

certainly felt that no German would entrust him, who had always been recognized as British to the core, with anything of a treasonous nature. After the 'Navua' left, and on the following day when at sea, your petitioner found included with the business papers of this German firm a letter addressed to Dr. Schultz, the German Governor of Samoa, who had been brought to New Zealand as a prisoner of war in September, and was then detained at Motuihi.

"(p.) Again, on reflection, your petitioner recognizes that the acts just referred to on his part were wrong and improper, but he must in justice to himself say that it never occurred to him that he was doing anything which was in any way helpful to the King's enemies, or in any way disloyal to the Empire. Your petitioner submits that his offence really sprang from a good-natured acquiescence in what he thought was an innocent request to do the people from whom he got the letters a little private service.

"(q.) Your petitioner says in further extenuation that it has been in the past quite customary for business agents visiting Samoa and representatives of Kronfeld Limited to accept from customers in the island parcels for delivery to friends in New Zealand."

May I pause there and say that this is also of importance as showing that what Mr. Gaudin did was the accepted practice for many years past. The mail closes at a certain hour, and it is customary for representatives of Kronfeld Limited who left by the boat to be given letters, with the request "Take this; it is too late for the mail." So that it was customary for the representatives of Kronfeld and others to accept letters and parcels after the mail closed, and therefore there was nothing exceptional in this incident. It was what had been going on for years, and I appeal to you to recognize that what had been going on all those years was a thing which a man might do without thinking. It was something which had been practised by his firm and other firms for years and years past both under the tripartite Government and the German Government.

"(r.) As regards the charge of carrying the photograph of a wireless station intended for publication, your petitioner states that copies of the photograph in question were being sold by the shops in Apia to any one who cared to buy them, and no element of secrecy of any kind was attached to these photographs; in fact, limelight views made from this very photograph were being exhibited in Auckland before the photograph in question reached his possession."

This will appeal to you as grotesque. To send a man to gaol for five years for having in his possession a photograph of a wireless station copies of which photos had been sold in the shops of Samoa and produced in Auckland by limelight before the photograph which Mr. Gaudin had ever reached Auckland is foreign to British justice. This was a German wireless station, not one erected by us, but one erected by the enemy; no more nor less than a photograph of a German wireless station copies of which had been sold in Samoa for months past and exhibited in the theatres of Auckland, and because he happened to have one in his possession that is made the basis of sending him to gaol for five years.

"(s.) Your petitioner says that if originals, or copies, or translations of all the correspondence which he was charged with carrying from Samoa are closely perused it will be found that there is nothing whatever in this correspondence that gives the least support to the suggestion that there was anything treasonous or otherwise objectionable from the point of view of the war. Your petitioner also says that if the manuscript which he was charged with carrying from Samoa for publication is perused, it will be found that nothing in that manuscript was in the least degree open to criticism as being treasonous or in any way helpful to the enemy or otherwise objectionable from the point of view of the Defence authorities."

May I pause and point this out to you: the charge against Gaudin becomes the more amusing when you remember that the very letters that he was charged with having taken from Samoa as treasonous were letters which he had to deliver not to a German but to a British officer. Not one of those letters was to be delivered to a German—they were to be delivered to the officer in charge either of Somes Island or Motuihi, and yet this man was tried for having letters from Samoa of a treasonous kind—disloyal to the Empire for the purpose of helping our enemies, when every one of those letters had to pass through the censorship of a military officer. It has been suggested in criticism of Mr. Gaudin that how did he know that some of those letters written in German did not convey secret information which might be useful to the enemy, and the answer is that, whether written in German, English, Sanskrit, or Maori, the letters did not pass into a German State—they passed into consorship of the severest kind—namely, that of the officers in charge of the interment camps. That, it seems to me, disposes of this most senseless charge of the petitioner being a traitor. I submit to you that seldom in the history of our British justice has a more savage, and more unfair, and more drastic procedure been followed than has been followed in this instance. It is reminiscent of the days before Henry VIII in the unfairness with which Gaudin's tongue was really tied, in the unfairness with which he was prevented from defending himself, and in the almost ruthless way in which a born New-Zealander was tried upon these charges.

"(t.) Your petitioner has stated the actual facts upon which the charges against him were based, and this is what followed these facts: Your petitioner arrived in Auckland on the 9th November last, when he was asked by Sergeant Hollis if he had any correspondence for Germans, and he at once replied in the affirmative, telling him frankly to whom it was addressed. He asked your petitioner where it was, and your petitioner pointed to a small hand-bag in which he had all his business papers as well as his own private letters. Sergeant Hollis thereupon took the bag up, found it unlocked (as it always had been on the voyage), and saw that the