

APPENDIX No. 8.

[Extract from the *New Zealand Herald*, of 17th February, 1910.]

THE KNYVETT CASE.—THE FEELING IN AUCKLAND.—MINISTERS IMPRESSED.—REPLY TO A DEPUTATION.

As an outcome of the public indignation meeting held in connection with the Knyvett case at His Majesty's Theatre on Monday evening, a deputation waited upon the Hon. G. Fowlds (Minister of Education) and the Hon. Dr. Findlay (Attorney-General and Minister of Justice) yesterday afternoon, and, in pursuance of the resolutions carried at the meeting, urged justice for Captain Knyvett, and the appointment of a Royal Commission to inquire into the administration of the Defence Department. The deputation, which was introduced by Mr. C. H. Poole, M.P., comprised the following gentlemen: Messrs. C. J. Parr (chairman of the indignation meetings), F. Mander, A. E. Glover, F. W. Lang, and H. J. Greenslade, M.P.s, J. S. Dickson (chairman of the Knyvett Defence Committee), R. A. Armstrong (secretary), C. P. Murdoch, G. L. Peacocke, and Captain F. E. N. Gaudin (Active Unattached List).

The members of the deputation impressed upon the Ministers that in their opinion, and in the opinion of the Auckland public, Captain Knyvett had been most harshly treated, and that to disabuse the public mind of this the Government must give Captain Knyvett a fresh trial by a fair and impartial tribunal. Mr. Peacocke went as far as describing the sentence as a brutal one, and Mr. Mander said that after reading the pamphlet containing a verbatim report of the case he would have written a much stronger letter had he been in Captain Knyvett's place and received the same provocation. The deputation also informed the Ministers that the matter would not be allowed to rest where it is, that if satisfaction is not obtained now it must go before a higher tribunal, and that to restore confidence in the administration of the Defence Department a Royal Commission of Inquiry was absolutely necessary.

Captain Gaudin said that, although he might be committing a breach of the regulations, he would like to point out that the letter in question was forwarded by Colonel Wolfe to Colonel Tuson, with a covering note that if Colonel Tuson considered it improper it should be returned to him. Colonel Tuson, however, forwarded it on, showing that he then evidently did not consider the letter was out of order.

Not Master of the Details.

The Hon. George Fowlds, in replying, said he was afraid the two subjects which had been put forward had not been sufficiently kept apart in the public mind, as they were quite distinct and separate. As to the treatment meted out to Captain Knyvett, it had been proved to be unsatisfactory to the members of the deputation, and to quite a number of the people of Auckland. As a Minister employed in the discharge of numerous duties, he had not had the time or the opportunity of mastering all the details of the Knyvett case. He, however, had read the letter which was the foundation of the charge, and must express his surprise that any one who read that letter could contend that there was no evidence of insubordination in it. He could not imagine for one moment the efficient carrying-out of the Defence Department and the maintenance of discipline if a letter of that kind was allowed to be written, and no notice taken of it. With reference to the severity of the sentence, it was quite competent that that might be open to question; but a good deal of this hinged on the legal aspect, and he would allow his colleague, who was more versed in such matters, to deal with it. He neither admitted nor denied any of the statements made by the deputation, as he was not fully conversant with the details.

Mr. Parr: But ought you not to know them, sir? You sat in Cabinet on this matter.

Mr. Fowlds: I am prepared to answer to Parliament and to my constituents for what I have done. It was, he went on to say, quite impossible for a Minister to fully master all the details of matters that arose in Departments controlled by other Ministers. As to the question of the severity of the punishment, he would like to point out that that was recommended by Colonel Tuson, a high military officer, who had had Imperial training, so that if a mistake had been made it had been made by the officer in question. Cabinet merely indorsed Colonel Tuson's decision. The responsibility for the final decision rested—

A Member of the Deputation: With the people.

Mr. Fowlds: Yes, with the people; but the responsibility for the final decision rests with those who for the time being are intrusted with the administration of the Defence Department.

The Minister promised, in conclusion, to convey the representations made to the Minister of Defence.

The Legal Aspect.

Dr. Findlay said that what had been put forward required consideration. Both his colleague and himself had been impressed with the feeling exhibited in Auckland. There had been an impressive mass meeting, and they would be dull indeed if they were not aware that the people of Auckland, or at least a large portion of them, were dissatisfied with the present position of the Knyvett case. To his mind a very great deal of misconception had arisen in regard to the legal aspect of the matter. In New Zealand the rules of martial law did not apply, except on active service or in camp. In this connection and with these exceptions the New Zealand Defence Act carefully excluded the operations of the Army Act. What was done was done within the four corners of the New Zealand Act and the regulations under it. If he was right, and the Solicitor-General shared with him in his opinion, the charges laid came within sections 54 and 107 of the