

# TREASON CHARGE PUZZLING COURT

## Status of Rumanian-Austrians and Confusion of Tongues Two Difficulties

### WITNESS ADMITS SPITE

#### "We Never Went to Each Other's Birthdays," He Said of Accused—Pro-Austrian Employed by Dominion

Charged with treason, Israel Schaefer, a steamship agent, of the firm of Schaefer & Wall, Craig street, appeared in the King's Bench yesterday morning and pleaded not guilty. He was defended by Mr. M. J. Morrison, K.C., and Bernard Rose, while the Crown was represented by Mr. J. C. Walsh, K.C. The necessary military touch was added by the appearance of the witnesses, interned Rumanian-Austrians, who were guarded by the military authorities working under the direction of Captain Griffiths.

Yesterday's incidents in the case covered a number of points. The witnesses were firm in their declarations that they were Rumanians, though they admitted that their places of residence were in territory over which the Austrian Emperor holds sway. The indictment was a lengthy one, and was read to the jury by Mr. A. E. Corriveau, clerk of the court, after which Mr. Walsh reviewed the case briefly.

As all the evidence was in the Rumanian language, Interpreter S. Leberman was engaged to translate, and had a heavy task ahead of him. Mr. Harry Schaefer, brother of the accused, is the official Rumanian interpreter at the Court House, and he was in court during the day. His version of the replies of witnesses did not always agree with that given by Leberman. The latter explained one point, late in the afternoon, that exact interpretation was an impossibility. As the translation was in English, those jurors who did not profess a good knowledge of English were excused.

The case was the cause of much trouble also in the matter of examination and cross-examination. The fact that the witnesses did not remember in detail certain facts, and were not conversant with such matters as dates, except that they remembered it was a Monday or a Tuesday, or hours, except that the sun was shining, did not help the progress of the law.

The charge is that Schaefer attempted to get 10 Austrian reservists out of the country last October. The evidence tended to show that George Kourisch, a Rumanian-Austrian, or Austrian-Rumanian, was the man who guided his fellows to Schaefer for steamship tickets. Mr. Walsh examined Kourisch and brought out that he belonged to the Austrian Landsturm. He could not say exactly whether he was liable for military service, being 39 years of age.

Then followed a series of other questions:

When did you meet Schaefer? A.—When I wanted to go home I went to him for a ticket.

Did you know Schaefer before that? A.—I had been told of him.

What did you tell Schaefer? A.—That I came from Suchova, Austria.

Where is that town? A.—Near the Rumanian border—it is Austrian territory.

What did you ask Schaefer when you met him? A.—I asked him to give me a ticket to go to Rumania.

Did Schaefer know you were from Austria? A.—He knew.

How? A.—I gave him \$28.30 for a ticket some time before the war.

Where to? A.—Czernowitz, Province of Bukowina, Austria.

What conversation did you have the last time you met Schaefer? A.—I did not speak to Schaefer. I spoke to Bloom.

But when did you speak to Schaefer last? A.—Three days before October 14.

What then? A.—I asked him to sell me a ticket to Rumania.

Did Schaefer know you were an Austrian? A.—He knew I was going home to Austria.

Did he know you were a reservist? A.—I don't know.

What did he tell you to do? A.—He told me to speak Rumanian.

Why did Schaefer do that? Mr. Morrison—I object.

The Court allowed the question. "So that I should not be caught." was the answer.

Did you have any Austrian money? A.—No.

Mr. Morrison took up the cross-examination for the defence.

Did you not arrange at Cedars Rapids with three others before you decided to buy a ticket to say that you were Rumanians? A.—Yes.

Why did you agree to do that? A.—Because we are friends.

How many languages do you speak? A.—German, Polish, Rumanian, Russian, Yiddish and a little English.

The Court—Do you speak them separately, or mix them up? A.—I mix them up.

#### TO SEPARATE WITNESSES.

Kourisch "mixed them up" in his evidence so much that the interpreter was obliged to do the same. Kourisch's sole object, he said, was to get home to Rumania to his wife and children. At the conclusion of his evidence, Mr. Morrison asked that he be not allowed to communicate with the other witnesses. Mr. Walsh, after a consultation with the officers, said that they would see that such communication was not allowed.

Mr. Walsh—"The officers have agreed on their word of honor to separate the witnesses. We must trust their word of honor. We now have to trust them for much more, for more than our honor."

Mr. Morrison—"Quite so. You have put it well."

The next witness called was George Poltnash. Mr. Morrison was particular as to his oath. "Do you believe in God?" he enquired. The witness replied in the affirmative.

What church do you belong to? A.—Rumanian.

Do you believe in God? A.—I believe in Rumania.

After a series of other questions, the witness's belief was defined as follows:

"I believe in Him. I know Him well. I have lived with him. I have my



life through him." This was thought sufficient.

Mr. Walsh then drew out the fact that Poltnash was a subject of Austria, though he persisted that he was a Rumanian in spirit, language, race, and everything except territory.

