

the Treaty of Peace. The plaintiff contended—(1) That since 1896 he had been completely divested of Prussian nationality and German nationality; (2) that he had never acquired any other nationality; (3) that he was in a condition of a Stateless person; (4) that he was not on the 10th January, 1920, a German national; (5) that his property in England was therefore not subject to the charge created by the Treaty of Peace Order.

After considering German law as to the status of Stateless persons, and the opinions of writers on international law in regard to this question, Mr. Justice Russell declared that the plaintiff was not on the 10th January, 1920, a German national within the meaning of the Treaty of Peace Order, 1919, or within the meaning of Section IV of Part X of the Treaty of Peace. His Lordship further held that the condition of a Stateless person was not a condition unrecognized by the municipal law of England.

Special application forms have been provided by the Custodian of Enemy Property for the United Kingdom for the use of persons who claim the release of their property on the ground that they are destitute of nationality. Copies of these forms have been received, but no applications on these grounds have been received by this Office in connection with the property held in New Zealand.

RELEASE OF PROPERTY OF PERSONS WHO HAVE ACQUIRED THE NATIONALITY OF AN ALLIED OR ASSOCIATED POWER UNDER ONE OF THE PRINCIPAL TREATIES OF PEACE.

36. Paragraph (b) of Article 297 of the Treaty of Versailles provides that German nationals who acquire, *ipso facto*, the nationality of an Allied or Associated Power in accordance with the provisions of the Treaty will not be considered as German nationals whose property is subject to retention and liquidation.

The provision in paragraph (b) of Article 249 of the Treaty of St. Germain-en-Laye is wider in scope. The paragraph reads as follows:—

“Persons who within six months of the coming into force of the present Treaty show that they have acquired, *ipso facto*, in accordance with its provisions, the nationality of an Allied or Associated Power, including those who under Article 72 or 76 obtained such nationality with the consent of the competent authorities, or who under Article 74 or 77 acquired such nationality in virtue of previous rights of citizenship (*pertinenza*), will not be considered as nationals of the former Austrian Empire within the meaning of this paragraph.”

37. Similar provisions are included in the treaties with Bulgaria and Turkey. A special form has been prepared for completion by persons who claim the release of their property under this heading. In the majority of cases where there is reason to believe that the persons entitled to sums held under the War Regulations have acquired the nationality of an Allied or Associated Power under the foregoing provisions, it has been the practice to forward such amounts to the High Commissioner for New Zealand in London, who has been authorized to make payment as soon as satisfactory evidence as to nationality has been produced to him.

RELEASE OF PROPERTY OF BRITISH-BORN WIVES OR WIDOWS OF GERMAN NATIONALS.

38. The British Government has decided to release the property in the United Kingdom belonging to British-born women who married German subjects prior to the war and who since the 10th January, 1920, have been readmitted to British nationality either as widows or divorcees. Similar action is being taken in New Zealand in connection with two cases, and the sums released to date amount to £674 18s. 3d. It is probable that further sums will be released under this heading as soon as certain information is received from the Central Clearing Office, London. No special concessions have been granted to British-born wives or widows of German nationals who are still resident in Germany.

RELEASE OF PROPERTY OF GERMANS IN NECESSITOUS CIRCUMSTANCES.

39. The British Government has decided that German nationals permitted to reside in the United Kingdom may in special cases receive the income from their property up to a reasonable amount for maintenance and for business purposes, and in addition sums on account of capital up to a maximum of £1,000 may be released to them. Sums up to a maximum of £200, and income up to a reasonable amount, belonging to a German national residing elsewhere may be released from the charge where the case is one of extreme hardship. The Board of Trade have appointed a committee, of which Lord Justice Younger is chairman, to advise on all applications of this nature.

Several such applications have been received in connection with the proceeds of property realized in pursuance of the War Regulations. The Hon. the Attorney-General has approved the release of £1,680 6s. 8d. to five applicants under this heading.

GERMAN CHURCH TRUST PROPERTY, CHRISTCHURCH.

40. By section 78 of the Reserves and other Lands Disposal Act, 1917, the property belonging to the German Church Trust at Christchurch was vested in the Public Trustee upon such trusts and with such powers, discretions, and authorities as the Governor in Council might from time to time direct. The church premises have been let, and the Public Trustee is collecting the rents and making such repairs as are necessary from time to time.

41. A petition signed by the German Protestant inhabitants of Canterbury has been received praying that the trust property formerly belonging to the German Protestant Church of Christchurch be now vested in the Evangelical Lutheran Concordia Conference Trust Board. The request has been considered by the Government, and legislation dealing with the matter will probably be introduced during the coming session.