

Vinceland Ont., Feb. 9, 1918.

John R. Ebersol,
Milverton, Ont.

Dear Brother:- Greeting.

Your letter of February 4th has been received. Being away from home for the past week I have not been able to reply as soon as would have been expedient, since it would have been desirable for you to have had this letter before Sunday.

We are glad to be of assistance to each other in the matter of securing exemption for all of our young brethren who have been called and who, on account of peculiar circumstances, have been involved in this call from the Government. The explanations here given are the result of our efforts through meeting with the Government at Ottawa and through correspondence since that meeting.

Our Committee, whose names are attached to some of the enclosed papers went to Ottawa on the 11th of last October. We were advised by the Prime Minister and Secretary of State to make application for exemption, using the regular forms, and claim exemption from combatant service. We informed the Government at that time that our faith forbids all service, and the promise was made that if any of our brethren would be called for that which is described as non-combatant service, we would again be consulted regarding the nature of the service. At a later date we sent to the Prime Minister a letter stating that under the conditions that seemed about to manifest themselves our brethren could not meet the request of the Government and that it would be necessary for them to refuse to serve under any circumstances, if they were requested to do so. This letter was referred to the Military Service Council, of which Chief Justice Duff, is the head, and the reply was received that they have gone into the matter of the relations of the Mennonites to the Military Service Act and find that the Mennonites have no duty to perform under the Act and that they needed not to have applied for exemption. The copy of the letter from the Military Service Council is also enclosed herewith.

The Judge at Stratford is right regarding the fact that the Central Appeal Judge would likely grant the full exemption of all young men who are members of the Mennonite and Anish and Tunker and other churches which forbid their members from doing any military service of any kind. I have seen letters or copies of letters dated as late as the middle of January of this year stating that the Mennonites are not under the Act at all. They have the same privileges as the Russian Mennonites in the West.

We have secured a copy of the documents which the Russians hold and which refer to the whole proceedings which they had with the Government of England and Canada, when they came here from Russia. The order in Council, mentioned in the Military Service Act, is quoted in these records. The following is a brief extract from the same.

Referring first to the law enacted in 1868, -Section 17 of the Act 21 Victoria, Chapter 40, "That under this section all persons mentioned, and the Mennonites are expressly mentioned, are absolutely free and exempted by law of Canada, from military duty or service, either in time of peace or war." Again, the recommendation says, "That the Constitution does not confer upon the Governor General in Council the Power to over-ride or set

J.R.E.--2.

aside under any circumstances the plain meaning of statute law, and he recommends that this explanation be conveyed to the Mennonites in Russia." This report and recommendation was signed by John J. McGee, Clerk of the Privy Council.

An extract from the report of the Minister of Agriculture to the Russians about to come to Canada, reads, "1. An entire exemption from military service is by law and Order in Council granted to the denomination of Christians called Mennonites. 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." This was signed by John Lowe, Secretary of the Department of Agriculture, -July 28, 1873.

By these extracts you will notice that the Order in Council of August 13, 1873, did not over-ride or set aside the law of 1868, since the constitution of Canada did not give power to the Governor General to set aside the laws. The Order in Council only confirmed the law which existed, for the sake of encouraging the Russian Mennonites to have confidence in the provision of the laws of Canada which had previously been made for the Mennonites and others of like faith. Our present trouble with the Military Service Act is in this, that we failed to understand the meaning of the Order in Council of August 13th 1873, which was referred to in the Act, and all of the Tribunals have not understand the meaning of it. The Military Service Council has gone into the matter carefully and has decided that our people are included under the provisions of the Order in Council of August 13th 1873, which some have claimed refers only to the Russians.

According to the decision of the Military Service Council we will not need an extra Order in Council passed for us, nor will we need to have a new law enacted in our behalf, since there has been no change in the law regarding all non-resistant churches. The law stands as it did, in favor of our Churches and as it has stood since the beginning of the last century and as our brethren had it soon after coming into Canada, excepting that we are not now required to pay certain fees.

You will understand that we have already asked the Government to allow us complete exemption and that they have advised us, first, to appeal through the Post Office and courts like others. Our young brethren have done this, and are getting only exemption from combatant service the same as others who object only on religious grounds, but who do not believe that all forms of war are wrong. Since our brethren are not wholly free under these conditions we have asked that they be made entirely free, and have been advised, by the Central Court, at the Department of Justice that we have a right to be free, but we have found that the Appeal Courts have not the Power or do not understand the law to give us that complete exemption. It is now necessary to appeal to the Higher Tribunals, and on to the Central Appeal Court until we get what our faith and what the Government through existing laws has granted to us. We have written to the Appeal Tribunal at London, asking that they allow all the appeals of our Mennonite and Amish Mennonite brethren who appeal to them for complete exemption and in case they cannot grant it they should allow all of the Appeals to the Central Appeal Judge which are made to that highest Tribunal.

