

*The President:* The ruling you ask for is, in effect, the verdict. If the Court rules that you wrote this maliciously there is no more to be said; that is the end of it. You are asking the Court for a ruling which is the verdict. The position is that you have admitted the letter, and in that letter you make certain charges against your superior officer, which fact is a military crime unless you can prove privilege. Now, the Court will explain to you that these accusations may be privileged, but only to this extent, that they are relevant to your claim to exonerate yourself, and that you *bona fide* believed them. It does not matter whether they are true or not, only whether you made them falsely or maliciously.

*Captain Knyvett:* Even if they were false and malicious they were privileged. I accept the Court's ruling, and I respectfully ask to be allowed to proceed with my own defence. I will take it on oath, if I may, sir.

Captain Knyvett was then sworn.

*Captain Knyvett:* Before giving evidence I want to protest against the finding of the Court, and have it noted.

*The President:* What finding?

*Captain Knyvett:* The finding that you would not have any argument.

*The President:* That has been ruled on before.

*Captain Knyvett:* As to the first charge that I committed an act to the prejudice of good order and military discipline by stating in my letter "preventing any possibility of a scandal leaking out to the public of the want of tact and interference of the Chief of General Staff," I submit that there is nothing in the first part of it. As to "want of tact," that, I respectfully submit, vitally concerns me. I knew Colonel Robin's statements to be absolutely untrue. I would like to know, sir, if the evidence is being taken down.

*The President:* Well, we cannot take the evidence down as fast as this. You say that you honestly believed that charge to be true when you made it?

*Captain Knyvett:* Which one?

*The President:* The first one with reference to want of tact and interference.

*Captain Knyvett:* Yes. I am just as satisfied about that now as when I made the charge. As to the first part of the charge, I submit that I have nothing to do with it. I consider that it was the want of tact and interference on the part of Colonel Robin that spoilt the whole trip. I was officially exonerated as to my conduct in going to Wellington. In addition to that, sir, I respectfully state that I wrote my letter in all good faith and truth, not so much as a grievance against a superior but rather to get an explanation as to what I believed myself.

*The President:* In what way do you consider "the want of tact and interference" affected your trip?

*Captain Knyvett:* I arrived with my corps on Saturday night in Wellington, after having been granted official leave, the evidence as to which has already been received and accepted by the Court.

*The President:* As shown in your statement marked [See Enclosure No. 2 to No. 26.]

*Captain Knyvett:* Yes, and accepted by the Court. After arriving there, and having official leave, to find at 4.30 on Monday morning, in an issue of the *Dominion* newspaper, an interview given by the Chief of General Staff, which I personally knew to be entirely at variance with the facts—to find there such statements that we had not got permission to leave, that the situation was laughable in the extreme but for the fact that the men had been induced to make an expensive trip, although that trip had not really been started—it could not start really until the Monday morning—was certainly enough to cast a dampener on the enthusiasm of any men, sir. I think that bears out my assertion as to want of tact, sir, and I could have said absolutely untrue, sir, but I did not. I consider that is quite sufficient to exculpate me in saying "want of tact," but that is only one of many. I think I have brought out quite sufficient to satisfy the Court as to that.

*The President:* Do you want to say something further?

*Captain Knyvett:* Yes. The wording of the article was distinctly that no permission to travel had been issued to the company. The article says distinctly that Colonel Robin knew nothing about it in any way. I consider by writing that article, knowing that it was not true, stating that the trip had failed before it started, that it was an expensive trip to the men, and it was an expensive trip both to the men and myself, I consider that there is sufficient in that argument alone for stating want of tact on the part of the Chief of General Staff.

*The President:* You consider this article seriously affected your trip?

*Captain Knyvett:* It spoilt it. I would like to point out that immediately after that article reached camp the men struck camp themselves. As to interference, sir, I claim that the same article was reasonable ground for my claiming that there had been interference.

*The President:* You consider that you were interfered with by the Chief of General Staff?

*Captain Knyvett:* I consider that I was interfered with by the article, under Colonel Robin's name, appearing in the Press.

*The President:* By this article?

*Captain Knyvett:* By the whole five articles in the *Dominion*, *New Zealand Times*, and *Evening Post*.

Captain Knyvett read the following article, which appeared in the *Dominion* on the Monday morning:— [Not supplied.]

Captain Knyvett then produced the *New Zealand Times* of the following morning, and read the following extract:— [Not supplied.]

*Captain Knyvett:* In the interview given to the *Dominion* representative on the Sunday night, he states he had no official advice of our intended visit, yet in this interview, given on the Monday afternoon, he says that he replied to the application for permission to travel on the Saturday morning. These statements are directly contradictory, one of the other. This is where the interference comes in. He says, "It appears that the captain of the Auckland Artillery did not even report himself on arrival to the Officer Commanding the District, a duty devolving on responsible