

## The Verdict

At the close of the trial and before the case was submitted to the jury, the Court (Judge Julius M. Mayer) upon motion of the attorneys for the defendants, dismissed the first and second counts of the indictment, holding that there had not been sufficient evidence adduced to prove a conspiracy between the defendants. The court submitted the case to the jury on the third and fourth counts. The jury found Scott Nearing not guilty and the American Socialist Society guilty on the third and fourth counts. After the verdict had been rendered the defendants' attorneys' motion to set aside the verdict against the Society was granted as to the third count and decision was reserved by the Court upon the motion to set aside the verdict against the Society as to the fourth count. Briefs were submitted on the motion and the Court later denied the motion, at the same time writing an opinion. Upon the day set for sentence, March 21st, 1919, the Court imposed a fine of three thousand dollars against the Society. The maximum fine provided by the Espionage Law is ten thousand dollars. The Court allowed the attorneys for the Society until April 14th, 1919, to submit a writ of error which the Court stated it would allow, such a writ of error being a necessary part of the procedure connected with an appeal either to the United States Circuit Court of Appeals or to the United States Supreme Court. The Court granted a stay of execution on the fine until April 14, 1919, without requiring the Society to file any security.