Mr. Morrison objected to this question, saying that there were many persons in Canada who did not know of what nation they were subjects. This brought on an argument between counsel as to whether the witness was an Austrian-Rumanian or a Rumanian-Austrian.

By Mr. Walsh—Were you going to Austria? A.—To Rumania.

No farther? A.—I wanted to stay in Rumania.

At this point Mr. Morrison broke in again, saying that there were no Austrian-Rumanians.

Mr. Walsh—There are.

"There are not. They are Rumanian-Austrians, but they are Rumanians."

Mr. Walsh did not agree, contending that they might be going to Rumania, but from there to their homes in Austria.

Continuing the examination, it was brought out that Kourisch had spoken for them all at the Schaefer office.

"Do you see Schaefer here?" asked Mr. Walsh.

The witness looked all about the room, and though the prisoner was present, ended up by saying that he did not see Schaefer.

The witness said that he had bought his ticket for Rumania.

"Did Schaefer know of your nationality?"

"I cannot say. I am only a poor immigrant."

"Did you hear any conversation?"

The witness said he had paid no attention, Kourisch doing all the business, and even paying a dollar or two for him, nor did he know whether Schaefer had told Kourisch anything. His ticket was to a place which he thought was now ceded to Bulgaria.

About this point a warm argument broke out between Mr. Morrison and Mr. Walsh, each convinced that the other did not know modern geography, or that it was being changed too fast for educational purposes. The name of the place is Dedlogotchi, said to be, on old maps, on the coast of Bulgaria.

Asked what language was being talked when the tickets were being negotiated, the witness said that George Kourisch spoke them all. Poltnash said that he was an Austrian reservist, of the 41st Regiment, Austria, had served one year, one month and fifteen days, had been discharged for ill-health, and was aged 32.

#### WANTED HIS MONEY BACK.

The next and last witness, Vasil Kileta, another interned Austrian, was asked his religion. He declared that he was a Rumanian, but it was finally discovered that he was of the Greek Orthodox Church.

"Do you believe in God?" asked Mr. Morrison.

"I have not seen God, but I know who He is. I read the Bible." This was deemed sufficient. Other questions brought out the fact that he owed allegiance to Austria. His evidence was that he had exchanged \$63 in real money (Canadian) for 300 kroner (Austrian currency), received from Schaefer. The witness added: "I would ask the honorable court to order that my \$63 be paid back to me for this Austrian money."

"Don't worry about that; we'll take care of that," was the comforting answer from Mr. Morrison.

This witness, according to his evidence, was not one of those dependent upon George Kourisch for help in buying a steamship ticket. He was very rusty on dates, however. He had gone to the office of Schaefer on a Monday, and on a Tuesday, following, but in what month, or even year, he did not know.

"We Rumanians do not go by clocks," he explained. "We go by the sun. We only work by sunrise and by sunset, and when the sun is over our heads we know it is noon."

Schaefer had told him that if he wanted to go to Rumania, he should not say that he was Austrian, but that he was Rumanian.

Mr. Morrison—Is it not a fact that when you first asked Schaefer for a ticket, he refused you? A.—No, I went there with Rumanians, and seeing them buy tickets, I bought one.

Mr. Morrison asked for details as to when these matters had happened.

"Was it not about the time you were arrested," asked Mr. Walsh.

Mr. Morrison objected strenuously.

Mr. Walsh—You are not sincere in trying to establish the time.

Mr. Morrison—I am sincere.

His Lordship pointed out that there were different ways to establish an objection.

The witness said he had seen Schaefer twice in regard to steamship tickets, once two years ago, when his son had come to Canada.

Asked what language had been talked throughout these negotiations, the witness said Rumanian, which he was then speaking.

Cross-examined by Mr. Morrison, Kileta said that he had not remembered seeing Schaefer on the Monday, but had seen him on the Tuesday. On Wednesday he had been arrested by the detention camp officers. He had told Schaefer that he was a Rumanian.

"An Austrian-Rumanian? A.—Yes. He then told of having had his money exchanged for Austrian money. This was on the Tuesday before his arrest.

Mr. Morrison—Are you an enemy of Schaefer's?

"We never went to each other's birthdays," was the puzzling response.

Mr. Morrison and Mr. Walsh had the question put again, and the answer this time was that each had not been at the other's christening.

Mr. Morrison—Are you friends? A.—No.

Mr. Morrison—Is it true that you have just made the statement which the interpreter has not given us, that Schaefer had put you in jail for a year, and that you would do the same for him? A.—I have no enmity against him.

"Is it true that you said it? A.—I said it.

By Mr. Walsh—What did you say? A.—I said that because of Schaefer I am here, and that he did me out of a dollar.

Mr. Morrison insisted on a further answer, but brought no further results. The case was then adjourned until today.

Early in the afternoon, Mr. Morrison called attention to what he said was a serious situation. He declared that there was an Austrian in the court, an employee of the Dominion Government, who was also a correspondent for an Austrian newspaper in the United States, which published advertisements for men for the Austrian armies. Mr. Morrison produced a copy of the paper, but Mr. Walsh objected that the matter was of no moment in the present case, and nothing further was done for the time.