43. May 22, 1710. An official declaration before the mayors and council of Amsterdam[[1]](#footnote-1) by Bendicht Brechtbühl, Hans Bürki, and Melchior Zahler, the first a preacher, the two others elders of the Mennonites in Bern, concerning their forced transportation down the Rhine past Mannheim to Nijmegen, their release there in accord with the decision of the States General of March 22, and their thoughts on why they are persecuted, concerning the government, the oath, and the bearing of arms.

[recto]

Translation copy May 22, 1710

We, the mayors and rulers of the town of Amsterdam, concerned with the persons to whom this document pertains, attest to the truthfulness [of what follows]. That before us as individuals wishing to make a legal declaration appeared Bendicht Brechtbühl, Hans Bürki, and Melchior Zahler, in the respective roles of preacher and elders and leaders of the congregations of Anabaptists or Mennonites of the Illustrious Canton of Bern in Switzerland. And that they declared that, after having been in prison in the said location for a long time because of the practice of their religion, under escort and guarded by an officer and several soldiers with fifty-two other people—some men and some women who believe as they do and who were likewise in prison, they were led like prisoners into this province, by order of the rulers of the said Canton, to be transported subsequently to America.

But that when they arrived together in Mannheim in the Palatinate, old people and feeble men as well as women, to the number of thirty-two people, were released from their company. And that the twenty-three remaining, among whom were those [three] making the declaration, were led away, to just outside Nijmegen, where the twenty-three persons mentioned above were also released, apparently because people were aware of the favorable decision made by their High and Mighty Lords on March 22, 1710, on the subject of transport of the said prisoners by the government of this province.

That those making this declaration are at present in this city, and that

they are aware of the accusation that has been made against them and their brothers in faith, as to the fact that the practice of their religion is founded chiefly on three key principles, namely:

First, that they would deny the office of the magistrate to be a divine institution.

Second, that they refuse to take any oath.

And, in third place, that they would refuse to help to defend their native land.

Consequently, those appearing here are neither willing nor able to refrain from adhering to their conscience, humbly but firmly, in the presence of the men of the ruling body of the place in which they find themselves presently [Amsterdam]. That as a result, they make it abundantly clear that the accusation mentioned above is born of a false opinion in that it does not make the necessary distinction about their confession and that of their brothers in faith on the subject of the three points mentioned above. Those mentioned previously, appearing here completely voluntarily, wish the latter matter to be understood [to mean] that they are unwilling in any way to attempt to render suspect any of their fellow countrymen who are well and far removed from the lofty and venerable men who are rulers of the Illustrious Canton of Bern. On the contrary, they consider themselves obligated to honor and preserve that matter in every particular and in respectful memory [of those who have suffered].

Consequently, the above-mentioned Bendicht Brechtbühl, Hans Bürki, and Melchior Zahler, together and each of them separately, have declared before us, mayors and rulers of this city, in a trustworthy manner, that their confession–and the confession of those of their representatives with whom they are on familiar terms in the Canton of Bern–on the subject of the three key principles consists as follows:

First, they believe and recognize that the magistracy [i.e., civil authority] is ordained by God Almighty in order to punish the wicked and to defend the good. And consequently that each Christian man, as a servant of God, is obligated to recognize the magistracy—and not only to recognize, but also to recognize following the just obligation not to offer resistance [to it] rather much more for them to pray God [verso] that they could lead a quiet

and peaceable life under their rule.[[2]](#footnote-2) And that, in so doing, it is necessary to give the customary tribute to the ruler to whom they owe tribute, duty to whom they owe duty, fear to whom they owe fear, and honor to whom they owe honor (Romans 13).[[3]](#footnote-3)

Secondly, they believe, following their conscience and according to the doctrine of Jesus Christ (Matthew 5)[[4]](#footnote-4) that they should never take an oath but rather in their affirmation they should hold just to “Yes” when “Yes” is indicated and to “No” when “No” is indicated. And they believe that by uttering these words they are as strongly bound as all the others who swear an oath. That in addition they recognize that, in the case of transgression of their affirmation given by “Yes” or “No,” they are transgressors of the commandment of God and subject to punishment of the sovereign magistracy.[[5]](#footnote-5)

And in the third place [they believe] that they are ready to give some money to the sovereign for his protection and defense, insofar as he will have taxed them according to their capability and what they are able to bear. Also that, in case of hardship, in place of employing arms they are very willing to work on fortifications, to the best of their ability.

Summoning the said petitioners, [we have informed them] most humbly that we would be willing to take full cognizance of the present accurate deposition made before us and have it registered in the office of our secretary in order that, in the meantime, it would be available there as they might have need of it.

And, since Bendicht Brechtbühl, Hans Bürki, and Melchior Zahler, named above, would not have been thoroughly instructed in their own language and would not be able to comprehend the Flemish language at all, everything reported above was done through the interpretation of David Walschard,[[6]](#footnote-6) notary public in this town, who understands and speaks the German and Flemish languages. And he told us under solemn oath that he made his interpretation truly and faithfully, and with the help of God Almighty, whom he serves devotedly with the said interpretation.

In witness whereof we have affixed under the items mentioned above the seal of this city, have had the document signed by one of our secretaries, and

further have ordained that the document will be registered in the office of our secretary on May 22, 1710.

Following the order of the mayors

and rulers named above,

To be signed

P. Hees

Registered in Great Record Book Nine,

folio 106 verso, in the Office of the

Secretary of the Town of Amsterdam.

Seal of the Town of Amsterdam

to be impressed in this space

1. 43 De Hoop Scheffer says this was inserted with a seal in “Het Groot Memorial,” IX, folio 106, verso. De Hoop Scheffer, Inventaris, I, p. 342.

   Gulik, under the title “Een Doopsgezind diplomaat” dated May 31, 1710, records an attempt to get Dutch citizenship for certain Swiss Mennonite refugees through Mr. Buis, probably an Amsterdam representative to the States General. The refugees could then travel safely back to Switzerland to arrange their affairs, but nothing came of the suggestion. Gulik DB (1909), pp. 150-153. [↑](#footnote-ref-1)
2. I Tim. 2:2. [↑](#footnote-ref-2)
3. Rom. 13:7. [↑](#footnote-ref-3)
4. Matt. 5:33-37. [↑](#footnote-ref-4)
5. Cf. André Holenstein, “‘Ja, ja—nein, nein!’—oder war der Eid von Übel? Der Eid im Verhältnis von Täufertum und Obrigkeit am Beispiel der alten Bern,” “…Lebenn nach der Ler Jhesu..” “Das sind aber wir!”: Berner Täufer und Prädikanten in Gepräch 1538-1988 (1989) , pp. 125-146. [↑](#footnote-ref-5)
6. David Walschard, notary at Amsterdam, drew up the inventory of Jan Luyken’s estate in 1712. DB (1990), p. 102. [↑](#footnote-ref-6)