

1915.
NEW ZEALAND.

PUBLIC PETITIONS A TO L COMMITTEE

(REPORT OF) ON THE PETITION OF F. E. N. GAUDIN; WITH MINUTES OF EVIDENCE AND APPENDIX.

(MR. ESCOTT, CHAIRMAN.)

Report brought up on the 5th October, 1915, together with Petition and Minutes of Evidence, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

THURSDAY, THE 1ST DAY OF JULY, 1915.

Ordered, "That a Committee be appointed, consisting of ten members, to consider all petitions from A to L that may be referred to it by the Petitions Classification Committee, to classify and prepare abstracts of such petitions in such form and manner as shall appear to it best suited to convey to this House all requisite information respecting their contents, and to report the same from time to time to this House, and to have power to report its opinions and observations thereon to this House; also to have power to call for persons and papers; three to be a quorum: the Committee to consist of Mr. Brown, Mr. J. S. Dickson, Mr. Escott, Mr. Fletcher, Mr. Harris, Mr. Payne, Mr. W. D. Stewart, Dr. Thacker, Mr. Wright, and the mover."—(HON. MR. HERDMAN.)

THURSDAY, THE 9TH DAY OF SEPTEMBER, 1915.

Ordered, "That the name of Mr. W. D. Stewart be discharged from the Public Petitions A to L Committee, and the name of Mr. T. W. Rhodes be added in lieu thereof."—(HON. MR. HERDMAN.)

REPORT.

No. 163.—Petition of FREDERICK EDWARD NORMAN GAUDIN, of Auckland.

PRAYING for the inquiry before a Judge or Judges of the Supreme Court, or by a Select Committee of the House, into charges of war treason of which he was convicted.

I am directed to report that, in the opinion of the Committee, Frederick Edward Norman Gaudin committed offences against the military laws and Government of Samoa by removing gold in wilful defiance of a Proclamation issued by the Administrator, and also by carrying correspondence which had not passed the Samoan censorship. Such offences could not be overlooked by the military authorities of Samoa, but the sentence imposed by the Military Court, that of imprisonment for five years with hard labour, was out of all proportion to the offences committed.

There was no reason to suppose that in acting as he did the petitioner was animated by any intention to assist the enemy by any traitorous or disloyal purpose.

The evidence shows that the petitioner has suffered and is still suffering considerably as a result of the misconception in the public mind that he has been guilty of treason, which feeling is largely caused by the severity of the sentence imposed.

The Committee therefore recommends that the Government takes immediate steps to put on public record that the petitioner, while he was guilty of, and was punished for, breaches of military law, was in no way guilty of either treasonous conduct or treasonous intent, and recommends this petition, with minutes of the evidence, to the Government for favourable consideration.

J. H. ESCOTT, Chairman.

5th October, 1915.

1—I. 1A.

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

had gone on for something approximating twenty years, so that Mr. Gaudin's visit was not an unusual visit. It was not something which was arranged for with any sinister purpose, but part of the ordinary work he had been doing, or some representatives of the firm had been doing, year in and year out down through those decades.

"(d.) Your petitioner left Auckland by the 'Navua' for Samoa, and arrived at Apia on the 29th September, 1914.

"(e.) Immediately upon his arrival your petitioner reported himself to Colonel Logan, the Administrator, informed him that he had brought a large quantity of goods consigned to merchants in Apia, and asked him if any restrictions had been placed upon trading with the firms in Samoa, to which Colonel Logan replied that your petitioner was at liberty to do business with any or all of the trading concerns in the island.

"(f.) After the departure of the 'Navua' from Samoa your petitioner set about the particular business which had brought him to the island, and this was to collect money owing by traders to Kronfeld Limited.

"(g.) This amounted to a large sum without including the value of the goods brought by him in the 'Navua,' worth about £3,000, and which he disposed of in the island.

"(h.) Before your petitioner's arrival Colonel Logan, the Administrator, had stopped the distribution of coin to his troops, and also ceased to pay in coin for any expenses or goods incurred or required by the New Zealand Expeditionary Force; and the Administrator had further issued a Proclamation which made legal tender the German note currency existing in Samoa at the outbreak of the war."

May I pause there and say, with all respect to Colonel Logan, that I think a more stupid blunder could not have been made by any one representing our country in Samoa. May I appeal to the reason of this Committee and say that to make German notes a currency without knowing exactly how many had been issued, without knowing in whose hands they lay—to expose any one to the obligation of treating as legal currency this paper which either might be worthless or not—to impose upon any person going to Samoa the necessity of taking in payment for honest goods brought there, not cheques upon New Zealand nor drafts upon New Zealand, not coin, but German notes which no one would look at in New Zealand. I say to ask him to accept in exchange for honest goods a currency which was worthless—and I say it with all respect to Colonel Logan—was a most stupid thing.

"(i.) In these circumstances your petitioner interviewed Colonel Logan, the Administrator, pointed out to him that these German notes were useless outside of Samoa, and that if he were prohibited from receiving payment in gold for the goods just sold by Kronfeld Limited, and of the debts previously due to that firm by traders in the island, it would paralyse his business operations, and result in a disastrous loss to the firm he represented. Your petitioner showed him the account against various traders totalling a large sum, which did not include the value of the goods he had brought in the 'Navua,' and asked Colonel Logan to be allowed to take back to New Zealand the amount of British coin which he might collect, and which he did not anticipate would amount to one-fourth of the value of the goods he had just brought to Apia. This Colonel Logan refused to agree to, and your petitioner then suggested that if he left money with Colonel Logan he might give your petitioner a draft on the New Zealand Government for the amount. To this Colonel Logan replied emphatically, 'I will not.'"

May I pause there to suggest that that was a fair proposal. This firm had brought down good solid money's worth to the island; they were entitled to get money's worth in the shape of coin or other currency in return; and when Mr. Gaudin went to Colonel Logan and said, "I will give you the money—I will hand you all the coin I have collected—so that you may be put in possession of the gold which represents the goods I have brought here; give me some draft upon New Zealand to let them know I have given you the gold, and they therefore in turn will give me not gold, but bank-notes or some currency which will fairly represent the goods I have brought here." To that very reasonable request Colonel Logan replied—I think somewhat arrogantly—"I will not." Now, this reply, so far as Mr. Gaudin was concerned, was somewhat embittered by what I am going to read to you.

"(j.) Notwithstanding Colonel Logan's refusal of his requests, your petitioner found that a transfer of money from Samoa to New Zealand had been granted to a German, the money being paid into the Treasury at Samoa to be paid over to a German prisoner of war in New Zealand."

So that the treatment which Mr. Gaudin asked should be given to him, a British subject, while being granted freely to a German, was denied to one of our own blood.

Mr. Harris: What was the amount of money given to the German?

Sir John Findlay: I think, £50 in one case, but altogether about £1,050. I understand that what was done was this: that the money was paid to Colonel Logan. He communicated with New Zealand that he had received that money from Germans in Samoa, and that he required that the equivalent sum should be paid to Germans in New Zealand either in gold or in bank-notes, and that that course was taken in several instances. One instance Mr. Gaudin can swear to of a sum of £50, and, according to Mr. McCallum, if you totalled up all the different occasions it would amount to over £1,000.

"(k.) In these circumstances your petitioner decided to bring back with him the gold he had collected, amounting in all to £832, being a very small part of the large amount then owing to his firm for goods supplied.

“(l.) That this was an act of disobedience to the Administrator’s prohibition your petitioner frankly confesses, but pleads extenuation that he felt his firm was being placed in a position of extreme and unnecessary hardship, and he failed to see that the removal of this gold, which admittedly belong to his firm”—admittedly represented the full value brought into the island by Mr. Gaudin’s firm—“could be regarded as a grave offence, and certainly did not dream that it would be construed as war treason.

“(m.) Your petitioner used no concealment in connection with this matter, and on his arrival in Auckland he told the police officer frankly what had happened, and, without being asked, directed the police officer to the box in which the money was.

“(n.) As regards the charge against your petitioner of carrying a large amount of correspondence to prisoners of war, the facts are that a few days before your petitioner returned to New Zealand he was asked in the main street of Apia by a Mr. G. Klinkmuller if he would take along with him a portmanteau containing wearing-apparel for a Mr. Mars, who was detained at Motuihi Island, New Zealand, and it was arranged that your petitioner should deliver the portmanteau to the officer in charge of that island.”

May I pause to impress upon you this: the conduct of Germany has been so detestable in the eyes of every civilized nation that we to-day feel a deep and almost unreasoned dislike to every German, whoever he is. Speaking for myself, and with some reason, I regard every German as a man with whom I would not willingly associate, as a man for whom I would do no service except what the dictates of ordinary politeness made necessary; and I want to impress upon you that if the happenings I am about to read to you took place to-day Mr. Gaudin would probably be the last man to have done any such service. And I ask you to remember this: this was done only a month after we occupied Samoa; it was done before one word had reached Samoa of the abhorrent practices of the German nation in war. The people of Samoa and the Germans of Samoa regarded the war as one which should be carried on on principles of honourable foes. The Germans there had been peaceable occupants for some years; they had met Mr. Gaudin on previous visits, and I ask you to place yourselves in the position which you would have been in if the happenings took place in September of last year and before Germany had proved herself to be the most barbaric and brutal nation that ever disgraced this world. Mr. Gaudin at that time felt that there was no reason why he should not do the small service he was asked. If he was asked to-day he would probably do as we would do, turn his back upon any German who asked him such a favour. But, however that may be, I ask you whether the services I am going to read to you are not services which a loyal British subject could have performed.

“On the same occasion Mr. Klinkmuller presented a letter addressed to Mr. Mars, and requested your petitioner to hand it to the officer in charge at Motuihi along with his portmanteau. Your petitioner asked him what was in the letter, and was assured that it contained nothing that would not pass the authority. Your petitioner felt that as the letter and portmanteau were not to be delivered to Mr. Mars, but were to be delivered to the officer in charge of the island at Motuihi, if there was anything in either that should not be delivered to Mr. Mars such delivery would not take place. Your petitioner honestly declares that when he agreed to do this the thought of censorship at Samoa never occurred to him.”

Although this offence has been treated with such tremendous severity, there was no regulation about censorship in the island at this time; there was no declaration that letters could not be sent out of the island; there was nothing in the nature of an authoritative utterance that it was an offence to take a letter from a person in Samoa and bring it to New Zealand. It may be that it was left to inference, but I can prove to you beyond question that there was no regulation as to censorship when those letters were handed to Mr. Gaudin.

“A second letter addressed to a German prisoner of war came into your petitioner’s possession during the afternoon of the 29th October (the day of his departure from Apia), and though no evidence with regard to this was laid before the Military Court that convicted him, you petitioner deems it advisable to here admit the fact, and at the same time relate the circumstances under which he received the letter. It was written by Mrs. Schubert to her husband, Dr. Schubert, a prisoner of war in New Zealand. Mrs. Schubert is an English lady, and until her marriage not long ago she was a British subject. She informed your petitioner that permission to follow her husband to New Zealand had been denied her, and that she did not know whether her husband was confined at Somes Island or Motuihi. She asked your petitioner if he would be kind enough to take a note to her husband and post it to the proper destination.”

That letter was in English, so that Mr. Gaudin was able to read it and see it was a perfectly harmless loving letter from a wife to her husband.

“On reflection your petitioner admits that this was wrong on his part, but it seemed at the time a natural and innocent request, and he immediately acquiesced in it, acting absolutely from good nature and without a thought that such an act of courtesy amounted to any offence.

“(o.) On the road to the landing your petitioner received from a Mr. Tattersall, a British subject, a parcel of photographs for delivery to the proprietors of the *New Zealand Herald*, and from Mr. C. Westbrook, also a British subject, a copy of a letter which had been passed by the censor and posted to the editor of the *New Zealand Herald*. At the landing just before entering the boat he was handed a package containing certain business papers of a German Samoan firm with which his firm had large dealings, together with a number of samples of articles which this German firm had ordered to be executed by his firm as its agents in New Zealand. Your petitioner had no time for any discussion on the subject of these matters. Your petitioner

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

contents were there as had been stated. Your petitioner was then told that he must be placed under military authority at Fort Cautley. Your petitioner believes that Sergeant Hollis made a report in which he, in words or effect, stated that there was no concealment whatever on the part of your petitioner, and that your petitioner answered his questions truthfully and straightforwardly, and even assisted him in the examination of his baggage."

That, sir, was an absolutely illegal act. There was no authority to arrest this British New-Zealand-born subject on his arrival at Auckland. The Legislature here had to pass a law to protect the authorities for what they had done, and to make it legal. There was no warrant that could be issued for his arrest, and that policeman had no right to arrest Mr. Gaudin. And the high-handed authority of Colonel Logan in sending a policeman to arrest this man could only be protected by *ex post facto* legislation. The case has been tried before the Chief Justice, and if you will read his judgment you will see that reliance had to be placed upon *ex post facto* legislation.

"Your petitioner showed the said sergeant the box where the money which he had collected was, and gave him the portmanteau which had been given the petitioner to forward to Mr. Mars. Your petitioner was detained at Fort Cautley, and about a week after his arrival there he was told that the letters found in his possession had been perused by His Excellency the Governor and the Defence authorities, and there was nothing in them of an incriminating character or of any importance, and that when they reached Colonel Logan, to whom they had been despatched by the mail which left Auckland on the 16th November, he would be allowed his freedom. On the 3rd December, however, your petitioner received instructions to proceed to Samoa by the 'Navua,' leaving Auckland on the 14th December. No charges accompanied these instructions, nor were any ever preferred against your petitioner in New Zealand. On learning that he had to proceed to Samoa your petitioner applied in writing to be released on parole to enable him during the few days remaining before the 'Navua' sailed to get legal advice, and to make necessary arrangements for the journey, but this request was refused, although he was eventually allowed to consult a solicitor at Fort Cautley in the presence of Colonel Patterson, who was in command of the fort. Your petitioner was advised by his solicitor, Mr. T. C. Martin, that if the facts were, as set out herein, placed before a Military Court, it would be readily seen that your petitioner had no intention of committing any treasonous act.

"(u.) The 'Navua' arrived at Apia just after noon on the 23rd December. A few minutes after the anchor was dropped Colonel Cowles handed your petitioner a copy of the charge-sheet, this being the first time the charges were made known to him, although he had repeatedly asked for a statement of these charges. In spite of the fact that your petitioner arrived just after noon, he was commanded to appear at the Courthouse at Apia at 1.30 p.m.—ninety minutes after his arrival. Your petitioner was sent ashore at 1 o'clock, and marched to his detention barracks at Mulino. He was informed that dinner was over and nothing could be given him to eat. He was then marched to the Courthouse—nearly a mile away—and there had to defend himself against this grave charge of committing an act of war treason."

