

*Captain Knyvett*: What power of punishment has this Court, then?

*The President*: The Court has the power of punishment behind it.

The luncheon adjournment from 1 to 2 p.m. was then taken.

On resuming at 2 p.m., the President said: The first thing the Court wishes to know is, what witnesses do you wish to call first?

*Captain Knyvett*: The witnesses from Auckland will be the first, because we will not be able to get the witnesses from the South yet.

*The President*: How many can we get hold of this afternoon?

*Captain Knyvett*: They are all living in Auckland. I call upon all witnesses to produce all documents which have any bearing on the case.

*The President*: Have you anything further to say on the question we have been discussing—that is, that the charges are not correct, and that you have nothing to answer in them?

*Captain Knyvett*: I object to the charges which the Court have upheld. I object to them inasmuch as that they have been altered. Now I object to the charges themselves. I would like to refer you to page 299, "Manual of Military Law," where it says that the mere use of these words does not warrant the Court in assuming that it is an offence. I will read it:— [Not supplied.]

*Captain Knyvett* (continuing): Are you of that opinion, sir?

*The President*: Yes.

*Captain Knyvett*: Again, let me refer to the Manual of Military Law. It says in paragraphs 2 and 3, referring to good order and military discipline:— [Not supplied.]

*Captain Knyvett* (continuing): According to that, to constitute an offence, the words must have been used "meaningly and with guilty intent." I would like to draw your attention to that. I plead "Not guilty" to the whole of the charges, and I understand I have a right to speak before witnesses are called as to the charges.

*The President*: You may give your reasons for objecting to the charges.

*Captain Knyvett*: I wish to refer to the letter itself, which the Minister, or some one else, has made public property. How it came to be published I do not know. (After reading the first portion of the letter): I wish to point out that the whole text of the letter totally alters the construction put on the extracts.

*The President*: That is a question of exoneration.

*Captain Knyvett*: You said before that the meaning of the extracts was not materially altered by taking them away from their context. I most deliberately say they are altered.

*Captain Knyvett* continued to read the letter. After reading the first two paragraphs he asked: Those are statements of fact, are they not?

*The President*: Yes.

*Captain Knyvett* (quoting, "I may here state that it is probably the first time," &c.): Those are all statements of fact down to there, are they not?

*The President*: Yes; they are all statements of fact.

After reading the next paragraph *Captain Knyvett* asked: Those are reasons, are they not?

*The President*: Yes.

Referring to the next paragraph having reference to a "scandal leaking out to the public," and to the *Dominion* newspaper, *Captain Knyvett* asked why the words "most scurrilous and untruthful article" should not be made the basis of a charge?

*The President*: They are not your military superiors.

*Captain Knyvett*: This paragraph might be made a charge?

*The President*: If you consider that you have committed a crime there you have nothing to complain of so far as this inquiry is concerned.

*Captain Knyvett*: I do not consider I committed any crime. You say that any paragraph taken out may be made the basis of a charge. I would like the Court's ruling on that.

*The President*: Well, the Court has decided.

*Captain Knyvett*: Down to "Plimmer" that is a statement of fact, is it not?

*The President*: Yes.

*Captain Knyvett*: "I am prepared to submit affidavits," &c.: those are statements of fact, are they not?

*The President*: They are either statements of fact, or of your belief.

*Captain Knyvett* (quoting the paragraph with reference to dampening the enthusiasm, &c.): I want to know if that is not a general complaint couched in proper language?

*The President*: I will not discuss that now. That is a question the Court will have to form an opinion on.

*Captain Knyvett* (after reading the next paragraph): All that I asked the Minister for there was an inquiry, saying, "Well knowing that I can obtain from you justice." I think it is a very moderate request to ask the Minister for—*for justice*.

*The President*: Yes, that is what you asked for.

*Captain Knyvett* read the next paragraph, stating, "I have documents in my possession, which, if published, would have created a grave scandal in Volunteering throughout the Dominion."

*The President*: The charge is one of insubordination. In this paragraph you are responsible for the complaint made.

*Captain Knyvett*: For having them in my possession?

*The President*: You make grave charges against your superior officer.

*Captain Knyvett*: I say nothing about my superior officer there, sir.

*The President*: Yes.

*Captain Knyvett* read the concluding portion of the letter. He then said: I would like to ask, sir, whether you consider that a respectful letter?