

*The President:* The Court cannot call witnesses from such a distance.

*Captain Knyvett:* You must, sir. The Act says I can bring them for 200 miles, and if the Court wishes for justice and truth I respectfully submit I can call him.

*The President:* Well, what evidence can he give?

*Captain Knyvett:* He can give evidence, sir. The whole text of the evidence in the first place is to exonerate myself from that. I can show that everything was done to discourage me personally, and not only myself, but other people.

*The President:* But you cannot do that. May I warn you now that any further desire on your part to try and prove your charges in this case will tend to make the Court think that the charges preferred against you are true.

*Captain Knyvett:* I am not desiring, sir. The Court evidently does not want this officer called.

*The President:* The Court has not convened, nor is it competent to hear the charges you made.

*Captain Knyvett:* You ask me what officers I want, and when I give you a name you will not allow me to call that officer.

*The President:* All you have to do is to prove that your charges were *bona fide*, not as accusations against your superior officer, but to exonerate yourself.

*Captain Knyvett:* I claim that I did so, and in most modest language.

*The President:* You have to show how these charges exculpate you.

*Captain Knyvett:* Can I ask the ruling of the Court how far and what you will allow me to say?

*The President:* You say that this is a list of your witnesses?

*Captain Knyvett:* Only of the Auckland witnesses. The other list I posted to your address at Wellington.

*The President:* But I have not got that. You might give me the complete list.

*Captain Knyvett:* The witnesses I want called are Colonel Robin, Colonel Smythe, Colonel Bauchop, the Chief Staff Officer, Captain Chesney, Captain Nicholson (Te Kuiti), Lieut.-Colonel Wolfe, Lieut.-Colonel Holgate, Major Hazard, Captains Kay, Dawson, Richardson, Shera, and Archibald, Lieutenant Greenhough, Surgeon-Captain Murray, Staff Sergeant-major Cheator, Staff Sergeant-major Bell, Staff Sergeant-major Atwell, Colour-Sergeant Mackerras (of Newton Rifles), and Staff Sergeant-major Carter.

*Captain Knyvett:* Yes, but I question whether the Court will call them.

*The President:* The Court will consider, unless you can show otherwise.

*Captain Knyvett:* I want the Court to say what witnesses it wants called. It will make a great difference to my case.

*The President:* The Court cannot enforce their attendance here.

*Captain Knyvett:* Why cannot they? They are all staff officers, and all in the Government employ, and can be called within two hundred miles.

*The President:* The Court has only the powers of a Magistrate's Court. The Court has not the power to enforce their attendance here, in the case of Government officers especially, but we will do the best we can for you as regards getting them. In any case they cannot be here before Christmas.

*Captain Knyvett:* If the Court will permit me I will proceed with my own defence before witnesses are called. If the Court will turn to the letter they will see that it only talks about other officers preventing any possibility of a scandal, &c.

*The President:* It is not for the Court to consider whether it discloses an offence or not.

*Captain Knyvett:* This sentence only refers to the Petone Naval officers preventing any possibility of a scandal leaking out. The public, I submit, sir, cannot be hurt by a scandal leaking out.

*The President:* Will you read the whole thing? The Court will not go on with these quibbles.

*Captain Knyvett:* I respectfully submit that I am not quibbling. I am evidently making points, which the Court does not wish to hear.

*The President:* You are responsible for what you wrote, and, having admitted writing the letter, you have to prove that these accusations were made *bona fide* in your attempt to get redress. You have admitted the letter, in which you convey charges against your superior officer. It is for you to prove that these expressions in your letter were privileged, and unless they were made *bona fide* in your attempt to get redress they were not privileged.

*Captain Knyvett:* I contend that I am right in taking the charges in their specified order. I am trying to read the wording out, and to show that it is a meaningless phrase.

*The President:* The Court will not discuss that at all.

*Captain Knyvett:* Then, I respectfully refuse to call any evidence if the Court will not discuss it.

*The President:* You refuse?

*Captain Knyvett:* Yes.

*The President:* You have admitted the letter.

*Captain Knyvett:* I am defending charges, four distinct charges.

*The President:* If you refuse to call evidence there will be nothing left for the Court but to close the proceedings and give their report.

*Captain Knyvett:* It seems to me the Court desires that.

*The President:* The Court does not desire that, but it will not be kept quibbling.

*Captain Knyvett:* I am here to defend in a reasonable way. It is the Court that is quibbling. You will not let me go through with my case.