario opposed it. (216) The CHPC of Ontario said: "We cannot see how conscientious objectors to military service can enter this type of service because we have always held the position that we cannot do any kind of service, either non-combatant or combatant in the army or under military direction." (217) The support for this program was not strong and by the end of the war only 227 people had served in this capacity. (218)

(b) Continuing Problems With Military Exemption

Even though the Mennonites were generally satisfied with the new alternative service arrangements, the problems with obtaining military exemption continued, at least for a time.

In May of 1943, C.F. Klassen wrote to MacNamara about the imprisonment of eighteen men whom the Board had not recognized as conscientious objectors. (219) As a result they had been ordered to report for military training and when they had refused they had been arrested and sentenced to jail, in some instances for twelve months with hard labour. In addition some were to be "handed over, in Police custody, to Military Authorities" on termination of these jail terms. Klassen recognized that some Mennonites were joining the military forces voluntarily but felt very confident that these were sincere in their 'conscientious objection'. He again raised the issue about the authority of the Boards, stating:

The leaders of the various churches are worried and uneasy over the fact that the Board has the authority to judge who is a Mennonite and who is not, as they know neither the young men nor the Mennonite Church, and the Board does not take into consideration the reference given by the leading Minister of the Congregation.

MacNamara checked with the Board in Winnipeg and then replied stating that he had been assured by the Chairman that each of these cases had been given "very thoughtful consideration" but that the Board had simply not been satisfied that these were indeed 'conscientious objectors'. (220) He noted that these were from the Russlaender Mennonites who, he understood, tended to enlist anyway. He reported also that the Board had given him an "assurance that everyone of these men will be re-heard before they are prosecuted a second time should they default when re-called for service on their release from gaol."

In Alberta, there were some problems too. (221) In one case they seemed almost irresolvable. Samuel V. Martin had moved to Alberta but was affiliated with the CHPC of Ontario. His case was considered by the Board in Alberta and Chairman Harvey reported that he did "advise us that he was a Conscientious Objector". Harvey then explained how the Board had dealt with his case saying:

As he was not within the Order-in-Council, he was treated as other persons who claim to be Conscientious Objectors. His application as a Conscientious Objector was not pressed but he applied for and obtained a postponement as a worker in a garage where, it was pointed out, his services were very much needed and they were very valuable in the interests of the farming community. (222)

The postponement on the basis of being needed as a garage worker was temporary and after it expired, the Board decided that these grounds were not sufficient for a further postponement. At that point the question arose of whether he could receive an "indefinite postponement" on the ground of being a conscientious objector. He appeared before the Board but the Board "was not satisfied that his claim as a Conscientious Objector was one that should be recognized." (223) He was then ordered to report for military training and when he refused he was imprisoned. At that point other appeals were made on his behalf, including one by Elven Shantz of the CHPC in Ontario. However, Chairman Harvey of Alberta noted that, "the law which Mr. Shantz says has been applied in Ontario is not the same as applied here. Our Board has never accepted a simple statement from a pastor that the man was a Conscientious Objector, but has required to

be satisfied, in most cases, by a personal interview with the applicant himself." (224)

In May of 1944, when Harvey may have been looking for a way of disposing of the case he suggested a peculiar remedy, stating:

The military representative here has been asked to make it known to him that if he is willing to enlist in the restricted military service which does not call for the bearing of arms, the Board will be prepared to grant him the standing of a Conscientious Objector to enable him to do so. (225)

What Harvey meant by "restricted military service" was the special medical corps service authorized in September of 1943. However, Samuel Martin, in keeping with the position of the CHPC, was not prepared to accept this. As a result he was imprisoned again. This prompted further appeals and representations. On May 4, 1945, the CHPC leaders in Ontario wrote to the Minister, Humphrey Mitchell, stating in part:

We appeal to your office in behalf of Samuel V. Martin, N75603, Duchess, Alberta, who is at the present time serving an eighteen months' sentence in jail at Lethbridge, Alberta...

We have carefully studied this case by personal correspondence with...capable persons in the community and of the Church where he is a member.

...it is our honest opinion that an injustice has been done to Mr. Martin...the very fact that this is his third term in jail and still holds to his former convictions should at least be some evidence of sincerity.

We humbly request that Mr. Martin's case be reviewed and that he...be granted the privileges which the laws of Canada provide for Mennonites and all sincere conscientious objectors... (226)

The representation was not successful. The minutes of a CHPC meeting on October 23, 1945, note that "three times we appealed

...in behalf of Samuel Martin of Duchess, Alberta, who is in jail as a C.O. Thus far we failed in receiving action for his release." (227)

Cases like that of Samuel Martin were exceptional. Altogether about 7500 Mennonites received the desired postponement and went on to serve in the Alternative Service program. It can be expected that there would be some problem cases. (228)

By way of a remedy, the government had refused to set up a higher body to which decisions from the Boards could be appealed but on December 1, 1943, an Order was issued whereby the Commanding Officer of an Army unit could recommend discharges for men who he believed would not make good soldiers. This, it was felt, would deal with "a great many of these Conscientious Objectors who have been already called into the Army and are of no use to the Forces..." (229) Unfortunately Samuel Martin could not benefit from this Order because he remained under the Board, outside of the military. Nevertheless, it was a further effort to deal with what had long been a problem.

(c) Alternative Service and the Doukhobors

The Alternative Service changes of 1943 raised new issues for the Doukhobors. In effect, they had been exempted from both military service and alternative service, with the exception of about 70 who in 1941 had worked on a road building project in northern Saskatchewan. Now, in 1943, government officials began a new effort to gain their involvement.

The Doukhobors were apprehensive. Before long there were various rumours: that a member of the Board in Saskatchewan had

announced that one thousand Doukhobors would be called up for military service; (230) that they would be called up for "compulsory war work"; (231) and that on May 1 they would be "frozen in their positions". (232) In addition, some young Doukhobors were receiving orders to report. (233) The Sons of Freedom who in 1940 had refused to register, now felt that their position was vindicated. The Union of Spiritual Communities of Christ (USCC) which included many of the people who earlier had belonged to the Christian Community of Universal Brotherhood, formulated a position which though not defiant was not one of eager cooperation either. They said: "That Jesus Christ suffered and died for an ideal and that although he had a chance to escape he did not accept it, and that the Doukhobors should not try to escape their fate by begging to the Government." (234)

Of immediate concern were the orders to report for medical examination which a number of Doukhobors in both Saskatchewan and British Columbia were receiving in the early months of 1943. (235) Normally these orders were the first step towards military training and the words on the form said explicitly: "You have been called out to undergo military training and in accordance with the National Selective Service Mobilization Regulations, are hereby notified to present yourself for medical examination..." (236) Officials explained that in spite of these words their rights to exemption would be respected. But the Board Chairmen in both provinces said that they intended to prosecute those who refused to take the medicals. (237) This prompted some Doukhobors in Saskatchewan to appeal to the Prime

Minister pointing out that these words on the form violated the promise of exemption given to them in 1898. (238) Some became persuaded, after several meetings with officials, "that this medical call in no way jeopardizes their immunity from military service". (239) Others, however, refused to cooperate. Some returned the notices with a "polite explanation" of their position. The RCMP, for their part, did not want to launch prosecutions fearing that this might arouse strong resistance and result in various demonstrations. (240) The question was not resolved until late in 1944 when the "medicals" were made optional.

Aside from the issue of whether to require the Doukhobors to take the "medicals", officials had to arrange for alternative service work to which the Doukhobors might be assigned. In Saskatchewan, at least some of the Doukhobors "expressed their willingness to perform some service". (241) Of the possibilities suggested they preferred work in the bush, cutting wood for greatly needed fuel. This then became a winter assignment while in the summer they would be transferred from one farm to another as needed. Not all were eager to serve in this way. But officials felt that even partial cooperation was "a better service to the nation" than a situation where, by attempting to force compliance, a significant portion would go to jail instead. (242)

In British Columbia the situation was more complex. The Sons of Freedom had never registered and the USCC remained hesitant about alternative service. (243) In light of this some officials raised the possibility of using force on both the registration

and the alternative service issues. Again the RCMP were cautious. They reported that most Doukhobors were already employed in useful work and that: "forcible induction into Alternative Service Camps would result in considerable opposition...". (244) However, others, including A.M. Manson, Chairman of the Board in British Columbia, and Major-General H.J. Riley of the Mobilization Section in the Labour Department, saw it as "most unwise that one section of the population should be allowed to ignore the regulations". (245) In mid-May, L.E. Westman, the Chief Alternative Service Officer, suggested that a way be found to bring them under the alternative service program without requiring them to register. (246) Advocating a policy of expediency, he suggested that the government try simply to get the best possible labour result from the Doukhobors. (247) He said:

It might be possible by giving a blanket guarantee of freedom from Military service to definite groups and by keeping Boards from harassing them individually...to make an arrangement whereby they would register in some kind of mass manner and accept a form of Alternative Service.

Chairman Manson opposed this course. He suggested that officials be sent out to the Doukhobor settlements to "proceed with tact, but firmness, to register all unregistered persons", and that the Board then deal with them individually to determine whether they were sincere in their faith and entitled to exemption. (248) This, he felt, would make them into a law-abiding people rather than a law-defying people. Westman now agreed to support Manson's approach so he recommended to the Minister that the male Doukhobors of callable age be brought to a nearby regis-

tration office, by the police if necessary, that the Board be "very generous in granting postponement to these men", and that they then be required to render an alternative service, "probably in camps cutting wood or pit props". (249)

When the Doukhobors learned of these plans they sent their leaders to Ottawa to learn more details and to express their concerns. Late in October representatives of the small moderate group known as the "Named" Doukhobors met with MacNamara, the Deputy Minister, and were told that the government was prepared to forego the medicals but that the Doukhobors would have to obey the other Regulations and that, if postponed on grounds of conscience, they would have to render an alternative service. (250) Officials also suggested that they apply for postponement as essential workers in farming or lumbering since then they would probably be left alone in their present positions and not sent to alternative service camps. The delegates accepted the information and said that before making any commitment they would have to consult with their people.

In mid-November a larger delegation consisting of representatives of both the Independent Doukhobors and the more orthodox USCC travelled to Ottawa but the discussions were similar. Officials said that those not yet registered would have to do so, that the Boards would deal generously with their applications for postponement but that the government wanted them "to make a contribution to the welfare of Canada". Officials explained that those postponed could accept employment in one of the work camps at a rate of \$15.00 per month or else stay

in their present work and agree to make monthly payments to the Red Cross or to the government. They also offered to consult with a Doukhobor advisory committee in working out the details if the Doukhobors wished to set up such a committee. (251)

The Doukhobors were not persuaded. The delegates from the USCC, before leaving Ottawa, drew up a statement for the officials in which they said:

Our refusal of medical examination and alternative service does not mean we won't do anything for the country we live in, or rather that we are not doing anything nor have we any idea to fight the Government. It would be a most unfortunate day for us to see jails filled with Doukhobors, where they would become a burden upon the government instead of an asset through their working capacity. However, ... the Doukhobors will abide by their principles of religion notwithstanding any consequences. (252)

They added that if they had to make financial contributions they would want to make them, not individually but from the community as a whole. Their preference was to simply have their people "continue to contribute to the country's welfare by their hard work." However, they said they would be willing to lay the government's proposals before their people, preferably in the presence of government officials who could then explain them directly. (253)

After these meetings in Ottawa preparations began for a general meeting where government officials would explain their proposals to the Doukhobor people directly. This would take place on December 12, 1943. In the meantime there were meetings and discussions among the Doukhobors by themselves. The large USCC held a mass meeting on December 5, 1943 and adopted a lengthy resolution stating, among other things: "We refuse mili-

tary service on religious principles, and not on the grounds of being essential farm workers." (254) They reaffirmed their commitment to "Toil and Peaceful Life" and referred also to the Biblical command: "Render unto Caesar the things that are Caesar's and unto God the things that are God's". They explained: "everything demanded of us which is not contradictory to the Law of God and to the Faith of Jesus, we will accept, fulfill and execute not through fear but by conscientious guidance." More specifically, they rejected the idea of making financial contributions, saying that these, "would be looked on as a way to purchase our freedom". They saw these as an indirect participation in war. They also indicated that they felt betrayed by the National Registration of 1940. They had cooperated with that only after receiving assurances that it would not lead to military service. Now, however, some of their people who had registered were receiving the "Orders - Medical" which they saw as the first step to military service.

On December 12, ~~when the meeting with government officials~~ was to take place Major L.B. Cowell, Regional Director of Selective Service, and several other officials came to the Doukhobor settlement and found a gathering of 3,500 Doukhobors. It was a Sunday afternoon. The crowd sang hymns and the officials were welcomed by a young people's choir. The main spokesman for the Doukhobors was John J. Verigin. He introduced the officials and then, in a gracious but clear manner, informed them that the Doukhobors had had meetings among themselves and that they had decided not to accept the government's proposals. He then

addressed the large gathering, read the resolution which the USCC had adopted at the earlier meeting and asked the people to express their view. They responded in a way that led Major Cowell to say later: "thirty-five hundred people can make NO sound pretty loud". (255) In spite of the negative answer, a number of Doukhobor leaders made short speeches and according to an RCMP report: "All these speeches had a conciliatory tone." (256)

Cowell was not to be deterred. In his report to MacNamara, he said: "we held a meeting for four hours avoiding arguments and leaving with a firm note that the Government intended to put your formula into effect." (257) Cowell was prepared to use force if necessary. Chairman Manson was of the same view. (258) They recognized that there might be "bombings and fires" but they planned to quietly move a battalion of troops into the area to protect factories, electricity installations and other things. In addition they would have enough police support so that those who refused to comply could be arrested and charged according to the regulations. They made detailed plans with Officers of the Pacific Command, but on February 4, 1944, the Cabinet War Committee in Ottawa rejected them. (259) That Committee had noted the concern of the RCMP that the action would entail "a serious diversion of enforcement personnel from other essential wartime duties." It had also concluded that "no substantial effect could be anticipated from the Doukhobors so drafted for alternative service."

(d) Unusual Arrangements for the Doukhobors

While government officials were trying to formulate another course of action, the Doukhobors also indicated a desire to discuss the matter further. In January of 1944, John J. Verigin stated, in a newspaper article, that he recognized that the Doukhobors "must make certain contributions to the nation's labour supply and charities". (260) He also visited officials in Vancouver to explore the possibility of resolving the impasse. Leaders of the "Named" Doukhobors indicated a similar concern. (261) However the Sons of Freedom expressed their views in other ways. They held meetings where they disrobed, sang psalms, prayed and burned their non-Doukhobor clothes as if to renounce worldliness. (262) On January 28, when Verigin was conferring with officials in Vancouver, they gathered at his home and burned some things there. Early in February a group of several hundred began a long march through the Doukhobor areas and invited people to put their government documents, including registration cards, birth certificates, ration-books, and money, into a box which would then be given to the government. (263) In addition some public property was destroyed. Two schools and a C.P.R. station were burned. It was believed, but not proven, that this was done by the Sons of Freedom. (264) Leaders of the USCC renounced these acts strongly. (265) Nevertheless, a number of young men from the USCC left their jobs, attended these gatherings and became generally sympathetic to the Sons of Freedom. (266)

The demonstrations subsided by the end of February but they had the effect of increasing public pressure on the govern-

ment. One official said that at this time "strong letters of protest began to arrive in great volume". (267) The Canadian Legion sent a letter to MacNamara stating that the Doukhobors knew that they had won this round and that the government's failure to act was encouraging them in their defiance and lawlessness. (268) The Legion said that the government should not bow to the fears of the West Kootenay Power and Light Company which had argued against firm action on the ground that it might cause many of their badly needed Doukhobor workmen to leave their jobs... The Legion warned also of vigilante action. In fact, some action of that nature did take place. (269)

The government, however, was cautious. In a report of March 15, 1944, to the Minister of Justice, Louis St. Laurent, the RCMP reviewed the developments, noted that many of the men of military age were already usefully employed, and then stated:

the question arises if it is of any practical value to the country to enforce the National Selective Service Mobilization Regulations among them, when the majority, if not all, are already engaged in such work as farming, mining, dam construction, logging and railway maintenance, which work is generally regarded as being in the national interest... If it is intended... to compel them to do what they are already doing voluntarily, these religious fanatics will, it is believed, continue to protest by all possible means. (270)

Officials in Ottawa tended to favour this policy of leaving the Doukhobors alone so as not to disturb the work which they were already doing. However, officials in British Columbia took a different view. Chairman Manson and Major-General Cowell argued that the Doukhobors should somehow be brought under the law. Manson said: "the present situation is absolutely indefens-

ible from the Government's standpoint". (271) He criticized it for being dishonest and for encouraging the Doukhobors in the view that they did not have to abide by the laws. He felt that 75% would readily respond to firm but tactful action and that once these complied the others might follow. Late in May he proposed to go to the Doukhobor settlements to see if something could be arranged. MacNamara in Ottawa, however, did not permit him to go. (272)

The Alternative Service Officer for the British Columbia Division, C.S. Henley, wanted to try a different approach. One employer, H.R. MacMillan, had indicated a need for several hundred workers. The work, in logging, was deemed essential. So Henley felt that the registered Doukhobors should be encouraged to take it, that the Board should then officially declare them postponed even without a personal appearance before the Board, and that he should then try to arrange alternative service contracts with them so that they would pay a small amount to the Red Cross each month. (273) From the legal point of view the procedure was unusual but at least the status of the Doukhobors would be regularized.

If the approach of Henley, the Alternative Service Officer, was unusual, that of the National Selective Service office was even more so. That office was issuing work permits and helping Doukhobors to take work in the most needed areas without regard to whether they were registered or whether the Board had given them a "postponement" from military training. The flow of Doukhobor workmen to essential jobs was not very

large but the National Selective Service office, under the direction of one Mr. McKinstry, did not want this disturbed with Henley's talk about alternative service contracts. (274)

When the issue was raised with senior officials in Ottawa, Westman's initial response was to favour McKinstry's approach over that of Henley. (275)

He recognized that McKinstry's actions were "entirely illogical from the angle of the regulations" but praised them for bringing employers and Doukhobors together. (276) McKinstry, he said, "has simply done the practical, expedient thing...and has not quibbled about the technical position of a Doukhobor with respect to Mobilization matters."

Henley was not persuaded. (277) He questioned an approach that so completely set aside certain parts of the Regulations even though he recognized that enforcing them might just fill up the jails. Other officials too had concerns and in July of 1944, MacNamara, the Federal Deputy Minister of Labour, authorized Chairman Manson in British Columbia to visit the Doukhobor settlements to explore the feasibility of a compromise approach. Westman now supported this too although he was still sensitive to the labour situation, saying: "the last thing that anyone wants is for Doukhobor labour to become unavailable." He suggested that the registered male Doukhobors of military age - about 1000 - be given a "blanket" postponement, that they be informed of their liability to alternative service, that they be given work permits so they could take jobs, and that the alternative service officer then try, gradually, to make arrangements whereby they would pay something to the Red Cross. Westman was still not optimistic.

He argued that if the plan failed it would be some time before that would be discovered and that "the position of the government would be better in the meantime." (278)

Manson then travelled to the Doukhobor settlements, together with another official, F.W. Smelts. They met with employers and local officials and, most importantly, with leaders of both the Named and the USCC Doukhobors although not with the Sons of Freedom. (279) They were received sympathetically. John Verigin invited them to meet with the Supreme Council of the USCC and Manson reported that the Doukhobor leaders were "cordial and sincere and anxious for a solution of their problem with the Government." They were sympathetic to the idea of making deductions for the Red Cross from the earnings of the conscientious objectors. P.K. Reibin of the Named Doukhobors suggested that they make these deductions in the same way that Income Tax was being deducted.

Manson now felt optimistic. He prepared a form letter, to be sent to all registered Doukhobors, in which he, as Chairman of the Board, informed them that they were now classified as conscientious objectors. This meant that they would not have to take the medical examinations or appear before the Board. The letter also informed them that deductions for the Red Cross would be made from their monthly wage. Manson also proposed that John DeVoin, a Constable of the British Columbia Police, who had an unusual familiarity with the Doukhobors, be requested to serve as a special alternative service officer for them. (280) The necessary authorization was soon given and DeVoin began work-

ing in October of 1944 although Westman in Ottawa still counselled caution, saying: "If he (Manson) does postpone a thousand men quickly, it does not follow that we (Alternative Service) will do anything in a great rush..." (281) He did not want to disturb the labour situation.

DeVoin's work soon showed signs of success. He received the names of the postponed men from the Board, sought them out, and with various explanations tried to make arrangements so that they would contribute on a regular basis to the Red Cross. (282) Some were willing to sign alternative service contracts. Others refused but were willing to make the payments if they were billed by the Treasury office. Also, for those who were unemployed DeVoin tried to find jobs. Especially significant is the fact that the Doukhobor leaders encouraged their people to cooperate with this new approach. The Executive Committee of the USCC issued a statement on October 14, 1944, in which they acknowledged that in December of 1943 they had decided against making voluntary contributions because that would have appeared as "our bribe out of military obligations". They then proceeded to describe the new arrangement as a "form of levy or tax" which people should pay in accordance with the rule, "Caesar's unto Caesar". (283) P.K. Reiben of the Named Doukhobors issued a similar statement. (284) On November 2, DeVoin reported: "by the first of the year we will have a majority of these people paying to the Canadian Red Cross Society." (285)

The arrangement did not resolve all the problems. The Sons of Freedom, with some exceptions, remained outside of it.

And in the Spring of 1945 when employers were particularly sensitive about anything that might disturb their Doukhobor workmen they asked that the deductions not be made too categorically. One fruit grower reported that the man in his orchard would not make payments of any kind, saying: "he considers paying money to anything connected with the War is taking part in the War." (286)

Even though the arrangement did not resolve all aspects of the situation, it brought many Doukhobors into the parameters of the law. The public was satisfied that the Government was doing something constructive. (287) Westman, the Chief Alternative Service Officer in Ottawa, admitted: "we were over-fearful about applying the Regulations." (288) And Manson said: "we are now, for the first time in the history of Canada, making some real progress in the handling of the Doukhobor situation." (289)

(e) The Hutterite Involvement

The Hutterites received little attention during the war. In comparison to the Mennonites and Doukhobors they were a very small group and they had not been specifically referred to in the Regulations. Nevertheless, the surviving records about the developments from 1943 until the end of the war do refer to them. Early in 1943, H. Harvey Chairman of the Board in Alberta stated:

...we have had no difficulty with the Hutterites. Their conscientious scruples have been recognized and in all cases they have been given the privilege of alternative service. They usually take their

examination and...they want to take the alternative service without objection. (290)

There was, however, some public criticism that the Hutterites were not doing "their share" for the war effort. Specifically, their land purchases were seen as indications that they had a surplus of labour on their colonies and that even if they did not serve in the military, they should at least make a larger contribution to the alternative service program. The record supported this criticism. In Alberta, since the beginning of the war, a total of 220 Hutterites had been granted "postponements" as conscientious objectors but a substantial majority of these had not been assigned to any alternative service work. (291) They had been allowed to stay on the colonies. In Manitoba 129 had been postponed as conscientious objectors and again only a minority had been assigned to alternative service projects. (292) Even Mennonites complained that Hutterites were "treated too leniently".

In view of this situation, the new alternative service arrangements of 1943 were an occasion for renewed efforts to utilize the Hutterite labour resources. Some of the postponed men, it was recognized, should remain on the colonies but these should come under the new alternative service contract arrangement. These contracts, however, were not easily negotiated. According to one official: "In a Hutterite colony, it is hard to...place an individual on an employer-employee basis." (293) Others were assigned individually to work for other farmers, but this too met with difficulties when Hutterite elders expressed

concern about "the degree of independence" that men so assigned tended to develop. (294) Some of the men assigned individually to non-Hutterite farms simply left such assignments. (295) This resulted in a number of prosecutions.

The Hutterites preferred to work in the camps where they could be together and under a Hutterite minister. Authorities cooperated with this and in the winter of 1943-44, about 100 Hutterites served in the Kananaskis camp in Alberta, cutting timber for "pit props" in the coal mines. (296) Also successful was an arrangement, in the summer of 1944, whereby about 80 Hutterites from both Alberta and Manitoba were sent to Fort William to load grain into the ships. (297) Here too they lived and worked together, under the supervision of two Hutterite ministers and their work was described as "excellent". (298) In addition, authorities made a more careful investigation of the colonies and found that there was relatively little labour surplus and that the men were well occupied with agricultural production. (299) Noting this, L.E. Westman, Chief Alternative Service Officer came to the view that officials should leave things alone and not spend too much energy in "pushing C.O.'s about". (300)

E. Conclusion

In reviewing this long and complex encounter a number of significant things stand out. First is the fact that for these groups it was relatively successful. Admittedly, there were difficulties but generally they were allowed to follow their

religious teachings. The vast majority of their young men were able to obtain exemption from military service, although some enlisted voluntarily. It was different from the World War I. situation when the social atmosphere had become intolerant of these groups. World War II lasted longer; conscription, albeit only for home defence, was in force for more years; and the population of these groups was much larger; yet they fared better.

A second general observation refers to the Alternative Service Program. It had no precedent in Canada. When Mennonite leaders first proposed it, government officials were not enthusiastic. But they accepted it and it grew until by the end of the war about 10,900 men had served in it.⁽³⁰¹⁾ Their work was of considerable value but there is also a sense in which this program was a limitation on their liberty. It meant that they were not exempted from service altogether, that if they were not willing to serve in the military then they had to serve in a different capacity. Yet, if they had not done this then they would probably have had more difficulty in obtaining exemption from military service. There would probably have been stronger public complaints to the effect that they were not doing their share. As a result the government might have been forced to make the military exemption provisions more narrow.

Thirdly, there is the character of the institutional arrangements. Although broadly similar to those of World War I, there are noteworthy differences. In the first war,

the provisions for these groups were set forth in the Military Service Act of 1917, duly debated and passed by Parliament. In the second war the provisions appeared only in Departmental Regulations. In the first war there was a "Schedule of Exceptions" which covered some of the people in these groups, and a provision for "exemption" to which others could apply. In the second war the key term was: "indefinite postponement of military training". In the first war those "excepted" were free from all military service obligations but those "exempted" remained liable for non-combatant service. In the second war, the Regulations in Section 19 stated that any postponed person could be called up for non-combatant service under either military or civilian supervision. In the first war the "exemptions" were cancelled at a certain point for a sizeable age category. In the second war there was a provision for cancellation but it was not used. In both wars there were adjudicatory bodies throughout the country which played an important role. In the first war they were called Tribunals and their decisions could be appealed to higher bodies. In the second war they were referred to as Boards and now appeals to higher bodies were not allowed. The government feared that such appeals would make the recruitment process cumbersome and inefficient. In light of these things, the World War II institutional arrangements may appear to be inferior. However, more important than the structures are the administrative practises. These affected the liberty of these groups in a very direct way. They were relatively satisfactory but there were problems and these must also be reviewed.

There were "administrative" problems in relation to both military exemption and alternative service. On military exemption, some Boards were quite stringent. Especially in Manitoba and Saskatchewan, some of the Mennonites found that their applications were rejected. The number rejected is not known but the various exchanges during 1941 and 1942 suggest that it was a sizeable portion. It involved more the Russlaender Mennonites, although the Kanadier who had the 1873 Order-in-Council, were not completely free of difficulties either. Some of those whose applications were rejected went into the military and may have gone into one of the less combative branches. Others went to prison instead. The number of these imprisoned would appear to be well below 100 but some were sent back for second and third terms. As in World War I, Mennonite leaders made many appeals in an effort to rectify the situation. They appealed to civil servants, cabinet ministers, and even to the Prime Minister. But on this they had relatively little success.

The problem had several dimensions. Some of the Boards were suspicious of the sincerity of the applicants. The one in Manitoba contended that church leaders were influencing and pressuring the young men into seeking exemption even though they might not be personally convinced that that was the right course for them. Accordingly, it rejected some applications. When the Mennonites then complained, the Board acknowledged that some of their complaints might be valid but argued in turn that the only way to prevent some with conscientious objections from being called as recruits would be to allow every claim and

that if this were done then many who were not sincere would avoid service. This explanation is understandable but it did not resolve the difficulties. After some time the Mennonites began to use the argument that the Boards were not well equipped for judging the sincerity of the men, that Board members knew neither the individuals nor the Mennonite church, and that their brief interviews should not be allowed to simply overrule the much deeper familiarity which Mennonite ministers had of their young men. The argument was similar to that advanced in the first world war by S.F. Coffman, that the government was infringing on the jurisdiction of the church. In both instances the church wanted the government to be more respectful of the right it claimed to determine the eligibility of its young men for military exemption, even though in the first war that eligibility was based more on questions of church membership and in the second the issue of personal sincerity was more important. Now, in the second war, Mennonite leaders argued that the government should set up a higher body to which the decisions of the Boards could be appealed and which would be authorized to give fuller consideration to the testimony of Mennonite ministers. The government refused to do this so the problems continued but they affected a relatively small number of men and after 1943 when there was a stronger effort to use them for various domestic labour needs, the problems of obtaining military exemption became fewer.

Also to be noted in relation to the way the provisions for military exemption were administered is that there were sub-

stantial variations. In Ontario, the men from these groups were not required to make personal appearances. The Boards there simply granted "indefinite postponements" to the men whose names had been gathered by the churches through the CHPC registration effort, and gave them alternative service assignments. The Boards in Alberta and British Columbia appear to have been quite lenient too, although there were some problems in Alberta. It was mainly in Saskatchewan and Manitoba that the men were required to appear in person before the Boards. Some were dealt with quite harshly, it seems. Exemption could not be taken for granted. But even in these provinces it involved only the Mennonites. The Doukhobors were not required to make personal appearances and the Hutterites did not have difficulties either; at least not on the matter of obtaining military exemption.

In addition to military exemption, the alternative service program was marked by administrative problems too. Some of these arose from the confusion about the three forms of Alternative Service which the Regulations of December 1940 had authorized. The first referred to non-combatant training and service. The second referred to ambulance and first-aid training but did not explicitly say that this was not to involve the use of arms. The third, that of civilian service, eventually became the one most widely used but in the first one and one-half years of operation the Boards assigned a number of young Mennonites to the first two forms of service. This was a problem since there were no facilities for these two forms. The prac-

tical arrangements for a non-combatant involvement as the first suggested, or for ambulance and first-aid training not involving arms, had not been made. When Mennonites were assigned to these two forms, they protested and they were helped by the Defence Department which did not want recruits whom it could not compel to bear arms. The Department argued that even though they could go into a branch of the Military not usually involved in combat, if situations arose where they were called on to engage in combat they should be prepared to do so. This explanation was satisfactory to most of the Boards but the one in Saskatchewan tried for some time to encourage Mennonites to go into such branches of the Military on the assumption that they would probably not be called on to bear arms. Eventually, after many complaints from Mennonite leaders and instructions from senior officials in Ottawa, the Board discontinued this.

There were some other administrative problems in relation to alternative service. In 1942 when it was announced that those in this program would have to serve for the duration of the war, the question of obtaining "farm leaves" became a concern. The Mennonites wanted their young men to be at home for farm work during the busy seasons. Yet the Superintendents in the Alternative Service Camps, without whose recommendations such leaves were not to be given, also wanted the services of the men. Many letters were exchanged. The protests and complaints were strong. But it appears that the Camp Superintendents were not violating any law.

While these problems, involving both military exemption and alternative service, had the effect of limiting the liberty of these groups, the authorities also demonstrated a remarkable flexibility. A number of examples can be cited. With regard to the "farm leaves" referred to above, the government did not resolve the problem but it delayed calling up men for alternative service, seemingly in order to permit them to remain on the farms during the busy seasons. Also, when the National Registration was to take place in 1940, the Doukhobors wanted to opt out of the governmental registration arrangements and register their own people. A Doukhobor delegation went to Ottawa and made strong representations, explaining that their people were so concerned about a possible connection between the registration and military service that if they were not allowed to do their own registration then many would not cooperate at all, thus causing a lot of difficulty for the police. At first the authorities resisted the petitions of the Doukhobor delegation. Only after repeated and detailed proposals did the government accommodate them. Yet the fact that the government did this demonstrates flexibility.

Also indicative of flexibility is the fact that for a major portion of the war years the government did not insist that the Doukhobors render an alternative service. In 1941 when the program began, some Saskatchewan Doukhobors did serve one four-month term. But many others refused and went to prison instead. In British Columbia the Doukhobor opposition was even more categorical and the government was not clear on how to deal

with it. Some officials suggested that those not willing to cooperate should be sent to an internment camp for the duration of the war. This suggestion was not implemented. Rather, the government left them alone, more or less, until 1943 when the Alternative Service Regulations were changed. Then they made another attempt to involve them. A lot of discussion and consultation followed. Eventually, in 1944, after officials worked out an extraordinarily lenient alternative service arrangement did the Doukhobors, or at least a substantial portion of them, participate in the program.

Flexibility, albeit of a different kind, can be seen also in the efforts of some Boards, especially the one in Saskatchewan but also those in neighbouring provinces, to send young Mennonites into the "more or less non-combatant" branches of the military. A sizeable portion of the Russlaender Mennonites in the west were sympathetic to certain forms of non-combatant service. Some of the leaders, notably B.B. Janz, had long pressed for such a course. In light of this it is probable that in the personal interviews with the Boards a number of these young Mennonites said that they would not object to non-combatant service if they would not be required to bear arms. On the basis of such answers it is understandable that the Boards sent them to take the normal two-month military training with the advice that they then choose one of the branches of the military where they would probably not be required to use arms. From the perspective of these Boards it was especially unfortunate that the practical arrangements for

an absolutely non-combatant service were not made, even though the Regulations provided the necessary authority.

This survey of both problems and flexibility in the administrative practises, is reminiscent of encounters described in preceding chapters. Often there were institutional and administrative problems. Indeed, one of this study's oft-raised criticisms is that the liberties for these groups were not firmly and clearly institutionalized. At the same time, the study has found that on a number of occasions the political system showed itself to be remarkably flexible. One example could be cited from World War I. Near the end of that war, when the legal provisions for the Ontario Mennonites were made so narrow, they found protection in an informal arrangement whereby their men would enlist and then receive an "indefinite leave of absence without pay" from the Commanders of the military units to which they were assigned. It is a most remarkable illustration of the way the flexibility of the system helped to accommodate these groups.

Another characteristic, particularly evident in the World War II encounter, is the influence of these groups on the policies and arrangements which affected their liberty. Some of the illustrations about flexibility referred to above reflect this. But it can be seen also in other areas. Long before the war, leaders of these groups approached the government and sought assurances that they would indeed be exempted. They made further representations after the war began and these probably account for the words of the Prime Minister in the House

of Commons when he introduced the National Resources Mobilization Act, in June of 1940, indicating the firm intention of the government to respect the claim of certain religious groups to military exemption. The supporting words of Member of Parliament Walter Tucker can also be seen in light of the connections that certain Mennonite leaders had with him.

No less significant in terms of their influence is the Alternative Service Program. The idea for this came from some Mennonite leaders. They had discussed it among themselves at a conference in the spring of 1939, and in the fall of 1940, after the conscription legislation had been passed, they made strong and detailed proposals to the government. At first the Deputy Ministers, Lafleche and Davis, resisted the idea. They thought that it would be possible to accommodate the conscientious objectors by having them do fatigue duty and other things of a non-combatant nature within the military. Yet the Mennonite leaders persisted, in spite of some embarrassing internal disagreements, and eventually the idea was accepted. In December of 1940 the Regulations were amended so as to authorize several forms of alternative service. In the following months and years they made many more representations, relating to various aspects of the program, but not all of their efforts were successful.

Finally, if in this encounter the government gave these groups a relatively broad liberty, it is necessary to consider briefly what the reasons for this may have been. In addition to the persistent and influential efforts of these groups and

the flexibility of the political system referred to above, there seems to have been a basic respect for the religious position of these groups. The provisions for exemption had a long history in Canada, dating back to 1793. England had had such provisions as early as 1761 and in the United States it had also enjoyed a substantial acceptability for a long time. In addition there were the early promises of exemption made specifically to these groups.

