

Vineland Ont., Nov. 2, 1917.

D. H. Bender,
Hesston, Kans.

Dear Brother:- Greeting.

Recent notice comes through the papers that all young men from Canada who are in the U.S. are expected to register under the recent military service law, either to apply for service or to place their exemptions on file. Any who fail to do so before the 8th of Nov. may suffer the penalty upon returning to Canada after Nov. 10th. You might call the attention of the Canadian brethren to this matter. If they send to some of their friends, \parents or near relatives/ their age, address and reasons for exemption, they may fill out the exemption papers for them and also appear before the Exemption tribunal for them. I hope that we may soon have relief from this military bondage. Yours in faith,

Vineland Ont., Nov. 8, 1917.

J. E. Hartzler, Pres.
Cosher Ind.

Dear Brother:- Greeting.

In one of the recent papers I noticed an item regarding the enlistment or registration of all Canadian young men in the U.S. who are eligible to the call of the first class in Canada. Any of such young men in the United States are supposed to apply for their exemption in person or through their parents or relatives, before the 8th of November. If they fail to do so, they are liable to a penalty upon their return to Canada after Nov. 10. Let them send their age, address and reason for exemption to some of their friends in Canada who may fill out the Exemption blanks for them. At least call their attention to this.

J. E. Hartzler

C O P Y .

Seal.
Department
of
Justice.

MILITARY SERVICE BRANCH.
130 Sparks St.,

Ottawa. 2nd November, 1917.

S. F. Coffman, Esq.,
Vineland Ont.

Sir,-

Military Service Act, 1917.

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 the 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.

In a former letter to an adherent of your Sect, I suggested that any Mennonite might claim exemption on the ground of his being excluded by paragraph 7, with a view to relieving him of any annoyance which might be caused by prosecution after the 10th instant for non-compliance with the Act, the production of the counterfoil being sufficient answer to the inquiry. Since expressing that opinion the matter has been thoroughly discussed by the Military Service Council and the opinion now is that Mennonites should be prosecuted for non-compliance with the Act, the answer to the prosecution would be that they are Mennonites, and on proof of the fact, undoubtedly the prosecution would be dismissed.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) E. L. Newcombe.

DEPUTY MINISTER OF JUSTICE.

*This is the first decision
concerning the military service.*



MILITARY SERVICE BRANCH

130 SPARKS STREET

C

Ottawa, 3rd November, 1917.

S. F. Coffman, Esq.,
Vineland, Ont.

Sir,-

MILITARY SERVICE ACT, 1917.

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I think this fully covers the contents of your letter and your mind may now be at rest on the whole subject.

I have the honour to be,

Sir,
Your obedient servant,

E. Chambers

DEPUTY MINISTER OF JUSTICE.

HACM/BL

File

Seal.
Department
of
Justice

MILITARY SERVICE BRANCH
130 Sparks Street.

Ottawa, 3rd November, 1917.

S. F. Coffman, Esq.,
Vineland Ont.

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I think this fully covers the contents of your letter and your mind may now be at rest on the whole subject.

I have the honor to be,

Sir,

Your obedient servant,

Signed, E. L. Newcombe,

DEPUTY MINISTER OF JUSTICE.

MENNONITES EXEMPT FROM MILITARY SERVICE.

A reply to our letter of Oct. 22 to the Prime Minister asking for total exemption from military service has been received from the Department of Justice and stated that "Mennonites are excluded from the operation of the Act, and have no duty to perform thereunder;" also that "the Matter has been thoroughly discussed by the Military Service Council, and the opinion now is, that if Mennonites are prosecuted for non-compliance with the Act, the answer to the prosecution would be that they are Mennonites, and the proof of the fact ^{on} undoubtedly the prosecution would be dismissed."

Since most, if not all, of our young men who are called have already registered for exemption they will not be prosecuted, and they should all appear before the Exemption Tribunals when called and present their Church Membership certificates, whereupon they should be dismissed by the Boards as excepted from the Military Service Act.

Let us thank God for this liberty, show gratitude toward the Government for this favor and loyalty toward the Church and good will toward all men and especially toward the suffering world.-- The Committee, per S.F.C.

Copy of a Tribunal Circular Concerning the Order in Council of
13th of August, 1873 and of 6th of December, 1898.

130 Sparks Street.

TRIBUNAL CIRCULAR No. 11.

Ottawa Ont., 5th November, 1917.

SYNOPSIS OF ORDERS IN COUNCIL OF THE 13 AUGUST, 1873
AND 6th DECEMBER 1898.

The following synopsis of Orders in Council of August 13th 1873
and December 6th 1898 referred to in Exception 7 of the Schedule to the
Act, which deals with Mennonites and Doukhobors settled in Canada. It
will be observed that these people are excepted altogether from the opera-
tion of the Act and consequently are not required to claim exemption.

Synopsis of Order in Council of August 13th 1873.

The Committee of the Privy Council approved by his Excellency the
Governor General, on the 13th day of August, 1873, passed an Order in
Council ~~which~~ in which an entire exemption from any military service ^{as} is
provided by law, was granted to the denomination of Christians called
Mennonites, as their faith forbids the bearing of arms.

Synopsis of Order in Council of December 6th 1898.

-----OO-----
not Copied.

Copied by J.R. Benson, Melville, Nov 16, 1917,

298
 Markham, Nov. 5th. "17.

S.F. Coffman,

Vineland, Ont.