It is usually an element of British justice that a man is allowed a reasonable chance to defend himself. Here in New Zealand we have a law under which an accused, if penniless, has the right of having counsel assigned to him by the Crown, and wherever justice has any pretence to be real it gives the accused man an opportunity to meet the charges. But Gaudin arrived at Apia at midday without the least knowledge of the charges against him, and in ninety minutes he was on his trial for an offence for which he could have been sentenced to death, because death is one of the sentences for war treason. He was allowed ninety minutes to answer this charge. He was sent to answer this charge foodless, in custody, and on foot. What was the reason for all this? Samoa was not being attacked. Everything was going on quietly there. What reason can be assigned for all this monstrous urgency, except that there was some bitter feeling on the part of those in authority? I have been unable to get any explanation of the fact that within ninety minutes of his arrival he was standing his trial for an alleged offence for which he might have been shot.

"(v.) Your petitioner appends to this petition a copy of the official record of proceedings at his trial, and it is submitted that nothing appears in these proceedings which has not in this petition been fully and fairly stated. As will be seen from the said official record, no attempt was made to prove any treasonous attempt on the part of your petitioner, and although the Mayor of Auckland furnished an official certificate, which was produced to the Military Court, stating that your petitioner was for some years a City Councillor, and was a member of the Chamber of Commerce and other public bodies, and although other evidence was given of his having been an honourable and upright man, and that he had served as a Volunteer officer in New Zealand for many years, and was at the time of trial a Captain on the Reserve of the New Zealand Military Forces, nevertheless your petitioner was convicted as already stated, and on the 24th day of December last sentenced to five years' imprisonment with hard labour. After his trial your petitioner was marched back to the detention barracks, where he spent the night. The place was overcrowded, and there was no bed for him to sleep on, and he should have fared badly indeed had it not been that an English storekeeper who lived close by came to see him and provided him with a mat, sheet, and pillow.

"(w.) Your petitioner was sent back by steamer to Auckland, and on his arrival there on the 4th January he was imprisoned in the common gaol at Mount Eden among the worst class of long-sentence criminals, and set to do stone-breaking.

"(x.) On the 9th January, 1915, your petitioner was removed from gaol and imprisoned at Fort Cautley, where he remained in custody until the 15th June, when he was set at liberty on a warrant of release signed by the Hon. the Minister of Defence.

“(y.) Your petitioner respectfully points out that from the 9th November, 1914 (when he was arrested), until the 15th June a period of over seven months elapsed, during the whole of which time his position was that of a prisoner. The consequences of his arrest, conviction, sentence, and imprisonment have been most disastrous to his health, reputation, and business. He has suffered great mental anguish not only on account of the effect upon his character of the grave crime of which he was found guilty, but he has undergone additional distress because of the long and painful suffering of his wife and family by the treatment to which he has referred. He has lost the good and, comparatively, lucrative position he held at the time of his arrest, and as he has earned nothing throughout all these seven months he is to-day financially a ruined man. Your petitioner says that these facts have made his treatment and punishment a heavy burden, but he does not now regard that burden as so serious to him as the injury which has been done to his reputation. Before and since his release your petitioner has found accumulating proofs that his conviction for war treason, and the severity of a sentence of five years with hard labour, has deeply impressed upon the public mind a widespread belief that he is a common traitor to his country and his King at a time when every loyal subject should be filled and inspired with a stronger, more fervid and active patriotism than at any time in our nation's history. To his protestations of innocence of treasonous intent your petitioner is repeatedly told that he is a convicted traitor, and that that stain will remain upon his character to his own and the lasting disgrace of his children unless he can get it in some way removed by the clear declaration of some impartial tribunal.

(z.) Your petitioner frankly admits that he acted foolishly and headstrongly in what he did in Samoa in October last. But while he has made every admission, and recognizes that he deserves some measure of punishment for his indiscretion, he submits that it surely can never be considered as consistent with the eternal principles of British justice that he should longer remain branded as he now is by the conviction as guilty of war treason.

“Wherefore your petitioner humbly prays—(a) That a full and immediate inquiry be made into the facts set out in this petition for the purpose of determining whether your petitioner was in any way guilty of the charge of war treason of which he was convicted; (b) that such inquiry be held either by a Judge or Judges of the Supreme Court, or by a Committee selected from the members of your honourable House, or by such other tribunal as your honourable House may think fit to appoint. And your petitioner, as in duty bound, will ever humbly pray, &c.”

I thank you, sir, for the opportunity of reading the petition, and of making such comment as I have been privileged to make. Now I wish to place before the Committee the official record, which contains all that was said before the Court which convicted Mr. Gaudin for treason, and sentenced him to five years' imprisonment.

Mr. Fletcher: Is that the full report?

(Sir John Findlay): No, sir, but we have a full report. I want to say here that the Crown Prosecutor, when he came to address the Court at the conclusion of the case, stated that he had arrived at a very different conclusion from the one with which he began the conduct of the trial. And he told the Court that although the evidence might technically prove treason, he honourably admitted that it gave the impression that Mr. Gaudin's offence was rather technical than substantial, and that it should not be dealt with as a technical case. Those are not his own words, but that is the inference to be taken from them. This is the official record of the Court:—

“COPY OF OFFICIAL RECORD OF THE TRIAL AT APIA OF FREDERICK EDWARD NORMAN GAUDIN, AS FORWARDED BY THE COURT TO THE NEW ZEALAND GOVERNMENT.

“*New Zealand Expeditionary Force.*

“Record of proceedings of Military Court assembled at—

“Place: Apia, Samoa.

“Date: 23rd December, 1914.

“Name: Frederick Edward Norman Gaudin.

“Charge: Committing an act of war treason in that he, at Apia, on or about the 30th October, 1914, carried on board s.s. ‘Navua’—

“(1.) A large amount of correspondence from subjects of the enemy to several prisoners of war, and thereby assisting the said subjects to evade censorship of letters.”

May I pause here to say that Mr. Gaudin was not represented—he had no lawyer there. He was in a state of great excitement, and he had no chance or time to consider these charges. He had only ninety minutes from the time of the arrival of the “Navua” till the case was heard, and it will appeal to any one of you that he had no chance to meet the charges. Moreover, to say that he was carrying those letters to an enemy subject or subjects when they were to be delivered to an officer in charge of our internment camps at Motuihi or Somes Island was preposterous.

“(2.) A photograph of the wireless station addressed to Messrs. Wilson and Horton, photographic editors of the *Auckland Weekly News*, presumably intended for publication, and thereby evading censorship.”

These latter had been sent before. The photographs had been sold in the shops of Samoa for weeks and months before, and copies of them had been shown in the Auckland theatres; and yet the carrying of these photographs was made the basis of a charge for war treason. This is altogether Gilbertian.

“(3.) A number of pages of manuscript intended for publication in the *Auckland Weekly News* or other paper, thereby evading censorship.”

That is a letter which has passed the Censor. The exquisite absurdity of the *Auckland Weekly News* being the medium of some treasonous publication is almost too great for words to express. These military gentlemen in Samoa charged Mr. Gaudin with communicating treasonous matter. I wonder what the *Auckland Herald* would say to this—they are charged with being conspirators. They were to be the medium by which this heinous business was to be perpetrated.

“Disobedience of Government regulations, in that he, at Apia, on or about the 30th October, 1914, removed from the occupied territories of Samoa a considerable amount of coin contrary to Proclamation No. 3A, dated 12th day of September, 1914.”

I have told you how the circumstances arose in connection with this charge. He did wrong in taking that gold away in view of the regulation. We admit it; but it was our money, and we only asked to be treated as Germans were being treated. We asked Colonel Logan to take our money and give a direction to the New Zealand Government, so that its equivalent might be obtained here. But he said, “I will do nothing of the kind.” Now, the only offence which Mr. Gaudin committed, in my judgment, is that he disobeyed that regulation. Now, what did your Legislature consider a fitting penalty for a British subject for a breach of a war regulation? As you know, it passed the War Regulations Act, 1914, and I desire to refer you to section 4 of that enactment. This gives, I submit to the Committee, a fair idea of what kind of punishment should have been meted out to Mr. Gaudin for his breach of this war regulation, in taking his own gold from Samoa. If he had been tried in New Zealand, this is the extent of the penalty which would have been imposed upon him. This Act was passed some time in November, 1914. Section 4 says, “Any person who commits, or attempts to commit, or does any act with intent to commit, or counsels, procures, aids, abets, or incites any other person to commit, or conspires with any other person (whether in New Zealand or elsewhere) to commit any offence against a regulation made under this Act shall be liable on summary conviction before a Magistrate to imprisonment for a term not exceeding twelve months when the accused is an alien, or three months in any other case, or to a fine not exceeding one hundred pounds.” That is the maximum. Mr. Gaudin got five years, with hard labour. He is a British subject. If he had been a German and had been tried in New Zealand he would not have received more than twelve months’ imprisonment. The Legislature of New Zealand saw fit to make the maximum twelve months, but a British officer sitting in Samoa could pass a sentence of five years with hard labour upon a British subject. Now, I have read you the whole of the charges—the carrying of this correspondence and the taking-away of those photographs. May I just impress upon you the unfairness of the charges. There may be an impression that the letters taken away from Samoa were letters taken to be given to Germans, and that they may have contained secret information valuable to the enemy. But every one of those letters with the taking of which Mr. Gaudin was charged was not to be delivered to a German at all, but to a British officer. It seems to me that that answers the whole question. He pleaded guilty to a breach of the regulation, but not guilty to the other charges.

“*Pleas*: First charge, ‘Not guilty’; second charge, ‘Guilty.’

“*Finding*: First charge, ‘Guilty’; second charge, ‘Guilty.’

“*Sentence*: The Court sentence the accused Frederick Edward Norman Gaudin to be imprisoned with hard labour for five years.

“Signed at Apia, Samoa, this 23rd December, 1914.

“B. HEAD, Major, 5th Bn., R.W.Fusrs.

“*Confirmation*: Confirmed.

“ROBERT C. LOGAN,

“Colonel Commanding Samoan Expeditionary Force.

“Apia, Samoa, 24th December, 1914.

“Provost-Marshall.—Forwarded for promulgation.

“H. H. WRIGHT, Capt., Staff Officer.

“Apia, 24/12/14.

“Promulgated at Apia, this 24th day of December, 1914.

“A. LOFTUS TOTTENHAM, Captain,

“Provost-Marshall.

“FREE TRANSCRIPTION OF EVIDENCE IN THE CASE OF F. E. N. GAUDIN GIVEN BEFORE COURT-MARTIAL ASSEMBLED AT APIA ON THE 23RD DECEMBER, 1914.

“*Prosecution*.

“Address by the Prosecutor.

“*First Witness*.—Colonel R. Logan, Commanding Samoan Expeditionary Force, being duly sworn, produced two letters and two bundles of correspondence which he had received from His Excellency the Governor of New Zealand. [Produced and attached to proceedings.] Witness stated that amongst the documents he had received from New Zealand were also accused’s commissions in the New Zealand Military Forces. Censorship has been enforced since the date of arrival of the Samoan Expeditionary Force in Samoa. A Proclamation prohibiting gold or coin from Samoa has been issued.

“Certified R.P. 83 (5) has been complied with. The witness withdraws.

“*Second Witness*.—Captain A. Loftus Tottenham, Provost-Marshall, Samoan Expeditionary Force, being duly sworn, stated that a Proclamation prohibiting the exportation of coin from Samoa was issued prior to the departure of accused from Apia. Accused did not inform witness that he (the accused) was a military officer.

"R.P. 83 (b) has been complied with. The witness withdraws.

"*Third Witness.*—A. J. Tattersall, being duly sworn, states: On or about the 30th October, 1914, I handed certain photographs of Samoa to accused for transmission to New Zealand and for the Auckland *Herald* Office. [Photographs produced and identified by witness.] Accused made no inquiry whatever as to what the packets contained.

"Cross-examination by accused: Q. You handed me the packet from a trap on the road?—Yes. Q. I had no conversation with you prior to that regarding them?—No. Q. It was simply a piece of good nature on my part?—It was.

"Cross-examined by prosecutor: Q. What time was this?—About 5 p.m. Q. What time did the mail leave?—In the morning. Q. What time did the ship sail?—Some time in the evening. I do not know what time.

"R.P. 83 (b) has been complied with. The witness withdraws.

"*Fourth Witness.*—K. Hanson, being duly sworn, states: I am manager of the German firm, Apia. I do business with the accused. Apart from business, am on friendly terms with him. He was living with me prior to his departure from Apia, which is the custom of members of his firm when visiting Apia. Accused neither reads nor writes the German language. On or about the 30th October I handed my clerk a certain number of letters, amongst which was one for the late Governor Schultz (at present a prisoner of war in New Zealand), some for Kronfeld, Auckland, and some for A. Ohle, and Hellfritz. They are all German subjects. The letters were all written in the German language. Messrs. Ohle and Hellfritz are agents of the German firm at Tonga, and letters for them contained only information regarding business transactions with the firm.

"Cross-examined by prosecutor: Naturalized British subject. Continuing, the witness further explained that it was usual for the firm to hand communications to the representatives of Kronfeld and not to post them, so that the agent might read them on the voyage to Auckland.

"R.P. 83 (b) has been complied with. The witness withdraws.

"*Fifth Witness.*—C. Klinkmuller, being duly sworn, states: On or about the 30th October last I saw the accused at Apia, and I gave him one letter to Mr. Mars, secretary to the late Governor Schultz, now a prisoner of war in New Zealand. This letter was in German character. The accused did not know the full contents of the letter, but I informed him that it contained nothing which would get him into trouble when passing the Censor. I think I said, "in passing the Censor," but it may have been "in passing the authorities." It was in the morning that I gave the accused the letter. I had no particular reason for handing this letter to him. (Witness here explained that he had previously asked accused to take a trunk for him, and when handing this trunk over to the accused on the 30th October he also handed him a letter.)

"Cross-examined by accused: Q. Did I receive any payment for taking the trunk and letters?—No. Q. It was simply out of good nature that I took it?—Yes. Q. And when I took the letter you assured me that there was nothing in it to bring me into trouble?—Yes.

"R.P. 83 (b) has been complied with. The witness withdraws.

"*Sixth Witness.*—C. B. L. Westbrook, being duly sworn, states: On or about the 30th October, 1914, I saw accused at Apia. I gave him some correspondence to take to New Zealand. It was for publication in some Auckland paper. A previous copy of the letter had been posted, but had not reached its destination. I thought it may have been censored.

"R.P. 83 (b) has been complied with. The witness withdraws.

"*Seventh Witness.*—E. F. Reys, being duly sworn, states: "On or about the 30th October, 1914, I saw the accused at Apia. I gave the accused £20, rather more than half of which was in gold. At the time both English and German gold was scarce in Apia. The money was for a ward of mine in Auckland and a nephew of Kronfeld's.

