VERDICT OF GUILTY IN NERLICH CASE

Jury's First Verdict Not Conformable With the Indictment

ASK RESERVE CASE

Counsel For Defence Bases Request on Crown's Summing Up

With the charge of treason still hanging over him, Emil Nerlich was found guilty yesterday of conspiracy to commit a treasonable offence, for which, in the section of the code under which it was tried, the maximum sentence of seven years is possible.

The verdict was brought in finally, after the jury had twice given "false alarms." The first of these occasions was at five o'clock when the jurors filed in to ask a question. They wanted to know whether Zirzow had stated that his intentions in going to New York had been to get back to Germany, if possible, and rejoin the colors.

Evidence on this point was read. Zirzow had stated on the stand that he had been in the infantry, but had always wanted to join the artillery. He had had this desire and intention for a long time. Asked by the Chief Justice as to whether he had had this in mind when leaving for New York, witness had replied in the affirmative.

Filed Out Again.

The jurymen glanced at one another and nodded their heads; then they filed out of court once more.

This happened just at five o'clock. Fifteen minutes later the Chief Justice was called again.

The foreman of the jury reported a verdict that "we find the accused guilty of conspiring with one, Arthur Zirzow, to assist the said Arthur Zirzow to escape from the country."

There was a moment's awkward delay while the effect of the verdict soaked in. Then the Chief Justice advised them that their finding was not worded in accordance with the indictment, and sent them back for re-consideration, giving them a copy of the indictment for their guidance.

There was another fifteen minute wait.

Final Verdict.

Sharp at 5.31 the jury made its third appearance, answered the roll call, and affirmed that they had reached a decision. The atmosphere in court was tense while the foreman rose slowly and pronounced that the jury had found the accused "guilty."

There were no strings attached to the verdict this time.

At once Mr. Hellmuth for the defence put in a request that, as he had been granted a reserve case, sentence should not at once be pronounced. This was granted. Bail was also granted in the sum of $100,-000 to be effective until the hearing of the charge of treason against the prisoner.

Reserve Case.

Mr. Hellmuth, in giving his reasons for requesting a reserve case, named certain alleged mis-statements of the evidence contained in the address to the jury by Mr. Du Vernet for the Crown. He also stated that his Lordship, in his summary should have pointed out to the jury that, were they to find the accused guilty, they would have to do so by believing certain portions of Zirzow's evidence and disbelieving other portions thereof.