

*Captain Knyvett*: I want to refer you to Regulation 178—every member of the Defence Force has the right to appeal through the proper channel. The Court rules that I cannot.

*The President*: I do not want for a moment to harass you, but I think we are wasting a lot of time on nothing.

*Captain Knyvett*: I respectfully submit that I am entitled to bring everything I can in support of my defence.

*The President*: You claim that they were privileged?

*Captain Knyvett*: Yes. I respectfully ask again if I may have the assistance of a friend?

*The President*: No; the Act says that you shall not receive assistance.

*Captain Knyvett*: But it does not say anything about a friend. I may have a friend.

*Captain Sandtmann*: But your friend is a barrister and solicitor.

*Captain Knyvett*: I admit nothing.

*Captain Sandtmann*: But we know it.

*Captain Knyvett*: I submit that it is for the Court to assist, not harass me.

*The President*: He may assist you in turning up anything, but he must not prompt you.

*Captain Knyvett*: I would like, sir, to have every objection noted by the Court. I would like to draw your attention to the fact that my objections are not being noted.

The Court was again cleared, and upon resumption the President announced that the Court had decided to disallow Captain Knyvett's claim to have the assistance of Lieutenant Pullen as a friend, also to disallow that the statements complained of in the letter were privileged.

*Captain Knyvett* announced that he would proceed with his defence. "I had supposed," he said, "that I had a grievance against a superior officer. An inquiry was held here on the 10th instant, and as a result of that inquiry, Colonel Wolfe, Officer Commanding the District, officially notified me that I was completely exonerated, and had got official leave to proceed with my company to Wellington. As a sequel to that I drafted the letter in question, which, I submit, is couched in the most respectful language, to the Minister of Defence, stating my grievance and asking for an inquiry. I refer you to Regulation 176, and I respectfully submit that the Court must give a finding as to whether the charges on that are right or wrong."

*The President*: Well, the Court will report, and give an opinion.

*Captain Knyvett*: I would like the opinion to be given in open Court.

*The President*: No; the opinion will be given in closed Court.

*Captain Knyvett*: I would like that noted. If you find I had a right to send the letter—

*The President*: We admit you had a right to send the letter, and you are not charged with breaking the regulations in sending that. The charge is that in that letter you made certain statements. I can give you no ruling on questions of fact like that. There is no dispute as to your right to send the letter, and there is no dispute in the way that you sent it.

*Captain Knyvett*: I would like that noted. The Court considers that I had a right to send a letter complaining about a superior officer?

*The President*: Where you are aggrieved. In order to obtain redress you have a right to make a complaint of any injustice you receive from a superior officer. There is no objection taken to the fact that you had a perfect right to send in the letter. If you are injured by a superior officer you have a perfect right to complain about his treatment.

*Captain Knyvett*: I must give my reasons, I take it?

*The President*: Yes. The charge is that in that letter you made certain charges about your superior officer.

*Captain Knyvett*: Is this the inquiry I asked for?

*The President*: This has nothing to do with that. It is an inquiry into the charges made against you.

*Captain Knyvett* (holding authority): This shows that either myself, or any other officer, has a right at all times to appeal against an injustice from a superior officer, and that such officer only commits a breach of the regulations if he omits to send his complaint through the proper channel. The Court has ruled that I have not committed a breach of the regulations in sending it through the proper channel.

*The President*: We have ruled on that.

*Captain Knyvett*: Before sending the letter on, the Officer Commanding the District made an examination, and asked if such and such a statement was true.

*The President*: That may come in in exoneration.

*Captain Knyvett*: He inquired whether there was any substantial evidence to warrant him in forwarding it.

*The President*: I do not see how that affects the question.

*Captain Knyvett*: After the letter had been forwarded I was arrested and charged with insubordination. I would like the Court to note that the charges are distinctly altered at the present time. They are totally distinct. Further, it is usual before placing an officer under arrest to hold a preliminary inquiry as to whether such arrest should be made, and I would like to point out that this was not done in my case. It is laid down most distinctly in the New Zealand Defence Regulations. I want to point that out to show that in my own personal case the usual regulations were not complied with, and I have evidence to show why that was done. The fact that I had been arrested was notified in the public Press before the preliminary inquiry into the other matter had been held.

*The President*: Both the Defence Act and the Volunteer Regulations state that an officer may be ordered under arrest.

*Captain Knyvett*: Yes, but after a preliminary inquiry. Surely I was not considered to be such an awful and dangerous man as all that.

*The President*: A superior officer may use his own discretion in that respect.