

# EMIL NERLICH IS FOUND GUILTY

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## Jury Finds Charge of Con- spiracy to Commit Indict- able Offense Proven.

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## CASE WILL BE APPEALED

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## Sentence Suspended by Chief Justice Mulock--Bail Fixed at Hundred Thousand Dollars.

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Toronto, Feb. 24.—After deliberation lasting an hour and a half this afternoon, the jury in the criminal assize brought in a verdict of guilty against Emil Nerlich, the well known Toronto merchant, charged with conspiracy to commit an indictable offence, namely, assisting an alien enemy to leave Canada. The case will be carried to the court of appeals and pending the decision of the higher court, Chief Justice Sir William Mulock suspended sentence. The accused was liberated on \$100,000 bail, to appear for judgment when called on.

When instructing the jury Sir William informed them there was no evidence in the two counts in the indictment charging trading with the enemy and giving information to the enemy. On the other charge, that of assisting an alien enemy to leave the country, the jury must decide whether Nerlich knew, when he gave Zirzow \$10, that the German officer intended to go back to Germany and join the army. His lordship emphasized the fact that Nerlich had not paid the money direct to Zirzow, and that evidence had been given that Nerlich's declaration that he had to be careful because he was a Canadian. The jury was cautioned not to be prejudiced because of the state of war between Great Britain and Germany. The jury retired at 3.30 o'clock.

### Sufficient Evidence.

At the beginning of today's proceedings I. F. Hellmuth, K.C., counsel for the defence, moved that the case against Emil Nerlich be taken from the jury. Mr. Hellmuth held that as Mrs. Nerlich had been acquitted, there was no evidence to show that Emil Nerlich was a conspirator—there was no one to conspire with. If Nerlich assisted Zirzow to escape it was treason. The chief justice held, however, there was sufficient evidence to go before the jury.

Mr. Hellmuth then addressed the jury. He said the crown had shown great zeal in the prosecution, playing, at the outset, on the patriotic feelings of the jury. "We hope we are all good Canadians and Britishers. Is Emil Nerlich to receive less justice because of his German extraction than any other Canadian? There is not a tittle of evidence to prove that Nerlich gave

information to the enemy." Referring to the connection of the Nerlichs with Zirzow, the German officer, he declared Zirzow had abused the hospitality of the Nerlichs.

"You heard Zirzow in the box confess himself a liar," said counsel for the defendant. "Will you condemn anyone on the word of a self-confessed liar? Would you send anyone to the penitentiary on the word of such a man?"

### Crown Counsel's Argument.

Mr. Du Vernet, crown counsel, said the crown had put in its evidence. He asserted counsel for the defence did not rely on the eloquence of plea. Counsel for the defence had "fought hard and fought rightly to keep certain letters out which he thought were not evidence. You have seen how successful he has been."

The crown council said it was the duty of this country to see that no Germans get back to fight for Germany. "You must take the evidence and not the plea of counsel," he declared. Mr. Du Vernet said the evidence had proved that \$10 had been given to Zirzow. "If they knew that Zirzow was going back to Germany to fight and gave him money they will suffer for it, no matter who they are or how strong they may be."

Objections to statements by Mr. Du Vernet were frequently raised by the defence. Mr. Du Vernet replied angrily: "Has it not been proven that Nerlich was paying a German soldier at the front with good British money, both in Canada from the Canadians? Is that not aiding the enemy?"

"Every bit of evidence," concluded Mr. Du Vernet, "proves treachery, black treachery, against this country. That evidence has been unchallenged."