Another reason for the relative success may lie in the social atmosphere. It was not as fervent as that in World War I. Perhaps this was due to the fact that conscription was for home defence only, that no one was forced to go to the front lines, except for a brief period at the end of the war. Perhaps it was due to the various efforts of the government to prevent the sharp alienation of Quebec. Whatever the reason, the more moderate social atmosphere probably benefitted these groups.

No doubt the alternative service program also helped. It demonstrated to the government and to the public that these groups were willing to render a national service. In this sense it probably served as a "political trade-off", making it easier for the government to exempt them from military service. It is noteworthy that some of the more orthodox in these groups opposed it for this reason. Some Doukhobors criticized those who agreed to this service for "playing politics".

Also to be noted is the simple economic value of the work that these groups did. Their military exemption problems

became fewer after 1943 when their alternative service work came to be seen as more important. It also was one of the main reasons why the Doukhobors in British Columbia were left alone to such a large extent. The authorities were afraid that strong efforts to force the Doukhobors to comply with the law might just lead them to quit their jobs. Their labour was needed.

To conclude that their economic value helped them to secure the liberties that they desired should not be surprising because this was one of the primary reasons why the promises of special liberties had been given to them generations earlier.

FOOTNOTES TO CHAPTER IX

1. Victor Peters, All Things Common: The Hutterian Way of Life, Minneapolis, The University of Minnesota Press, 1967, p. 207ff.
2. Letter, F.C. Blair to Heinrich Friesen, Bishop of the Sommerfelder Congregation, Altona, Manitoba, April 25, 1923, PAC, RG 76, Vol. 175, file 58764, part 10.
3. Order-in-Council PC923, May 1, 1919 and Order-in-Council PC1204, June 9, 1919 constituted the prohibition. PAC, RG 76, Vol. 176, file 58764. Descriptions of the negative public attitude toward Mennonites can be found in Frank H. Epp, Mennonite Exodus: The Rescue and Resettlement of the Russian Mennonites Since the Communist Revolution, Altona, Manitoba, D.W. Friesen & Sons Ltd., 1962, pp. 93-106 and in Frank H. Epp, Mennonites in Canada, 1786-1920: The History of a Separate People, Toronto, MacMillan of Canada, 1974, pp. 391-415.
4. Order-in-Council P.C. 1181, June 2, 1922. Developments related to its passage are described in Epp, Mennonite Exodus, op. cit., p. 102ff.
5. Letter, W. Stuart Edwards, Acting Deputy Minister of Justice to the Deputy Minister of Immigration and Colonization, June 18, 1924, PAC, RG 76, Vol. 175, file 58764, part 10.
6. Evidence of the fact that the question was raised a number of times is found in, among other places, a letter dated April 18, 1935 from F.C. Blair to E.A. Pickering, of the office of Mackenzie King, then Leader of the Opposition. In it Blair states: "It is evident from the inquiries received in this Department over a considerable period of years that there is a good deal of misconception over exemption from military service on the part of such groups as Mennonites, Hutterites and Doukhobors." PAC, RG 76, Vol. 176, file 58764.
7. A report entitled "Die Stellungnahme Ottawa zu unserer Wehrlosigkeit" dated May 11, 1939 at Rosthern, Saskatchewan, written by David Toews, CMC Archives, Vol. 1321, file 922.
8. F.C. Blair's letter is dated April 18, 1935 and is addressed to E.A. Pickering of the office of Mackenzie King, then Leader of the Opposition. PAC, RG 76, Vol. 176, file 58764.
9. Magladery's letter is quoted and referred to in a letter from David Toews to the Right Hon. W.L. Mackenzie King dated October 24, 1942, Ibid.

10. Letter, F.C. Blair, Acting Deputy Minister of Immigration to Rev. David Toews, Rosthern, Saskatchewan, November 2, 1936, PAC, RG 76, Vol. 176, file 58764, part 14.
11. Memorandum, Deputy Minister to Hon. Mr. Forke, March 15, 1927, PAC, RG 76, Vol. 176, file 58764.
12. Letter, W. Stuart Edwards, Deputy Minister of Justice to Deputy Minister of National War Services, July 23, 1940, PAC, RG 27, Vol. 991, file 2-101-1.
13. F.C. Blair to John Shukin, Verigin, Saskatchewan, June 20, 1934, PAC, RG 76, Vol. 176, file 58764. In this reply, Blair was emphatic about the insignificance of the Order-in-Council. He said, "The descendants of Doukhobor immigrants who came to Canada in or about 1898 cannot base their exemption on the Order-in-Council passed in 1898 but they like Mennonites, Quakers, Tunkers and some other groups may base their claim on the general provision of the Militia Act." He also made a reference to the World War I situation when the Doukhobor leader, Peter V. Verigin, threatened the Independent Doukhobors that by not accepting his leadership they would lose their claim to exemption as Doukhobors. Blair said: "The idea that only Doukhobors who recognize the leadership of Peter Verigin are exempt from military service is foolish in the extreme."
14. As reported in, "The Organization of the Conference of Historic Peace Churches", an undated paper written by E.J. Swalm, found in CGC Archives, XV-11.1.1.
15. J.L. Granatstein and J.M. Hitsman, Broken Promises: A History of Conscription in Canada, Toronto: Oxford University Press, 1977, p. 127.
16. As quoted in Ibid., p. 133.
17. As quoted in Ibid., p. 141.
18. Statutes of Canada (1940), chapter XIII, pp. 43-4.
19. House of Commons, Debates, June 18, 1940, p. 904. It can be noted that representatives of these groups were in contact with Mackenzie King early in 1940. Doukhobor leaders had met with him during one of his election campaign visits to Prince Albert, Saskatchewan in February of 1940 and according to a Doukhobor report, "he practically assured our representatives that the Government would keep up its agreement with Doukhobors in regard to exemption from military service,...". Quoted in a letter from P.K. Reibin to P.G. Makaroff, June 24, 1940, in P.G. Makaroff Papers SAB I 18. Hutterite contact is indicated in a letter dated

July 13, 1940 from Rev. John P. Entz to F.C. Blair, PAC, RG 76, Vol. 176, part 14. And David Toews travelled to Ottawa and met with the Prime Minister at the time when the legislation was introduced. See the Free Press Prairie Farmer, June 19, 1940.

20. Letter, Rev. John P. Entz to F.C. Blair, July 13, 1940; Ibid., and Telegram to Director of Immigration Branch, August 21, 1940 found in Ibid., part 15.
21. Letter, David Toews to Mr. Justice T.C. Davis, August 19, 1940, CMC Archives, Vol. 1321, file 929.
22. Letter, T.C. Davis to David Toews, August 22, 1940, CMC Archives, Vol. 1321, file 929.
23. National War Services Regulations, 1940 (Recruits), The Canada Gazette, No. 23, Vol. LXXIV, August 27, 1940, Section 17(2).
24. A report on the military situation written in German by David Toews dated June 1942, Rosthern, Saskatchewan, CMC Archives, Vol. 1320, file 940.
25. Minutes of meeting of Conference of Historic Peace Churches, January 26, 1941, CGC Archives, XV-11.1.10. Many of these CHPC registration cards are in these same Archives, XV-11.1.10, 11, and 12.
26. Correspondence between N.M. Bearinger, of the CHPC and R.A. Irwin, Registrar for Division "B", Toronto, CGC Archives XV-11.4.9. See also the form letter from J.B. Martin to "Dear Brother", October 2, 1940, Ibid., XV-11.1.6.
27. Letter, P.G. Makaroff to John A. Shukin, October 5, 1939, in P.G. Makaroff Papers, SAB, I-18.
28. Letter, P.G. Makaroff to M.G. Popoff, June 21, 1940, Ibid.
29. Letter, P.G. Makaroff to Peter K. Reibin, June 21, 1940, Ibid.
30. Letter, P.K. Reibin to P.G. Makaroff, June 24, 1940, Ibid.
31. Letter, P.G. Makaroff to The Hon. W.L.M. King, June 21, 1940, Ibid.
32. Letter, W.G. Novakshonoff and P.G. Makaroff to the Hon. James G. Gardiner, July 9, 1940, Ibid.
33. Letter, James G. Gardiner to P.G. Makaroff, July 9, 1940, Ibid.

34. Letter, T.C. Davis to P.G. Makaroff, July 12, 1940, Ibid.
35. This number comes from a document entitled, "Memorandum, Re: Doukhobors", prepared by the R.C.M.P. and submitted to the Minister of National Defence on March 8, 1943, PAC, RG 24, Vol. 6521, file H.Q. 420-18-28. Although nearly all Doukhobors who registered, did so through the Doukhobor system, some apparently registered just like other citizens. Information about the details of the special Doukhobor registration arrangement can be found in several sources: one is a letter written by the Doukhobor delegates in Ottawa to T.C. Davis on July 11, 1940; another is a memorandum entitled, "Instructions to Doukhobor Deputy Registrars"; and thirdly, some forms used in the registration process. All of these materials are in the P.G. Makaroff Papers, op. cit.
36. Telegram, T.C. Davis to P.G. Makaroff, August 17, 1940, P.G. Makaroff Papers, op. cit.
37. A letter from the Spiritual Community of Christ to Mr. J.G. Gardiner, August 6, 1940, as quoted in Koozma J. Tarasoff, "In Search of Brotherhood: A History of the Doukhobors" 1963, an unpublished manuscript available at the University of Victoria B.C., p. 671.
38. R.C.M.P. Intelligence Section, "Conditions Among Doukhobors in British Columbia", April 26, 1941, PAC, RG 24, Vol. 6521, file H.Q. 420-18-28.
39. Ibid.
40. This information comes from a newspaper clipping released by Canadian Press, Vancouver, on December 16, 1943.
41. This information comes from two sources. One is a "Memorandum Re: Doukhobors", prepared by the R.C.M.P. and submitted to the Minister of National Defence on March 8, 1943, PAC, RG 24, Vol. 6521, file H.Q. 420-18-28. The second source is Harry B. Hawthorn, The Doukhobors of British Columbia, Vancouver, University of British Columbia Press 1955, p. 59.
42. The information comes from a newspaper story issued by Canadian Press, Regina, March 6, 1941.
43. National War Services Regulations, 1940 (Recruits), The Canada Gazette, Vol. LXXIV, No. 23, August 27, 1940.
44. Letter, W. Stuart Edwards, Deputy Minister of Justice to Deputy Minister of National War Services, July 23, 1940, PAC, RG 27, Vol. 991, file 2-101-1.

45. C. Henry Smith, The Story of the Mennonites, Newton, Kansas, Mennonite Publication Office, 1950, p. 463.
46. Ibid., p. 479.
47. Letter, C.F. Klassen to the Hon. Humphrey Mitchell, Minister of Labour, February 2, 1943, B.B. Janz Papers, Mennonite Brethren Bible College (MBBC) Archives, Vol. 38-9.
48. C. Henry Smith, op. cit., p. 479.
49. As found in David P. Reimer, Experiences of the Mennonites of Canada During the Second World War, 1939-1945, Steinbach, Derksen Printers Ltd., undated, p. 37.
50. Ibid., p. 41.
51. Ibid., p. 41-49, see also Ibid. p. 80 and p. 129.
52. Ibid., p. 42.
53. Ibid., p. 43, see also Ibid. p. 31-49.
54. Letter, David Toews to Walter H. Dyck, May 26, 1939, as quoted in David Fransen, "Canadian Mennonites and Conscientious Objection In World War II". An unpublished thesis for the degree of M.A. in History, University of Waterloo, 1977, p. 35.
55. Frank H. Epp, Mennonite Exodus, op. cit., p. 332ff.
56. Free Press Prairie Farmer, June 19, 1940.
57. E.J. Swalm, "The Organization of the Conference of Historic Peace Churches", (an unpublished paper) CGC Archives XV-11.1.1.
58. J.A. Toews, Alternative Service In Canada During World War II, Winnipeg: The Publication Committee of the Canadian Conference of the Mennonite Brethren Church, 1959, p. 31.
59. David Fransen, op. cit. p. 47.
60. "Report of deputation appointed by the Conference of Historic Peace Churches to visit Ottawa with regard to the status of conscientious objectors and the possibility of arranging for constructive civilian service for them." September 5, 1940, CMC Archives, Vol. 1320, file 910.

61. Minutes of the Third Session of the Conference of Historic Peace Churches, October 8, 1940, CGC Archives XV-11.1.10. Apparently the formulation was largely the work of the aged S.F. Coffman. See David Fransen, op. cit., p. 48.
62. Ibid.
63. At the September meeting of Kanadier Mennonite leaders with National War Services Board in Winnipeg, they were assured that all Mennonites who had immigrated during the years 1873 to 1898 would be exempted under the Order-in-Council of 1873. The other Mennonites, that is the Russ-laender, would probably have to make a personal appearance before the Board but they would give them sympathetic consideration, officials said. A report of this meeting, in German, entitled "Mitteilungen von der Board of National War Service in Canada", is in CMC Archives, Vol. 1321, file 928. It is dated September 28, 1940. An English version of that same report, though undated, and under the general title, "The following are explanations which have been given to us by the Board of National War Services", is in PAC, RG 27, Vol. 991, file 2-101-1.
64. David P. Reimer, op. cit., p. 57, 70, 76.
65. Letter, B.B. Janz to J.G. Gardiner, June 13, 1941, B.B. Janz Papers, op. cit., Vol. 38-9.
66. David P. Reimer, op. cit., p. 76.
67. The six points of this outline are set forth in a letter from B.B. Janz to Chief Justice H. Harvey, Chairman of the Board of National War Services, Edmonton, November 7, 1940, B.B. Janz Papers, op. cit., Vol. 42.
68. Letter, P.G. Makaroff to John J. Anatooshkin, September 5, 1940, in P.G. Makaroff Papers, op. cit.
69. Letter, T.C. Davis to David Toews, September 9, 1940, CMC Archives, Vol. 1321, file 924.
70. Letter, T.C. Davis to David Toews, October 19, 1940, CMC Archives, Vol. 1821, file 929.
71. David Fransen, op. cit., p. 93ff.
72. Letter, from David Toews, B.B. Janz, C.F. Klassen and J.J. Gerbrandt to T.C. Davis, November 12, 1940, CMC Archives, Vol. 1321, file 928.

73. Ottawa Delegates Report, November 14, 1940, CGC Archives, XV-11.1.10.
74. Ibid.
75. Letter, signed by David Toews, B.B. Janz, J. Gerbrandt, C.F. Klassen, E.J. Swalm, J.B. Martin, Fred Haslam, and J.H. Janzen to T.C. Davis and L.R. Lafleche, November 13, 1940, CMC Archives, Vol. 1321, file 928.
76. Ottawa Delegates Report, November 14, 1940, CGC Archives, XV-11.1.10.
77. David Fransen, op. cit., p. 98.
78. Letter, B.B. Janz to L.R. Lafleche, November 19, 1940, PAC, RG 27, Vol. 986, file #1.
79. This exchange is described in David Fransen, op. cit., p. 102.
80. Ibid.
81. Letter, from E.J. Swalm, J.B. Martin, Fred Haslam, J.H. Janzen, B.B. Janz, C.F. Klassen, J.H. Sherk to J.G. Gardiner, November 22, 1940, CMC Archives, Vol. 1321, file 928.
82. David Fransen, op. cit., p. 103.
83. Debates, House of Commons, November 25, 1940.
84. Soon after the publication of the new Regulations, T.C. Davis wrote to B.B. Janz, stating: "I think you will find that the Order-in-Council is pretty well in line with the recommendations which your bodies made to us and the only point of deviation is that the case of each individual must be considered on its own merits and we could not consent to having them treated in bulk on certificate of their membership in the Church." T.C. Davis to B.B. Janz, January 23, 1941, B.B. Janz Papers, op. cit., Vol. 38-39.
85. Order-in-Council P.C., 7215, December 24, 1940, as published in The Canada Gazette, No. 64, Vol. LXXIV, January 7, 1941. The amendment also broadened the definition of

conscientious objectors. Now a person, if he belonged to a religious denomination and if he had a personal belief against rendering military service, could be recognized as a conscientious objector, even if the religious denomination to which he belonged did not prohibit military service. Mennonite delegates had encouraged a broadening of the definition at the meeting in Ottawa, in September 1940. On April 22, 1942 the requirement to be a member of a religious denomination was removed altogether.

86. Ibid.
87. Circular Memorandum 120, issued January 7, 1941 by L.R. Lafleche, PAC, RG 27, Vol. 991, file 2.101.2, part 3.
88. Letter, L.R. Lafleche to Brigadier Cassels, Deputy Adjutant-General, Department of National Defence, January 7, 1941, PAC, RG 27, Vol. 991, file 2-101-2.
89. Letter from Brigadier Cassels, dated January 22, 1941 and quoted in a Memorandum To The Minister, from Lafleche, January 25, 1941, PAC, RG 27, Vol. 991, file 2-101-2.
90. "Report On Work Done By Conscientious Objectors (Mennonites, Doukhobors And Other Sects) Under Direction of Department of Mines and Resources From June to November 15th, 1941", PAC, RG 27, Vol. 986, file 1.
91. A delegation from the CHPC of Ontario travelled to Ottawa late in January. See "Report of Ottawa Delegation", January 29, 1941, in CMC Archives, Vol. 1320, file 915. The delegation of Kanadier Mennonites from the west was in Ottawa in mid February. See David P. Reimer, op. cit., p. 26.
92. "Report On Work Done by Conscientious Objectors...", op. cit.
93. The Honourable James G. Gardiner, in Debates, House of Commons, May 29, 1941.
94. Letter, signed by thirteen Mennonite leaders to the Honourable James G. Gardiner, June 11, 1941, PAC, RG 27, Vol. 986, file 1.
95. "Report On Work Done by Conscientious Objectors...", op. cit.
96. David P. Reimer, op. cit., p. 25.

97. Telegram, H.A. Pearson to T.C. Davis, April 2, 1941, PAC RG 27, Vol. 1500, file 2-M-101-2.
98. Circular Memorandum No. 229, Issued May 17, 1941 by L.R. Lafleche, PAC, RG 27, Vol. 997, file 2-106-213.
99. Letter, P.G. Makaroff to John J. Anatooshkin, September 5, 1940, in P.G. Makaroff Papers, op. cit.
100. Telegram, Mike Khadiken to the Rt. Hon. W.L. Mackenzie King, June 23, 1941, PAC, RG 27, Vol. 986, file 1.
101. The Calgary conference is referred to in a letter from A.M. Manson, Chairman of the National War Services Board in British Columbia, to L.R. Lafleche, June 24, 1942, PAC, RG 27, Vol. 991, file 2-101-2.
102. "Memorandum Re: Doukhobors", prepared by the R.C.M.P. early in 1943, and submitted to the Minister of National Defence on March 8, 1943, PAC, RG 24, Vol. 6521, file H.Q. 420-18-28.
103. "Editorial", The Blaine Lake Echo, October 8, 1941. See also Mir, A Doukhobor Youth Publication, January, 1975, p. 13 and May, 1975, p. 14. For reference to a road-building project in British Columbia, see Memorandum to the Minister, from L.R. Lafleche, May 7, 1941, PAC, RG 27, Vol. 991, file 2-101-1.
104. "Report On Work Done by Conscientious Objectors...", op. cit.
105. Letter, J.F.L. Embury to T.C. Davis, July 3, 1941, PAC, RG 27, Vol. 1500, file 2-M-101-2.
106. "Memorandum Re: Doukhobors", op. cit. Other sources say that the number of Doukhobors imprisoned was higher. The Doukhobor publication, Mir January 1975, p. 13 says that 85 served in the alternative service camp and "about that many" went to jail. A letter from A.C. Stewart, Regina to National War Services, Ottawa, December 18, 1942, states that one hundred were jailed.. PAC, RG 27, Vol. 991, file 2-101-2. Another report says "106 were sent to gaol". Memorandum, H.J. Riley to A. MacNamara, January 15, 1943, Ibid.
107. Telegram, Mike Khadiken to The Rt. Hon. W.L. Mackenzie King, June 23, 1941, PAC, RG 27, Vol. 986, file 1. See also, The Blaine Lake Echo, June 11, 1941. See also, "Memorandum: Confidential" from H. Darling to F.C. Wilson, Registrar in Saskatchewan, April 28, 1941, PAC, RG 27, Vol. 1500, file 2-M-101-2.

108. "Memorandum: Confidential", Ibid.
109. This resolution, adopted by the Society of Independent Doukhobors at a meeting held at Buchanan, Saskatchewan on June 10, 1941, is quoted in an unidentified newspaper clipping which probably comes from the Saskatoon Star-Phoenix.
110. Memorandum, R.C.M.P., Kamsack Detachment, November 28, 1941, PAC, RG 27, Vol. 1500, file 2-M-101-2.
111. Mir, May 1975, p. 14.
112. Memorandum, R.C.M.P., Kamsack Detachment, November 28, 1941, op. cit. See also "Editorial" in The Blaine Lake Echo, October 8, 1941.
113. See Memoranda, R.C.M.P., Radisson Detachment, dated; March 19, 1942; April 24, 1942; and August 24, 1942; and one from the Kamsack Detachment dated, April 24, 1942. PAC, RG 27, Vol. 1500, file 2-M-101-2. The length of the prison terms was not indicated in any of the documents used for this study. However, one letter of January 22, 1942 stated that "a considerable number" of those imprisoned were still there. Memorandum, A.S. Redford to Deputy-Adjutant General "M", January 22, 1942, Department of National Defence, Directorate of History Archives, 112. 3H1 . 009 D220.
114. "Memorandum Re: Doukhobors", op. cit.
115. Ibid. A news story, put out by Canadian Press on December 16, 1943, states that in "February of 1941, the first call-up notices were going out to those who had registered and a mass meeting was called at Brilliant to discuss the situation. It ended with the Doukhobors deciding to disregard the notices."
116. Telegram, R.J. Waterous to T.C. Davis, June 10, 1941.
117. "Memorandum Re: Doukhobors", op. cit.
118. "Report of Delegation to Ottawa", July 5, 1941. Members of the delegation were J.B. Martin, J.H. Janzen and J. Harold Sherk. CMC Archives, Vol. 1321, file 915.
119. Ibid.
120. The situation in Ontario is described by David Toews in an untitled general report dated June, 1942, at Rosthern, Saskatchewan, CMC Archives, Vol. 1320, file 940. It is also referred to in numerous documents of the Conference of Historic Peace Churches.)

121. Letters sent out by J.P. McIsaac, Divisional Registrar of Administrative Division "N" of the Department of National War Services. The letters do not carry a date but in B.B. Janz's letter of June 13, 1941 to the Board in Alberta, it is implied that they were sent out on June 10, 1941, B.B. Janz Papers, op. cit., Vol. 42.
122. Letter, B.B. Janz to Hon. J.G. Gardiner, June 13, 1941, PAC, RG 27, Vol. 986, file #1.
123. Letter, J.T. Thorson, Minister of National War Services to B.B. Janz, June 18, 1941, B.B. Janz Papers, op. cit., Vol. 38-9. Also in Ibid.
124. Letter, B.B. Janz to Honourable J.T. Thorson, June 28, 1941, B.B. Janz Papers, op. cit., Vol. 38-9.
125. Report of Delegation to Ottawa, July 5, 1941. Members of the delegation were J.B. Martin, J.H. Janzen, J. Harold Sherk, CMC Archives, Vol. 1320, file 915.
126. Ibid.
127. Letter, B.B. Janz to Honourable J.T. Thorson, June 28, 1941, B.B. Janz Papers, op. cit., Vol. 38-9.
128. Ibid.
129. Letter, T.C. Davis to B.B. Janz, July 2, 1941, B.B. Janz Papers, op. cit., Vol. 38-9.
130. Letter, B.B. Janz to L.R. Lafleche, July 15, 1941, B.B. Janz Papers, op. cit., Vol. 38-9.
131. Report of Delegation to Ottawa, July 5, 1941. Members of the delegation were J.B. Martin, J.H. Janzen and J. Harold Sherk. CMC Archives, Vol. 1320, file 915.
132. The Divisional Registrar sent out announcements of hearings scheduled for the second half of July and for the same four cities in which those in June had been held. In these announcements the Registrar stated: "The Board considers that you should have the right to a reconsideration of your claim...". B.B. Janz Papers, op. cit., Vol. 42. The result of these second hearings is referred to, albeit loosely, in a letter from B.B. Janz to H. Harvey, dated August 14, 1941, B.B. Janz Papers, op. cit., Vol. 38-9. The fact that in the following weeks many who applied for conscientious objector status were nevertheless sent to military camps is indicated in "Memorandum" for Mr. Smart from G. Rattray, September 3, 1941, PAC, RG 27, Vol. 1501, file 2.N.101.7. From this memorandum it appears that about one-third were sent to the military.

133. A letter from Brigadier Cassels, January 23, 1941, quoted in Memorandum to the Minister, by L.R. Lafleche, January 25, 1941, PAC, RG 27, Vol. 991, file 2-101-2.
134. "Memorandum Re: Mennonite Camps - Bishop Toews, Rosthern", Signed by J.F.L. Embury, Chairman, National War Services Board, Division "M", and by David Toews, Bishop, Rosthern, Saskatchewan, dated July 31, 1941, CMC Archives, Vol. 1321, file 922. See also Saskatoon Star-Phoenix, January 16, 1941.
135. "Memorandum Re: Mennonite Camps - Bishop Toews, Rosthern", Ibid.
136. "Memorandum For War Services Board Division 'M', attached to a letter of November 19, 1941, from J.F.L. Embury to Brigadier W.W. Foster, D.S.O., PAC, RG 39, Vol. 41, file 49810.
137. Letter, J.F.L. Embury to Brigadier Foster, D.S.O., November 19, 1941, Ibid.
138. Memorandum to The District Officer Commanding, Military District 12, from B.W. Browne, November 26, 1941, The Department of National Defence, Directorate of History Archives, 326.009 D102.
139. The Winnipeg Free Press, December 26, 1940.
140. Adamson's speech of May 7, 1941 is reproduced by Lafleche in Circular Memorandum No. 239, May 23, 1941, PAC, RG 27, Vol. 997, file 2.106.213.
141. Letter, C.F. Klassen, J.H. Enns, J.A. Kroeker to Mr. Justice Adamson, June 11, 1941, B.B. Janz Papers, op. cit. Vol. 42.
142. Letters, C.F. Klassen, J.A. Kroeker and J.H. Enns to Mr. Justice Adamson, June 13, 1941, and C.F. Klassen to Mr. Justice Adamson, June 18, 1941, both in B.B. Janz Papers, Ibid.
143. Letter, to Hon. J.T. Thorson from Bishops P.A. Toews, David Schulz, and J.F. Barkman, July 9, 1941, PAC, RG 27, Vol. 986, file 1.
144. Letter, to Hon. J.T. Thorson from J.E. Adamson, August 11, 1941, Ibid.
145. Letter, to Mr. Justice Adamson from L.R. Lafleche, August 25, 1941, Ibid.

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146. Memorandum to the Minister from L.R. Lafleche, November 6, 1941, Ibid.
147. Adamson is quoted in the Memorandum to the Minister, Ibid.
148. Letter, David Toews, C.F. Klassen and J.H. Enns to Hon. J.T. Thorson, October 20, 1941, Ibid., and also in CMC Archives, Vol. 1321, file 929.
149. Letter, David Toews to the Right Honourable W.L.M. King, November 3, 1941, Ibid., and also in CMC Archives, Vol. 1321, file 929.
150. Letter, J.T. Thorson to Bishop David Toews, December 3, 1941, Ibid., and also in CMC Archives, Vol. 1321, file 929.
151. Memorandum entitled "Conscientious Objectors" written by A.S. Radford, Lieut. Colonel, D.O.C.'s Representative, M.D. 12, December 19, 1941, Department of Defence, Directorate of History Archives, 326.009 D102.
152. A number of letters from the young men indicating this view are in PAC, RG 27, Vol. 986, file 1.
153. Letter, to General Embury, from Walter Tucker, Member of Parliament, January 10, 1942, Ibid.
154. Ibid.
155. Letter to Walter Tucker from J.F.L. Embury, January 12, 1942, Ibid.
156. Ibid.
157. There are three memoranda from Embury. They are all dated January 13, 1942, and all are addressed to the Departments of National War Services, of National Defence, and of Mines and Resources. PAC, RG 27, Vol. 986, file #1.
158. Memorandum entitled "Alternative Service for Mennonites and other Conscientious Objectors", written by B.W. Browne, Adjutant General, Department of National Defence, January 27, 1942, Department of Defence, Directorate of History, 168.009 (D71).
159. Letter, to the Hon. J.T. Thorson from J. Harold Sherk, J.B. Martin, David Toews, and C.F. Klassen, January 9, 1942, PAC, RG 27, Vol. 986, file #1, also in B.B. Janz Papers, op. cit.
160. "Report of Delegation to Ottawa", January 13, 1942, CMC Archives, Vol. 1322, file 930.

161. Letter, David Toews to J.F.L. Embury, April 2, 1942, CMC Archives, Vol. 1320, file 914. The suspicion of authorities towards Toews was expressed strongly in a letter dated May 22, 1942 to him from J.F.L. Embury. In it Embury said in part: "... We are by no means satisfied with what we believe to be the attitude of some of your people towards the War Service. You appear to exercise a dominating influence in the part of the Country concerning which we are most dissatisfied. We are convinced that the younger people would gladly co-operate with the Government and are only prevented by superior influence... There are a number of defaulters around your North Country who will have to be dealt with...and you can rest assured that as soon as we can get around to it that they will be proceeded against according to law, and if there is any attempt at improper influence...you may rest assured that the authorities will know how to deal with it,..." CMC Archives, Vol. 1320, file 914.
162. Letter, David Toews to The Hon. J.T. Thorson, April 8, 1942, PAC, RG 27, Vol. 986, file 1, also in CMC Archives, Vol. 1322, file 930.
163. Letter, David Toews to J.F.L. Embury, April 2, 1942, op. cit.
164. Letter, T.A. Crerar to the Hon. A. Wells Gray, Minister of Lands, British Columbia, February 3, 1942, as found in J.A. Toews, op. cit., p. 121.
165. One unanswered question is whether the difficulties in obtaining exemption affected the Kanadier Mennonites less strongly than the Russlaender Mennonites. The former group had come to Canada pursuant to the Order-in-Council of 1873, and as such were specifically referred to in the Regulations. Chairman Harvey of Alberta, in his discussions with B.B. Janz in June of 1941, indicated that he made a distinction. See footnote 133 above. Soon thereafter, however, there was a considerable change in the way the Board in Alberta dealt with these cases and the distinction may have been set aside. In Manitoba a difference was also perceived. David Toews raised this in the summer of 1941, stating that those not belonging to the Kanadier were being required to take two months of basic training after which they were posted to some permanent non-combatant service. See "Memorandum Re: Mennonite Camps - Bishop Toews, Rosthern", July 31, 1941, CMC Archives, Vol. 1321, file 922. There are more suggestions of a difference in Manitoba. In the letter of June 11, 1941 referred to in footnote 147 above from C.F. Klassen, J.H. Enns, and J.A. Kroeker to J.E. Adamson they emphasized their understanding that the laws of Canada exempted all Mennonites and that the 1873 Order-in-Council did not alter

this. They refer to the letters of F.C. Blair of April 18, 1935 and November 2, 1936 and also to that of T. Magladery of July 6, 1935. Similarly, in a letter of August 25, 1941, to T.C. Davis, from David Toews, C.F. Klassen and J.H. Enns, they emphasize their understanding that no distinction should be made. B.B. Janz Papers, op. cit. If the Board in Manitoba was not making a distinction then why would these expressions of concern appear? Nevertheless, some of the Kanadier Mennonites had problems too. Some of those sentenced to prison at Gretna on October 3, 1941 appear to have been Kanadier, at least they were being counselled by Kanadier Mennonite Bishops. See footnote 152, also, David P. Reimer, op. cit., p. 93.

166. Circular Memorandum No. 500, April 7, 1942. The authority for ordering the men to serve for the duration came from Order-in-Council P.C. 2451 of March 30, 1942. PAC, RG 39, Vol. 41, file 49810. It can be noted that the government expected that this would reduce the number of people seeking conscientious objector status. Memorandum to L.R. Lafleche from T.C. Davis, November 4, 1941, Ibid. The government's expectation appears to have been correct. In a submission made by Mennonite leaders on May 6, 1942, they said: "Since the order has been enforced that men have to stay in for the duration... Many of our young men... have volunteered, and joined the Army, a number are overseas..." Statement to Hon. J.T. Thorson from Bishops Peter A. Toews and J.F. Barkman, May 6, 1942, PAC, RG 27, Vol. 986, file 1.
167. Memorandum to L.R. Lafleche from T.C. Davis, November 4, 1941, PAC, RG 39, Vol. 41, file 49810.
168. Mackenzie King, House of Commons, March 24, 1942. The authority for this was provided in Order-in-Council P.C. 2252, passed on March 23, 1942. PAC, RG 27, Vol. 986, file 1. See also Granatstein and Hitsman, op. cit., p. 189.
169. As reported in a letter from G.H. Aikens, President, The Manitoba Sugar Company Ltd., to Hon. J.T. Thorson, March 2, 1942. PAC, RG 27, Vol. 986, file 1. This file contains numerous letters from farm organizations requesting the services of Mennonites and other conscientious objectors.
170. Minutes of a meeting held on April 22, 1942, of the "Zentral-Komitee fuer WestCanada in der Dienstfrage", CMC Archives, Vol. 1322, file 930.

171. Conference of Historic Peace Churches, "Report of Delegation to Ottawa", April 10, 1942, CGC Archives, XV-11.1.11.
172. Statement to Hon. J.T. Thorson from Bishops Peter A. Toews, and J.F. Barkman, May 6, 1942, PAC, RG 27, Vol. 986, file 1.
173. D.P. Reimer, op. cit., p. 28.
174. Letter, David Toews to Hon. J.T. Thorson, April 27, 1942, PAC, RG 27, Vol. 991, file 2-101-1, also in CMC Archives, Vol. 1322, file 930.
175. Letter, L.R. Lafleche to David Toews, April 29, 1942, Ibid.
176. Letter, to Hon. J.T. Thorson signed by Bishop Peter A. Toews, and eight other Bishops, June 9, 1942, PAC, RG 27, Vol. 986, file 1.
177. Letter, J.F.L. Embury to Bishop David Toews, June 8, 1942, CMC Archives, Vol. 1320, file 914.
178. Letter, to L.R. Lafleche from David Toews, June 19, 1942, CMC Archives, Vol. 1322, file 930.
179. This is evident from numerous letters including one from the Minister, J.T. Thorson to Bishop Peter A. Toews, June 17, 1942; Circular Memorandum No. 594, dated June 3, 1942, PAC, RG 27, Vol. 991, file 2-101-1. See also letters in PAC, RG 27, Vol. 993, file 2-101-9 part 11.
180. Letter, J.L. Bowman, Member of the National War Services Board in Manitoba, to J.T. Thorson, July 10, 1942, PAC, RG 27, Vol. 986, file 1 and letter, J.E. Adamson to L.R. Lafleche, October 24, 1942, PAC, RG 27, Vol. 993, file 2-101-9 part 11.
181. This is reported in a letter from J.T. Thorson to H.W. Winkler M.P., August 20, 1942, PAC, RG 27, Vol. 991, file 2-101-1.
182. See R.C.M.P. Reports from the Detachment at Radisson, on March 19, April 24, and August 24, 1942, and from the Detachment at Kamsack, on April 24, 1942. It can be noted that Doukhobors in the area of Langham, Saskatchewan pledged themselves in December of 1942 to "donate two thousand bushels of wheat to the Canadian Government to alleviate suffering". R.C.M.P. Report, December 24, 1942, PAC, RG 27, Vol. 1500. File 2-M-101-2.

