

9715.
INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
CHARLES A. MANTZ, CLERK OF THE COURT

DOCKET AND CHRONOLOGY OF PROCEEDINGS
AND PLEADINGS

- - -

<u>PAPER NUMBER</u>	<u>DAY</u>	<u>MONTH - 1947</u>	
**	2	January	Hearing in Court Room; Prosecution Exhibits Nos. 1821 to 1886-A inc. marked for identification. Oral application of Prosecution for order dismissing IPS witness Lt. John Charles van Nooten on usual terms; Granted.
631	3	January	Application of Prosecution under Rule 6(b)(1) pertaining to certain documents 687, 684, 692, 693. (See Order No. 676).
632	3	January	Certificate testifying to illness of accused NAGANO, Osami.
**	3	January	Hearing in Court Room; Prosecution Exhibits Nos. 1887 to 1958 inc. marked for identification. Oral application of Accused for order to produce OGIYA, Yorio, for cross-examination; Granted (See Order No. 638); Oral application of Prosecution for order dismissing IPS witness Capt. James S. Chisholm on usual terms; Granted.
**	3	January	Hearing in Conference Room; On application (Paper No. 628) of Prosecution under Rule 6(b)(1) pertaining to IPS documents Nos. 8466 et al; Granted (See Order No. 637).
**	6	January	Hearing in Court Room; Counsel for accused NAGANO, Osami, introduced into evidence documents testifying to illness and death of said accused which were marked "Exhibit No. 1959." Ordered that indictment against accused NAGANO, Osami, is discharged, and that remains be turned over to family of deceased.
633	6	January	Order discharging NAGANO, Osami, from the indictment (Disposes of oral application).

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634	6	January	Certificate testifying to death of accused NAGANO, Osami.
635	6	January	Certificate testifying to identification of remains of accused NAGANO, Osami.
636	6	January	Certificate testifying to illness of accused NAGANO, Osami.
637	6	January	Order granting application of Prosecution for exemption from Rule 6(b)(1) with respect to IPS Documents 8466, 8467, 8471, 8478. (Disposes of Paper No. 628).
638	6	January	Order in re oral application of the Defense to produce OGIYA, Yorio, as a witness for cross-examination. (Disposes of oral application).
639	7	January	Application of Prosecution under Rule 6(b)(1) pertaining to certain IPS document (No. 2954). (See Order No. 677).
640	7	January	Request of accused Kenryo SATO for order changing previous order for production of witnesses and documents (See Order No. 663).
641	7	January	Certificate testifying to illness of accused MUTO, Akira.
**	7	January	Hearing in Court Room; Prosecution Exhibits Nos. 1960 to 1978 inc. marked for identification. Oral application of Prosecution for leave to withdraw Exhibit No. 1965 and substitute copy; Granted. Oral application of Prosecution for leave of court to examine IPS witness TANAKA, Ryukichi, at a later date in subsequent phase of case; Granted.
**	8	January	Hearing in Conference Room; Oral application of Defense for leave to waive certain provisions of Rule 6(b)(1); Granted (See Order No. 644). On Motion (Paper No. 508) of Defense relative to the making of opening statements and of summations and arguments; Under further consideration.

<u>PAPER NUMBER</u>	<u>DAY</u>	<u>MONTH - 1947</u>	
642	8	January	Order that facilities to interview or interrogate certain witnesses requested by the accused SHIMADA be provided; and for issuance of 6 summons; and for the production of documents (Disposes of Paper No. 559 in part).
643	8	January	Application of Prosecution for leave to withdraw four reels of film entitled "Nippon Presents", Court Exhibit 1765A, B, C, D. (Disposes of Paper No. 662).
644	8	January	Order granting application of Defense for waiver of Rule 6(b)(1) on conditions. (Disposes of oral motion).
645	8	January	Acceptance of service by Defense witness, Major General ICHIDA, Jiro.
**	8	January	Hearing in Court Room. Prosecution Exhibits Nos. 1979 to 1998 inc. marked for identification. Oral application of Prosecution for order dismissing Prosecution witness WAKAMATSU, Tadahazu, on usual terms; Granted. Oral application of Prosecution for order returning Prosecution witness OGIYA, Yorio, to his former custody; Granted.
646-647	8	January	Oaths of witnesses.
648	8	January	Receipt of Officer of Guard for War Crimes Prisoner, Hiroshi HOSHINO, to be returned to Sugamo Prison account illness.
649	9	January	Certificate testifying to illness of accused Akira MUTO.
650	9	January	Certificate testifying to illness of accused Naoki HOSHINO.
651	9	January	Motion of defendant SUZUKI, Teichi, to dismiss indictment (See Order No. 728).
**	9	January	Hearing in Court Room; Prosecution Exhibits Nos. 1999 to 2026 inc. marked for identification.
652	9	January	Oath of witness.
653-654	9	January	Certificates nominating Counsel.