I am sending you a copy of some of our letters to the different Government officers and also a copy concerning the forms of Appelling which we have sent out to different congregations. I hope this may be of some help to you and to the young brethren. We know how they feel under these conditions and how many of the so-powring parents are troubled, and also how

J.R.E. --3.

the Ministers and others interested in the Church have been concerned that we might still continue in our faith and that the Government might look with favor on us and permit us to enjoy the religious liberty which we so much enjoyed in this land, unmolested for so many years. We have common interests in this matter and I believe are all working and paying for the common faith of love and good-will to all men, and while we are laboring together for this one end and are joining our prayers together before God in behalf of each other, may we be blessed by our Heavenly Father with a brotherly feeling for each other. We are strangers, but while we have become introduced under these strange circumstances, may we be drawn nearer in the love of Jesus, and follow His example and walk in love toward each other as well as toward all men and even our enemies. In this may we follow His Word and Spirit.

If at any time we may be of assistance in helping in this work we shall be glad to do what we can. We made claims to the Government for all those whose faith was of a similar nature, regarding war and who could do no service of any kind under the military arm of the Government. We are working along the same lines and in harmony with what was done at the General Conference at Goshen Indiana, at which time, I believe there were some of your brethren present to see what could be done to get relief for our young brethren there, and we are glad that here in Canada we have not had the same experiences that have occurred over there.

I have been sending some of our letters of instruction to Brother Peter Boshart at Milverton. They may be of some help to you. I should not forget to mention to you, that, if any of the young brethren have not yet ^{applied} ~~applied~~ for their exemption at all, that is, if they have not filled out the papers at the Post Office, and have not taken the medical examination, they need not do so, according to the instructions of the Military Service Council. The only reason that we are now asking our boys to Appeal is that their names may be entirely stricken off of the Military books and lists, as entirely free.

We shall gladly and earnestly pray for the dear brethren there and also ask that we may be remembered before the throne of God in your prayers.

Yours in the name and service of the Lord,

Vineland Ont., Feb. 9, 1918.

L. J. Burkholder,
Markham, Ont.

Dear Brother:- Greeting.

Your letter with enclosure from Mr. Glen Osler, Ontario Registrar, received and noted with care and concern. This letter confirms the opinion which we had already expressed and upon which opinion we sent out the circular letters of recent date. I am sorry that all of the boys have not appealed their cases. It will be too late according to the regulations, to appeal now, but I believe that upon the proper representations of our Committee to head quarters at such a time as a decision on our standing is rendered by the Central Appeal Judge it will be possible to secure the same opinion with regard to all of our brethren.

I have written to the Registrar in district No. 1 at London regarding our brethren who are appealing to his Court. He has not replied giving any opinion with reference to these appeals but seemed to be interested in searching out the cases. Some appeals have already been sent in to Ottawa and it may be best to await decisions on them before taking any further action than continuing the appeals as they are sent back from the local and appeal Courts.

I had a letter from one of the Brethren of the Good Order Amish from Milverton asking for information as to what we had been doing as far as getting recognition from the Government is concerned. I have replied to his letter giving all the details of our work with the Government and sending him copies of the letters which we sent out giving instructions as to how to apply further through the Appeal Courts.

Have been waiting to hear from you concerning the letter to the Prime Minister concerning the Relief work. We had better do some corresponding before attempting a trip to the Capitol. We might be able to perform double duty in case we are obliged to go there, and get some more light on the service situation.

Had a letter from Brother Edwin Byer with a thank offering enclosed. He seemed to be satisfied with his paper, but may not be after getting the information contained in your letter. We need to continue our watching and praying. May God direct our labors for His cause.

Meetings continue over Sunday. We thank the Lord that, among the number who confessed Christ there are four of our children.

Yours in faith,

S. F. Coffman

M.S.A.

Vine and Ont. Feb, 9, 1918.

Edwin A. Byer,
Markham, Ont.,

Dear Brother Edwin:- Greeting.

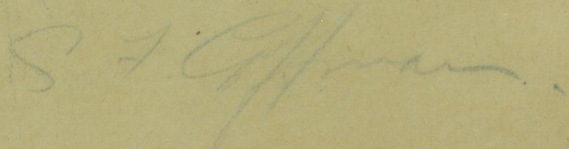
Your letter with enclosure expressing the thanks of the

young brethren for our efforts in their behalf to secure their complete exemption from military service. I am sure that what we have been able to do has been done solely for the good of those for whom we were laboring, and I feel that we have not yet attained to the full purpose of our efforts. We shall continue our efforts, as the Lord may continue to lead and bless us. It seems by a letter that Brother L. J. Buskholder has received and according to other reports that have come to us, that the Local and Appeal Tribunals are acting solely upon the instructions regarding those who appeal under clause 8 of the grounds for exemption. This is the religious objections clause and is only for those whose creed forbids "Combatant service." They are granting only what the clause calls for, since they do not understand the position of the Mennonite Church, and we are not allowed to add to the clause a sentence saying that we also object to non-combatant service. Those who write in the name Mennonite in that clause, somewhat compromise our faith in suggesting that we also object only to combatant service. There is where we have all been caught and that by the advice rendered us upon our first visit to the Capitol. Our aim now is, since we have been made to see the conditions correctly, to undo the injustice to our brethren and also to our church in our endeavor to get us cleared entirely from clause 8 and to place ourselves under the Exemptions of paragraph 7 of the Exceptions to the Act.