183. Letter from the Minister J.T. Thorson to L.R. Lafleche, May 30, 1942, PAC, RG 27, Vol. 991, file 2-101-2.
184. Letter, A.M. Manson, Chairman of the National War Services Board in British Columbia to L.R. Lafleche, June 24, 1942, Ibid.
185. R.C.M.P. Report, Vancouver Detachment, July 11, 1942, Ibid.
186. J.A. Toews, op. cit., p. 55. Order-in-Council, P.C. 8800, September 26, 1942, and Order-in-Council, P.C. 10924, December 1, 1942.
187. Letter, David Toews to the Hon. J.T. Thorson, June 1, 1942, PAC, RG 27, Vol. 986, file 1, also in CMC Archives, Vol. 1322, file 930. See also the letter from Toews to Thorson dated April 16, 1942 in the same file.
188. An untitled report, written in German, dated June 1942, Rosthern, Saskatchewan, CMC Archives, Vol. 1320, file 940.
189. Letter, David Toews to Hon. J.T. Thorson, June 23, 1942, CMC Archives, Vol. 1322, file 930.
190. Letter, David Toews to Mr. F.C. Blair, Director, Immigration Branch, Department of Mines and Resources, July 13, 1942, CMC Archives, Vol. 1322, file 930.
191. Letter, David Toews to the Hon. J.T. Thorson, July 14, 1942, CMC Archives, Vol. 1322, file 930.
192. "Protokoll der Sitzung des Zentralkomitees in der Dienstfrage fuer Westcanada", July 30, 1942, CMC Archives, Vol. 1322, file 930.
193. Letter, David Toews and C.F. Klassen to the Hon. J.T. Thorson, September 28, 1942, PAC, RG 27, Vol. 991, file 2-101-1. Also in CGC Archives, XV-11.1.2.
194. Debates, House of Commons, May 18, 1942.
195. As reported in "Protokoll der Sitzung des Mennonitischen Zentralkomitees in der Dienstfrage", December 12, 1942, CMC Archives, Vol. 1322, file 930.
196. Letter, David Toews to the Right Hon. W.L.M. King, Prime Minister of Canada, October 24, 1942, CMC Archives, Vol. 1322, File 930.
197. Letter to David Toews from W.L. Mackenzie King, October 29, 1942, CGC Archives XV-11.1.11.

198. "Protokoll der Sitzung des Mennonitischen Zentralkomitees in der Dienstfrage". December 12, 1942, op. cit.
199. Letter, C.F. Klassen, to the Honourable Humphrey Mitchell, Minister of Labour, February 2, 1943, PAC, RG 27, Vol. 991, file 2-101-1, also in B.B. Janz Papers, Vol. 38-39, op. cit.
200. Letter, Humphrey Mitchell to C.F. Klassen, February 13, 1943, B.B. Janz Papers, op. cit., Vol. 38-39.
201. Report, Delegation of Ottawa, January 7 and 8, 1943, CGC Archives XV-11.1.11.
202. "Memorandum" presented by CHPC delegation on January 7 and 8, 1943 to officials in Ottawa, including J.M. Wardle, Director, Survey and Engineering; A. de Gaspé Taché, Supervisor of Mobilization; and A. MacNamara, Director of National Selective Service and Deputy Minister of Labour, CGC-XV-11.1.11.
203. The letter found by this researcher appears to be in draft form. It is addressed to Humphrey Mitchell, the Minister of Labour and signed by J.B. Martin. Even though it is in draft form, it can be taken as an expression of their views. CGC XV-11.1.1.
204. Letter, Humphrey Mitchell to Walter Tucker, M.P., March 10, 1943, B.B. Janz Papers, op. cit., Vol. 38-39.
205. Letter, B.B. Janz to the Hon. Walter Tucker M.P., March 23, 1943, B.B. Janz Papers, op. cit., Vol. 38-39.
206. Order-in-Council, P.C. 2821, April 7, 1943.
207. Report of Delegation to Ottawa, April 27, to 29, 1943. The delegates were E.J. Swalm, J.B. Martin, C.F. Klassen, and J. Harold Sherk, CGC Archives XV-11.1.11.
208. "Memorandum" to Honourable Humphrey Mitchell, Minister of Labour and Arthur MacNamara, Director of National Selective Service from E.J. Swalm, J.B. Martin, C.F. Klassen and J. Harold Sherk, CGC Archives XV-11.1.11.
209. Letter, to E.J. Swalm, J.B. Martin, J. Harold Sherk and C.F. Klassen from A. MacNamara, April 29, 1943, CGC Archives XV-11.1.11.
210. J.A. Toews, op. cit., p. 55.
211. Ibid.

212. "Statement for the attention of men postponed as Mennonites, Doukhobors or Conscientious Objectors under Order-in-Council P.C. 2821, May 1, 1943," from L.E. Westman, Chief Alternative Service Officer, June 16, 1943, Ottawa. CMC Archives, Vol. 1323, file 937. See also J.A. Toews, op. cit., p. 90, 91.
213. J.A. Toews, Ibid., p. 59. On December 1, 1945, 6655 men were employed in agriculture and 1412 in essential industries. See Toews, p. 90, 92.
214. Order-in-Council, P.C. 7251, September 16, 1943.
215. David Fransen, "The Debate On Alternative Service During World War II", An unpublished paper presented to the Institute of Anabaptist-Mennonite Studies at Conrad Grebel College, Waterloo, Ontario, October, 1975, p. 25.
216. Ibid. See also David P. Reimer, op. cit., p. 123.
217. Letter, written by Elven Shantz, Secretary of the Military Problems Committee of the Conference of Historic Peace Churches to Pastors of Churches represented in the Conference, CMC Archives, Vol. 1320, file 915.
218. J.A. Toews, op. cit., p. 95.
219. Letter, C.F. Klassen to Arthur MacNamara, Director of National Selective Service, May 12, 1943, B.B. Janz Papers, op. cit., Vol. 38-39.
220. Letter, C.F. Klassen from A. MacNamara, June 4, 1943, B.B. Janz Papers, Ibid. In this letter, MacNamara also states: "I understand that the men referred to by you are Russian Mennonites, who came to Canada in the Twenties and that practically all of their men are and have been willing to serve in the armed forces." MacNamara's understanding was exaggerated but there are other indications that the Russlaender were more willing to join. B.B. Janz, writing in January of 1943 in yet one more appeal for special medical corps work, said that about 50% of the men in his area, largely populated by Russlaender Mennonites, had enlisted voluntarily even though they would have preferred to go into truly non-combatant medical corps work. Letter, B.B. Janz to H. Harvey, Chairman of the National War Services Board in Alberta, January 21, 1943, B.B. Janz Papers, op. cit., Vol. 42.
221. In a letter to B.B. Janz on February 9, 1943, H. Harvey, Chairman of the Board in Alberta stated: "I may be quite frank with you Mr. Janz and say that there have been so many cases of Mennonites coming before the Board recently that the other members of the Board have become pretty well

- satisfied that if the young men are left to themselves, there will be very little difficulty in getting them to take military training in many cases as their conscientious objections are not their own but those of their parents or elders. As you pointed out to me nearly as many young Mennonites are in the army as are in the alternative service and I have no doubt that the army will use every endeavour to see that they are not called on to do anything that will be prejudicial to their conscience." B.B. Janz Papers; op. cit., Vol. 42.
222. Letter, Horace Harvey, Chairman, Mobilization Board, in Alberta to A. MacNamara, Deputy Minister of Labour, May 12, 1944. CGC Archives, XV-11.4.9. The question of whether the Order-in-Council gave people a special status is raised in this quotation. That Chairman Harvey recognized a special significance in the Order-in-Council is indicated in a letter from him to B.B. Janz dated February 9, 1943. In it he said: "The Mennonites who came in under the Order-in-Council are, of course, entitled to a recommendation under that Order, but those who have come later are only entitled to be recognized as conscientious objectors and so many of them who appeared before the Board have failed to satisfy the Board that they have real personal conscientious objections..." B.B. Janz Papers, op. cit., Vol. 42. A particular case illustrating this difference is described in a letter from the Private Secretary of the Minister of National Defence to Rev. B.B. Janz, December 9, 1943. B.B. Janz Papers, op. cit., Vol. 42.
223. Letter, Horace Harvey to A. MacNamara, May 12, 1944, Ibid.
224. Ibid.
225. Ibid.
226. Letter, E.J. Swalm, Chairman, Conference of Historic Peace Churches, J.B. Martin, Chairman, Military Problems Committee, C.J. Rempel, Secretary, Historic Peace Church Council, to the Hon. Humphrey Mitchell, Minister of Labour, May 4, 1945, CGC Archives, SV-11.1.1.
227. Minutes, Conference of Historic Peace Churches, October 23, 1945, CGC Archives, XV-11.1.1.
228. The surviving records suggest that in the remaining years of the war there were few problems in obtaining exemption. However several brief references to the contrary should be noted. In one letter of August 27, 1943, C.F. Klassen says: "In June and part of July Just: Adamson gave us a breathing spell. But lately things again are becoming unbearable. One of our boys after expiration of his jail

- sentence was taken to the military barracks, where he refused to be examined by a military doctor, then was sent to Winnipeg and sentenced to one year with hard labour. We have three similar cases. ... In B.C. it is the same. Just. Manson became a very hard man who lately does not want to give any consideration to applications from C.O.'s." Letter, C.F. Klassen to J.B. Martin and J.H. Sherk. August 27, 1943. CGC Archives. Within two weeks of writing this letter Klassen travelled to Ottawa and among other things, presented these problems to Major-General Riley, Director of the Mobilization Branch. Riley agreed that this was not right and promised to help with the situation. See "Bericht ueber die Reise des Secretaers nach Ottawa am 7.-10. September 1943" Minutes of the "Mennonitischen Zentralkomitees in der Dienstfrage fuer WestCanada", CMC Archives. Also to be noted is a passage from the minutes of a meeting of Kanadier Mennonite leaders held on January 7, 1944. It states "The number freed in November had been 20: It is increasingly harder to get releases from prison." The minutes of a January 9, 1945 meeting state: "It is much easier to get the C.O. stand now. There are only a few boys in prison. ... The prison terms are usually of two months duration." D.P. Reimer, op. cit., p. 127 and 132.
229. Memorandum, C.S. Henley to L.E. Westman, December 15, 1943, PAC, RG 27, Vol. 991, file 2-101-2, part 2.
230. Memorandum, F.J. Mead, Assistant Commissioner, R.C.M.P., to Director of Mobilization, National Selective Service, Department of Labour, Ottawa, April 14, 1943, PAC, RG 27, Vol. 991, file 2-101-2.
231. Memorandum, F.J. Mead to Director of Mobilization, March 18, 1943, Ibid.
232. Memorandum, F.J. Mead to Director of Mobilization, May 12, 1943, Ibid.
233. Memorandum, F.J. Mead to Director of Mobilization, March 9, 1943, Ibid.
234. As quoted in a memorandum from the R.C.M.P., F.J. Mead to the Director of Mobilization, March 18, 1943, Ibid. This statement was adopted by the Supreme Council of the USCC.
235. Memorandum, F.J. Mead to Director of Mobilization, March 9, 1943, Ibid. and Memorandum, F.J. Mead to A. MacNamara, June 19, 1943, PAC, RG 27, Vol. 991, file 2-101-2, part 2.
236. As quoted in letter to the Right Honourable W.L. Mackenzie King from James J. Popoff and four others, May 31, 1943, Ibid.

237. Memorandum, F.J. Mead to Director of Mobilization, March 9, 1943, op. cit.; Letter, A.M. Manson, Chairman of the Board in British Columbia to C.S. Henley, Alternative Service Officer, June 15, 1943, PAC, RG 27, Vol. 991, file 2-101-2; and Letter, J.F.L. Embury, Chairman of the Board in Saskatchewan to Major-General H.J. Riley, Associate Director of Mobilization Section, June 29, 1943, PAC, RG 27, Vol. 991, file 2-101-2, part 2.
238. Letter to the Rt. Honourable W.L. Mackenzie King from James J. Popoff, May 31, 1943, op. cit.
239. Letter, Stan Clark, Agricultural representative to W.W. Dawson, Supervisor of Farm Labour Requirements for Saskatchewan, July 31, 1943, Department of National Defence, Directorate of History Archives 326-009 D102.
240. Memoranda, from H.J. Riley to A. MacNamara, May 10, 1943 and from F.J. Mead, to A. MacNamara, June 11, 1943, PAC, RG 27, Vol. 991, file 2-101-2.
241. Memorandum to W.W. Dawson, Supervisor, Farm Labour Requirement, Saskatchewan, June 30, 1943, Department of National Defence, Directorate of History Archives, 326-009 D102.
242. Letter, G.R. Bickerton to A. MacNamara, September 8, 1943, PAC, RG 27, Vol. 991, file 2-101-2, part 2.
243. Memorandum from the R.C.M.P., New Denver Sub-Division, May 28, 1943, Ibid.
244. Memorandum, R.C.M.P., Vancouver Detachment, March 27, 1943, Ibid., file 2-101-2.
245. Memorandum, H.J. Riley to A. MacNamara, op. cit.
246. Memorandum, L.E. Westman to C.S. Henley, May 15, 1943, Ibid.
247. Memorandum, L.E. Westman to Allen Mitchell, July 16, 1943, Ibid., file 2-101-2, part 2.
248. Letter, A.M. Manson to L.E. Westman, August 12, 1943, Ibid.
249. Memoranda, L.E. Westman to Allen Mitchell, August 20, 1943 and L.E. Westman to Humphrey Mitchell, September 29, 1943, Ibid.
250. Memorandum, H.T. Pammelt to A. MacNamara, October 27, 1943, Ibid. See also memorandum, H.J. Riley to F.C. Wilson, November 1, 1943, Ibid.

251. "Results of Conference Between The Following Representatives of the Doukhobors and the Director of National Selective Service", Ottawa, November 15 and 16, Ibid.
252. "Statement of Doukhobor Delegation (Union of Spiritual Community of Christ)"; November 16, 1943, Ibid.
253. As reported in a letter from A. MacNamara to J.E. Adamson, November 17, 1943, Ibid.
254. Resolution of mass meeting of members of the Union of Spiritual Communities of Christ, held at Brilliant, B.C., December 5, 1943, Ibid.
255. The events of this meeting are referred to in several memoranda including, C.S. Henley to L.E. Westman, December 15, 1943; R.C.M.P., Vancouver, December 20, 1943; and Major J.B. Cowell to A. MacNamara, December 13, 1943, Ibid. See also Tarasoff, op. cit., p. 685 and Woodcock, op. cit., p. 321.
256. Memorandum, R.C.M.P., Vancouver, December 20, 1943, Ibid.
257. Memorandum, J.B. Cowell to A. MacNamara, December 13, 1943, Ibid.
258. Letters, A.M. Manson to A. MacNamara, December 31, 1943, Ibid., file 2-101-2, part 3, and J.B. Cowell to A. MacNamara, January 29, 1944, PAC, RG 27, Vol. 133, file 601.3-6-1 (vol. 4).
259. Letter, A.D.P. Heeney to Humphrey Mitchell, February 7, 1944, PAC, RG 27, Vol. 133, file 601.3-6-1 (vol. 4).
260. The Vancouver Sun, "We'll Do Anything But Fight", January 28, 1944.
261. Memorandum, R.C.M.P., Vancouver, December 20, 1943, op. cit.
262. Memorandum signed "G.R.P.", G.O.C. in C. Pacific Command to The Secretary, Department of National Defence, March 1, 1944 and "Report On Doukhobors" from B.C. Police, February 26, 1944, Department of National Defence, Directorate of History Archives, 322.009 D420.
263. "Summary of Activities In The West Kootenay", February 1944, Ibid.
264. "Doukhobor Depredations In British Columbia", a 6-page list from 1923 to February 10, 1944, PAC, RG 27, Vol. 133, file 601.3-6-1 (vol. 4). See also Tarasoff, op. cit., p. 687 ff.

265. "To All Members of The Union of Spiritual Communities of Christ", by J.J. Zoabkoff and J.J. Verigin of the Executive Committee, February 16, 1944, PAC, RG 27, Vol. 133, file 601.3-6-1 (vol. 4).
266. Report, British Columbia Police, February 21, 1944, Ibid., and Letter, A.M. Manson to A. MacNamara, July 24, 1944, PAC, RG 27, Vol. 992, file 2-101-2, part 4.
267. Report, S.T. Wood of R.C.M.P. to Hon. Louis St. Laurent, Minister of Justice, March 15, 1944, PAC, RG 27, Vol. 133, file 601.3-6-1 (vol. 4).
268. Letter, R.A.D. West, President, Castlegar-Robson Branch, Canadian Legion to A. MacNamara, February 1944, Ibid.
269. The Vancouver Sun, "Castlegar Residents Take Law Into Own Hands", March 17, 1944.
270. Letter, S.T. Wood, to Louis St. Laurent, March 15, 1944, op.cit.
271. Letter, A.M. Manson to A. MacNamara, May 30, 1944, Ibid.
272. Letter, A. MacNamara to A.M. Manson, July 6, 1944, PAC, RG 27, Vol. 992, file 2-101-2, part 4.
273. Memorandum, C.S. Henley to L.E. Westman, June 29, 1944, PAC, RG 27, Vol. 991, file 2-101-2, part 3.
274. Ibid.
275. Memorandum, L.E. Westman to C.S. Henley, July 4, 1944, PAC, RG 27, Vol. 992, file 2-101-2, part 4.
276. Memorandum, L.E. Westman to A. MacNamara, July 13, 1944, Ibid.
277. Memorandum, C.S. Henley to L.E. Westman, July 7, 1944, Ibid.
278. Memorandum, L.E. Westman to A. MacNamara, July 13, 1944, Ibid.
279. Letter, A.M. Manson to A. MacNamara, July 24, 1944, Ibid.
280. Letter, A.M. Manson and F.W. Smelts to A. MacNamara, July 24, 1944, PAC, RG 27, Vol. 133, file 601.3-6-1 (vol. 4).
281. Memorandum, L.E. Westman to C.S. Henley, August 24, 1944, PAC, RG 27, Vol. 992, file 2-101-2, part 4.
282. Letter, DeVoin to A.M. Manson, November 2, 1944, Ibid.
283. "To Trustees of the Spiritual Communities of Christ in B.C." from J.J. Verigin, October 14, 1944, Ibid.

284. Letter, DeVoin to A.M. Manson, November 2, 1944, Ibid.
285. Ibid.
286. Letter, R.B. Hughes to H.K. Whimster, Farm Labour Placement Officer, June 4, 1945, Ibid.
287. Letter, DeVoin to L.E. Westman, February 28, 1945, Ibid.
288. Letter, L.E. Westman to Wm. MacGillivray, Director, Emergency Farm Labour Service, April 26, 1945, Ibid.
289. Letter, A.M. Manson to A. MacNamara, February 19, 1945, PAC, RG 27, Vol. 133, file 601.3-6-1 (vol. 5). In Saskatchewan where more Doukhobors were cooperating with the normal procedures, some had followed a course similar to that of British Columbia. A group at Langham, Saskatchewan said in August of 1944: "We are willing to pay in cash... but we refuse to sign any contracts." They felt they had been betrayed in 1940 when the government had told them that the National Registration had nothing to do with military training. Now they did not want to sign things for the government. Letter, John G. Savankoff to National Selective Service, August 15, 1944. In August of 1944 the Alternative Service Officer for Saskatchewan, R.S. Hinchey, met with Doukhobor leaders and they then indicated a willingness to sign the contracts but said they would first have to consult their people. They did so and as a result reaffirmed their earlier decision not to sign. Now, however, they proposed "that in lieu of signing a contract they would pay the Red Cross payment one year in advance." Government officials accepted this arrangement. Letter, R.S. Hinchey to L.E. Westman, August 28, 1944. PAC, RG 27, Vol. 992, file 2-101-2, part 4.
290. Letter, Horace Harvey, Chairman Mobilization Board, Division "N", to A. MacNamara, Deputy Minister of Labour, March 30, 1943, PAC, RG 27, Vol. 133, file 601.3-6-2.
291. "Hutterites In Alberta", an undated 4-paged memorandum signed by L.E. Westman. The contents indicate that it was written some time in 1944. Ibid.
292. Letter, A. MacNamara to Senator John T. Haig, August 15, 1944, Ibid.
293. Memorandum, L.E. Westman to A. MacNamara, November 29, 1943, Ibid.
294. Memorandum, L.E. Westman to A. MacNamara, May 31, 1944, Ibid.
295. A memorandum of 3 pages, with no title, author, or date, in Ibid.

296. Memorandum, L.E. Westman to A. MacNamara, February 25, 1944, Ibid. This memo refers to "85 additional Hutterites" being sent to this camp. An earlier memorandum also from Westman to MacNamara, dated February 16, 1944 says that 15 to 25 had been working at this camp for some time.
297. Letters and Memoranda, E.N. Griggs to A. MacNamara, August 9, 1944; L.E. Westman to A. MacNamara, August 17, 1944, M.P. Blair to E.N. Griggs, August 18, 1944; and L.E. Westman to A. MacNamara, September 5, 1944, Ibid.
298. Letter, Senator W.A. Buchanan to A. MacNamara, January 16, 1945, Ibid.
299. Memorandum, L.E. Westman to A. MacNamara, February 16, 1944, Ibid.
300. Memorandum, L.E. Westman to A. MacNamara, August 17, 1944, Ibid.
301. At the end of the war, A. MacNamara reported that 10,867 conscientious objectors had served in the alternative service program and that, among other things, they had paid \$2,327,163.12 to the Canadian Red Cross Society. Letter, A. MacNamara to Mr. John G. Rempel, June 19, 1946, PAC, RG 27, Vol. 991, file 2-101-1.

INTRODUCTION TO SECTION FOUR: THE WELFARE STATE CONCERNS

The desire of these groups to live as communities, separate from the larger society is evident also in relation to social welfare and taxation issues. Their encounters with the federal government on these matters involve only the Hutterites and a minority Mennonite group. But the basic questions are similar. Moreover, these encounters are more recent than those dealt with in preceding chapters. As such, they serve to indicate how contemporary governments of Canada perceived the issues.

The social welfare concern of these groups arises from their belief that it is their religious duty to care for the material needs of the people in their communities. They have emphasized this throughout their history. Some, like the Hutterites, made a complete renunciation of private property in favour of communal property. Others, like the Mennonites, continued with private property but stressed the importance of helping one another in other ways. Over the years they set up many mutual aid institutions.

The concern did not become a serious controversy until 1966 when the Canada Pension Plan Act came into force. Earlier social welfare programs, like the Family Allowances, had not been contentious. They were supported by the normal taxes and their benefits were of a voluntary nature. Most of the people looked upon the payment of taxes as a religious responsibility and the more conservative ones simply refused the benefits, (1)

The Canada Pension Plan was different, however. Instead of being supported by taxes, it was an insurance plan into which all Canadians were to pay a percentage of their income, as premiums, which would then accumulate for individual pension purposes. The Hutterites and certain conservative Mennonites did not want to participate in the Plan. They saw this as a system whereby their people would have property, outside of their communities and on an individual basis. They wanted the government to exempt them. Their efforts to gain exemption began in 1966 soon after the Plan came into force. In 1974, after many representations, Parliament acceded to their request and amended the law.

The taxation issue involved only the Hutterites. The problem was that as individuals they had no income and that as colonies they were different from commercial corporations. As a result, neither the personal income tax schedule, nor that for commercial corporations was suited to their way of life. This raised the question of how income taxes were to be levied against them. They had always paid their other taxes but for many years the government left them alone with regard to income tax. Officials had made casual surveys of their income and of the deductions for which they might be eligible if they filed on a personal income tax basis and had concluded that they would probably not have to pay a significant amount anyway. However, in 1960 the Minister of National Revenue announced that the Hutterites would be held liable for income tax, just like other Canadians. This was a significant announcement but its meaning

was not clear. As a result there were many years of negotiations. In 1968 some of the Hutterites entered into a compromise agreement with the government. Others held out until 1980 before also doing so.

In describing these encounters, the following two chapters will attempt to deal with the basic question of this study: to what extent did governments in Canada give these groups the liberty to follow their particular way of life. They will discuss the conflict between the laws of the larger society and the way of life desired by these groups, the various efforts made to resolve problems, the arguments used by both the government and these groups and the way they reflect their respective perceptions of the issue, and the resolution finally arrived at.

FOOTNOTE TO THE INTRODUCTION FOR SECTION FOUR

1. It can be noted that when the Family Allowances were first introduced, in 1945, they did raise concern. According to one report, Mennonite leaders in Manitoba discussed the Family Allowances at a meeting on March 20, 1945, and concluded: "If the government is called upon to help with the raising of our children, will it not later be entitled to more support from these same children? ... The majority of the elders do not think our people should take this allowance." (As quoted in David P. Reimer, Experiences of the Mennonites of Canada During the Second World War 1939-1945, Printed in Altona Manitoba by D.W. Friesen & Sons Ltd., p. 135. Date of publication, not given.) The Doukhobors also had concerns about the Family Allowances. They too held meetings in the Spring of 1945 and according to one report: "a large number...felt that in accepting such payments, they would be incurring a liability to conform to demands of the state that might not be agreeable to them." (Memorandum, J.F. Mackinnon to J.E. Westman, April 17, 1945, PAC, RG 27, Vol. 992, file 2.101.2, part 5.)

CHAPTER X: THE CANADA PENSION PLAN CONTROVERSY

A. The Canada Pension Plan and Mennonite Resistance

The Canada Pension Plan, which came into force in 1966, was an unusual social welfare program. It was an insurance plan. This made it unacceptable to some conservative Mennonites and Hutterites. The government, however, hailed the Plan as "an important milestone in Canadian social development."⁽¹⁾ It was to help people "make financial provision for their retirement and to protect themselves and their dependents or survivors against loss of income in the event of disability and death."⁽²⁾ Every employed individual would contribute 1.8% of his earnings to the Plan. His employer would pay an equal portion. And self-employed people would also be required to contribute. These monies would be paid alongside income tax payments. Every participant would have a social insurance number. And later these monies would be paid back in the form of a pension.

The desire of certain Mennonites and Hutterites not to participate in this Plan was based on their belief that their religion required them to care for the material needs of their people. They based this view on Biblical teachings and they had practised it for several centuries. To participate in the Canada Pension Plan, they felt, would mean delegating this task to the government. It would weaken the bonds of their communities and be a marked departure from the way of life which they believed to be right for them. Accordingly, they wanted to be exempted from the Plan.

Those who took this view were mainly the Amish and Old Order Mennonite groups of Ontario.⁽³⁾ A majority of the Mennonites in Canada accepted the Plan. The Hutterites, since they did not pay income tax until 1968, were not required to pay the Pension Plan premiums until that time either. In spite of being alone, the Ontario groups began to make representations to the government. In April of 1966, they met with Dr. Joseph W. Willard, Deputy Minister of National Health and Welfare, and submitted a letter addressed to the Minister, Allan J. MacEachen.⁽⁴⁾ In it they assured the government of their basic appreciation, support, and loyalty, but said: "We believe that when the laws of the land conflict with the teaching of the New Testament we must obey God rather than man." They said that when their forefathers had come from Pennsylvania late in the 1700's and early in the 1800's: "They were...promised the free practice of their own religious beliefs under the British Crown,..." The letter concluded:

We, as a group, have instructed our people not to take Provincial Hospitalization, nor do we expect our people to apply for Children's Allowance or Old Age Pension. We believe it to be our Christian duty and privilege to take care of our own people as a brotherhood. We therefore appeal to you, Honourable Minister, to make it possible for us to be exempt from the "Canada Pension Plan" and allow us to continue as at present.

The Minister of National Health and Welfare acknowledged the letter but informed the Mennonites that their concern related to that part of the Canada Pension Plan which was under the jurisdiction of the Minister of National Revenue, E.J. Benson. Mr. Benson replied on August 4, 1966 to Mr. Elven Shantz, an

official of Mennonite Central Committee (Ontario) who was assisting the Old Order groups.⁽⁵⁾ Benson reported that the government had studied the matter in considerable depth but could not accede to the request. He explained:

... The Plan is compulsory because Parliament has decided that the cost of protection against the risks mentioned must be shared by all. Further, it is only through the compulsory principle that the contributions of the employer can be brought into the scheme.

I am sure you will appreciate that each service made available by the Government through a social insurance program, such as the Canada Pension Plan, must be considered as part of the total social service structure in this country, financed collectively on the basis of the social insurance principle. To exempt your Orders from the Canada Pension Plan would serve to undermine the basic principle upon which the plan is founded, namely, the principle of universality,...

The Mennonites were disappointed. Elven Shantz wrote:

"I am very sorry that a Canadian Government is taking such an inflexible stand on this request."⁽⁶⁾ Shantz then attempted to find a solution through a provision in the Plan for exempting religious orders. Under the general title of "Excepted Employment", the Act referred, in Section 6(2)(e) to "employment of a member of a religious order who has taken a vow of perpetual poverty and whose remuneration is paid either directly or by him to the order;".⁽⁷⁾ Shantz wondered whether the Old Order Mennonite groups might qualify under this provision. However, they did have private property and E.J. Benson quickly rejected the possibility.⁽⁸⁾

After this the Mennonites appealed directly to Prime Minister Lester Pearson.⁽⁹⁾ In a long letter, dated October 27,

1966, they reviewed developments in the history of religious freedom since the sixteenth century, noting that William of Orange had been a pioneer in promoting tolerance first in the Netherlands and later in England. They also referred to William Penn under whose leadership many people, including Mennonites, had come to America and enjoyed a broad religious freedom. They explained how after the War of Independence, their ancestors, along with others, had immigrated to Canada "to again be under the British Crown, which by this time had become synonymous with religious freedom in theory and practice". They noted that even during the two world wars the government of Canada had upheld the tradition of religious freedom and exempted the Mennonites. They asked whether that tradition, which had also been emphasized in the Bill of Rights, enacted by Parliament in 1960, was now coming to an end and whether the government was now assuming the right to force "social legislation" on all Canadians, regardless of their religious beliefs. They pointed to the fact that in the United States their people were being exempted from such legislation and asked the Prime Minister to grant their request.

In spite of their long petition, the Prime Minister was not persuaded. In a reply on November 10, 1966, he reported that he had discussed the matter with the Ministers involved and, in his words:

I sincerely regret that for the reasons stated in Mr. Benson's letter of August 4, 1966, it is not considered advisable to introduce amending legislation to exempt from the Plan certain classes of our society, thus.

endangering the basic principle on which the Plan was premised, that is, the participation of every working person in Canada between the ages of 18 and 70. (10)

The Mennonites were "deeply disappointed" at this reply. Along with their lengthy October submission Shantz had asked for a meeting with the Prime Minister, "to discuss...the religious beliefs of the Old Order brethren on this specific legislation as well as any future compulsory social legislation." (11) The request for a meeting had not been granted so they now wrote: "we had no opportunity to meet the reasons your ministers gave you". (12) While assuring the Prime Minister of their respect and loyalty they set out to explore other avenues since, in their words: "we believe as Canadian citizens we have a right to live and worship as we interpret the Bible."

These "other avenues" referred to legal action. The Mennonites now sought a legal opinion "as to the possible success of...challenging the Canada Pension Plan in the courts as infringing the freedom of religion clause of the Canadian Bill of Rights". (13) They approached a Kitchener law firm where J.E. Lang then studied the question. He identified the questions as "whether in the view of the Mennonites the plan is of a religious nature and secondly whether the right of freedom of religion protects this view". (14) He then reasoned that "the Mennonite considers it his moral obligation to care for the aged" and offered the opinion that "the Plan does not interfere with the moral obligation of the Mennonite and that the requirement of a contribution is like a tax and certainly is not in itself or in the view of the Mennonites of a religious nature".

On this basis he advised them that they "would probably not be successful in court action." In summary Lang wrote:

It is the opinion of this writer that the argument that the Canada Pension Plan infringes on the Freedom of the Mennonite to practice his religion would fail in the Supreme Court of Canada. My reason is that the Canada Pension Plan is social legislation directed at all Canadians, it is not legislation directed at a particular religion or religious belief. Further it is my opinion that such legislation is not basically different from Tax legislation or other social legislation. To say that a group could avoid such a law on the grounds that it prevented them from freely practising their religion would put the Government of Canada in the inequitable position of being unable to affect any legislation for fear of offending some groups. (15)

This reasoning, that the Canada Pension Plan premiums were like a tax, was to appear again. The Mennonites disagreed with this. They did not see them as a tax.

Some months later the Kitchener Chamber of Commerce became involved. On April 13, 1967 the Chamber held a special meeting with representatives of the Mennonites. As on previous occasions Elven Shantz was their spokesman. During the discussions it was decided to propose a compromise to the government. The Mennonites would agree to pay the premiums if the government would agree to use these monies for a welfare program selected with the approval of the Mennonites and not for the Canada Pension Plan. (16)

Both Shantz and the President of the Board of Trade wrote letters to the Prime Minister describing the proposal. Shantz wrote: "we are prepared to meet our financial responsibilities under the Canada Pension Plan Act; however, we wish

... That consideration be given to our request that all con-

tributions remitted by members of our Orders be directed to a welfare programme to which we may give conscientious approval". (17) The President of the Kitchener-Waterloo Board of Trade wrote: "Sympathetic and concerned as we are with the problems of these fine people in this modern age of the 'Welfare State', we feel that the new submission offers a reasonable solution to the present impasse, and we hope that you, in consultation with your Ministers, may find it possible to accede to this proposal on their behalf". (18)

Since the proposal was a compromise it is not surprising that some of the Mennonites had reservations about it. One elder, S.M. Horst, wrote:

It does not seem right to suggest an alternative to a thing that was unscriptural from the root up. ... if they need more money and tax us in a straight and scriptural way we will endeavor to pay as long as our dollars last. ... (However) giving the money so as not to offend them...we are not letting the truth shine out as we should that way. (19)

Aside from the misgivings of the conscientious elder, the Prime Minister rejected the proposal stating that he had reviewed it with E.J. Benson and that, "unfortunately, the present legislation does not provide for allowing amounts paid out of the Plan to be paid to other than the contributor or his beneficiary".

In spite of these repeated refusals, the Mennonites persisted. They now set out to gather information on the way the problems had been resolved in the United States and intended then to make another proposal. They asked the Minister of National Revenue that "any legal action which may come about as a result of our members not wishing to pay their premiums

toward the Plan be deferred until further representations have been made to your office".⁽²¹⁾ The Minister refused this request stating: "The law as presently legislated must be enforced,...any authorization in favour of a particular group which would serve to circumvent the due processes of law would be an abuse of the office which I hold".⁽²²⁾

B. Seizures of Assets and Further Representations

In the spring of 1967, while other Canadians were paying both their income tax and their Canada Pension Plan premiums for 1966, these Mennonites paid only their income tax. Elven Shantz, their spokesman, wrote to the government on February 23, 1967, and reported that some 37 leaders of the Old Order groups had met and decided to ask their members to send in their income tax returns as usual but that instead of including the portion for the Canada Pension Plan they should enclose a letter addressed "To Whom It May Concern", stating:

I am a member of the Old Order Mennonite Church. We believe that the needs and losses of the brotherhood should be taken care of first by the individual; then the family, then the Church, as we are taught by the Holy Scriptures. Our forefathers have established the system in the church long before the Dominion of Canada was formed, and we cannot conscientiously participate in a compulsory social insurance system.

While it is our desire to extend love and mercy to every man in need regardless of religion or creed, we are very conscientious as stewards over the material things the Lord has entrusted to us.

I am therefore not including the Pension deduction payment with my income tax return.⁽²³⁾

The Department of Revenue soon responded with letters informing the people of their legal obligation to pay the remaining part. The Mennonites, however, were firm in their position. In response to the letters of reminder from the government, they used another letter which stated in part:

The claim which you request is the portion to be paid to the Canada Pension Plan, which we cannot pay since it conflicts with our faith, since this portion is designated to an insurance fund.

I therefore beg you to review the situation, as I consider the necessity of giving heed to my religious conscience and the unity of our brotherhood. (24)

One Mennonite replied to the letter from the Department of Revenue in the following way:

I have paid my income tax, the amount you requested (is) ..to be held in a separate fund which we look at as an insurance fund.

We are historically opposed to all types of insurance on religious and Biblical grounds.