Dear Brother,

About the middle of last month, seeing reports in the Toronto papers re the attitude to be taken by Tribunals in dealing with "conscientious objectors" I naturally became uneasy over the question. I brought the matter before Brother L.J.B., and I believe he at once wrote you. After speaking to him, I took a notion to write personally to the Premier. Might say that some years ago by a bit of good fortune it was my luck to have him as a seat-mate in a railway journey, while going east on main line of the G.T.R. Of course I did not know who he was when I took the vacant seat beside him. In my letter I recalled with pleasure this little incident and assured him that it was only because of the democratic spirit in evidence at that time on his part that I ventured to make a personal appeal to him. I stated our position as well as I could, being very courteous but at the same time firmly stating that our young men could not and would not sign anything that would compromise them in the way of serving in a non-combatant way in Military Service. I stated that should they insist on any such measures, then our exemption was null and void. I described our position from an Ontario attitude, stating that over 100 years ago our forefathers came here, and that within half a mile of where I lived, my grandfather, great-grandfather, and great-great-grandfather, were all buried, and that on my mothers side I was off U.E.L. stock from New Brunswick. All this personal history was for a purpose as I wished to assure him that we were not of recent arrival in Canada, and were only asking that the same liberty and

and privileges be given to us as were promised and given to our forefathers
 I also stated that while nearly all of our people were food producers and
 would be very likely to obtain exemption on that ground, yet there was a
 principle we were standing for that was to us dearer than life itself, and I
 asked him what would those do who had already applied for exemption on
 conscientious grounds alone?

A reply was received at once, bearing the ~~Pr~~ Premier's signature,
 stating that letter was received and noted. That the administration of the
 Military service Act was under the jurisdiction of the Minister of Justice,
 and that he had forwarded my letter to him, "commending my representations."

I never expected to hear anything more about the matter but was surprised to
 get letter a few days ago, copy of which is enclosed.

Brother Burkholder says it is a mistake and the the Minister of Justice has
 confused the issue with the position of the Manitoba Mennonites. But after
 all my details as to Ontario conditons in letter to Sir Robert Borden, how
 could such a mistake occur? You will note that they speak of my letter, and
 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. At any rate I thought to send
 you copy of letter, and my earnest hope and prayer is that the information is
 genuine and refers to Mennonites here in Ontario.

All quite well. Twins are fine boys weighing over 25 pounds each. Lloyd
 has been walking for over a month but Lorne will not strike out alone yet,
 although walking all around chairs, tables etc.

Will be glad to hear from you as to matter enclosed, giving your opinion of
 the same.

Fratetnally Yours

J. L. Byer

(over)

Vineland Ont., Nov. 5, 1917.

L. J. Burkholder, Mod.
Markham Ont.,

Dear Brother:- Greeting in the name of Jesus, whom we praise for His constant mercies to us. We rejoice in that we have found favor with the Government through His grace. The enclosed letter from the Military Service Branch of the Department of Justice is self-explanatory. The Mennonites are recognized as a body in the Exceptions to the Military Service Act. No service whatsoever is to be required of them. Since this is the decision of the Department of Justice we may well set our minds at rest on the whole matter. I do not like the way that the last paragraph has been added since there seems to be some indication of a loathsomeness on the part of some one to acknowledge the righteousness of our claims, but we should express our thanks to them for the favorable interpretation given to the clause in the act and our willingness to do our share of service for the welfare of the country and all other countries involved in this struggle as far as we are able.

At the same time I think that we should continue our efforts to gather material for our furtherance of the claims which we have and also be ready to give support to any other bodies of our non-resistance brethren who may require further aid in securing their claims for complete exemption from military service.

I am sending out the enclosed note to all of the congregations. The copy of the letter from the department of Justice is for yourself.

Yours in faith,

Exemption.

Vineland Ont., Nov 5, 1917.

L. J. Burkholder, Mod.

Markham Ont.

Dear Brother:- Greeting.

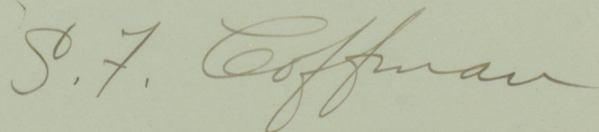
Your letters received and noted. You have likely received my last to you. Since writing, I have received an acknowledgment of our letter to the Prime Minister, which is herewith enclosed. I have made two copies, one for myself and one for you so that we may have the records for reference, while the original is forwarded to the Secretary for record.

Brother Bergey has forwarded me a copy of the Russian Mennonite document which was published this year giving the records of the transactions between themselves and the British and Canadian Governments relative to their coming into Canada. It seems that in every case they refer to the enactment of certain legislation for the Mennonites previous to the coming of the Russian branch of our people. That legislation is cited to prove the exemption which the Russians would also be accorded. I can see no other course for us to pursue than to appeal to the Government on the grounds that total Exemption from all military service is granted us by the statute of Canada and that the present act of Parliament has virtually cancelled the provisions which were intended to be perpetual.

It is not possible to say when the Military Service Council will take up this matter concerning our appeal, but in the meantime I think that we should find out definitely what the statutes are and when they were enacted. This will help us to understand the situation and also help us to bring it to the Government in a more intelligent manner. It will also be well to ascertain just when the first appeal came to America from the Russian Mennonites and when this matter was taken up by the Church here in their behalf. I am writing to Brother J. F. Funk and also to Brother Noah Stauffer asking for some direct information on this point. Whatever you may be able to find out by legal counsel and by historical information will be of value to our cause.

