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TRIAL BY MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS

of

EBERHARD VON MACKENSEN

and

KURT MAELZER

on

23rd NOVEMBER, 1946

SIXTH DAY

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PROCEEDINGS

of a

MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS

held at

THE UNIVERSITY OF ROME

on

23rd NOVEMBER, 1946

upon the trial of

EBERHARD von MACKENSEN and KURT MARLZER, German Nationals in the charge
of the Commander, 56 Rest and Transit Camp.

ORDERS BY:

LIEUTENANT GENERAL SIR JOHN HARDING.

PRESIDENT

MAJOR GENERAL I.S.O. PLAYFAIR, C.B., D.S.O., M.C.

MEMBERS

LIEUTENANT COLONEL E.C. SEBAG-MONTEFIORE

Durham Light Infantry.

LIEUTENANT COLONEL D.K. HAYMAN

Lincolns.

LIEUTENANT COLONEL R.W. TYRRELL

Oxf. and Bucks.

LIEUTENANT COLONEL P.S. KEEN, M.B.E.

Devons.

JUDGE ADVOCATE

C.L. STIRLING, Esq., C.B.E., K.C., Deputy Judge Advocate General to the
Forces.

SIXTH DAY

Saturday, 23rd November, 1946.

(At 1000 hours the Court re-assembles pursuant to the adjournment, the same President, members and Judge Advocate being present)

(The accused are again brought before the Court)

THE ACCUSED von MACKENSEN resumes his stand at the place from which he is giving his evidence and is further examined as follows:

THE JUDGE ADVOCATE: Now Dr. Christ you are allowed to put any questions to this witness either to destroy any testimony he may have given against your accused or to elicit further matters which have not yet been brought out which will assist your accused, but it is not the intention to have von Mackensen called again as a witness.

DR. CHRIST: I have no questions to ask.

Cross-examined by Colonel Halse.

- Q General von Mackensen, you were brought up in the Army ? A. Yes, that is so.
- Q And during your Army career you have no doubt studied German Military Law ? A. Certainly.
- Q In your Manual of Military Law are there certain observations with regard to International Law ? A. Yes.
- Q Is there any regulation in your Manual which says that you are entitled to kill people as reprisals ? A. Not as hostages, but in a general way, as reprisals, as far as I remember, it is not excluded to do so, and also in the question of hostages under certain circumstances; I mean to say if these people were taken as hostages before the incident happened then it is allowed to do so, to kill them.
- Q Do I understand from you then that the position is as follows; first, a hostage is someone taken and held in order to prevent the civilian inhabitants committing crimes against an occupying power ? A. That is allowed.
- Q That is to say, take hostages ? A. Yes, that is allowed.
- Q There were no hostages in this case were there ? A. No.
- Q So we can disregard that. Now, do you say that according to your law if one German soldier is killed you are entitled to kill ten enemy subjects ? A. The measure, I mean the ratio, is up to the individual because I do not think that the law itself made it quite clear what the ratio should be. It was up to the individual to choose. For instance, to give an example, in May 1945 the Russians put posters up in Berlin putting the ratio there is to be killed as one to fifty.
- Q I am not asking you about the Russians. I am asking you about the German Wehrmacht. In point of fact the German Wehrmacht ordered reprisals of fifty to one against the Russians did not they ? A. I do not know this.
- Q Have you heard that that was proved at Nuremberg ? A. No, I do not know about this.
- Q Will you take it from me that it was so proved at Nuremberg ? A. Certainly.

Q Let us just take an example. We will assume that the first time any German soldier was killed in Rome - the example I am talking of is the first time that one German soldier was killed in Rome - do you consider that you were entitled to take reprisals in connection with that killing? A. Is this a theoretical example which is brought up now?

THE JUDGE ADVOCATE: I do not understand that either. Are you asking some hypothetical question?

COLONEL HALSE: I am, yes, it is a hypothetical case.

THE WITNESS: It may be necessary, it has to be according to the military position because the reprisal is not a punishment or an atonement. The reprisal is an action which has to be taken for military necessities.

COLONEL HALSE: (To the witness) Do I understand you to say then that a reprisal is to put fear into the occupied territory? A. No, not fear but pacification.

Q And you think that by killing ten Italians for every German you got pacification? A. In this particular case there was the desired success as no incidents occurred during the following ten weeks, but I had not the intention to kill ten Italians for each German killed. I had the intention to have people shot for this action who would have been shot anyhow and because having possibly to report to higher authority that I carried out this horrible order which I had got, but I have to insist on the fact that theoretically such measures would have been justified if the military position necessitated it.

Q This order was abhorrent to you as a soldier, was not it? A. Yes, I may say so.

Q And you did not intend the order to be carried out in full? A. No.

THE JUDGE ADVOCATE: I do not understand what you mean Colonel Halse. I understood he did intend the order to be carried out in full if there were enough people to shoot.

COLONEL HALSE: I will investigate that matter but I understood in his evidence yesterday that it was not intended to carry out the order in full.

THE JUDGE ADVOCATE: I understood him to say first of all that he agreed as a military measure to a ratio of ten to one. He then wanted to shoot 320 people but he wanted only to shoot those that came into the category which he said he arranged with Kappler and I understood he proposed to shoot the full number if available.

DR. KELLER: If the court wishes I could clear up this situation with one short sentence.

THE JUDGE ADVOCATE: I think we had better go on with the prosecution.

COLONEL HALSE: (To the witness) Now General, let us clear up this matter. When you gave the order to Kappler - I beg your pardon, when you were discussing the matter with Kappler on the day of the incident, did you agree with him that one to ten, a ratio of one to ten, would be killed if he had that number of people in his custody? A. Yes, if these people were sentenced to death.

Q But if he had not got 320 people who had been sentenced to death in his custody he was only to kill the number who had been sentenced to death? A. Yes.

Q That is the position is it? A. Yes.

Q It follows therefore that as Kappler only had at the most twelve people who were sentenced to death only twelve should have been shot ? A. Yes, if things would have been carried out in the right way it is so. I believe to remember that it even were less than twelve; I believe to remember that Kappler stated three to five.

Q He was not quite certain of the figure but he said twelve as the maximum. Do you say Kappler told you at the interview or on the telephone that he had 320 people available who had been sentenced to death ? A. I cannot remember that it was on the telephone but during the conversation Kappler told me that he had enough people in his custody sentenced to death to carry out the measure, the ratio one to ten, thereby, as far as I can remember it, at that moment it was known already that 32 Germans had died so consequently the number necessary were 320 but on this latter point I am not absolutely sure. It might be that at that moment the number dead of the Germans was still 28.

