

EMIL NERLICH

FOUND GUILTY OF CONSPIRACY

TORONTO, Feb. 25.—After a deliberation lasting an hour and a half yesterday, the jury in the criminal assize brought in a verdict of guilty against Emil Nerlich, the well-known Toronto merchant, charged with conspiracy to commit an indictable offence, namely, in assisting an alien enemy to leave Canada. The case will be carried to the court of appeals, and pending a decision of the higher court, Chief Justice Sir William Mulock, suspended sentence. The accused was liberated on \$100,000 bail to appear for judgment when called on.

When instructing the jury, Sir William informed them there was no penalty for trading with enemies, but that of assisting an alien enemy to leave the country, the jury must decide whether Nerlich knew, when he gave Zirzow \$10, that the German officer intended to go back to Germany and join the army. His lordship emphasized the fact that Nerlich had not paid the money direct to Zirzow and that evidence had been given of Nerlich's declaration that he had to be careful because he was a Canadian. The jury was cautioned not be prejudiced because of the state of war between Great Britain and Germany.

Mr. Hellmuth, for the defence, said the crown had shown great zeal in the prosecution, playing, at the outset on the patriotic feelings of the jury.

"We hope we are all good Canadians and Britishers. Is Emil Nerlich to receive less justice because of his German extraction than any other Canadian?"

Referring to the connection of the Nerlichs with Zirzow, the German officer, he declared Zirzow had already denied his statement that Nerlich had any idea that he was going to return to his homeland to fight against Great Britain.

Mr. Duvernet, for the crown, said evidence showed that money had been given Zirzow by Nerlich and that this money was to be used by Zirzow to leave for Germany to fight against Britain.