

MINUTES OF EVIDENCE.

WEDNESDAY, 15TH SEPTEMBER, 1915.

SIR JOHN FINDLAY, K.C. (No. 1), appeared for the petitioner, and read the petition, making comments thereon, as follows :—

“ May it please your honourable House: The humble petition of Frederick Gaudin, of Auckland, merchant, sheweth :—

“ 1. On the 23rd day of December last your petitioner was convicted of the crime of committing an act of war treason, on charges that he had, on board the steamship ‘ Navua,’ or on about the 30th day of October, 1914,—

“ (a.) Carried a large amount of correspondence from subjects of the King’s enemy to prisoners of war, thereby assisting such subjects to evade censorship :

“ (b.) Carried a photograph of a wireless station intended for publication, and thereby evading censorship :

“ (c.) Carried pages of manuscript intended for publication, thereby evading censorship :

“ (d.) Disobeyed Government regulations by removing from Samoa a considerable amount of coin.

“ 2. The nature of the offence of war treason of which your petitioner was convicted is stated in the Manual of Military Law, issued by the British War Office, for the year 1914; and a reference to that manual will show that the basis of the charge against your petitioner was that of designedly assisting or endeavouring to assist the King’s enemies by treasonous methods. The gravity of such an offence, great in any war in which His Majesty might be involved, can scarcely be overestimated or be too severely punished in such a gigantic struggle for national existence as the Empire of which your petitioner is a subject has faced for twelve months past.

“ 3. On his conviction by the Military Court in Apia your petitioner was sentenced to five years’ imprisonment with hard labour, which he was sent back to New Zealand to undergo, and the severity of such a sentence obviously dispelled any doubt that the gravamen of his offence was merely a breach of regulations, and impressed upon every one the conviction that he had committed acts with treasonous intent involving designed disloyalty on his part to His Majesty the King and our Empire.

“ 4. Under that charge and conviction your petitioner still stands, and if he were guilty of such a crime, then he not only deserves the sentence imposed upon him, but he merits the contumely and contempt of his friends and fellow-citizens until his dying day.

“ 5. It is therefore a matter of most urgent and vital importance to your petitioner that he should satisfy some impartial tribunal that he is absolutely innocent of the charge of war treason of which he was convicted.

“ 6. The following is a true and faithful account of the facts and circumstances which led to the terrible charge and punishment your petitioner has alluded to :—

“ Statement of the Facts and Circumstances.

“ (a.) Your petitioner is a New-Zealander by birth, born of British parents, who came to reside in New Zealand in the early ‘ sixties ’ of last century, and he has no strain whatever of German blood in his veins, nor can he read, speak, or write German.”

I want to pause there for a moment to say that partly from his name itself and partly from imputations that have arisen in connection with his conviction it has been impugned against Mr. Gaudin that he is a German or is of German extraction, or in some way drawing his blood from Germany; and the first point I desire to impress upon the Committee is that you are trying to-day not a German in any sense whatever, but a born New-Zealander, born of pure British stock without a strain of German blood in his veins.

“ (b.) Since 1896 he has been employed in the business of the firm of Kronfeld Limited. This company is a British company registered under the New Zealand Companies Act, 1908, and, although the senior member of the firm is a German by birth, he is a naturalized British subject of over twenty-two years’ standing, while all the shareholders of the company are British subjects.

“ (c.) This company has for many years carried on business with the South Pacific islands in general, but particularly with Tahiti, Fiji, the Friendly Islands, and Samoa.”

May I pause to make this comment: it has been suggested that Mr. Gaudin made his visit to Samoa something out of the ordinary routine of work for the purpose of giving some sinister help to our enemy. I want to impress upon the Committee that Mr. Gaudin had been visiting Samoa in the course of his duties in previous years; that the company by which he was engaged had been dealing with merchants in Samoa in the old days when Samoa was more British than anything else. You will remember we lost Samoa largely owing to the Boer War. Before that date there was tripartite control, and we regarded British control as being really paramount. In those days, before 1902, this work was going on in Samoa. This firm had their relations with British firms and merchants in Samoa, and the visits paid by representatives of the firm