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655	9	January	Motion of defendant KAYA, Okinori, to dismiss indictment (See Order No. 728).
656	10	January	Certificate testifying to illness of accused Sadao ARAKI.
657	10	January	Certificate testifying to illness of accused Naoki HOSHINO.
658	10	January	Certificate testifying to illness of accused Akira MUTO.
**	10	January	Hearing in Conference Room; On application (Paper No. 640) of accused SATO, Kenryo, to amend and correct Order No. 596; Granted (See Order No. 663). On application (Paper No. 643) of Prosecution to withdraw Exhibits Nos. 1765 A, B, C, D; Granted (See Order No. 662). On application (Paper No. 631) of Prosecution under Rule 6(b)(1) re IPS documents Nos. 687, 684 et al; Granted (See Order No. 676).
**	10	January	Hearing in Court Room; Prosecution Exhibits Nos. 2027 to 2034 inc. marked for identification. Oral application of Prosecution for order dismissing Prosecution witness YAMAZAKI, Shigeru, on usual terms; Granted.
**	10	January	Hearing in Chambers; Ex-parte hearing on oral application of Prosecution for leave to present further Russian phase of case in Russian language; Under consideration and adjourned to 13 January 1947.
**	13	January	Hearing in Chambers; Further ex-parte hearing on oral application of Prosecution to employ Russian language; Ordered that French may present arguments in French language and Russians may present arguments in Russian language, subject to consideration and order by Tribunal (Orders Nos. 710 and 714).
659	13	January	Certificate testifying to illness of accused ARAKI, HOSHINO, MATSUI, MUTO and TOGO.

<u>PAPER NUMBER</u>	<u>DAY</u>	<u>MONTH - 1947</u>	
660	13	January	Withdrawal by Counsel and certificate nominating Counsel.
**	13	January	Hearing in Court Room; Prosecution Exhibits Nos. 2035 to 2086 inc. marked for identification. Major Moore offered language and translation corrections. Defense made oral application that Prosecution be required to produce language and translation corrections in KIDO's diary; Court ruled Prosecution may present such corrections at a time within their discretion. Oral application of Prosecution for order dismissing Prosecution witness Jesse L. Stewart on usual terms; Granted.
661	24	January	Motion of accused TOJO, Hideki, to dismiss the indictment (Paper No. allotted on 13 January 1947) (See Order No. 728).
662	14	January	Order granting withdrawal from the files of the Tribunal Court Exhibits Nos. 1765-A, B, C, and D. (Disposes of Paper No. 643).
663	14	January	Order amending Paper No. 596 by correcting spelling of the names of two witnesses. (Disposes of Paper No. 640 re 596).
664	24	January	Motion of defendant HATA, Shunroku, to dismiss. (Paper No. allotted on 14 January 1947). (See Order No. 728).
665	14	January	Certificate testifying to illness of accused ARAKI, MATSUI and TOGO.
666-667	14	January	Certificates nominating Counsel.
668	24	January	Motion by accused KIDO, Koichi, to dismiss the indictment at the close of the Prosecution's case. (Paper No. allotted on 14 January 1947). (See Order No. 728).
669	24	January	Motion to dismiss by the accused MATSUI, Iwane. (Paper No. allotted on 14 January 1947). (See Order No. 728).