"R.P. 83 (b) has been complied with. The witness withdraws.

"*Eighth Witness.*—W. Holzeit, being duly sworn, states: I am manager of Krause and Preuse, Apia. I met the accused in Apia about the 30th October, 1914. We had business transactions. My firm owed his firm about £400. I paid him about £103 in English gold on the 29th October. I paid him gold because he demanded it.

"R.P. 83 (b) has been complied with. The witness withdraws.

"(The prosecution is closed.)

"Defence.

"The accused said: You have heard the evidence of how I came into possession of these letters. Nearly all the correspondence I received here was in the way of business. Our firm, as you know, does extensive business in Samoa, not only with Germans, but with British and other nationalities. I was here for business purposes. I went around on the day of departure collecting the various orders for goods from the people on the beach, and in this way, of course, a large amount of correspondence fell into my hands. I have got to plead ignorance to the fact that I was committing an act of treason. There was no concealment. I went on board with the letters, and made no attempt to cover them, and on being arrested at Auckland I immediately gave them up. I did not deny then that I had the letters for the prisoners of war. If I have committed an act of indiscretion I deeply regret it.

"The Court adjourns for the purpose of making inquiries at the Post-office for statements from a detective in Auckland, alleged to be in the mail. The documents being unavailable, the Court resumes.

"The accused is asked whether he wishes the Court to proceed without the statement from the detective, and replies in the affirmative.

"The Court is closed for the finding.

"Reasons in support of mitigation of punishment and evidence as to character of accused were given by M. M. McCallum, as follows: I have known the accused for the past twenty-five years—since 1889. I have always known him as an honourable and upright man. He has been identified with many public bodies in Auckland, and various social associations, and has always been held in the highest esteem. The Mayor of Auckland sent me an official certificate from the Auckland City Council [produced and attached]. He has always been more or less a public man. He was for some years a City Councillor, was a member of the Chamber of Commerce, and other public bodies. This charge brought against him has naturally been a severe blow indeed, more so as he has always been looked upon as the soul of honour. The fact that he has been detained in Auckland led people to believe that he had committed some serious crime. No one was allowed to see him for three weeks until instructions came from Samoa. He was then allowed to see the lawyer. Accused's health has suffered, as also the health of his wife and sisters. I have accompanied him to Samoa on account of his trouble. I assure you that he has suffered heavily, and I hope you can see your way to make the sentence as light as possible—above all, not to make it imprisonment. That will fairly kill the man himself, and be a terrible thing for his people. Take into consideration what he has already suffered. The case has done him incalculable damage. We have just come through the various islands, where the impression amongst business men is that accused carried the letters and then denied having done so. Several of his oldest friends there would scarcely look at him. I ask you to take all his sufferings into consideration when sentencing him, and use clemency in the case, as the man has suffered indeed.

"Major Kay gives further evidence as to character: I have known the accused since we were boys at school together. I have known him as a young man—as an athlete. I have known him as an officer of the battalion I first joined; in fact, I might tell you that we have been practically brothers all our lives. I claim that, if any man can claim to know the innermost soul of another, I know accused's. As an officer of the regiment I first joined he was a pattern. He was the prime founder of the Officers' Club in Auckland, which club still exists. I can say without fear of being wrong that it would be absolutely impossible for accused to commit an act of treason. I do not know the exact nature of the case with which the accused is charged, but I am sure that what he did was done unwittingly. If we had the regimental officers here I honestly believe that they would give you the same opinion; I know they would.

"Prosecutor's Address."

"The reason accused was charged with treason is that it was the only charge in the 'Laws and Usages of War' under which he could be charged, but it is a very minor case of treason. The Court must, however, take into consideration the fact that His Majesty's Government is at present engaged in a war the bitterness and magnitude of which has no parallel in history, and upon which depends the very life of the Empire. For this reason it was necessary that this case should be brought to justice. As regards the second charge the accused pleads guilty, and the evidence proves that he is guilty of that charge. It now simply remains with the Court to award any punishment they may think necessary for a minor act of treason. There were never any steps taken by the prosecution to attempt to prove that accused had in any way received remuneration or any other benefits from his acts.

("Certified free copy of evidence taken in shorthand before assembled Court-martial.—

C. H. SMITH, Sgt., 23/12/14.")

"B. HEAD, Major, 5th Bn., R.W.Fusrs., President."

That is the whole petition, including what is annexed to it.

"DEPARTMENTAL REPORT."

"14th September, 1915.

"The Chairman, Public Petitions A to L Committee.

"No. 163, *Petition of F. E. N. Gaudin, for Inquiry into Charge of War Treason of which he was convicted.*

"In reply to your memorandum of 26th August asking to be furnished with any official papers in the possession of this Department, I have to inform you that it has been arranged that a member of the staff of the Department will attend before the Committee as required. He will place before you all the available papers held here, possibly not important to the petition. The papers, proceeding, finding, &c., of the Court-martial are, as is the custom, in the custody of the Judge Advocate-General, who resides at Auckland.

"W. A. ROBIN, Brigadier-General,

"Commanding N.Z. Forces."

I might say that this matter has come before this Committee by stages. I did not desire to impose upon the Committee the work which I have to ask you to do to-night, and I communicated that to the Solicitor-General. I submitted to the Solicitor-General the official report that is here, and asked him to satisfy himself whether or not there was a tittle of proof that this man had been guilty of war treason. He did so, and I saw him again, and he told me that he thought that if Mr. Gaudin would write a letter to the Minister of Defence setting out the facts I have set out now, the Minister of Defence might see his way to place on record in writing a declaration that the Defence authorities were satisfied that Mr. Gaudin had not been guilty of war treason, and that that declaration might be published to clear my client's character. I have that letter in writing from the Solicitor-General. It is true it is addressed to me personally, but it is not marked confidential. I then saw the Minister of Defence, and he told me that he thought the

matter should be referred to the Attorney-General. I then saw the Attorney-General, and he promised to see the Solicitor-General. Mr. Gaudin later received a letter stating that the Minister of Defence could not see his way to make any such declaration. The Chief Law Officer of the Crown, who had looked into the circumstances as a lawyer, could find nothing to justify the charge of war treason. But we could not get from the Minister of Defence the statement which I was promised would be given if we wrote, as we did write, to the Minister of Defence. I am not making any complaint against the Minister of Defence. That is how we are here, sir. We are here because we have tried every other means; we are here in the hope that either this Committee will recommend that this matter be tried before a Judge of the Supreme Court, or that you gentlemen, sitting as an impartial tribunal, will yourselves say in your report to the House that on the evidence you have heard and will hear there is absolutely no justification for the conviction on the very serious crime of war treason of which this man to-day stands branded.

FREDERICK EDWARD NORMAN GAUDIN sworn and examined. (No. 2.)

1. *Sir John Findlay.*] You are the petitioner in this case?—Yes.
2. You are a New-Zealander by birth?—I am.
3. Born of British parents?—Yes, born of British parents.
4. They came to reside in New Zealand in the early "sixties"?—That is so.
5. Do you know or have you any reason to believe that you have any German blood in your veins?—Not a strain.
6. Can you read, write, or speak German?—I cannot.
7. When did you join the firm of Kronfeld Limited?—In April, 1896.
8. It is a British company, I believe?—It is.
9. Registered under the New Zealand Companies Act?—That is so.
10. I understand the senior member of the firm is a German by birth?—Yes.
11. Is he naturalized?—Yes, of twenty-two years' standing.
12. And the shareholders, are they British subjects?—Yes, all British subjects.
13. I understand this company has carried on business with the South Pacific islands for many years?—Yes, even before I was connected with it.
14. Including Samoa?—Yes, including Samoa.
15. So that the company carried on business with Samoa when it was under British control?—That is so.
16. Before 1902?—Yes, under the triumvirate Government.
17. And the customers of that date are customers of the company still?—Exactly the same then as now, with a few additions.
18. Have you been down to the islands often?—Not often.
19. But you have been down representing your company, visiting Samoa?—Yes.
20. You paid one of those visits on the 29th September, 1914?—I did.
21. Was it purely a business visit?—Purely a business visit.
22. Nothing to do with any question of the war at all?—Absolutely nothing.
23. Did you see Colonel Logan on your arrival?—I did.
24. Did you tell him what you had come down for?—I did. I also presented a letter from the Judge Advocate-General of the Forces of New Zealand introducing me to him.
25. As what?—As a business man of the firm of Kronfeld Limited.
26. That is Mr. J. R. Reed?—Yes. Although I knew Colonel Logan, that letter was given to me by Mr. Reed.
27. Did it refer to the fact that you were an officer of the New Zealand Reserves?—Yes; he stated I was his old Adjutant.
28. Did you tell Colonel Logan that you had brought goods down to Apia?—I did.
29. Did you ask him whether there was any objection to your trading with the firms in Samoa?—I asked him if there was any restrictions to trading with the firms in Samoa.
30. What was his reply?—That I was at liberty to trade with any one.
31. Did you proceed then to trade?—I immediately went ashore and handed consignment-notes to the traders in the usual way as I had been doing for years past.
32. Was it part of your mission to Samoa to collect debts due to your company?—That was my particular mission.
33. What amount would be due to you apart from the value of the goods you took down?—Nearly £20,000.
34. You collected some?—I collected £832 in gold.
35. Is it a fact that before your arrival Colonel Logan had stopped the distribution of coin to his troops and ceased to pay coin for any goods?—That is so.
36. Had he also issued a Proclamation making the German-note currency existing at the outbreak of war legal tender?—He issued a Proclamation to that effect.
37. Did you see Colonel Logan?—I did.
38. Did you point out to him that those notes were useless outside Samoa?—I did.
39. What did you tell him?—I went to Colonel Logan in company with Mr. Shepherd, traveller for Sargood, Son, and Ewen. I pointed out the object of our visit, that we were there for business purposes to collect what was due to the firm. I pointed out that his Proclamation had had a very serious effect on our own particular business, that the notes were absolutely useless outside Samoa, and that I questioned the wisdom of his action in making these notes legal tender. I further said that I did not think it was right from a British point of view. It was certainly playing into the hands of the enemy, as I thought, making the enemy's notes legal tender.

Colonel Logan seemed somewhat annoyed at my way of expressing myself, and asked me to explain what I meant. I then again repeated that in my opinion these notes were absolutely useless, and that in my opinion they would have to be redeemed. His answer to me to that was, "I will redeem only what I have paid to my troops." I said, "Then, in that case would it not be wise to put some distinguishing mark on the amount paid the troops, because how can you distinguish between what is paid them now and what is in issue here?" To that he seemed to take no notice. My words seemed to rather incense him, and I then went on to show him the accounts I had. I had books of accounts, and I turned over page after page, pointing out the various accounts showing the money due to the firm of Kronfeld Limited, and pointing out the serious position in which we were placed. I then asked him to allow me to take what little gold I could collect away with me. In fact, I asked him to allow "us" to do so, because Mr. Shepherd was with me, but he did not seem inclined to allow that. I then said that if I paid him the gold would he give me a draft on which I might collect the money. I had not then collected any money, but I knew I was going to do so, and I asked him if he would give me a draft on the Bank of New Zealand or the New Zealand Government for the gold I would leave with him. I asked him that most definitely.

40. What was his answer?—His answer was, "I will not." I then asked what I was expected to do with the gold I collected, and in answer to that he said, "Oh, we will take care of it; we will give you a receipt, but we won't give you any war risk"—as much as to say that he would not take any responsibility for the gold in the event of the war, and I had to be satisfied with that answer.

41. Are you aware that the request you made to be allowed to pay him the gold and get some kind of draft upon New Zealand was acceded to in the case of Germans?—I am.

42. To what amount, to your own knowledge?—£50. The date preceding my departure from Samoa I was informed by Major Henderson, whose name appears in the official record as one of the witnesses—he was manager to the big German firm—that he had received permission from Colonel Logan to pay in a certain amount of money to the Treasury there, and it would be paid to prisoners of war in New Zealand.

43. And that was denied you?—That was the very request I made which was denied me.

44. In those circumstances, as the petition sets out, you did collect £832, a fraction of what was owing to your firm, and you brought it to New Zealand?—Yes.

45. And you confess that was a breach of the regulations?—Yes.

46. And you do not ask the Committee to regard that as something which should have been entirely condoned; you recognize that some measure of penalty should be imposed?—I certainly recognize I committed a breach of the military regulations in that, but not the offence of war treason.

47. Was there any concealment about the payment of the gold?—None whatever.

48. Did you try to hide it from the police officer?—No, I pointed it out to him without being asked. I said to Sergeant-Detective Hollis, "In that box I have my money," and he said, "I do not want your money—I have no instructions regarding money." In consequence of that my money was not taken from me.

49. You know that Colonel Logan has in writing characterized your taking that gold as theft?—I do.

50. Whose gold was it?—It was the gold belonging to the firm of Kronfeld Limited.

51. Was it stolen from anybody?—Decidedly not.

52. It was a small portion of the indebtedness due to your firm in Samoa?—Yes, and due to Auckland creditors.

53. I pass from that to the carrying of correspondence. You know that certain correspondence was put in at the trial?—Yes.

54. And upon that correspondence you were convicted?—Yes. [Letters put in, with translations of German letters.]

55. Do you swear that the statements made in your petition with regard to your receipt of those letters are true and accurate?—I do.

56. Was it part of your undertaking to deliver any of those letters upon which you were charged to any Germans?—No, most decidedly not. I could have posted them on board or I could have posted them in Fiji—the vessel was there three days.

57. And if you had posted them they would have gone through the hands of the officer in charge of the internment camp?—Most decidedly.

58. I suppose it is beyond question that you were not to deliver any of those letters to a German at all?—It was never my intention to deliver a letter to a German.

59. I apprehend that as the prisoners to whom the letters were actually addressed were in the internment camp, the letters would have to go through the officer in charge?—Yes, most decidedly.

60. Was it the practice in previous years for letters to be handed to representatives of your firm and representatives of other firms?—It has always been the practice in the case of any island I have been in to receive letters at the last moment.

61. What is the reason for that?—A certain amount of looseness on the part of the people down there. The island people are not exactly like the Auckland people or Wellington business people. They leave their letters till the last moment.

62. And if a steamer is leaving the mail closes some hours earlier?—Yes; in this case the mail closed at 10 o'clock in the morning, and the steamer did not leave till the evening. The pursers of the Union Company have also done it.

63. What is put in with the Chairman of the Committee are the letters upon which you were charged with war treason, and also the translation of any letters in German?—Yes. I am also including one on which I was not charged at all.