I can therefore not send you the money. (25)

Another Mennonite was informed that not only was his income tax overdue but that he also needed to get a Social Insurance Number. (26) He refused to get the Social Insurance Number and in reply to the request for income tax he used a form letter which stated in part: "We respectfully beg to advise that our income tax was paid in full. Therefore your claim must be attributed to the portion to be paid to the Canada Pension Plan which we cannot pay since it conflicts with our faith..." (27)

The Revenue Department, in the face of the Mennonite refusal to pay the premiums voluntarily, began to seize the money. In mid-August of 1967 the Department went to Silverwood Dairies

Ltd., in Kitchener, to which many of the Mennonites were selling their milk and issued "Demand On Third Party" notices for the milk cheques. The company was then obligated to turn the cheques over to the Department instead of to the Mennonite farmers. (28) This action raised considerable public concern and a newspaper reported that the Minister of Revenue, E.J. Benson, had said that, "The Old Order and Amish Mennonites of the Kitchener district will have to contribute to the Canada Pension Plan or the government will continue to seize their milk cheques or other income..."; that, "he would not consider the Mennonite argument that payment was against their religious convictions"; and that, "They'll get their pension cheques when they become eligible - it is quite possible for them to turn those cheques over to a charity or any cause they think proper". (29)

The Mennonites were not sure what further steps to take. Some talked of migrating to South America or to the Caribbean. (30) One Mennonite wrote to the Kitchener-Waterloo Record and said: "we are refusing to accept baby bonuses, old age pensions, and milk subsidies, and saying the government at least ten times as much as our pension payment would amount to. ... Seizing our milk cheques takes an ironical turn when we consider that for conscience sake we have refused thousands of dollars of milk subsidies which we could have had for the asking". (31)

This same person, David Wagler, replied to a notice from the Department of Revenue in the following way:

I regret very much to inform you that I cannot conscientiously pay you the money which you are requesting. We have never taken part in any kind of life insurance as we feel to do so would be putting our trust in man instead of in God. ...

You have called this a tax, but Mr. Benson recently made the statement publicly that every Canadian with a certain minimum income will have to pay into the Pension Plan, and will receive when eligible at the age of 65, a pension check as per the Plan.

Please allow me to state that this does not sound like a tax to me, but a compulsory insurance plan, and until I will be able to understand it differently I cannot pay this amount voluntarily. (32)

On September 7, 1967, Wagler received a reply stating:

"An examination of your 1966 Income Tax Return reveals that you have been properly assessed with the amount in question. It is therefore requested that you forward payment... . Whether or not you apply for benefits to which you are or will be entitled is a matter for you alone to decide." (33)

The Department of Revenue continued to send out letters requesting payment and the Mennonites continued to refuse. While further exchanges were taking place the Kitchener Chamber of Commerce was becoming more deeply involved. During the summer of 1967 it conducted a survey of the Mennonites in the Kitchener area and found that "members of the orders in this area alone are saving the Canadian tax payer approximately \$400,000 per annum by declining to apply for family allowance and old age security benefits that they have contributed to through normal taxation and that they are entitled to by law". (34) This, the Chamber said, represented "4 or 5 times the amount they are being told they must contribute to the Canada Pension Plan".

With this information the Chamber of Commerce appealed to Benson again, asking that these groups be exempted. In a brief dated October 11, 1967, it made the following points.

- a) The convictions of the Old Order are substantiated by their actions, b) the welfare of these people has never been a local or national problem, c) migration of long established settlers is not an acceptable solution to the problem, d) amendment to the Act to exempt these people would affect a saving rather than an expense to the Treasury, e) a precedent has been set by the United States Internal Revenue Service with regard to the exemption of Mennonite and Amish people in that country, f) no other group desirous of opting out of the Canada Pension Plan can meet these qualifications. (35)

The brief concluded: "The Kitchener Chamber of Commerce has committed itself to support of the Old Order plea for exemption from both contributions to and benefits arising out of the Canada Pension Plan".

The brief was presented to the Minister of Revenue and other officials in Ottawa on October 16, 1967. In the same meeting the Mennonites submitted a lengthy brief of their own. (36)

(This brief is reproduced in Appendix 19.) In their brief the Mennonites reaffirmed their loyalty to Canada and their gratitude for its long history of good governments. They then set out, in a fairly elaborate way, their understanding of the proper functions of government and of the church, stating:

"We view government as ordained of God" and "We respect government, regularly pray for those in authority and obey it up to the point when its demands conflict with our Christian faith and life." They explained that joining the church was done voluntarily by adults and that for them it was a serious and

sacred matter involving not only "agreement to a set of theological beliefs but...also promising to live according to a well defined way of life." They stated further:

The church we believe is a genuine brotherhood in which individual members obligate themselves to help one another in time of need and to be willing to submit to the discipline and counsel of the total brotherhood.

...

This is our substitute for insurance systems and other forms of social security programs. It is our understanding of the way we think God means for Christian people to provide for each others need.

...

We see the social security programs as a direct threat to our religion. To be forced to accept such programs is to be compelled to substitute a government welfare program for a church-centered program.

We fear that such publicly sponsored programs will over a period of time, divert the loyalties of our people away from the church and toward dependence upon government.

They then asked again that the government "respectfully consider the possibility of exempting those with religious scruples from coverage under the Canada Pension Plan by amending the present act."

At the meeting where the briefs from the Mennonites and the Chamber of Commerce were presented; Mr. Benson responded by stating: "We would not need the Canada Pension Plan if all the people of Canada would live like the Mennonites." (37) He indicated that he was not happy with the seizure of milk cheques but that he could not change the law. He then indicated a willingness to consider amending the Act and promised his per-

sonal support for an effort to that effect. He explained that a change in the Act required the consent of the provinces and said that he would present the issue to a forthcoming federal-provincial conference scheduled to consider revisions in the Canada Pension Plan. The Mennonites, for their part, while remaining unwilling to pay the premiums voluntarily, agreed not to protest the seizures for the time being on the understanding that Mr. Benson would personally work towards changing the law so that they would eventually become exempted. (38)

Thus the seizure of the monies continued. The Mennonites received letters notifying them of the amounts owing and requesting information about where they sold their farm products or in which banks they held accounts. Most, it appears, now gave such information to the government, however, they wanted it understood that they were not consenting to the seizures. One Mennonite, David Wagler, in advising the Department of the bank where he held his account stated:

Please do not construe this to mean that I give my consent to your seizing of our property. Of course I realize that all of our earthly property is subject to seizure or theft and that the law does empower you to seize it.

If you believe the Bible as I assume you do, then please note that Romans 13:3 tells us that the governments are to be a terror not to good works but to the evil.

...we have not done anything evil to incur the displeasure of the government. Because we have carried out the Biblical injunctions of caring for our own and not depending on the government to take care of our old people, babies and needy, we are now being coerced into accepting a form of life insurance. (39)

In spite of the commitment made by Mr. Benson in the fall of 1967 that he would personally work to have the Act amended and that he would bring the matter before a federal-provincial conference, there was little action. One year later the Mennonites had still not received word as to when such a federal-provincial conference would take place. Meanwhile, the seizure of monies continued and so too did public interest in the problem. One official noted that the Revenue Department had received "a great number of letters from persons living in the Kitchener-Waterloo area requesting that some action be taken to relieve the Mennonites from contributing to the Canada Pension Plan". (40)

The matter remained unresolved. In January of 1969 the Mennonites met with John Munro, Minister of National Health and Welfare in the new government under the leadership of Pierre Elliot Trudeau. (41) He renewed the promise of contacting the provincial governments to seek their opinion about amending the Act. (42) In April, Max Saltsman, a Member of Parliament representing a constituency with a number of Old Order Mennonites, introduced a Private Member's Bill to amend the Act so as to exempt groups like the Mennonites. (43) Little became of either effort. The new Minister of National Revenue, Jean-Pierre Côté recognized that the seizure of monies had "created some unfavourable publicity in the press" but felt that this was not a serious problem. (44) Côté was opposed to changing the law. Thus the matter remained unresolved until later when the Hutterites from the prairies also began to make representations seeking exemption.

C. The Hutterites Join The Mennonites In Seeking Exemption

Early in 1969 the Hutterites also began to express their objection to participating in the Canada Pension Plan. By this time they had entered into the income tax agreement and since the Pension Plan premiums were tied by statute to income tax payments, they were now obligated to pay the premiums too. (45)

In the negotiations for the tax agreement they had expressed concern about its connections with the Canada Pension Plan. At first, Revenue Department officials in Winnipeg told representatives of the Hutterites that "in view of their vow of perpetual poverty and the fact that no cash income is received by any one of them, they are exempt". (46) Later, as the negotiations for the tax agreement reached a more final stage, officials in Ottawa said that they could not exclude the Canada Pension Plan. It would have to include a commitment to pay the Pension Plan premiums. (47)

The Hutterites agreed to this with considerable reluctance. They were settling the income tax issue on a "deemed individual income" basis, that is in their calculations they would divide the total income of a colony by the number of members, make deductions comparable to those of other Canadians, and then pay tax accordingly. This arrangement carried the appearance of an individual income and the Hutterites emphasized that it was "for income tax purposes only". They did not want it carried over to the Pension Plan or other issues. Yet the officials with whom they were finalizing the tax agreement could assure them only that it was "without prejudice to the rights of

the Colonies to contest their liability to pay into the Canada Pension Fund." (48) And if they were liable then there would still be "the possibility of the Colonies approaching the Government in order to obtain a revision in Legislation" of the Canada Pension Plan. (49) In light of this, the two Hutterite groups who signed the tax agreement, immediately instructed their lawyers to work on the Pension Plan issue. (50)

The Hutterite effort to gain exemption from the Canada Pension Plan began with an appeal to Section 6(1)(e) which was the provision excepting the employment of members of religious orders from the Plan. This had been designed primarily for the Roman Catholic Orders, but the Hutterites argued that they too had vows to the effect that they would receive no personal income, that they too were members of a religious order, and that they had no earnings except those of the colony. In a formal appeal to the Minister of National Revenue early in 1969 they said: "The accumulation of benefits under the Canada Pension Plan for a Member of the Church is contrary to the teachings,...and tenets of the Church and could not be accepted by the Appellant". (51) They also pointed out that the "Appellant is engaged in employment as a Member of a religious order who has taken a vow of perpetual poverty and whose remuneration is paid either directly or by him to the order". Their appeal was not successful. The Minister of National Revenue replied by pointing out that the Hutterites, in the agreement settling the income tax question, had been treated as self-employed persons, that the Canada Pension Act covered all self-employed persons,

and that because of the statutory connection with the Income Tax Act they were now obligated to pay the Canada Pension Plan premiums. (52)

Some months later, in August of 1969, the Hutterites prepared a more elaborate submission. (53) Once again they described their basic religious beliefs against private property and in favour of a communal way of life. They reviewed their history of four and one-half centuries and pointed out that in the negotiations with the Canadian government in 1899, they had received a letter from James A. Smart, then Deputy Minister of the Interior, stating: "There will be no interference with their living as a Commonwealth if they desire to do so". (The letter from James A. Smart is reproduced in Appendix 7.) The 1899 letter had said further: "...the Members of the Society in question may rest assured that the statements made above are of as full value to them as they could be made by an Order of the Governor in Council or any document of that nature". The Hutterites now said that they understood this to be "a continuing moral commitment, entitling them to the privilege of exemption from the Canada Pension Plan which interferes with their living as a commonwealth". They referred to the situation in the United States where by amending the legislation "the Hutterite religious principles have been recognized and protected". In summary they said:

The Hutterian Brethren Church of Canada submits that as a result of the administrative convenience which required that contributions to the Canada Pension Plan be collected by the Department of

National Revenue, discrimination against its Members has occurred. This discrimination results in a direct interference with the beliefs of the Hutterian Religion by imposing individual interests on the Hutterites by law. It is a discrimination which the Hutterites feel the Government of Canada specifically agreed to avoid in inviting them to this country.

The principle of excluding from application of the Canada Pension Plan those persons who have taken a vow of perpetual poverty has been accepted by the legislation (Section 6(1)(e)). The results of a tax settlement reached in good faith...should not result in discrimination in the application of this principle. The Hutterian Brethren thus request that the provisions of the Canada Pension Plan be revised so that the definition of self-employed persons provides an exception for Members, of a religious or apostolic order, association or corporation whose vows of perpetual poverty or other tenets exclude them from contribution to the Canada Pension Plan. (54)

Among those who supported the Hutterites was Mark Smerchanski a Member of Parliament from Manitoba whose constituency contained a number of Hutterite colonies. Smerchanski now wrote to the Minister of National Health and Welfare expressing his belief that "the Department of National Revenue has arbitrarily taken the position that the Hutterian colonies automatically come under the Canada Pension Plan as being self-employed" and that "this is not in accordance with Section 6(1)(e) of the Canada Pension Plan". (55) He stated further: "I strongly suggest Mr. Minister, that these people be exempt from the Canada Pension Plan because this is a religious group who are competent and able to care for their aged. The caring for their older people is one of the basic concepts of their religion".

With these letters and submissions it was incumbent on the government to prepare a response. Both the Hutterites on

the prairies and the Mennonites of Ontario were waiting. Members of Parliament Smerchanski from Manitoba and Max Saltzman from Ontario were working on their behalf. And the public, at least in the Kitchener area was supportive. In light of these things, the Minister of National Health and Welfare, John Munro, announced in April of 1969 that, "the matter of exemption...has boiled down to a policy decision". (56) It would have to be brought to the cabinet for decision.

D. The Cabinet Considers The Matter

In preparation for cabinet consideration, W.J. Trudeau, Director of the Canada Pension Plan within the Department of National Health and Welfare, wrote a background document in which he stated: "our view is that no amendment to the legislation should be considered which would have the effect of exempting...groups or individuals from the requirement to make contributions to the Canada Pension Plan". (57) In October of 1969 another "Memorandum To The Cabinet", signed by the Minister of Revenue, Jean-Pierre Côté, argued that if such groups were exempted then their young people would be less inclined to leave since they would have nothing waiting for them on the outside. (58) The leaders of these groups, the memorandum said: "strive continuously to maintain their communities against 'worldly' temptations, even to the point of objecting to high school education. This raises the question of whether the weight of government legislation should be employed in a way which would help to keep members of some religious sects

economically dependent on their sects". Côté's memorandum expressed concern too that if these religious groups were exempted then various other groups might also want to be exempted and if such requests were granted then the principle of universality would be seriously undermined.

A "Supplementary Memorandum To The Cabinet" was prepared on November 14, 1969 reviewing the experience in the United States.⁽⁵⁹⁾ There, these religious groups, after several years of negotiations, had been granted exemption from the Social Security Act. However, the memorandum pointed out, in the United States the principle of universality had never been held up as an ideal.

Even though these documents were prepared in the fall of 1969, it was not until early in 1970 that the Cabinet considered the issue. When it did so it decided against granting exemption. The Minister of National Revenue, Jean-Pierre Côté, then wrote to the Mennonites and Hutterites, with identical letters, and explained the decision of the Cabinet.⁽⁶⁰⁾ He noted that the matter had been under review since April of 1966, that various ways had been studied in an attempt to resolve the problem "in a manner that would avoid any charge of discrimination from other groups,...". He said that the situation in the United States had also been studied and that it had been found that: "the amending legislation enacted by the American authorities was unquestionably discriminatory and justifiable

solely on the grounds that their Act, from its inception, did not purport universal coverage and that even today permits some optional coverage." The decision of the Cabinet, Côté said, was based on a desire "not to deviate from the basic principle of compulsory coverage of every individual between the ages of 18-70, self-employed or engaged in pensionable employment in Canada." He explained: "it was concluded that universal coverage is the fairest and most acceptable principle that can be followed in the legislating of a government sponsored insurance plan." He noted, in conclusion, "the sincere reluctance with which each member of Cabinet reached the decision that the principle of universality of coverage must not be violated."

Several days later, on March 20, 1970 before the decision of the Cabinet was known, representatives of Mennonite Central Committee (Canada) met with Prime Minister Trudeau. They raised this as one of several issues. In response Mr. Trudeau said:

The plan being universal, we didn't feel we could make exceptions, because they would amount to forms of discrimination in a negative sense...we did consider it at great length...we had considered it in Cabinet and we discussed it both in Committee and in full Cabinet,...but the possibility of opting out of this particular form of quasi taxation - if I can call it that - we felt that if we conceded that, there would be a case for too many other groups in this and other areas saying that we don't agree with this particular policy which was adopted by the government on behalf of the majority, therefore we would like to opt out too. ... I do assure you we have given this deep consideration and in the cases of where we have universal plans for Social Security, we do not find it possible to make exceptions for one group without having to make exceptions for many, in which case we no longer have any universal plan. (61)

In further discussion, Newton Gingrich of Mennonite Central Committee (Canada), acknowledged that some of the reasons for the refusal were understandable, but asked whether the religious dimension of the situation did not make a difference. He asked for an explanation of religious freedom. Mr. Trudeau replied in the following way.

Religious freedom exists, I take it, when people are free in their conscience and they can exercise their beliefs freely within the country, belong to a church of their choice, and so on. But, in some cases, if the morals which flow from their metaphysics - if I can put it that way - are not morals accepted by the community in which they live, it is unfair to say that preventing those moral precepts from applying is an attack on religious freedom. And in this particular case, the morals of this small minority are in direct conflict with the scheme of social welfare which the governments of today have adopted in order to serve the communities better. And therefore, while they may continue practicing... believing the same kinds of faith, but in this particular case there is no practical way of not to be bound by the ethic or the morals of the policies of the... (sic)... when the government adopts laws which are good for the majority, I don't think that freedom of religion permits people from opting out... (62)

To the Mennonites this view of religious freedom seemed narrow. It gave people the freedom to believe and to worship as they might choose but for those who felt that their religion led them to a way of life different from that of the larger society it offered little security.

In spite of this clear and firm refusal, both the Mennonites and the Hutterites continued in their efforts to obtain exemption. On April 20, 1970, the Hutterites sent letters to the two Ministers, John Munro and Jean-Pierre Côté, stating: "Our members are very keenly disappointed that we should be placed in the same category as other sects... The vow of per-

petual poverty taken by our members clearly distincts (sic) us... and to our firm point of view clearly entitles us to exemption under provisions of the Canada Pension Plan along with other Religious Orders with the vow of perpetual poverty". (63) They continued: "We view and hold the Understanding of Agreement reached with your Department to tax our members on an individual basis a concession on our part in the spirit of public cooperation and tolerance only. It was our firm conviction that this would not interfere nor undermine our religious beliefs or way of life as it now threatens to do." We therefore urge you and your government very strongly for immediate reconsideration of the cabinet's decision".

The request for reconsideration availed little. A reply from Mr. Munro, dated June 16, 1970, stated: "While I fully appreciate the concern that your group feels over the decision made by Cabinet,...I assure you that it was made in full light of the facts and must, regretfully, stand". (64) The Hutterites then came back to the argument that they were a religious order whose members had taken a vow of poverty and who therefore were entitled to an exemption. (65) By using this argument they were asking not for a change in legislation but for a change in the interpretation of existing legislation. They described the Hutterite way of life and referred to several court judgements which supported the view of a Hutterite colony as an integrated unit of such a nature that its economic assets were indivisible and that the idea of individual or private income was fundamentally incompatible with Hutterite life.

To support this they asked for a slight change in the tax agreement that they had entered into in 1968. There they had allowed themselves to be classified as 'self-employed' individuals. They had always felt that this was not an accurate reflection of what they really were. However, in the interest of reaching a settlement, and because they had believed that the classification would not effect their way of life, they had consented to it. Their request now was not for relief from the obligation to pay taxes, but only for a change in the way they were classified in the tax agreement. This might make it possible for them to be recognized as a religious order under the Canada Pension Plan Act. They stated:

As a result of that agreement the Hutterian Brethren agreed, for purposes of the Income Tax Act, to allow the profits of the community to be divided equally on certain established principles between members of each community and tax would be paid by the community on the calculation so reached. As a result of this arrangement, the individual Hutterites were treated as self-employed for purposes of the Canada Pension Plan. The result of this treatment is that payment into the Canada Pension Plan is required... (66)

They explained their predicament further in the following way.

...if it were not for the tax settlement, which for purposes of the Income Tax Act, treats the Members of the Hutterian Colony as self-employed, ...the Members of the Hutterian Colony would be employed by the Colony in all senses. The attribution for tax purposes is simply a mathematical calculation made by accountants ...returns for the colony are made collectively and no amount is received or otherwise charged to each Member internally.

In conclusion they said,

It is, therefore, submitted that the section of the Agreement of Settlement entered into between two of the Hutterian Brethren Group, and the Department of

National Revenue relating to taxation, does not accurately reflect the factual...situation insofar as it treats the Members of the Hutterian Brethren Church of Canada as self-employed. ... It is submitted that in the light of the case and the strong religious conviction of the Hutterian Brethren, that without amending the law the agreement of settlement should be amended to reflect the fact that for purposes of the Canada Pension Plan, the employment of the Hutterites is as a Member of a religious order who has taken a vow of perpetual poverty and whose remuneration is paid either directly or by him to the Order.

The petition of the Hutterites did gain some sympathy among officials in Ottawa. (67) However, instead of a change in the tax agreement with the Hutterites, there was a breakthrough for legislative change. It came late in 1971, following further meetings of the Mennonites of Ontario with the new Revenue Minister, Herb Gray. The critical meeting took place on December 7, 1971. Mr. Gray listened to their submissions at length and then said that he deeply appreciated the position of the Old Order people and that it might be possible to bring the matter to the Cabinet for reconsideration even without first consulting the provinces. (68) The Mennonites were impressed, saying that Mr. Gray was "the first person to give serious consideration to the religious aspect of the problem". (69) Less than two weeks later the Government announced that it would bring in an amendment to the Canada Pension Plan Act to accommodate the Amish and Old Order Mennonites and also the Hutterites. A press release on December 24, 1971 stated that the Canada Pension Plan would be amended so as to exempt self-employed members of religious sects where "it is established that the compulsory feature of the Plan is in conflict with the

religious tenets of the "sect" and where "the religious sect meets certain criteria". (70) In explaining this further the press release stated:

A sect seeking exemption under this amendment would be required to establish that it has been in existence for a number of years, has established tenets and teachings in opposition to the receipt of benefits from a private or public insurance scheme which makes payment in the event of death or retirement and has, as a practice, made provision for its dependent members which is reasonable in view of their general level of living. Where a sect qualifies for exemption each individual member of the sect would be required to apply for exemption.

The press release also noted: "Similar exempting provisions have been a part of the United States Social Security legislation for many years."

E. Debating The Promised Amendment In Parliament

Even though the government, in December of 1971, made a commitment to amend the Canada Pension Plan Act so that the Hutterites and Old Order Mennonite groups could be exempted, it was to be another three years before the amending bill would be passed in the House of Commons. In May of 1973 an amending bill was approved by the cabinet. On June 4, it was brought into the House of Commons as Bill C-190 and the debate began on July 20, 1973. More than a dozen Members participated. Most were with the Progressive Conservative Party although several members of the New Democratic Party also spoke. A survey of their speeches reflects the many perspectives from which the issue was perceived.

The first Member to speak on the bill was Stan Schumacher, a Progressive Conservative from an Alberta constituency. He opposed the amendment because of the special privilege that it conveyed, stating: "any piece of legislation that is of general application should be applicable to everybody... I really do not see why those of us who do not support the Canada Pension Plan cannot be exempt from it if various other groups and organizations can be, as proposed by this legislation". (71) He also held that the premiums were "a form of taxation" and said that "if the proposed amendment is carried, the Mennonites and Hutterian Brethren will not be contributing to the general welfare of Canada in the way I believe the majority of the people of Canada expect them to". He expressed sympathy for the principle of conscientious objection but felt that that principle was not at issue here. Another Progressive Conservative speaker, Perrin Beatty who represented an Ontario constituency with "perhaps a greater proportion of people who will be affected by this bill than any other constituency in Canada" supported it strongly and said it was "basic to the principle of freedom for religion". (72) Douglas Roche of the same party but from an Alberta constituency also supported the bill for reasons of religious freedom. (73)

New Democrat, Stanley Knowles from Winnipeg saw the question as a clash between two important principles: that of freedom for religion and that of universality in social welfare programs. (74) He then referred to the persuasive efforts of his colleague Max Saltsman and said: "despite my tendency to

put the greater weight with... (the) principle of universality, I am not opposed to this bill". Fred McCain was not persuaded to depart from the principle of universality. He also said that the people might eventually need the help of the Canada Pension Plan even though now they did not think so. (75)

The strongest opposition came from Jack Horner, then with the Progressive Conservative party, representing a rural Alberta constituency. (76) He held that Canada Pension Plan premiums were like a tax and that no exceptions should be made in the obligation to pay them. He argued that taxes were necessary for the common good and referred to one study of the Hutterites which stated: "No loyalty to the country in which they live is acknowledged by the Hutterites, ... responsibilities of citizenship are not accepted even by those born in the country". He said that ordinary farmers had great difficulty competing with Hutterites and that many of these farmers would also like to be exempted from the Pension Plan, albeit for other reasons. Why should the requests of others not be granted, he asked since, in his words: "giving everybody equal treatment is what democracy is all about, not the granting of privileges to some and the withholding of privileges from others".

A Maritime Progressive Conservative, Heath Macquarrie, spoke at some length in favour of the bill. (77) Referring to the Mennonites and the Hutterites, he said:

these remarkable people have been able to carry through that familial affection and have been able to make adequate provision for an extended family. They have been able to retain their values, their

moral code and at the same time be productive citizens. . . . They work the soil of Canada and make it produce. They bring forth good crops from the providence which has been given to all of us.

He also pointed out that these groups were conscientious objectors in terms of war and said: "I think in countries that are thoughtfully democratic we recognize that even the right to bear arms need not be forced upon people." He concluded by saying: "I know how long these people have pled their case, how carefully and thoughtfully they have put it forward, and I would like them to know that I am delighted that they have been given this measure of adjustment, this reasonable acceptance of their reasonable proposition."

Max Saltsman, of the New Democratic Party and from an Ontario constituency, and who in every session of Parliament in the preceding four years had introduced a private member's bill with objectives similar to this government bill, reviewed some of the background developments and then dealt with several of the arguments which had been made against it. (78) He referred to the willingness of the Mennonites to pay an amount equivalent to the Pension Plan premiums to a charity or even to a government social welfare program, and described this as "the Mennonite test", because it demonstrated that "their objection is one of principle and not of pocketbook". He was confident that few other groups would meet this standard and that, therefore, to pass this bill would not "open the flood-gates" for others to gain exemption.

Saltsman proceeded, in more general terms, to deal with the question of whether passing this bill would undermine the

principle of universality in social legislation. In his words:

I suggest that universality can in fact be strengthened by making certain well-defined exemptions. Of course, if there were widespread exemptions universality would be destroyed. The great criticism against universality is...that when you force all people into the same position or pattern, while there is a kind of equity in doing that there is also the possibility of some injustice being created in the process. If an exemption can be made in a specific, proven, well documented instance, then universality is strengthened because the small element of injustice that might be present is removed. I suggest that by granting this exemption from the Canada Pension Plan ...the universality of the plan will be strengthened. There is no danger to the plan.

He explained and supported the position of the Mennonites and Hutterites in holding that the Canada Pension Plan was an insurance program. If it were an ordinary social welfare program then he would be opposed to granting exemptions, he said.

Saltsman also pointed out that when these groups had moved to Canada there had been a promise that they would be allowed to live according to the teachings of their religion, differently from the people around them and, in his view: "to the extent that it is possible for a changing society to honour that kind of guarantee we should do so".

In spite of Saltsman's strong support, Thomas Barnett of British Columbia remained unconvinced. He questioned the distinction that had been made between Canada Pension Plan premiums and ordinary taxes and expressed concern about "the provision for opting out", fearing that it "embarks us upon a slippery path...". (79)

Another supporter of the bill was Tory, Jake Epp. He represented a Manitoba constituency with a number of Hutterite.

colonies. He began his speech by challenging the statement made by Jack Horner that the Hutterian people were not loyal citizens.⁽⁸⁰⁾ He explained that their first loyalty was to their religious precepts but that this "does not mean that they are not loyal citizens". He also challenged the argument of universality by pointing out that the Canada Pension Plan had never been universal because from the beginning it had "clearly exempted groups of people who are members of religious orders and who took the vow of perpetual poverty. It also exempted those who were church employed." He felt that the Hutterites should have been exempted under these existing provisions and that the amending legislation was simply a way of ensuring it.

Epp's most basic concern was the principle of freedom for religion. He referred to the provisions for freedom of religion in the Bill of Rights and in the promises given to these groups when they had entered Canada. He then pointed out that an individual participating in the Canada Pension Plan would build up a "personal equity" and that this violated the basic tenets of the Hutterite religion. He also pointed out that the Hutterites took responsibility for their own people and said: "I do not believe that...we must provide them with security by legislation."

Another supporter was Bill Jarvis, a Progressive Conservative member for a southern Ontario constituency with many Old Order Mennonites.⁽⁸¹⁾ He expressed gratitude for the opportunity to speak in favour of the bill, stating: "From time to time, and probably on too rare occasions, we in this

House have the opportunity of expressing that which is in the hearts and consciences of one of our minority groups. I suggest to Your Honour that Bill C-190 affords us such an opportunity." He said the desire of these groups to be exempted was not based on pecuniary gain, pointing out that they were already paying for a variety of welfare programs, provincial and federal, from which they were not accepting benefits. He was disappointed that it had taken the government so long to bring the bill before the House and expressed "doubt that we would even have this legislation now had it not been for the minority position of the government resulting from the election last October".

The debate in the House of Commons ended with some brief remarks by the Honourable Marc Lalonde, Minister of National Health and Welfare. (82) He referred to the commitment made in December of 1971 stating: "the government believed then, as it does now, that the Canada Pension Plan, in its present form, places an unintended penalty on these groups for the practice of their own particular religions."

The bill then went to the Health, Welfare, and Social Affairs Committee. (83) Some details received closer attention there and the Mennonite groups were invited to appear before the Committee but few significant new arguments were made. In the Spring of 1974, in a new session of Parliament, the provision came before the House of Commons again. Jack Horner made one further effort to stop it. (84) However, on November 7, 1974, when the provision came as part of bill C-22, it was finally passed.

Soon thereafter forms were prepared whereby individuals in these sects would apply for exemption. On the application forms they would indicate that in keeping with the established tenets and teachings of the sect of which they were members, they were "opposed to acceptance of the benefits of any private or public insurance program which makes payments in the event of death, disability, old age or retirement".⁽⁸⁵⁾ The application forms were counter-signed by an authorized spokesman of the sect. The authorized spokesman was required, in turn, to provide documentary evidence to show that the sect was indeed opposed to acceptance of benefits from insurance programs, that it made reasonable provision for its dependent members, and that it had been in existence and had held to these positions on January 1, 1966 when the Canada Pension Plan first took effect.⁽⁸⁶⁾ The arrangements were satisfactory. The exemption was secure.

F. Conclusion

The issues which are raised in this encounter are basic to the larger study. The Mennonites and Hutterites wanted a broad liberty. They wanted freedom not just to believe and to worship but to follow a particular way of life different from that of the larger society. The government had to deal with the question of whether it would give them the liberty necessary for doing so.

The way of life which the Mennonites and Hutterites wanted to pursue was one in which they would care for the material

needs of the people in their communities. This was an integral part of their religious life. To delegate this responsibility to the government in the way that the Canada Pension Plan implied would, they believed, weaken their communal bonds, violate what they understood as Biblical teaching, and lead them away from their tradition. Because of this they wanted to be exempted from the Plan.

The government argued, however, that to exempt them would be an unacceptable violation of the principle of universalism in social welfare. It held this position for many years. Messrs. Benson, Pearson, Côté, Trudeau, and others used it as an explanation. Basic to this explanation, however, was a narrow view of freedom for religion. This was not articulated until one Mennonite leader asked Mr. Trudeau to set forth his view of freedom for religion. When Mr. Trudeau responded he said that it meant that people were free to believe, to worship, and to belong to a church of their choice but not necessarily to pursue a way of life different from that of the larger society. He said that if people's religion led them to a different way of life and if the larger society prohibited them from following it, which was the case in this encounter, such a prohibition did not constitute a violation of the principle of freedom for religion.

Mr. Trudeau's view of freedom for religion, emphasizing the narrower "belief and worship" dimension rather than the broader "way of life" dimension, is not unique. It is evident also in other encounters. In the Hutterite land controversies when the Hofer case was heard by the Supreme Court, Justice

Pigeon in a dissenting judgement said "the proper legal conception of religion...is limited to what is commonly so considered...". He then held the individual's freedom to choose his religion, and also to change it, as more important than the way of life of the Hutterites as a group. In the Mennonite school controversies, when Saskatchewan's Premier Martin said he did not see how the government's policies could be said to interfere with their religion he indicated that in his view religion was more a belief than a way of life. In the first decade of the century when the government reclaimed a large portion of land held by the Doukhobors, in part because of its antipathy for their communalism, it still assured them of freedom for their religious beliefs. For the Doukhobors religion included their communal way of life.

Another dimension of this is that the narrower view of freedom for religion seems to be accompanied by a majoritarian view of government, that is, that the government is to serve the majority in a relatively unqualified way. This too is evident also in other encounters. Among them, again, is the Doukhobor land controversy. The official announcement of 1907 stated: "The government of Canada is the majority of the people of Canada and when the majority of the people say that the Doukhobors must not be allowed to hold land without cultivation any longer, the government must obey...". In 1970 Mr. Trudeau said: "The morals of this small minority are in direct conflict with the scheme of social welfare which the governments of today have adopted in order to serve the communities better,...when

the government adopts laws which are good for the majority I don't think that freedom for religion permits people from opting out...". It can be noted, in fairness to Mr. Trudeau, that in other settings he has defended the rights of minorities more strongly.

When the Canada Pension Plan debate moved to the House of Commons these arguments were dealt with further and some new ones were raised. Jack Horner argued against exempting these groups on the ground that: "giving everybody equal treatment is what democracy is all about, not the granting of privileges to some and the withholding of privileges from others". He also argued that the Canada Pension Plan premiums were like taxes and necessary for the common good. In a similar way Stan Schumacher said: "Any piece of legislation that is of general application should be applicable to everybody... (and) if the proposed amendment is carried the Mennonites and the Hutterian Brethren will not be contributing to the general welfare of Canada in the way I believe the majority of the people of Canada expect them to". The argument that exemptions of this nature are against the principles of democracy had also appeared in earlier encounters.

Of more importance in the parliamentary debate is the way the principle of universalism in social welfare and that of freedom for religion were dealt with. A number of Progressive Conservatives including Messrs. Beatty, Roche, Epp and Jarvis supported the Bill on the grounds of freedom for religion. However, their sympathy for this may have been helped by the

fact that the Progressive Conservatives did not generally favour the principle of universalism in social welfare. Stanley Knowles of the New Democratic Party saw the problem as a clash between these two principles. He was inclined to give universalism priority over that of freedom for religion but decided, perhaps because of the persuasiveness of his colleague Max Saltsman, not to oppose the amendment.

The arguments of Max Saltsman are especially significant. He supported the principle of universalism but held that exempting these groups would not violate that principle. He said:

"When you force all people into the same position or pattern, while there is a kind of equity in doing that there is also the possibility of some injustice". He then suggested, "that universality can in fact be strengthened by making certain well-defined exemptions" and thus removing "the small element of injustice that might be present". In order to make the exemptions "well-defined" Saltsman used what he described as "the Mennonite test". By this he meant that by offering to pay the same amount of money into a different governmental social welfare program they had shown that for them it was not a matter of pecuniary gain. Saltsman's "test" was not accepted but the amending bill made the exemptions "well-defined" in a different way. It restricted eligibility to those groups who had been in existence for some time, whose religion had prohibited participation in insurance plans already before the Canada Pension Plan came into force, and who provided for their dependent members by other means. Several of these criteria are similar to those in the early provisions for military exemption.

