

*Captain Knyvett*: I would like to point out that it was not the Officer Commanding the District who placed me under arrest.

*Captain Bosworth*: May I ask who placed Captain Knyvett under arrest?

*Captain Knyvett*: The President will know. I want to know.

*The President*: No; I know nothing about it.

*Captain Knyvett*: I hold it to be a very vital thing.

*The President*: Well, I will look that up, and will let you know later on.

*Captain Knyvett*: I was informed by the Officer Commanding the District that he was authorised to place me under arrest. By whose instructions was I placed under arrest, seeing that the Officer Commanding the District did not order me, but received instructions to place me under arrest? I would like to point out that in the papers scattered all over the country it is stated that the Officer Commanding the District placed me under arrest, but when I asked him he stated that it was not so.

*Captain Knyvett* asked that the evidence taken at the previous inquiry be produced.

*The President*: That is not evidence which can come before this Court. That is not sworn; this is.

*Captain Knyvett*: It is the tale of the whole inquiry. It was as a result of my letter dealing with that matter that I am now under arrest.

*The President*: Here, again, we come to the difference between our Court and a full Court of Inquiry. If you look up page 79 of "The Manual of Military Law," paragraph 98, or page 522, on rule of procedure, you will see that it is set forth that the proceedings at a Court of inquiry are not to be used as evidence in a higher Court.

*Captain Knyvett*: What is this inquiry?

*The President*: It is an inquiry to collect evidence to see if there is a case to go before a higher Court. This is a higher Court.

*Captain Knyvett*: This, then, is a higher Court?

*The President*: Yes. The first inquiry is held merely to allow the superior officer to decide whether there is sufficient evidence to warrant the holding of a Court of Inquiry.

*Captain Knyvett*: And I submit that was distinctly a preliminary Court of inquiry on this case. Though I was completely exonerated there, I have still been kept under arrest. It is a matter of grave concern to me. It has already cost me hundreds of pounds in my business, and has affected me in many ways. I think it is a very grave matter.

The Court was again cleared while the point was decided. Upon resumption, the President said: The Court has considered your objection, and it has been disallowed.

*Captain Knyvett*: Does the Court consider that the previous charges are totally different from the present charges? I think the Court must consider that they are totally distinct.

*The President*: You raise that objection?

*Captain Knyvett*: Yes, sir. I consider it is a very important one.

The Court was again cleared while the matter was deliberated upon. On resumption, the President said: The Court has considered your claim, and has decided that it must be disallowed. The charges are not vitally different.

*Captain Knyvett*: On that question, is the Court prepared to hear any argument?

*The President*: No.

*Captain Knyvett*: It disallows it without hearing any argument of any kind?

*The President*: You gave certain argument before.

*Captain Knyvett*: Will the Court give reasons?

*The President*: I am not prepared to give any further reasons.

*Captain Knyvett*: I would like to point out that I prepared my evidence on the other charges, which I could easily have disposed of, as the Court well knows—otherwise they would not have been withdrawn. After waiting three weeks without knowing what was going to be done, to my intense surprise on Saturday morning I received notice that the Court of Inquiry would sit this morning, and that these new charges had been preferred.

*The President*: The President of the Court has given it as his opinion that the charges are within those charges.

*Captain Knyvett*: Well, I claim that the change in the charges is most unusual and improper. The Defence Act of 1908 provides that all persons required as witnesses must be summoned by the President or any member of the Court. Well, I wish to point out how utterly impossible it was for me to notify you in order to have them in attendance here to-day. I want certain witnesses from other parts of the Dominion. I am placed in this way: that I am not allowed by the regulations to personally summon my own witnesses. I can only do it through you. Now, at the first trial on the first charges made against me, I did not require any witnesses at all. I posted to you on Saturday, sir, a list of the witnesses I wanted from the south.

*The President*: Well, I never got it.

*Captain Knyvett*: It was an absolute impossibility for you to have done so. There was no mail on the Saturday, and you left Wellington before the letter could have arrived there. I wish it noted that the Court is not being held under the Act of 1908.

*The President*: I did not say so.

*Captain Knyvett*: Would you mind telling me then under what Act the Court is being held?

*The President*: I did not say this was a court-martial. It is a New Zealand Court of Inquiry. I explained to you that you are not amenable to the Army Act.

*Captain Knyvett*: And yet these charges are laid under the Army Act?

*The President*: I explained that at the beginning. The Board considered the position, and considered that for a New Zealand Court of Inquiry the rules more of a court-martial than of a preliminary inquiry should apply.