It may be that there will be no service of a non-combatant character called for, but we are not sure of it. If there is not some possibility of holding this class for some service, I am wondering why they do not at once comply with our request when we have taken such pains to instruct the Local and Appeal Tribunals concerning the nature of our faith and also have stated to them the impossibility of our boys complying with the conditions of non-combatant service. But we shall continue our efforts, and feel that the Lord has already opened up the way for us through the Central Appeal Court and that is why we have urged our boys to continue their appeals.

Praying and laboring in the cause and asking your intercessions in our behalf, I am,

Yours in faith



New Dundee Feby. 12, 1918

S. F. Coffman

Dear Bro. Greeting

I enclosed a
letter and a certain something
else which will speak for
itself

Fraternally Yours

D. Bergey

X
 Kitchener Ont. Feb. 12. 1918

Henry Sherk,
 Selkirk Ont.

Dear Brother and Family, Greeting.

We sent out another letter concerning the matter of Exemption with instruction that all your boys who were only partially exempted or exempted on conditions should appeal for complete exemption. Mr. Freeman Rittenhouse received the letter and wrote me about Gordon being allowed exemption while he remains on the farm. That is a conditional exemption and does not recognize the fact that our Mennonite people are entirely and unconditionally exempted from all service and are not under the power of the present Military Service Act. He stated also that he was advised that Gordon could not appeal as a Mennonite because he was baptized after July 6. This is also contrary to the meaning of the law and contrary to the ruling of the Military Service Council. I will endeavor to explain as follows:-

First, since the Military Service Council has already instructed us that Mennonites are excluded from the operation of the Military Service Act, none of our members can be held by the decisions of any of the Exemption Tribunals nor by the appeal Courts. Our ~~boys~~ boys were advised to register when they should have been instructed by the Government that they need not apply for exemption. We are now endeavoring to get them free from a condition that was imposed on them by mistake. Our appeals state this fact, that we are applying for complete exemption as decided by the Military Service Council which says that Mennonites are not under the operation of the Act.

The date, July 6, 1917, applies to the date of the organization of the Church. Any Church that was not organized before that date cannot apply for exemption. This was done so that no persons could apply to organize a church solely for the purpose of getting exemption. The Government does not intend

will not interfere with the lawful work of our Church. We believe that we will not knowingly receive into church fellowship those who only come in because they do not want to be soldiers. If there were any cases of which they would have suspicions they would test them out. They would not stop us from receiving members.

Now, concerning Gordon's case, you have already appealed and have the "Disposition of the Appeal" which allows exemption so long as he remains on the farm. We have advised that such cases be appealed to the Central Appeal Judge, at Ottawa. We have already written to him and send to him copies of all of our correspondence with the Government, and all the cases that come to him will be considered and our papers will be used as reference.

May I suggest the forms to use in making the appeal for Gordon.

First notify the Appeal Tribunal that has just acted on the case so that they will know that the appeal is sent to the Central Appeal Judge, as follows -

Mr. _____ Date _____
Registrar, under Military Service Act, 1917.
address of Registrar _____

Sir - with reference to the disposal of the appeal of Gordon Sheik who was exempted from service so long as he remains on the farm, I beg that my appeal for to the Central Appeal Judge be allowed, making claim that, according to the decision rendered by the Military Service Council ~~and~~ all men and women are excluded from the operation of the Military Service Act and have no duty to perform thereunder and also that the date of membership with the said Church does not prejudice the claim for complete exemption.

Serial number _____ name _____
Consent number _____ address _____

(Send this to the District Registrar.)

When filled out return form and send it to
the Central Appeal Judge.

Central Appeal Judge,
Military Service Council
Ottawa.

Date

Sir: - I am appealing to you from the
decision of the ^{District} Appeal Tribunal at
which has granted exemption ~~only~~ while remaining
on the farm. to Gordon Sherk, Selkirk Ont. I base
my claim for total exemption upon the grounds that
he is a member of the Mennonite Church, to
which he applied for membership in 1917
and was baptized 1917. Since the Military
Service Council has already rendered an opinion
in favor of the complete exemption of Mennonites
and ~~exempting~~ unrestricted conditions of bona fide
membership, I beg your favorable consideration
of this appeal.

Serial Number. _____

Name _____

Consecutive number _____

Address _____

I hope this may be of some help to
you. I have not yet heard from the Appeals
that have gone to Ottawa, but know that
some have received complete exemption from
some of the Appeal Tribunals.

