

DEPARTMENT OF JUSTICE
MILITARY SERVICE COUNCIL.

130 Sparks Street.

Ottawa, Ont. 26th October, 1917.

TRIBUNAL CIRCULAR NO. 5.

Sir:-

SITTINGS.

In anticipation of issue of general instructions the attention of members of tribunals is especially called to their duty with regard to sittings.

In the terms of the Proclamation and Instructions, sittings are to begin on the 8th day of November and are to continue from day to day thereafter without unnecessary interruption until the business assigned by the Registrar or brought by the public to the tribunal has been completed.

The daily sittings are to begin at ten o'clock in the forenoon, unless some other hour is fixed by the Registrar. On the 8th, 9th, and 10th days of November, on which days pursuant to the Proclamation applications for exemption can be presented for the first time in person, the sittings are to continue until at least 5 o'clock in the afternoon. On November 12th and subsequent days the sittings are to continue until the business presented to the tribunal for disposition on that day has been completed.

Members of tribunals to whom these regulations cause inconvenience will bear in mind that time is of the first importance and that the essential reinforcements for the Canadian Expeditionary Force in effect await the conclusion of their labours. They will also bear in mind that they, first of all Canadian citizens, are compelled by law to sacrifice something more than money for war purposes, and they must (as soldiers must) perform their duties according to instructions. The sacrifice of time and the personal inconvenience asked of them is less than that asked of other citizens compelled to serve in a military capacity, and they are permitted to claim compensation for this sacrifice at a rate which, though small, is not unreasonably so when its general application is considered.

I am,

Your obedient servant,

E. L. NEWCOMBE,

Deputy Minister of Justice.

DEPARTMENT OF JUSTICE
MILITARY SERVICE BRANCH.

130 SPARKS STREET.

OTTAWA, ONTARIO,
27TH OCTOBER, 1917.

TRIBUNAL CIRCULAR NO. 6.

AGE OF IMMIGRANT CHILDREN.

The Superintendent of Immigration advises that numerous requests are being received by him for information as to the ages of children of immigrants as these ages are shown on the steamship manifest at the time of the arrival in Canada of the children in question.

He points out that children up to fifteen (15) years of age are not infrequently represented by immigrants as being under twelve (12) in order to obtain the advantage of the half-fare rate and he suggests that tribunals should be warned that the presentation to a tribunal of a letter from the Department of Immigration giving the age of a child on arrival in Canada should not be regarded as conclusive proof that the child mentioned was really of the age stated especially in cases where the stated age is in the neighbourhood of twelve (12) years.

ISSUED BY THE MILITARY SERVICE COUNCIL.

DEPARTMENT OF JUSTICE.

MILITARY SERVICE BRANCH.

130 SPARKS STREET.

OTTAWA, ONTARIO,

27th OCTOBER, 1917.

TRIBUNAL CIRCULAR NO. 7.

Sir:-

INSTRUCTIONS
AND SUPPLIES.

There are enclosed herewith two copies of a volume containing a Memorandum of Instructions for Tribunals, the Military Service Act, 1917, the Regulations thereunder and the Proclamation of the 13th October, 1917. If you will refer to appendix 2 to the Memorandum of Instructions, you will find a list of the supplies and forms which it is anticipated you will require and an indication of the source from which and the channel through which each of the items referred to will be supplied.

This list should be carefully checked against the supplies received and if any mistake has happened, either in distribution or transit, the Registrar or Deputy Registrar of the district should be immediately communicated with, in order that, on or before November the 8th, the tribunal will have everything required to commence its duties and continue them without interruption. The schedule noted in that Appendix as receivable from Registrars through the Post Office will not, under the Registrar's instructions, be forwarded until such a date as will permit of its delivery about November 7th. All the remaining items should be in the hands of the tribunal not later than the 3rd November.

In order that there may be no hitch in the commencement of business and its speedy prosecution each tribunal will please advise this Branch on or before the 5th November:-

1. That its two Members have been in communication with one another.

2. That a place of sitting has been arranged for.

3. That the supplies above referred to have been duly received.

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4. That this circular and the enclosures have been duly received.