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**	14	January	Hearing in Court Room; Prosecution Exhibits Nos. 2087 to 2108 inc. marked for identification. Oral application of Prosecution for order dismissing IPS witness John Alexander McDougall on usual terms; Granted.
**	15	January	Hearing in Court Room; Prosecution Exhibits Nos. 2109 to 2116-A inc. marked for identification. Oral application of Prosecution for order granting leave to withdraw certain original documents of Navy and Swiss Legation; Granted. Oral application of Prosecution for order dismissing IPS witnesses Douglas W. Bogue and Katsumi ONO on usual terms; Granted.
670	24	January	Motion to dismiss on behalf of the defendant MINAMI, Jiro. (Paper No. allotted on 15 January 1947). (See Order No. 728).
671	24	January	Motion to dismiss on behalf of the defendant OKAWA, Shumei. (Paper No. allotted on 15 January 1947). (See Order No. 728).
672	15	January	Number not used. Reserved for Defense paper not filed.
673	24	January	Motion of defendant KIMURA, Heitaro, to dismiss. (Paper No. allotted on 15 January 1947). (See Order No. 728).
674	15	January	Certificate testifying to illness of accused TOGO, Shigenori, and ARAKI, Sadao.
675	24	January	Motion of accused HOSHINO, Naoki, to dismiss. (Paper No. allotted on 15 January 1947). (See Order No. 728).
**	16	January	Hearing in Conference Room; On application (Paper No. 639) of Prosecution for order waiving Rule 6(b)(1) with respect to IPS Document No. 2954; Granted (See Order No. 677).

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676	16	January	Order granting application of Prosecution for exemption from Rule 6(b)(1) with respect to IPS documents Nos. 687, 684 et al. (Disposes of Paper No. 631).
677	16	January	Order granting application of Prosecution for exemption from Rule 6(b)(1) with respect to IPS document No. 2954. (Disposes of Paper No. 639).
**	16	January	Hearing in Court Room; Prosecution Exhibits Nos. 2117 to 2157 inc. marked for identification. Oral application of Prosecution for leave to employ French language in arguments in further French phase of case; Granted.
678	22	January	Separate motion of accused OKA, Takazumi, to dismiss. (Paper No. allotted on 16 January 1947). (See Order No. 723).
679	24	January	Motion of defendant HASHIMOTO, Kingoro, to dismiss. (Paper No. allotted on 16 January 1947). (See Order No. 728).
680	16	January	Certificate testifying to illness of accused MATSUI, TOGO, and ARAKI.
681	17	January	Application of accused SHIMADA, Shigetaro, for amendment to Paper No. 559 re production of documents. (See Order No. 712).
682	17	January	Certificate testifying to illness of accused ARAKI, TOGO and MATSUI.
683	24	January	Motion to dismiss on behalf of the defendant ARAKI, Sadao. (Paper No. allotted on 17 January 1947). (See Order No. 728).
684	27	January	Motion to dismiss on behalf of the defendant KOISO, Kuniaki. (Paper No. allotted on 17 January 1947). (See Order No. 728).
**	17	January	Hearing in Court Room; Prosecution Exhibits Nos. 2158 to 2177-A inc. marked for identification. Oral application of Defense to strike from indictment all counts relative to Indo-China;

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Application dismissed. Oral application of Prosecution for order dismissing IPS witnesses Fernand Gabrillagues and SUZUKI, Tadakatsu, on usual terms; Granted.

685	24	January	Motion to dismiss of accused SHIGEMITSU, Mamoru. (Paper No. allotted on 20 January 1947). (See Order No. 728).
686	24	January	Motion to dismiss of accused UMEZU, Yoshijiro. (Paper No. allotted on 20 January 1947). (See Order No. 728).
687	24	January	Motion to dismiss of accused TOGO, Shigenori. (Paper No. allotted on 20 January 1947). (See Order No. 728).
688	28	January	Individual motion to dismiss on behalf of HIROTA, Koki. (Paper No. allotted on 20 January 1947). (See Order No. 728).
689	24	January	Motion by accused SHIMADA, Shigetaro, to dismiss the indictment. (Paper No. allotted on 20 January 1947). (See Order No. 728).
690	24	January	Motion of accused MUTO, Akira, to dismiss. (Paper No. allotted on 20 January 1947). (See Order No. 728).
691	22	January	Separate motion of accused Kenji DOHIMARA to dismiss. (Paper No. allotted on 20 January 1947). (See Order No. 728).
692	20	January	Certificate testifying to illness of accused MATSUI, Iwane.
**	20	January	Hearing in Court Room; Prosecution Exhibits Nos. 2178 to 2190-A inc. marked for identification.
693	21	January	Certificate testifying to illness of accused MATSUI, Iwane.
694	21	January	Return of failure of service of certain summons issued on behalf of Prosecution.

