

No. 34.

ADJUTANT-GENERAL, New Zealand Defence Forces, Wellington, to Lieut.-Colonel CHAYTOR, Auckland.

[Telegram.]

Te Aro, 22nd December, 1909.

IN reference to your telegram of to-day *re* charge four, this charge need not now be proceeded with, and may be struck out.

ADJUTANT-GENERAL.

No. 35.

REPORT OF THE COURT OF INQUIRY convened at the Garrison Hall, Auckland, on the 21st December, 1909, for the Purpose of investigating certain Charges against Captain Frank Berners Knyvett, No. 1 Company, Auckland Division of New Zealand Garrison Artillery Volunteers.

1. THE Court sat from Tuesday, 21st December, at 9.30 a.m. to Thursday, 23rd December, at 1.30 p.m.
2. The accused, having admitted the letter of the 10th November, 1909, addressed to the Right Hon. the Minister of Defence and the signature thereto as being his, was informed that the Court did not propose to call any witnesses for the prosecution.
3. The accused gave the Court the names of witnesses whom he wished to call. The names of these witnesses are shown on list marked [see Enclosure No. 1] attached to proceedings.
4. Accused was informed that he would not be allowed to call evidence in support of the allegations against the Chief of the General Staff, contained in his letter of the 10th November, 1909, but was at liberty to bring evidence which would show that the portions of his letter which form the charges against him are not offences under section 54, Defence Act, 1908, and paragraph 180, General Regulations of the New Zealand Defence Forces.
5. The Court acted on the principle that the accused must bring evidence showing that when he wrote the letter of the 10th November, he honestly believed that he was justified in making the statements which form the subject of this inquiry, and that these statements were relevant to his claim for redress of his grievance.
6. The Court therefore decided that, having brought forward such evidence by means of several witnesses, it was unnecessary to call further evidence of a similar nature.
7. The Court informed the accused that, notwithstanding this decision, it was open to the convening officer to require additional evidence, if he deems it necessary.
8. With reference to the accused's complaint that his witnesses were not subpoenaed by the Court, but called by him, the Court wishes to state that the witnesses examined were waiting at or in the vicinity of the Garrison Hall, and that no delay was occasioned by reason of formal subpoenas not having been sent to them. Had further evidence been deemed necessary, subpoenas would have been sent to any material witnesses to insure their attendance.
9. List of witnesses examined is attached, and marked [see Enclosure No. 2].

E. W. C. CHAYTOR, Lieut.-Col., President.

J. SANDTMANN, Acting-Major, Member.

J. T. BOSWORTH, Captain, Member.

[Enclosure No. 1 in No. 35.]

Colonel Robin, Chief of the General Staff.
 Colonel Smythe, Officer Commanding District, Otago, Dunedin.
 Colonel Beauchop, Officer Commanding Wellington District.
 Captain Chesney, Assistant Adjutant-General, Wellington District.
 Captain Trask, Staff Officer to Chief of General Staff.
 Captain Nicholson, Te Kuiti.
 Lieut.-Colonel Wolfe, Officer Commanding Auckland District.
 Lieut.-Colonel Holgate, Officer Commanding 1st Regiment A.M.R. Volunteers.
 Major Hazard, Auckland Division, Garrison Artillery.
 Captain Kay, Officer Commanding Gordon Rifles.
 Captain Dawson, Officer Commanding Cycle and Signalling Corps.
 Captain Shera, Officer Commanding No. 3 New Zealand Engineers.
 Captain Richardson, Officer Commanding No. 2 New Zealand Native Rifles.
 Captain Archibald, Active List.
 Lieutenant Greenhough, No. 1 Company, Auckland Division, Garrison Artillery.
 Surgeon-Captain Murray, No. 1 Company, Auckland Division, Garrison Artillery.
 Sergeant-major Cheater, Staff Instructor, Auckland District.
 Sergeant-major Bell, Staff Instructor, Auckland District.
 Sergeant-major Atwell, Staff Instructor, Auckland District.
 Colour-Sergeant McKerras, Newton Rifles.
 Sergeant-major Cardale, Staff Instructor, Auckland District.