

EMIL NEALICH COMMITTED FOR
TRIAL ON CHARGE OF TREASON

German Ex-Lieutenant Sole Witness to Give Evi- dence

GOT MONEY FROM THE ACCUSED

Counsel Have Several Disputes as to Questions Allow- able

Emil Nerlich, of Nerlich and Company, the Front street west fancy goods firm, and a well-known Toronto German, was committed for trial by Magistrate Denison to-day in the Police Court, on the charge of treason, in assisting a common enemy of the King, to wit, Arthur Zirzow, a former lieutenant in the German army, to leave the country.

Mr. Corley, Crown Attorney, said that the matter of bail was in the hands of the Attorney-General, and Mr. G. W. Mason, counsel for Mr. Nerlich, stated that he was satisfied with that, though he would ask Magistrate Denison that everything might be done to effect a speedy disposal of the matter, and that to this end the treatment accorded Mr. Nerlich be as good as possible.

"He has already suffered both mentally and bodily," said Mr. Mason.

The only witness called by the Crown was Arthur Zirzow, the German reservist, whom Mr. Nerlich is charged with aiding to leave the country. He was brought into the court room guarded by Sergeant Lees, of the R.C.D., who stood by him as he gave his evidence. Zirzow spoke English imperfectly, and it was with some difficulty that Crown Attorney Corley made him understand his questions.

German Lieutenant.

Zirzow said that he had been a lieutenant in the German army, but

he received his discharge. The substance of his evidence was that he had been befriended by Mr. Nerlich as a German of good family who was without any money, and that he had told Mr. Nerlich that he was a German reservist, and that he would like to go back to Germany and fight for his country. Mr. Nerlich had refused to give him any money to help pay his debts at first and then had given him \$10. When Zirzow got his exeat from Judge Coatsworth, after swearing that he was a laborer and wanted to go to New York to get work, and denying that he had ever been in the German army, he showed it to Mr. Nerlich, and again asked him for money. Mr. Nerlich said he would think it over and if he thought he could give him some money to pay his debts he would hand it over to Mr. Kleins, who keeps a hotel at King and Church streets, and to whom Zirzow owed about \$1. The understanding was that this money was for paying his debts. He had showed the Nerlichs a letter from his sister in Germany in which she said that she could not send him money to come back to Germany. He had told Mrs. Nerlich that he would like to return to Germany by way of Sweden, but he could not remember whether Mr. Nerlich was present at the time.

Throughout the cross-examination of the witness, the accused stood in the prisoners box, with his arms crossed upon the railing, and listened intently to the evidence. He came up from the cells with the other prisoners and sat shoulder to shoulder with them until his case was called, several others being taken first. He wore a confident and smiling expression, but was somewhat pale and seemed nervous.

In Cross-examination.

After being sworn, Zirzow, by whose side stood the khaki-clad sergeant from the barracks, was cross-examined by Crown Attorney Corley.

He said that he had first met Mr. Nerlich in his office in Front street about the end of October. He told Nerlich that he had been an officer in the German army and showed him his discharge papers.

"Did Mr. Nerlich give you any invitation?" asked Mr. Corley.

"Yes. He invited me to come back and see him again. I had dinner with him at the Prince George Hotel, and went to his house for dinner three or four times."

Zirzow told of meeting Mr. Nerlich subsequently at the German Club at 41 Isabella street, and of asking him when he could come and see him at his house. "Mr. Nerlich said I couldn't come there very often."

"Did he give any reason?"

Talked of Police.

From Zirzow's reply it was gathered that Mr. Nerlich had said something about "the police," but he did not understand the explanation. He did not know why Mr. Nerlich mentioned the police. He had received a letter from Mr. Nerlich, which he thought he had since thrown away.

"Do you think you could find that letter?" asked Magistrate Denison.

"I don't think so," replied the witness.

"A search can be made among his effects for it," said the Magistrate. "In the meantime you can ask him about what was in the letter." Mr. Mason objected to this, as the letter might still be found. But Magistrate Denison pointed out that a search could be made and in the meantime the witness could be examined on it.

In answer to Mr. Corley, witness then said that the letter was about money to pay for his laundry. Witness phoned Mr. Nerlich and told him about getting a letter from his sister in Germany, saying that could send him no money to come back to Germany. This letter he received about October 3th. The letter and a translation were put in as an exhibit.

Money to Pay Debts.

"Did you talk with Mr. and Mrs. Nerlich about this letter?"

"Yes. I told them that I would like to go back to Germany to fight for my country, if I could, but that I had no money to take me back."

Claimed to be British.

Here Magistrate Denison objected to Mr. Corley's asking what Mr. Nerlich said in the presence of his wife and Zirzow. Mr. Corley pointed out that he wanted to find what Nerlich had heard said before he made his subsequent statement. Magistrate Denison then allowed the question, and an objection from Nerlich's counsel, Mr. Mason, was noted.

"Mr. Nerlich said he couldn't do anything to help me because he was a British subject," said the witness.

On January 15th, witness said he went to say goodbye to Mr. and Mrs. Nerlich. He asked Mr. Nerlich for some money to pay his debts. Mr. Peters had already given him \$20 and he told Mr. Nerlich this.

"How much did you owe?" said Mr. Corley.

"I owed about \$3."

Witness said he had told Mrs. Nerlich he would like to go back to Germany by way of Sweden. He could not say positively whether Mr. Nerlich was present when he told Mrs. Nerlich this. But he thought that Mr. Nerlich was present.

Mr. Mason objected to this and Magistrate Denison ruled it out.

Witness said that he owed \$3 to Mr. Kleins, and some money to other people, in all about \$3. Mr. Nerlich told him that if he decided he would give him some money he would pay it over to Mr. Kleins at his hotel. Zirzow saw Mr. Nerlich the day before going away and told him that he had got the exeat and was going to New York.

Zirzow said that he had received \$20 from Mr. Peters and \$10 from Mr. Nerlich. The money was for the purpose of paying his debts, he said. He had also sold some of his personal belongings and got \$3 for them.

"That makes a total of \$33, and your year's wages were only \$2," said Mr. Nerlich.

"I resign the witness to you. You cross-examine him," exclaimed Mr. Corley.

Mr. Mason went over some of the points brought out, and Magistrate Denison objected that it was a repetition, and that the time of the court was being taken up. In answer to Mr. Mason, Zirzow repeated that the money that Nerlich had given him was supposed to be for the paying of his debts. He said that he had told Mr. Nerlich that he