We have observed the day of prayer for this matter and will continue to pray, that we may "find favor with this man" as did Nehemiah. We pray that the Lord may grant us this favor and that we may faithfully serve him in all of His work and the Testimony of the ~~xxviii~~ truth. Shall be glad for suggestions.

Yours in faith,



Kitchener Nov. 5. 1917

S. F. Coffman

Winland Ont.

Dear Bro. Greeting :-

You are invited to attend at a special meeting at the First Mennonite Church Kitchener on Wednesday Nov-7 at 9.30 A. M.

The object of the meeting is to have a thorough understanding with the Church in general and the young brethren who claim exemption that we encourage them to stand firm.

It seems our brethren are decided on this one point that according to Scripture we cannot render any service under the military arm of the government whether combatant or non-combatant

Yours in the Faith
Marasseb Hallman

Vineland Ont., Nov. 5, 1917.

J. F. Funk,
Elkhart, Ind.

Dear Brother:- Greeting in Jesus' name.

It had been my purpose for some time to write you, to express my sympathy in the loss which has come to you and your home in the separation which has taken place, by the death of Sister Funk. As a family we have many reasons to appreciate the friendship which was formed many years ago and which has continued during all these past years. Your home and its hospitality was among the first which we enjoyed after leaving the friends and relatives in Virginia. The memory of those days and the pleasure that we then had in our new friends will not be forgotten. The many occasions of increasing that friendship and further appreciating the constancy of the love and motherly spirit of Sister Funk have not been unfruitful in increasing grateful remembrances of a friend who is now gone from us. We know that you are comforted with the knowledge of her eternal life and salvation, and look forward with joy to the time of meeting again, which hope we also enjoy, but we would add this expression of our appreciation of her life among us as a testimony to the fact of her endeavors to prove a faithful servant and witness to Christ in whom she trusted and thus add to our confidence of the sure hope which she entertained. And if this expression of regard for Sister Funk may be of some comfort to you in the lonely hours, and let you feel that she still lives in some hearts and that her life is still bearing fruit which may be of some honor to her name, we feel it but slight service and only a part of a great duty and obligation toward you and your family. Ella joins me in the expression of our sympathy and the assurance of our prayers for your comfort and peace in these days of sorrow. May God comfort and bless you always.

On account of recent Military regulation by the Government of Canada our people are included in the class called for military service, with the proviso that they will be required only to perform non-combatant service when called for. This fact calls for an investigation as to what conditions were granted our people when they first settled in Canada and what provisions are made for those of non-resistant faith. Several enactments may be cited, but there is some difference of opinion as to the interpretation of them. We are now concerned about the basis upon which the Russian Mennonites were granted complete exemption from all military service and under such conditions in which no act of the Government can retract the privileges. If possible I would be glad if you could give me some information on the following points.

1. When did the Russian brethren first seek a home in U.S. and Canada?
2. Through whom did they make their appeal, and to whom did they appeal?
3. What action did our brethren take toward giving them aid?
 - a. What action with the Governments, if any?
 - b. What financial aid?
 - c. What inquiries concerning toleration of non-resistant principles, or what legislation was enacted for their benefit, if any?
4. Did they make their own appeal to the Government for complete exemption and did our people appear before the Government for them, and if so, who?

We have appealed to our Government for complete exemption and our appeal is at present before the Military Service Council for consideration. We have cited the complete exemption of the Russian Brethren as being based on the same confession of faith as that which we hold and have cited the fact that such exemption was granted them on the grounds of an appeal made for them by our brethren. This is the tradition which we have from our brethren here in Canada, but I felt that there must be some historical records somewhere concerning this matter and thought that some such records might be found in one of the earlier files of the Herald of Truth or in one of the Russian literature with which you might be familiar. I am sorry to trouble you with this request, but your having so much to do with the matter through publication of the news at that time led me to feel that you could give us assistance and also felt that you would be glad to help us in an hour of need.

I have at present a pamphlet printed by B. Everts of Gretna, issued this year giving a review of the Government's report to the Russian committee which came to investigate conditions before their coming to Canada, but it is hardly complete enough and does not give some of the details which we would like to have.

Thanking you in anticipation of your favor, I am,

Sincerely and gratefully, Yours in faith,

(COPY)

Military Service Act, 1917

Ottawa, Nov. 6th, 1917.

Messrs. Mc Cullough & Button

Barristers

Stouffville, Ont.

Sirs,

In reply to your letter of the 2nd instant with reference to the status of the Mennonites, I have to inform you that under paragraph 7 of the schedule of exceptions to the above Act, Mennonites are expressly excepted from this Act. They have therefore no duty to perform in connection therewith, being protected from Military Service by the Order-in-council of the 13th of August 1873. The Mennonites are disenfranchised by the War Time Elections Act, section 154, page 16, An exception to this is, such Mennonites as shall have volunteered for and been placed on active service in the Military or Naval forces of Canada in the present war.

I have the honor to be

Sirs

Your Obedient Servant

E.L.Newcombe

Deputy Minister of Justice.

Vineland Ont., Nov. 6, 1917.

J.L. Byer,
Markham Ont.

Dear Brother and family:- Greeting in the name of Jesus.