5. That nothing is likely to interfere with tribunal sittings on November 8th and the following days.

If this advice cannot be sent by letter it may be sent by wire and in that event the single word "YES" will be sufficient; or if anything still remains to be done it may be indicated by mentioning one or more of the numbers above set out.

I remain,

Your obedient servant,

E. L. NEWCOMBE,

DEPUTY MINISTER OF JUSTICE.

DEPARTMENT OF JUSTICE.

MILITARY SERVICE BRANCH.

#130 SPARKS STREET

OTTAWA, ONTARIO.

30TH OCTOBER, 1917.

TRIBUNAL CIRCULAR NO. 8.RETURNS
TO
DATE.

Undernoted are the percentages of total registration to estimated population and the percentages of Reports for Service to total registration:-

<u>DISTRICT</u>	<u>PERCENTAGE OF TOTAL REGISTRA- TION TO ESTIMATED POPULATION.</u>	<u>DISTRICT</u>	<u>PERCENTAGE OF TOTAL REPORTS FOR SERVICE TO TOTAL REGISTRATION.</u>
Charlottetown	25.91	Vancouver	25.39
Toronto	24.15	Kenora	25.06
London	23.67	St. John	16.09
Winnipeg	22.54	Halifax	14.66
Calgary	21.69	Winnipeg	12.27
Regina	18.17	Calgary	12.26
Halifax	16.47	Charlottetown	11.77
St. John	15.92	Toronto	9.20
Kingston	15.03	Regina	6.53
Hull	9.70	Montreal	5.46
Vancouver	9.09	Kingston	3.75
Montreal	7.99	Hull	2.17
Kenora	7.71	London	1.96
Quebec	5.85	Quebec	1.58

It is suggested that the estimated population for British Columbia is too high and that there are actually only 35,000 in Class I or some seven thousand fewer British subjects in that Province now than in 1911 there were Class I men of Canadian and British birth. Perhaps it is possible that something of the same kind may have happened in some of the other districts, but, unless it has, it is perfectly obvious that in the last few days of registration the number of Reports for Service and Claims for Exemption is going to be considerably above the average upon which Registrars' staffs have been calculated.

There are two modes in which this situation can be dealt with. One is by increasing the staff so as to be able to deal with a considerably increased number of papers every day., The other is to deal daily with only such numbers of Reports and Claims as are within the capacity of the present staff, allowing any excess over those to accumulate from day to day without even being taken out of the bags or bundles. The result of this latter course would naturally be to delay dealing with this excess, the number of days delay depending upon the quantity. There appears, however, to be no objection to this providing the delay is not so long that a sufficiently long Notice of Hearing can be given to applicants for exemption and at the same time not so long that tribunals will be left without work to do by reason of delay in allotment.

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It will consequently probably be necessary for Registrars to adopt both methods in part, delaying dealing with a portion of the daily deliveries, but at the same time increasing their staffs so that what remains undealt with will not accumulate to an extent that will permit the tribunals to overtake the work of the Registrars and leave the former without occupation.

The figures given above are not for publication,, it having been decided that there is no advantage in giving publicity to the percentage of Reports for Service to total registration and that, having regard to the doubtfulness of the calculation of population, to publish the percentage of total registration to population might create a wrong impression

ISSUED BY THE MILITARY SERVICE COUNCIL.

DEPARTMENT OF JUSTICE,
MILITARY SERVICE BRANCH.

130 Sparks St.

Ottawa,

30th October, 1917.

TRIBUNAL CIRCULAR No. 9.

Paragraph 24 of the Memorandum for the guidance of tribunals is not quite accurate. Notices of Hearing of claims for exemption have according to their instructions been sent by Registrars to men who on medical examination have been placed in Category "D", that is to say men whose definite medical category cannot at the present time be ascertained. The reason for sending notices to such men was that the condition which prevailed at their categorization might no longer exist at the time of hearing before a Tribunal, and Tribunals were consequently expected to deal with such men in exactly the same way as they had not been medically examined, viz., by considering their claims for exemption on other grounds than physical condition, and in the event of the other grounds being found insufficient to support their claims for exemption, to require them to again undergo medical examination, unless the Military Representative was satisfied to have their final medical categorization still remain in suspense. In that event instead of the notation "Not A" the actual medical category "D" will be inserted in the column for medical category.

