

Captain Knyvett: I wish to ask—perhaps it may save the Court's time—if the Court will, during the adjournment, give a decision as to whether these responsible commissioned officers and non-commissioned officer have give sufficient evidence to exculpate me?

The President: That is quite sufficient to establish the truth of your statement that you have been approached.

Captain Knyvett: That is the last charge, then, sir. There is no necessity, then, to call any further witnesses?

The President: It is quite sufficient to establish the truth of your statement. It is connected with your grievance. Your witnesses support your statement.

Captain Knyvett: That would exonerate me, would it not, sir?

The President: The Court can only report on it. The Court cannot give a decision as to whether they consider you have brought sufficient evidence to establish the truth of your statement.

Captain Knyvett: The Court has already done that.

The President: The Court is perfectly satisfied with your statement.

The Court adjourned until 10 a.m. the following day.

THIRD DAY, 23RD DECEMBER.

The Court resumed sitting at 10 a.m. on Thursday, 23rd December.

The President (to Captain Knyvett): The evidence you have produced on the third charge is to the effect that you have been approached by officers, but the only officers you have called are from the Auckland District. Now, your charge is wider than that, and I want to point out to you, on the evidence as it stands, that it might be looked upon as an exaggeration. You say that you "have been approached by many officers throughout the whole of the North Island." You see what I mean. Now, we want to give you every opportunity to substantiate your statement.

Captain Knyvett: But the Court has already refused to call them.

The President: No; we said that we were not prepared to call any whose evidence would not be relevant. Now, do you wish to call any more evidence to prove that many officers throughout the whole of the North Island approached you?

Captain Knyvett: You ruled last night that the evidence I called was sufficient.

The President: The Court wishes to give you every opportunity in case the Convening Officer considers it necessary. Do you wish to call the evidence of officers from other parts?

Captain Knyvett: I want to know if the Court is at all times to consult the Convening Officer?

The President: The Court has to inform the Convening Officer, but if the Convening Officer is not satisfied the Court may call for more evidence.

Captain Knyvett: If the Court is already satisfied with the evidence, I respectfully submit that the Convening Officer cannot, and should not, further be consulted.

The President: You have undoubtedly called evidence showing that you were approached by officers.

Captain Knyvett: I gave the reason why I was not prepared to call further evidence. The three I called are just as good as from other parts of the Dominion. The reason why I do not call officers from other parts is because some of them are Staff Officers in Government billets, and they might thereby become prejudiced in their positions. They would become marked men.

The President: Well, do you wish a note made of that?

Captain Knyvett: Yes, sir, I do. But I will produce them at a properly constituted Court, which will afford them proper protection. Although the Court has ruled that the evidence I called last night was sufficient to establish my statement, I am now asked to call further evidence, which the Court said I could not call.

The President: We said we could not compel the witnesses to come here. I have only the legal power of a Magistrate's Court. I do not know what power the Court has to compel.

Captain Knyvett: I handed the Court a list of the witnesses to be subpoenaed.

The President: Now you say that you do not wish to call officers from elsewhere on account of their public positions.

Captain Knyvett: Yes; but I will produce them at a properly constituted Court.

The President: You refuse to give their names?

Captain Knyvett: Yes, their names, and to produce them until they are protected for the evidence they would give. I want it noted that up till now no witnesses have been subpoenaed. I want it noted that, although I sent in a list on Saturday, and although I handed in a list on Tuesday, that none of them have been subpoenaed up to the present. I want that specifically noted.

The President: Now, on the presumption that the action of the Chief of Staff did spoil your trip to Wellington, do you consider that you were justified in using the terms you did in your letter?

Captain Knyvett: The Court has already asked me, and I answered. I answered "Most certainly." The Court has already ruled that it was sufficient to justify me.

The President: It is a question whether you were justified in using these terms in regard to your superior officer if his action had spoil your trip.

Captain Knyvett: The Court has already given the opinion that I was justified in using the language.

The President: The Court has not given the opinion that you were justified in using such language. All the Court has said is that you had reasonable grounds for belief.

Captain Knyvett: Well, I consider I was justified by the conduct of the Chief of General Staff. I used the mildest terms possible.