Your letter with enclosure received and glad for it. Brother L.J. Burkholder has likely informed you of the letter which we received from Ottawa in reply to our last petition. It is along very similar lines as that which you received, and it appears that others have been in communication with the Government on the same subject and similar replies have been sent out. In view of this fact I am not in the least doubtful as to the application which the Government is making of the clause referring to persons excepted from the Military Service Act. It refers to all Mennonites

One reason which, I think, they have taken for this wide application is the fact that the Excepting of the Russian Mennonites was based upon previous legislation regarding the Sects to be exempted from all forms of Military service in Canada. This law is cited in reply to a petition of the Russian Brethren to the Government of Canada regarding such exemption to be guaranteed to them when they should settle in this country.

Here is a part of the report of a Committee of the Honourable the Privy Council appointed by the Governor general to consider the matter of granting exemption to the Russians. This was in 1872, and reads as follows, "Any person bearing a certificate from the Society of Quakers, Mennonites or Tunkers, or any inhabitants 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, \as above/ all the persons above mentioned, and the Mennonites are expressly included, are absolutely free and exempted by the law of Canada, from military duty or service, either in time of peace or war.

"That the intention of the act in conferring upon the Governor General in Council the Power of making conditions or regulations was to enable the Government to provide, if necessary, for the registration of the exempted persons in such a manner as to prevent persons belonging to any other denomination than those specified in the section of the Act above quoted from avoiding military duty under false pretences."

This seems to me to be clear enough. The Government has not the power to set aside the laws as enacted unless they ruthlessly withdraw privileges which have been granted in good faith by the Government during the years past. An enactment by parliament would supersede the law, but it seems not to have been the purpose of Parliament to do so. They have stated the exceptions in a general way but have not been specific enough. Our claims have been such that the Military Service Council have now defined the meaning of the Section on exceptions and we are glad that they have been interpreted so broadly and we believe in justice and in the meaning of the law of Canada. I feel that every other denomination that has held to the non-resistant faith sincerely will receive the same consideration that has been

accorded us. The Tunker Brethren have been anxiously awaiting the action of the Government with reference to our petition and I feel that all that will be required of their brethren will be that they present a certificate of membership from the Tunker Church and they will also receive exemption. The same will be true of all truly non-resistant denominations. But some will claim the doctrine but will not be able to prove their claims from the tenets of their faith, For such, I fear that they will have a hard time with the Exemption Boards and also with the Military Service Council. There is just a note of reluctance in the messages sent out, and we need to pray that all truly honest souls may find favor with the Government on this point.

Copy of letter receive from Government,
Military Service Act.

"With further reference to your letter of the 22nd Inst., addressed to the Right Honourable the Prime Minister of Canada, I have to inform you that under the 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.

In a former letter to an adherent of your Sect, I suggested that ^{any} Mennonite might claim exemption on the ground of his being excluded by paragraph 7, with a view to relieving him of any annoyance which might be caused by prosecution after the 10th instant for non-compliance with the Act, the production of the counterfoil being sufficient answer to an enquiry. Since expressing that opinion 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 proof of the fact, undoubtedly the prosecution would be dismissed.

I think this fully covers the contents of your letter and your mind may now be at rest on the whole subject.

I have Etc.----

Signed E'L'Newcombe, Deputy Minister of Justice.

This is very nearly a facsimile of your letter. Some one was ahead of us both and we have perhaps the latest opinion on the matter and our letters coming from Ontario points certainly refer to Mennonites in Ontario, and hence our authority is good that when war young men meet the Exemption Tribunals all they will need to do is to present their Membership credentials and be dismissed as not coming under the power of the Act. They will not need exemption papers since they are not included in the call for service. The opinion as rendered is that they must prove their freedom from the act by holding Church Membership Certificates and not counterfoils of their application for exemption on conscientious grounds.

I have not had time to reply to Bro. L. J. in full but if you see him I wish that you would let him peruse this epistle. Thanking you for your suggestions and for your help in influencing the Government to see our standing in the right light, and trusting also that you are praying that our exception from the Law will give us large opportunities for works and ministrations of mercy in these days of suffering, I am

Yours in faith.

Best wishes for the family and the babies in particular.

Vineland Ont., Nov. 6, 1917.

Aaron Loucks,
Scottsdale Pa.

Dear Brother:- Greeting.

We have good news to report at this time, having received a reply to our last letter to Premier of Canada. We certainly feel the thank God for the import of this letter which I will herewith quote for your benefit.

"With further reference to your letter of the 22nd Inst. 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, Military Service Act, 1917./ Mennonites are excluded from the operation of the Act and have no duty to perform thereunder.

" In a former letter to an adherent of your Sect, I suggested that any Mennonite might claim exemption on the ground of his being excluded by paragraph 7, with a view to relieving him of any annoyance which might be caused by prosecution after the 10th instant for non-compliance with the Act, the production of the counterfoil being sufficient answer to an enquiry. Since expressing that opinion 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 proof of the fact, undoubtedly the prosecution would be dismissed.

"I think this fully covers the contents of your letter and your mind may now be at rest on the whole subject.

Our letter was referred to the Military Service Council and this reply comes from the Military Service Branch of the Department of Justice and is signed by E.L. Newcombe, Deputy Minister of Justice.

We have sent notices as is intosed to all of our ongregations. Last Sunday was appointed a day of prayer for the onditions which were onfronting us and from the 8th instant until the 10 of December we have been requested by our Conference Committee to continue in prayer for all conscripted young men who are obliged to engage in military service against their wishes. The Lord had heard our prayers before they were made since the reply was dated on the 3rd Inst. Now since we are relieved of his burden of service we should make special offerings of praise, in ministering to the much suffering that is everywhere so keely felt in the world and the most keenly perhaps in the war-devastated countries. And we also feel that we should share in the burden of prayer which our brethren in the United States are bearing in behalf of the brethren who are detained in the military cantonments, that they too, may be free.

