

“(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