May God bless you and direct your efforts.

Yours in Christ,

S. F. Coffman.

Copy of a letter to Mr. W.E. Wismer, Registrar, London,
upon receipt of Refusal of Leave to Appeal, by Joseph Cressman.

Mr. W. E. Wismer,

Date,----- Feb. 18, 1918.

District Registrar under Military Service Act, 1917.

London, Ont.

Sir:-

I hereby give notice that I desire to u further appeal to the Central Appeal Judge, that my claim for appeal as well as my claim for exemption from all military service may be allowed, basing my claims on the following grounds:-

1. The Mennonite Church, of which I am a member, forbids its members engaging in combatant and non-combatant military service.

2. The Military Service Council has uniformly replied to all inquiries by members of our Churches that all Mennonites are excluded from the operation of the Military Service Act.

Serial Number,-----

Consecutive number, -----

Name, ----- \ Joseph Cressman, /-----

Address, --- \ Vineyard Sta., Ont. /-----

###.- A duplicate of the letter, without the address of the Registrar, was sent with the letter to the Registrar, as required by the note from the Clerk of the Central Appeal Judge.

III. A Form to make appeal from District Appeal Court to Central Appeal

Judge.
Central Appeal Judge,

Military Service Council,
Ottawa.

Sir:-

I am taking the liberty of Appealing from the decision of the District Appeal Court, No. ----- at ----- which has dismissed my Appeal for Exemption as a \Mennonite/. As a member of the \Mennonite/ Church I appeal for complete exemption as granted under paragraph 7 of the exceptions to the Military Service Act.

Serial Number,----- Name,-----
Consecutive number,----- Address,-----

and also the following,-

IV. This form may be used when appealing from the District Appeal Tribunal to the Central Appeal Judge, This must always be done in order to notify the District Tribunal of the appeal.

Mr. -----

Registrar under the Military Service Act, 1917.

Address,----- Date,-----

Sir:-

My appeal for total exemption from military service as a \Mennonite/ which has not been allowed, \or has been dismissed/ by your Tribunal, has been appealed to the Central Appeal Judge at Ottawa, and I beg that this appeal be allowed me, \Mennonites/ being excepted from the operation of the Military Service Act.

Serial Number,----- Name,-----
Consecutive number,----- Address,-----

These forms may be varied and should be, according to circumstances. Follow the directions and conditions found on the back of all notices from the Tribunals. There are regular forms to follow and it will be necessary to go through all the proceedings required in order to attain our objects. The Government has provided these means for the purpose of relieving the people from undue or unjust hardships resulting from the Military Service Act, and we are doing what the Government expects us to do under these circumstances.

Trusting that this may be of some service in the work of helping our young brethren in their desire to be free from undesirable conditions, and praying for the guidance and assistance of our Heavenly Father in our efforts to follow the example and teaching of His Son, our Saviour, I am,

Yours in faith,

S. F. Coffman,
For the Committee.

Vineland Ont., Feb. 16, 1918.

Peter Boshart,
Milverton Ont.,

Dear Brother:- Greeting.

The letter which you had forwarded to Brother David Bergey, with the money enclosed, ^{\$11.43} representing the good will of the congregation at Poole, was duly and thankfully received. May God abundantly bless you and the brotherhood there in all your efforts to walk in the way of the Lord and to hold up the standards of love and peace and goodwill as taught to us by the Word and example of our blessed Lord.

It has been a privilege and pleasure to do that little I have done in the interests of our young brethren in helping them to be free from the military service as provided for by our land. Our services belong to the Lord and in that way we desire to continue in His work. We feel to thank him for the way in which He has provided for us and our family while we have been thus engaged. And we feel too, that we should show our appreciation to the many brethren and Sisters who have by their kindness enabled us to thus continue in His service. Our prayers are that God may make your joy complete by hearing your prayers, blessing your labors and giving you the rich harvest of souls in your efforts for His kingdom here and a crown of glory in the Kingdom Eternal. Pray for us and the cause in every place. We have heard nothing further with regard to the exemption of our brethren, except that we have one intimation that those who have appealed to the Central Tribunal will be granted the privilege to appeal by the district Tribunal. If your appeals to the District Tribunal are dismissed or not allowed, make your appeal to the Central Appeal Judge at once and notify the District Tribunal that you have appealed to the Central Judge.

Yours in faith,

W. C. ...

Kitchener, Feb. 19, 1918
Mr. S. F. Coffman
Vineland, Ont.

Dear Brother,

As I received word from my Appeal I will send you a copy of it and would like to know what you think we ought to do next as I think it very mixed up.

You are notified that have to Appeal to the Central Appeal Judge from the decision of the Appeal Tribunal sitting at Court House Kitchener in respect of claim for exemption from military service made on behalf of Self. has been refused by the Appeal Tribunal mentioned.