64. Every letter upon which you were charged is before the Committee to-night?—Yes.

65. You know there is nothing in them in the least degree suggesting anything of a treasonous nature?—Not the slightest.

66. Those letters that are in German, it is suggested that they may have contained something which might have been treasonous to our country. When you took those letters which are in German you asked whether there was anything in them, and you were told there was nothing which would get you into trouble?—Only the two letters I agreed to take. The third one I did not know anything about till I got on board.

67. You knew that any letter which was in German and which you could not read would have to pass through the hands of a British officer before it reached the hands of the person to whom it was addressed?—Yes, and I told Mr. Klinkmuller it would have to go through the hands of a British officer before it would reach the addressee.

68. I want to make it clear, Mr. Gaudin, that when you were tried by the Military Court you told the Court that you had informed those who gave you the letters that those letters would have to pass the censorship of the British Censor?—I told them it was my honest intention to deliver them to the officer controlling Motuihi.

69. And not surreptitiously to any Germans?—Not in any other way. I had my portmanteau, and this correspondence was in it.

70. You have given us a statement of what is alleged against you as an offence. You returned to New Zealand—do you remember the date?—On the 9th November.

71. And on your arrival you were met by a sergeant of police?—By a detective-sergeant.

72. Tell us what happened?—Sergeant Hollis met me at the door of the smoking-room. He greeted me, and stated that he wished to see me in my cabin. I was surprised and said, "What is the matter?" He asked me whether I had any German correspondence. I said, "Yes, I have three letters," and I gave him the addresses as they are on these three letters I have here. He said, "I suppose that is the trouble; I have instructions with regard to these." He searched my portmanteau. It was unlocked, as it had been all the voyage. I made no attempt to conceal these letters or to hide them in any shape or form. He picked the bag up and found the correspondence, and then he said he would have to go through the rest of my baggage, and I pointed to the box which contained my money. He said that he had no instructions regarding the money. After he had gone through the baggage I myself drew his attention to the portmanteau I had for Mr. Mars. He said, "Who is he?" I told him that he was a German prisoner of war. He picked up the handbag and took it away.

73. Now, was there any warrant presented to you when you were arrested?—No.

74. Did you know there was no warrant authorizing your arrest?—There was no warrant.

75. And you have been advised that your arrest was entirely without legal warrant?—Absolutely.

76. And after your arrest you were imprisoned at Port Cautley?—I was detained there from the 29th November till the 14th December.

77. Did you try to ascertain what were the charges against you?—Yes, from Colonel Haszard and Colonel Patterson; but they did not give me any satisfaction.

78. Were you told anything about the nature of the correspondence which the packages contained?—I was. I was told about ten days after my detention. Colonel Gibbon came up to Auckland; I suppose he interviewed Colonels Patterson and Haszard, because these gentlemen informed me that Colonel Gibbon had informed them that the letters which I had carried had been perused by the authorities, and that there was nothing in them of an incriminating character, and that they had to go back to Samoa, and that when they reached Colonel Logan it was expected that I would get my freedom.

79. Did he say by whom they had been perused?—By the Defence authorities and His Excellency. The telegram had stated that I was to be detained until perusal by His Excellency.

80. And that there was nothing of an incriminating nature in them, and that when they reached Colonel Logan you would get your freedom?—In all probability.

81. Did you ask for permission to consult your lawyer?—I did.

82. Did you consult Mr. J. C. Martin?—Yes, after I was told to proceed to Samoa.

83. And what did he advise you to do?—He came across to the fort and heard my story as I have given it here, in the presence of Colonel Patterson. He then stated that in his opinion I could go to Samoa without any fear, and that the Military Court was the fairest Court in the world, and that I had only to repeat my straightforward story and that that would show me to be not guilty of any act of treason.

84. Well, then you were taken back to Samoa?—Yes.

85. When did you arrive there?—On the 23rd December.

86. At what time?—About noon, perhaps a few minutes after.

87. And did you then for the first time get a statement of the charges against you?—Yes, Lieutenant Cowles brought me the charge-sheet, and at the same time he informed me that I had to appear before the Court at 1.30.

88. So that you were landed at 12 noon and you were tried at 1.30?—I was landed at 1 p.m. I simply marched to the detention barracks, and when I got there dinner was over, and there was nothing to eat. A young man brought me half a mug of lager-beer, and then he said it was time to move on to the Court.

89. So that ninety minutes after you got the charge-sheet you went to your trial?—Yes.

90. Now, I have read to the Committee the official report of the trial: of your own knowledge, are there any omissions from that report to which you would like to refer?—Yes, one or two. In the first place, what I made a particular note of at the time was that the Crown Prosecutor asked the stenographer to make a special note of the fact that no Proclamation regarding censorship had been issued. He repeated that—"Make a special note of that." But it does not appear at all in the official report.

91. There was, in point of fact, no Proclamation about censorship?—No Proclamation had been issued with regard to the censorship of letters. He purposely drew attention to the fact, and told the stenographer to make a special note of that.

92. Anything else?—Another point is that after each witness's evidence there appears in the record, "R.P. 83 (b) has been complied with." Well, not in one instance was that complied with. That rule provides that witnesses' evidence shall be read over to them, and they are to be asked if it is correct. That was not done.

93. Was it signed?—No.

94. Then you were convicted and sentenced to five years' imprisonment with hard labour. You were brought back to Auckland, and you were imprisoned in the common gaol at Auckland?—I was sent to Mount Eden.

95. You were placed among ordinary criminals in the lowest grade—of stonebreakers?—I was.

96. And were you dressed in prison dress?—I was.

97. And treated as a common felon?—Absolutely, with the charge of "Treason" over the door.

98. And after having served in this way as a common felon for some time——?—For four days.

99. You were removed from there to——?—Colonel Patterson came up, and I would not have got out on the Saturday as the Governor of the Gaol refused to allow me to be liberated unless on receipt of a warrant.

100. You were removed to Fort Cautley?—Yes.

101. And there you were kept a prisoner?—Until the 15th June.

102. So that, in all, from the time you were first arrested until your release, you were over seven months in custody?—Yes.

103. Are you married?—Yes.

104. And have you any children?—Yes, four.

105. You were born in New Zealand?—Yes.

106. Where?—At Hamilton, Waikato.

107. How long have you lived in Auckland?—Since October, 1889.

108. And that is where you were married?—Yes.

109. And since 1896 you were employed in the firm of Kronfeld Limited?—Yes.

110. You were an officer in the Volunteers?—Yes.

111. When did you join the Volunteers?—In 1898.

112. You attained the position of captain?—Yes.

113. What brigade?—First Battalion, Countess of Ranfurly's Own.

114. And at the time of your trial in Samoa what was your position?—Captain on the Active List—that was my commission. I was the adjutant of the battalion.

115. And over what period of years did your Volunteer life extend?—Eight years.

116. Has your commission ever been cancelled by the authorities?—No, it has not.

117. It has been returned to you?—My commission was in my handbag when it was seized. The commission was retained by the Defence Department, and upon my liberation I inquired from the Judge-Advocate what position I was in with regard to my commission. No notice had appeared in the *Gazette*. He replied that he could not give me any answer to that, as the matter might be referred to him. I then asked if I would be in order in telegraphing to Brigadier-General Robin, and he told me that my proper course was to place my application before the Defence Department. I told him I had tried to do that. Lieut.-Colonel Hume was away, and the only officer there was Captain Barton. He then told me there would be no harm in telegraphing to Brigadier-General Robin. I did, but received no reply to the telegram. However, a few days later my commission was returned to me.

118. As far as you know, you still hold a commission from the King as an officer?—That is so.

119. Although you still remain under the conviction of being a common traitor to the King?—That is so. A notice with regard to the commission appeared in the papers given by General Robin, stating that my rank and status as an officer had not been affected, and that my offence was a political one and not a criminal one.

120. Is this what you referred to: "General Robin, in reply to an inquiry regarding Captain Gaudin's commission, states that three commissions had been posted back to Captain Gaudin a few days ago. The Defence Department had no power or authority to retain the commissions. General Robin added that, so far as he knew, Captain Gaudin's rank and status as an officer on the Reserve of the New Zealand Forces had not been affected by the fact that he had been convicted and served a sentence for what was a political rather than a criminal offence"?—Yes.

121. You were released by the Minister of Defence?—Yes.

122. You are aware that application was made by yourself in a letter which you wrote, setting out the facts, the gist of which appears in the petition before this Committee, asking him to put on record his decision that you were not guilty of treason?—That is so.

123. And you were advised by myself as your counsel that the Solicitor-General had written me stating that if you would write to the Minister of Defence a letter setting out the facts, you would get such an admission from the Minister of Defence?—That is what I understood from you.

124. And you wrote the letter upon that representation?—Yes.

125. And since then the Minister of Defence has written stating that he is not prepared to make such an admission?—I have since received a letter from him stating that he is not prepared to do anything in the matter.

126. So that, as it stands to-day, you have been convicted of war treason, you have been released by the Government after serving seven months' imprisonment, with no admission of any kind that you were not guilty of the offence of which you were convicted?—That is so.

127. What has been the effect upon your financial position?—Well, after my imprisonment I received notice from my co-director in the business informing me that my services had been dispensed with. I have lost for good the salary I was getting, because it is not likely that I would ever go back again to him.

128. So that your source of income has been entirely cut off?—Absolutely.

129. And are you left with any other resources?—The only thing I have left is the shares in the business—it was a limited company. I have asked him to take over the shares, but he states he is unable to do so.

130. The shares are worth nothing because you cannot find a purchaser for them?—That is so.

131. The result is that you are left pretty well penniless?—That is so.

132. What has been the effect upon your friends and the public generally?—That is the reason I am making this petition—because people look at me askance, as if I were a common traitor; but I will never plead guilty.

133. And has your standing in some of the clubs in Auckland been affected?—Yes; some of the members of the Carlton Bowling Club, of which I am a member, have stated that if I come there to play they will pick up their bowls and walk off the green. And I have been asked to refrain from using the Commercial Travellers' Club, of which I am a member.

134. And some of the northern newspapers have, on the strength of your conviction, made very serious charges against you?—Yes.

135. And those newspapers, circulating widely?—Have done me incalculable harm.

136. And you find that your friends and others with whom you have come in contact regard your conviction and your sentence of five years' imprisonment as conclusive proof that you have been guilty of treason, and that you are a common traitor?—That is the position.

137. And that is the position in which you find yourself now, in the estimate of your friends and the public generally?—Yes.

138. And unless you obtain from this Committee or some tribunal an acquittal from that charge you must continue under that stain?—That is the case.

Mr. Collerton (representing Defence Department): Mr. Gaudin has made reference to the return of his commission by the Department. The Department wishes me to point out that even if his commission had been cancelled the Department had no authority to retain his commission.

139. *Mr. Payne.*] Sir John Findlay has referred to a letter in which the taking of your own gold from Samoa was referred to as theft: is that said in so-many words in the letter?—Yes; it is from Colonel Logan, and these are his words: "It is my opinion that at the first public meeting, when the theft of gold was brought up, you went into committee to discuss the matter with the intention of concealing the theft."

Sir John Findlay: Mr. McCallum wanted the matter investigated, and asked that the question regarding this gold should be taken in committee.

Mr. Payne: That is a military committee?

Sir John Findlay: Yes.

Mr. Harris: Will you read the letter which that letter was a reply to?

Sir John Findlay: It was a letter written by Mr. McCallum to Colonel Logan, which it might be as well to defer till Mr. McCallum is in the box. Colonel Logan characterized as a theft an act which was plainly the taking of a man's own gold.

140. *Mr. Payne* (to witness).] What was your impression of your action being characterized as a theft?—I could not understand it at all. I did not know what was in Colonel Logan's mind at all.

141. I understand you had done everything you possibly could to get your firm's value out of the country in every way which was commercially legitimate?—I did. I tried my level best.

142. We have had the whole of the evidence, and you have nothing to add with regard to your approaching Colonel Logan?—There is only one thing I would like to mention in connection with the gold. When young Mr. Kronfeld visited Samoa Colonel Logan refused to allow him to land unless he would tell him the truth of the Gaudin affair for publication in the Auckland newspapers.

143. That was after your case?—Colonel Logan not only said that, but he wrote a letter to the firm of Kronfeld Limited to which he signed his name, in which, on the 16th April, four months after he confirmed the sentence, he asks for the truth of the Gaudin affair. A copy of that letter is before the Committee.

144. That is subsequent to your trial and conviction?—Yes.

145. Although you admit having committed a technical offence, am I right in assuming as a member of the Committee that you only did so after seeing that all other methods had failed of getting your money out of Samoa?—That is so.

146. Is it within the bounds of possibility for any of those letters to have reached a German except through the officer in charge?—Not while they were in my care. I took care to see they were delivered to the proper officer.

147. Would it be possible for any one during their internment to get letters through to Germany without going through the officer in charge?—I do not think so. It would be a sad state of affairs if they could. I feel certain the letters could not have got through to any German on Motuihi without being censored.

148. *Mr. Fletcher.*] Do you know the reason why Colonel Logan stopped the payment of gold to the troops?—Simply to carry on the currency of the country with German notes; and when he issued that Proclamation he ceased to distribute gold.

149. But he used to pay the troops in gold up to a certain point?—Only £2 or £3.

150. Was not the reason that he stopped paying the troops in gold the fact that the troops spent the gold with the traders, and the gold was not put into circulation again?—But it was in circulation. I got £832 in gold that was in circulation.

151. You got that from the traders?—Yes.

152. What caused Colonel Logan to stop the payment of gold to the troops?—But Colonel Logan paid most of it himself. He was buying from the traders such things as engines, hiring cars, vehicles and lorries, horses and cattle.

153. Was he paying out gold or paper?—Only for the first fortnight he paid in gold.

154. At the time you knew you were committing a breach of the regulations in taking the gold away, did Colonel Logan tell you there would be a penalty attached to taking the gold away?—No, he did not tell me there would be any penalty; but I must admit I knew it was a breach of the regulations to take the gold away, because there was a Proclamation.

155. You got a warning from the Proclamation?—Yes.

156. Why did not the senders of the letters post them in the usual way—it may be said the steamer was just going, but I believe it is a violation of the postal regulations for any one to carry letters without putting them in the post?—That is so, but the position was that the mail closed at 10 o'clock in the morning. I promised Mr. Klinkmuller to carry the portmanteau, and he also asked me to take a note, and I did so.

157. Sir John Findlay stated that the letters were not to be delivered. Were the letters delivered to a British officer voluntarily on your arrival?—They were taken from me.

158. What guarantee was there that you would not deliver those letters—that you would post them?—Well, I am a Britisher as you are, and I never doubted that they would consider my intentions as honest. I could have posted those letters on the ship and got rid of them in Fiji, but I held them with the honest intention of passing them over to Colonel Patterson together with the portmanteau. I would not have put the portmanteau in the post.

159. He was the officer who conducted the trial at Apia?—No. Colonel Logan was convener; Major Head, Captain Kidd, and Lieutenant Gascoigne comprised the Court.