Q You wanted to make quite certain that no innocent people were killed, did not you ? A. Yes.

Q Let me see if your views of the word innocent and mine agree. What do you understand by the words "innocent person" ? (No answer).

THE JUDGE ADVOCATE: In what connection? You have to tell him.

COLONEL HALSE: (To the witness) You have spoken in your statement of saving the lives of innocent people. Does that help you to tell me what you understand by "innocent" ? A. I intended to save innocent lives, I intended to do so. Unfortunately I did not succeed because only such persons should have been shot who would have been shot anyhow and no others.

Q That is the point that I am getting at here General. I want to know whether you consider the words "should have been shot anyhow" means people who were sentenced to death by a recognised court and whose sentence had been confirmed by the confirming authority, or people who were awaiting trial on charges which carried the death penalty ? A. Only the first case, sentenced to death by a recognised court.

Q And sentences confirmed ? A. Yes, this is included. To make a sentence valid it must have been confirmed by the confirming authority.

Q Now General, how many courts in Rome were there competent to pass such a death sentence ? A. I do not know exactly; it was the so-called Feldgericht of the Kommandantur, it is the court martial of the Commander of Rome. I am not sure if other divisional commanders had their court martials too and if there were any other courts.

Q Are you saying that the only courts in Rome at the time were Kriegsgesicht, convened by Wehrmacht authorities ? A. No, I do not know that.

Q Had General Wolf's organization power to convene courts in Rome ? A. I do not know that; I have no knowledge about the SS organization.

Q I am speaking about courts to try Italians for offences covering the death penalty for crimes against the German Reich ? A. What is the question ?

Q Were there any such courts in Rome ? A. I do not know that because I had no authority over Italians; this kept Kesselring for himself.

Q Do you say then that you had no power to confirm a death sentence on an Italian ? A. Yes, I had not that power; Kesselring had it.

Q So when you gave the evidence yesterday and said you had the power of confirming death sentences you were only referring to members of the Wehrmacht ? A. Yes, my soldiers.

- Q And of course your Judge would not know anything about how many persons awaiting sentence of death there were available in the prisons of Rome would he ? A. He could not know that.
- Q How far away were you from CBSW, your headquarters ? A. Kesselring's H.Q. was at Monte Seratto, which is I believe, 40 kilometres from Rome. It can be ascertained on a map. My H.Q., was Ponte Melio, about 2 kilometres outside Rome.
- Q So that you were about 38 kilometres from Kesselring's headquarters ? A. I cannot state that exactly; it might have been 35, 45 or 50. It was approximately an hour or an hour and a quarter by car.
- Q Please do not think I am going to split hairs with you on a matter of two or three kilometres. What I really wanted to know was how far your headquarters were away from Kesselring and you have said about one and half hours by car, and of course you had telephonic communication ? A. I formed telephone connections at any time.
- Q Did it strike you that 300 people sentenced to death was a very large number ? A. Yes.
- Q You could have confirmed that number by putting through a telephone call to General Richter Keller could not you ? A. I would not know if he could have got this information and anyhow I did not think of that because it was Kappler himself who told me that he had enough persons available and the suggestion to shoot eventually less was Kappler's own suggestion.
- Q So Kappler suggested that you should not shoot 320, but some lesser number ? A. Yes, it was Kappler's suggestion, it was Kappler's own suggestion as well to shoot eventually less people, as also to shoot only those who are sentenced already to death, and that is also the reason why I trusted in this man because these two reasonable suggestions came from him.

THE JUDGE ADVOCATE: Colonel Halse, I am getting completely muddled.

COLONEL HALSE: I am sorry.

THE JUDGE ADVOCATE: Is the General now saying that even if there were enough people to be shot Kappler was agreeing that a lesser number should be shot; is that what he said ?

COLONEL HALSE: I will ask him; I thought he did. (To the witness) General, did your last answer mean that Kappler suggested that even if there were 300 people awaiting execution he would shoot less than that number ? (No answer).

DR. KELLER: I would like to insist in the interests of my client that not only the number of 300, as from the prosecution, but in the same phrase also the number of killed Germans should be included, then the phrase and the question would gain more momentum.

THE JUDGE ADVOCATE: It is sufficiently complicated already. What I want to know and it is very simple is, is Mackensen saying that as a result of his conference with Kappler it was decided that even if there were enough men under sentence of death to reach the ratio of one to ten that would not be carried out? That is a very simple question.

THE WITNESS: If that number available was held that number would be shot and not a lesser number.

THE JUDGE ADVOCATE: Just a minute. Would the shorthand writer go back a little while and read the shorthand notes.

(The shorthand writer reads: "(Q) So Kappler suggested that you should not shoot 320, but some lesser number? (A) Yes, it was Kappler's suggestion, it was Kappler's own suggestion as well to shoot eventually less people, as also to shoot only those who are sentenced already to death, and that is also the reason why I trusted in this man because these two reasonable suggestions came from him")

THE WITNESS: Yes, in case the required number is not available then to shoot only that number which is available, but I want to insist that in the same phrase it was mentioned that that is a reason why I trusted this man because those suggestions came from him.

COLONEL HALSE: My note of your evidence yesterday was that you knew at the conference that 32 policemen were dead, but it may have been more. Is that confirmed with your note?

THE JUDGE ADVOCATE: My note is: "I am speaking about the conference. I think by now 32 Germans had died. I had a doubt if Kappler had 320 people sentenced to death and I said to him, 'How is it that you have so many people sentenced to death in your prisons?' ". He seemed to be, for what it is worth, suggesting that at that time he knew 32 Germans had died.

THE WITNESS: As far as I remember, yes.

THE JUDGE ADVOCATE: Would you ask him just for my information if, when he has an important conference at which the Chief of Staff is present, any note was made and kept officially?

COLONEL HALSE: (To the witness) At this conference which you say took place at your headquarters were there any notes taken? A. No, the result was given out in the form of the order by the Army Judge.

COLONEL HALSE: I do not know if I am right but it has been pointed out to me by somebody in court that the translation of "sentenced to death" has been given as "Todeswurdig", and it is suggested that the right translation should have been "Zum Tode Verurteilt"; is that correct?

