

FOREIGNERS IN COURT.

ENEMY ALIEN NONSUITED.

At the Small Debts Court this morning, Gerard Friedrich Reber sued Z. Piven to recover the sum of £3 0/4, alleged to be due by the defendant for board and lodging of the defendant and two children, between the 16th and the 30th of August.

The defendant pleaded that he was not indebted, and Mr. W. P. Kelly, who appeared for Piven (said to be a Russian), took the point that Reber, being an unnaturalised German, and an enemy alien, was not entitled to invoke the aid of the court in a civil matter.

The P.M. said that he would hear the plaintiff's statement.

Reber, on going into the box, gave evidence in support of his claim, and said that Piven had refused to pay.

Mr. Kelly: What are you?—A laundry worker.

But you have a profession?—Yes. I am a civil engineer.

How long have you been in Australia?—Fourteen months.

Where did you come from?—The Solomon Islands.

You are a native of Germany—Yes, of the North of Germany.

What part?—Koenigsberg.

You are not a naturalised British subject?—No.

You know that Germany is at war with England?—I am quite aware of that. Are these answers necessary, your Worship?

The P.M.: Yes.

Mr. Kelly: You are not naturalised?—No.

You have never been naturalised?—No.

And you have to report yourself to the police regularly?—Yes.

Do you know the nationality of the defendant in this case?—He told me that he was a Russian.

The P.M.: You are a German subject, and not naturalised?—Yes.

Mr. Kelly submitted that it was clearly the law that the plaintiff, being

clearly the law that the plaintiff, being an enemy alien, and not naturalised, was not entitled to invoke the aid of a British court. This was a well-known principle of common law, and the Federal Parliament had passed a bill, making it clear that an enemy subject could not recover in any action against a British subject, and this operated till the end of the war. It seemed very hard, but it was the law.

The P.M. (to the plaintiff): It is quite clear that you cannot recover.

The plaintiff said that this was hard, and that the defendant had taunted him with saying that as he was a German the law would go against him.

The P.M. said that this was the law, and on the plaintiff beginning to protest, Mr. Robertson said that it was no use talking any more, as it was clear that Rober could not recover, and the case was struck out.