If the decision is adverse to the party to the appeal who receives this notice, and he still wishes to prosecute a further appeal to the Central Appeal Judge notwithstanding the refusal of have to appeal

by the Appeal Tribunal, he must, upon receipt of this notice, forthwith notify the undersigned to the effect by registered letter, and if he does so, the necessary steps will be taken to obtain the views of the Central Appeal Judge as to the propriety of allowing an appeal, and notice of the decision arrived at will be given in due course.

(W. E. Thimer)

Military Service Act 1917

Notice.

If the applicant gives notice to the Registrar that he desires to apply to the Central Appeal Judge for leave to appeal from the decision of the Appeal Tribunal, he must with his Notice, forward a concise statement in duplicate of the grounds upon which he proposes to contend that the decision should be reversed or varied.

(Jr. Lorn McDougall)
Clerk to the C. A. J.

What I cannot understand is
that Judge Read dismissed our
case and said he had no power
with it and still has the right
to refuse us the right to Appeal

Please answer by return mail
if possible as we are waiting to
see what steps to take next.

I remain as ever,

Yours truly
Shannon H. Brubaker,
General Delivery,
Katrloo, Ont.

Breslau, 2/19/18.

Dear Bro.

Enclosed please
find the replies from
London + Ottawa. I don't
know how to proceed, so
wish that you would
write out reply, and send it
to me to sign, so that I
could forward it to proper
place.

Isaac Dettweiler

Vineland Ont., Feb. 20, 1918.

Shannon Brubacher,

Waterloo, Ont. Gen. Del.

Dear Shannon:- Greeting.

Your letter with copy of the form received. I had previously received a similar notice of the Refusal of the Appeal to the Central Appeal Judge. It was the case of Brother Joseph Crossman. I at once filled out a blank form and then copied it for him. It was similar to the form enclosed herewith, which I would suggest that you follow. Am using this paper for the sake of making copies for others. You ask why the Judge at London is refusing these Appeals, I do not know. We will have to keep on until the Central Judge makes some disposal of the case. It will be some time yet, perhaps but we must keep at it as long as there is a chance. It seems as tho the District Judges are thinning out all the cases that are possible and allowing only those that the Central Judge will be liable to act upon. We have good hopes that he will accept the case of our boys and will be favorable to them. Write out our appeal as per the two forms her given. Address only the one to the District Registrar, and send the other along. It is likely that he will want that Duplicate to send in to Ottawa as a statement of the ground on which you desire a hearing of your case. Hope all will go well. Register your letter to Mr. Wisner.

Yours in faith,

Vineland Ont., Feb. 20, 1918.

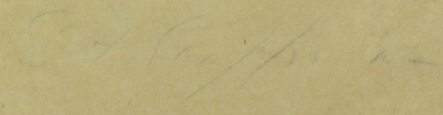
Jah Detweiler,
Breslau, Ont.

Dear Brother:- Greeting.

Your letter with enclosures to hand and noted.

I am sending you two forms which I wish that you would copy and fill in what is needed and send both of them by Registered letter to Mr. Wismer at London. Place Mr. Wismer's name and address on the one sheet only. The main part of the two are exactly alike, but if you will read the instructions sent you they desire that a duplicate of your claims be sent with your request for the Appeal. Mr. Wismer will now ask the Central Judge whether or not you may have an appeal to the Central Judge. It will now be decided whether our boys have a right to appeal and whether they will be free from all military service. We must pray that the Government will grant us the privilege of worshipping according to the Word as we have been taught and as we believe, in peace and good will to all men. I hope that this may help you. Others have received similar letters and we are asking all to re-appeal their cases. Keep the yellow sheets for copies for others who may need them.

Yours in faith,



Copy of Original

Vineland Ont., February 20th, 1918.

To The Prime Minister,
The Right Honourable Sir Robert Borden,
House of Parliament,
Ottawa.

Honourable Sir:-

The most gracious consideration which has always characterized the Government of Canada in its attitude towards its population whose tenets of faith prohibit their taking part in any form of military service either in time of peace or war, and which similar spirit has characterized the present Government during these exceptional times and under the exceptional measures enacted for the present stress of times, has appealed to the hearts of many whose religious interests have been thus guarded. They express their most profound gratitude for such favors, and desire to manifest in some practical manner their thankfulness for the enjoyment of the priceless benefits of religious liberty.

With this in view, a number of the non-resistant bodies of Canada have jointly undertaken, by forming themselves into an organization known as "THE NON-RESISTANT RELIEF ORGANIZATION," to show their gratitude to the Government and their interest in the welfare of their fellow-citizens, as well as to share the burden of suffering humanity thruout the world. The manner and purpose of the organization, as stated in a resolution, is as follows:-

"Whereas, We, as Mennonites and Tunkers, whose tenets of faith forbid engaging in any form of military service in time of peace or war, are desirous to help in bearing the burdens occasioned by the war conditions, Therefore, Resolved, That We, the Non-resistant Relief Organization, recommend that a generous fund be raised among the Churches interested which shall be donated to the Government as a memorial of appreciation for the privilege of religious liberty and our freedom from military service in any form, which fund shall be used for relief and charitable purposes only."

