

# ZIRZOW TEARS UP DOCUMENT GIVEN HIM IN WITNESS BOX

## Crammed Paper Into His Pocket in View of Full Court

## GUARDS TOOK IT AWAY FROM HIM

## Explains "Honor" and Manner of German Oath

"Did Mr. Nerlich give you a good dinner at the Prince George?" Mr. W. C. Mikel, K.C., Crown counsel, in the trial of Emil Nerlich, was questioning Arthur Zirzow, standing guarded by armed soldiers in the witness box of the Assize Court yesterday about his second meeting with the accused.

"Yes," replied Zirzow, smiling in pleasant memory.

"Did you have any liquors?"

"Yes, we had one."

"It was probably not French wine," suggested Mr. Hellmuth.

Discussion arose between counsel as to whether it was liquor or liqueur that Zirzow took. The question was referred to Zirzow.

"I do not understand," said he.

"Did you take Scotch or Rye?" asked Mr. Mikel.

"It was not whiskey," declared Mr. Mikel, when Zirzow showed indecision.

"When I was in Mr. Nerlich's office I wanted to talk about the war. He said he did not want to talk about the war," said Zirzow.

### Wanted to Fight.

Later he said that the first time he had met Mr. Nerlich he had told him that he wanted to go to fight. That was the only time he had made a statement to Mr. Nerlich, said Zirzow.

"Whose signature is that?" asked Mr. Mikel, placing a sheet of paper in Zirzow's hands.

The next moment there was a sound of rending paper. Zirzow had torn off the lower part of the paper. And in spite of Mr. Mikel's protest, he tore it again and started to cram the fragments into his pockets.

One of the military guards intervened and took the torn paper from the pocket of their prisoner in the witness box. Zirzow went very white, but made no further resistance to the procedure of the court. The paper was an affidavit of statements Zirzow said he had heard Nerlich make to a friend.

### He Was Excited.

"I was excited and was forced to sign the document by the men who made it," said Arthur Zirzow, referring to the written statement he had torn. He said Detective Maurer and Sergeant Lees had made him make a statement as bad as he could against Mr. Nerlich.

"They said, 'If you sign every paper shown to you you will get off to-morrow, or as soon as we have finished this investigation. If you don't sign you will be imprisoned for at least seven years.' I signed because I did not think it would do Mr. Nerlich any harm. It can't."

"You used the term 'honor' when speaking to Mr. Hellmuth," said Mr. W. C. Mikel, K.C., Crown Counsel, addressing Zirzow, giving testimony as a Crown witness in the treason charge brought against Emil Nerlich for giving him \$10. The Crown alleges that this was with the intention of assisting Zirzow, who was a lieutenant in the German army, to rejoin the colors. The defence is that the money was given to Zirzow to pay off his debts.

Mr. Mikel's question as to "honor" was inspired by Zirzow's wholesale renunciation of his former evidence.

### Just Old Custom.

Mr. Mikel had read over some of the evidence given by Zirzow in the Police Court.

"Was that true?" he asked.

"No, I did not know that I had been sworn."

"You had a Bible in your hand?"

"Yes."

"What did you do with it?"

"Oh, I kissed it."

"Did you hear the officer read over the oath?"

"No, I did not hear that."

"What did you think you were doing?"

"I thought it was an old custom. I don't know that form of swearing."

### German Oath.

Zirzow then illustrated the Ger-

man form of taking an oath. He held up three fingers of the right hand to indicate the Trinity, in whose names the authentic German oath is made.

### "Not True At All."

Another statement bearing his name was read over to Zirzow. "It was not true at all," said he.

Mr. Mikel—"Where did you sign it?"

Zirzow—"I don't know."

"Did you sign it?"

"I don't know."

The statement said Zirzow had discussed with Nerlich a route to Germany via Sweden.

### No Compulsion.

Zirzow explained that he had obtained his discharge from the German army after having held his commission as a lieutenant for two years. There was no compulsion for him to rejoin his regiment in the event of war, but "honor" compelled him to attempt to volunteer, in which case he would restart his military career in just where he left it.

The statements in which he had alleged Mr. Nerlich was aware of his intention to go to Germany to rejoin the colors if possible were false, said he. They had been obtained by threats and promises.

### Zirzow in Want.

Mr. Mikel concluded his examination in chief at a quarter past four. Mr. Hellmuth then took up the cross-examination. He inquired as to Zirzow's financial position after he had lost his situation in the chewing gum factory where he had been working.

Mr. Hellmuth—Is it a fact that you were sometimes in want for a meal?—Yes.

### Linen Was Dirty.

Is it true that when you were visiting Mr. Nerlich, Mrs. Nerlich looked at your linen that was perhaps not too clean and that you said you could not get it washed because you could not afford to pay for the washing?—Yes.

And did Mrs. Nerlich say she would pay for it?—Yes.

And did you go to live with Mr. Keintz, a waiter at Krausman's, who was not too well off himself and he told you you could not stay there any longer because you could not pay your bill?—Yes.

### Paid Board Bill.

Was Mr. Keintz one of the names you gave to Mr. Nerlich as being one of the men to whom you owed money?—Yes.

And did Mr. Nerlich say he would not give you any money, but would give Mr. Keintz \$10 for his own bill and to pay some of your other debts?—Yes. That is right.

### Kept Secret.

Did Mr. Nerlich know that you wanted to go to Germany to fight?—No, I kept that a secret.

Mr. Mikel, in his examination of the witness, asked about Zirzow's methods in obtaining an exeat from Judge Coatsworth, then Registrar of Alien Enemies, to go to New York, ostensibly to obtain work.

"I told him I was not a reservist—and that is right," said Zirzow, smiling.

### Did Not Tell Registrar.

Did you tell him you had been an officer in the German army?—No.

Zirzow had obtained a letter from Rev. Mr. Hoffmann of the Lutheran Church in Toronto to say that Mr. Hoffmann knew Zirzow well enough to be sure he wanted to go to New York merely to obtain work and not to proceed to Germany.

### Sister's Advice.

"Did you show your sister's letters to Mr. Nerlich—that your sister advised you not to attempt to leave the country now that you were a prisoner of war lest you might be shot?" asked Mr. Hellmuth.

"Yes," answered Zirzow.

And did you tell him you intended to take your sister's advice?—Yes.

### MR. CLISSOLD IS DEAD.

Ottawa, June 10.—Mr. Edward Clissold, a veteran Canadian newspaper man, died this morning, 82 years of age. For 35 years he was news editor of The London Advertiser. When a young man he went from Canada to New York as a printer and worked on The Tribune. He used to tell how during the Civil War the printers worked with guns by their sides for fear of attack on account of Horace Greeley's editorials.