160. I do not suppose either of those officers had had much experience of such matters?—I do not suppose I am expected to give any information on that point.

161. *Mr. T. W. Rhodes.*] You stated in your evidence that it had been your custom practically for years before to carry letters to New Zealand?—It has been the custom for years in connection with our firm and other firms.

162. But, to your own knowledge, the conditions were different to what they were when you carried them before?—That is so; but down in Samoa there was no feeling of bitterness. Everything was going on quite smoothly and nicely, and one would not think there was a war, although I saw the New Zealand troops walking about. I never thought for a moment that I was going to get into such serious trouble.

163. Do you not think it was at least indiscreet?—I admit that, on reflection.

164. It did not strike you at the time?—No, it did not.

165. You stated that included in the amount of money you brought with you was a portion due to creditors in Auckland: did you mean creditors of your firm?—Yes.

166. Money for your firm?—Yes, every sovereign of it was for the firm.

167. I suppose there is no bank in Samoa that you could send it through?—There was no bank.

168. So that in the absence of Colonel Logan failing to agree to your proposal to issue a draft, you had either to leave the money there or adopt the course you did?—Yes, that is so.

169. *Mr. Dickson.*] You have been convicted of this charge, and you are a Justice of the Peace?—I was.

170. Was that cancelled?—That was immediately taken away from me.

171. Do you consider this prosecution was taken up simply because you were a member of the firm of which Kronfeld was the chairman?—I think if I had been connected with any other firm in New Zealand there would not have been any trouble at all. The name of Kronfeld was sufficient: that is my honest opinion.

172. Another traveller was in Samoa at the same time: did he collect any money there?—I prefer not to say.

173. Did he do anything different to what you did except receiving letters?—Am I bound to answer that question?

174. In regard to Major Kay, who was he?—Major Kay was second in command of the Auckland Regiment, and next to Colonel Fulton in Samoa.

175. When you were down there did you spend any evenings in the officers' quarters?—I spend most of my spare time with the British officers.

176. How did you get through the lines to the officers' quarters?—On only two occasions was I out after 10 o'clock at night, and at that time I was in company with the Deputy Governor of Samoa and Judge Roberts. That is how I succeeded in getting through the lines on that occasion. On the other occasion I simply mentioned the fact that I was an officer on the Reserve of Military Forces in New Zealand, and I was immediately allowed to pass.

177. You say you spent several evenings with the officers inside the lines?—Yes; on one occasion an officer accompanied me up to the Central himself.

178. Have you seen the police report?—I have never seen it. It was applied for by me before I went to Samoa. I may tell the Committee that that report was withheld from the Court proceedings, and I could not understand that. I know that the report made by Detective-Sergeant Hollis was absolutely in my favour. Why it was withheld I do not know.

179. *Mr. Harris.*] Had you any knowledge of the contents of those letters or manuscript for the *New Zealand Herald* at the time you received them?—I had not.

180. The letters were closed?—Yes. They were handed over to the detective-sergeant in the same way as I received them. I asked Mr. Klinkmuller what was in the letter, and he said there was nothing that would not pass the authorities. The man knew I was going to hand them to the authorities. It was my intention to do so.

181. You state that absolutely?—Yes; every letter received by me, undoubtedly. At the last moment as I got on to the boat I was handed a packet of letters from a German firm to our firm, and in the packet was a letter from Dr. Schubert. I never knew the contents of it, and my intention was to deliver the letters over to the officer controlling Motuihi.

182. Did you tell the writers of those letters that you intended to hand them over to the British authorities?—Mr. Klinkmuller's evidence will show that the intention was to hand them over to the British officer. I told him I was well known to Colonel Patterson, who was controlling Motuihi, and he asked me to take the portmanteau, and I told him I would do so and hand it over to the officer.

183. When you told Colonel Logan that you would give him the gold and he said he would give you a receipt, did you understand that he would give you a draft on the New Zealand Government?—Oh, no. He said if I left the gold with him he would give me a receipt for it.

184. What did you interpret that to mean?—That he would simply keep it there. I asked him for how long, and he said, "I do not know—probably till the war is over."

185. The fact that you could not get the money for some time actuated you in bringing the money away?—Yes.

186. The amount of money the German was allowed to bring away from Samoa was subsequent to the Administrator's refusal to allow you to bring the money away?—Yes.

187. Are you a partner in the firm of Kronfeld Limited?—I was a partner with Kronfeld for seven years up to two years ago, when we formed the business into a limited company: then I was a co-director with him. My interest is very much smaller than his.

188. You stated that this case had left you practically penniless. Do you not consider that you will get a considerable portion of the capital you have in the firm out of it?—I doubt it.

189. You do not suggest that there was any miscarriage of justice merely on account of your being connected with the firm of Kronfeld—you would not wish the Committee to understand that?—Oh, no; but I think if I had been connected with any other firm I would not have been in trouble. My loyalty would not have been questioned.

190. *Sir John Findlay.* Do you know whether any of those Germans who gave you letters to bring down to New Zealand have been prosecuted and sent to gaol?—They have not—not to my knowledge.

MONCRIEFF MURRAY McCALLUM sworn and examined. (No. 3.)

1. *The Chairman.* What are you?—A retired farmer.

2. And where do you reside?—In Auckland.

3. *Sir John Findlay.* You were present at the trial of Mr. Gaudin in Samoa?—I was.

4. And you made notes of the proceedings?—I did.

5. You have seen the official report which is appended to the petition in this case?—Yes.

6. Are you able to say whether that report has any material omissions?—Yes, it has. Part of it was evidently taken down accurately in shorthand and is given verbatim, but other parts are left out altogether. The speech of the Crown Prosecutor is not fully reported. The Crown Prosecutor distinctly stated after the evidence had been taken that he was about to present a very different speech to the one he had prepared, as after hearing the evidence he had modified his view of the case very considerably in favour of the accused. That does not appear in the official report at all. Then there is another matter: Mr. Hansen's evidence is not reported fully. The reporter seems to have taken down the evidence of one or two witnesses very fully, but as to the others he has given a general report—a kind of abbreviated report. Mr. Hansen distinctly stated in his evidence about the letter to Dr. Schultz that he read the letter and passed it out to the outer office to be posted, that it was not intended to be given to Mr. Gaudin at all, and how it came into the possession of Mr. Gaudin he did not know. The man definitely gave that in his evidence quite clearly and distinctly. The mail there closed at 10 o'clock in the morning, and the boat did not get away till 5 p.m., and he said he presumed it was too late for the mail and that his clerk had put it into the business mail for Mr. Gaudin. He was asked the question then by the Crown Prosecutor, "Where is that clerk?" and he said, "He is not now in Samoa." The clerk was the young man who was arrested for being out after 10 o'clock at night and sent to Mount Eden Gaol.

7. The Crown Prosecutor in opening his address said, "The reason the accused was charged with treason is that it was the only charge in the 'Laws and Usages of War' under which he could be charged, but it is a very minor case of treason"?—Yes; he distinctly stated that the reason why Mr. Gaudin was charged with war treason was that it was the only charge in face of the war that could be laid, because there had been no Proclamation in regard to letters.

8. You have known Mr. Gaudin for many years?—Yes, about twenty-five years.

9. What reputation has he borne to your knowledge throughout those years?—Absolutely clean. He has not got one black mark or blemish against him to my knowledge.

10. You know he has been for many years a zealous Volunteer and officer of His Majesty?—Yes.

11. You are yourself a resident of Auckland?—Yes.

12. Can you tell the Committee what you have found during the months that elapsed since his sentence to be the repute in which he is held now?—There is a very bitter feeling against Mr. Gaudin still—there has been ever since the sentence was pronounced. At the beginning the general opinion was that there must have been some other crime or offence over and above that which had been published, because every one argued that it was impossible for a man to

get five years for all that had been published. The general impression was there was something else, but when the official minutes had been published in the papers the feeling abated somewhat; but later on, more particularly after Mr. Gaudin's release, the feeling became very bitter again, and more particularly since the war got so bad.

13. On his release you know an effort was made to induce the Government to admit that he had not been guilty of war treason?—Yes; I have seen that correspondence.

14. And you know that the Minister of Defence said he did not see his way to make any such admission?—Yes.

15. Do you know that since his release, and in the absence of any declaration of his innocence of war treason, that he has been regarded as unfit to be a member of clubs?—Yes. Not only that. I know myself I have suffered for eight or nine months through championing his cause, and in various clubs and places I belong to I have received the "cold eye" from a great many people who used to receive me well; and, in addition, others who have taken up Mr. Gaudin's case have been looked at askance. The feeling is bitter against Mr. Gaudin still.

16. On the assumption that he was guilty of being a traitor?—Yes. There are any number of people in Auckland to-day who say the man is a traitor and should be shot.

17. The inference being made from the severity of the sentence of five years?—Yes.

18. You had some correspondence with Colonel Logan in which he characterized the taking of the gold as theft?—Yes.

19. Have you got copies of the letters there?—Yes. I might say that Sam Kronfeld told me that Colonel Logan had complained that I had not put the Gaudin case fairly before the Auckland public. I wrote to Colonel Logan asking him in what way, and also told him that we were willing to admit everything we had done, and it was in reply to that letter that Colonel Logan wrote this one. My letter to Colonel Logan is as follows:—

"Victoria Avenue, Remuera, 27th April.

"Colonel R. Logan, H.M. Administrator, Samoa.

"DEAR SIR,—

"I was surprised to learn from Mr. Sam Kronfeld to-day that you had stated to him that 'Mr. McCallum had not put the Gaudin case before the public of New Zealand in a fair way.' The report of the case supplied to the Press by me was as fair and accurate as it was possible for a longhand report to be, and it will readily be admitted by those who heard the whole of the Court proceedings and the evidence submitted (including Major Head and Captain Neill, to whom I referred the *Herald* and *Star* for its confirmation) that the report was a fair and unbiassed one. After considerable clamour by the Press all over New Zealand for an official report, the Hon. Mr. Allen supplied a copy of the minutes of the famous trial for publication, and the universal verdict of the Press and the public was that the original report as published in the *Auckland Star* was a fair and unbiassed one. As Gaudin and I are both most anxious that every detail of the case should have the utmost publicity, I would be glad if you would let me know in what direction I have placed the case before the public unfairly. As you are aware, Gaudin need not have proceeded to Samoa for trial at all, but after telling the whole story to the officers here and to Mr. J. C. Martin, solicitor, he (Gaudin) decided that it would be better to go to Apia and answer any charges that could possibly be preferred against him, the general opinion of those who knew the whole facts of the case being that Gaudin's explanation of how he came to be in possession of uncensored correspondence, and his absolute innocence of any treasonable intent, would be promptly accepted by any properly constituted Court-martial, but that he would be fined for any breach of your Military Regulations regarding the removal of gold.

"Gaudin has been quite ruined both financially and socially through being branded as a traitor by the extraordinary finding and sentence of your Military Court, and his wife and children are now destitute and dependent on their relatives for support. His friends are therefore most anxious that the whole truth of the case should be made known, so that when Gaudin is released it will be possible for him to earn a living for his wife and four little girls.

"If there is anything about the case on which you desire further information we will gladly and freely supply it; nothing whatever will be concealed or withheld, and nothing that Gaudin has done will be denied, gold-removal included. On the other hand, if there are any facts that you think I may be ignorant of do please inform me of them, as I believe Gaudin to be absolutely innocent of treason, but guilty of removing gold from Apia in direct defiance of your special war regulations in common with a number of others who had been doing the same thing.

"When we were in Samoa in December a number of false reports regarding Gaudin's actions had been current and uncontradicted for a month, which seriously prejudiced him in the minds of the community in Apia, and it is hard to say what further tales you have been told. Whatever you have heard, do please in the name of British justice specify it, so that Gaudin may admit or refute it. It is terrible to think that under the British flag a man can be crucified and branded as a traitor on vague rumours, or for the breach of a military regulation.

"Awaiting the favour of a reply, I remain, &c.,

"MONCRIEFF M. MCCALLUM.

"Gaudin's services have been dispensed with by G. Kronfeld (Limited)."

And the following is the reply I received from Colonel Logan:—

"To M. M. McCallum, Esq., Victoria Avenue, Remuera.

"Apia, 8th June.

"SIR,—

"With reference to your letter of the 27th April, I have the honour to inform you that your representations have been placed on record. It is my opinion that at the first public meeting when the theft of gold was brought up you went into committee to discuss the matter with the intention of concealing the theft. I can say nothing further on the matter.

"ROBERT LOGAN, Colonel,

"Administrator of Samoa."

20. What does that refer to?—The day after we returned to Auckland we had a meeting of the friends of Gaudin, and the meeting went into committee so that I could explain and tell them about his administration. Then I wrote to Colonel Logan again on the 9th July as follows:—

“Colonel R. Logan, H.M. Administrator, Samoa.

“Auckland, 9th July.

“DEAR SIR,—

“In your letter of the 27th April you state, ‘It is my opinion that at the first public meeting when the theft of gold was brought up you went into committee to discuss the matter with the object of concealing the theft.’

“The following are the actual facts (see *Auckland Star* report, 7th January): When I was asked why Gaudin broke the gold regulations I told the meeting that I could not explain Gaudin’s action without first explaining your peculiar administration of the finances of Samoa. At the time I was without legal advice, and had such an awe of the far-reaching powers of inexperienced military officers that I did not care to jeopardize my personal liberty by risking a possible prosecution for publicly criticizing military administration. On my explaining my position it was decided by the meeting to go into committee so that I could speak freely. As matters stand it would have been far better for Gaudin’s interest if *all* that I told the meeting had been published, as our going into committee seems to have created quite a wrong impression in your mind.

“I must take strong exception to your use of the word ‘theft’ in connection with the removal by Gaudin of his own gold. Such an expression only goes to show that you are relentless in your determination to brand Gaudin as a criminal, and that if there is justice to be got anywhere we need not expect any from you. However, I trust you may live to realize that in your excess of military zeal you have permitted (if, indeed, you did not *cause*) a monstrous wrong to be done to an innocent man. If you are never brought to realize it on earth, you will most assuredly have to answer for your extraordinary abuse of authority and vindictive cruelty before the Great Court-martial that none can escape.

“I remain, &c.,

“M. M. MCCALLUM.”

I have no reply to that.

21. Is there any reason whatever for Colonel Logan characterizing the removal of Mr. Gaudin’s own company’s gold as a theft?—No. I would like to point out that you [Sir John Findlay] have hardly put the Committee quite right about the time between our arrival in Apia and the trial. We arrived there at 12 o’clock, and we were hustled into a launch, and we got ashore about 1 o’clock. Although you said ninety minutes only elapsed between our arrival at Apia and the trial, we did not have twenty minutes to prepare the defence. The fact that the trial was coming on was kept a close secret in Samoa, and the military officers there did not know that the trial was coming on.