THE INTERPRETER: That is correct.

COLONEL HALSE: I understand that "Todeswurdig" is Nazi parlance.

THE INTERPRETER: It means death-worthy.

COLONEL HALSE: I am not talking about death-worthy, I am talking about a person properly sentenced to death by a court.

THE WITNESS: Yes, that is quite correct. We agree entirely that when I spoke I meant about a proper court, properly sentenced.

COLONEL HALSE: (To the witness) Now General, you say that the order was issued to General Maelzer? A. The order was passed on by the Army Judge to General Maelzer's H.Q., I do not know if it was handed personally to General Maelzer, but I doubt it. I assume it was given to his Chief of Staff Major Boehm.

Q You signed that order? A. Yes, as far as I remember I signed it in the presence of my Chiefs of Staff, it might be also in the presence of the Army Judge, but it is quite clear that this order was more or less only for the files because Kappler knew.

THE JUDGE ADVOCATE: Was more or less what?

THE INTERPRETER: Was only for the files because Kappler knew what it was intended to do.

COLONEL HALSE: (To the witness) This order to shoot a ratio of one to ten, 320, an order which, if any innocent person had been shot would have been abhorrent to you, the only information you had got that the number of 320 were available was from somebody not on your staff and from somebody not under your command and from a member of the SD. Did you make no effort at all to check up his statements? A. No, because this information came just from an SD man, from an SD man who seemed quite reasonable and who had himself made these very reasonable suggestions, but I might be allowed to say here that I am not fighting here for my life, that I am fighting for the honour of the Army who was bedraggled by these people.

Q Will you please answer my questions and not make speeches. In order to satisfy yourself that these SD people were telling the truth, and you appear not to like the SD from the way you spoke just now, all you need have done was to pick up the telephone, ring up General Richter Keller and ask him how many people there are in the jails in Rome who have been sentenced to death. Did you take that very simple precaution? A. No.

Q Let us just talk about the SD for a moment.

THE JUDGE ADVOCATE: Colonel Halse, is the General Richter Keller you are speaking about the defending officer?

COLONEL HALSE: Yes.

THE JUDGE ADVOCATE: We know what role he is playing now but what role was he playing then?

COLONEL HALSE: I thought he had mentioned it?

THE JUDGE ADVOCATE: He said he would give evidence.

COLONEL HALSE: (To the witness) General Richter Keller was Kesselring's chief legal adviser, was he not? A. I believe, though I was told that, I do not know if he was that at that time. He was co-operating with my Chief Judge, Steigenthal.

Q But when I am suggesting that you might have picked up the telephone perhaps your Judge could have picked up the telephone and spoken to his superior at Kesselring's headquarters? A. It could have been; I do not know.

Q But you did not tell him to do that? A. No, the Army Judge had no opposition against this procedure, how it was proposed.

Q Will you please answer my questions and not make speeches. I said I was going to ask you about the SD. Did you know how the SD worked? A. The way, the method?

Q The method of working? A. To such that extent as I know now from Nuremburg and all what came to light after the armistice; I did not know it at that time.

Q Do you say you knew nothing of the workings of the SD in 1944? A. No, I do not want to say that I did not know anything.

Q Do you say you knew nothing of the methods of the SS? A. Methods as such in general are unknown to me; there are SD methods, there are methods of the Waffen SS and perhaps of other branches.

DR. KELLER: I would like to ask the prosecutor to tell the witness what he means by the word "methods".

- COLONEL HALSE: (To the witness) Do you say you did not know that the SS were a lot of bullies? A. In this form, that the SS were a lot of bullies, I cannot even say to-day.
- Q They were Hitler's bodyguard, were not they; I am talking of the SS as a whole, not the Waffen SS, and their method of dealing with the German people was not kind was it? A. All this came, in larger extent, only after the armistice, to light.
- Q Do you ask the court to say you do not know how the SS treated the Jews before the war in Germany? A. No, I do not want to say that.
- Q You know how the SS treated the Jews, did not you? A. I knew about the burning of synagogues and similar incidents in those days but I had no knowledge about the deportation of Jews until after the armistice.
- Q And do you say that you thought the SS and SD was worked with kid gloves on? A. No, no-when.
- Q Himmler, their chief, was a great power, was not he? A. Yes.
- Q And he got it by the bullying methods of the SS under his command? A. I would prefer to say by the bullying methods of the SD.
- Q I would much rather have that - and so the SD were bullies? A. In the whole, the mass, most probably, but I cannot give a judgement here on oath because I know too few of them.
- Q I am not asking you to give a judgement on any particular member of the SD now. I am asking you whether your view of the SD on 23rd March 1944 was that they were a lot of bullies? A. No, I could not say that.
- Q When did you form the opinion that they were bullies? A. I cannot say that. On the 23rd March 1944 I had the opinion that there are bullies amongst the SD but not that they are all bullies.
- Q When did you first meet Kappler? A. During the conference.
- Q The first time? A. As far as it is conscious to me, for the first time.
- Q And you immediately assumed that he was better than the average SD? A. Yes, because he had this reputation in Rome.
- Q And you trusted every word he said? A. Yes.
- Q Without checking anything? A. As I have stated already before, yes, because he made an absolutely trustworthy impression, and not only to me but also to the two other men present.
- Q I want to come to the order which you say you signed and passed on to the Commander of Rome. What did that order say? A. I stated already yesterday that as far as I know it still now - what I knew about it I said yesterday.
- Q Perhaps you will tell me again to-day what it said? A. I cannot fix the exact wording any more. It is sure that it was in the order that the carrying out should be done by the SD on Hitler's orders, and most probably the order contained the ratio one to ten, and not the total number, because the total number was not yet exactly known.
- Q And that order was given by you to Maelzer? A. To Maelzer's H.Q.,
- Q So that he could pass it on to the SD? A. Yes, it could have passed it on to the SD but Kappler was found anyhow.

THE JUDGE ADVOCATE: He has not answered the question. What I want to know is, did he send this down to Maelzer. Whether it went to his headquarters or not I do not care, but was it intended for Maelzer to pass it on to the SD to pass on to his subordinate?

COLONEL HALSE: (To the witness) This order you signed was an order to Boehm so that Boehm could pass it on to the SD? A. Yes, that is correct.