In addition to these various arguments about the validity of exemption it is necessary to refer to the process whereby it was sought. These groups based their appeals not so much on broad principles of political theory as on the fact that historically, British and Canadian governments had given them a broad liberty. The Mennonites referred to William of Orange and William Penn and said that when their people had first come to Upper Canada they had been assured of freedom to practise their religion. The Hutterites quoted from an 1899 letter in which the Canadian government stated: "There will be no interference with their living as a commonwealth...". They also pointed to the promise of freedom for religion set forth in the 1960 Canadian Bill of Rights. More basic than these points of argumentation is their almost unshakeable conviction that their way of life was right for them and that the Canadian government should permit them to follow it. Without this conviction they would not have been so persistent.

In their efforts to persuade the government of their claim they relied most on the direct appeal. They made appeals to the Ministers of National Revenue and National Health and Welfare and also to the Prime Minister. When these were rejected they made further appeals. In March of 1970 when Jean Pierre Côté, then Minister of National Revenue, explained that the Cabinet had considered the matter at length and had decided not to exempt them, the Hutterites made another appeal within a few days. Both groups were very persistent. Nor did they refrain from publicity. Indeed, the Ontario groups, sensing a sympathetic

public, cooperated willingly with newspaper reporters. They saw this as part of their effort to have the government change its views.⁽⁸⁷⁾ It may partially explain the support which they received from the Kitchener Chamber of Commerce, from members of the public who wrote letters to the government on their behalf, and from Member of Parliament, Max Saltsman. In 1971 after Herb Gray had become Minister of National Revenue they also found sympathy in that strategic portfolio. These factors contributed to the eventual success of the cause.

The success demonstrates a significant flexibility in the Canadian political system. Yet it came in a way that is almost accidental. If Max Saltsman had not been a Member of Parliament, if Herb Gray had not been Minister of National Revenue, and if the Liberal government had not been in a minority position, then they might not have been successful. That a liberty so important to these groups came by a process that is somewhat accidental does not reflect positively on the readiness of Canada to accommodate such groups.

FOOTNOTES TO CHAPTER X

1. Allan J. MacEachen, Minister of National Health and Welfare, "Annual Report; Canada Pension Plan, year ended March 31, 1966", Queen's Printer, Ottawa, 1967, p. 7.
2. Ibid.
3. It can be noted that about 50 Mennonite families in northern Alberta also opposed the Canada Pension Plan. It was one more element prompting their emigration to Bolivia. Interview with Peter Janzen, a teacher in northern Alberta, July 4, 1979.
4. Letter, signed by Edward Bauman, Joseph N. Jantzi and Noah B. Martin, and others, addressed to the Honourable Allan J. MacEachen, Minister of National Health and Welfare, dated April 25, 1966, Mennonite Central Committee (Ontario) files, hereinafter referred to as MCC (Ontario), 50 Kent Street, Kitchener, Ontario.
5. Letter, E.J. Benson, Minister of National Revenue, to Mr. Elven Shantz of MCC (Ontario), August 4, 1966, MCC (Ontario) files.
6. Letter, Elven Shantz, to E.J. Benson, August 19, 1966, Private Papers of Elven Shantz, Kitchener, Ontario.
7. The Canada Pension Plan Act, 13-14, Elizabeth II, chapter 51.
8. Letter, E.J. Benson to Elven Shantz, September 8, 1966, MCC (Ontario) files.
9. Letter, signed by Elam S. Martin, Edward M. Bauman, Amsey Martin, and Amos Albrecht, addressed to the Right Honourable Lester B. Pearson, Prime Minister of Canada, dated October 27, 1966, PAC, Ministers Office files, Box 15, file 32, 8-2, "Mennonites (Amish) and Hutterian Colonies re CPP" 1966-1971.
10. Letter, Lester B. Pearson to Elven Shantz, November 10, 1966, MCC (Ontario) files.
11. Letter, Elven Shantz to the Right Honourable Lester B. Pearson, October 27, 1966, PAC, op. cit.
12. Letter, Elven Shantz to the Right Honourable Lester B. Pearson, December 7, 1966. Ibid.

13. Letter, James Schofield of the Kitchener Law Firm of Bray, Schofield, MacKay and Kelly, to Elven Shantz, January 6, 1967, Elven Shantz; Private Papers.
14. Memorandum, Re: The Canada Pension Plan and Religious Freedom, from J.E. Lang to Schofield, Elven Shantz Private Papers.
15. Ibid.
16. Minutes of the Special Meeting of the Provincial and Federal Affairs Committee (of the Kitchener Chamber of Commerce) with Representatives From The Old Order Mennonite and Amish, ... April 13, 1967, MCC (Ontario) files.
17. Letter, Elven Shantz to Right Honourable Lester B. Pearson, Prime Minister of Canada, April 13, 1967, Elven Shantz Private Papers.
18. Letter, A.G. Bramford to the Right Honourable Lester B. Pearson, April 17, 1967, MCC (Ontario) files.
19. Letter, S.M. Horst to "Kind Friend", June 24, 1967, MCC (Ontario) files.
20. Letter, Lester B. Pearson to Elven Shantz, May 8, 1967, Elven Shantz Private Papers.
21. Letter, Elven Shantz to E.J. Benson, May 19, 1967, MCC (Ontario) files.
22. Letter, E.J. Benson to Elven Shantz, June 6, 1967, MCC (Ontario) files.
23. Letter, Elven Shantz to C.L.R. Gray, Unemployment Insurance Commission, 25 St. Clair Avenue, Toronto, February 23, 1967, MCC (Ontario) files. The form letter of the same date is in the same files.
24. A form letter addressed to Mr. L.B. Ross, Accounts Section for Director Taxation 1. Re: 1966 Assessment, in MCC (Ontario) files.
25. Letter, Amos W. Brubacher to Department of National Revenue, (Attention: Mr. F.B. Bermon) July 24, 1967, MCC (Ontario) files.
26. Tax notice, Department of National Revenue to Joseph Stoll, June 23, 1967, David Luthy Papers, David Luthy, R.R. # 4, Aylmer, Ontario.
27. A form letter addressed to Department of National Revenue, Taxation Division, David Luthy Papers.

28. Kitchener-Waterloo Record, August 14, 1967.
29. London Free Press, August 18, 1967.
30. Ibid.
31. Letter to the Editor by David Wagler, August 19, 1967, David Luthy Papers.
32. Letter, David Wagler, dated August 22, 1967, David Luthy Papers.
33. Letter, P.J. Fleming, Director Taxation Collections, London, to David L. Wagler, David Luthy Papers.
34. Letter, F. Keith Staebler, President, Kitchener Chamber of Commerce to the Honourable E.J. Benson, October 11, 1967, MCC (Ontario) files.
35. Ibid.
36. A brief entitled, "The Old Order Mennonite and Amish Basis of Objection to Government Sponsored Social Security Programs", dated October 16, 1967, Kitchener, Ontario, Elven Shantz Private Papers. The brief was also carried in full in The Canadian Mennonite, October 31, 1967.
37. Minutes of the meeting entitled, "Representation To Mr. Benson, Minister of National Revenue, The Commonwealth Room House of Parliament", October 16, 1967, MCC (Ontario) files.
38. Letter, Elven Shantz and Douglas Snyder to Mr. Fleming, Department of National Revenue, London, Ontario, October 19, 1967, MCC (Ontario) files.
39. Letter, David Wagler to P.J. Fleming, Department of National Revenue, London, Ontario, January 25, 1968, David Luthy Papers.
40. Memorandum of W.J. Trudeau, February 12, 1969, PAC, Ministers Office files, Box 15, file 32-8-2, "Mennonites (Amish) and Hutterian Colonies re CPP", 1966-1971.
41. Letter, F. Keith Staebler, President, Kitchener Chamber of Commerce, to the Honourable John C. Munro, Minister of National Health and Welfare, January 14, 1969, MCC (Ontario) files.
42. Letter, Douglas Snyder, Executive Director, MCC (Ontario) to Mr. Ed. Good, Member of Provincial Parliament, Toronto, Ontario, May 7, 1969, MCC (Ontario) files.
43. Press Release, New Democratic Party, April 25, 1969, "Bill to Amend the Canada Pension Plan - presented by Max Saltsman" (The Bill was C-190, First Reading, April 25, 1969).

44. Memorandum, signed by Jean-Pierre Coté, February 21, 1969, PAC, op. cit.
45. The Agreement regarding Income Tax and the related negotiations are described at length in Chapter XI of this study.
46. Letter, James A. Robb of Stikeman, Elliot, Tamaki, Mercier and Robb, Montreal to Department of Justice, Ottawa, (Attention: G.W. Ainslie) January 6, 1967; Fletcher, Baker and Wolchock files, Winnipeg. (Hereinafter referred to as the Baker files.)
47. Letter, James S. Robb to Roy H.C. Baker, January 16, 1967, Ibid.
48. Letter, Roy Baker to Messrs. Stikeman, Elliot and Co. (Attention: James A. Robb) March 28, 1968, Ibid.
49. Letter, James A. Robb to Roy H.C. Baker, April 1, 1968, Ibid.
50. Letter, Roy Baker to Messrs. Stikeman, Elliot and Co. (Attention: James A. Robb) March 28, 1968, Ibid.
51. That they made the appeal early in 1969 is referred to in a document dated August 1969, entitled, "Submission On Behalf Of The Members Of The Hutterian Brethren Church of Canada For Exemption Under The Canada Pension Plan", p. 6, The Papers of Rev. Jacob Kleinsasser, Crystal Springs Hutterite Colony, St. Agathe, Manitoba. (Hereinafter known as the Kleinsasser Papers) The early 1969 submission is probably the one entitled, "Memorandum Of Fact And Law To Be Attached To And Forming A Part of the Appeal of Jacob Kleinsasser Under The Canada Pension Plan Section 28 (1)". It is not dated. The Kleinsasser Papers.
52. Submission On Behalf Of The Members Of The Hutterian Brethren Church Of Canada For Exemption Under The Canada Pension Plan", p. 6, op. cit.
53. Ibid.
54. Ibid.
55. Letter, Mark G. Smerchanski, M.P., to the Honourable John Munro, October 10, 1969, PAC, op. cit.
56. Memorandum, Ian Howard, Executive Assistant to the Minister of National Health and Welfare, to J.A. Blais, Director General, Income Security, April 30, 1969, Ibid.
57. Memorandum, W.J. Trudeau, Director, Canada Pension Plan, to J.A. Blais, Director General, Income Security, April 21, 1969, Ibid.

58. Memorandum to the Cabinet, Canada Pension Plan Exemption From Coverage On Religious Grounds, signed by Jean-Pierre Coté, Minister of National Revenue, October 10, 1969, Ibid.
59. Supplementary Memorandum to the Cabinet, Canada Pension Plan, Exemption From Coverage On Religious Groups, Signed by Jean-Pierre Coté, Minister of National Revenue, November 14, 1969, Ibid.
60. Letters, from Jean-Pierre Coté, Minister of National Revenue, to Elven Shantz, Kitchener, Ontario, and to James A. Robb, Montreal, March 16, 1970, MCC (Ontario) files and the Kleinsasser Papers, respectively.
61. Transcription of meeting between MCC (Canada) delegation and Prime Minister Trudeau, Winnipeg, March 20, 1970, Mennonite Central Committee (Canada) files, Winnipeg, Manitoba.
62. Ibid.
63. Letter, Rev. Jacob J. Waldner, For the Hutterian Brethren Church Lehrer-Leut group, to the Honourable Jean-Pierre Coté, Minister of National Revenue, with copies to John Munro, H.A. (Bud) Olson, and Mark Smerchanski, April 20, 1970, PAC, op. cit. The further efforts of the Mennonites are indicated in a letter from Elven Shantz to Jean-Pierre Coté, May 12, 1970. See Ian A. Hunter, op. cit., p. 203.
64. Letter, John Munro to Reverend Jacob J. Waldner, June 16, 1970, PAC, op. cit.
65. "Submission on Behalf of the Members of the Hutterian Brethren Church of Canada Relating to Exemption Under the Terms of the Canada Pension Plan", July 13, 1970, the Kleinsasser Papers.
66. Ibid.
67. Letter, James A. Robb to Roy H.C. Baker, September 14, 1971, the Baker files.
68. Memo of the Meeting with the Honourable Mr. Herb Gray, [Parliament Buildings, Ottawa, Tuesday, December 7, 1971, MCC (Ontario) files.
69. Ibid.
70. Press Release, Department of National Revenue, "Proposed Announcement Re Exemption From Canada Pension Plan Coverage On Religious Grounds", For release December 24, 1971, the David Luthy Papers.

71. House of Commons Debates, July 20, 1973, p. 5847.
72. Ibid., p. 5848.
73. Ibid., p. 5851.
74. Ibid., p. 5850.
75. Ibid.
76. Ibid., September 13, 1973, p. 6505.
77. Ibid., September 14, 1973, p. 6599.
78. Ibid., p. 6602.
79. Ibid., p. 6603.
80. Ibid., September 18, 1973, p. 6675.
81. Ibid., p. 6677.
82. Ibid.
83. House of Commons, Proceedings of the Standing Committee on Health, Welfare and Social Affairs, September 20, 1973, and October 18, 1973.
84. House of Commons Debates, April 18, 1974, p. 1544.
85. Form CPT 16, Department of National Revenue, Taxation, entitled "Application For Exemption From Coverage Under The Canada Pension Plan On Account of Religious Beliefs".
86. Form CPT 17, Department of National Revenue, Taxation, entitled, "Certification by an Authorized Spokesman of a Religious Sect Concerning Exemption From Coverage Under the Canada Pension Plan".
87. The Canadian Mennonite, Vol. 16, No. 11, March 12, 1968, as quoted in Ian A. Hunter, op. cit., p. 197.

CHAPTER XI: THE HUTTERITE INCOME TAX CONTROVERSY

A. The Problem And Its Background

The general problem of accommodating a group whose way of life is markedly more communal than that of the larger society is reflected in a particular way in the Hutterite tax controversy. The immediate problem was that the income tax laws designed for the larger society's way of life, were not well suited for the Hutterites. Unlike other Canadians, they held their property in common so they did not have personal incomes. Nor were their colonies like ordinary commercial corporations. They were not organized primarily for making a profit. Thus neither the personal income tax schedule nor that for commercial corporations was suited to their way of life.

The problem did not arise until 1960. At this time the Hutterites numbered about 9500 and their small colonies, each with about fifteen families, were located in all three prairie provinces.⁽¹⁾ They paid all their other taxes and they had a reputation of doing so in a prompt way but the government did not insist that they pay income tax. Many colonies filed statements which they calculated on the basis of the personal income tax laws, listing their total income, the expenses incurred in earning that income (not including personal expenses) and the statutory exemptions that would be available for their adults and children. In this way they were able to show that after the deductions and exemptions, "there is no tax to pay".⁽²⁾ The arrangement did not have official

status and not all colonies followed it and those which did, varied in their calculations. Nevertheless, Revenue Department officials agreed that there was little revenue to be gained. (3) The 1959 Alberta Hutterite Investigation Committee, after considering the matter, concurred with this. (4) And E.A. Fletcher of Winnipeg who had served as their lawyer since they came to Canada in 1918, advised them that their continuing refusal to take Family Allowances and Old Age Pensions would help to remove the suspicion that they were getting something for nothing. (5)

These words in their favour did not satisfy the critics who argued that the colonies were highly competitive commercial enterprises, that they created difficulty for other farmers, and that they should be taxed as corporations. Revenue Department officials disagreed, saying that the colonies were "exempt... because they were associations organized and operated exclusively for a purpose other than profit and no part of their profits was available for the personal benefit of any member of the association". (6) Others who were sympathetic pointed out that Hutterite land supported twice to three times as many people as that of other farmers and that the tax calculations which the Hutterites were making were fair and reasonable. (7)

These different views appeared quite often in public discussions in the prairie provinces. It was to be expected that eventually the government would have to express itself more firmly, either to endorse the existing practises or to call for new ones.

B. The Government Announces A New Policy

When some Members of Parliament, around 1960, made "vigorous representations" to the Minister of National Revenue about "the privileged tax status of the Hutterites", the Department reviewed the matter. It now concluded that "in practise Hutterite colonies operate farms as a business to produce profit and many of these farms do produce a profit". (8) As a result the Minister, the Honourable George Nowlan, made the following announcement in December of 1960:

the members of the Hutterite community in Canada and their corporations or colonies are properly liable to income tax and should comply with all the requirements of the Income Tax Act... In the calculation of the profits of the colonies or corporations, deductions will only be allowed for disbursements actually made for salaries and wages and the other expenses permitted by the Income Tax Act. ... In other words, the Hutterite Colonies and their members will be treated for income tax purposes in exactly the same way as other taxpayers. (9)

Not all the implications of this announcement were immediately clear although corporation tax was implied. Of special concern was the reference to salaries and wages. Clearly, the Hutterite colonies paid no salaries and wages to their people. Yet much money was used in providing food, shelter and clothing for them. Were it not for their communalism this would surely be paid out in the form of salaries. Now it appeared that the tax Department would assess them on a corporation tax basis and not even allow these expenditures as deductions.

If the implications of the announcement were not immediately clear, neither was the government's determination to

implement it. The file "remained in abeyance until subsequent to the Federal Election of 1962".⁽¹⁰⁾ However, there were discussions among officials and with Hutterite leaders. Also, lawyers for the Hutterites made representations about the problems involved. Gradually, the officials came to the view that it might be best to proceed with a test case. Accordingly they took steps to make assessments on two colonies on a corporation tax basis with the intent of placing the matter before the courts. In this way, it was expected, the basic question of how the tax laws should apply could be resolved. Hutterite lawyers, however opposed this method and early in 1963 when the assessments were made, they filed formal objections. This led to further reviews of the Minister's initial directive and of the situation in general. But in May of 1965 the Minister formally disallowed the objections in a new attempt to proceed with court action.⁽¹¹⁾ Hutterite lawyers then made further representations and proposed that an effort be made to reach a negotiated settlement. They wanted to avoid the delay and the risks of lengthy court proceedings, even though they felt optimistic about the final outcome. They also pointed out that a negotiated settlement might be in the government's interest too since a court ruling, even if it was favourable to the government, might have far-reaching implications for the tax status of religious institutions.⁽¹²⁾ The merits of their position were recognized by Revenue officials so they now agreed to negotiate.

At first, when the effort to find a negotiated settlement got underway the Revenue Department officials remained firm in the position indicated in the Minister's 1960 announcement that they would not allow deductions for the amounts used for the food, clothing, and shelter of their members, since these amounts were not paid out in the form of salaries. (13) This represented a very basic problem. In an effort to reconcile the Minister's directive with the Hutterite situation, a proposal was made whereby the by-laws of the incorporated colonies would be amended so that a colony would agree to pay a certain amount to its individual members, provided that the members agree beforehand to give back the full amount of that remuneration to the Church. This proposal was described in the following way.

The effect...will be that, for tax purposes, the Colonies have paid the Members remuneration which will be deductible to the Colony in computing its income and, at the same time the Members will have, by prior arrangement, donated the monies to the Church. There will be no physical receipt or handling of money by the Members since the Colonies will pay over the monies directly to the Church on behalf of the Members. (14)

The Hutterite colonies had strong reservations about this arrangement. Its suggestion of private property was too explicit. And the government was not enthusiastic about it either. (15) Instead, in the face of new political pressure, it considered once again the possibility of seeking a court judgement. But once again Hutterite lawyers intervened. (16) They asked that a further effort be made to find a negotiated settlement.

C. A Compromise Agreement With Some Hutterites

This further effort at negotiation led to success. Hutterite lawyers began by exploring an arrangement whereby the Hutterites would pay income tax at individual rates and then also be eligible for the normal deductions allowed for individuals. It would not require individual Hutterites to pay the tax but the colonies would calculate their liability on a "deemed individual income" basis. This arrangement had some individualistic dimensions but these were not as explicit as those in the earlier proposal. This new proposal was discussed at a general meeting on June 29, 1966 where some 45 Hutterite leaders from all three provinces attended. (17) They were told that the Hutterites in the United States paid taxes on such a basis. And their lawyers, who also attended, advised them that if this was rejected then the federal government might insist on taking the whole problem to court. In a significant decision, the leaders accepted the plan. (18) They also selected a delegation to go to Ottawa to discuss a settlement on these terms with the Minister. The Ottawa meeting took place early in July of 1966 and the Minister, it was reported, took the following view:

...that he had no interest in persecuting or attacking the Hutterites but was only interested in ensuring that the law which he was charged with administering was enforced. ...in view of the willingness of the Hutterites to pay tax on an individual basis, he was prepared to accept a form of settlement if it could be justified on a legal basis. (19)

The Minister's reference to the need for a firm legal

basis for whatever settlement they might come to had been a basic concern since the Department first raised the matter in 1960. Indeed, it was the lack of a firm legal basis for the earlier practises that had made them vulnerable to criticism. In order to make a settlement on this basis now, it was necessary to set forth the legal arguments as to why it would not be proper to tax the Hutterite colonies on a corporation basis. (20) It became the task of James Robb to make this argument. He did this in an elaborate memorandum noting that the Hutterite way of life, "has caused difficulty to several generations of lawyers...(and that) the principle of community of property (does) not have any real Anglo-American judicial parallel...". He then argued at some length that the concept of incorporation was not a true reflection of Hutterite life and that the "corporate entities...are artificial impositions on the traditional way of life of a Hutterite colony". They had incorporated, he said, in order "to simplify the acquisition of property and its transfer". Earlier, when they had bought land, it had often been purchased in the name of a senior member who had then "held it for the colony in a form of undefined trusteeship". When such "trustees" had died there had been a variety of legal complications. Because of these complications the Hutterite colonies had been advised to become officially incorporated. These reasons for incorporating, said Robb, gave support to his argument, "that the corporate form utilized by the Hutterites were forms of convenience

imposed upon them by legal circumstances over which they had no control and which forms bear little or no relation to the actual Hutterite way of life".

In developing the argument further Robb referred to the judgement in the case of Barrickman Hutterian Mutual Corporation v. Nault et al, (1939) S.C.R. 223, in which Chief Justice Duff had stated:

The Corporation (which takes the place of the former trustees) is simply the legal instrumentality by which this autonomous community of farmers manages under the law its affairs and those of its members (according to the plan of the community of property)...

Robb concluded by stating,

the purpose for which the corporations were created was not to carry on a business but...to replace trustees. The individual members of the Colonies have not the right to benefit by ownership in the land because of their religious commitment. They do have, however, the right to benefit from working the assets of each colony and directing the disposition of these assets. Such disposition does not take place in the formal corporate sense by way of dividends, wages or otherwise but in the application of the assets, usually for the establishment of another Colony. Under these circumstances, it is submitted that the corporations involved are not the persons beneficially interested in the property and that in the first instance the persons interested are the individual members of the Colonies themselves.

On this basis Robb proposed that, "the corporate entities...be recognized as mere representatives of the Members of the Hutterite Colonies themselves", and that the tax assessments be calculated in terms of the situation of the individual Hutterites. To tax them as corporations, he said, would constitute a persecution of the Hutterites, who because of their religious

principles, ~~cannot give salaries~~ to their members and thus qualify for the normal deductions.

The arguments set forth in the lengthy memorandum against taxing the colonies as corporations were well received by officials of the government. They were willing now to negotiate an agreement. (21) However several significant questions remained. One question involved the relationship of the tax settlement to the Canada Pension Plan. The Hutterites did not want to be part of the Canada Pension Plan. Earlier in the negotiations a government official in Winnipeg had assured Roy Baker, a lawyer for the Hutterites, that "...under the Canada Pension Plan, the Hutterites...in view of their vow of perpetual poverty and the fact that no cash income is received, by any one of them, they are exempt". (22) As the negotiations progressed, however, the officials in Ottawa said that they could not exclude the Canada Pension Plan from the tax agreement, the legal situation being such "that if a person is subject to tax that person is subject to liability for the Canada Pension Fund." (23) Officials assured the Hutterites, however, that the agreement would not "affect the possibility of the Colonies approaching the Government in order to obtain a revision in Legislation" of the Canada Pension Plan. (24) Most of the Hutterites wanted to settle the tax issue in spite of this uncertainty about the pension problem. They would have their lawyers work on the pension issue as soon as the income tax problem was "squared away". (25)

Another significant question was who would sign for the Hutterites. When this was first raised, in March of 1967, government officials asked that a signature be obtained from every colony. Lawyers for the Hutterites stated that arranging this would be very complex. The officials then conceded that it would be adequate to have a signature from each of the three Hutterite groups, these being: the Schmiede-Leut group, most of whose colonies were located in Manitoba; the Lehrer-Leut group, with colonies in both Saskatchewan and southern Alberta; and the Darius-Leut group, whose colonies were located in central Alberta and Saskatchewan. (26) Now, however, some of the Hutterites hesitated about signing even though earlier they had approved of the approach.

When not all the Hutterites could be persuaded to sign, two of the three groups did so anyway. (27) (An excerpt of the agreement is reproduced in Appendix 20.) On November 6, 1968, the Minister of Revenue, the Honourable Jean-Pierre Côté, released a statement announcing that "An understanding has been reached with representatives of the Hutterian Brethren Colonies ...". In explaining how the Income Tax laws would apply he stated:

a Colony itself or a corporation in whose name the land or other assets are registered or held is not in receipt of any income, and hence is not taxable under the Income Tax Act, but each member of a Colony must include in his income for the purposes of the Income Tax Act his share of the profit attributable to the farming or business activities carried on by the Colony of which he is a member. Furthermore, it has been concluded that each member must compute his income in accordance with the provisions of the Income Tax Act which relate to the income

from a partnership carrying on the business of farming. (28)

The Minister stated correctly that the colonies would not be considered as corporations but his reference to individual Hutterites filing their own income tax was not correct. The colony leaders would do this for their members. They would take the colony's total income and divide it by the number of adult members. In this way they would arrive at what was referred to as a "deemed individual income". Those Hutterites who agreed to this did so "for income tax purposes only" they said. But some, namely the Darius-Leut, refused to sign. (29) They would challenge the Agreement in the courts. (30)

D. Other Hutterites Challenge the Agreement in the Courts

Even though the Agreement was signed by only two of the three Hutterite groups, the government proceeded to make assessments on the basis of the terms set forth in the Agreement, on all the Hutterites. (31) However, the Darius-Leut group, instead of responding by paying the taxes as assessed, set out to have the assessment set aside.

The effort to have the assessments declared illegal was not successful at first. When the case came before the Tax Review Board they argued that they should not be taxed because they did not receive any income. They said that the assets were owned by the Hutterian Brethren Church and were merely used by the members. In their words: "no individual member nor any person living in the Hutterian way of life derives any income or equities, or profit sharing or interest

in any way whatsoever of the Assets of the Hutterian Brethren Church, whether it be monetary or a physical Asset or dividends,...". (32) The Hutterites also referred to the vow taken by every individual upon joining the Hutterian Brethren Church. The vow consisted of an affirmative answer to the question: "Do you desire thus to consecrate, give and sacrifice, yourself, with soul and body and all your possessions to the Lord in heaven and to be obedient unto Christ and his Church?" Without an affirmative answer to this question, an applicant would not be accepted for membership. (33)

The government in turn argued that the Hutterites had very large farming operations and "that each member shares in the distribution of profits or benefits according to his needs or in equal measure with his fellow members" and that a colony's "income was divided between the members in nature or otherwise". (34) It argued further that the Hutterites were part of Canadian society and should support it with taxes, stating: "if a human being owes his life spiritually to God, materially he owes his wisdom, his activity, his work, his revenue not only to himself or to a group but to the Canadian society as a whole. The income tax is one way...to partake of the wealth of each for the good of all". (35)

The Tax Review Board on February 16, 1972 ruled in favour of the government. (36) The Hutterites then appealed to the Federal Court Trial Division and when the ruling there was handed down on November 19, 1973 it again favoured the government. The case was now known as the Wipf case and

the judgement for the Court, written by Justice Urie, was elaborate. Before rejecting the claims of the Hutterites, Urie, J. summarized the arguments set forth by counsel for the Hutterites in the following way:

(a) no income tax is leviable against any Hutterian Brethren because they are not in receipt of any income within the meaning of Sections 3 and 4 of the Income Tax Act,

(b) even if they are found to be in receipt of taxable income they are members of a religious order and had, as such, taken a vow of perpetual poverty. Therefore, the provisions of Section 27 (2) of the Income Tax Act apply and each is entitled to deduct from his income for the year an amount equal to his earned income since that amount had been paid to the Order.

(c) if, in any event, the income of a member is found to be taxable by reason of the provisions of the Income Tax Act, such provisions are inoperative because they are in conflict with the provisions of the Canadian Bill of Rights and in particular Section 1 (c) thereof in that its effect is to interfere with the Hutterites' freedom of religion. (38)

After identifying these arguments, Justice Urie dealt with each of them. On the first he held that the Hutterites were indeed earning income and were therefore taxable on that income even though they were not receiving it individually.

In his words: "the business of farming was carried on by the Plaintiffs in common with other members of their respective colonies under an agreement which operated as a disposition or assignment of the income earned by the Plaintiffs from such business, which income was for the common use and benefit of each member and therefore, the Plaintiffs were required to declare their aliquot share notwithstanding that it had not been withdrawn by them". (39)

To hold this position Justice Urie had to reconcile it

with two earlier Hutterite cases, that of Barrickman Hutterian Mutual Corporation v. Nault et al (1939) S.C.R. 223, and that of Hofer et al v. Hofer et al (1970) S.C.R. 958. In the Barrickman case the question had been whether a certain incorporated colony was a "farmer". It had been necessary to establish this if the colony was to qualify for certain benefits under the Farmer's Creditors Arrangement Act, 1934. In judging that case, Chief Justice Duff had noted that the Act whereby the colony in question had been incorporated in Manitoba had clearly stated the objects of the colony as being both to "carry on the Christian religion" and "to carry on farming". He had then ruled: "the members of the corporations are farmers...; the Corporation being the depository of the title to all the property and all the revenues of the community, which it holds and administers for their benefit. ...I can see no impropriety in designating it as a "farmer" as a "person" whose principal occupation is farming". (40)

To find, as Chief Justice Duff had found in the Barrickman case, that the Hutterites were farmers, gave considerable support to Justice Urie in finding now that the Hutterites were liable to taxation. However, it was more difficult to reconcile this with the Hofer case. In the Hofer case several Hutterites had left, (in one sense they had been expelled) and they then sought to obtain a share of the assets of the colony. They wanted a declaration to wind up the affairs of the colony and to have the assets distributed equally. The case eventually came to the Supreme Court which ruled in the

following way,

...notwithstanding the fact that the Interlake Colony was a prosperous farming community, it cannot be said to have been a commercial enterprise in the sense that any of its members was entitled to participate in its profits. The Colony was merely an arm of the Church and the overriding consideration governing the rights of all the Brethren was the fulfillment of their concept of Christianity. To the Hutterian Brethren the activities of the community were evidence of the living Church. (41)

The Supreme Court, in the Hofer case, ruled against the claims of those individual Hutterites who wanted to have the assets of the colony divided up. The Court interpreted the economic and commercial aspects of the colony to be secondary and derivative from the religious aspects which were held to be primary.

The ruling in the Hofer case seemed to support the current effort of the Darius-Leut Hutterites to argue that their colonies were primarily religious institutions and that therefore they should not be taxed. However, Justice Urie distinguished the Hofer case from the current one by noting that in the former, Justice Ritchie had said that a colony was not a commercial enterprise "in the sense that any of its members were entitled to participate in its profits". Justice Urie now interpreted this to mean that "an enterprise can be commercial and yet exclude the right of shareholders and others to participate in its profits". (42) On this basis Urie held that the Hutterite colonies were commercial enterprises and that the Hutterites were earning incomes. He ruled that they were taxable on these incomes even though they had "contracted

themselves out of the right to receive the share of the net profits to which they would have been otherwise entitled". (43)

The second argument of the Hutterites, namely that they were members of a religious order who had taken a vow of poverty, was set aside more easily. Justice Urie referred again to the distinction, evident in the constitution of the Hutterian Brethren church and in the incorporating statutes of the colonies, between the religious and the farming aspects of the Hutterite life. He then stated: "when an organization has both charitable and non-charitable objects it is deemed not to be a charitable entity for purposes of taxation". (44)

Further, he said: "I find that the main purpose for which the colony, as distinct from the Church, is constituted, both originally and at present, is farming, which farming is not just for the purpose of providing food for each member and his family but for profit". He then concluded: "Since the objects or purposes of each colony are not exclusively religious they cannot be, in my opinion, 'religious orders'". (45)

The third argument of the Hutterites was that the taxes were in conflict with the provisions of the Bill of Rights ensuring freedom of religion. Justice Urie summarized this argument in the following way: "it would seem to be based upon the view that if the Hutterites are forced to pay tax on income earned, it means that, in some mysterious way, they are being forced to accept income which their religious beliefs do not permit them to accept". (46) Urie set this aside with the statement: "The application of the Income Tax Act in no

way imposes any obligation upon the Hutterites to accept income. All that has been done is to enact legislation within the powers of the Parliament of Canada requiring the taxing authorities to tax the income earned by all Canadians including the Hutterites. This does not mean that there has been any deprivation of his freedom to practice the religion of his choice in the manner required by his Church...". (47) Justice Urie also noted that the traditional teachings of the Hutterite religion called for the payment of taxes except when they were demanded specifically for war purposes.

After this elaborate ruling from the Federal Court Trial Division, the Darius-Leut Hutterites appealed to the Federal Court, Appeal Division. This became a major turning point. The ruling on appeal was in favour of the Hutterites. (48) Justice Thurlow rendered this judgement and held that the Hutterites did not have a taxable income. He said that the assessments "treat the appellant as having been entitled to a share of the profits of the farming operation and they have been upheld on the view that the individual members of the communities, ... can be regarded as having been engaged in farming and entitled to an aliquot share of the profits of the operation". (49) He then stated: "I am unable to share this view". He said: "Neither the farming operations nor the profits therefrom are, in any relevant sense, those of the individual members of the communities". He explained: "Each appellant devotes his time and efforts to working on the farm of the community of which he is a member, but he owns nothing, he is entitled under the

arrangements to nothing, and he gets nothing...but subsistence ...". (50) Thurlow also referred to the Hofer case and, instead of distinguishing it from the current case as Justice Urie in the Trial Division had done, he found support for his ruling in its interpretation of a colony as being primarily of a religious character.

Justice Thurlow of the Federal Court, Appeal Division, was joined by Justice Ryan in rendering the judgement of the Court. Justice Ryan's reasons were similar to those of Thurlow. He challenged the judgement of Justice Urie of the Trial Division and specifically the assertion that the earnings of the colonies could be said to be those of the individual members and that even though the earnings were "assigned" to the colony they were to be used for the benefit of the members. Justice Ryan said "I am not in accord with this interpretation. ... Apart from the support, maintenance and other benefits they were to receive...the appellants agreed not to charge for their services; in other words, for these services they were to receive the stipulated benefits, nothing else. I therefore do not see what they had to assign...". (51)

After the Federal Court, Appeal Division, had ruled in favour of the Hutterites, the Government launched an appeal to the Supreme Court of Canada. However, on February 11, 1976 the Supreme Court dismissed the appeal stating simply "We agree with the judgement of the Federal Court of Appeal...". (52)

This turn of events in 1976 had very serious implications for the Government and also for the Schmiede-Leut and

Lehrer-Leut Hutterites who had been paying taxes faithfully since 1969. It appeared that they would not have had to pay taxes. In effect the agreement which they had signed in 1968, after long and tedious negotiations, was no longer valid. One official from the Department of Revenue was quoted as saying: "We are bound (by the Supreme Court) to withdraw from the agreement (with the Lehrer-Leut and the Schmiede-Leut)". (53)

Before long, however, the government had decided that it would try to retain the principles of the 1968 Agreement by amending the Income Tax Act and continue to tax the Schmiede-Leut and the Lehrer-Leut Hutterites on that basis, while proceeding against the Darius-Leut colonies on a corporation tax basis.

