

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-Marshal.—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-Marshal.

“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-Marshal, 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.