Q Was there any word in that order which said, "If there are not 320 people sentenced to death you will only shoot the number who were sentenced to death" A. I do not remember if this exactly was said in the order. Most probably it was said, according to the instructions or regulations laid down during the conference, because we had to be very cautious in the wording with regard to the forged report we intended to make to higher authority.

Q It was absolutely essential for your conscience to see that only that number of people who were sentenced to death were shot, was not it? A. As I have stated already previously this was conditio sine qua non for me and only under this condition I agreed to the measure.

Q And yet you can remember whether that statement was contained in the order which you issued to Maelzer? A. Yes, I exactly cannot remember if it was contained in the written order. I wish this order would be available here, but I know that it was completely clear that the order should be carried out in this way.

Q If it was not in the written order did you ring up Maelzer and say, "Look here, Kappler must not shoot any more than those people you have sentenced to death. You must see to it"? A. I do not remember if I myself did that. As far as I remember General Maelzer knew in which way the message should be carried out.

Q And so you say you told General Maelzer that Kappler had agreed only to kill those who were sentenced to death? A. I do not remember if I myself told Maelzer, or perhaps Hauser, my Chief of Staff, but I am quite convinced that he knew.

Q Did you say to Maelzer, "If more people are killed than were sentenced to death the honour of the Army is at stake"? A. No, I never thought of it, that such a thing could occur.

Q And, "We must be absolutely certain that only that number are killed", you did not say that? A. I do not understand the question.

Q You did not say to Maelzer, "We must be absolutely certain that only those sentenced to death are shot"? A. No, I did not say so because it was certain, it was sure. This, in my opinion, was certain.

Q In other words you trusted the word of an SD man? A. Yes, unfortunately I did so.

Q It would have been quite simple, would it not, to have had somebody from your headquarters, or Maelzer's headquarters, checking up on people as they were taken out to be shot? A. There was no checking from our part of the SD. We had not the duty to check; we had not the right to check and it was forbidden to us to check.

Q You were giving an order to the SD to carry out an execution, were not you, "Yes" or "No"? A. No.

THE JUDGE ADVOCATE: I do not think he can answer it "Yes" or "No" Mr. Prosecutor because I know what he wants to say, he wants to say he passed it on.

COLONEL HALSE: I appreciate that; I will put it another way. (To the witness) This order came from Hitler? A. Yes.

- Q It came through OKW ? A. Yes.
- Q It was a Military order ? A. It was a Hitler order.
- Q Through the Military channels ? A. Yes.
- Q The Military were responsible for seeing that it was carried out ? A. No.
- Q Why not ? A. Because it was ordered, ordered by Hitler, "carrying by by the SD" because he did not trust us.
- Q If this was an SD order, an order to be carried out by the SD, why did not it come through Wolff channels ? A. I do not know that. Unfortunately it came from the OKW through Kesselring's Staff H.Q., to me.
- Q You did not get on to Kesselring and say, "Look here, this is an SD matter, why cannot Wolff give these orders which are abhorrent to me" ? A. No, I did not do that, and on that day Kesselring was on a journey and returned only in the evening.
- Q The order was not issued until late at night, was it ? A. The order, as much as I remember, was sent, to the utmost, one hour after the conference from me to the Rome H.Q.,
- COLONEL HALSE: May I have Exhibit "4".
- THE PRESIDENT: What is Exhibit "4" ?
- COLONEL HALSE: Maelzer's statement. (To the witness) As you know General Maelzer made a statement in this matter ? A. Yes.
- Q It was not read in German but I take it you have a copy of it ? A. I might have read it; I have not got it at the moment.
- Q I want you to listen to this because this is what General Maelzer said happened on the afternoon of the 23rd. It is the second paragraph on Page 2. That Maelzer had spoken to Hauser, your Chief of Staff, and then he spoke to you; is that correct ? A. It is quite possible; I do not know.
- Q In the conversation with you Maelzer reported the incident to you; is that right ? A. It is possible.
- Q You then asked Maelzer what he thought ought to be done by way of punishment ? A. All that is possible.
- Q You say you cannot remember it happening ? A. I cannot remember with certainty, but I think it is well possible that it happened in this way. I personally think it was not a telephone conversation but a proper conference between us, but he apparently remembers it rather in the way of a telephone conversation.
- Q Very well. Maelzer said that he had no suggestions to make with regard to the way of punishment; is that right ? A. All that is possible but I cannot remember with certainty.
- Q You then insisted that Maelzer should say what kind of punishment had to be adopted; is that right ? A. I remember that I have read this in Maelzer's statement but I really cannot remember with certainty, but I must say it was well possible that it happened in this way because I heard that Maelzer, on the scene where the outrage took place, showed rather natural excitement about it and therefore I think it is well possible that to calm him down a little bit I might have said to him, "Well just think about it, what sort of measures should be taken but do not act too rashly".
- Q What I am asking you is, did you tell Maelzer to say what sort of punishment had to be carried out ? A. Do you mean at that time ?

Q Yes ? A. I rather doubt this.

Q That is what Maelzer said you said to him in this statement ?
A. If Maelzer says so I do not want to deny it or to put it in doubt.

Q Maelzer then referred to the examples of Paris, Brussels and Nantes; those were reprisals? A. I believe I have been asked yesterday the same questions, and my answers were, that I cannot remember with certainty, but I think it is well possible.

Q You may have been asked many questions yesterday but I am going to ask you possibly the same questions again to-day. You then said that you would give a definite ruling to Maelzer later ? A. Yes, that is quite possible.

Q The conversation then ended. Later you telephoned Maelzer again and asked him what people he had available for a reprisal to be taken ?
A. It is possible; I cannot remember these telephone conversations. I rather think it was not a personal interview, and he may well have been present even during that conference which was mentioned before. Maybe General Maelzer might be asked whether he did not mix that up with the conversation with General Hauser.

Q May we go on with this second telephone conversation at a later time ?

(At 1130 hours the court adjourns)

(At 1140 hours the court re-opens)

(The accused are again brought before the court)

THE ACCUSED von MACKENSEN resumes his stand at the place from which he is giving his evidence and his cross-examination by Colonel Halse is continued as follows:

Q Before the adjournment I was starting the second telephone conversation which Maelzer had with you on the 23rd March. Do you agree that there was a second telephone conversation ? A. I am giving evidence under oath and I really cannot say on oath that I remember all these detailed telephone conversations.

Q Are you prepared to accept what General Maelzer says, that there was a telephone conversation ? A. Yes, I am.