Yours in faith,

Exemption.

(copy)

Vineland Ont., Nov 6, 1917.

Asa Bearss,
Fred Elliott.

Dear Brethren:- Greeting in Jesus name.

A letter in reply to ours of the 22nd Ult. has been received from Ottawa, from the Department of Justice, the Military Service Branch, in which is rendered the opinion of the Government regard the Mennonites under the Military Service Act. It reads as follows:-

"With further reference to your letter of the 22nd, \Oct./ addressed to the Right Honorable the Prime Minister of Canada, I have ~~to~~ inform you that under paragraph 7 of the schedule of Exceptions to the above Act, the Mennonites are excluded from the operation of the Act and have no duty to perform Thereunder.

"In a former letter to an adherent of your Sect, I suggested that any Mennonite might claim exemption on the ground ~~that~~ of his being excluded by paragraph 7, with a view to relieving him of any annoyance which might be caused by prosecution after the 10th Instant for non-compliance with the Act, the production of the counterfoil being a sufficient answer to an enquiry. Since expressing that opinion the matter has been thoroughly ~~investigated~~ 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 the fact, undoubtedly the prosecution would be dismissed.

"I think this fully covers the contents of your letter and your mind may now be at rest on the whole subject."

Signed, E.L. Newcumbe, Deputy Minister of
Justice.

The paragraph 7 of the schedule of exceptions refers to persons exempted from military service by Order in Council of Aug. 13, 1873, and, if I understand the basis of that Order in Council, it is the earlier Act or part of it which is referred to as "Subsection of Section 17, of the Act 31 Victoria, Chapter 40."--"Any person bearing a certificate from the Society of Quakers, Mennonites or Tunkers, or any inhabitant of Canada of any religious denomination, otherwise subject to military duty, but who, from the doctrines of his religion, is averse to bearing arms and refuses personal military service shall be exempt from such service when balloted in time of peace, or war, upon such conditions and under such regulations as the Governor in Council may from time to time, prescribe."

Concerning this sub-section the Privy Council says, "That under this section all persons above mentioned, and the Mennonites are expressly included, are absolutely free and exempted by the law of Canada, from military duty or service, either in time of peace or war." "That the intention of the act in conferring upon the Governor General in Council the power of making conditions and regulations was to enable the Government to provide, if necessary for the registration of the exempted persons in such a manner as to prevent persons belonging to any other denomination than those specified in the section of the Act quoted from avoiding military duty under false pretences." Also, "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, and he recommends that this explanation be conveyed to the Mennonites in Russia."

While this latter explanatory part of the law was taken from an extract of a document sent to the Russian Mennonites before their coming to Canada, it was evidently a law enacted previous to that time and hence it will hold good for all the denominations specified therein. Your claims are as much established by the law as are the claims of the Mennonites. It seems to me that all that your brethren will be required to do is to present to the Exemption Boards their certificates of Membership with the Tunker Church and claim your "Exclusion from the Military Service Act."

We should thank God for these mercies and continue to pray that there may be no hardships of any kind above those that we ordinarily have, for any of our non-resistant brethren. While we pray for this we should be in greater earnestness in living out our testimony, and while we render no service to 'destroy life I feel that we are doubly responsible in the matter of saving the lives of the many who are in danger of death and starvation in the many wasted and destroyed land in the war zone. May we live up to our profession and to our opportunities in this respect.

Continuing in prayer for all young men conscripted under this law,

I am ,

Yours in faith,

Vineland Ont., Nov 6, 1917.

J. E. Hartzler, Pres.
D. H. Bender, Prin.

Dear Brethren:- Greeting.

Since writing you with reference to the registration of our young men from Canada, liable for Military service we have had a reply from the Government and we have sent out the following to all of our congregations.

"A reply to our letter of Oct. 22, to the Prime Minister asking for total exemption from military service, has been received from the department of Justice and states that "Mennonites are excluded from the operation of the Act, and have no duty to perform thereunder"; also, "the matter has been thoroughly discussed by the Military Service ^{Council} ~~Board~~ and the opinion now is that if Mennonites are prosecuted for non-compliance with the Act, the answer to the prosecution would be that they are Mennonites, and on the proof of the fact, undoubtedly the prosecution would be dismissed."

Since most of our young men, if not all, who are called have already registered for exemption they will not be prosecuted, and they should all appear before the exemption Boards when called and present their Church Membership Certificates, whereupon they would be dismissed by the Boards as excepted from the Military Service Act.

Let us thank God for this liberty, show gratitude toward the Government for this favor, loyalty to the Church and good will toward all men and especially toward the suffering world."- The Committee.

Since this is the position taken by the Government toward our people our young men should see that their Church Membership Certificates are in the hands of some one who will be responsible, if necessary, to present them before the Exemption Tribunals, and thus clear them from any liability under the regulations of these Exemptions Boards.

We shall continue to pray for our Brethren who are not so favorably treated under the Government of the United States, and for many young men who are not free from Military service in Canada, but who are compelled to go into service against their convictions and against their wills.

Your^s in faith,

Norman B. Stauffer,
N. E. Roth,
Isaiah Rosenberger,
Abram Gingerich,
Jonas Snyder,
Mannasseh Hallman,

Vineland Ont. Nov. 7, 1917.

