

"Reasons in support of mitigation of punishment and evidence as to character of accused were given by M. M. McCallum, as follows: I have known the accused for the past twenty-five years—since 1889. I have always known him as an honourable and upright man. He has been identified with many public bodies in Auckland, and various social associations, and has always been held in the highest esteem. The Mayor of Auckland sent me an official certificate from the Auckland City Council [produced and attached]. He has always been more or less a public man. He was for some years a City Councillor, was a member of the Chamber of Commerce, and other public bodies. This charge brought against him has naturally been a severe blow indeed, more so as he has always been looked upon as the soul of honour. The fact that he has been detained in Auckland led people to believe that he had committed some serious crime. No one was allowed to see him for three weeks until instructions came from Samoa. He was then allowed to see the lawyer. Accused's health has suffered, as also the health of his wife and sisters. I have accompanied him to Samoa on account of his trouble. I assure you that he has suffered heavily, and I hope you can see your way to make the sentence as light as possible—above all, not to make it imprisonment. That will fairly kill the man himself, and be a terrible thing for his people. Take into consideration what he has already suffered. The case has done him incalculable damage. We have just come through the various islands, where the impression amongst business men is that accused carried the letters and then denied having done so. Several of his oldest friends there would scarcely look at him. I ask you to take all his sufferings into consideration when sentencing him, and use clemency in the case, as the man has suffered indeed.

"Major Kay gives further evidence as to character: I have known the accused since we were boys at school together. I have known him as a young man—as an athlete. I have known him as an officer of the battalion I first joined; in fact, I might tell you that we have been practically brothers all our lives. I claim that, if any man can claim to know the innermost soul of another, I know accused's. As an officer of the regiment I first joined he was a pattern. He was the prime founder of the Officers' Club in Auckland, which club still exists. I can say without fear of being wrong that it would be absolutely impossible for accused to commit an act of treason. I do not know the exact nature of the case with which the accused is charged, but I am sure that what he did was done unwittingly. If we had the regimental officers here I honestly believe that they would give you the same opinion; I know they would.

*"Prosecutor's Address."*

"The reason accused was charged with treason is that it was the only charge in the 'Laws and Usages of War' under which he could be charged, but it is a very minor case of treason. The Court must, however, take into consideration the fact that His Majesty's Government is at present engaged in a war the bitterness and magnitude of which has no parallel in history, and upon which depends the very life of the Empire. For this reason it was necessary that this case should be brought to justice. As regards the second charge the accused pleads guilty, and the evidence proves that he is guilty of that charge. It now simply remains with the Court to award any punishment they may think necessary for a minor act of treason. There were never any steps taken by the prosecution to attempt to prove that accused had in any way received remuneration or any other benefits from his acts.

("Certified free copy of evidence taken in shorthand before assembled Court-martial.—

C. H. SMITH, Sgt., 23/12/14.")

"B. HEAD, Major, 5th Bn., R.W.Fusrs., President."

That is the whole petition, including what is annexed to it.

*"DEPARTMENTAL REPORT."*

"14th September, 1915.

"The Chairman, Public Petitions A to L Committee.

"No. 163, *Petition of F. E. N. Gaudin, for Inquiry into Charge of War Treason of which he was convicted.*

"In reply to your memorandum of 26th August asking to be furnished with any official papers in the possession of this Department, I have to inform you that it has been arranged that a member of the staff of the Department will attend before the Committee as required. He will place before you all the available papers held here, possibly not important to the petition. The papers, proceeding, finding, &c., of the Court-martial are, as is the custom, in the custody of the Judge Advocate-General, who resides at Auckland.

"W. A. ROBIN, Brigadier-General,

"Commanding N.Z. Forces."

I might say that this matter has come before this Committee by stages. I did not desire to impose upon the Committee the work which I have to ask you to do to-night, and I communicated that to the Solicitor-General. I submitted to the Solicitor-General the official report that is here, and asked him to satisfy himself whether or not there was a tittle of proof that this man had been guilty of war treason. He did so, and I saw him again, and he told me that he thought that if Mr. Gaudin would write a letter to the Minister of Defence setting out the facts I have set out now, the Minister of Defence might see his way to place on record in writing a declaration that the Defence authorities were satisfied that Mr. Gaudin had not been guilty of war treason, and that that declaration might be published to clear my client's character. I have that letter in writing from the Solicitor-General. It is true it is addressed to me personally, but it is not marked confidential. I then saw the Minister of Defence, and he told me that he thought the