Copy of original

"We further recommend that we encourage a continued support of relief and charitable work during the continuance of the war and so long thereafter as may be deemed advisable by this Organization."

We trust, Sir Robert, that this movement may meet with your approval and that of your Government, and that the following soliciations and requests may be taken into your serious consideration:- That, a Committee having been appointed to interview the Government with regard to the work of the Organization, the undersigned, Secretary of the Committee, has been instructed to communicate with the Government or its proper representatives with the object of receiving suggestions or learning the proper channels by or through which the objects and purposes of this Organization may be carried into effect according to the tenets of faith of the religious bodies which it represents, and we shall await your pleasure and bidding.

I am,

Honourable Sir,

Yours most respectfully and humbly,

S. F. Coffman
Secretary.

The Committee.

- L. J. Burkholder, Markham, Ont.
- S. F. Coffman, Vineland Ont.
- S. Goudie, Stouffville Ont.
- D. W. Heize, Gormley, Ont.
- Thos. Reesor, Pickering, Ont.
- C. Gascho, Baden, Ont.

Vineland Ont., February 20, 1918.

To The Prime Minister,
The Right Honourable Sir Robert Borden,
House of Parliament,
Ottawa.

Honourable Sir:-

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I am,

Honourable Sir,

Yours most respectfully and humbly,

S. F. Coffman
Secretary.

*Draft of letter sent to Chairman
for approval and to be forwarded.*

Vineland Ont., Feb. 20, 1918.

L. J. Burkholder, Markham, Ont.

Dear Brother Greeting.

The letter from the Executive Committee of the Non-resistant Relief Organization came to me the last of the week. Since that time I have been on the go and have not had a chance to get the letter written to the Government. It would have been impossible for me to get in touch with any representative of the Government as I am too far away and am going out to Goshen to a Board Meeting on the coming Friday! I will be away at least until the middle of the week. I am sorry that the outlook for the exemption of our boys is not just a little bit clearer. We have asked them to appeal to the District Tribunals and so far Their appeals have been dismissed. We then asked them to get permission to appeal to Ottawa, and I know of two cases that have come to my notice that have been refused, but, a notice from the Central Tribunal accompanied the refusal stating that if a further appeal was desired the appellant should state his case in a concise form and the District Tribunal would ask the advice of the Central Judge concerning the advisability of allowing the appeal to his court. This statement of the grounds for asking the appeal was to be made in duplicate

I think that I understand the reason for limiting the appeals to a certain class. The Central Appeal Court is jammed with cases. They are likely trying to limit all the unlikely cases and allowing only those that have some good grounds for claiming exemption. If this is the case we will soon be in a position to know what will be done with our boys, for we have sent in a case from here, that of Brother Joseph Cressman who is working for Bro. Chr. Fretz. I have another letter from Brother Isaiah Detweiler, of Breslau whose case is identical. I hope that we may see our way to get these cases clear. Have you any information or suggestions to make with reference to this matter. I am limiting my correspondence with the Government since they are so crowded with cases that they will be irritated with too much interference.

We are still praying for the cause and believe that in due time the answer will come. Our letter to the Premier may help the cause to some extent.

Yours in faith,

*copy
Vineland*

S. L. Coffman

THE MILITARY SERVICE ACT, 1917.

REPORT OF CASES

DECIDED BY

THE CENTRAL APPEAL JUDGE

REPORTER :

J. LORN McDOUGALL, Barrister-at-law.

FEBRUARY 20TH, 1918.

No. 7.

No. 63.

RE JOSEPH FLEURY, Student, etc. (237137 E.C.)

A student of the Petit Séminaire of Quebec is not, as such, entitled to exemption.

A student who has worked on his father's farm when not attending college is not for that reason to be exempted.

An intention to study for the priesthood is not a ground for exemption.

February 18, 1918,

This was a Stated Case with Questions prepared by the Hon. Mr. Justice McCorkill and submitted at his request to the Central Appeal Judge by the Hon. the Minister of Justice pursuant to Regulation 80.

STATEMENT OF FACTS.

Joseph Fleury, 20 years of age, who resides with his father, on his father's farm, during the whole of the year, except when he is attending the Petit Séminaire of Quebec, demands exemption from military service on two grounds: 1st, that he is a student of said Seminary, and 2nd because he is a farmer's son and resides and works on his father's farm during that part of the year during which cultivation can be made on the farm; that is, from the time frost is out of the ground and the ground can be tilled until crops have been properly housed in the autumn.

The Seminary authorities, represented by the director, the Rev. Oscar Genest, also made an application for Joseph Fleury's exemption from military service.