E. Court Rulings in Favour of the Government

The Government retained the basic principles of the 1968 Agreement by placing them in the Income Tax Act through an amendment early in 1977. (54) As a result, the Schmiede-Leut and the Lehrer-Leut groups continued paying taxes on approximately the same basis as they had since 1968:

For the Darius-Leut group, however, another chapter of conflict began. The government now took steps to assess them on a corporation tax basis. To this group of Hutterites this assessment was no more acceptable than that based on the 1968 Agreement. Moreover, if the corporation assessments were upheld then their tax burden would be extremely high. They might become bankrupt. Accordingly, they appealed the new assessment to the Federal Court, Trial Division. There Justice Mahoney

delivered a judgement, in December of 1978, in favour of the government, ruling that the colonies could be assessed as corporations. (55) He dealt once again with the question of whether the colonies were indeed commercial enterprises and acknowledged that none of the members were "entitled to participate in its profits" but held that each colony "was a commercial farming enterprise, employing up to date farming equipment and techniques and purchasing and marketing with a view to maximum profits".

Justice Mahoney also ruled against the claim that the assessment interfered with the Hutterites' freedom of religion, stating:

there is no evidence whatever that the assessments in any way affect the ability of an individual member to practice his religion as he chooses. Two of the witnesses, Bishop John K. Wulfz and Reverend John K. Hofer, said their sole objection to paying income tax was a matter of conscience: part of it...goes to war and preparation for war. The requirement that a corporation of which he is a member, pay tax which may be used for a purpose to which he, in good conscience, is opposed can, in no way, be considered as impinging on an individual's freedom of religion. (56)

Finally, Justice Mahoney set aside the claim that the Hutterite colonies were charitable institutions and as such exempt from taxes. To qualify as a charitable institution it was necessary to establish that no part of the income was used for the personal benefit of a member. (57) Justice Mahoney found that even though individual Hutterites were not receiving salaries, the income of a colony was nevertheless "applied for their personal benefit". He also pointed out that most of their activities which might normally be regarded as charitable were internal

and therefore lacked the element of "public benefit" necessary to be considered charitable in the legal sense. (58)

The judgement of the Federal Court Trial Division had serious implications for the 88 colonies of the Darius-Leut Hutterites. All would be bound by this judgement and the total sum which the government now had a legal right to collect was said to amount to \$37 million. (59) Instead of attempting to pay this they appealed to the Federal Court Appeal Division. But in December, 1979, that Court also ruled in favour of the government. (60) There were three judges but they dealt with only two questions. One was whether the activities of a colony were of a commercial nature. This they answered in the affirmative. Justice Pratte noted that one of the main activities of the colonies was to farm and that this was done for profit. As such he held that it was a commercial activity even though it was "carried on by persons believing farming to be the only activity compatible with a truly religious life and intending to use their income to assist their co-religionists". Mr. Justice Ryan, in support of this view, stated: "the business purpose of the corporation was not merely an aspect of a single overriding religious purpose. ...The motivation of the individuals who farmed may well have been religious. But the farming itself was conducted by the corporation as a business." The second question was whether the colonies, in the computation of their income, could deduct the market value of the labour donated by their members. This the judges answered in the negative. Justice Heald stated: "the appellant would

not be entitled to deduct from its net profit the fair market value of donated labour..." Justice Pratte said of a colony: "it has acquired no property from its members and has not received anything from them by way of gift."

The ruling of the Appeal Division against the Hutterites was a most serious blow. If they would have to pay taxes on a corporation tax basis then many colonies might go bankrupt. They considered the possibility of appealing the matter to the Supreme Court but after exploring this, they decided not to.⁽⁶¹⁾ Instead, they now became persuaded that they should attempt to negotiate a settlement on a "deemed personal income" basis, similar to that agreed to by the Schmiede-Leut and the Lehrer-Leut in 1968 and which since 1977 had been part of the Income Tax Act. Revenue Department officials proved accommodating even though they now had the legal right to extract considerably more revenue from the colonies. The negotiations, which involved the difficult question of how the tax arrears were to be calculated, took about one year. Early in 1981, a settlement was reached.⁽⁶²⁾

F. Conclusion

In reviewing this encounter, a number of things stand out. One is the fact that there was a problem and that it took so long to resolve it. This supports the conclusion reached in preceding chapters, that Canada's institutional framework is not well-suited for the communalism of these groups. Neither the personal income tax schedule,

nor that for corporation tax were well-suited for the Hutterite way of life. Lawyer James A. Robb observed at one point:

Since the Hutterian Brethren arrived on this Continent and, in particular in Canada in 1918, their way of life has caused difficulty to several generations of lawyers. ...the principle of community of property... (does) not have any real Anglo-American judicial parallel... (63)

Secondly, even though the efforts to resolve the problems took many years, it was concluded on a basis relatively favourable to the Hutterites. In one sense it was not a particularly broad liberty. The Hutterites had to pay income tax and they had to do so on a "deemed individual income" basis, which did not differ greatly from that required of other Canadians. However, in comparison to what the government could have done it was a broad liberty indeed. The government had the legal authority, as a result of the final court rulings, to tax them on a corporation tax basis. If it had done so the very high tax burden would have threatened the survival of the Hutterites. That the government chose not to do this reflects both an institutional flexibility and a general willingness to accommodate the Hutterite way of life.

Thirdly, even though there was flexibility and a favourable disposition, the encounter indicates that the state does set limits on freedom for religion. It did not exempt the Hutterites from the obligation to pay taxes. The Darius-Leut group tried this. They argued that their farming activities were an integral part of their way of life, that the primary characteristic of this way of life was religious, and that therefore they should not be taxed. The courts, however,

in holding that they were liable for income tax ruled that the farming activities were not of a religious nature, notwithstanding that the motivation might be religious and that the income might be used to help their co-religionists. By reserving the right to determine what constituted religion, these court rulings were similar to that of Justice Smith in the Perepolkin case involving Doukhobor school concerns. There Smith, J. stated: "I absolutely reject the contention that any group of tenets that some sect decided to proclaim form part of its religion thereby necessarily takes on a religious colour". Also, in the Hofer case, Justice Pigeon stated, albeit only in a dissenting judgement, that "the proper legal conception of religion...is limited to what is commonly so considered..." and that freedom for religion would be limited accordingly. These and other judgements indicate that the state reserves the right to set limits on freedom for religion.

Fourthly, even though the Hutterites may not have been eager to accept all the limits on their freedom set by the authorities, they demonstrated a significant measure of acceptance and trust towards the political system. This is suggested in the way that they used the established political channels. They retained prominent law firms, made strong representations, and resorted to court action with little hesitation. It is suggested also in the fact that the Lehrer-Leut and Schmiede-Leut groups signed the tax agreement in 1968, knowing that this meant participating in the Canada Pension Plan but believing that it would be possible to negotiate an

exemption from that Plan later on. Their attitude is evident also in their acceptance of the idea of a "deemed individual income" as a basis for settling the tax question. They would have preferred an arrangement which did not contain any reference to an individual income but they accepted this as a concession "in the spirit of public cooperation and tolerance". (64)

Finally, if this encounter, like others involving the Hutterites, was settled in a relatively satisfactory way, and if this suggests a basic acceptance by the larger society of their distinctive way of life, this can be explained in part by the fact that the Hutterites do not require liberties as broad as those sought by some Mennonites and Doukhobors. The terms of this tax settlement did not differ greatly from the arrangements by which other Canadians are taxed. In their land controversies, they were accommodated in part because their holdings were not much larger than those of other large farms. They were much smaller than those held by the early Doukhobors. And in their school concerns, they wanted a measure of separation but, unlike the conservative Mennonites and some Doukhobors, they were willing to learn English and to accept a degree of governmental control over the schools. In this sense, the liberties which the Hutterites needed for their way of life were not as broad. This makes the accommodation extended by the larger society more understandable.

FOOTNOTES TO CHAPTER XI

1. The population figure comes from Victor Peters, All Things Common: The Hutterian Way of Life, Minneapolis, Minnesota, University of Minnesota Press, 1965, p. 207.
2. The Calgary Albertan, "Hutterites and Income Taxes", an editorial, December 11, 1958.
3. Mr. Roy Baker, a lawyer for the Hutterites, in an interview with the writer, Winnipeg, Manitoba, December 11, 1979.
4. Alberta, Report of the Hutterite Investigation Committee, Government of Alberta, 1959.
5. Letter, James A. Robb of the law firm of Stikeman, Elliot, Tamaki, Mercer, and Robb of Montreal, to Roy H.C. Baker of the law firm of Fletcher, Baker and Wolchock of Winnipeg, January 16, 1967, and other letters, in the office files of Fletcher, Baker and Wolchock, Winnipeg, (hereinafter referred to as The Baker files.)
6. Letter, the Honourable John R. Garland, Minister of National Revenue, to Mr. Ray Woollam, September 26, 1963, as quoted in "Treatment of Hutterian Brethren by Provincial and Federal Governments - A Summary", a report prepared by Ray Woollam for the Minister of the Department of Municipal Affairs, Regina, Saskatchewan, October 1963.
7. The Calgary Albertan, "Hutterites and Income Taxes", an editorial, December 11, 1958.
8. "News Release, Department of National Revenue - Ottawa". This Release is quoted in Ray Woollam, op. cit.
9. Quoted in the News Release which in turn is quoted in the Woollam report, Ibid.
10. "Memorandum Re Implementation of Settlement, The Hutterian Brethren Church", March 31, 1967, the Baker files.
11. Ibid.
12. Letter, James A. Robb to E.A. Fletcher, February 11, 1966, Ibid.
13. "Memorandum Re The Hutterian Brethren Church", March 14, 1966, Ibid.
14. Ibid.

15. Letter, James A. Robb to Roy H.C. Baker, May 26, 1966, Ibid.
16. Ibid.
17. Minutes of a Meeting of the Hutterian Brethren Church of Canada, held at the Hutterville Colony at Magrath, Alberta, June 29, 1966, Ibid.
18. Ibid.
19. Letter, James A. Robb to Reverend Jacob Kleinsasser, July 14, 1966, Ibid.
20. "Submission of Fact and Law For Purposes of Settlement Hutterian Brethren Church of Canada, Test Case Appeals, Rock Lake and Hutterville Hutterian Brethren", September 26, 1966, Ibid.
21. Letter, James A. Robb to Roy H. Baker, October 12, 1966, Ibid.
22. Letter, James A. Robb to Department of Justice, (Attention: G.W. Ainslie), January 6, 1967, Ibid.
23. Letter, James A. Robb to Roy H.C. Baker, January 16, 1967, Ibid.
24. Letter, James A. Robb to Roy H.C. Baker, April 1, 1968, Ibid.
25. Letter, Roy Baker to Messrs. Stikeman, Elliot and Co., (Attention: James A. Robb), March 28, 1968, Ibid.
26. Letter, James A. Robb, to Roy H.C. Baker, March 21, 1967, Ibid.
27. Letter, Roy Baker to Messrs. Stikeman, Elliot and Co., (Attention: James A. Robb), January 8, 1968, Ibid.
28. "Statement By The Honourable Jean-Pierre Côté, Minister of National Revenue, Re The Application of the Income Tax Act to Hutterian Brethren Colonies in Canada", November 6, 1968, Mennonite Central Committee (Ontario) files, Kitchener, Ontario.
29. As told to the writer by Rev. Jacob Kleinsasser, leader of the Manitoba Hutterites, at Crystal Springs Hutterite Colony near Ste. Agathe, Manitoba, June 7, 1978.
30. Letter, Fred A. Stagg, Managing Director Alta-Ed Accounting Services Ltd., Edmonton, to Sam R. Kleinsasser, Hutterian Brethren of Sturgeon Creek Colony, Headingley, Manitoba, July 23, 1971, The Baker files, op. cit.

31. Letter, John R.V. Palmer, Special Assistant to The Minister of National Revenue to Roy H.C. Baker, July 25, 1973, Ibid.
32. Quoted in "Notice of Appeal of Judgement of Tax Review Board between John K. Hofer, Peter S. Tschetter, Jacob K. Wipf, Joseph K. Wipf, and John K. Wurz the Minister of National Revenue, Ottawa, February 16, 1972, Federal Court Registry Files, Ottawa.
33. Ibid.
34. Ibid.
35. Ibid.
36. Rev. J.K. Hofer et al v. Minister of National Revenue, 72 Dominion Tax Cases 1248; (1972) Canadian Tax Cases 2275.
37. Wipf et al v. The Queen, 73 Dominion Tax Cases 5558; (1973) Canadian Tax Cases 761.
38. Ibid.
39. Ibid.
40. Barrickman Hutterian Mutual Corporation v. Nault et al (1939) S.C.R. 223.
41. Hofer et al v. Hofer et al (1970) S.C.R. 958.
42. Wipf et al v. The Queen, 73 Dominion Tax Cases 5558; (1973) Canadian Tax Cases 761.
43. Ibid.
44. Ibid.
45. Ibid.
46. Ibid.
47. Ibid.
48. Wipf et al v. The Queen, 75 Dominion Tax Cases 5034.
49. Ibid.
50. Ibid.
51. Ibid.
52. The Queen v. Joseph K. Wipf et al, 1976 Canadian Tax Cases 57.

53. Lethbridge Herald, October 28, 1976.
54. The plan of the Government to amend the Income Tax Act is indicated in notes from a telephone call of March 23, 1976, from Roy Baker to Jim Gourlay, Head of Special Investigation, Department of National Revenue. It was a "conference telephone call" and seven Hutterite leaders and several accountants participated in the conference too. The transcript is in the Baker files. The plan of the Government is suggested also in a letter from J.A. Morrison, Director General Verification and Collections, Department of National Revenue, to Rev. Mike Waldner, Brandon, Manitoba, May 13, 1975, The Kleinsasser Papers, Crystal Springs Hutterite Colony, St. Agathe, Manitoba. The amending bill was Bill C-11 "An Act to Amend the Statute Law Relating to Income Tax and to Provide other Authority for the Raising of Funds...". This legislation is also referred to in an article by Arthur Drache in the Financial Times, April 16, 1977.
55. Hutterian Brethren Church v. The Queen, 1979 Dominion Tax Cases 5052.
56. Ibid.
57. Ibid.
58. Ibid.
59. The Ottawa Citizen, December 13, 1978.
60. Hutterian Brethren Church of Wilson v. The Queen, Federal Court Appeal Division, Judgement delivered on December 3, 1979, (1980) Canada Tax Cases 1.
61. As told to the writer by David Norris, Chartered Accountant of Laird, Sprague and Co., Brandon, Manitoba, in a telephone interview December 11, 1980. (Mr. Norris has done accounting work for the Hutterites for many years.)
62. As told to the writer by David Norris in a telephone interview on June 22, 1981.
63. "Submission of Fact and Law For Purposes of Settlement, Hutterian Brethren Church of Canada, Test Case Appeals, Rock Lake and Hutterville Hutterian Brethren", September 26, 1966, The Baker files.
64. Letter, Rev. Jacob J. Waldner to The Honourable Jean-Pierre Côté, Minister of National Revenue, April 20, 1970, PAC, Minister's Office files, Box 15, file 32-8-2, Mennonites (Amish) Hutterian Colonies re C.P.P., 1966-1971.

CHAPTER XII: CONCLUSION

There is no simple and precise way of describing the limits of liberty given to these groups during the course of their history in Canada. In some respects the liberties were fairly broad. The Hutterites survived and important accommodations were also made for Mennonites and Doukhobors. However, there were limitations. In school concerns, neither the conservative Mennonites nor the Doukhobors were permitted to continue in their course. This was true also of Doukhobor landholding practises. In addition to these limitations the liberties were generally marked by much uncertainty. There were many difficulties. They were not firm and secure.

Their experience, then, was ambiguous and the task of this chapter is to provide an explanation. This will be attempted, not on the basis of an elaborate theory, but by a discussion of the general contributing factors. These will be dealt with in terms of three categories. First are the conditions which prevailed at the time when these groups immigrated to Canada. These favoured the granting of generous liberties. Second are the values which became more dominant soon after their immigration and which were not sympathetic to the separate communal life desired by these groups. They contributed to many of the limitations and uncertainties. And third are other factors which, in spite of the unfavourable values, made a measure of mutual accommodation possible.

A. Early Factors Favouring These Groups

There can be no doubt that one major reason why these groups were given generous liberties relates to the conditions at the time of their immigration. Though they did not all immigrate at one time, nearly every instance coincided with a governmental desire to attract agricultural settlers to frontier areas. Late in the eighteenth century the frontier was in Upper Canada and when Mennonites and others from Pennsylvania who were interested in immigrating, asked for an exemption from militia duties, Sir John Simcoe, then Governor of Upper Canada, was quick in giving a favourable response. In a 1792 report to the Colonial Secretary in London he wrote: "There is every prospect of very great migrations taking place...and I have not hesitated to promise...exemption from militia duties..." (p. 28)*. In 1793, when the legislative assembly of the time passed a Militia Act, it included an exemption provision for Quakers, Mennonites, and Tunkers.

Late in the nineteenth century the frontier was on the prairies of western Canada and the attraction of settlers was one of the strongest concerns of the new Dominion. Thus when the government in the 1870's learned of the interest of the Mennonites in Russia it invited a delegation from them to visit Canada, it hosted them warmly, and it passed Orders-in-Council promising a number of liberties. In 1898 an Order-in-Council was passed for immigrating Doukhobors and in 1899 another was passed for the Hutterites. These Orders referred to these groups as "a most desirable class of settlers" and then stated among

* Bracketed page numbers refer to preceding pages of this study.

other things that "it is expedient to give (them)...the fullest assurances of absolute immunity from military service..."

(Appendices 2, 3, 4 and 5)

This practise of promising special liberties in order to attract agricultural settlers was not new. Rulers in central Europe responded in this way to Mennonites fleeing persecution in western Europe in the sixteenth and seventeenth centuries. And Russian rulers followed the pattern in the eighteenth century, not only for Mennonites and other Germanic groups but also for their native Doukhobors who were settled first in one frontier area and then in another. The practise resulted in a peculiar relationship for by making land agriculturally productive these groups were serving the governments from which they wanted to be separate. Woodcock and Avakumovic have written of one forced resettlement of the Doukhobors within Russia:

"Transcaucasia was, as Taurida had been forty years before, the new frontier, and the Doukhobors could once again serve...the very state against which they rebelled; they were later to do the same on the Canadian prairies and in British Columbia."

(p. 25)

There may have been other factors which prompted governments in Canada to grant liberties to these groups but the desire to attract agricultural settlers was clearly the main one. Many of the liberties were granted in the form of agreements. These did not cover all the concerns that would arise later, but to these groups they were important. They would refer to them when under new conditions their way of life was threatened.

B. Unsympathetic Values In The Larger Society

1. The Emergence of Unsympathetic Values

It was to be expected that the many immigrant groups would not be allowed to continue indefinitely as communities completely separate from the host society. However, the manner in which they were integrated marked the increasing dominance of a body of values which was not favourable to the separate communal life of these groups. The emergence of these values in the larger society is suggested already in the homestead system, set up for the western prairies soon after Confederation.

No longer would the government give large parcels of land to commercial companies who could then settle them in a manner of their own choosing. Instead, the land would be divided into small units which individuals could obtain almost free of charge on the condition that they reside on them and cultivate them.

It was a very elaborate scheme reflecting egalitarian and individualistic values. To a large extent it was borrowed from the United States and in Canada its strongest promoters were the Clear Grits.⁽¹⁾ Fortunately for the Mennonites and Doukhobors, the areas to which they went late in the nineteenth century were virtually vacant. This helped the government to make some of the modifications that they requested.

Also indicative of the new emerging order are the changes made during the 1870's and 1880's to the institutions of Manitoba. Many of these changes were the result of the large influx of Protestant settlers from Ontario. The system of representation which had carefully reflected the French Catholic and Eng-

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lish Protestant Communities was replaced by one based on representation by population. The French language, which had earlier enjoyed equal status in the courts and the legislature, was restricted. And in local government, the role of the church parishes was replaced by the municipal system which, according to W.L. Morton, flourished in "the atmosphere of secular and utilitarian democracy not in that of traditional, religious custom..."⁽²⁾

The new values also affected the educational system. It had once been assumed that each religious group would operate schools for its own people. Even the early efforts of the government had been intended primarily to support the schools in the Protestant and Catholic communities. But the newly arriving Ontario Protestant settlers wanted "free, secular public schools".⁽³⁾ They felt that "Manitoba must be made British and that a 'national' school system should be the agent to accomplish the task."⁽⁴⁾ They did not change the system immediately but before long they constituted a firm majority and late in the 1880's they gained a certain fervor. According to Morton: "in 1889 and 1890 the majority of the electorate and the legislature...were determined to abolish the...system of denominational schools and replace it with a system of 'national' schools on the American model".⁽⁵⁾

The change was profound. In some respects it was part of a much broader phenomenon. Morton has written:

It was...an age of nationalism, democracy, and public education. The new industrialism required national markets, the new industrial society hastened the spread of democracy, and the machine age demanded

general literacy. All these factors made for elimination of differences between peoples and classes, and for assimilation to a common standard. Nowhere was this more true than in the United States, which had become a melting pot of peoples. ...as English Canadians aspired to emulate the great material achievements of the Republic they assumed they must imitate the...social policies also. But the same factors were at work in Europe as well,...(6)

The similarity of these developments in English Canada to those in the United States may be due to more than a desire for material achievements. K.D. McRae has argued convincingly that English Canada in its political culture shares many of the values of Lockean liberalism, so strong in the United States.

In one passage especially suited to this study he states:

The English fragment in Canada is a liberal fragment of the American type,... (It) expects the immigrant to embrace its values and even harbors a visible resentment against the rare immigrant groups such as Doukhobors, Mennonites, and Hutterites that for religious reasons choose not to be integrated into the wider liberal society.(7)

The evidence of this study would support that view. As the liberal values of individualism, egalitarianism, integration, and majoritarianism became more influential it also became apparent that they were not in harmony with the way of life desired by these groups.

2. The Effect of the New Values on these Groups

Even though the new values would affect these groups in a serious way, this did not happen immediately. The 1890 abolition of the denominational school system in Manitoba still allowed the conservative Mennonites to operate private schools, with their own curriculum and in the German language. And the

less conservative Mennonites were pleased that the public schools allowed for a German-English bilingualism and for some teaching of religion. However, after the turn of the century, in the Doukhobor land controversy, the effect of the new values was more direct. One of the basic issues in that controversy was the communalism of the Doukhobors. Both the government and the surrounding population had become increasingly critical of this. Some of the criticism is understandable in light of the sizeable portions of the reserve which had not yet been cultivated. But there was also a strong bias towards individualism and assimilation. In 1905, one official said of the Doukhobors: "The individual homesteader has never been impressed with his rights as a settler nor his independence as an individual" (p. 118). In 1906, the special commissioner, Rev. John McDougall made similar criticisms in an even stronger way. Another official stated: "Doukhobors will need a constant watching until schools and contact with other settlers will transform them and make them think in the same way as an ordinary man does." (8) There was an assumption that the Doukhobors should be assimilated. And the regular homestead laws, to which the government would soon require firm adherence, were to serve this end. (9)

The government's 1907 statement, announcing its repossession of the land, is revealing. It says:

The Government is...very sorry to see that...the large majority of the Doukhobors still cultivate their land in common and refuse to become citizens of this country... The law is that a man must cultivate his own land or he cannot hold it. ...The majority of the people say that the Doukhobors must not be allowed to hold land without cultivation any longer, the Government must obey... (Appendix 10)

The government's simple statement as to what the law required is questionable in light of the Sifton concessions. Could the letter of an earlier Minister be so easily set aside? The announcement also stressed the importance of becoming citizens. This would appear in other encounters too. Also evident is a majoritarian ideology which held that government was to serve the interests of the majority in a relatively unqualified way. This view had been an important factor in the transformation of the Manitoba institutions referred to above and would continue to have effect. In light of this the comments of K.D. McRae are noteworthy. He has stated:

appeals to the majority principle can be highly dangerous, and special accommodatory devices may be needed for resolving inter-group differences. English Canadians collectively have never grasped this fundamental point. ... This majoritarian attitude... I suggest... is the damnosa hereditas of Anglo-American democracy and Lockean political theory and liberal society, though in fairness one must note its all too frequent appearance in other political traditions also. (emphasis in the original) (10)

If the Mennonites in the 1890's escaped the full effect of the new values, they were to meet them a quarter century later. The governments of both Saskatchewan and Manitoba had promoted public schools for some time but now the promotion efforts became stronger. In 1915, E.H. Oliver, Vice-President of the Saskatchewan Public Education League urged that such efforts be carried forward, "with an eye single to the good of the future Canadian citizenship..." (p. 234). The function of schools, he said: "must not be to make Mennonites, nor Protestants, nor Roman Catholics, but Canadian citizens." (p. 234).

In 1916, the Manitoba Minister of Education stated: "We are building for the Canada of tomorrow, and our common school is one of the most important factors in the work. In this Dominion we are building up, under the British flag, a new nationality... A grave injustice is being done to the children who do not receive a satisfactory education in English." (p. 214). In 1918, the Premier of Saskatchewan stated: "Whoever comes here must be given to understand that they must adopt our public school system and see to it that their children are given a proper appreciation of Canadian institutions" (p. 237).

It was to be a dramatic encounter. The Mennonites said they felt constrained by their religion not to delegate to the government the task of educating their children. They argued that their schools were well suited to their communal religious life in rural areas. They pleaded with the authorities to evaluate them by that standard. But the governments involved did not do so. Their course was more like that of the influential Manitoba Free Press which argued that "children are the children of the state of which they are destined to be citizens" and that the modern state is obligated to ensure that they receive an education to suit them for this. (p. 221). In Saskatchewan, one school superintendent called for "a more drastic compulsory system of education" with the argument that this "would not only be to the best interests of the newer generation of children on the reserve but to the best interests of the state as a whole..." (p. 236). The differences were sharp and the agreements of 1873 promising educational freedom

were of little value. In Manitoba a court ruled that the federal government, in making the agreement, had gone beyond its constitutional authority. And in Saskatchewan the Premier said: "It was unfortunate that they came here deceived by some document that they had from the Dominion government..." (p. 237). There were prosecutions and fines for a number of years. Eventually about 6,000 Mennonites moved to Latin America in order to continue in their desired way of life.

These values of the larger society are evident also in the long education controversies of the Doukhobors in British Columbia. The Doukhobors argued that the education received in public schools would alienate the children from their communities and set them on an "unreturnable journey"; that it encouraged a view of life based on expediency which in turn led to a readiness to exploit people; and that it nurtured militarism. (p. 284). The larger society, it appears, did not understand these arguments. For about half a century it worked at getting them to accept the public schools. Sometimes there was moderation and patience. At other times there was coercion on a broad scale. But the direction wavered little. It was towards assimilation. One observer has written: "from the time the Doukhobors arrived in British Columbia the government attempted to enforce uniform educational regulations". (p. 311).

The clash of values is evident also in the Hutterite land and education controversies in the middle decades of the twentieth century. On one occasion, in the mid-1930's, when it appeared that some Hutterite children might attend a nearby

public school, the teacher there spoke in favour of this, saying: "It is through the children that we will break up these colonies, these islands of isolation within our midst, and eventually bring about a true assimilation of the Hutterites into Alberta and Canadian society". (p. 329). In 1959, an Alberta governmental committee stated: "the ultimate aim must be to look forward to a time when these people are prepared to enter more fully into the life of the dominant society". (p. 335). Clearly, the integrationist and majoritarian values were not in harmony with the idea of permitting these groups to live more communally, separate from the larger society.

One liberal value which was incompatible in a particular way is that of individual liberty. On a number of occasions, liberties given to these groups seemed to authorize restrictions on their individual members. In the Doukhobor land controversy, one governmental representative stated: "all influences traditional and sectarian have been brought to bear on this people for the purpose of securing an abject communism under and subject to an absolute one man power..." (p. 121). In the Mennonite school controversy in Saskatchewan, where parents who sent their children to public schools were excommunicated from the church and hence shunned in social and economic matters by the other members, the excommunicated members called on the government to intervene, arguing that they were victims of a form of tyranny which stood as "an insult to our liberal constitution" (p. 229). Not only was it a matter of freedom for the parents, that of the children was said to be restricted too. Indeed, in

every school controversy the argument appeared that justice for the children meant that the government should force them to attend public schools. In the Hutterite land controversies the Alberta Farmer's Union argued that they should not be allowed to expand, on the ground that they were denying their people "the right to live as free individuals and Canadian citizens" (p. 165). On the issue of exemption from military service, Chairman J.E. Adamson urged Mennonite parents and church leaders not to influence their young men saying: "it is their conscience, and not yours..." (p. 500). In the Canada Pension Plan controversy one government representative argued that to exempt these groups would strengthen their power over their individual members and make it less likely that individuals would leave. It would remove a source of security waiting for them on the outside.

It is an important problem. It cannot be denied that governments, by granting freedom to these groups, were authorizing restrictions on their individual members. Yet individual freedom is an historic liberal principle so the reluctance of the governments about authorizing such restrictions is understandable. However from the perspective of these groups it was a question of whether their people would be free to live within their communities or whether governmental policies would encourage them, or perhaps force them, to live like others in the larger society. Theirs was a more particularistic view. They did not concur in the individualism and egalitarianism of the larger society. It was a substantial difference.

3. The Principle of Freedom For Religion

It might have been expected that the principle of freedom for religion would protect these groups. But this was so only in part. The experience of these groups suggests that the principle in Canada has two interpretations: a narrow one referring to the individual's freedom in matters of belief and worship; and a broader one referring to the freedom of a group to pursue a way of life. The narrow interpretation belongs to that body of values which was not sympathetic to the separate communal life desired by these groups.

The nature of this narrow interpretation and its relation to the liberties desired by these groups is illustrated in a number of the encounters. The Doukhobors, in their land controversy based their communal practises on their religion but the government refused to acknowledge that any question of religion was involved. In the 1907 announcement for the repossession of the land the government stated that it would continue to "protect them as it has hitherto done in their religious beliefs..." (Appendix 10 and p. 129). The Doukhobors then made a lengthy appeal. They reviewed the situation and asked the government to reconsider, stating: "we hope the Canadian government will continue...to protect us in our religion," but the Minister, Frank Oliver replied: "The giving of public land is not a matter of religion..." (p. 131).

Similarly, the conservative Mennonites in their school controversies emphasized that it was their religion which constrained them to stay with their own educational practises. However, Premier Martin of Saskatchewan replied: "the sending

of children to school where they will acquire a proper education cannot in any way interfere with your religion." (p. 243). And the Manitoba Free Press, in reviewing this traumatic encounter stated: "there never was any attempt made to interfere with religion..." (p. 254). Also, in the Doukhobor school controversy, when they claimed that the government, by forcing their children to attend public school, was violating their religion, Judge Sidney Smith stated: "I...cannot feel that in this case there is any religious element involved in the true legal sense." (p. 307).

Especially significant are the words of Prime Minister Trudeau in the Canada Pension Plan controversy. After many unsuccessful appeals, one Mennonite leader asked Mr. Trudeau to explain his view of freedom for religion. He then stated:

Religious freedom exists, I take it, when people are free in their conscience and they can exercise their beliefs freely within the country, belong to a church of their choice, and so on. But, in some cases, if the morals which flow from their metaphysics - if I can put it that way - are not morals accepted by the community in which they live, it is unfair to say that preventing those moral precepts from applying is an attack on religious freedom. ... And in this particular case, the morals of this small minority are in direct conflict with the scheme of social welfare which the governments of today have adopted in order to serve the communities better. And therefore, while they may continue practicing... believing the same kinds of faith, but in this particular case there is no practical way of not to be bound by the ethic or the morals of the policies of the...(sic)...when the government adopts laws which are good for the majority, I don't think that freedom of religion permits people from opting out...(p. 612)

According to Mr. Trudeau, then, freedom of religion included freedom in matters of belief and church affiliation ~~but if~~ people's religion led them to a way of life prohibited by the larger society then such a prohibition could not be considered

as a violation of the principle of freedom for religion. It was a narrow interpretation.

Even though the narrow view was well articulated, the broad view is evident too. The most formal and official expression of this was made by the Supreme Court in its 1970 judgement in the Hofer case. (p. 159) The question in this case was whether a Hutterite colony was obligated to give shares of its assets to individuals who, after renouncing Hutterite beliefs and practises, had been expelled from both the colony and the Hutterian Church. The Court ruled that the colony was not obligated to do this. Justice Ritchie, in the judgement for the Court, held in effect that the Hutterite practise of holding property in common was inseparable from their religion and that to interfere with that practise in the way that the appellants in this case requested would seriously threaten their religion and would be unwarranted. More specifically Justice Ritchie held (i) that the property belonged to the colony, in accordance with the Hutterite religion, and was not held in trust for the individual members, (ii) that the church and the colony were so integrally related to one another that "adherence to the Hutterite faith was a prerequisite to membership in the Colony...", and (iii) that the Hutterian Brethren church alone had the authority to decide whether any given individual was a Hutterite so as to be entitled to continue as a member of a colony. He concluded with the following words:

it appears to me that if any individual either through birth within the community or by choice wishes to subscribe to such a rigid form of life and to subject himself to the harsh disciplines of the Hutterian Church, he is free to do so. I can see nothing con-

trary to public policy in the continued existence of these communities living as they do in accordance with their own rules and beliefs;... (p: 160)

Clearly, there is a considerable contrast between the broad and the narrow views. The Hutterite land-holding pattern was regarded as part of their religion, but earlier the land-holding practises of Doukhobors and the educational practises of both Doukhobors and Mennonites had been held as not being related to religion. Also, the Hutterian Brethren Church was said to have the authority to decide who was a member of their church so as to be entitled to membership in a colony, but during the two world wars Mennonite church leaders had been challenged when they claimed the right to decide who was a Mennonite so as to be entitled to military exemption.

If the judgement of Justice Ritchie implied a broad view, it must be noted that the Court was not unanimous. Mr. Justice Hall supported the decision but wanted to set limits on the authority of the church, especially in circumstances relating to minors or others under disability. Mr. Justice Pigeon dissented more strongly. He held, basically, that "freedom of religion includes the right for each individual to change his religion at will". (p. 161) In his view the Hutterites were violating this. He said that anyone growing up in a Hutterite colony would naturally accept its teachings and enter into the official contract at the customary time of young adulthood, that it was "as nearly impossible as can be" to do otherwise, and that such an individual should have the freedom to leave at any time in his life without having to abandon all the fruits of his labours. In his words:

...the proper legal conception of religion...is limited to what is commonly so considered and the extent of religious authority is limited to what is consistent with freedom of religion as properly understood, that is freedom for the individual not only to adopt a religion but also to abandon it at will. (p. 161)

The views of Mr. Justice Pigeon would lead to results similar to those of Mr. Trudeau but it is noteworthy that in a sense both were overruled, the former in the court, and the latter by Parliament. Parliament eventually amended the Canada Pension Plan Act and the argument which appeared most often in the speeches favouring exemption is that of freedom for religion. But the Members of Parliament who used it did not define it in a precise way. This may be significant. Perhaps the broad view is more of a sentiment than a clearly established principle.

This suggestion of a sentiment rather than a principle favouring the broad view would appear to be supported by developments in other encounters. In the Hutterite tax controversy, the government in the end could have been much more severe. It had received the authority through some court rulings to impose corporation taxes on the colonies but, fearing the bankruptcy of many colonies, it did not do so. The reason for the government's restraint appears to be little else than a desire to allow the Hutterites to continue in their way of life. Similarly, in the land controversies, when Alberta's 1944 Land Sales Prohibition Act was reviewed in 1947 many of the submissions called for its continuation. However, L.S. Turcotte, a lawyer representing the Hutterites, set forth their views and concerns in a lengthy submission and appears to have had some effect. The

new law, while still restrictive, no longer contained the categorical prohibition. In Manitoba in 1948, when a Legislative Committee studied the question of whether a colony should be required to give a share of its assets to an individual who wanted to leave, E.A. Fletcher a lawyer representing the Hutterites, made a lengthy presentation arguing that such legislation would destroy the Hutterites' way of life. Again it appears to have been effective. In the mid-1950's when one Alberta School Division wanted to set up a centralized school for the Hutterites, they again made a lengthy submission, describing how this would undermine their way of life. It concluded with an appeal to the Board members, "as gentlemen who believe in freedom of religion". (p. 333) Again, the Board was persuaded not to proceed with its plans. Even in the Hofer case referred to above, Justice Ritchie seems to base his judgement not so much on principle as on something more mundane and vague. In his words: "I can see nothing contrary to public policy in the continued existence of these communities living as they do in accordance with their own rules and beliefs..."