22. *Mr. Fletcher.*] What is your business in Samoa?—I went down merely out of friendliness with Mr. Gaudin.

23. You are in business in Samoa?—I am chairman of directors of Wynyard and Co., of Auckland—the ironmongery firm.

24. *Mr. Rhodes.*] You have referred to the discrepancy in the evidence in the official report of the proceedings?—The incompleteness.

25. Was not the evidence taken down and read over to the witnesses?—No; in no single instance was any one’s evidence read over to him, although the report says that R.P. 83 was complied with. That rule says that the evidence must be read over to the witnesses.

26. *Mr. Payne.*] That is an incorrect statement?—Yes, that is incorrect. That was done palpably to make it appear that everything was carried out according to the regulations.

27. *Mr. Rhodes.*] There is a serious difference between their method and that which is usually adopted in a Court of justice?—Yes, and even in Courts-martial. It is incorrect; and a person had no opportunity to challenge any of his judges.

28. Did he enter any protest?—No, he did not know enough about it. As a matter of fact, he could have objected to one of those judges. I can prove that one of those judges had said he would shoot Gaudin. Under those circumstances we would not have had that judge there.

29. *Mr. Dickson.*] During the time that Mr. Gaudin was waiting to be sent back to Samoa did you do anything to get him out on bail?—He applied to be allowed out on parole, and I personally came down to Wellington because we could not get any information in Auckland. I interviewed the Minister, Hon. Mr. Herdman, and he told me that the letters had been brought down here to be censored, and I also saw Mr. Massey. They both said it would be all right.

30. After the time you got notice for him to go back to Samoa; did Mr. Massey wire the Governor to get him out, and he refused?—Yes, the Governor refused.

31. *Mr. Harris.*] You say that to the extent that the official record of the trial at Samoa is incomplete, and as being incomplete it is misleading?—It is not very misleading, but it was done in a slipshod way. I noticed that the boy was writing part of the time, and some of the time he was not writing at all. The Crown Prosecutor told him not to put some of it down. We were so absolutely convinced that the whole thing would “go up in smoke” that we did not bother. If I had had any idea that there would be any trouble, or that it was a matter of five years’ imprisonment, we would have taken a reporter down.

32. You referred to one or two specific cases where the evidence has not been given in the report: do you know whether in those cases the stenographer was or was not told to put that down? Was any evidence distinctly left out?—It was.

33. You do not suggest that any evidence that was taken down was left out afterwards?—No, but that it was done in a loose way, and Hansen’s evidence was not complete, while other evidence is given—every word. If you will read through the official report you will see that Hansen’s evidence is given in the form of a story, while the other evidence is given by question and answer. The one is summarized and the other is not. Hansen’s evidence is summarized, and is incomplete.

THOMAS GEORGE PRICE sworn and examined. (No. 4.)

1. *The Chairman.*] What is your occupation?—I am an architect.

2. Where do you reside?—Auckland.

3. *Sir John Findlay.*] You propose to read a synopsis of your evidence, I understand?—Yes. Mr. Chairman and gentlemen, on several occasions I invited Mr. Gaudin to lunch with me at the Commercial Travellers' Club, Auckland, of which both he and I are members. Mr. Gaudin afterwards received a letter from the committee asking him not to use the club until the question of his membership had been considered by the committee. I was informed that several members had written to the committee saying that they would resign their membership if he were allowed in the club. Both he and I are members of the Carlton Bowling Club, Auckland. He was the president for three years—a most popular president too. But the members of this club and another club in Auckland have told our present president that if Mr. Gaudin goes on to the green they will pick up their bowls and walk off the green. This all arises from the cruel sentence of five years' imprisonment, and his incarceration in the criminal gaol at Mount Eden; and although the sentence was reduced to six months' detention no reason for this has been given to the public, many of whom still feel that he has done something other than that which has already been made public. The stigma of treason still rests on this man, and on behalf of the Gaudin Defence Committee I respectfully ask honourable gentlemen present to remove this. If this is not done he will be driven out of his native land. I have no hesitation in saying that there is no household in the British Empire more intensely loyal than Gaudin's, and he has a letter of mine, written long before his arrest, in which I told him so.

The Chairman here read the following letter:—

“Auckland Commercial Travellers and Warehousemen's Association,
“Durham Street, Auckland, 20th August, 1915.

“Mr. F. E. N. Gaudin, Bayswater.

“DEAR SIR,—

“I have to acknowledge the receipt of the sum of £2 2s., for which I enclose receipt herewith. I have been instructed to inform you that the matter of your membership is to come up before the general committee at their first meeting in September, and that in the meantime the committee will be pleased if you will refrain from making use of the club.

“Yours faithfully,

“W. S. COOPER, Secretary.”

4. *Sir John Findlay.*] From your knowledge of Auckland and the Auckland public, you are able to say that the impression there is that Mr. Gaudin has been guilty of war treason: you can assure the Committee of this?—That is so.

5. And he is shunned?—Yes. And a common expression when I meet my own friends in the street is, “I am very much surprised that you are the secretary of the Gaudin Defence Committee.”

THOMAS JOHN COLLERTON sworn and examined. (No. 5.)

1. *The Chairman.*] What is your occupation?—I am a Civil servant.

2. And your address?—Buckle Street, Wellington. The first thing I want to mention is the bringing of gold from Samoa to Dr. Schultz. There is no mention of this on the file, but I know that this concession was granted by His Excellency the Governor. I know this because three sums of £50 were advanced to Corporal Hirsch, Mr. Hansen, and another man by the Government of Fiji, on the understanding that the money would be collected by the Government of Fiji from the Government of New Zealand—the New Zealand Government to collect it from the D.H.P.G. Company at Apia.

3. These would be the subject of any charge against him?—Well, these are the ones that had not passed through the Post Office. There is one other letter which has been lost, addressed to Major Kay, which contained a number of surcharged Samoan postage-stamps. Mr. Gaudin considered that he was personally responsible for the value of the stamps, and the Defence Department went thoroughly into the matter, and Mr. Gaudin was informed—I think through Mr. McCallum—that Mr. Gaudin could not be held responsible for them. He was carrying them for an officer of the Expeditionary Force, who should not have sent them in the way he did. I do now know that I have anything else to bring out.

4. *Sir John Findlay.*] The effect of what you have stated with regard to the payment of gold to German prisoners in New Zealand is this: that money due by merchants in Samoa was made available for German prisoners in New Zealand?—No, I could not say that. The money that was held by the D.H.P.G. Company, as far as I know from the official record, was paid to that company by Dr. Schultz.

5. But yet the money was in Samoa?—Yes.

6. And as it was in Samoa it is equivalent to saying it was made available to Dr. Schultz in New Zealand?—All I know of is the £50.

7. That is what it amounts to?—Yes.

8. When it is averred by Mr. Gaudin that he wanted to pay to Colonel Logan in Samoa the gold he collected and get its equivalent made up to him in New Zealand, it was asking in effect for what had been granted to a German?—Yes, but under different principles.

9. The effect is the same as far as that principle is concerned—the payment of the money in Samoa and receiving its equivalent here: the cases are identical?—Yes.

10. Is what you have said all that the Department desires to say in reply to our case?—That is all I was directed to say by my immediate superior. My instructions were that I was to bring the Government files down.

11. *The Chairman.*] It is only right I should point out to you that very strong evidence has been given by the petitioner, and I think you should report to the Defence authorities in order to give them an opportunity of bringing any further evidence which they desire?—Yes.

12. Of course, if they consider it is merely a question for the New Zealand Government, then the responsibility is theirs?—Yes.

13. *Mr. Dickson.*] You made the statement that there was a wireless operator to whom £50 was sent?—Yes.

14. Was that the wireless operator who tried to escape from the island, and was shot?—I never heard of it.

15. Are you aware that one wireless operator tried to escape from the island one night, and was shot through the arm?—I never heard of it. I see most cases and deal with most of the prisoners.

16. What is the name of the wireless operator you referred to?—Hirsch.

17. That is the name of the man who had the £50 sent to him?—No, his advance was through the Fiji Government.

18. He got the £50?—Yes. The documents were on the file until last week. The money had not been repaid, and it was forwarded to Fiji to the Administrator to call upon the D.H.P.G. Company to pay the amount.

19. *The Chairman.*] You stated that was the Governor of Fiji?—Yes, he advanced the money. The wireless operator got it from the Fiji Governor. He gave it to him while he was in Fiji on his way to New Zealand as a prisoner of war.

20. *Mr. Payne.*] Is there a branch of the D.H.P.G. in Fiji?—No, I do not think so. The money has not been collected. It was advanced by the Governor of Fiji on the understanding that the New Zealand Government would pay, and the Fiji Government would collect on orders.

21. Do we understand that Colonel Logan arranged that?—No; it was arranged between the Government of Fiji and the Government of New Zealand.

22. And did not come through Fiji?—No; the money has not yet been collected from the German company in Apia.

23. The money is to come from the German company in Apia finally?—Yes.

24. That is, in Samoa?—Yes.

25. *Mr. Harris.*] Your evidence really goes to show that there was no differential treatment between this German who was allowed to bring £50 out of Samoa and Mr. Gaudin, who was refused—it was nothing to do with the Administrator at all, but a matter between the Government of New Zealand and the Government of Fiji. The evidence goes to show that, while a German was allowed to bring £50 out of the country, Mr. Gaudin was refused?—No; in one case three prisoners got advances from the Fiji Government, but Dr. Schultz got his from the Administrator of Samoa, Colonel Logan.

26. Well, there was differential treatment shown?—Yes.

27. It was not authorized by the Administration?—No.

28. *Sir John Findlay.*] Will you swear that German prisoners of war in New Zealand have not received money from Samoa?—I will swear they have, but not at this time.

29. But since the beginning of the war?—Yes; as a matter of fact, I think in March last £1,000 came into the hands of Kronfeld Limited, of Auckland, and it was authorized through His Excellency the Governor to be paid to prisoners of war in New Zealand.

30. That money came from Samoa?—Yes.

31. And that came in March while Mr. Gaudin was lying in gaol for doing the same thing?—[No answer.]

Sir JOHN GEORGE FINDLAY examined. (No. 6.)

1. *Mr. Harris.*] I understand, Sir John, that the petitioner is asking for a full inquiry by an independent tribunal. By your statement to the Committee it would appear to me that you wished this parliamentary Committee to be that tribunal: is that the intention?—The prayer of the petition I think you will see is in the alternative. It suggests different courses: it asks the House to appoint a tribunal of one or more Judges to inquire, or to appoint some parliamentary Committee to inquire, or such other tribunal as to the House seems meet. I apprehend that this Committee, having been appointed by the House to investigate this petition, will decide whether the petition of Mr. Gaudin should be referred to some other tribunal or not, or whether it will itself declare that it finds Mr. Gaudin was not guilty of war treason.

2. I read the prayer of the petition differently to your interpretation. We might report to the House that some other tribunal might be set up, or anything else?—The point is this: our prayer is that either Judges, or a Committee, or some other tribunal should be appointed by the House. There our right ended; we had no power to dictate what tribunal should be set up, and I have assumed that this tribunal would obviate any circumlocution by itself reporting to the House that in its judgment there has been no proof of the guilt of this man of war treason. I proceeded on that assumption, and I should be very anxious in order to save time and expense for this Committee to deal with the question.

3. Can you suggest why the Minister would not give the letter asked for to Mr. Gaudin, especially if he was advised to do so by the Solicitor-General?—I do not think it was confidential, but when I saw Mr. Allen after having the letter written he said, "I have sent it on to Cabinet." It left Mr. Allen's hands and reached the Cabinet table. It was then sent by Cabinet to the Minister of Justice. Mr. Herdman took the view that he thought it was not prudent or expedient on merely the sending of a letter to give any declaration of that kind at all, and he took the view that a parliamentary Committee should be invoked to make an investigation and report, and that upon that report the Government would be entitled to make any declaration it thought fit.

4. You do not know whether it was suggested by Cabinet?—No, I do not. It went through the course which I believe is quite usual, whichever Government is in office, of sending it to the Cabinet table and then sending it to the Minister to save time. I had hoped it would have been left entirely to the Solicitor-General and a letter would have been written. I think the Government really want as a basis or justification the finding of a Committee like this, and I have no doubt from what Mr. Herdman and Mr. Allen told me they would be glad to get the opportunity of clearing this man if the Committee's report says they should.

5. *Mr. Fletcher.*] This man was sentenced by an Imperial military tribunal?—Yes.

6. What is the power of the New Zealand Government: have the New Zealand Courts got jurisdiction?—Yes; that is the question that came up previously when we were before the Court. We litigated that before His Honour the Chief Justice and Mr. Justice Edwards. The Court recognized it had jurisdiction provided Samoa was not at the time in a state of war. If Samoa was at the time in a state of war, then the law is entirely superseded and the military authority takes its place. But it was not contended at all that the Courts had jurisdiction. This petition, however, is entirely within the jurisdiction of the House.

7. The reason I ask is that any work this Committee might do in reporting to Parliament, if there is no jurisdiction, would be a waste of time?—But see how completely this country has regarded these matters as under its control! You passed an Act in which you gave your own Minister of Defence power to remit any sentence passed by a Military Court, and it was under the power given by your own statute that the Minister of Justice reduced this sentence from five years to six months, so that you see it has been treated both by legislation and by the law-courts as entirely within our jurisdiction.

8. The position now is that although his sentence has been remitted he is still a traitor?—Yes, that is the point. It does not touch the administration. The Minister of Defence has the power to do this man justice, and to declare that he was no more guilty of treason in the sense used in the war-book of a designed attempt to assist the enemy than you and I are.

9. The letter you spoke of having received from the Solicitor-General was the strongest piece of evidence you gave to the Committee?—It is not marked "Confidential," but marked "Personal."

10. You would have to get the consent of the Solicitor-General to produce it?—Yes. I feel sure he would give me that consent. I do not think we are entitled to deal with the Solicitor-General or any other public officer under obligations of secrecy. I quite agree I ought to ask his consent. I will ask him and submit the letter if I may. May I point out that the chief offenders in connection with these letters would be the Germans who sought Mr. Gaudin's intermediary to send the letters to their friends here. You will understand, if I am an alien enemy and I seek to get a treasonous letter through some one's medium to a fellow-enemy, I am the principal offender, and so each of those Germans who gave Mr. Gaudin a letter should have been treated as the principal offender, and should have been punished if the letters were treasonous, and yet no proceedings of any kind have ever been suggested against the principal offender. The man who took the letter is treated as the principal offender.