I have the honour to be,

Sir,

Your obedient servant,

E. L. NEWCOMBE,

DEPUTY MINISTER OF JUSTICE.

DEPARTMENT OF JUSTICE,
MILITARY SERVICE BRANCH.

130 Sparks Street.

OTTAWA,

2nd November, 1917.

TRIBUNAL CIRCULAR NO. 10.

Sir,

Tribunal Circular No. 8 was sp
style and was sent to Tribunals as a result of a
clerical error, the circular being intended for
Registrars and having no relation to Tribunals.

Tribunals will therefore disregard
same.

I have the honour to be,

Sir,

Your obedient servant,

E.L. NEWCOMBE.

DEPUTY MINISTER OF JUSTICE.

X10 - 114.5

Note L.M.

DEPARTMENT OF JUSTICE.

MILITARY SERVICE BRANCH.

#130 SPARKS STREET.

OTTAWA, ONTARIO.

5TH NOVEMBER, 1917.

TRIBUNAL CIRCULAR NO. 11.

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

The following synopsis of the Orders in Council of August 13th, 1873, and December 6th, 1898, referred to in Exception 7 of the Schedule to the Act, which deal with Mennonites and Doukhobors settled in Canada - It will be observed that these people are excepted altogether from the operation 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 an Order in Council 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."

The committee of the Privy Council, approved by his Excellency, the Governor General, on the 6th of December, 1898, passed an Order in Council in which a complete and unconditional exemption from Military Service was granted to all Doukhobors settled permanently in Canada, upon the production in each case of a certificate of membership from the proper authorities of their Community.

ISSUED BY THE MILITARY SERVICE COUNCIL.

DEPARTMENT OF JUSTICE.

-- MILITARY SERVICE BRANCH . --

130 Sparks Street,

Ottawa, Ontario,
November 5th, 1917.

TRIBUNAL CIRCULAR NO. 12.

Application
of Military
Service Act.

Tribunals will remember that the Military Service Act applies only to British Subjects and that the Proclamation of October 13th applies only to men who were unmarried or widowers without children on the 6th July, 1917, and are between certain ages. Consequently men not coming within the description indicated have no duty whatever under the Act. They are not required to claim exemption or report for service.

Similarly any person who comes within the exceptions contained in the schedule to the Act are absolved from any duty under it.

With regard to the exceptions it may be observed that it has been decided that exception 5 covers the cases of all men who have served overseas, whether or not they have been in contact with enemy infantry and that the orders-in-council referred to in exception No. 7 refer to Mennonites and Doukhobors.

It is not intended, however, that Tribunals should assume any responsibility as to the decision of any case in which the applicability of the statute is doubtful. In any such case the man concerned should be advised that the Tribunal has nothing whatever to do with questions of alienage, age, marriage or any question as to whether an individual does or does not come within an exception. Tribunals are constituted for the special statutory purpose of deciding on claims for exemption made under Section 11 of the Act and have no other duty or jurisdiction.

ISSUED BY THE MILITARY SERVICE COUNCIL.

DEPARTMENT OF JUSTICE
MILITARY SERVICE BRANCH

#130 SPARKS STREET.

OTTAWA, ONTARIO

TRIBUNALS' CIRCULAR NO. 13.

NOV 6-1917

SUPPLIES. Sir :-

Tribunals will carefully compare Appendix 2 to the Memorandum of Instructions with the schedule of claims to be disposed of by them after this has been completed by the addition of claims made personally on the 8th, 9th and 10th days of November and of claims referred to them by the Registrars up to about the 15th of November. They will thus ascertain whether the quantity of supplies furnished as set out in the schedule are sufficient and will at the earliest possible moment requisition any additional supplies and forms that they may need from the Registrar or Deputy Registrar of the district in which they sit.