Q I want to go through that telephone conversation with you, and you appreciate that I am putting to you what Maelzer says happened in that telephone conversation, and I want you to tell me whether in your recollection it happened, or whether it did not happen, or if it is possible it happened and Maelzer's recollection is correct. Maelzer asked you what people he had available for a reprisal to be taken ?

THE JUDGE ADVOCATE: Maelzer ?

COLONEL HALSE: I beg your pardon. (To the witness) You asked Maelzer what people he had available for a reprisal to be taken ? A. Possible.

Q Maelzer said he had none and that he did not intend to arrest anybody as a hostage. On the other hand the SD might have people available who acted against the security of the German Army ? A. Possible.

Q You said that only persons already under arrest for actions against the German laws could be considered but not hostages?

THE JUDGE ADVOCATE: What I want to know is whether the German says the words, "only persons already under arrest". Is that in the German text?

- COLONEL HALSE: I hope Major Forrest will be able to check that.
- THE INTERPRETER: Yes, we shall find it. Yes, that is here.
- THE JUDGE ADVOCATE: Is this right then; that Mackensen stated that only persons already under arrest for actions against the German laws would be considered, but no hostages. Is that a correct translation of the German text?
- THE INTERPRETER: Yes.
- COLONEL HALSE: Will you put that to the witness. (The interpreter does so).
- THE WITNESS: That is possible.
- COLONEL HALSE: (To the witness) I go on a little bit more. Maelzer then telephoned Kappler. After he had got an answer from Kappler he telephoned you again and he reported to you the result of his conversation with Kappler? A. I think it is well possible, but I would like to know was this to have happened before the conversation I had with Kappler, the conference I had with Kappler?
- THE JUDGE ADVOCATE: That is for him to say, is not it?
- COLONEL HALSE: Yes. (To the witness) I am asking you if it happened at all, this conversation? A. As far as I remember it happened, but in the form of a conference in my office, not in the form of a telephone conversation.
- Q Then do you say that this conversation with Maelzer never took place?
A. No, I do not want to say this.
- Q You see, Maelzer has said quite positively that on that afternoon you had three telephone conversations with him; the first when you discussed what action should be taken, that is the one I was talking about before the break, the second when you asked him who was available for reprisals, and you said that both those conversations were possible, that Maelzer's evidence on this matter is not wrong? A. Yes, anyway I do not want to deny them.
- Q Maelzer says there was a third telephone conversation. Do you deny that there was a third telephone conversation with Maelzer? A. No, I have no reason to doubt any of General Maelzer's statements, but I myself cannot remember.
- Q What General Maelzer said was this: "With regard to the third conversation I reported to Mackensen that Kappler had about 200 people who had been arrested for acts against German laws and that additional people could possibly be obtained from the Italians". Did Maelzer say that to you? A. I cannot remember. I think it is well possible and I have no reason to doubt it.
- Q So at that moment you had notice from your subordinate Maelzer that Kappler only had about 200 people in his custody who were available, but not under arrest for actions against the German laws, and that it was possible he could get some more from the Italians, but the number was unspecified and you agreed that that might be the position? A. This is possible. This was one point of the procedure, that at that moment Kappler reported that up till then he had this number available, but I am astonished about it as this telephone conversation would have been after the conference, because during the conference Kappler told me that surely he would have enough people for the ratio one to ten, people sentenced to death.
- Q Maelzer, in his statement, never mentions a conference. Do you say he was present? A. Till my arrival here about a week ago I had in my imagination that Maelzer took part in that conference. He contests the fact, I believe him, and so it appears that he did not take part in the conference.

- Q So you have discussed this matter with General Maelzer ? A. Yes.
- THE JUDGE ADVOCATE: You are suggesting he discussed the case with Maelzer; is that what you mean ?
- COLONEL HALSE: In no improper way sir. I am suggesting that since he has been here he has discussed this case with Maelzer.
- THE PRESIDENT: He has not said so has he ?
- COLONEL HALSE: Before the witness arrived here he thought Maelzer was in the conference. Maelzer said he was not, and he says he was not.
- THE JUDGE ADVOCATE: You were suggesting that they had discussed the case when they met. The President was under the impression that the witness was saying, "I make this statement because of what is in Maelzer's statement". That is the point.
- COLONEL HALSE: (To the witness) You have read this statement of Maelzer's, have not you ? A. Yes.
- Q Have you discussed that statement with Maelzer ? A. Now not. We were seated together here in an adjacent room and we naturally spoke of the facts but not about the statements in detail.
- Q So you have never discussed this statement with Maelzer - I do not see why you should not ? A. I did not go through this statement with Maelzer point by point and I did not do that for the reason because I do not want my recollection to get mixed up by new impressions.
- Q If General Maelzer's statement is correct you know after this telephone conversation that Kappler only had about 200 people available and they were people who had been arrested in respect of crimes committed against the German Army ? A. No, I did not know that.
- Q I am not suggesting that you knew it, but I am saying if Maelzer's statement is correct you must have known it ? A. That at this moment Kappler had not yet the full number, this is contained in my own statement.
- Q I am coming to your own statement later on. I am still saying that we have not got anywhere near 300 people, only 200, and those only arrested, not sentenced to death. Now if that is true it gives quite a different picture to Kappler's 320 available who have been sentenced to death, does not it ? A. Yes, but I did not read out of Maelzer's statement that these people were not sentenced to death.
- Q But Maelzer said that is what he said to you. Let me read his statement to you: "Von Mackensen stated that only persons already under arrest for acts against German laws could be considered, but no hostages. As Mackensen had no direct line with SD headquarters I phoned Kappler personally and told him what von Mackensen had said. Kappler answered me that he had about 200 such persons available and that additional persons could possibly be obtained from the Italians. I reported the result of this conversation to von Mackensen who said he would give me a definite ruling as soon as possible" That is what Maelzer said happened, not one word about people sentenced to death or people worthy of death. A. It is contained.
- Q Do you say the words, "worthy of death" appear in that statement ? A. No, but my opinion is, that when Maelzer telephoned that he said that Kappler had not yet the necessary number of people available. That is how I have it in my memory and this is agreeing with my statement, that it was pointed out to me, I believe by my Chief of Staff, that there were certain difficulties in getting the whole number but that these difficulties were overcome.
- Q What I am suggesting to you now is this: if Maelzer's statement is true you were put on your guard that at that time he had about 200 people -----
A. Sentenced to death.

