

*Captain Knyvett*: Yes.

After a pause *Captain Knyvett* went on to say: I have to apologize to you for an omission I made. I said I had not received a reply to my letter, but I did get a reply this morning, sir. I want to call the Court's attention to one or two facts now that all the evidence the Court requires has been received. I want to call the Court's attention to page 521, "Manual of Military Law," paragraph F, where it says:— [Not supplied.]

*Captain Knyvett* (continued): It says after the Board has given its decision it is the duty of the Court of Inquiry to get such witnesses. This Court has not allowed me to do that, sir. It has also laid down that I could not have a friend. The Army Act allows a friend.

*The President*: We decided not to allow a friend.

*Captain Knyvett*: But this says—

*The President*: The Court will not reconsider that complaint. I am perfectly certain that both you and Lieutenant Pullen knew exactly what a prisoner's friend was.

*Captain Knyvett*: I am not disputing the Court's ruling, sir. I am only pointing out that I have been overruled all the time. I submit I am entitled to show how absurd it is. The Court ruled that it was neither a Court of Inquiry nor a court-martial as laid down by the New Zealand Act.

*The President*: The Court is constituted a Court of Inquiry under the New Zealand Defence Act.

*Captain Knyvett*: It was said if that was so it would have to be a closed Court. It was stated that it was constituted under a different paragraph, and that was why it was opened. The Court said that it had a conference before it opened. I submit that is most irregular. The Court only sits for the purpose of taking evidence. The Court, I most respectfully submit, said that it could not consider whether there was a case. At the conclusion of the first day the Court threw out the fourth charge. With that exception the Court has in every case ruled against me. It ruled against the Manual of Military Law, the King's Regulations, and decisions of the Queen's Bench. In fact, the Court has ruled against everything that is most reasonable. In addition to that, I would like to point out that a great deal of relevant evidence has not been taken down. The questions you have put to me have not been taken down.

*The President*: All questions put by me have been taken down.

*Captain Knyvett*: I submit only part, not the whole—partial questions and partial answers. It is on the evidence handed in by the Court that the Minister decides my case. How can he decide if the evidence is not taken down?

*The President*: It has been taken down. The discussion on the points raised by you has not been taken down.

*Captain Knyvett*: I submit that the whole of the evidence has not been taken down by the Court. I have had the whole proceedings taken down by a competent shorthand reporter. That is all I have to say.

*The President*: Well, the Court will be closed, and will forward the evidence to the Convening Officer for him to deal with and decide.

*Captain Knyvett*: I would like to point out that my company goes into camp to-morrow night, and I would ask the Court to telegraph the evidence. I ask that the matter be expedited, so that when my company goes into camp I can resume command.

*The President*: The Court will forward the papers without delay, Captain Knyvett.

*Captain Knyvett*: If the Court does not care to go to the expense I will do it at my expense.

*The President*: I am afraid the Convening Officer would not accept the wire. The Court will forward the papers without any delay, and there is no reason why the Convening Officer should not wire his decision.

*Captain Knyvett*: There has been too much delay already. I sent this letter on the 10th November, and the Officer Commanding agreed to send it on with every despatch.

*The President*: If the Court were competent to come to a decision, and that decision were favourable to you, they might tell you at once. The Court is not competent to come to a decision.

*Captain Knyvett*: Will the Court tell me whether they will wire or not?

*The President*: The Court cannot give a decision whether the Convening Officer will wire to you. The Court did not decide that you had justifiable ground for saying this, but you have produced evidence to warrant you in the belief. As regards wiring, we cannot do that. We must forward the papers at once, and the Court is not in a position to say that the Convening Officer will wire to you direct. We cannot direct him.

*Captain Knyvett*: I want to know if, during this case, the Court has not already wired to the Convening Officer, and received his instructions?

*The President*: Yes, on one point. That was with reference to charge 4. We told you that he considered charge 4. We upheld your objection, and we wired to the Convening Officer, and he directed that it should be struck out.

*Captain Knyvett*: I submit that it is most irregular. The Convening Officer may be the man who placed me under arrest, and I submit that it is totally wrong that he should direct the Court of Inquiry as well.

*The President*: The Court will forward the papers without delay, and will state that you request, as the proceedings have been lengthy, for a decision as soon as possible.

*Captain Knyvett*: I ask the Court again to do one graceful act—to telegraph the evidence. It can be done at my expense.

*The President*: The Court cannot wire the evidence.

*Captain Knyvett*: It is not much to ask, and I want it done at my expense. You refuse, sir?

*The President*: Yes. We will send on the papers. The Court will now be closed, and will report to the Convening Officer.

The Court was then closed.