

Accused's contention against charges was considered and disallowed, as the Court considers that the charges now being investigated are covered by charge No. 2 of the preliminary inquiry.

Accused stated that he considers it most unusual and improper that the charges should be distinctly changed since the preliminary inquiry ended when he was placed under arrest, and wished it noted that he could not notify witnesses before the opening day of the Court of Inquiry.

In support of his objection to the charges the accused referred to Manual of Military Law, p. 299, subsecs. 40 and 41, second and third subdivision of para. 32 (note *re*).

The accused admitted that he wrote the letter of the 10th November, 1909, addressed to the Minister of Defence. The original was shown to him. [See No. 1.]

The accused asked that the Court should rule whether the statements which are the subject of the charges were made meaningfully—*i.e.*, with a guilty intent.

The Court decided that they cannot rule on this question, which is really the subject-matter of the inquiry.

The accused claimed that the whole contents of his letter of the 10th November, 1909, was privileged, and quoted the case of *Dawkins v. Lord Paulet* (5 L.R. Q.B., p. 94).

The Court ruled that the case quoted by accused does not apply, and further ruled that the letter of the 10th November is not a privileged communication.

The accused claimed that the first charge is a meaningless phrase, and that none of the charges disclosed any offence.

The Court was closed to consider the claim, and on being reopened the Court announced that accused's claim was disallowed as regards charges one (1), two (2), and three (3), but the Court upheld accused's claim that charge four (4) does not disclose any offence.

The Court adjourned to 2 p.m. on Wednesday, 22nd December, and referred charge four (4) to the convening officer.

The Court was reopened at 2 p.m. on Wednesday, 22nd December, 1909, and recommended that charge four (4) should not be proceeded with.

Lieutenant Pullen, of No. 1 Company, Garrison Artillery Volunteers, in spite of being warned by the Court that the accused was not to receive any suggestions from him, handed to the accused a written suggestion, attached, marked [see Enclosure No. 4], and was therefore excluded from the proceedings.

The accused elected to give evidence on his own behalf, and was sworn.

Q. You honestly believe the statement you made forming charge one (1) to be true?—A. I believe now, as I did then, that it is absolutely true.

Q. You consider that Colonel Robin's want of tact, and interference, spoiled your trip to Wellington?—A. Yes, most decidedly.

Q. In what way do you consider that this want of tact, and interference, gave you cause for grievance?—A. I arrived at Wellington with my corps on Saturday night, 30th October, after being granted official leave, as shown in statement handed in by me and accepted by the Court, and marked [see Enclosure No. 2]. I found at 4.30 a.m. on Monday in an issue of the *Dominion* an article marked [see Appendix No. 1].

Q. You consider that this article seriously affected the success of your trip?—A. It absolutely spoilt it.

Q. In what way do you consider you were interfered with by the Chief of the General Staff?—A. By the articles which appeared in the *Dominion*, *New Zealand Times*, and *Post*, marked [see Appendices Nos. 2, 3, 4, 5].

The Court did not consider it necessary to call additional evidence on the first charge.

Q. You believed the statement forming the second charge to be true?—A. Yes.

Q. How do you consider this affected your grievance?—A. The articles handed in, marked [see Appendices Nos. 1, 2, 3, and 4], were belittling me personally as the officer commanding the company; belittling the object and authority for the object. The articles most distinctly discouraged the men, and damped their enthusiasm.

Q. You think that the belittling of yourself and your company would discourage and damp the enthusiasm of the whole Volunteer movement?—A. Most decidedly it would assist in damping the enthusiasm in the whole Volunteer movement.

The Court did not consider it necessary to call additional evidence on the second charge.

Q. Is it true that since these articles have appeared you have been approached by many officers throughout the whole of the North Island who have had similar experiences of the unwarranted interference and unexampled officialism of Colonel Robin?—A. It is true.

Q. Are you prepared to give the names of officers who so approached you?—A. I refuse to answer the question.

The Court was closed to consider this point, and decided that accused must answer.

Q. Are you prepared to give the names of officers who so approached you?—A. Yes, I am.

Q. Are you prepared to call evidence that officers having this experience have approached you?—A. Yes.

Q. I will ask you for the names of officers with this experience who so approached you?—A. (1) Captain Thomas Henry Dawson, Officer Commanding College Rifles, and Signalling Staff Officer for the Auckland District; (2) Captain Louis Murray Shera, commanding the Auckland Company of the New Zealand Engineers; (3) Colour-Sergeant Mackerras, Newton Rifles, Auckland.

Q. Those are all the names you wish to give?—A. Yes, at present.

The evidence was read over to the witness.

*Captain Thomas Henry Dawson*, College Rifles, and Signalling Staff Officer of the Auckland District, duly sworn.