Q Wait a minute - and that those people were people who had been arrested for offences against the German laws? A. But such offences which should be punished with death.

Q But that is what I am getting at. An offence punishable with death is not the same as a person sentenced to death is it? A. I should have better said, sentenced to death. Moreover the actual number was of no importance for me because less people should have been shot than the higher number reported.

Q You say you had agreed with Kappler that only people sentenced to death were to be shot; do you agree? A. Yes, on his suggestion.

Q When Maelzer telephoned you and said, "Kappler has got about 200 people who have been arrested for crimes against German laws", that is not the same as having 200 people who have been sentenced to death is it? A. This is an equivalent, but I understood it out of the conversation and the whole conversation is outdated by the following conference.

Q Now we have not decided when the conference was and when this telephone conversation was. Whether the conference was before the telephone conversation or afterwards is quite immaterial to my question - - - - -

THE JUDGE ADVOCATE: I do not want to interrupt you but we know you have put two parts of the statement to him and I think very largely what you have put to him is comment that you can make in your speech. I am not stopping you putting other parts but I think the court think that paragraph has been pretty well gone into and they understand that.

COLONEL HALSE: (To the witness) I will leave that in view of what the Learned Judge Advocate has said and speak of a conversation which Maelzer said you had with him the next morning. Do you say that you had a telephone conversation about this matter on the morning of the 24th March? A. I cannot remember it but I think it is possible.

Q Now Maelzer says that you asked him to pass an order on to the SD? A. This written order?

Q I am now speaking of a telephone conversation in which Maelzer was asked by you to pass on an order to Kappler? A. I cannot remember this and I could not think what order this should have been.

Q We will see what the order was in a minute because I am going to read it out to you. Do you say that that conversation never took place? A. I cannot remember it; I do not know.

Q You say that it is probable that it did take place if Maelzer says it did? A. I really consider this telephone conversation improbable. For me the matter, after the conference with Kappler, was closed. That is how I have it in my memory.

Q So you say that Maelzer is wrong when he says there was a conversation on the morning of the 24th? A. I cannot answer the question as long as I do not know of what this telephone conversation should have been spoken. Perhaps then I can remember.

Q Just think once more. Did you have the telephone conversation about the order for the killing of these men with Maelzer on the 24th? A. I think to remember there was another telephone conversation with Maelzer - I do not remember whether it was on the morning of the 24th - regarding the supervision, the carrying out, of this order, and during this conversation I told Maelzer that I had nothing to do with it as according to Hitler's order it was an affair of the SD but this would have been a repetition because I remember this was already contained in the written order.

Q We seem to agree then that there was a telephone conversation because General Maelzer refers to that part of it to which you have referred. I want you to listen carefully to what General Maelzer says was told to him on the telephone on that morning. The court will appreciate that I shall have to take in part of Page 3 of Maelzer's statement, the same paragraph. I shall have to get it in those words.

THE JUDGE ADVOCATE: I think we waste a lot of time by your paraphrasing it. It would be much simpler if you read it and asked him if it was right.

COLONEL HALSE: "320 persons are to be shot. These are to be recruited from people who have been arrested for a crime which would carry the death penalty or at least fifteen years imprisonment - - - - -"

THE JUDGE ADVOCATE: Major Forrest, would you follow this. This is a vital part of the case; this is the most important part of the case.

COLONEL HALSE: (To the witness) I will start again. "320 persons are to be shot. These are to be recruited from people who have been arrested for a crime which would carry the death penalty or at least fifteen years imprisonment. The execution and choosing of these persons is the sole task of the SD. Report on carrying out by 7 o'clock in the evening". Now that is the order which General Maelzer said you gave to him on the telephone on the morning of 24th March 1944. Did you give him that order? A. Certainly not in this wording; certainly not.

Q You say quite definitely that what General Maelzer says is wrong? A. He is mistaken. It happened two and a half years ago. I could not have said this because I knew only about those who had been sentenced to death, and if this number should not have been possible to be reached the less people should be shot. It would have been quite immaterial because, even if only three or five would have been available, the number reported to higher authority would still have been 320, although in reality only three or five would have been shot.

Q I would like to say this again. Do you say quite definitely that that order was never given by you to General Maelzer? A. In this wording, certainly not. It is quite impossible that I should have given this order.

Q It is a very important order, is not it? A. Yes.

Q One which General Maelzer would remember? A. What is the question?

Q It is an order which General Maelzer would remember? A. I do not know whether he is capable to remember the exact wording of this order.

Q Well I am going to put one more question to you about that order. A. I am quite aware of the paramount importance of this order.

Q I am going to put one question to you about it. This order, if it was given, is quite contrary to anything you discussed with Kappler, is not it? A. Yes.

Q On the other hand it tallies with the earlier conversations which Maelzer said he had with you? A. I cannot see any agreement in this.

Q I will not take that any further. As I understand your case it is this; that you were going to, if the numbers were not available, kill less than 320? A. Not only my idea but also Kappler's intention.

Q And of course if you were going to kill less you would have to report that 320 were killed? A. That the ratio of one to ten had been followed.

Q The importance of this reprisal was as a warning to the public of Rome, was it not, so presumably the announcement that 320 people had been shot as a reprisal would have been made to the people of Rome? A. Certainly.