Tribunals should be in a position to ascertain whether they will require any further forms and supplies at the latest by the 17th November and will make requisition for any more that they are likely to require immediately so that their labours will not be interfered with by any lack of forms.

It is to be observed that the supplies; for example of envelopes, as set out in the Appendix referred to are calculated as being sufficient only for the performance of the formal duties which fall to tribunals and that the use of forms of envelopes for memoranda or general correspondence will almost inevitably exhaust this supply prematurely. The intention was that, for the purpose of meeting general necessities, the character and extent of which could not be foreseen, the supplies purchased locally by the tribunal itself would be made use of.

I have the honour to be,

Sir,

Your obedient servant,

E. L. NEWCOMBE

DEPUTY MINISTER OF JUSTICE.

DEPARTMENT OF JUSTICE
MILITARY SERVICE BRANCH.

130 SPARKS STREET

OTTAWA, CANADA.

Tribunal Circular No. 15.

12th November, 1917.

Sir,-

There are enclosed herewith, for your information, prints of the Regulations contained in Orders-in-Council PC. 3118 and 3169 passed respectively on the 6th and 9th November, 1917, and Order-in-Council (PC. 3168) relating to absence without leave passed on 9th November. The two latter provide for the course to be adopted in regard to men who have failed to comply with the Proclamation and such men will be directed to the nearest depot' battalion or depot provided for the purpose of dealing with men in default.

Members of tribunals will, however, make a note of the names and addresses of defaulters so directed and forward the same to the Registrar of their district.

In any special cases, such as that of a man wholly incapacitated by lack of a limb or otherwise from military service, where failure to comply with the Proclamation has been due wholly to misunderstanding, and there is no possibility of the man's services being made use of in a military capacity, tribunals can advise the man to submit the facts in writing to this Branch, when they will be submitted to the Minister for his consideration and for action, if thought proper, under Paragraph XV of the Regulations.

I have the honour to be,

Sir,

Your obedient servant,

E.L. NEWCOMBE.

DEPUTY MINISTER OF JUSTICE.

ENC.

DEPARTMENT OF JUSTICE

MILITARY SERVICE BRANCH.

ROYAL BANK BUILDING

OTTAWA, ONTARIO,

MARCH 13TH ,1918.

TRIBUNAL CIRCULAR NO. 22

EXEMPTION OF)
INDIANS FROM)
COMBATANT)
SERVICE.)

The attention of members of Local Exemption

Tribunals is called to the attached copy of Registrars'
Circular No. 147, dated 22/1/18, and copy of Order in
Council, (P. C. 111, dated the 17th day of January, 1918,
with reference to the exemption from combatant service
of certain British subjects, including Indians.

ISSUED BY THE MILITARY SERVICE COUNCIL.

ENCLOSURE.

DEPARTMENT OF JUSTICE.
MILITARY SERVICE BRANCH.

130 SPARKS STREET,

OTTAWA, ONTARIO.

JANUARY 22, 1918.

REGISTRARS' CIRCULAR NO. 147

CIRCULAR MEMORANDUM TO REGISTRARS
AND DEPUTY REGISTRARS.

EXEMPTION)
FROM COM-)
BATANT SER-)
VICE OF CFR-)
TAIN BRITISH)
SUBJECTS.)

Confirming the Circular Telegram of the 21st

instant, there is now enclosed herewith a copy of the Order-in-Council, dated the 17th January, (P.C.111), providing for the exemption from combatant service of certain British subjects disqualified from voting at a Dominion election and for the making of claims for exemption on behalf of Indians through the Indian Agent.

Any pending cases will be dealt with in terms of this Order-in-Council. Even if the claim for exemption by a person who would be entitled to the benefit of the Order-in-Council has already been disposed of adversely to him by the tribunals he will not be sent any Order to Report for Duty. If his rights under the Order-in-Council are in doubt, the claim will be referred to the appropriate Tribunal for re-consideration. Cases of men who have been ordered to report for duty will not be dealt with by Registrars but will be left to The Leave of Absence Boards to deal with.