If there is a vague but significant sentiment favouring a broad interpretation of freedom for religion, it was not sufficiently strong to support the Doukhobors in either their land problems early in the century, or their lengthy school problems in British Columbia later on. Nor did it help the conservative Mennonites in their school problems. It must be noted, however, that these particular pursuits deviated further from the Canadian norm than those of the Hutterites. The

Hutterites accepted much of the government's curriculum, including the English language. Their schools were officially in the public system. And their land-holdings were not nearly as large as those of the Doukhobors. It may have been easier to accommodate the Hutterites.

In spite of these exceptions, there seems to be a sentiment favouring a relatively broad interpretation of freedom for religion. It may be a legacy of earlier efforts to accommodate religious groups as for example the Quebec Act of 1774,, the B.N.A. Act of 1867, and the early institutions in the prairie provinces. All of these were influenced by a concern for accommodating religious groups. The current separate school systems can be traced to those earlier arrangements and even in 1981 a sizeable number of Canadians, if asked for an explanation of these, would probably say that they are a matter of freedom for religion.

C. Factors Making Some Mutual Accommodation Possible

This sentiment in the larger society favouring a broad interpretation of freedom for religion stands as one factor which made possible some mutual accommodation. There are at least three other such factors. One is the desire of the governments to respect the agreements made with these groups at the time when they immigrated. This was not a factor in all of the encounters. In some there were no earlier agreements that could be referred to. And in others, the government did not respect those that did exist. Especially noteworthy is the school controversy of the conservative Mennonites who referred to the

promise of educational freedom given in 1873, and the land controversy of the Doukhobors who referred to the concessions made by the Hon. Clifford Sifton, an earlier Minister of the Interior.

In both instances the governments involved found legal ways of explaining their position but these groups felt betrayed.

Nevertheless, in the area of military exemption there was a substantial desire on the part of the government to respect the earlier agreements. Early in the First World War when one delegation of western Mennonites approached Prime Minister Borden, he stated: "I...beg again to assure you of the determination of the Government to adhere to the full to the obligations of honour incurred by this country at the time of the admission of your people..." (p. 376) There were a number of other such affirmations in world war one, to both Mennonite and Doukhobor delegations. (p. 379, 381) Even when there were serious problems in interpreting the exact meaning of the earlier promises, officials assured David Toews, the prominent Mennonite leader in the west, that they did not want to "break faith with the Mennonite community" nor "allow small technicalities to stand in the way of seeing that substantial justice is done." (p. 393)

The early promises were significant also in the second world war. On numerous occasions in the early stages, these groups asked for and received assurances that these would be respected. (p. 454-459) In June of 1940 when Prime Minister Mackenzie King introduced the National Resources Mobilization Act into the House of Commons he confirmed the desire of the

government to respect "the existing rights to exemption... enjoyed by members of certain religious groups" (p. 461). In August of 1940 when the recruitment regulations were announced they explicitly referred to the Orders-in-Council of 1873 and 1898 for the Mennonites and Doukhobors respectively and those not covered by these Orders could apply for conscientious objector status. (p. 470 and Appendix 16) Later, when the National War Services Boards administered the Regulations there were some difficulties, but they continued to give a significant measure of respect to those early Orders-in-Council. (p. 489, 495, 517, 520, 529).

There are references also in some other encounters to the early agreements. They were significant with respect to the Mennonite land-holding arrangements. (p. 64) They are mentioned also in the Canada Pension Plan controversy. The Amish and Old Order Mennonite groups in Ontario referred, although not in a major way, to an early unwritten promise assuring them of freedom to live according to their religion. (p. 591) And Max Saltsman, their strongest supporter in Parliament referred to this among his various arguments, stating: "to the extent that it is possible for a changing society to honour that kind of guarantee we should do so." (p. 620) Similarly, the Hutterites in that same encounter pointed to a clause in an 1899 letter from the Deputy Minister of the Interior in which they were assured that: "There will be no interference with their living as a Commonwealth if they desire to do so." (p. 607).

In these other encounters the early agreements were not as instrumental as in those relating to military exemption.

The respect given to the military exemption agreements was probably influenced by the longstanding recognition given to conscientious objectors to military service, even in England, and this recognition may, in turn, be related to the historic liberal principle of respecting individual conscience. Also, the matter of keeping agreements and contracts is held as a basic value by the larger Canadian society. This indicates then that in spite of the unsympathetic values referred to above, there were other values to which these groups could appeal.

A second factor which made some mutual accommodation possible is the political approach of these groups. This has several aspects. One is that for the greater part they tried to make arrangements that would be satisfactory not only to them but also to the government. They were not anarchists. In spite of their separatism, there was a place for government in their worldview. The one exception to this would be in the prolonged Doukhobor school controversy where some of the people expressed a different view. It may have been related to the historic Doukhobor emphasis on "the God within" which minimized the importance of social structures generally. But this stands as an exception.

Their approach is indicated also in that they worked with great persistence and with various tools and channels in order to make the necessary arrangements. During the wars when there were so many difficulties, leaders like David Toews and S.F. Coffman made innumerable petitions. These were directed to governmental representatives at all levels and were made both

in writing and in personal meetings. In the Pension controversy, the petitions began in 1966 soon after the Plan was enacted and continued until late in 1971 when the government finally agreed to amend the Act. Nor was it only a matter of making petitions. In World War I the Ontario Mennonites formally appealed the rulings of the lower tribunals to the Central Appeal Tribunal. The courts too were used on a number of occasions. On other occasions they refrained from court action only because it was not seen as an effective strategy. And often they were helped by Members of Parliament. They used the established tools and channels relatively well.

Also significant is that in some instances they were prepared to compromise and to make adjustments. For the Hutterites, in the tax controversy, the idea of a "deemed individual income" carried the suggestion of private income and as such was not in harmony with their principle of holding all property in common. Nevertheless, they agreed to it as "a concession on our part in the spirit of public cooperation and tolerance...". (p. 613) The Alternative Service program in the second world war was a compromise too, in some respects. It was proposed by Mennonite leaders and at first government officials were not at all enthusiastic. But the Mennonites persisted and eventually the idea was accepted. And the main reason why the Mennonites wanted this appears to have been that they expected that during the course of the war public pressure would make it difficult for the government to exempt them from military service if they could not demonstrate that they too were serving the country,

albeit in some other way. Neither of these compromises had the full support of these groups. Some Hutterites refused for years to accept the tax agreement and many Doukhobors resisted cooperation with the Alternative Service program. However, most of the people accepted these compromises and as such they facilitated a significant measure of mutual accommodation.

A third factor which made a measure of mutual accommodation possible is the flexibility of the Canadian political system. This is evident in a number of settings. In the Pension controversy, the position of the government was held firmly, having been explained several times by its highest representatives. In spite of this there was a capacity for change. The system responded to the persistence of these groups, the efforts of some Members of Parliament, and the petitions of some elements of the public.

The system's flexibility was indicated also in World War I when the Ontario Mennonites found that the provisions for exemption on which they had long relied, were first restricted and then removed altogether. This had most serious implications but Member of Parliament F.S. Scott and Immigration Minister J.A. Calder were able to work out an informal arrangement whereby their young men could receive "leaves of absence without pay" from the Military Commanders.

In yet another setting, when Hutterites in Manitoba faced some difficulties in having on-colony schools they asked the Minister of Education to make this a statutory right. But he refused, saying that he did not want to let it become a political issue. (p. 343) He may have had a point. Perhaps a public

debate in the Legislative Assembly would have resulted in a narrower liberty than that which the government could give informally by executive action.

Such informality can be criticized. It meant that some of the liberties, which to these groups were very important, were not firm and secure. But it probably resulted in a fuller accommodation of the way of life desired by these groups than would have been the case if they had received only those liberties which could be given in a secure way.

These factors - the flexibility of the Canadian political system and its capacity for informal arrangements, the willingness on the part of these groups to make some compromises, the desire of the government to respect at least some of the early agreements, and the sentiment favouring a broad view of freedom for religion - help to explain why these groups were given a significant measure of liberty in spite of the substantial body of unsympathetic values in the larger society. These factors, however, are all somewhat ambiguous. As a result, some of the uncertainty and ambivalence which has marked their liberties in the past may continue into the future.

FOOTNOTES TO CHAPTER XII

1. Chester Martin, "Dominion Lands" Policy, edited and with an introduction by Lewis H. Thomas, Toronto, McClelland and Stewart Limited (Carleton Library No. 69) 1973, p. 137.
2. W.L. Morton, Manitoba, A History, Toronto, University of Toronto Press, 1957, p. 187. For a fuller account of the transformation of the Manitoba institutions see Janice Staples, "Consociationalism at Provincial Level: The Erosion of Dualism in Manitoba 1870-1890" in Consociational Democracy: Political Accommodation in Segmented Societies, ed. K.D. McRae, Toronto, McClelland and Stewart, Ltd. (Carleton Library No. 79) 1974, p. 288ff.
3. Morton, Ibid., p. 157.
4. Ibid., p. 245.
5. Ibid., p. 247.
6. Ibid., p. 228.
7. K.D. McRae, "The Structure of Canadian History", in The Founding of New Societies: Studies in the History of the United States, Latin America, South Africa, Canada, and Australia, by Louis Hartz, New York, Harcourt, Brace and World Inc., 1964, p. 265. The interpretation of Professor McRae has been challenged by G. Horowitz in "Conservatism, Liberalism, and Socialism in Canada: an interpretation", Canadian Journal of Economics and Political Science, 32 (1966), 143-171. The challenge, however, is not very strong. Horowitz agrees "that liberalism is the dominant element in the English Canadian political culture;". He points out only that there are "vital and legitimate streams of toryism and socialism" as well.
8. Michael White, as quoted in Kathlyn Rose Marie Szalasnyj, "The Doukhobor Homestead Crisis 1898-1907", An unpublished M.A. thesis in history, University of Saskatchewan, at Saskatoon, 1977, p. 236.
9. Ibid., p. 238. Szalasnyj writes: "Land policy...became an instrument of assimilation..."
10. K.D. McRae, Consociational Democracy: Political Accommodation in Segmented Societies, op. cit., p. 300.

APPENDIX 1

A SURVEY OF THE EXISTING LITERATURE

This survey is to identify the literature that relates most closely to the subject of this study, to indicate the main thrust of each work, and, in the process, to distinguish it from the purpose and character of this study. The literature can be described in terms of several categories. One category is that of the general histories of the particular groups. Among those to be noted about the Doukhobors are the following: A Peculiar People: The Doukhobors, by Aylmer Maude, New York, AMS Press Inc. 1970, reprinted from the edition of 1904; The Doukhobors, by George Woodcock and Ivan Avakumovic, Toronto, McClelland and Stewart, 1977 (Carleton Library Series No. 108) reprinted from a 1968 edition by Oxford University Press, Toronto; and In Search of Brotherhood: The History of the Doukhobors, by Koozma Tarasoff, Vancouver, 1963. Unfortunately, this last work remains unpublished although it is the most detailed and comprehensive account of the Doukhobors.

Among the general works about the Hutterites the following are especially noteworthy: The Hutterite Way by Paul S. Gross, Saskatoon, Freeman Publishing Company Limited, 1965; All Things Common: The Hutterian Way of Life, by Victor Peters, Minneapolis, University of Minnesota Press, 1965; and Hutterite Society by John Hostetler, Baltimore, The Johns Hopkins University Press, 1974. The last of these is the largest but it is not an historical account. It is a sociological work. The Mennonites of Canada, who are the largest of the three groups were not treated in a comprehensive history until Mennonites In Canada: The History of A Separate People 1786-1920 by Frank H. Epp, Toronto, MacMillan, 1974. A second volume for the period following 1920 is being prepared by the same author at the time of this writing. Although there is no other comprehensive history, there are other general works. One which deserves mention is In Search of Utopia: The Mennonites of Manitoba, by E.K. Francis, Altona, Manitoba, D.W. Friesen & Sons Ltd., 1955.

These works are of a broad and general character. They contain information about the relations of these groups with governments. For that reason they are helpful to this study. However, their primary thrust is towards a broad portrayal of one group and the many influences that have effected it over the course of time. In most instances, the parts which deal with governmental relations are very brief. Even then, the fact that they deal with one group only tends to lead away from the question of how the governments dealt with the issues which effected other groups too.

A second category of literature deals with the specific issues. Most of the literature in this category

is in the form of articles in periodicals or unpublished graduate school theses. On the land-holding issue there are two theses prepared for Master's degrees. One of them is entitled, "Old Colony Mennonite Settlements in Saskatchewan: A Study in Settlement Change", by Richard J. Friesen, for the Department of Geography of the University of Alberta, Edmonton, Alberta, 1975. The other is entitled, "The Doukhobor Homestead Crisis 1898-1907" by Kathlyn Rose Marie Szalasznij, for the Department of History, University of Saskatchewan, Saskatoon, Saskatchewan, 1977. In addition, there is the well-known book, Group Settlement: Ethnic Communities in Western Canada by C.A. Dawson, Toronto, Mac-Millan, 1936, which is Volume III of "Canadian Frontiers of Settlement" edited by W.A. MacKintosh and W.L.G. Joerg. Also to be noted is an article by H. Palmer, "The Hutterite Land Expansion Controversy in Alberta" in Western Canada Journal of Anthropology, Volume II, No. 2, July 1971.

On the education issue there are several unpublished theses written for Master's degrees too. These however were submitted to Departments of Education. One entitled, "The Mennonites of Western Canada With Special Reference to Education" by I.I. Friesen was completed for the Department at the University of Saskatchewan, Saskatoon, 1934. A second is entitled, "A Historical Study of Education in the Municipality of Rhineland" by J.J. Bergen for the Department at the University of Manitoba, Winnipeg, 1959. And a third is entitled, "A History of Doukhobor Schooling in Saskatchewan and British Columbia 1899-1939" by J.E. Lyons for the Department at the University of Alberta, Calgary, Alberta, 1973. In addition there are the several published works by C.B. Sissons. One is entitled Church and State in Canadian Education: An Historical Study, Toronto, The Ryerson Press, 1959. The other is Bi-Lingual Schools in Canada, Toronto, J.M. Dent & Sons, 1917. Also to be noted is an article by A.S. Brent, "The Right to Religious Education and the Constitutional Status of Denominational Schools" in Saskatchewan Law Review, Volume 40, 1976.

The military service issue has received less scholarly attention. There is one Master's degree thesis entitled, "Canadian Mennonites and Conscientious Objection in World War II" by David Fransen for the Department of History at the University of Waterloo, Waterloo, Ontario, 1977. Another Master's degree thesis written by J.A. Toews was published as Alternative Service in Canada During World War II, Winnipeg, Manitoba, The Canadian Conference of the Mennonite Brethren Church, 1959. Also to be noted is the book by J.L. Granatstein and J.M. Hitsman, Broken Promises: A History of Conscription in Canada, Toronto, Oxford University Press, 1977. The issue of social welfare programs has not become the subject of any published work, nor of any graduate school research project.

This literature which deals with the specific issues is significant. It is helpful for this study. Nevertheless, each work deals with one issue only and even when it is considered collectively it does not cover the experience of the three groups. For example, the material on military service includes very little on World War I and what there is on World War II deals primarily with the Mennonites and not with the Hutterites and the Doukhobors. Nor is there anything substantial with regard to Hutterite education. The concerns about social welfare programs have not been dealt with at all. More significant than its lack of comprehensiveness is the fact that the material does not deal with the problem to be addressed in this study. Some of the theses deal quite closely with their chosen issue and their chosen group but in doing so their focus becomes much narrower than that proposed for this study. The published works by Sissons and Granatstein and Hitsman can be distinguished in a different way. They deal with matters primarily at the governmental level and from the perspective of Canadian society generally. In their work these groups are barely mentioned. Thus the encounter between the governments and these groups from the perspective of their desire for a communally oriented way of life involving an integrated body of issues is not dealt with.

A third category of literature is that which deals more directly with the relations of these groups with government. A.M. Willms' "The Brethren Known as Hutterians", The Canadian Journal of Economics and Political Science, Volume 24, August 1958, is very well-written but is relatively brief and can serve only as an introduction. D.E. Saunders' "The Hutterites: A Case Study in Minority Rights", The Canadian Bar Review, Volume 62, May 1964, is also very helpful but it too can be no more than introductory. The Other Canadians: profiles of six minorities by Morris Davis and Joseph F. Krauter, Toronto, Methuen publications, 1971, contains about 12 pages on each of the Doukhobors and the Hutterites but these do not deal with their governmental relations in a thorough way. A work that is thorough is the doctoral dissertation written by Adolf Ens titled "Mennonite Relations With Governments Western Canada 1870-1925", University of Ottawa, Department of Religious Studies, 1979. It recounts in a detailed way the interaction between the Mennonite groups of western Canada and the governments. It is valuable for the wealth of information that it provides but it deals with only a part of the area to be covered by this study and it does not address the problem of this study.

There is a fourth category of literature which should be mentioned. It is that which deals not with any specific group nor with any specific issue but with dimensions of the institutional character of Canadian government. Civil Liberties in Canada by D.A. Schmeiser, Toronto, Oxford University Press, 1964 and Consociational Democracy: Political

Accommodation in Segmented Societies, edited by Kenneth McRae, Toronto, McClelland and Stewart, 1974, (Carleton Library No. 79) are examples of literature in this category. They provide helpful perspectives on the problem to be addressed in this study, however, they do not address the problem directly nor do they deal with the material.

This survey of the literature that relates to this study shows that there is a significant amount. It also shows that the literature is focused in different and more narrow ways. In contrast to this study it does not deal with the issues in a broad and integrated way. Nevertheless, without the background that it provides, it would have been impossible to do this study.

APPENDIX 2

ORDER IN COUNCIL P.C. NO. 1043 D
SEPTEMBER 25, 1872

The Committee of Council have had under consideration a despatch from the Right Hon. the Secretary of State for the Colonies, dated August 23rd ultimo, covering a letter from Mr. Zahrabs, Her Majesty's Consul at Bordiansk, dated July 26th last, and a letter from Mr. Cornelius Janzen, of Bordiansk, dated June last, addressed to Your Excellency.

The Hon. the Minister of Agriculture, to whom the above despatch and enclosures were referred, reports that it is expedient to give the German Mennonites in Russia the fullest assurances of absolute immunity from military service if they settle in Canada.

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 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 Governor General in Council cannot prescribe any conditions or regulations under which, under any circumstances, the persons referred to in the above quoted section can be compelled to render any military service.

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 manner as to prevent persons belonging to any other denominations 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 Menno-
nists 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 Honorable
The Minister of the Interior.

PAC, RG 76, Vol. 176, part 15 (Microfilm Reel C7330)

APPENDIX 3

DEPARTMENT OF AGRICULTURE

Ottawa, 25th July, 1873.

Gentlemen:

I have the honour, under the instruction 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 offered to Mennonites which are established by Statute Law 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.

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

2. An Order-in-Council was passed on the 3rd March last to reserve eight townships in the Province of Manitoba for free grants on the condition of settlement as provided in the Dominion Lands Act, that is to say, "Any person who is head of a family or has obtained the age of 21 years shall be entitled to be entered for $\frac{1}{4}$ section or a less quantity of unappropriated Dominion lands, for a purpose of securing a homestead right in respect thereof."

3. The said reserve of eight townships is for the exclusive use of the Mennonites, and the said free grants of $\frac{1}{4}$ section to consist of 160 acres each, as defined by the act.

4. Should the Mennonite Settlement extend beyond the eight townships set aside by the Order-in-Council of March 3rd last, other townships will be in the same way reserved to meet the full requirements of Mennonite immigration.

5. If next spring the Mennonite settlers on viewing the eight townships set aside for their use should decide to exchange them for any other unoccupied eight townships, such exchange will be allowed.

6. In addition to the free grant of $\frac{1}{4}$ section or 160 acres to every person over 21 years of age on the condition of settlement the right to purchase the remaining $\frac{3}{4}$ of the section at \$1.00 per acre is granted by law so as to complete the whole section of 640 acres which is the largest quantity of land the Government will grant a patent for to one person.

7. The settler will receive a patent for a free grant after three years residence in accordance with the terms of the Dominion Lands Act.

8. In event of the death of the settler, the lawful heirs can claim the patent for the free grant upon proof that settlement duties for three years have been performed.

9. From the moment of occupation the settler acquires a "homestead right" in the land.

10. The fullest privilege of exercising their religious principles is by law afforded to the Mennonites without any kind of molestation or restriction whatever, and the same privilege extends to the education of their children in schools.

11. The privilege of affirming instead of making affidavits is afforded by law.

12. The Government of Canada will undertake to furnish passenger warrants from Hamburg to Fort Garry for Mennonite families of good characters for the sum of \$30.00 for adult persons over the age of eight years, for persons under eight years half price of \$15.00 and for infants under one year, \$3.00.

13. The minister specially authorizes me to state that this arrangement as to price shall not be changed for the seasons of 1874, 1875, or 1876.

14. I am further to state that if it is changed thereafter the price shall not up to the year 1882 exceed \$40.00 per adult and children in proportion, subject to the approval of Parliament.

15. The immigrants will be provided with provisions on the portion of the journey between Liverpool and Collingwood but between other portions of the journey they are to find their own provisions.

I have the honour to be,
Gentlemen,
Your obedient servant,
(Sgd.) John Lowe
Secretary, Department of Agriculture.

Messrs. David Klassen
Jacob Peters
Heinrich Wiebe
Cornelius Toews
Mennonite Delegates from Southern Russia.

The Order in Council, P.C. 957(a), approved on August 13, 1873 had a different introductory paragraph, but the fifteen paragraphs were identical, except for paragraph ten which, in the Order in Council, stated "That the Mennonites

will have the fullest privilege of exercising their religious principles, and educating their children in schools, as provided by law, without any kind of molestation or restriction whatever."

PAC, RG 76, Vol. 175, part 9 (Microfilm Reel C7330)
See also E.K. Francis, In Search of Utopia: The Mennonites of Manitoba, Altona, Manitoba, D.W. Friesen & Sons Ltd., 1955.

APPENDIX 4

ORDER IN COUNCIL P.C. NO. 2747
DECEMBER 6, 1898

On a report, dated 30th November, 1898, from the Minister of the Interior, stating that arrangements have been completed with Mr. Aylmer Maude, of London, England, the representative of the sect of Russians known as Doukhobors who now inhabit the slopes of the Caucasus of Russia, for the immediate emigration to Canada of several thousands of these people. That from a despatch dated 27th May, 1898, addressed to the Foreign Office by her Majesty's Consul at Batoum, it would appear that since their settlement in the region of the Caucasus the Doukhobors have by their good behaviour, diligence, sobriety and hard-working qualities, brought nothing but prosperity to the barren localities in which they were originally settled, but as from religious doctrines they are averse to bearing arms, an exception which the Russian Government has refused to countenance, they have been permitted by the latter to depart from Russia.

The Minister, under the circumstances, and considering that the Doukhobors would appear to be a most desirable class of settlers to locate upon the vacant Dominion Lands in Manitoba and the North-West Territories, is of opinion that it is expedient to give them the fullest assurance of absolute immunity from military service in the event of their settling in this country.

The Minister submits that subsection 3 of Section 21 of the Militia Act, Chapter 41 of the Revised Statutes of Canada, contains the following provisions:-

"Every person bearing a certificate from the Society of Quakers, Mennonites or Tunkers, and every inhabitant of Canada of any religious denomination, otherwise subject to military duty, 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, from time to time prescribes."

The Minister recommends that, under the power vested in Your Excellency in Council by the above provision, the Doukhobors settling permanently in Canada be exempted, unconditionally, from service in the Militia; upon the production in each case of a certificate of membership from the proper authorities of their community.

The Committee submit the same for your Excellency's approval...

(Signed) JOHN J. MCGEE,
Clerk of the Privy Council.

Honourable
Minister of the Interior. PAC, RG 76, Vol. 175, part 9
(Microfilm Reel C7330)

APPENDIX 5

ORDER IN COUNCIL P.C. NO. 1676
AUGUST 12, 1899

On a Report dated 12th July, 1899, from the Minister of the Interior stating that arrangements have now been completed with the representatives of the members of the "Brethren of the Hutterische Society" in South Dakota, on behalf of those who have already settled in Canada and those who may agree to. It was represented to the delegates who visited this country last summer, by the Commissioner of Immigration, that if they decided to settle in Manitoba or the North West Territories, the Government would no doubt be favorable to granting immunity from military service in accordance with their religious tenets.

The Minister further states that fifty-two have already settled at Dominion City, Manitoba, having bought land to the value of about \$20,000, and if the assurances held out to the delegates in this connection are fulfilled, shall succeed before long in securing the balance of them who are amongst the wealthiest farmers in Dakota.

The Minister is of opinion, under the circumstances and considering that the Brethren of the Hutterische Society would appear to be a most desirable class of settlers to locate upon vacant Dominion Lands in Manitoba and the North West Territories, that it is expedient to give them the fullest assurance of absolute immunity from Military Service, not only to those who have already settled but also to those who may settle in the future.

The Minister submits that Sub-section 3 of Section 21 of "The Militia Act", Chapter 41 of the Revised Statutes of Canada, contains the following provision:-

"Every person bearing a certificate from the Society of Quakers, Mennonites or Tunkers, and every inhabitant of Canada of any religious denomination, otherwise subject to military duty, 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, from time to time prescribes".

The Minister recommends therefore, that under the power vested in Your Excellency in Council by the above provisions, the Brethren of the Hutterische Society settling permanently in Canada shall be exempted, unconditionally, from service in the Militia, upon the production in each

case of a certificate of membership from the proper authorities of their community.

The Committee submit the foregoing for Your Excellency's approval.

A. M. Hill

Asst. Clerk of the Privy Council

PAC, RG 76, Vol. 176, part 15 (Microfilm Reel C7330)

6

APPENDIX 6

A PETITION FROM THE HUTTERITES SUBMITTED TO
CANADIAN IMMIGRATION AUTHORITIES IN WINNIPEG.

A humble Petition to the Government of the Dominion of Canada.

5th September, 1899.

We the members of the "Hutterische Society" (a Commonwealth) acknowledgers of the true Christian faith, wanderers out of Southern Russia in the year 1874 and subsequently, on account of attempted conscription, and immigrants into the United States of North America, enjoying under God's providence religious liberty and equally protected by the United States until 1899, - Now through the war with Cuba clearly shown that no members of any religious body are exempt from military service, under the Government of the United States, have once again been caused to suffer much anxiety and care, and calling upon God for counsel and help, we were advised by friends in Manitoba that the Mennonites obtained under the Canadian Government and protection of England in the year 1873 complete freedom from all military services and undisturbed enjoyment of their faith. Hence a meeting of the Hutterische Brethren in council in South Dakota, decided to send several of their Elders to Canada, in order to ascertain more nearly from the Mennonites concerning the liberties they are enjoying, and also to see some places and districts in Canada. Thus with God's help we were successful in starting to free ourselves from the United States and in making a start in Canada with several families, and in establishing the foundations of a new home on the Roseau River, in Manitoba, East of Dominion City, and under God's, the honorable Canadian Government, and England's protection.

Now we and all the brethren of the Hutterische Commonwealth that are still in South Dakota desire to know from the Government whether we will be welcomed and accorded full liberty by Act of Parliament; and allowed to live according to our Faith and principles, and not to be disturbed in them; as was accorded to the Mennonites who entered the country in 1873.

1. We would humbly request complete exemption from all military service to be accorded by Order-in-Council to all members of the Hutterische Commonwealth.

2. We would humbly beg for legal right to practise our religious services and principles, without any molestation, or encroachments, and that our children might also be accorded the same, and that we may also be allowed to hold independent schools in order to teach them their mother tongue, and that they may not be compelled to attend other schools.

3. We beg to be free from and never be compelled to take oath in Courts, also in elections not to have to vote for offices, nor to hold them or otherwise to make oath.

4. We also beg the honorable the Minister of the Dominion and the sanction of the Imperial Government, not to be disturbed in our principles of Commonwealth, and that we may be allowed to work communally and dwell together likewise - to render our taxes and enjoy our property likewise.

5. We also ask permission to build communally on one spot, and obtain individual possession from the Government of our land, whether purchased or homesteaded or otherwise acquired without being compelled to reside in families separately on each piece.

6. We beseech the Government to compassionately grant the above enumerated rights or privileges, and that a document may be drawn up showing these under the hand of the Vice-Regent, or other proper authority.

Signed - Christian Waldner

Elias Walter.

PAC, RG 76, Vol. 173, (Microfilm Reel C7330)

APPENDIX 7

Department of the Interior,
Ottawa, 27th October, 1899.
Ref. 10,465.
To W.F. McCreary, Esq.,
Commissioner of Immigration,
Winnipeg, Manitoba.

Dear Sir,

I have your letter of the 12th instant, No. 21,759, enclosing a petition from certain members of the Hutterite community in which they ask that in coming to Canada they may be assured of certain privileges.

- (1) as to their request for exemption from military service, this question has already been dealt with, and I enclose you a copy of the Order-in-Council authorizing their exemption.
- (2) These people will not be molested in any way in the practise of their religious services and principles, as full freedom of religious belief prevails throughout the country. They will also be allowed to establish independent schools for teaching their children if they desire to do so, but they will have to be responsible for their maintenance themselves. The children will not be compelled to attend other schools if their education is properly provided for.
- (3) The law does not compel the taking of an oath in court by persons who have conscientious objections to doing so, and there is no compulsion as to voting for or holding offices, but the privilege of doing so is generally most highly prized.
- (4) There will be no interference with their living as a commonwealth, if they desire to do so.
- (5) The Dominion Lands Act makes provision for the locating of people as communities and their being allowed to live in villages instead of being required each to live separately on his own land.
- (6) The privileges asked for in the last four sections cannot be more firmly established by any further official document than they are by the established laws of the country, and the members of the Society in question may rest assured that the statements made above are of as full value to them as they could be made by an Order of the Governor in Council or any document of that nature.

APPENDIX 8

Office of the Deputy Minister
of the Interior,
Ottawa, 7th February, 1918.,
To Michael Scott, Esq.,
P.O. Box 1736,
Winnipeg, Man.

Dear Mr.. Scott,

I beg to confirm my telegram to you of this date, which
read as follows:-

"Subject to production of certificate of membership from
"proper authorities of community and subject to conven-
"tion between Governments of Canada and the United States
"with regard to military service, department would guar-
"antee exemption from Canadian military service. Agree-
"able also to granting of requests as to community life
"and holding of property in common, but matter is one of
"provincial control. Do not anticipate slightest diffi-
"culty in connection with either request made by you.
"Letter following."

I may explain that an understanding is being arrived at
between the Government of Canada and that of the United
States under which it will be possible to enforce the return
to the United States of persons who under the laws of that
country are subject to military service but who may have
moved to Canada. In the same way, Canadians who have moved
to the United States may be compelled to return to this
country if they are subject to military service.

The other point mentioned in my telegram has reference
to the question of community life. I may say that insofar
as this Department is concerned, there would be no objection
to the proposed communities following their ordinary modes
of life once they established themselves in the West, but
this is really a matter of provincial control, as it relates
entirely to municipal laws and administration, such as the
levying of taxes, the maintenance of roads, etc. Under the
circumstances, I have thought that you might possibly deem
it advisable to discuss this matter with the provincial
authorities as soon as you have an opportunity to do so.

Yours very truly,
(Signed) W.W. Cory.

As reproduced in A.J.F. Zieglschmid, Das Klein-Geschichtsbuch
der Hutterischen Brüder, Philadelphia, Carl Schwarz, Memorial
Foundation, 1947, Appendix X., p. 632.

APPENDIX 9

Lord Dufferin's Speech of Welcome to the First
Mennonite Settlers in Manitoba
August 21, 1877

Fellow-Citizens of the Dominion and
Fellow-Subjects of Her Majesty,-

I have come here today in the name of the Queen of England to bid you welcome to Canadian soil. With this welcome it is needless that I should couple the best wishes of the Imperial Government in England or of the Dominion Government at Ottawa, for you are well aware that both have regarded your coming here with unmitigated satisfaction. You have left your own land in obedience to a conscientious scruple, nor will you have been the first to cross the Atlantic under the pressure of a similar exigency. In doing so you must have made great sacrifices, broken with many tender associations, and overthrown the settled purposes of your former peacefully ordered lives; but the very fact of your having manfully faced the uncertainties and risks of so distant an emigration rather than surrender your religious convictions in regard to the unlawfulness of warfare, proves you to be well worthy of our respect, confidence, and esteem.

You have come to a land where you will find the people with whom you are to associate engaged indeed in a great struggle and contending with foes whom it requires their best energies to encounter, but those foes are not your fellowmen, nor will you be called upon in the struggle to stain your hands with human blood - a task which is so abhorrent to your religious feelings. The war to which we invite you as recruits and comrades is a war waged against the brute forces of nature; but those forces will welcome our domination, and reward our attack by placing their treasures at our disposal. It is a war of ambition, - for we intend to annex territory after territory - but neither blazing villages nor devastated fields will mark our ruthless track; our battalions will march across the illimitable plains which stretch before us as sunshine steals athwart the ocean; the rolling prairie will blossom in our wake, and corn and peace and plenty will spring where we have trod. But not only are we ourselves engaged in these beneficent occupations - you will find that the only other nationality with whom we can ever come into contact are occupied with similar peaceful pursuits. They, like us are engaged in advancing the standards of civilization westwards, not as rivals, but as allies; and a community of interests, objects, and aspirations has already begun to cement between the people of the United States and ourselves what is destined, I trust,

to prove an indissoluble affection. If, then, you have come hither to seek for peace - peace at least we can promise you.

But it is not merely to the material blessings of our land that I bid you welcome. We desire you to share with us on equal terms our constitutional liberties, our municipal privileges, and our domestic freedom; we invite you to assist us in choosing the members of our Parliament, in shaping our laws, and in moulding our future destinies. There is no right or function which we exercise as free citizens in which we do not desire that you should participate, and with this civil freedom we equally gladly offer you absolute religious liberty. The forms of worship you have brought with you, you will be able to practise in the most unrestricted manner, and we confidently trust that those blessings which have waited upon your virtuous exertions in your Russian homes will continue to attend you here; for we hear that you are a sober-minded and God-fearing community, and as such you are doubly welcome amongst us.

It is with the greatest pleasure I have passed through your villages, and witnessed your comfortable homesteads, barns and byres, which have arisen like magic upon this fertile plain, for they prove indisputably that you are expert in agriculture, and already possess a high standard of domestic comfort.

In the name then, of Canada and her people, in the name of Queen Victoria and her Empire, I again stretch out my hand to you, the hand of brotherhood and good fellowship, for you are as welcome to our affection as you are to our lands, our liberties and freedom. In the eye of our law the least among you is equal to the highest magnate in our land, and the proudest of our citizens may well be content to hail you as his fellow countryman. You will find Canada a beneficent and loving mother, and under her fostering care I trust your community is destined to flourish and extend in wealth and numbers through countless generations. In one word, beneath the flag whose folds now wave above us, you will find protection, peace, civil and religious liberty, constitutional freedom and equal laws.

Mennonite Reserve, Manitoba.
August 21st, 1877.

Conference of Mennonites in Canada Archives, Winnipeg, Manitoba,
Vol. 1321, file 929.

APPENDIX 10

CIRCULAR which was printed in English and Russian and addressed to the Elders and People of each of the 61 Doukhobor villages during the month of February, 1907.

The government is glad to see that some of the Doukhobors are cultivating their own land, and have become or are becoming citizens of Canada and British subjects. But it is very sorry to see that after having been in Canada for seven years, the large majority of the Doukhobors still cultivate their land in common and refuse to become citizens of the country. They have left large areas of land which the government has permitted them to hold in their names without cultivation and improvement. The law is that a man must cultivate his own land or he cannot hold it. The people who are not Doukhobors now demand that Doukhobors be not longer allowed to hold land without cultivating it and becoming citizens of the country.

