

NERLICH CASE NOT

TRAVERSED AS YET

Justice Clute Refuses to Grant Application Pending Appeal.

Before Mr. Justice Clute in Criminal Assize Court to-day, Mr. W. G. Mason made an application to have the charge of high treason against Emil **Nerlich**, traversed to the Fall Assize Court. His Lordship did not grant the motion, and ordered that the case be spoken to in two weeks' time. Mr. Nerlich and his brother appeared in court and occupied seats near Dr. Hughes.

In asking to have the case traversed, Mr. Mason said the treason trial should not take place until the Court of Appeal had disposed of the reserved case granted by Sir William Mulock when Mr. Nerlich was found guilty of conspiring to commit an indictable offence. He wished to have the case traversed to-day, owing to the probability of the criminal court finishing their work this week. Justice Clute said if this was done, a day to hear the motion could be arranged by Crown Prosecutor Mikel.

Mr. Mikel thought the trial should be proceeded with during the present sitting of the Court, but if the decision of the Appeal Court would have any bearing on the treason he would not oppose an adjournment.

"We are ready to go on," he said:

Pending decision of the appeal, the same ball will stand.