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- Q The people of Rome would very soon know that 320 people had not been shot, would not they? A. I rather doubt this, but nevertheless I would like to say that Field Marshal Kesselring reported the true matter, I mean the truth as it showed itself in our eyes, through his ambassador to the Vatican - the true facts, as we saw it, to the Vatican.
- Q I am not asking you whether Field Marshal Kesselring or anybody else reported to the Vatican. I am putting a point to you. The SD were to carry out this shooting, were not they? A. Yes.
- Q Do you suggest that Kappler would have agreed to less than 320 being shot and then a notice being put in the press that 320 people were being shot? A. It was his own idea, his own proposition.
- Q Every member of the SD kommando who carried out the shooting would know that less than the 320 had been shot, would not they? A. Certainly.
- Q Kappler's life would not have been worth a minute's purchase in the SD if Wolff found out he had not shot the number he was told to shoot, would it? A. That is possible.
- Q I suggest to you that it was never agreed between you that there would be less people shot? A. An agreement between whom?
- Q You and Kappler? A. I am very sorry if it is not believed but I cannot say anything else. I cannot change my words.
- Q Now I want to come back to the early part of the incident immediately after the shooting. From whom did you first hear that Hitler had made a demand of one to twenty and the blowing up of the Via Rosella? A. By my Chief of Staff who had spoken with the Army Group.
- Q And so it came from the Military channel and not the SS channel, this order? A. No, it came from Military channels.
- Q And presumably the report was sent up by Military channels? A. It has been sent in this way.
- Q The police were not under your command were they, the police battalions? A. The police battalion was tactically subordinated to the Commander of Rome and so also to me, but only for tactical purposes.
- Q Do you consider that the bombing was a matter which was the responsibility of a person on the tactical side? A. I ask to repeat the question?
- Q Do you consider that this incident had to be dealt with by the person responsible on the tactical side? A. I cannot understand the question.
- Q The bomb was thrown at a police unit in Rome in an area under your command. Were the Army the right people to deal with the matter or the SS? A. Also the Army had to deal with that matter.
- Q Why do you say it was the responsibility of the Army if the men were police and the crime was committed against the police? A. In the first line, therefore because the security and the tranquility of Rome were disturbed, and Rome, as a city of millions, was immediately behind my front line. As I have stated already yesterday it was simply impossible to hold this front if Rome became a turbulent city, and if my front fell, the main front line in Italy, which at that time was at Cassino, would have fallen too. I had also to take care for calm and security in Rome. It would have ^{been} my duty even if no police unit had been involved.
- Q Did you issue any appeal to the Roman public? A. No, this the Field Marshal kept for himself.
- Q I am talking of before the reprisals were taken? A. This principally was a question of the Army Group, Kesselring.

THE PRESIDENT: Did you or did you not? A. No, I did not do it.

COLONEL HALSE: Did you give any warning that there would in Rome be ten people shot for every German soldier who was killed by that bomb outrage before the shooting actually happened? A. No, not for my part.

Q Had any warning being given in Rome that if there were any further bomb incidents people would be shot in the ratio of ten to one?
A. After the incident?

Q Before the incident? A. No, I do not know about it.

Q You will see that I accept that there were bomb incidents and other incidents in Rome before the 23rd March. I want to ask you about one statement in your own statement. I want to read to you Paragraph 3 on the last page. You are speaking of the reasons for your actions; "This thought decided me to take the responsibility of putting my name to the report to the Senior Army Group, a report which did not fully correspond in sense to the truth and stated that the requisite number of persons had been liquidated 'as atonement for the bomb attack'. It decided me also to give a fictitious order for a measure which would have been carried out even without this order"? A. I remember.

Q Would you just look at the first sentence. (Handed) What do you mean by the words, "to take the responsibility of putting my name to the report to the Senior Army Group"? A. What I meant is, that I did put my name, my signature, to this report which goes to Army Group Headquarters, and then would be forwarded to Hitler's own headquarters, that hostages in the ratio of one to ten had been shot, although it did not correspond with the truth.

Q Did you use the word, "hostages"? A. In this report I should think that I did use this word because the idea was that this report should sound quite true to Hitler.

Q Did you send a report of the incident? A. In the report which was sent out each night, nightly report, these reports were written down and then forwarded by teleprint and that was very important that this report should reach Hitler in the evening during his nightly conference so that he should not invent some new other demands in this matter.

Q You got the report presumably from Maelzer? A. I should think so. That went from office to office. I have to assume that the Kommandantur, that General Maelzer's office, was in constant communication nightly, and also in the morning hours, with my office.

Q Did you get the report yourself that this shooting had been completed?

THE JUDGE ADVOCATE: He said he found the paper from the Chief of Staff on his table saying the order had been carried out.

COLONEL HALSE: I am much obliged. (To the witness) Having come to this agreement with Kappler that only those people actually sentenced to death would be shot did you make any enquiries as to how many in fact had been shot? A. No, I got the report how many had been shot.

Q But you had agreed with Kappler that only the number of people actually sentenced to death would be shot? A. Yes.

Q Did you ask Kappler how many people had in fact shot? A. No, I got a report by normal channels that the action was carried out and closed.

Q But you had agreed with Kappler, had not you, that he would only shoot those people who had been sentenced to death? A. Yes.

Q Were not you interested to find out how many of those people had in fact been shot? A. Yes, I knew this by the report; that is to say that he had a sufficient number and this number had been shot.

Q By what report did you know that he had a sufficient number, by the report that the shooting had been carried out? A. Yes.

Q But that report was the official report, so it must have said 320?
A. Not the number but the ratio one to ten. That actually more than that had been shot I learned only afterwards, as I said yesterday.

Q I am not asking you whether you learned how many people had been shot afterwards. What I am asking you, and I am going on asking you, is, did you ask Kappler, "In view of our agreement how many did you in fact shoot?"
A. No.

Q Did you care how many were shot? A. I had the report.

Q Very well leave it at that.

THE JUDGE ADVOCATE: Colonel Halse, I am not very clear on this. Was not it of importance to his honour, as a German officer, to know whether he was telling an untrue report to Kesselring or a true report, and that he could only find out, could he not, by finding out how many had actually been shot?

COLONEL HALSE: I have given him ample opportunities for saying it. I will put it again. (To the witness) You had an agreement with Kappler, that he, Kappler, would only shoot those people who had in fact been sentenced to death?
A. Yes.

Q You knew that 32 policemen had been killed? A. Afterwards more.

Q You had issued an order that the killing would be in a ratio of ten to one. You got a report through your office that a ratio of ten to one shooting had been carried out?
A. Yes.

Q Did you make any enquiries, in order to satisfy your conscience, from Kappler to ensure that he had only killed people who were sentenced to death?

THE JUDGE ADVOCATE: That is not what I wanted.

COLONEL HALSE: I am sorry. (To the witness) Did you ask Kappler how many people had in fact been shot?
A. No, but he reported it to me.

Q But under your agreement he would report a ratio of ten to one although he need not kill that number of people?
A. I do not understand.

Q Under your agreement he would report a ratio of ten to one although he need not kill that number of people?
A. It became quite clear to me that it was the official report, but at the same time that it said the truth, that so many people had been shot. Whether it was ascertained by officers of my staff, I speak mainly about General Hauser, or who ascertained I do not know, but it was quite clear to me.

Q You had this agreement with Kappler. Did you make any attempt to find out if Kappler had kept his part of the bargain?
A. No, I trusted in him.