The government of Canada is the majority of the people of Canada, and when the majority of the people say that the Doukhobors must not be allowed to hold land without cultivation any longer, the government must obey and must cancel the entries on lands that are not properly held, so that they may be properly held by other people. The only Doukhobor entries that are properly held are those held by men who live either on their land or in a village within three miles of it, and who cultivate their own land for their own use, and who have either already become, or intend to become Canadian citizens or British subjects.

If any man who lives in a village cultivates his land more than three miles from the village in which he lives, his entry will be protected for six months to enable him to build and live on the land. If he does not build and live on the land within that time the entry will be cancelled.

While the government wishes every man to cultivate his own land for his own use and to become a citizen it will not attempt to compel the Doukhobors to do either. It will protect them as it has hitherto done in their religious beliefs, but it cannot longer give them privileges in regard to land which it does not give to other people. If the land upon which the village stands or partly stands is under entry, the entry will be cancelled in whole or in part, so that the government can protect the Doukhobors in their homes.

The community entries in the vicinity of each village, to the amount of fifteen acres to each person in the village, and so distributed as to comprise as much of the community cultivation as possible will be cancelled, and the land held

by the government for the protection of the community Doukhobors during the pleasure of the government. All other entries in the names of community Doukhobors will be cancelled. The Doukhobors whose entries have been cancelled will be permitted to make re-entry on cancelled land which is open for entry at any time within three months from receiving this notice, and their re-entries will be made on application without payment of an additional fee.

Doukhobors who make entry within three months either with the commission who will visit your village or at the land office must state when making re-entry whether they intend to live on the land or in the village, and must state their intention of becoming British subjects. If the land is within three miles of the village in which they reside, they will be able to hold the land by cultivating it for their own use while living in the village. But if it is more than three miles from the village they must live on the land and must begin to live on it within six months of the date of their re-entry. All re-entries will be subject to cancellation for non-compliance with these conditions of the law. If there is any community cultivation on lands re-entered for, it will be reserved from the use of the homesteader for the use of community during the year 1907, afterwards it will be for the sole use of the homesteader.

PAC, RG 15, Vol. 757, file no. 494483(10)

APPENDIX 11

Agreement made in duplicate this 12th day of April A.D. 1957

BETWEEN:

Union of Manitoba Municipalities,
(hereinafter referred to as "the Union")

OF THE FIRST PART

- and -

The Hutterian Brethren of Manitoba,
represented herein by Peter Hofer of the
Rural Municipality of Cartier in Manitoba,
Senior Elder, Joseph Kleinsasser, Elder,
and George Wipf, Elder, both of the Rural
Municipality of Portage la Prairie in
Manitoba, and Samuel Kleinsasser of the
Village of Headingley in Manitoba, Elder.
(hereinafter referred to as "the Brethren")

OF THE SECOND PART

WHEREAS the Union has made representations to the
Government of Manitoba for the enactment of restrictive legis-
lation relative to the expansion of the Brethren's land hold-
ings in the province;

AND WHEREAS the Brethren, being a peace loving people
and anxious to maintain friendly relations with their fellow
men have agreed, without surrendering any of their rights in
the future, to be bound voluntarily by the terms and conditions
hereinafter in this Agreement set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH

that in consideration of the mutual covenants herein contained
the parties hereto covenant and agree as follows:

1. The Brethren will not expand the present colonies either
in number or size except in compliance with the terms and con-
ditions set forth in paragraphs 3, 5 and 6 hereof.
2. The Union will not oppose any expansion by the Brethren
which is in compliance with the terms and conditions set forth
in paragraphs 3, 5 and 6 hereof.
3. The terms and conditions are:
 - (a) No colony may contain land holdings in excess
of 5,120 acres.

- (b) Not more than 2 colonies may be established in a municipality comprised of 6 or more townships.
- (c) Not more than 1 colony may be established in a municipality comprised of less than 6 townships.
- (d) The land boundary of a colony may not be closer than 10 miles to the land boundary of any other colony.
- (e) Irrespective of the number of colonies total land holdings by the Brethren may not exceed 10,240 acres in any one municipality.
- (f) Land holdings of the Brethren which, as of the 1st day of April, 1957, are in excess of the restrictions set out in sub-paragraphs (a) and (e) hereof may be continued but not increased except in the case of the James Valley Colony which may purchase Section 13-10-3 W.1, if it is for sale.

4. For the purposes of paragraph 3 hereof, "land holdings" shall be interpreted to include both leasehold and freehold.

5. Notwithstanding any other provision in this Agreement contained, the terms and conditions set out in paragraph 3 hereof, may be varied in respect of any municipality by mutual consent of the municipal council and the colony or colonies therein situate.

6. No provision herein contained shall prevent or forbid any existing colony from being subdivided into two or more colonies.

IN WITNESS WHEREOF the Party of the First Part has caused its corporate seal to be affixed duly attested by the hands of its proper officers in that behalf and the representatives of the Party of the Second Part have hereunto set their hands and seals on the day and date first above written.

SIGNED, SEALED AND DELIVERED) Union of Manitoba Municipalities
in the presence of)

) H.C. Odell

) President

) R. Barrett

) Secretary

) For The Hutterian Brethren
of Manitoba.

) Peter Hofer

E.A. Fletcher as to
The Hutterian Brethren)

- 713 -

)
) Joseph Kleinsasser
)

)
) George Wipf
)

)
) Samuel Kleinsasser
)

Manitoba Archives, ME 15 C2

APPENDIX 12

AGREEMENT BETWEEN THE LEHRER-LEUT HUTTERIAN BRETHERN AND THE GOVERNMENT OF SASKATCHEWAN

WHEREAS the LEHRER LEUT Group of Hutterian Brethren is composed of the following colonies of Hutterian Brethren, namely:-

(then follows a list of 23 colony names)

...

AND WHEREAS the Government of the Province of Saskatchewan has appointed the Saskatchewan Government Hutterite Committee to advise Hutterian Brethren with respect of any settlement of Hutterian Brethren in the Province of Saskatchewan;

NOW THEREFORE, we the undersigned, on behalf of all the member colonies of the Lehrer Leut Group do hereby undertake and agree as follows:-

(1) To contact the Saskatchewan Government Hutterite Committee when any Colony of Hutterian Brethren decides to settle in the Province of Saskatchewan and to consult with that Committee as to desirable locations in the said Province and to work with the said Committee to find mutually satisfactory sites for new colonies.

(2) To approve in principle the proposition that the number of colonies in any areas should be proportional to the local population in the community where such colony is situated and further that colonies should, if possible, locate near the large centers of population in the said province.

(3) That land agents and realtors seeking to sell lands in the said Province to Hutterian Brethren should first contact the Saskatchewan Government Hutterite Committee prior to offering any land for sale to any Hutterian Brethren and we agree that if any Hutterian Brethren are approached by such land agents or realtors, we will endeavour to have such land agents or realtors consult with the Saskatchewan Government Hutterite Committee before any negotiations are carried on with them for the purchase of land.

(4) This undertaking is given voluntarily and for a period of five years from the date hereof and will be renegotiated with the Saskatchewan Government Hutterite Committee prior to the expiration of the said term.

IN WITNESS WHEREOF WE, the undersigned, have hereunto set our hands and seals as the duly authorized officers representing the said Lehrer Leut Group of Hutterian Brethren, the 22nd day of August, A.D. 1958.

Saskatchewan, "Final Report: The Hutterite Program". The date and author are not given but factors in the text suggest that it was written by Vern Serl, late in 1958, Department of Municipal Affairs, Government of Saskatchewan, Regina.

APPENDIX 13

REGULATIONS OF THE HUTTERITE COMMITTEE OF THE
GOVERNMENT OF SASKATCHEWAN

1. Policy - new colonies

- (a) Colonies are required to locate a minimum of 35 air miles apart, headquarters to headquarters.
- (b) A maximum acreage limit of 10,000 acres is in effect, subject to such variations as may be approved by the Committee.
- (c) The location of a new colony is considered in relationship to the nearest urban service centre; in addition, the concentration of colonies on a particular centre is considered.
- (d) The impact of a colony on the community in respect of the number of farm families displaced and the effect on the school situation is also a factor.
- (e) Wherever possible, an attempt is made to concentrate the colony as a block rather than have it spread out in small parcels in several ranges or townships.
- (f) The needs of farm families on the edges of a proposed colony development are given preference.

2. Procedures - new colonies

- (a) Application signed by colony leaders is required for permission to secure options on land.
- (b) If granted, colony must advise when options have been obtained.
- (c) The liaison officer then makes a field trip to the area to determine if the proposed colony will meet the policy requirements. The field trip involves interviews with local farmers, local councils, rural and urban, school officials and business people in urban areas.
- (d) A detailed report is submitted to the Committee for consideration.
- (e) The decision arrived at by the Committee is communicated to the colony.

3. Procedures - existing colonies

(a) In the majority of cases, colonies do not purchase the maximum acreage allowed. This results in request for approval of additional purchases and, in some cases, for permission to make trades.

~~(b)~~ In each instance, the policy as it relates to new colonies is followed wherever applicable.

These Regulations were in force in 1972, but the date when they began is not given.

Found in Ian A. Hunter, Civil Liberties and Human Rights: A Canadian Sourcebook, Ottawa, The Department of Law, Carleton University, 1972, p. 188.

APPENDIX 14

A SUBMISSION TO THE LEGISLATIVE ASSEMBLY OF MANITOBA, ABOUT SCHOOL CONCERNS, FROM THE REINLAND MENNONITE CHURCH, FEBRUARY 1919.

We, Mennonites, who immigrated to Canada and are called the Reinland Mennonite Church or Old Church, feel it our duty to render our most sincere thanks to the gracious and high Dominion Government and also to the Provincial Government for the very generous protection and the favor which we have derived from them, and we therefore also pray to the Lord: "O Lord God be thou further with our gracious King, the father of the land, and with all the high and lower Regents in Canada as thou hast been with them till now, when thou hast inclined their hearts that we might enjoy our religious rights and the liberty to have and maintain our own schools under the protection of the well beloved Government and now endow them all with wise hearts and thine Holy Ghost that they may reign wisely in all the Canadian and British countries."

Such and the like prayers to God are publicly delivered on every Sunday and in all our congregations for the authorities of the British Government under whose protection we, thank God, do dwell.

We are informed that it is the intention to introduce into the legislative chamber of the Province of Manitoba an amendment to the School Law of the Province with the purpose of depriving the Mennonite people of the Province of the privileges which they have had since they immigrated into Canada, of having our own schools.

It is therefore, now our desire to lay before you, the Honorable members of the Legislature, the following facts which we do humbly pray you to take into consideration,-

(1) It was our own practice in our old country Russia, that all our children were instructed in schools, in reading, writing and arithmetic, and also in religion, morals and cleanliness in such manner as was requisite and appropriate for the needs of the rural community to which they belonged. It was one of the conditions on which we had settled in Russia that we should be allowed to educate our children in our own way in our own schools, and it was by reason of this privilege, together with a privilege of exemption from Military Service and from taking oaths, (being taken from us that we determined to emigrate from Russia.

(2) While we were in this mind, delegates from among us were invited to visit Canada, at the expense of the Government of Canada. Our delegates did so, in the year 1873 and while these

delegates were in Canada they were freely offered the privileges our people wanted if they were to immigrate to Canada. The terms of these privileges were communicated to the delegates in a letter of July 23rd, 1873 which we fondly cherish as the charter of our liberties from the Government of Canada. This letter said that - "The fullest privilege of exercising their religious principles is by law afforded to the Mennonites without any kind of molestation or restriction whatever, and the same privilege extends to the education of their children in schools". We believe that the Government clearly understood that the matter of our schools was one of the matters of supreme importance to us because the Minister of Agriculture in his report for 1873 said that "The cause of the new projected Exodus is again the question of military service from which the Czar now refuses to exempt them. It is also coupled with a question of schools, a new ukase requiring that their children should be instructed in the Russian language and made to submit to regulations respecting tuition to which they cannot in conscience consent".

This was a correct statement of our reason for leaving Russia. And the Minister in his report setting out the terms of the agreement further says, "The obligations contracted towards these people as enumerated in the letter to the Mennonite delegates under date July 23rd, 1873 are,

1.
2.
3. "The privileges of religious schools of their own".

(3) We immigrated to this country wholly on account of having received the privileges given us by the Government. And believing then as we do now that the word of the Government is inviolate because the Government is ordained of God, we started our own schools right from the beginning, although we had to go through many hardships to do so. And we have continued to build and maintain our own schools ever since in good faith and without asking for assistance.

Our children are educated in our schools in the three main branches of learning, - reading, writing and arithmetic, and they are well educated, so that they are able to read intelligently and understand both religious and secular writings; and to write plainly and legibly; and to cipher so that they can do their business calculations and keep their own business accounts efficiently. In short, they get in our schools, just the schooling which is required by them in the rural life we lead.

(4) Our schools are twenty-two in number; the school houses are roomy and well ventilated and lighted and are warm and comfortable. We have teacher's dwelling rooms or houses in connection with them all. They are in such nearness to one another

that they can easily be reached by the pupils. The teachers are all sufficiently educated men of character. The schools are open about seven months in the year: the children of school age, seven to thirteen for girls, and seven to fourteen for boys, attend most regularly, and many of the children attend before seven and some after thirteen and fourteen, and the Clergy assume the duty of requiring the parents to send their children to school regularly and to see that the schools are efficiently conducted. And we verily believe that all our children except such as may be weak or sick are without exception attending school and being educated. It is the rule of our community life that every parent must educate his children. There are no illiterates among our people.

(5) We do not wish to tire you with a recital of our beliefs, but we desire to make clear to you the principles which underlie our schools. While we are usually called the Reinland Mennonite Church, we are a community that coheres together not only for religious, but for secular concerns, and our belief is that we should apply the precepts of the holy scriptures to the daily routine of life, that is to temporal as well as spiritual affairs. It is because of this that we feel bound to obey the command of the word of God that we shall not harbor the fighting spirit in our hearts - that we shall not fight but turn the other cheek - that our communication shall be yea and nay and that we shall not go to law, but give our cloak to him that taketh our coat. And in teaching our children in our schools we have the duty laid on our conscience to teach them both religious and secular truth as part of one whole, that they may be holy and good and loyal and diligent and unselfish and co-operative in all their relations to God and to their fellow men. Thus we aim to fit our children for their duties to God and man and for their place and work in the world. We are a rural community, we live on the land and till the soil and our schools are designed to fit the children to be good rural community citizens, progressive, diligent, frugal, given to hospitality, charity and good works towards all men.

(6) We are backward to speak of the results of our school system lest it might seem like boasting, but we must speak of it, as it were in confidence, if we may, so that you may know the whole truth. We pass over the intimate religious side of our community life because we do not think that you would wish us to speak of this, being so largely a matter of personal relations to God, even tho' interwoven with the other relations of life that open outward to the world.

We, however, make bold to mention the following results that flow from the community education in our schools,-

- (a) Our children are taught loyalty and submission to the King and his Governments as being ordained of God,

and we assure you that our people are deeply loyal to the Governments of this country under which we have hereto enjoyed such great privileges....

(b) Our children are taught to live the rural life - the life with nature on the farm and their minds and bodies and habits and activities are all directed to this rural life. The result is that our people from generation to generation continue to lead the simple life on the farm and they do not tend to go to the towns or cities. They are taught to be content with the country and we can truthfully say they are.

(c) Our children are taught to live the community life, to cohere together and to co-operate with one another and with their neighbors in all the duties and relations of life. And we would respectfully submit to you that they carry this teaching into practice. We work together in the ordinary activities and labors of life - we co-operate in advancing the material well being of the individual - we make provisions for giving assistance to all who require it to establish themselves in farming on their own account. We co-operate in inducing thrift, we have our own saving and trust system, the Waisenamt, the trustees of which receive the people's moneys and lend them for productive purposes, paying 5% interest to lenders and charging borrowers 6%. We rely solely on the honor of the borrowers and their sureties and we are happy to tell you we make no losses.

In all the economic relations of life our children are taught to be frugal, industrious and unselfish and we make free to say that with few exceptions they carry this out in their daily lives.

(d) We take care of the poor, the sick, the suffering, the feeble, the weak minded whoever or whatever they may be, and we would not knowingly have any of our people dependent on the charity of others. We believe that we are little or no expense to the Government in the administration of justice or in the matter of courts or hospitals or jails.

(e) We live peaceably with our non-Mennonite neighbors - we greatly respect and highly regard them, and if their actions are a true index to their hearts, they do not look with disfavor upon us for they are truly kind to us.

(f) We have, by the favor of God, through the liberty which we have been given by the Government been permitted ever since we settled in Manitoba to have our

own schools according to the convention between the Government and our delegates and to carry into practice the co-operative community teachings of these schools and we have been greatly prospered in material well being and we have always been and are now ready, willing and anxious to bear our full share and more of the burden of taxation to maintain the country and the Government, and in this regard we beg to say that we have during the war sought to give substantially and freely to every national cause in order to show our gratitude for the liberty of conscience that has been accorded us.

(7) It might appear from the above statements that we have a very high opinion of ourselves: indeed that we are blowing our own horn in regard to our accomplishments. We do not wish even to appear to do that because we recognize our own shortcomings and humbly confess them before God and man.

We are not asking you to base your opinion of us or our school system on our statements at all. We would ask you to kindly make an independent and unprejudiced investigation into the social, economical and moral conditions of our community and base your opinion of us and our school system on the facts as you find them. There is just one favor we would ask of you in this connection, that is not to examine the details of our school system, we may say the machinery of our schools, and condemn it because it differs in some respects from that of the state school, without considering the results we obtain through our schools.

We would respectfully ask you before breaking in on any of the privileges we have under the Convention of 1873, to make a full, fair and unprejudiced investigation of the results of our educational system as seen in the life of our people.

(8) We respectfully submit that the convention made with our delegates in 1873 has been a great blessing and benefit to us and through us to the country at large and that it has not been an injury to the country in any respect or to any people of the country. And we further respectfully submit that both parties to that convention are in honor and in duty bound to carry out the terms of that convention as has heretofore been done.

(9) We take it for granted that the people of the Province of Manitoba will honor and fulfil the obligation entered into by the Dominion Government towards us and that we may continue to enjoy the liberty of keeping on as we have done heretofore for which we are thankful in advance.

Annexed hereto is a copy of the material parts of a Return to an order of the House of Commons giving copies of

the documents concerning the Conference between the Minister of Agriculture and the Mennonite Representatives in July 1873.

May we end by expressing the adherence of our people to the Government and their full determination to remain loyal and true in the future as in the past.

May the Lord bless the Government for its grace and favor.

TO THE HONORABLE MEMBERS OF THE
LEGISLATIVE ASSEMBLY OF MANITOBA:
February 1919.

On behalf of the
Reinland Mennonite Church.

JOHANN J. FRIESEN
Bishop

FRANZ F. FROESE
Overseer.

Manitoba Archives ME-14 C45.

APPENDIX 15

A theological statement on war, adopted by Mennonites of Ontario in 1915 and sent to the government of Canada at that time.

We believe that in the light of the life and teaching of Christ and the apostles, no Christian should engage in carnal warfare under any circumstances nor for any cause. Matt. 26:51, 52; John 18:36; Rom. 12:17-21; II Cor. 10:4. Our testimony should be for peace and our life should correspond with our testimony. II Tim. 2:24. This was the position of the Church in Reformation times as seen in Article XIV of our Confession of Faith adopted in 1632; in the Civil War (1861-65); and at other times when the trial of our faith meant persecution and death.

When our government becomes involved in war we should pray for our rulers (I Tim. 2:1, 2); have a meek, quiet and submissive attitude toward our government (Rom. 13:7); relieving suffering whenever and wherever opportunity affords (Gal. 6:10); but under no circumstances should we enlist as soldiers and fight, choosing rather to suffer affliction and persecution than to inflict violence upon others.

Brethren drafted for military service should state their position on nonresistance meekly but unhesitatingly, get relieved if that is possible, but if forced by violence into the army, should suffer themselves to be imprisoned or court-martialed rather than do anything which could in any way result in the loss of life at their hands. As a Church we should disown all members who bear arms as soldiers as that term is commonly understood, but at the same time we should stand by all of our brethren in trouble (Gal. 6:2, 10) and lend assistance to all brethren who suffer because of conscription laws. Our position should be plain to our governments and our prayers should ascend for peace.

As quoted in J.S. Hartzler, Mennonites In The World War, Scottdale, Pennsylvania, Mennonite Publishing House, 1921, p. 56.

APPENDIX 16

NATIONAL WAR SERVICES REGULATIONS, 1940 (RECRUITS)
AUGUST 27, 1940

MENNONITES and DOUKOBORS

17 (1) Members of the Community of Doukobors of the sect or denomination of Christians called Mennonites who immigrated to Canada pursuant to the arrangements evidenced by the Order in Council of August 13, 1873, and by the Order in Council of December 6, 1898, respectively, or the descendents of such immigrants who have continued without interruption to be members of the said Community or of the said sect or denomination aforesaid and who have resided without interruption in Canada, shall be entitled, subject as hereinbefore provided, to the indefinite postponement of their military training.

(2) Persons whose registration cards disclose that they represent themselves to be Doukobors or Mennonites shall not be required, by the Divisional Registrar, to report for military training except as hereinafter provided.

(3) The Board in the Administrative Division in which any such person resides may order the indefinite postponement of military training in the case of such person or the said Board may order that such person shall appear before the Board or before a Judge of a Superior or other Court, a Police or Stipendiary Magistrate, or any Magistrate having the authority of two Justices of the Peace authorized by the Board to act in its place, at such time and place as the Board designates to establish his claim that he is entitled to the indefinite postponement of his military training under subsection (1) of this section and the Board, Judge, or Magistrate, as the case may be, shall determine whether the claimant is so entitled and such determination shall be final and conclusive.

(4) Immediately after the adjudication authorized by the next preceding subsection, the Board shall give a direction to the Divisional Registrar as to the calling out or the postponement of the calling out of the claimant.

CONSCIENTIOUS OBJECTORS

18 (1) Any man who, from the doctrines of his religion, is averse to bearing arms or undertaking combatant service, may apply for an order deferring or postponing his military training indefinitely, provided that it is established that such man consciously objects to the bearing of arms or the undertaking of combatant service and is prohibited from the bearing of arms or undertaking combatant service by the tenets and articles of faith in effect

on the first day of September, 1939, of any organized religious denomination to which said man aforesaid, in good faith, belongs.

(2) Application for such order shall be filed with the Division Registrar of the Administrative Division in which the applicant resides, not later than twelve days after the issue of a proclamation calling out men of the age class to which the applicant belongs.

(3) The Divisional Registrar shall not, while any such application is pending, issue a notice addressed to the applicant requiring him to report for military training.

(4) The application shall be heard and disposed of by the Board in the Administrative Division in which the applicant resides or by a Judge of a Superior or other Court, a Police or Stipendiary Magistrate or any Magistrate having the authority of two Justices of the Peace authorized by the said Board to entertain such application, and the Board, Judge, or Magistrate, as the case may be, shall determine whether the claimant is so entitled and such determination shall be final and conclusive.

(5) The Divisional Registrar shall make all necessary arrangements for the hearing of such applications as expeditiously as possible and shall notify the applicant of the time and place of hearing.

(6) The Divisional Registrar shall be governed by any order or direction of the Board competently given relative to the calling out or the postponement of the calling out of the applicant.

19 (1) The Governor in Council or the Board in the Administrative Division in which any person whose military training has been postponed by or pursuant to the two next preceding sections, resides, may at any time cancel such postponement.

(2) It shall be a condition of the postponement of military training of any person by or pursuant to the two next preceding sections, that such person is compellable to do non-combatant duty either with the Naval, Military or Air Forces or with any civil authorities, or both.

APPENDIX 17

A submission made jointly by Mennonite Representatives from Western Canada and from Ontario, requesting an alternative service program.

Ottawa, Ont. November 13th, 1940.

Hon. Mr. T.C. Davis,
Major-General L.R. LaFleche,
Associate Deputy Ministers,
Department of National War
Services,
Ottawa, Ontario.

Dear Sirs:

Referring to the interview which you kindly granted to us yesterday morning, to discuss with you the question of services which might be rendered by members of our Churches; we wish to advise that we have further considered the points raised during that interview.

May we first emphasise that we, as representatives of the Historic Peace Churches, having in mind that the National War Services Regulations, 1940, Section 19 (2) provides that conscientious objectors may do non-combatant duty under civil authority, have given a good deal of time and effort to endeavour to reach a constructive solution of this problem which is ours as well as your own. Our suggestions were embodied in the document known as "Canadian Fellowship Service" and in the shorter statement which was submitted by the Western representatives yesterday morning and which is in fundamental agreement with "Canadian Fellowship Service."

It is our conviction that the Young Men whom we represent would not respond favourably to the suggestion that they should do work in military camps. The matter of whether or not uniform was worn would in our opinion not affect the situation. We feel bound therefore to respectfully renew our offer to perform work along the lines of our former proposals and to make the following suggestions.

1. That the work should be of an agricultural or forestry nature combining if possible reforestation, setting up of nurseries as needed, land reclamation and farm improvement.
2. That first aid courses might be given as part of the training of the men while in camp in order to equip them to render service in the event of epidemics or other emergency resulting from the war.

3. That this work might be done on government-owned land, in order that the benefit from the labour expended should accrue to the Country as a whole.

4. That sites might be chosen after consultation with the Department of Agriculture and the Department of Lands and Forests, and that supervisors might be selected from such Department.

5. That for this purpose, the Dominion be considered as having three divisions:

- (a) British Columbia - Alberta
- (b) Saskatchewan - Manitoba
- (c) Ontario and the East.

It is our belief that there would be sufficient men in our Churches to maintain a personnel of twenty to fifty workers in each of three camps located in the sections mentioned. This figure would no doubt be increased appreciably if conscientious objectors who are members of other religious bodies were included in such a project.

We feel that such a solution would satisfy our members of military age and that it should satisfy any reasonable objection on the part of bodies who feel that no distinction in the matter of service should be made on grounds of conscience.

In closing we would say that the absence of definite locations in these proposals, is due to our feeling that the work should be done on government lands.

We wish to thank you for the courtesies extended to us and to assure you of our desire to continue to be of help in arriving at an arrangement which will be satisfactory to all concerned.

Respectfully yours,

/E.J. Swalm/
Duntroon, Ontario.

/David Toews/
Rosthern, Saskatchewan.

/J.B. Martin/
Waterloo, Ontario.

/B.B. Janz/
Coaldale, Alberta.

/Fred Haslam/
Toronto, Ontario.

/J. Gerbrandt/
Drake, Saskatchewan.

• /J.H. Janzen/
Waterloo, Ontario.

/C.F. Klassen/
Winnipeg, Manitoba.

Conference of Mennonites in Canada Archives, Winnipeg, Manitoba,
Vol. 1321, file 928.

APPENDIX 18

An excerpt from Order-in-Council P.C. 7215, passed December 24, 1940, amending the National War Services Regulations, 1940, (Recruits).

8. The said Regulations are hereby further amended by inserting immediately after section eighteen thereof the following:

"18.A. (1). Notwithstanding anything contained in the two next preceding sections, a Board may, of its own motion or on application made by the Minister or any person representing the Minister, in the case of any person entitled either as a Mennonite or as a Doukhobor or as having been found by the Board to object conscientiously to bearing arms, to indefinite postponement of military training, direct the Divisional Registrar that such person if reported to be medically fit for military training, be required to report after his age class has been called out, at the appropriate military training centre, to receive non-combatant training or to render non-combatant service for a period of days equal to the current training period: Provided, however, that in no case shall such person be required to perform any training or service which involves the bearing of arms.

(2). Alternatively, the Board may direct the Divisional Registrar that such person be required to report at a place and time and to an officer or authority to be named in the notice, to report for training for a period of days equal to the current training period as a stretcher-bearer, hospital attendant or helper, ambulance operator or in the rendering of first-aid to injured persons.

(3). Or the Board may direct the Divisional Registrar that any such person be required to report at a place and time and to an officer or authority to be named in the notice to report, to render or perform any civilian service or labour for a period of days equal to the current training period and under such conditions as the Governor in Council may from time to time designate.

(4). The Divisional Registrar upon receipt of a direction from the Board respecting any such person shall incorporate the name of such person in a list of persons to be called out for non-combatant military

training pursuant to sub-section one hereof or for other training pursuant to sub-section two hereof or to render or perform civilian service or labour pursuant to sub-section three hereof, as the case may be, and shall, after his age class is called out, require such person to report in accordance with the direction of the Board and the instructions of the Minister.

(5). Every man required to report pursuant to the provisions of this section shall comply with the notice given him and shall undergo or perform the training, or service or labour required of him, and training so undergone or service or labour so performed shall be in lieu of military training for a like period and any person undergoing or performing such training or service or labour shall receive remuneration at the same rates as those undergoing military training. Every man called out pursuant to this Regulation who fails or refuses to report within the time limited by and in accordance with the terms of the notice given to him shall be guilty of an offence and liable upon indictment or summary conviction to imprisonment for a term not exceeding twelve months, with or without hard labour, or to a fine not exceeding Two hundred dollars and not less than Fifty dollars, or to both such imprisonment and such fine.

Government of Canada, The Canada Gazette, Vol. LXXIV, No. 64,
January 2, 1941.

APPENDIX 19

THE OLD ORDER MENNONITE AND AMISH BASIS OF OBJECTION TO GOVERNMENT SPONSORED SOCIAL SECURITY PROGRAMS

It may help leaders in government as well as the general public to understand our position on the question of social security if we summarize our views regarding the nature of government and of the Christian Church and our responsibility to both.

We view government as ordained of God as described in the 13th Chapter of Romans and believe its chief function to be that of maintaining order and punishing evil doers. We respect Government, regularly pray for those in authority and obey it up to the point when its demands conflict with our Christian faith and life. We believe that the church is the body of Christ seeking to do the will of God and as such demands a higher allegiance than does that of the state. This has been the traditional Mennonite position irrespective of the particular form of government under which we and our forefathers have lived.

The church, we believe, is a religious body which adult people should join voluntarily. Joining the church and being a member in it is an extremely serious and sacred matter with us. It involves not only promising agreement to a set of theological beliefs but it means also promising to live according to a well defined way of life. By the right of baptism our members pledge obedience to follow the teaching of Christ as directed in the New Testament. The church, we believe, is a genuine brotherhood in which individual members obligate themselves to help one another in time of need and to be willing to submit to the discipline and the counsel of the total brotherhood.

A central teaching and practise of the Mennonite Church from the 16th Century until today has been that of Christian mutual aid. In earlier days candidates for baptism were asked if they were willing to share their earthly goods with fellow members in case of need. This has been the continuous practice of our people for 450 years and is the way we today help one another whenever necessity requires it. The principle of mutual aid is illustrated in the way we help our members restore houses and barns destroyed by fire or by ploughing or harvesting crops of those who have been victims of illness or accidents. This is our substitute for insurance systems and other forms of social security programs. It is our understanding of the way we think God means for Christian people to provide for each others needs.

The present conflict between ourselves and the Provincial and Federal governments over various social security programs is another of a long series of conflicts between church and state. We see the social security programs as a direct threat to our religion. To be forced to accept such programs is to be compelled to substitute a government welfare program for a church centred program. We fear that such publicly sponsored programs will over a period of time, divert the loyalties of our people away from the church and toward dependence upon government. We do not believe it is pleasing to God to set aside such clear scriptural injunctions as, "Bear ye one another's burdens, and so fulfill the law of Christ," (Galations 6:2), or the admonitions in Timothy I, 5:8, "But if any provide not for his own and especially for those of his own house, he has denied the faith, and is worse than an infidel." We feel strongly that it is both our obligation and our Christian privilege to look after our own welfare and we do not look with favour on becoming in any way morally or spiritually obligated to the state.

Our objections to the social security plans are not primarily financial. We have offered repeatedly to pay the equivalent of the welfare premiums into a worthy welfare or charitable fund, that this money might be used to help in areas of need. We do not seek to publicize our concern, nor do we want to embarrass the government by forcing it to seize money in payment of welfare program costs. Yet we feel deeply the threat to our traditional religious way of living.

It is not only the Canada Pension Plan but the whole series of recent compulsory governmental programs of elementary centralized education, hospitalization, and workmen's compensation as well as the pension plan that by gradual stages is attempting to force our people to conform to what we consider a threat to our understanding of the Christian way of life. We wish once more to inform the government that we cannot conscientiously co-operate with such programs and specifically the Canada Pension Plan.

We would once more ask you to respectfully consider the possibility of exempting those with religious scruples from coverage under the Canada Pension Plan by amending the present act. We cite as an example of such exemption the provisions made by the United States government for those with religious objections to participation in a government compulsory welfare program. (See H.R. 9043, Nov. 6, 1963)

If the Government of Canada refuses to recognize our plea for religious liberty we shall stand firm and do whatever God would lead you to subject us to. We are prepared to suffer economic losses such as having our milk cheques seized, being fined, and even go to prison for our convictions.

In times past when our people were no longer guaranteed religious freedom by their governments they frequently chose to migrate rather than give up their cherished religious principles of brotherhood living. Our forefathers were the first permanent settlers in this part of Upper Canada. They deeply appreciated Canada's excellent government during the past century. We, their descendants, also have appreciated Canada's good government and we would not leave this country lightly. We confess, however, we have entertained that possibility if the only alternative to remaining here is to be forced by gradual steps to conform to an ever increasing number of worldly patterns of behaviour.

Kitchener, Ontario
October 16, 1967

Elven Shantz Private Papers, Kitchener, Ontario. The brief also appeared in The Canadian Mennonite, October 31, 1967.

APPENDIX 20

AN EXCERPT FROM THE 1968 HUTTERITE INCOME TAX AGREEMENT

...the Minister, the Appellants and the Church have reached a consensus or understanding respecting the application of the Income Tax Act to Hutterian Brethren Colonies and the Members thereof...as hereinafter set forth (which understanding on the part of the Minister is based upon the recitals and representations hereinbefore set out and which the Appellants and the Church report to be true) viz:

1. Every person who

- (i) is a resident of a Colony,
- (ii) obeys, abides by and conforms to the rules, regulations, instructions and requirements of the Colony, and
- (iii) is over the age of nineteen years at December 31st in each year,

...will be considered to be a Member of the Colony for the purposes of the Income Tax Act.

2. In assessing for the purposes of the Income Tax Act ...the profits arising from the farming and other activities carried on by each of the Colonies and any of the members is profit for the common use, interest and benefit of each and all of the Members of the Colony whether incorporated or unincorporated.

3. For the purposes of the Income Tax Act, the income of each Member will be an amount equivalent to the income of the Colony or any of the Members ascertained in the manner hereinafter agreed on, divided by the number of members, as of the last day of the fiscal period.

4. For the purposes of computing the profit of the Colony, there will be

- (i) excluded as outlays made or incurred for the purpose of gaining or producing income, all outlays in respect of personal and living expenses expended during the year for the use and benefit of Members and their wives and children, other than spinsters over nineteen who are actively engaged in the business of the Colony;
- (ii) included as income, the cost of all inventory and farm produce of the Colony consumed by its Members

and their wives and children during the year, other than spinsters over the age of nineteen who are actively engaged in the business of the Colony.

5. In computing the income of a Member, no capital cost allowance will be claimed or allowed in respect of the capital cost of any property except to the extent that such property is used for the purpose of gaining or producing income from the property or business and where depreciable property had been acquired prior to the commencement of the 1949 taxation year, the rule set forth in section 144 of the Income Tax Act shall be applied in calculating the capital cost of the property.

7. A Member, in computing his taxable income, will be entitled to make the appropriate deductions under the provisions of sections 26 and 27 of the Income Tax Act.

9. The Members of the Colony agree that the income of a Member as defined by section 3 of this understanding is for the purposes of the Canada Pension Plan, self-employed earnings within the meaning of section 13 of the Canada Pension Plan.

From the files of Roy H.C. Baker, a lawyer with the firm of Baker, Zivot, Wolchock and Company, Winnipeg, Manitoba.

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