

"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.