

# DATE IS FIXED FOR TRIAL OF NERLICH

## Counsel for Defence Promises There Will be no Technical Objections

### HIS LORDSHIP'S VIEWS

## Complains of Expense and Un- satisfactory State in Post- ponements

The trial of Emil Nerlich on a charge of treason has been fixed for eleven o'clock on the 8th of June.

The sitting of the Jury Assize Court was resumed at eleven o'clock to-day Mr. Justice Middleton was on the bench. On his question if there was any business to come before the court, Mr. W. C. Mikel, K.C., of Belleville, Crown Counsel, rose to say that the trial of Emil Nerlich, who was in the court was to have gone on to-day, but that he had been notified on Friday that the Attorney-General's department had consented to an adjournment in view of the pending decision of the Court of Appeal on the stated case from the trial of the accused for conspiring to commit an indictable offence, heard in Osgoode Hall last week.

The date of the 8th of June had been discussed tentatively, but technical grounds as to the issuing of lists of jurors and witnesses and so on made the eleventh the earliest date at which the trial could go on unless the defence agreed to waive any such possible objections.

### Expense to Country.

His Lordship commended strongly on the expense to which the country was put by the calling of jurors when the Crown had no case with which they intended to go on. He spoke also of the inconvenience to the judges who were already embarrassed by one vacancy on the bench, and by the absence of another judge on leave.

"It is very inconvenient to arrange for courts when there is no intention of proceeding with a trial," said he. "No communication was sent to the judges. It is only by an accident that I am here to-day."

At this point Mr. G. F. Shepley, K.C., appearing for the accused, rose to say that considering the unlikelihood of any judgment being handed down in Osgoode Hall regarding the stated case, and as they expected that judgment, when it was handed down, to have an important bearing on the case in hand, they had induced the Attorney-General's department to be good enough to assent to an adjournment for a week.

He promised that no technical objections such as those suggested by Mr. Mikel would be taken to the trial on the 8th of June. And, on his Lordship's direction, the court was then adjourned until that date.