Dear Brethren:- Greeting.

In order that there may be in each Bishop District a copy of the decision of the Military Service Council of the Department of Justice, Ottawa, regarding the exemption of our Mennonite brethren whom we desire to have exempted from all military service, I am sending this letter in which the letter of the Deputy Minister of Justice is quoted, as follows:-

Military Service Act, 1917.

"With further reference to your letter of the 22nd. Instant, \October, 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.

"In a former letter to an adherent of your Sect, I suggested that any Mennonite might claim exemption on the ground of his being excluded by paragraph 7, with a view to relieving him of any annoyance which might be caused by prosecution after the 10th instant for non-compliance with the Act, the production of the counterfoil being sufficient answer to an enquiry. Since expressing that opinion 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 proof of the fact, undoubtedly the prosecution would be dismissed.

"I think this fully covers the contents of your letter and your mind may now be at rest on the whole subject.

Signed, E. L. Newcombe, Deputy Minister of Justice.

Ottawa, Nov. 3, 1917.

The import of this letter is that the clause excepting certain persons from the operation of this act, by order in Council Aug. 13, 1873, applies to Mennonites, and not to the Russian Brethren alone. A number of brethren of different branches of the Church in Ontario have applied to the Department at Ottawa as to the standing of the Mennonites and the opinion is uniformly expressed that the Mennonites are excluded from the Act. This, then, applies to all Mennonites of all branches of the Church. I am persuaded that any other well established non-resistant Church will have the same privilege of Exemption as have the Mennonites since the act is based upon an earlier law concerning non-resistant Churches. The Government of Canada will live up to the promises that have been made, if the Brethren who are affected will prove faithful to their profession. But those who attempt to shield themselves under this law and are not true to the non-resistant profession will find that the law will be intolerant to them.

Let all of our brethren be governed by this decision. In case there is some misunderstanding with the Exemption Boards with which any of our brethren have to do, please cite them to this letter from the Department of Justice, to which they will refer us to the standing of Mennonites. Be patient under any trials you may meet. Pray for the cause and for all who may be more grievously oppressed. Consecrate anew to the Lord the gifts which He has spared for us by this exemption.

Yours in faith, The Committee of M.S.F.C.

To the Brethren,
the Deputation to Ottawa,
October, 11, 1917.

Vineland Ont., Nov. 7, 1917.

Greeting Jesus' name.

It is due each member of our Committee to have a copy of the final reply of the Government to our petition concerning the exemption of our Mennonite Brethren from Military service. I give it herewith.

Department
of
Justice.

MILITARY SERVICE BRANCH
130 Sparks Street

Ottawa, 3rd November, 1917.

S.F.Coffman, Esq.,
Vineland Ont.

Sir,-

Military Service Act, 1917.

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.

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I have the honour to be,

Sir,

Your obedient servant,

Signed, E.L.Newcombe

DEPUTY MINISTER OF JUSTICE.

I have sent copies of this letter to each Bishop and to each Bishop district, also have sent extracts of this letter showing that the Government grants total exemption, to each congregation so that our brethren will understand that we have exemption and the Bishops will have the letter to refer to in case any of our brethren have any trouble with the Exemption Boards. It would not have been necessary for any of our Brethren to apply for Exemption, but since most of them have done so, they will require to go before the Exemption Tribunals and show their Church Membership Certificates. They will then be dismissed. They are not required to sign any papers and to make any promises. They are absolutely free from this Military Service Act.

In view of the fact that the Government has favorably interpreted this Act for us and has granted our petition, I feel that we should at least send an acknowledgement to the Government with an expression of appreciation.

Thankful to God for His great favors, I am, Your in His service,

S. F. Coffman

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the Deputation to Ottawa,
October, 11, 1917.

Vineland Ont., Nov. 7, 1917.

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Thankful to God for His great favors, I am, Your in His service,

S. F. Coffman

Vineland Ont., Nov. 7 1917.

L. J. Burkholder,
 Markham, Ont.,
 Dear Brother:- Greeting.

In connection with the letter sent you today, I wanted to add for your sake that I feel that the Government is granting all that we can expect or ask of them. It appears that they base the Exception clause on regulations that were passed earlier in the history of the Country. If you have the copy of the Russian document at hand you will find the Legal sections cited which refer to legislation previous to the date of the report of the Committee of the Privy Council, and another feature of that report is that a construction is placed upon the clause concerning the regulations which may be prescribed by the Governor General in Council, "That the constitution does not confer on the Governor General in Council any power to over-ride or set aside, under any circumstances, the plain meaning of statute law."

With these facts placed on record as the Law and the opinion of the Privy Council, it seems to me that there is no other view to be taken than that the Government has construed the Exception Clause to apply to all Mennonites and also to all other established Non-resistant churches.

I am glad that we have been thus favored by the Government and think that we owe them some recognition and also should now make an effort to show our readiness to take up the burden of supporting the many suffering people today in war-stricken districts. We have not been doing this to the extent that we should or are able to do. Some of our congregations have done fairly well but none have done more than their share towards this work. As we have opportunity let us do good to all men.

Today I was favored with a visit from a Government officer from Ottawa, who brought a report that I had been preaching sermons that were discouraging recruiting and production. I was rather struck with the bringing of such a charge since we have been doing everything possible ourselves to aid in production and have had no reason whatever to discourage recruiting. Some remarks that we had made when encouraging our people to be steadfast in their non-resistant faith were dragged from their setting and meaning and were sent to the authorities as a charge of unpatriotic sentiment.

