

GERMAN OFFICER DID NOT TELL THE TRUTH

Considered He Was Not Bound
by Oath in Police
Court

IN THE NERLICH TRIAL

Refused to Give Name of
Friend Who Assisted
Him.

Lieutenant Arthur Zirzow, lately of the Imperial German army, whom Mr. and Mrs. Emil Nerlich are accused of attempting to assist across the border, provided all the sensations and most of the interest in the Nerlich trial yesterday. He did not think, for instance, that he need tell the truth; he had not been sworn in the German fashion.

Detective Maurer produced two notes found in a search of the Nerlich offices and of Mr. Nerlich himself. These read: "Zirzow, Arthur, Kalnz, age 23, officer, friend of von Huenten, was with Harold," and "Hans Baumsche's account will be paid in Berlin. Have sent check to Carl Hoere." These were admitted as evidence, in spite of the objections of Mr. I. F. Hellmuth, K.C., counsel for the accused.

Went to Mr. Peters.

In reply to Mr. DuVernet's questions, Zirzow stated that he was a lieutenant in the German army, but was receiving no pay at the present.

"What were you called upon to do when your country was at war?"
"I wanted to go back to Germany to join the army. When war broke out I wanted to go over. I had no money and could not get to New York.

"I went to Mr. Peters and asked him if I could go now," continued Zirzow. "He said we could not go over the border, and he did not have the means for it."

"You told me you saw Mr. Nerlich. How many times did you see him?"

"About three or four times. I told him I was a lieutenant in the army."

When confronted with the statement that he had made to the police, the witness flatly declared that the signature was not his, and that the contents were not true.

"Did you give evidence in the Police Court?"

"No."

"You swore to this statement in the other court?"

"I never swore."

"Do you think you are at liberty to tell what is untrue now?" queried the Chief Justice.

"Yes."

Chief Justice Mulock: "I don't think so."

"Did you tell what was true in the Police Court?"

"No, I didn't," replied Zirzow. "I was influenced by the detectives and Mr. Maurer."

The subject of the sum of \$10 was then taken up. This, witness said he had received from a waiter at Krausman's, named Kairz, who, in turn, had received it for him from Mr. Nerlich. The latter had said he would have to be careful.

"Who said he would have to be careful?" asked the court.

"Mr. Nerlich."

Asked for the name of the man in the United States who acted as an agent in the delivery of letters to and from Germany, Zirzow flatly refused to divulge it.

Before the court adjourned a juror asked Zirzow if he was telling the truth in "accordance with the German oath."

"What I told here to-day was true," replied the witness.

"You took the same oath to-day as you took in the Police Court?" questioned the juror.

"I did not know I was swearing then," replied Zirzow.