

“(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.”