ISSUED BY THE MILITARY SERVICE COUNCIL.

P. C. 111.

AT THE GOVERNMENT HOUSE AT OTTAWA
Thursday the 17th day of January, 1918.

PRESENT:

HIS EXCELLENCY,
THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS petitions and memorials have been received from and on behalf of Indians pointing out that in view of their not having any right to vote, they should, although natural born British subjects, not be compelled to perform military service, and that in the negotiations of certain treaties expressions were used indicating that Indians would not be so compelled, an instance of this recently brought forward being the expression of the Lieutenant Governor in negotiating the North West Angle Treaty as it appears in the despatch of the 14th of October, 1873, quoted in Morris; Treaties of Canada with Indians, pp. 50 and 69;

AND WHEREAS petitions and memorials have also been received from and on behalf of persons formerly subjects of the Emperor of Japan but naturalized in Canada, pointing out that, although naturalized, they are not in the Provinces in which they reside entitled to vote under the existing franchise laws and that since they are consequently not entitled to any benefit by reason of their naturalization, either within or beyond Canada, the obligation to perform military service should not be imposed upon them by law;

AND WHEREAS in the War Time Elections Act 7-8 George V. c.39, Parliament provided that the naturalized persons thereby deprived of the franchise should by reason of that deprivation be relieved from the duty of performing combatant military service and it would appear just and reasonable that a similar course should be pursued in relation to other franchised persons, whether natural born or naturalized subjects of His Majesty;

AND WHEREAS, in view of the foregoing, the Acting Minister of Justice on the recommendation of the Central Appeal Judge and with the concurrence of the Military Service Council, has recommended that the following Regulations be added to the Military Service Regulations:

THEREFORE His Excellency the Governor General in Council, by virtue of the powers conferred on the Governor in Council by the Military Service Act, 1917, The War Measures Act, 1914, or otherwise, is pleased to make the following additional Military Service Regulations and the same are hereby made and enacted accordingly:-

REGULATIONS.

The Honourable
The Minister of Justice.

P. C. 111.

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REGULATIONS.

14a. Any British subject who, under the laws in force from time to time is disqualified from voting at a Dominion election, otherwise than under Section 67 of the Dominion Elections Act, R.S.C. 1906, or Section 6 of the War Time Elections Act, 7-8 George V, Chapter 39, shall be entitled to exemption from combatant military or naval service, unless he has in fact voted at a Dominion election although at the time disqualified from so doing.

18a. Any Indian Agent may make application for the exemption of any Indian attached to the Reserve over which such Agent has jurisdiction and it shall not be necessary for the Registrar to assign to a local tribunal any application made or transmitted by an Indian Agent on behalf of an Indian, but the Registrar shall forthwith issue to such Indian and transmit to the Indian Agent for delivery to him a certificate of exemption from combatant military service. In the event of any man thus exempted from combatant military service being hereafter called upon to perform any military duty he may then put forward any claim for exemption even from non-combatant service which he may then have.

(Sgd.) RODOLPHE BOUDREAU

Clerk of the Privy Council.

DEPARTMENT OF JUSTICE

MILITARY SERVICE BRANCH

ROYAL BANK BUILDING

OTTAWA, ONTARIO,

MARCH 18TH, 1918.

CIRCULAR MEMORANDUM TO LOCAL TRIBUNALS NO. 23.

There is enclosed herewith a new edition of the Manual for the Guidance of Tribunals with a revision and consolidation of the Military Service Regulations.

The instructions contained in the Memorandum for the Guidance of Tribunals published on the 10th November last will continue to apply to any cases in which the new procedure indicated in the present Manual has not been followed by registrars, but where questionnaires have issued and M.S.A. 65 is attached to the papers as submitted to the tribunal the new procedure now provided for will be followed.

ISSUED BY THE MILITARY SERVICE COUNCIL.

ENCL.