

EMIL NERLICH IS "NOT-GUILTY" OF HIGH TREASON

Jury Acquits Him, and Accused
Almost Collapses When
Verdict Is Given.

ZIRZOW TYPICAL
GERMAN OFFICER

Judge Censures His Conduct in
Court — Minor Offences
Against Nerlich Stand.

Emil Nerlich almost collapsed when the foreman of the jury in the Criminal Assize Court at 5.35 last night told him that he was acquitted of a charge of assisting Lieut. Arthur Zirzow, an officer of the German army, to leave Canada. From 12 o'clock, when the jury retired to consider their verdict, Mr. Nerlich remained in the courtroom and gave no sign of the strain he had been under. He sat in the body of the courtroom near a police officer, and when Justice Sutherland entered the court several times during the afternoon, Nerlich would take his place in the prisoner's dock. In the early part of the afternoon the courtroom was crowded, but when the jury showed no signs of returning with their verdict many of the spectators left.

"What Is Your Verdict?"

When the jury filed into the court the judge was called from his room and the accused again sat in the dock. There was a delay of a few moments before the marshal of the court entered. The room was absolutely silent as the jurors answered to their names. "What is your verdict?" asked the marshal. The prisoner grasped the railing of the dock. He apparently did not realize the effect of the foreman's answer, "We find the prisoner not guilty."

Instantly, several of the spectators commenced to applaud. One person tried to cheer. There was, however, no disorder and the court constables speedily checked the demonstration. W. G. Mason, one of the defence counsel, was the first to grasp the hand of Mr. Nerlich. For a moment Mr. Nerlich keeled over. He prevented himself from sinking to the floor of the dock by clutching the railing. His eyes were filled with tears and his chin quivered. "Please give me a mouthful of water," whispered Mr. Nerlich when the verdict was repeated by the marshal.

His Lordship made no comment, and turning to the jurors said:

"Before discharging you, gentlemen of the jury, I desire to call your attention to the attempt of Arthur Zirzow, a witness, while in the witness-box to destroy a document which was being used for the purpose of the trial. I think it my duty to do so. Zirzow might well have left himself open to a serious criminal charge for doing it. I might well have committed him at once for contempt of court. That was my feeling. The reason I did not resort to drastic measures was due to the fact that I stayed my hand for the sole reason of taking precaution against prejudicing the trial of the accused.

Typical German Officer.

"The conduct of Zirzow in the witness box showed absolutely that officers trained for the German army have no respect for the civil rights and authorities of other countries at war with the Emperor of Germany and his country; in fact, the conduct of Zirzow, apparently a well-trained German officer, demonstrated my conclusion.

"Had this occurrence taken place in a British or Canadian court, under other conditions, it would not have been tolerated, and the offender would have been punished. However, I thought that I acted wisely in this case in making no mention of the incident until after you had deliberated and rendered your decision. Gentlemen, that is all I have to say on the matter."

While the judge was speaking friends of the accused made their way to the dock and shook the freed man by the hand. He frequently

wiped his eyes with his handkerchief. Mr. Nerlich started to leave the dock, but was motioned back by the judge. "You can go free on the charge on which you were tried," said His Lordship. Mr. Nerlich made no reply, but stepped from the dock. He was greeted with handshakes by his counsel, Mr. I. F. Hellmuth, K.C., and Mr. George F. Shepley, K.C. "I am glad it is over," said Mr. Nerlich to Mr. Hellmuth. The group walked to the marshal's desk, where bail was arranged for the appearance of Mr. Nerlich at the Fall Assizes, to answer to the charges of giving information to and assisting the enemy. It is not likely that in view of the jury's finding these charges will be pressed.

Nerlich Brothers Embrace.

Mr. Henry Nerlich, brother of the accused, who had been constantly in the court since the beginning of the trial, made his way to his brother. Those with Mr. Emil Nerlich drew apart, and the two brothers embraced.

"I desire to call the attention of your Lordship to a reference made to Sergt. Lees, of the R. C. D., during the trial," said Crown Prosecutor W. C. Mikel, K.C. "The officers has requested me to make the statement as a protection of himself personally. There was a statement made in the witness-box by Zirzow, the chief witness and a prisoner of war, to the effect that while he was in charge of Zirzow he had done something to influence the witness Zirzow. Sergt. Lees, who was not given the opportunity of going into the witness-box to defend himself and contradict the statement, which he declares was absolutely false, fears that it will have some effect upon his standing with the military authorities. He informs me that he was prepared to make a denial, and in fairness to the officer I think a statement should be publicly made by your Lordship."

Justice Sutherland, in reply, said that he supposed Detective Maurer and Sergeant Lees were prepared to refute the statement made by Zirzow. The court was then adjourned.

Mr. Mikel Did His Duty.

"I wonder if Mr. Mikel will shake my hand?" asked Mr. Nerlich of his counsel, Mr. Hellmuth. Mr. Mikel was busy clearing up his papers, and when Mr. Hellmuth asked him if he

would have any objection to shaking the hand of Mr. Nerlich, the Crown Prosecutor replied: "None whatever. It was my duty as a Crown officer to fight against you. I think I have fulfilled my obligations." The two chatted together for several minutes, and then Mr. Nerlich left the court.

As in the case of the late Mr. DuVernet, who acted for the Crown at the former Nerlich trial, one of the officers assisting the prosecution at the close of the first day's proceedings received a letter notifying him that if he dared display any enmity towards the accused the consequences would not be pleasing to him. During the last two days of the trial great care was taken by the authorities in allowing spectators to enter the court.