Such is the condition of affairs today, and we will only have to live a life that disproves any such adverse criticisms. We need to live very near to the Lord and wait upon Him for our needed grace each day and under every trial. But above all things we shall endeavor to be steadfast in the faith of the Gospel and stand by our convictions of the Truth as it is in Christ Jesus.

Would be glad for any suggestions that you may have to make further in these matters with the Government. I think that as few as possible should have these dealings with the Government, and since the bulk of the work is done I feel that you should take up the matter now as the Chairman or Moderator of the Conference.

Yours in faith,

S. J. Coffman

Vineland Ont., Nov. 7, 1917.

Sir Percy Sherwood,
Chief Commissioner of Police,
Ottawa, Ont.

Sir:-

With reference to the report concerning the charge that I made the following statements, "What good are the soldiers. They produce nothing, they earn nothing, they don't earn the clothes they wear, they do nothing but destroy. If any of you are producing food to help win the war, don't do it; If you are producing food to feed the needy, alright, go on."

The purported statements were made on the 14th Ult. in connection with a sermon encouraging our people to continue steadfastly in the non-resistance principles of our faith. Those who were not in sympathy with those doctrines would not understand the meaning of the manner in which the true expression was made. "That soldiers are unproductive of anything as far as their support is concerned, hence in that respect soldiers are a burden but not a creative power in the world." Regarding the second part, my statements were that our people should not be engaged in the raising of food stuffs solely for war purposes, since it is not in the spirit of our doctrine to thus support war, but, that our people should continue to raise their produce for the good of the world in general." It was not in my purpose to speak against the Government, their soldiers or their methods. Our people understood me thus and know that I have never discouraged any of the work of the Government. There are no members of our congregation who were eligible for army service and hence no occasion to discourage recruiting or speak against soldiers as a class.

I am willing to acknowledge that the statements that were made could have been wrongly construed if taken out of their proper connection and away from the general tenor and spirit of the discourse. Otherwise they could not have been thus construed.

My congregation consists of about seventy members and among them there is but one young man in class I and he has made claim for exemption from service on the grounds of being a member of the Mennonite Church.

Respectfully,
S. J. Coffman.



SAY NOT ye, There are four months, and then cometh harvest? behold, I say unto you, Lift up your eyes, and look on the fields; for they are white already to harvest. John 4: 35.

Ridgeway Nov 8. 1917
S. F. Goffman writing in Jesus name

yours to hand yesterday containing reply to your petition, lately received from the Military Council at Ottawa. which in my opinion removes all anxiety of fears of being prosecuted for noncompliance with the military act. not only in class 1 but all others.

May the good Lord bless you and yours for the untiring effort to relieve our young from the fears and responsibility of the Proclamation issued by our government in regard to compulsory military service both combatent & noncombatent service.

Dear Brother accept my hearty thanks for your kind effort in our behalf for exemption with you of our young. for many are even ignorant of our faith and practice on this life giving principal of our Church. let us continue to stand by each other through all the trying scenes of life. and remembering the great god who lovingly rules all things to his good pleasure even if we dont see it now. A Bearse

Markham, Ont., Nov. 8th 1917

D. Bergey
Kerrville

Dear brother, Greetings. I am forwarding to you the correspondence with Ottawa. These original sheets should be preserved for the conference by the secretary.

We certainly ought to give praise to God for having secured to us this favor with our rulers.

"What shall we render to the Government - for this kind recognition of our position on the war question?" This is a practical question which arises in the minds of many. It seems to me that we ^{as a body} should and could do something practical to show our appreciation of this favor. There are a number of things which I have in mind that might be feasible. Have you any suggestions?

May I have a copy of the pamphlet printed by the Russian brethren in which their interviews and the Government speeches etc etc are given. I would be glad for a copy if you have already received them.

Today a Wisler brother offered to subscribe \$100 toward a Mennonite Fund as a gift to the Government for benevolent purposes.

Yours in the faith,
L. J. Burkholder



House of Commons

OTTAWA WATERLOO, Ont., Nov. 8/17.

Mr. D. Bergey,

New Dundee, Ont.

Dear Mr. Bergey,-

I have been away for the biggest part of a week and on my return find your letter on my desk.

In conversation with Mr. Meighen, who was with Sir Robert Borden at the time your deputation appeared before the Premier, I mentioned these different points to him that were raised by you some time ago, and he told me that if the Tribunal 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 to the Judge of Tribunal and if the Judge upholds the hands of the Tribunal, then the final appeal is to be made to Justice Duff, and 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 regarding your people.

All young Mennonites, of course, or adherents to your cause, must ask for exemption papers, but the Premier and Mr. Meighen the other evening reiterated that it was not necessary for these young men to appear before a Medical Board for examination. This should be ample proof to you and to your friends that exemption has been granted, and as I have said, should you have any cause for alarm later on, please let me know immediately and I shall be only too glad to take the first train to Ottawa to straighten out any tangle that may be brought about through the Tribunals.

I again repeat to you that your situation is thoroughly understood by the authorities, and that they



House of Commons

OTTAWA WATERLOO, Ont., Nov. 8/17.

#2-Mr. D. Bergey.

are not going to go back on their word, but will absolutely stand fast to the obligation which many years ago in a verbal manner likely was made by some other Government.

