

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.