

# DUVERNET SAYS HE HAS A LETTER WARNING NERLICH

Crown Prosecutor Also Mentions Letter From Man Who Had "Baptism of Fire."

## SIR WM. MULOCK ASKS PARTICULARS

A letter of thanks to Mr. and Mrs. Emil Nerlich from a German who had "received his baptism of fire," and a letter warning them to be careful, were mentioned by E. E. DuVernet, K.C., Crown Prosecutor, in the Assizes to-day in the course of what was probably one of the most heated and excited passages that ever transpired there between judge and counsel, and Mr. DuVernet hinted that the Crown might not understand what the letters meant.

Verbal thrust and parry between Chief Justice Sir William Mulock, Mr. DuVernet, and I. F. Hellmuth, K.C., ensued when Mr. Hellmuth, following up his application of yesterday produced affidavits from the prisoners and the draft of an order requiring the Crown to furnish particulars regarding the charges against them of aiding the enemy by giving information to him and trading with him. Mr. DuVernet's objection to the endorsement of the order by the court was of the most strenuous nature. He was interrupted with violence by Mr. Hellmuth, and checked by the judge. Relapsing into his seat, with a gesture of disapproval, he intimated that the chief justice had refused to allow him his right of replying to the application. Thereupon the chief justice ruled that he had not refused any such right, and invited the Crown Prosecutor to proceed. The upshot of a discussion of considerable warmth was a ruling that the order submitted by Mr. Hellmuth should be granted, but in a spirit so qualified as to allow Mr. DuVernet to furnish such information as he thought he could, the judge presiding at the trial (to be held next Monday) to determine whether or not enough information had been supplied to permit of the case being proceeded with. His Lordship stated definitely that the accused, like any other prisoners, had the right to know enough about the charges preferred against them to enable them to offer a defence. The Nerlichs must not be taken by surprise.

### Mrs. Nerlich Saw Certain Letters.

The opening of court saw Mr. Hellmuth on his feet with three affidavits, one by Mr. Nerlich, with reference to the charges against him of aiding Arthur Zirzow to leave the country, of giving information to the enemy, and of trading with the enemy, and one from each of the Nerlichs with reference to the indictment of conspiring with themselves and with others to commit the same offences. All three affidavits set forth that necessary information had been forthcoming at the Police Court proceedings only on the charge concerning Zirzow. The prisoners asserted that the other two charges were sent before the Grand Jury without an intimation of them having been given to themselves. Desiring to know with whom besides themselves they were accused of conspiracy, what information and trading they had done with the enemy, and by what means they had done it, they stated that they were obliged to consider that they had no opportunity of offering a defence. Mrs. Nerlich admitted that certain letters had been shown her by the Crown upon request. "They had been, as I believe, intercepted in the post, and never delivered to me," the affidavit ran, adding that the letters themselves gave no inkling as to the nature of the alleged offences, and left Mrs. Nerlich no more enlightened than before. If there were letters which referred to or in any way indicated treasonable acts of giving information or trading with the enemy, she had not seen them.

Mr. Hellmuth then read his draft order, in which it was set forth that the court ordered that the Crown should furnish the prisoners with particulars showing the occasion on which they were accused of giving information to the enemy, the means whereby they did it, the nature of the information, and the persons to whom the information was supplied, and, similarly, the transaction or transactions which they were alleged to have carried out by way of trading with the enemy, and the means whereby such transactions were accomplished.

Mr. DuVernet rose to reply. "Everything should be done to give the accused a perfectly fair trial," he said; "but, as I attempted to set out yes-