Yours very truly,

Baden Nov 9th / 17

Dear Brother in Christ

L. J. Coffman & Family

Greeting in Jesus name

We are enjoying the Blessings from God at present Both Naturally & Spiritually for which we feel Thankfull to him from whom all Blessings flow, and hope that you may enjoy the Same.

Further I Received your Letter or the Copy from the Reply you got from the Department of Justice which I was glad to receive and to see that our young Boys now get exempted from Military Service at ~~that~~ present time for which we feel greatly Thankfull to our heavenly Father for such a Blessing as this and hope that we all may serve him more earnestly in the future as we probably have so far. We had a very interesting meeting on Wednesday forenoon at Berlin and expect to encourage the young Boys to stand firm on their faith when will be called before the Tribunals or any other Authority. We had a meeting the same evening in our Church which was well attended and edifying. I think I must close for to night. By sending Love and Best Regards to all. Remember us in your prayers we will try and do the Same. So much from your friend and well wisher Christian Gascho

Tetersburg Nov. 9. 1917

S. F. Coffman

Wineland

Ont.

Dear Bro. Greeting:—

At the meeting on Wed. Nov. 7 at Kitchener it was moved by Bro. Noah Stauffer and seconded by Bro. Abram Gingrich that Bro. S. F. Coffman send a resolution of thanks to the Prime Minister for the kind favor bestowed to the Mennonites in granting them total exemption from Military Service

We had a well attended meeting of the Amish Mennonites and our people all taking an active part in the proceedings. Hoping this will draw us closer together in the unity of the Faith

Yours in Love

Manasseh Hallman

At London Ont Nov 10th 1917
Tribunal No 263.

Milvaton, Ontario. ~~Eberol~~

Dear Sir:

I am in receipt of several
Mennonites Claims for Exemption with
the post Office mark as Milvaton,
and I suppose it was your Tribunal
that sent them in. You should have filled
out M. S. A. 25 and marked there on
what Disposition you made of these
claims.

All these Mennonites people of
course, are excepted from the act, and
so long as you are fully satisfied
that they are in fact Mennonites you
have no option but to grant them
exemption. In that case each claim
for Exemption should be accompanied
with M. S. A. 32 showing your
disposition of each Claim, and
then your whole days work, as stated
above, should be made out on M. S. A.
25. I return these documents for you
to fill out in that manner.

Yours Truly
W. C. Wismer

Deputy Registrar under military service act.
Copied by J. R. Eberol Dec 26th 1917.

Copy of Letter from Deputy Registrar at London, to
Local Tribunal, 263, Milverton Ont.

Re. Mennonites.

At London, Nov. 10th, 1917.
Ont.

Dear Sir:-

I am in receipt of several Mennonite Claims for Exemption with the Post Office Marks as Milverton, and I suppose that it was your Tribunal that sent them in. You should have filled out M. S. A. 25 and marked thereon what disposition you made of these claims.

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. In that case each Claim for exemption should be accompanied with M. S. A. 32 showing your disposition of each Claim, and then your whole day's work, as stated above, should be made out on M. S. A. 25. I return these documents for you to fill out in that manner.

Yours truly,

Signed, W. E. Wismer,

Deputy Registrar under Military Service Act.

Copied by J. R. Ebersole, Dec. 26th 1917.

New Dundee Nov. 12. 1917

Dear Bro, Greeting,

Yours of
the 8th inst. received
I agree with you that we
have indeed reason for
thankfulness, I also believe
that we ^{should} show our gratitude
not only in words but in
deeds, at our meeting at
Kitchener, last week, a brother
stated that he had three boys
of military age, and if it
were necessary, he would not
hesitate to pay \$300 a piece
to get them exempted, if
money were needed to free
them, you will notice by a
german sheet that I enclose
with the "Wichtige Dokument",
that the Russian Brethren
in the N.W. have collected and
paid to the government between
five and six thousand dollars

and sent it to the Government
as to show their gratitude for
receiving complete exemption,
I believe quite a number of
our brethren would be willing
to do something along that
line if opportunity were offered,
I also believe that the Amish
Brethren and perhaps the new
Mennonites, and the Wise people
would do their share, My own
impression is that it would
perhaps be best if we would
help to relieve the Belgians
or the Armenians, but I
would be willing to do my
bit in anyway that would
be thought desirable by the
brotherhood.

Yours Sincerely

D. Bergay

~~Noty W E Wiemer
Desire to appeal
to central Judge
against judgement
of Judge Barron
in this case.~~

Copied Nov 16 1917

#130 Sparks Street Ottawa
Ontario 5th Novemeber 1917

Tribunal Circular No. 11
Synopsis of orders in Council of
the 13th August 1873, and 6th
December 1898

The Following Synopsis of orders
in Council of Aug 13th 1873 and Dec.
6th 1898 referring to in Exemption
7 of the scedule to the act, which
deal with Mennonites and Donkhobors
settled in Canada - It will be
observed that that these people
are excepted altogether from the
opreation of the act and consequently
are not required to claim exemption.

Synopsis of order in Council of
August 13th 1873

The Committee of the Privy Council
approved by his Excellency the Governor
General, on the 13th of August 1873,
passed on Order in Council in
which an entire exemption from
any Military Service as is provided
by law, was granted to the
other page

denomination of Christians called
Mennonites as their faith forbids
the bearing of arms.

Synopsis of order in Council of
December 6th 1898
About Doukhobors not
copied