Evidence was offered by the Seminary authorities and by Fleury and his father, when the case was called, and provision having been made for the taking of notes of evidence of stenography, when expedient, the application was granted.

The deposition of Mgr. Francois Pelletier, Prêlat Domestique de Sa Sainteté Benoit XV, superior of the Seminary of Quebec and rector of Laval University, explained that the Petit Séminaire course, which extended over eight years, consisted of two parts: 1st, rhetoric or letters during six years, at the end of which an examination was held, and 2nd, the sciences or philosophy, which took the remaining two years, at the end of which another examination was held. If the student was successful, he obtained his "baccalauréat," which corresponds with the degree of bachelor of arts in the Protestant universities.

It was explained that the Seminary was first founded with the intention of making provision for the education of candidates for the priesthood. At the end of the course in the Petit Séminaire, they passed to the Grand Séminaire, which is entirely a theological institution.

Mgr. Pelletier, in his evidence, at the bottom of page 5, says:—

"Le Séminaire a un but particulier, le but de sa fondation, qui est l'éducation, l'instruction des enfants en vue de leur préparation au sacerdoce: c'est le but particulier du Séminaire; et il a toujours semblé aux fondateurs du Séminaire, de même qu'à ceux qui continuent son œuvre, que la préparation au clergé, au sacerdoce, était une œuvre essentiellement nationale. Ils croient également ne pas dévier de sa fin, de son but, en préparant, en aidant également tous les enfants qui cependant n'entreront pas dans l'état ecclésiastique, qui prendront des professions libérales, environ la moitié des enfants; et alors en préparant aux professions libérales aussi bien qu'au clergé, le Séminaire croit faire œuvre véritablement nationale."

Since that time, Laval University has been founded. It offers instruction and degrees in law, medicine, applied science, etc.

It was also explained that the Directors of the Petit Séminaire strongly insisted upon the students taking their course in eight consecutive years and were decidedly opposed to a break in the course.

It was further explained that now, since Laval University has been founded and faculties exist for the liberal professions, only about half of the students of the Petit Séminaire enter the institution with the intention of passing to the Grand Séminaire for the completion of the theological course; most of the remaining students enter the faculties of the liberal professions.

At the present time, sixty-five of the students of the Petit Séminaire have been summoned under the Military Service Act, 1917. Some of them, of course, will be exempted owing to classification by the medical board as below category A.

Mgr. Pelletier and the other professors who have been examined are strongly of the opinion that if a student's course is interrupted by absence of one year, it materially retards his progress and it will take practically two years of study to make up the year that he has lost, owing, of course, to defects of memory, etc.

Mgr. Pelletier and the other Seminary professors explained that when any of their students were sons of farmers, who had been in the habit of living on the farm, they were permitted to leave the Seminary before the end of the session in the spring, to assist in the farm work, and they were further granted permission to commence their year later in the autumn than the beginning of the session.

Parents of some of the boys are of very moderate means; indeed, if it were not for the generosity with which students are treated by the Seminary authorities they would not be able to complete their baccalaureate course. It becomes a special sacrifice, therefore, on the part of the parents if their sons are not enabled to complete their course without interruption.

There are sixty-five students in the Petit Séminaire of the age of class 1. The calling out of so many students of the institution, if a large number of them are not exempted, will have a very disorganizing effect. This institution, besides devoting itself to literary and scientific studies, gives great attention to studies which are accessory to the regular work: music, literary societies, oratory, and other exercises of an educating and elevating character.

Forty priests are professors in the institution; assistance is also given by students of the Grand Seminary who are following a course in theology.

This evidence is corroborated by the evidence of Rev. Alexandre Vachon, professor of chemistry, and of Rev. Oscar Genest, director of the Petit Séminaire.

Upon the above facts, I beg to submit the following questions:—

1st. Is the student Joseph Fleury entitled to exemption upon the fact that he is a student of the Petit Séminaire of Quebec? Is it in the national interest that he should be permitted to complete his course of studies without interruption, instead of being required to report under the Military Service Act, 1917?

2nd. Is he also entitled to exemption from service under the Act because all his life he has lived and worked on his father's farm, except when he has been attending his studies at the Petit Séminaire?

Joseph Fleury testifies that he has not made up his mind what business or profession he will take up after completing his studies at the Petit Séminaire?

3rd. Alexandre Morin, an eighth year student at the Petit Séminaire, testified that when he entered the Seminary he intended studying for the priesthood, passing from the Petit Séminaire to the Grand Séminaire, and he still has that intention.

Should this fact be taken into consideration when deliberating upon his claim for exemption from military service?

The Central Appeal Judge, having considered the questions referred to him by the Minister of Justice, for determination under the authority of the regulations passed pursuant to the Military Service Act, by reference dated the 7th day of February, 1918, and the statement of facts therewith submitted, determines as follows:—

To the 1st question the answer is—

“No.”

To the 2nd question the answer is—

“The facts stated do not afford a valid ground for exemption.”