11. *Mr. Payne.*] The clear issue you ask this Committee to decide is whether, in our opinion, the petitioner was guilty of any act of treason, and you put that purely with the object of clearing him of the charge of treason?—Yes. He admitted and we admit that because he broke a war regulation he deserved some punishment; but to convict a man of war treason and sentence him to five years' imprisonment and leave a stain upon his character for life because he broke a war regulation which under our regulations to-day he could only be fined £100 for is not in accordance with British justice to-day.

12. He has served seven months of that sentence?—Yes.

13. A favourable report from this Committee is not required for the commencement of a civil action?—I am ready to give my assurance to Mr. Allen that all we seek is an acquittal from this charge. It is indeed the invariable rule at the close of nearly every war in which England has been engaged to pass a law called a Statute of Indemnity. There are always a lot of illegal things done under the stress of military operations, and there is usually passed a Statute of Indemnity indemnifying every person who has acted in connection with the military authorities from any civil action of any kind whatever. I expect that you gentlemen will have to pass such a law as soon as the war is over.

THURSDAY, 23RD SEPTEMBER, 1915

Colonel JOHN RANKEN REED, K.C., examined. (No. 7.)

1. *The Chairman.*] What is your position?—I am a Colonel on the Reserve, and Judge-Advocate-General for New Zealand.

2. And your address?—Auckland. I want, first of all, to explain my position in reference to this matter. I am not appearing in any sense as an advocate, or as counsel on behalf of any one. My position really is that I have been instructed by the Hon. Minister of Defence to attend this Committee, and, if possible, to assist you in your deliberations on this case. My position as Judge-Advocate-General is defined in the regulations under the Defence Act, as follows: "The Judge-Advocate-General is appointed by the Minister of Defence. He superintends the administration of military law in the Dominion, gives advice on matters leading up to the convening of Courts-martial, and reviews the proceedings with a view to seeing whether they have been regular and legal. In the event of it being necessary to quash the proceedings he makes recommendations to the Minister of Defence with this object." Now, if these particular proceedings in connection with Mr. Gaudin had been heard in New Zealand the matter would have come before me before

the confirmation by the confirming officer. Under those circumstances it would have been my duty to report to the Minister any irregularities with regard to the proceedings, and furnish a recommendation with regard to the sentence. If the proceedings had taken place here it would have been my duty to have drawn attention to the sentence, and made any remarks in connection with the trial. The Minister of Defence simply passes that advice on to His Excellency, who has the final prerogative in the matter. It is therefore in that capacity that I attend before this Committee, and, of course, as far as possible to place the Committee in possession of the whole of the facts such as may not have been elicited before you, and to help you in any possible way I can. The proceedings in Samoa were the proceedings not of a Court-martial, but of a Military Court. There is a considerable amount of difference between them. A Court-martial is administered under the Army Act; it is regulated by rules, and very strict rules. A Military Court is regulated by no fixed rules at all. It administers martial law, which is practically the will of the Commander-in-Chief. He is in control of the territory. The Military Governor for the time being sets up any Military Courts, there being no other administration in existence, and he deals with all matters as he pleases. That is the position with regard to this Military Court, but at the same time that Military Court fairly complied with the regulations referable more properly to Courts-martial. I notice that in the proceedings which have already taken place before this Committee it has been alleged that at Samoa they did not comply with a certain section in the Rules of Procedure, which requires the evidence to be read over to the witness after he has given his evidence. It was certified on the official record of the proceedings that that had been done. I respectfully submit that it would be unwise for this Committee to lay great weight on the evidence given before it on this point, or to express any opinion with regard to whether that section of the Rules of Procedure was complied with. If that has been certified officially by, I take it, Colonel Head, who was the President of the Court, and it had not been done, it means that that gentleman would probably forfeit his commission.

Sir John Findlay: I did not lay any stress whatever upon any irregularity, Mr. Chairman. It was mentioned by Mr. Gaudin when he was giving his evidence, but we did not attach any importance to it.

Witness: I am glad to hear that, because it is necessary to see that absent officers are not prejudiced, for it may be possible that there is some explanation. It is a very serious matter to certify to a thing of that sort when it has not been done. There is also another matter which I think the Committee should not deal with, and that is the administration of Colonel Logan down in the island. There have been, during the course of the proceedings, attacks upon his administration. Now, that is a matter, of course, upon which he has not been heard, and it might be a very serious matter if the Committee, in reporting to the House, made any statements reflecting upon his general administration. I particularly refer to the suggestion that after refusing to allow Mr. Gaudin to deposit the gold with him and obtain a draft upon New Zealand, that concession was subsequently granted to a German subject. Now, we know nothing of the circumstances regarding that concession. There may be an explanation. One may be this: under the rules of warfare confirmed by the Hague Convention—which, of course, Germany has not observed but we have—the ex-Governor of the island, Dr. Schultz, is entitled to the pay of a General, and he is entitled to draw that from the New Zealand Government. The regulations prescribe that when officers are made prisoners, the nation which has captured them is required to pay them the same rate of pay during the time they are in confinement as an officer of corresponding rank in their own army. That money is afterwards collected from the nation whose officers are captured. It is quite possible that our Government does not feel inclined to pay these officer-prisoners, whom they have interned at Motuihi, large sums of money, and may have permitted them to draw upon their private resources. Dr. Schultz probably had a credit established. In fact, I am informed that he had a credit established with the German firm at Samoa. Dr. Schultz is allowed to purchase wines, and cigars, and delicacies at the island, and he probably wanted money, so that it may have been necessary for something to be done. I do not know that these are the facts, but that may be the explanation, or there may be some other explanation. I submit, therefore, that perhaps the Committee should not deal with the administration of Colonel Logan. As a matter of fact, Colonel Logan is, to all intents and purposes, an Imperial officer, acting as Administrator at Samoa. It was distinctly laid down by the British Government that in taking possession of Samoa by the agency of the New Zealand Forces it was in no way to be taken as putting Samoa under the jurisdiction of New Zealand. The Imperial Government reserved to itself entirely the disposal of Samoa after the war. In the meantime it is administered by an Imperial officer, though he holds the rank of Colonel in the New Zealand Forces. With regard generally to the evidence in this case, it appears to be plain that Mr. Gaudin undoubtedly broke the War Regulations. I am not giving evidence, but I know Mr. Gaudin. I have known him for a considerable time. He was Adjutant when I was in command of the 3rd Auckland Regiment, the Countess of Ranfurly's Own. I know his character exactly, and I am perfectly satisfied of this, that no intention of committing what we know as treason ever entered his mind. I am perfectly satisfied of that. But that does not dispose of the fact that he deliberately broke what was conceived by the Administrator to be a very necessary regulation for the safety of Samoa and the administration of the place. I suggest that the seven months which he served was not an excessive punishment for the deliberate breach of those regulations, but the sentence of five years was altogether out of the question. I entirely agree with that. As I have said, had the proceedings taken place in New Zealand, and had the question of the sentence come before me in my official capacity, I should certainly have made a recommendation that the sentence be reduced before confirmation. Perhaps while I am on this matter I might say that Colonel Logan would have nothing to do with the original fixing of the penalty—that would rest entirely with the Military Court. He was only a witness in the case, and the Military Court would itself fix the penalty—he was only the confirming officer. He could, of

course, have mitigated the sentence. I think it is agreed that Mr. Gaudin was extremely indiscreet, to say the very least of it. It is alleged—Mr. Gaudin says so—that he intended to hand those letters over to the officer who was in command at Motuihi Island: that is where these prisoners were interned. That may be so, and I do not wish to question Mr. Gaudin's statement with regard to that, but it would have been a perfectly simple matter to have conveyed those letters to those prisoners down on the island without ever the officer commanding there knowing anything about them. The atrocities which the Germans have committed had not then become so patent, and there was not the strong feeling against them which obtains now. They were allowed much more liberty than now. Occasionally picnic parties went down there, and ladies from Auckland often went down there to afternoon tea. It would have been as simple as possible to have handed those letters to the prisoners there without any one knowing anything about it. Mr. Gaudin says that he intended that they should pass through the hands of the proper officer to have them censored, but that it was possible for him to have handed the letters direct to the prisoners, and that that would be known to the Military Court is perfectly clear. It seems to me that Mr. Gaudin took a most enormous risk, because had one of those letters contained anything that could have been construed into being in any way traitorous, or in any way affecting the Government or the safety of the island, he would have been shot. As sure as fate he would have been shot. So that he took an enormous risk. He could not read German, and he did not know what was in those letters; and you must remember that the "Scharnhorst" and "Gneisenau" were in those waters and had not been driven away, so that down there there was always the possibility of either of those ships raiding the island or something happening. Consequently there was an enormous risk being taken by him in conveying those letters. The statement is made according to the evidence that he carried a photograph of the wireless station. Now, it was alleged during the proceedings, but I do not see any evidence about it, that that photograph was shown in the newspapers or on a screen in a picture-show in Auckland before the war.

Sir John Findlay: He was on oath, and swore to the contents of the petition.

Witness: Perhaps his notice was not directed to that point in the petition; but supposing there were pictures of it taken prior to British occupation, when the war broke out we took possession of the wireless station and fortified it. There were trenches put down which the photograph would show. That was where the danger was. It was not a mere picture of the place as the Germans knew it; but that photograph had not been published, and such photograph must show there were trenches. I am quite sure that if Mr. Gaudin had looked at the photograph when he started he would have at once recognized that it was a thing that should not be taken and shown.

Sir John Findlay: But the evidence was that the photograph was taken before the British occupation—it was a German photograph, sold in the shops of Samoa as a post-card.

Witness: Well, that is possible; but Mr. Gaudin did not know what it was when he was carrying it. Then there was the manuscript for publication in the *New Zealand Herald*. I have no doubt the *Herald* would not have published anything which they considered would be likely to damage our administration in Samoa, but it is significant that the previous letter, copy of which this was, had never been published in the *Herald*, and, it is suggested, had gone astray. It is not improbable it was stopped by the Censor. Whether that letter was subsequently published by the *Weekly News*—

Sir John Findlay: As a matter of fact it had passed the Censor, and it had gone to America, and was returned through the Dead Letter Office.

Witness: Is that so? That would not be known on the island. All these matters were matters which pointed, as far as those persons who were administering the law down there were concerned, to a far more serious state of affairs than is actually disclosed by the evidence. Hence the sentence, which I admit was altogether out of all reason once we admit the fact that Mr. Gaudin never intended to injure his country. Still, there is something to be said for the state of mind of the members of that Court-martial at the time the case took place. It was a very critical time in Samoa, and no doubt there was a certain amount of hysteria down there about it. No doubt persons under those circumstances became more nervous than they would be on calm reflection, and possibly that might have influenced the sentence that was passed. As regards the mitigation of the sentence, in my opinion the matter rested entirely with His Excellency as the representative of the Imperial authorities, and he exercised that clemency, I have no doubt, in view of the fact that the evidence did not disclose any real treacherous or treasonable design on Mr. Gaudin's part. I do not know, gentlemen, whether you think I would be exceeding what I should do if I were to suggest something which the Committee might do in connection with this matter—something that would relieve Mr. Gaudin of the stigma which attaches to him of having committed an actual treason. I have drafted a suggestion of what the Committee might possibly feel disposed to do. Am I justified in making the suggestion?

The Chairman: Yes.

Witness: "That Mr. Gaudin undoubtedly committed serious offences against the military laws and Government of Samoa by removing gold in wilful defiance of a Proclamation issued by the Administrator, and also by carrying correspondence which had not passed the Samoan censorship. Such offences could not have been overlooked by the military authorities of Samoa, and military detention for six months was not an excessive punishment. There is, however, no reason to suppose that in so acting Mr. Gaudin was animated by any intention to assist the enemy or by any other traitorous or disloyal purpose. The term 'war treason' as used by the Military Court in Samoa must be taken to have been used in a general sense as including all offences against the Military Government as opposed to breaches of the ordinary criminal law. The term in no way implies treason in the ordinary sense. Of the actual offence of treason in its popular acceptation, the Committee are of opinion that Mr. Gaudin was not guilty." I do not know whether that would be acceptable to Sir John Findlay. I suggest the Committee could

report in this way without in any way questioning the administration of Samoa, which, of course, the House could afterwards at any time inquire into if they thought it necessary; but then it would be inquired into under such circumstances that the Administrator of Samoa would have the opportunity of being heard, and replying, and explaining. This suggestion, it appears to me, if the Committee thought well to do something of the kind, would have the effect of clearing Mr. Gaudin of the stigma which attaches to him of having committed treason in the popular acceptation of the word. What I suggest is that the war treason which he was guilty of was simply a breach of the Military Regulations which had been made for the purpose of providing for the safety of the island and for the administration, and if it is made perfectly clear that that war treason of which he was convicted is not treason in the ordinary acceptation of the term as implying disloyalty to the Empire, I think that ought to be sufficient to satisfy Mr. Gaudin in the matter. I am prepared to answer any questions which may be put to me by the Committee.

3. *Mr. Rhodes.*] You are referring to the taking of the gold when you say he deliberately broke the regulations?—Taking the gold and letters.

4. We had it in evidence that he was quite unaware of any regulations in connection with that?—As I read the evidence the position was this: Mr. Gaudin knew that every letter that was being sent from there was being censored. It is true, as far as we can see, that there was no actual regulation about it, but he was aware every letter was censored, and had to be censored from there. He was there for over a month, so that he was fully aware that that was required by the authorities, so I include that.

5. With regard to the more important letter—the one to the ex-Governor of Samoa—Mr. Gaudin stated in his evidence that he was unaware he had received that letter until a subsequent examination, when it was found with a packet of commercial documents for his firm. There would be nothing very deliberate in connection with that—no premeditation?—The deliberate part was in taking any correspondence at all away. He ran the risk of carrying treacherous correspondence.

6. No doubt he was very indiscreet, and admits that himself?—Yes.

7. *Mr. Wright.*] The fact that the letters which Mr. Gaudin carried all turned out to be harmless goes to show that he must have been reassured by those who gave him the letters that they were quite harmless?—Yes; but a reassurance by a person who might commit any treason or treachery is of very little value. I mean, if a German handed me a letter which he said did not contain anything wrong, I should be very chary about accepting his word. If a man was intending to commit an act of treachery and intended risking his innocent accomplice's life he would be quite capable of telling him there was nothing in a letter.

8. It goes to prove the absolute innocence of Mr. Gaudin or else he would not have taken on a risk like that?—Yes. I am quite sure Mr. Gaudin was quite innocent of any treasonable intention, but somehow or other he had quarrelled with the authorities down there. He went there under the very best circumstances, and I cannot understand how the quarrels arose. Personally—and I see he mentions it—I gave him a letter of introduction to Colonel Logan, asking Colonel Logan to do everything he possibly could for him, explaining that he was going down to try and collect some debts, and, if the exigencies of the service did not prevent it, I would feel obliged if he would help Mr. Gaudin in order that the debts could be collected. At first Colonel Logan and he got on very well together, but what occurred afterwards to cause any difference between them I do not know.

