

AUSTRIAN FINED \$250, OR ONE MONTH IN JAIL

George Onescuik, an "Alien Enemy," Did Not Surrender His Revolver.

What is believed to be the first conviction under the provision of an Order in Council issued on Sept. 3rd, prohibiting Germans or Austrians in Canada being in possession of firearms, was secured in the police court Saturday and George Onescuik, a resident of Canada for twenty-eight months, was sentenced to pay a fine of \$250 or go to jail for one month. He went to jail.

The passing of the sentence this morning establishes a precedent, and terminates a peculiar case, in which the authority of a local detective was questioned in placing the accused under arrest. Onescuik was arrested at his rooms, at 317 Clarence Street, last Sunday, on a theft charge.

On Thursday he was acquitted of the charge of theft, but before he could leave the prisoner's dock he was re-arrested on a charge of being an "alien enemy," and having firearms in his possession.

Arrested in Room.

The police secured grounds for the laying of the second charge only after they had entered Onescuik's room without a warrant, and after alleged rough treatment, placed him under arrest and learned his nationality at the police station.

In court Saturday Onescuik stated his willingness to become a naturalized British subject, and swore that he had resided in Canada for nearly three years.

The ultimate decision of Deputy Magistrate Askwith was only arrived at after considerable legal contention by Mr. Napoleon Marion, counsel for the accused. The case hinged on the question of what constituted an "alien enemy" within the meaning of the order in council.

Detective MacDonald, when questioned by the accused counsel, admitted that he had entered Onescuik's rooms last Sunday morning without a warrant.

Is Not Warlike.

Mr. Marion claimed that Onescuik had not taken up arms against British interests, and that he did not know that it was necessary to turn over his arms before Sept. 15. Onescuik purchased the revolver from a friend for \$2. The friend is now in Europe.

"What constitutes an alien?" asked Mr. Marion. "My client is a foreigner so peaceful that he does not even want to go to war."

"If you were called upon to go to war would you fight for Britain or Austria?" asked the bench and Onescuik's counsel in unison.

"I would not go to war at all," replied the prisoner.

"I do not know whether the accused is an enemy or not, but he is an alien within the meaning of the order," began the magistrate. "The newspapers have been daily telling us of the use of foreign spies in the army, cities and everywhere. They are doing all they can to work against the interests of the kingdom."

"This man, an alien, had a revolver in his house, and was impertinent to the police officer when placed under arrest," concluded Mr. Askwith in his summing up.

"I will impose a fine of \$250 or one month in jail, that this may be a lesson to other aliens in the land that the provisions of the Order in Council are to be lived up to," concluded His Worship.

During the hearing of the case, the magistrate referred to the treatment of Canadians in Germany, and said that in some instances they were reported to have been killed on account of their nationality.