

# SENDS GREETINGS AND \$100 TO HUNS; PAYS FINE OF \$150

**Frederick Wagner, the Stony  
Plain Farmer, Charged With  
Aiding Enemy.**

**FORWARDS MONEY  
TO NEW YORK CITY**

**Hypothetical Question Put By  
Judge Fails to Bring the  
Desired Results**

"If I were in Germany and sent \$100 to the English government, what do you think they would do to me?" very quietly asked Mr. Justice Ives of Frederick Wagner, charged with aiding the enemy by sending \$100 to New York for the purpose of being divided between the German and Austrian governments. The accused who was in the witness-box giving evidence on his own behalf, hesitated, whereupon his lordship added, "Now be honest, what do you think they would do to me?" The man in the box muttered something whereupon the judge turned away, saying "Never mind, never mind." In the letter forwarding the money, which however, did not reach its destination, owing to the intervention of the Dominion postal authorities, the prisoner spoke of his "dearly-loved Fatherland" and sent his "greetings to the respective governments, and I support them with my ardent prayers."

**Illegal To Trade With Enemy.**

In commencing the prosecution of Frederick Wagner, E. B. Cogswell, K. C., for the crown pointed out that by a proclamation of August 12, 1914, it became illegal to trade with the enemy, meaning the German Empire and the dual monarchy of Austria-Hungary. This proclamation made it illegal to pay any sum of money to or for the benefit of an enemy or to have any commercial or financial transaction with anyone living in the German empire. He mentioned incidentally that before any proceedings could be taken under the proclamation, the consent of the minister of justice was necessary.

The evidence proved that the prisoner lived at Spruce Grove, where there is a large predominance of those of German nationality. In November of 1914 Wagner bought a postal order for \$100, made out to the rector of Leo House, New York, which is a Catholic institution for looking after German immigrants. Eventually the money order found its way to Ottawa from whence it was returned to the postmaster at Spruce Grove, who returned it to Wagner. The latter eventually told the postmaster that he had sent the money to its destination by way of a bank draft to New York.

**Letter Is Translated**

The following letter was translated by H. S. Coulter, a law student with a local firm and a brilliant linguist:

**To the Rector of Leo House,**

**New York.**

Honored Rector—I am sending you herewith \$100 for transmission to Germany and Austria to apply towards nursing of those wounded in the war. \$50 less costs for the German Empire to be applied towards the nursing of officers, subalterns and men, wounded in the war, to be used as the government sees fit, and the other fifty dollars is to be similarly applied towards the nursing of the Royal Imperial Army of Austria-Hungary as the government sees fit. In case you can not secure a guarantee of complete recompense in case of seizure of the money I beg of you to send the money to the German general consulate and the Austrian consulate in New York or what is best of all to the German and Austro-Hungary embassies in Washington. These latter will then find means to send the money to their respective governments without the danger of the money being seized by the enemy. Hoping that you will succeed in sending the money to Germany and Austria to be applied on the nursing of those who have fought and bled for the deeply loved Fatherland, I remain, with the greatest respect,

(Signed) FRIEDRICH WAGNER.

I send greetings to the respective governments and I support them with ardent prayers.

**More Than Commercial Transaction.**

H. H. Hyndman, who appeared for the prisoner, argued that the accused had not been guilty of any act under the proclamation inasmuch as he had not traded with the enemy, what he had done being merely an act of charity, but his lordship could not agree with counsel, saying that he thought the proclamation was of very much wider scope than that. It was intended to meet a case where succor of any description was sent to the

enemy and it covered more than a mere commercial transaction.

The accused in the witness-box admitted writing the letter and sending the money, but he denied that he had at a subsequent date sent the \$100 through a bank draft or by any other means. When the war broke out an appeal for help was published in the Alberta Herald. It was not started to support the war but to assist the victims of the war, to heal the wounds of the war and to help those who were left behind. Not only money but jewelry was subscribed. Appeals were also made through the churches, but as he was a Catholic he sent his direct to a Catholic organization in New York.

#### **Harold Writer Responsible**

Mr. Justice Ives here interpolated by remarking that he could perhaps have looked upon the act as a charitable one, were it not for the last two paragraphs of the letter which did not coincide with that view. On Mr. Hyndman pointing out that the writer of the article in the Herald was responsible for the defendant's conduct, he not knowing at the time anything about the proclamation, his lordship remarked that if he had the man in front of him who made the appeal, he thought he would know how to deal with him.

In reply to various questions put by his lordship, witness said that he had been here for fourteen years, that he had a pretty good farm with seventy acres under cultivation, that he was fairly comfortable and that in the year 1914 he had given about \$150 towards various charities and missions.

Pressed as to whether he did not think that when he sent money to Germany and Austria, Canada was entitled to something, he said he read that so many thousands of Germans were being killed and wounded, he thought they needed it worst. He had not contributed to local Red Cross funds though he had been asked to do so. He had been a soldier in the German army.

#### **Threatened Action**

In reply to Mr. Cogswell, the accused said that when he demanded his hundred dollars back from the Dominion postal authorities he also asked for \$25 as damages and

threatened to bring the matter before the parliament of Canada.

Mr. Coulter than translated the article in the Alberta Herold which has been referred to, and which was couched in the strongest pro-German language. The editor of the paper was one Wilhelm Kragenhagen.

In extenuation, Mr. Hyndman said that Wagner had been influenced by what he had read in the Herold. He had a good reputation and this fact had been spoken to by every witness called by the crown.

His lordship said that from the tone of the letter there was no doubt the defendant knew it was wrong to have

sent the money. He had been here many years, he had been always well treated and was getting along fairly well. He was not going to blame his father for having love for the country of his birth. It was not right, however, for him to send money out of the country to a country which was at war with us; he had tried to send \$100 to Germany and Austria-Hungary, but he was going to believe him that he did not send the money away. He, the learned judge was now going to make him subscribe \$150 to His Majesty's government in Canada and in default of paying this sum he would go to prison for three months.