

*The President:* Do you consider you were justified in using such terms about your superior officer?

*Captain Knyvett:* I considered it my duty to do it, as well as justification. I would like to point out that even if I had been successful in my application—and I knew I must be when the truth came out—I could not have secured any personal aggrandisement, and that it would prevent me against getting promotion, although I have had nearly twenty years' service. I realised that I would be a marked man while the officer I complained about was still in the service. I can assure you, sir, I have no desire to quit the service. I have spent the best years of my life in it, my holidays, spare time and money, and it must have been a pretty strong sense of duty that made me sacrifice all that for what I considered was for the good of the whole service, sir. It could not have been with malicious intent, sir. I could not gain anything.

*The President:* Do you wish it added that it could not have been with malicious intent?

*Captain Knyvett:* It will take hours if Captain Sandtmann is to take it down, sir.

*The President:* Do you wish it added that it could not have been done with malicious intent?

*Captain Knyvett:* I wish to point that out. Yet that is what I am charged with having done. I would respectfully ask the Court if the Court has not ruled, as far as it can go, that sufficient evidence has been brought before the Court to justify me in what I did?

*The President:* You wish to enter a protest that your witnesses were not subpoenaed? The Court ruled that you might produce relevant evidence, and they ruled what evidence they would not allow. You have had to produce evidence exculpating your letter from being litigious, frivolous, or malicious. Now, certain witnesses were in the room and we called them.

*Captain Knyvett:* Did the Court call them? I called them.

*The President:* But the Court would have called them.

*Captain Knyvett:* I gave the Court notice from the start. They have not been subpoenaed up to the present moment.

*The President:* They were not subpoenaed because they were in the room, and were called. Who brought them there it is not for the Court to consider. After hearing evidence the Court said on the first two charges you might, if you liked, call further evidence; but they did not consider it necessary, as you had called evidence in support of the points, to connect your grievance with your letter. You were satisfied. On the third charge practically the same thing was done. The Court, on considering the matter this morning, considered that the evidence you produced might allow your statement to be considered an exaggeration. You produced evidence in support of the fact that you had been approached by officers in the Auckland District. Your statement was considerably wider, and the Court asked you if you wished to call further evidence, but you said you did not wish to call officers whose public careers might be damaged. That will be noted, and I take it if the Convening Officer wants that further cleared up the Court will sit again.

*Captain Knyvett:* And keep me under arrest the whole time?

*The President:* The Court reports, and the Convening Officer comes to a conclusion. The Court only sits to clear up the evidence, and submit it to the consideration of the Convening Officer or his legal adviser. The Court has no power to judge your innocence or guilt. On the third charge they consider you have produced enough evidence to show that you were approached, but that on the statement, as you have left it, it might be considered an exaggeration.

*Captain Knyvett:* This is a departure after the Court had ruled on it. Perhaps the Court has had advice on it.

*The President:* No, the Court has had no advice.

*Captain Knyvett:* I repeat I refuse to call those witnesses until they are properly protected. It would make a vast difference as to who was being tried. With regard to the witnesses, the Court has already stated that the witnesses I called were in the room. They have not been in the room from start to finish. I would like the witnesses called as to whether it is true or false.

*The President:* That has nothing to do with it at all.

*Captain Knyvett:* I respectfully suggest that the witnesses should have been subpoenaed. I most respectfully suggest that it should be put down. Evidently one member of the Court does not wish to put down any point I want noted.

*Captain Sandtmann:* Look here! I entirely object to that, sir.

What Captain Sandtmann had taken down was then read out.

*Captain Knyvett:* I want to know the name of the officer who ordered my arrest, in order that I may appeal to him or to some higher authority for release.

*The President:* No; you were put under arrest by your Commanding Officer.

*Captain Knyvett:* The Court promised to let me know who gave the order, but they have not done so yet.

*The President:* I am afraid the Court cannot do it.

*Captain Knyvett:* After promising me that they would.

*The President:* You were placed under arrest by the Officer Commanding the District.

*Captain Knyvett:* Under instructions, sir. I will call the Officer Commanding the District to combat that.

*The President:* It makes no difference to the fact that you are arrested. Whether he was instructed or not does not matter.

*Captain Knyvett:* It might be my own captain or colonel. The man who gave the instructions is the man. It is only a fair thing for me to know. Every soldier is entitled to know.

*The President:* The Court cannot produce Government correspondence.

*Captain Knyvett:* Although I submit that it can. I gave notice to the Court for that correspondence to be produced. I know now that it has been sent to Wellington.

*The President:* Well, the Court cannot tell you who issued the instructions. You want to know who issued the instructions?