9. That might explain, then, why he smuggled those letters away—because of the ill feeling between them?—Possibly he wanted to get that money away. I notice in the evidence it is said that Colonel Logan stated, "You can leave the money with me, but I will give no undertaking as to sending it on." Well, Colonel Logan could not have kept it for any length of time; he must have sent it on by draft, and it was only a matter of a short time, I should imagine, before he sent a draft.

10. *Mr. Harris.*] In that case he would have had to give a draft on the New Zealand Government for the amount?—Yes.

11. There could be no question that the money would have been retained down there—he must have got it when he got back to New Zealand within a reasonable time?—He must have got it within a short time.

12. That being so, it is hard to understand why he was diffident about leaving it?—I think if you knew Mr. Gaudin as well as I do you could understand it. He is a sort of man who is very impulsive, and I presume that when he was blocked he simply snapped his fingers at the whole thing. That is the worst that Mr. Gaudin has done—he simply defied them, and said, "I will do as I please."

13. You do not think there would have been any idea in Mr. Gaudin's mind that he would have been compelled to take German notes and not English gold?—No.

14. It appeared to me he seemed to think he wanted to get the gold because he had a feeling he would not get his money out, as he would have to take German currency?—I do not think he could honestly have thought that. I think he really said to himself, "These people are putting obstacles in my way—I will not be bound by their regulations." That is the worst offence he committed. If you do such a thing in war-time it is a very serious matter; it is not like a man committing a breach of a by-law in peace-times.

15. Considering there was no gazetted regulation at this time providing for the censoring of correspondence going from Samoa, can it be said that Mr. Gaudin was guilty of an offence in carrying it away—he may have been guilty of an indiscretion?—I think, guilty of an offence under circumstances such as those. The place was foreign territory in the armed occupation of our Forces. Whether formal regulations were made or not it must have been well known to him, as indeed he admits, that it was not right to take letters away without being censored.

Whether a regulation was issued or not I submit is immaterial. It is not the same where a man is charged with an offence in peace-time, and you say there is no regulation; in a time of war it makes all the difference, and Gaudin knew that all letters had to be censored, so that I do not think it makes any difference.

16. You referred to the fact that apparently there was no suggestion made that evidence was omitted in the official record of the Court proceedings at Samoa?—Yes.

17. But are you aware that it was stated before the Committee that important evidence had been omitted from that record?—I notice this: it was suggested that Mr. Hansen's evidence—

18. There were two or three instances?—I did not know. I did not observe in looking through it that there was any material evidence omitted that could have affected the result. There was the suggestion made that evidence was shortened and a certain amount omitted, but there was nothing omitted that I could see which could affect the position.

19. *Sir John Findlay.*] The main omission was the very clear statement by the prosecutor as to how he regarded the offence against Mr. Gaudin. I do not say it was deliberately omitted, but it was omitted?—That was in his statement.

20. Yes, it was a statement that he had changed his mind since he knew the whole of the facts?—Yes, that may have been omitted; but the addresses of counsel are not taken note of with the care that witnesses' statements are. They are not evidence, and that is probably the reason of the omission.

21. *The Chairman.*] Can you suggest any reason why the Administrator should refuse to receive Mr. Gaudin's gold and refuse to give him a draft on New Zealand?—No, I cannot. There will be some explanation, no doubt. As far as I can see there should be no reason why it should not be done. He said he would take the gold and hold it.

22. But he refused to accept the gold and give a draft upon New Zealand?—Yes. I do not know. You see he afterwards said, "I will hold the gold but will take no war risk." Possibly he may have had in his mind this fact: I must keep this gold here, but if I make myself responsible for it and we are raided by the "Scharnhorst" or "Gneisenau," and they take away all this gold, the New Zealand Government will have to pay it. It may have been something of that sort, but it is impossible for me to say.

23. You think he meant that by referring to the war risk?—Yes.

24. *Sir John Findlay.*] I understand, Colonel Reed, that you admit you have satisfied yourself that nothing Mr. Gaudin did in Samoa on the occasion in question was treason, either conscious or unconscious?—In the popular acceptance of the word "treason" I agree with you.

25. When Gaudin was your officer and from your knowledge of him for the years you had known him, do you think there is the slightest chance in the world that he would lend himself to a treasonable act?—I do not think so—not actual treason in the sense of committing it against his country. I do not think so.

26. You concede that from your knowledge of him as an officer he was as loyal and patriotic an officer as ever you had under you?—Yes, as far as I could see.

27. You will also concede as a lawyer that the severity of the sentence passed by a Court upon a prisoner is the exact measure of the gravity with which the Court regards the offence?—Yes.

27. So that in imposing a sentence of five years with hard labour upon Gaudin, you as a lawyer would infer that the Court regarded his offence as one of extreme gravity?—No doubt.

29. You told us that in the early stages of this war the people of Auckland visited the island where the German prisoners were interned, and they were regarded as gentlemen and allowed a very considerable amount of freedom?—Yes.

30. The bitterness and the necessary suspicion with which we now regard a German had not then arisen?—Not to such a great extent as now.

31. I want you to address your mind, as you have done, with complete fairness to Gaudin's position when he took those letters. You are aware that his firm had been doing business for many years with these Samoan merchants?—Yes.

32. You are aware that it had been the practice for letters to be handed to representatives of his firm and to himself on previous occasions?—Yes. I think Gaudin himself was only down there very irregularly—only three or four times—but the other members of his firm were there.

33. And the practice had grown up of letters being handed by German customers to these men to bring to New Zealand?—I have no doubt that is so.

34. In determining the offence of Gaudin taking those letters, would not you allow first for the knowledge Gaudin had of the man who handed him the letter—I mean supposing he knew the man to be a gentleman and a man of honour, and he got from that man an assurance that there was nothing in the letter that was objectionable: would not that in your judgment affect any probability as to whether Gaudin was guilty?—It might affect it, but certainly would not justify him, knowing there was a rigid censorship of all letters from the island—it would not justify him one iota. I know the pursers on the steamers down there before the war used to take letters like that, but no purser would think that his position was worth a moment's notice had he gone on doing it at that time.

35. It all depends upon circumstances. I am not disputing your conclusion; but Gaudin has sworn that he took those letters absolutely oblivious of the sense of an offence—he had taken them before from people he knew, and it never occurred to him that he was committing any offence either against his conscience, or King, or municipal law?—He must have thought there was an offence against the regulations.

36. But there were no regulations?—But I mean the unwritten regulations.

37. But I put it to you: if you have clearly stated regulations expressed and published and you choose to violate that clearly expressed prohibition, you must be conscious of an offence; but if there is an unwritten law which says letters are to be censored, and all you have taken

are some friendly letters that you are assured contain not one word that is objectionable, does not that make it different to a case in which there is an express provision for stopping letters passing without censorship?—I cannot see that it does really. I had been down at the island before the war started, and the mails close one or two hours before the steamer sails, and it was the regular custom at that time for people to bring down letters to the pursers or passengers to carry, but I know that immediately after the commencement of the war that was put an entire stop to, and no letters were allowed to leave the island at all that had not passed through the Censor's hands, and Mr. Gaudin knew that.

38. The position Mr. Gaudin is in to-day is this: he has been convicted of the offence of war treason; he has been sentenced to five years' imprisonment with hard labour; that sentence has been remitted to a period of six months from the time of his offence—that is so, is it not?—Yes, that is so.

39. He is therefore in the same position as a criminal who had been sentenced to five years for house-breaking and whose sentence had been remitted to six months, and all that has been done is the remission of sentence?—Yes.

40. And I take it you think, in common justice to Gaudin, that the Committee should recommend to the House something in the shape of a declaration that, while he did receive this heavy sentence and served a portion of it, he was not guilty of treason in the generally accepted sense?—That is so; but I cannot suggest that it does not mean war treason. As long as it is made clear to the public that he is not guilty of treason in the ordinary acceptance of the word—that he is not a traitor to his country—that ought to suffice.

41. You do not want the public mind to be in any sense of doubt that he was guilty of treason at all. If you use the expression "war treason" there is still left on the public mind an impression that it has the same meaning. "War treason" would therefore appear to convey the impression of being a traitor to your country in war-time, and in order to eliminate any paraphrasing in regard to war treason or real treason, perhaps you could agree to this suggestion: "That Gaudin was tried for a breach of the war regulations; that he pleaded guilty to a breach of the regulation for taking gold out of Samoa; that he pleaded not guilty to war treason; that he was convicted on both and sentenced to five years' imprisonment; that he has satisfied the Committee that, while he deserved some measure of punishment for his breach of the war regulations, he has further satisfied the Committee and satisfied the Judge-Advocate-General that he was in no way guilty of treason": and I leave it there?—Well, you know one feels this, that it is not fair to stultify the finding of that Court. I had to advise originally as to whether they were entitled to find him guilty of war treason. I have so advised, and I think they were justified in finding him guilty of war treason, and the only thing I find fault with is the term of the sentence.

42. I argued the matter before His Honour the Chief Justice and Mr. Justice Edwards, and I rightly or wrongly took the view that he could not be convicted of war treason?—The Judges did not decide that.

43. No, but I think there is every room for difference of opinion on that question?—There is room for difference of opinion, no doubt.

44. I suggest that a term which even lawyers cannot agree upon the meaning of—and I say with respect that no lawyer can say definitely what is war treason—should not be an element in your suggested report, and that what the Committee should say is that Gaudin was punished, and properly punished, for a breach of the regulations, but was not guilty of treason, and has not been a traitor?—I have tried to get that effect by defining that "war treason" simply means a breach of the regulations.

45. If you were dealing with a Court, or even with the gentlemen of this Committee, that is the only vindication his character might need; but if the report is couched in the terms you suggest it will leave those people who believe him to be guilty of treason still in that belief?—No, I think it is only fair to relieve Gaudin of the stigma of actual treason; his name should be cleared of being guilty of actual treason.

46. *The Chairman.*] But you are not prepared to agree to the suggested resolution that Sir John Findlay put forth?—No, I am not prepared to do it, because the Military Court found he was guilty of war treason, the "war treason" meaning a breach of the regulations. No Court is entitled to review that finding, and it would be a mistake, I think, for the Committee to find what would practically mean a reviewing of their finding. No ordinarily constituted Court has the power. It has been held over and over again that in time of war the ordinary Courts have no jurisdiction to review the findings of Military Courts at all.

47. *Sir John Findlay.*] You very frankly admitted that the gravity of the offence is usually expressed by the severity of the sentence. It is impossible to escape the suggestion that the Court in Samoa took the view that they were trying this man for treason, otherwise they would not have imposed a sentence of five years' hard labour, so that it would appear he was convicted of more than a mere breach of the regulations—he was convicted of an offence which deserved five years' hard labour, and we want to make it clear to the public irrespective of the feelings of the Court of Samoa?—I am not concerned with the feelings.

48. As British justice should stand as the basis of all things, nothing should stand in the way of this man being declared before his country absolutely innocent of an offence for which the sentence was five years' hard labour, and if you leave in the words "war treason" you will still lead his critics to believe he was guilty of treason?—[No answer.]

49. *The Chairman.*] You will agree that Parliament can review the decision of a Military Court?—By legislation the House has power. I do not suggest you have not the power, but it is a question of the wisdom of interfering during a time of war.

50. *Mr. Wright.*] Is it clear that everything in Samoa was under the jurisdiction of New Zealand at the time?—No, under the Imperial authorities. The position is not clearly defined, and will not be until the position is made clear by arrangement between England and this Dominion. Those Forces down there are Imperial Forces to all intents and purposes. Once they leave here they are absolutely under the control of the Imperial authorities, and any communications with Colonel Logan from here should, I believe, go through His Excellency the Governor.

51. The New Zealand Parliament could not pass any legislation affecting that?—I do not think it could.

Sir John Findlay: They have; they passed the War Regulations Act, and vested in the Minister of Defence the power to override the sentence passed by this Court.

The Chairman: That is owing to the fact of Gaudin being in New Zealand?

Witness: With regard to the regulation that Sir John Findlay referred to as having been passed specially to meet Gaudin's case, all that regulation did was to provide that if a person in New Zealand was convicted of a crime outside New Zealand he could be detained in New Zealand.

The Chairman: You spoke of a letter, Sir John, that you were endeavouring to get to place before the Committee.

Sir John Findlay: Yes. I did not know until late that I was to be here this morning or I would have brought it with me. I have had the letter looked up, and have seen Professor Salmond. The letter is addressed to me, and not marked "private." Professor Salmond told me he had seen the Minister of Defence, and the letter says that if Mr. Gaudin will write a letter making accusations against no one and couched in proper language, for the purpose of getting a letter from the Minister of Defence, the Minister will probably favourably consider it, and Mr. Gaudin can use it as he thinks fit. I have obtained Professor Salmond's consent to put the letter in before the Committee, and I will send it along.

APPENDIX.

DEAR SIR JOHN,—

Solicitor-General's Office, Wellington 9th July, 1915.

With reference to the subject-matter of yesterday's conversation with you, Mr. Gaudin's proper course is to write to the Minister of Defence setting out the grievance of which he complains. A properly worded communication of this kind, avoiding accusations against other persons and avoiding also any needless detail as to the facts of the case, will receive favourable consideration, and Mr. Gaudin may make such use of the reply as he thinks fit. Since the matter is not one which relates to Mr. Gaudin in his capacity as an officer of the Defence Forces, the Military Regulations as to communications by officers are inapplicable, and there is no objection to direct communication with the Minister as suggested.

Yours very sincerely,

JOHN W. SALMOND.

NEW ZEALAND POLICE.

Police-station, Auckland, 9th November, 1914.

REPORT of Detective-Sergeant J. W. Hollis, No. 758, relative to the detention of Frederick Gaudin on arrival of s.s. "Navua" from Samoa, and the finding of letters with him addressed to prisoners of war.

I respectfully report having, in company with Detectives Scott and Quartermain and Constable Gourlay, boarded the s.s. "Navua" upon her arrival from Samoa in the Auckland Harbour at 6.30 p.m., above date.

I interviewed Mr. Fred Gaudin, who readily admitted that he was in possession of correspondence for prisoners of war (Dr. Schultz, Max Mars, and Dr. Schubert), and also a trunk containing clothing for Max Mars. He also produced a letter marked private for G. Kronfeld.

Mr. Gaudin was in possession of a large quantity of business correspondence and letters addressed to business firms.

He is detained as instructed.

The Inspector of Police, Auckland.

J. W. HOLLIS, Detective-Sergeant.

Approximate Cost of Paper.—Preparation, not given; printing (2,750 copies), £17 10s..

By Authority: JOHN MACKAY, Government Printer, Wellington.—1915.

Price 9d.]