To the 3rd question the answer is—

“The expression by Alexandre Morin of his intention to enter the Grand Séminaire and study for the priesthood should not be given any weight in considering his claim for exemption.”



Ottawa, Ont. February 28th, 1918

Dear Sir,-

Your letter of the 20th instant advising that the "Non-Resistant Relief Organization" proposes to raise a charitable fund to be donated to the Government as a memorial in appreciation of the religious liberty enjoyed by non-combatant organizations, is to hand in the absence of the Prime Minister on important public business. Your suggestion that a Committee appointed for that purpose should interview the Government with regard to the work of the Organization will have consideration in due course.

Yours very truly,

Geo. W. Yates
Prime Minister's Secretary.

S. F. Coffman, Esq.

Vineland, Ont.

Prime Minister's Office
Seal
Canada.

Ottawa Ont. February 28th, 1918.

Dear Sir,-

Your letter of the 20th instant advising tht the "Non-Resistant Relief Organization" proposes to raise a charitable fund as a memorial to be donated to the Government in appreciation of the religious liberty enjoyed by non-combatant organizations, is to hand in the absence of the Prime Minister on important public business. Your suggestion that a Committee appointed for that purpose should interview the Government with regard to the work of the Organization will have consideration in due course.

Yours very truly,

Signed, Geo. W. Yates,

Prime Minister's Secretary.

S. F. Coffman, Esq.
Vineland Ont.

J. R. EBERSOL
 MANUFACTURER OF
**THE SPECIAL BAND CUTTER
 AND SELF-FEEDER**

MILVERTON, ONT.

Feb 25 1918

S. J. Coffman
 Vineland Ont.
 Dear Friend:-

I recieved your welcome letter of the 9th but quite a while after it was written, But thank God and you for your kindness shown in this matter. Greeting in Jesus name to all who try to obey Him to a happy end.

Will you again kindly tell me when John Lowe signed that Law or order in council, was it July 23, 1813, or was it July 23, 1873? this part is not quite plane in your letter and would seem a vast difference.

Now the most reason of my present writing is as follows:- By middle of March it will be 10 years since we with our family moved here into Canada from Lancaster Co., Pa. and for the last nine years have been working at the above business. My oldest son is 20 years old and is exempted here in Canada on account of being an American, as local tribunals claim they can not deal with Americans, in this matter.

Now ofcourse he is at present under the age for the present call of U.S. Military men, but we are afraid that later he might be called to U.S. Military service, especially if he is not engaged at farming. Now I need my son here in

(2)

our shop to help us and he can earn more than on a farm at present, but he is somewhat afraid to continue in the shop on account of militarism.

Do you think it advisable to try to become a real Canadian Amish Mennonite instead of being a U.S. citizen? I am inclined to think if this is possible, and all Mennonites are free here, then this would be good, and then I think he could almost safely continue the present occupation.

Now as you no doubt are fairly well acquainted in military matters of Mennonites and I ask your opinion, and how you think we should go about this matter to get it as safely adjusted as possible.

I enclose you stamp for return postage, and let me know how much your expence and time amounts to and I will remit to you for your service to me in this matter. I expect our Brethern have contributed a little in your behalf and send it to Christian Gascho for you but I do not know how much, But that will only be to assist a little in helping you with your expence as a whole. But for this individual advise and service, I wish to pay you if you will let me know. Kindly answer ^{as} definitely and as soon as you conveniently can.

Asking your kind remembrance in prayer as I hope to do in weakness.

Respectfully yours,

J. R. Ebersol.

Baden Feby 27/18

To L. J. Coffman
Vincennes
IndDear Brother in Christ. Greeting in
Jesus worthy name

We are all well at present for which
we feel Thankful to our Heavenly Father for
the Blessings that we are enjoying in our new
home at Baden where we are living now. And
hope you may also Enjoy the Same Blessings of
Good Health

Further I Received your Letter from the
31st Jan and not answered yet also got
a copy from the meeting held at the wideman
Church Feby 11 from D. W. Heise. And also got
Some Money from our Young Brethren for
you dear Brother for your work done for them
which I will now Send to you By Post
Office Money Order so you will please find
\$41.75⁰⁰ Enclosed hope you will kindly Except
the Same as a gift from Gods Children and
make use of it the Honor of God and the
net welfare of men. I will now Close for to
night By Sending Love & Best Regards to you
all. Remember us in your prayers we will try and do
Likewise. Yours in the Masters name Chr. Gascho

Preston Ont
Feb 28/18

Dear Bro In Christ

I am enclosing a notice of Refusal of Appeal: which I received. I had sent an appeal to Ottawa. and also notified the Registrar at London and the word I had from them first was satisfactory that is a grant was given to have my Appeal heard at Ottawa now this has followed What would you suggest in doing? In this matter

I Beleve the Lord will help us through if we fully beleve.

Yours In Him

Arson Hallman
Box 472
Preston
Ont