Q You see General, you said that an order to kill innocent people was abhorrent to you?
A. Yes.

Q And you did not make certain that innocent people had been killed?
A. No, because I thought this was completely impossible.

Q During your discussion with Kappler did you use the words, "worthy of death" or the words, "sentenced to death"?
A. In the first line surely it was mentioned, "sentenced to death by a properly constituted court". If afterwards this has been changed in the words, "death-worthy" or "candidate of death", I do not know, but I believe improbable.

Q You mean by that that when you were talking to Kappler there were times when you used the words, "worthy of death" and at other times you used the words, "sentenced to death" ? A. The words, "worthy of death" I have got in my memory for the first time again when I heard it here by Kappler. The words, "candidate of death" is in my memory to have been used, but always as an equivalent to people sentenced to death by a properly convened court.

THE JUDGE ADVOCATE: I have taken a very full note of this case and time after time this witness has refused to have anything to do with, "worthy of death". He has repeated every time that when he was discussing it he always used, "under sentence of death". I can read it out to him if he likes and I have got two or three versions over and over again. Does he wish to change it now ?

THE WITNESS: I always used the words, "Zum Tode Verurteilt", which means, "sentenced to death by a court properly constituted".

THE JUDGE ADVOCATE: What word did Kappler use in those discussions ? A. I remember only that he always spoke about persons sentenced to death. The word, "death-worthy" is, as I have said, just now come to my memory the first time again here in court. The words, "death candidate", might have been used by Kappler. It was always the impression given to me that it was spoken about persons sentenced to death.

Re-examined by Doctor Keller.

Q You decided then that reprisals are necessary ? A. Yes.

Q You said yesterday that rather drastic measures as reprisals deemed to be necessary and that you saw in these drastic measures the shooting without at first concentrating on the ratio in which they had to take place. Please give the court once more your version of that which you called "condito sine qua non", under which even the shooting of one single Italian might have taken place ? A. When I said condito sine qua non, I meant that only those who had been sentenced by a properly constituted court could be amongst those who were to be taken to be shot as a reprisal.

Q I shall refer to this, what we call condito sine qua non, as the foundation. Did you ever alienate yourself from this main reason, main thought of yours, this condito sine qua non, be it in telephone conversations with Maelzer or in conferences in his office or anybody elses office, or be it with anybody else, did you ever go away from this main idea of yours ? A. No.

Q Anybody who had made a written statement or an oral statement, be it General Maelzer or anybody else, if he says that you did not follow during all the time this main thought of yours (condito sine qua non), if he says so, would you consider it to be a true statement? A. I could not say that that would be a true statement.

Q If, during your conferences with Kappler, this man should have used the word, "death-worthy", or "candidate for death", what would you understand that these two words meant ? A. Sentenced to death by a proper court.

Q When you had this conference with Kappler and when you came to this aforementioned agreement with him, what was your idea concerning Kappler's character ? A. I thought he was an honest and decent fellow, trustworthy, and I would not have dreamed to think that he could commit anything like this.

Q Was it in your character to supervise such a man or to watch him whether he really did fulfil the agreement as it was taken between you ? A. Just the contrary to the case. If I think that somebody is trustworthy and that I really may have confidence in him then I leave it entirely to him, the method and the way, how he is going to carry out an order.

- Q And now we will go from the general more to the particular case. Did you ever think that this man, who himself made the proposition to you, that he will not keep to this agreement? A. I had no doubt whatsoever.
- Q I want to repeat once more. Was this the reason why you did not supervise or check what really did happen on the 24th March? A. Apart from that I would like to point out that I had not only no right to supervise him but it was quite clear prohibition to do so.
- Q I believe the learned prosecutor pointed out rightly to you that it might seem strange why you did not ask Kappler, "How many people have you actually shot, because I left you a free hand in it?" Now my question is, at that time had you to think only about this matter, or had you perhaps to deal with other more important matters, or was it sufficient for you to know that this man knew your intentions and that he himself did not intend to shoot more than for you to be satisfied that things would be carried out the right way? A. This affair surely was not my main task. My main task was the tactical leadership of the Army at the front, the Army which fought heavily at the moment. It took all my thoughts in order to comply with that task. At that moment the situation was always very tense.
- Q You have been asked why you did not ask the Field Marshal that this order should come through SS channels. Can you give a reason why this has not been suggested by you. What is your opinion if this would have come through SS channels? A. If this order of Hitler's would have come through only by SS channels I believe that it would not have been even attempted to give the order a milder form. Most probably it would have remained in Hitler's first instruction, so I believe that it was good that we had our hand in it.
- Q My last question deals with the persons who were sitting at that time in the prisons of Rome. Did you know how many courts could pass on the people under arrest to the prisons in Rome? A. No.
- Q Did you realize that each Army Court Martial could do that, an Army Court which was situated more or less in the area of Rome. Could also SS and police courts pass on people under arrest to the prisons in Rome? A. I suppose so.
- Q Can you tell still to-day which courts were authorized to pass death sentences. I point out, "pass death sentences", not confirm them? A. I consider the divisional courts apart from Field Court Martials.
- THE JUDGE ADVOCATE: We are not interested in any of that. What we are interested in is what courts there were in Rome, which concerned the Military, which could try and condemn to death Italian nationals. I think he has been asked about court martials in the Wehrmacht.
- DR. KELLER: (To the witness) Could Field Court Martials pass death sentences? A. Yes.
- Q And Italian subjects, was there only one court that could pass death sentences, or could each divisional court or Field Court Martial pass that sentence on an Italian subject? A. I want to believe that the last is the case. In my opinion they could pass death sentences.
- Q Do you remember the regulation that sentence passed by a Field Court Martial unanimously was considered as a legal sentence and could be carried out immediately without prior confirmation? A. Yes.
- Q What rights saved the Field Marshal for himself? A. As far as I remember the confirmation of death sentences on Italian subjects.
- Q What was the idea and the aim of this regulation?

THE JUDGE ADVOCATE: Is the learned defending counsel going to give evidence himself?

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DR. KELLER: Yes.

THE JUDGE ADVOCATE: Would not he be the proper person to tell us about the courts at this time - he was the Chief Legal Officer - and not bother the General who I do not suppose really appreciates the position. Would you ask him that.

DR. KELLER: I am most grateful for this suggestion from the court and I agree with it. No further questions.

(At 1325 hours the court adjourns until
1000 hours, Monday, the 25th November,
1946)

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