

# MRS. HEDWIG NERLICH

## ACQUITTED OF CHARGE

Judge Instructs Jury About Release—Evidence Only Showed She Was Sympathetic.

Case Against Husband Proceeds—Sharp Passages Occur Between Counsel and Witness.

Toronto, Feb. 23.—Mrs. Hedwig Nerlich, charged jointly with her husband, Emil Nerlich, with conspiracy to commit an indictable offence in assistance alleged to have been given a German officer, Zirzow, to leave Canada, and other acts unlawful under the existing state of war, was acquitted this afternoon by instruction of Chief Justice Sir William Mulock.

Sir William stated there was not sufficient evidence against Mrs. Nerlich to send the case to the jury, and instructed for a verdict of acquittal. The evidence against her, he said, showed that she sympathized with the enemy. This was not an indictable offence.

Statements in three letters from Germany were disallowed as evidence, the crown not having laid a sufficiently stable foundation to warrant their use. A stated case on this point was, however, granted.

The case against Emil Nerlich is proceeding.

### Evidence of Chief Witness.

The principal witness in the case today was John Bushell, an employee in the Toronto detective department. Bushell, of German birth, has been six years in Canada. He was a friend of Zirzow, the German officer alleged to have been assisted to leave the country by the Nerlichs. Bushell testified he had been instructed by Inspector Kennedy, head of the department, to keep a close watch on Zirzow. Zirzow told him he had received \$10 from Nerlich through a waiter, and Mrs. Nerlich had asked him to write her from the trenches, but to sign only his initials.

Henry Nerlich, brother of Emil Nerlich, testified that he and his brother, Emil Nerlich, were partners in Nerlich and company. He had been in Canada 24 years, his brother 27 years. A letter was offered as evidence. The chief justice read it, but the letter has not yet been accepted as evidence. It is a letter from the manager for Nerlich and company in Germany, referring to consignments of goods from Germany and the payment of money by the Nerlich firm to certain people in Germany. Henry Nerlich could not say what money had been paid, nor give any statements as to the business of the company. He was ordered to refresh his memory and reappear later.

### Pointed Personal Passages.

A pointed personal argument between Bushell and Mr. Hellmuth, K.C., counsel for the accused, occurred while Bushell was on the stand, and was only calmed when the chief justice interposed and commanded the witness to answer questions put without elaboration.

Continuing, Mr. Hellmuth asked:

"You were supposed to be a good friend of Zirzow's?"

Bushell: "Yes, as far as I know."

Hellmuth, K.C.: "Yet, as a member of the secret service, you tried to get one of your countrymen into trouble?"

Bushell: "Countrymen, countrymen! No, sir; I am a Canadian—German no more—and when in the service of Canada I have to do my duty, whether it is against people from the land of my birth or not."

Hellmuth, K.C.: "Yes, you are a good Canadian," sarcastically.

Bushell: "Yes, a good Canadian. As good as you are."

Inspector of Detectives Kennedy was cross-examined by Mr. Hellmuth regarding newspaper statements before Nerlich had been arrested, that he had fled the country. He was asked had he told reporters that. The inspector denied he had done so. He stated newspapers often make stories from a single word, but he could not recall having said anything which called for the statement mentioned.