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**	21	January	Hearing in Court Room; Prosecution Exhibits Nos. 2191 to 2223-A inc. marked for identification. Oral application of Prosecution to amend Count No. 25 of indictment by substituting name of TOJO for TOGO; Under consideration.
695	24	January	Motion to dismiss of the accused ITAGAKI, Seishiro. (No. allotted on 22 January 1947). (See Order No. 728).
696	24	January	Motion by accused SATO, Kenryo, to dismiss the indictment. (No. allotted on 22 January 1947). (See Order No. 728).
**	22	January	Hearing in Court Room; Prosecution Exhibit No. 2224 marked for identification. Oral application of Prosecution for order dismissing IPS witness General TANAKA, Ryukichi, on usual terms; Granted.
697	24	January	Motion of accused SHIRATORI, Toshio, to dismiss. (No. allotted on 23 January 1947). (See Order No. 728).
698	23	January	Motion of accused HIRANUMA, Kiichiro, to dismiss. (See Order No. 728).
**	23	January	Hearing in Court Room; Prosecution Exhibits Nos. 2225 to 2238-A inc. marked for identification. Tribunal entered its ruling relative to interrogatories propounded to individual defendants, and ordered: That answers, statements or admissions obtained in the course of interrogation of individual accused by the Prosecution be admitted as evidence only against the accused making said answer, statement or admission.
699	24	January	Oath of witness.
**	24	January	Hearing in Court Room; Prosecution Exhibits Nos. 2239 to 2282 inc. marked for identification, and Prosecution tendered into evidence corrections and additions to Exhibits Nos. 1196, 1239, 1278 and 1282, which were admitted. Application of Prosecution for leave

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to present certain documents dealing with USSR phase after Prosecution has rested its case; Under consideration. Tribunal entered its ruling on oral application of Prosecution heretofore made to amend indictment in respect to Count No. 25 by substituting name of TOJO for TOGO, and it was ordered: granted insofar as to striking name of TOGO, but denied as to insertion of name of TOJO. Oral application of Prosecution for order dismissing IPS witness TANAKA, Shinichi, on usual terms; Granted. PROSECUTION RESTS ITS CASE IN CHIEF.

700	27	January	Argument in support of general motion to dismiss on behalf of all defendants.
701	27	January	Motion to dismiss by the accused OSHIMA, Hiroshi. (See Order No. 728).
702	27	January	Request of accused HIRANUMA, Kiichiro, to make corrections with reference to Motion to Dismiss, Paper No. 698.
**	27	January	Hearing in Conference Room; Ex-parte hearing on application (Paper No. 681) of accused SHIMADA, to amend order of Tribunal dated 8 January 1947 (Paper No. 642) in respect to document to be produced on behalf of said accused; Granted with certain conditions (See Order No. 712).
**	27	January	Hearing in Court Room; Defense submitted its motion for mistrial, and Tribunal ordered that motion will not be entertained. Defense submitted its motion on question of jurisdiction; and Tribunal ordered that matter should be properly submitted at close of trial. Defense submitted its motion attacking the authority and the powers of the Supreme Commander to appoint and institute the Tribunal; Denied, no proper foundation for motion; Exceptions saved on all matters. Following accused submitted individual motions to dismiss indictment: ARAKI, DOHIHARA,

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HASHIMOTO, HATA, HIRANUMA, HIROTA,
HOSHINO, ITAGAKI, KIDO, and KIMURA.

703	28	January	Memorandum brief of authorities -- Motion to dismiss indictment and counts of accused OSHIMA, Hiroshi. (See Order No. 728).
704	28	January	Corrections in accused OSHIMA's Motion to dismiss.
705	28	January	General motion to dismiss the indict- ment on behalf of all defendants. (See Order No. 728).
706	28	January	Motion of certain defendants for a mistrial. (Disposed of orally).
707	28	January	Correction in accused MATSUI's Motion to dismiss.
708	28	January	Addition to memorandum in support of motion of defendant SUZUKI, Teiichi, to dismiss.
**	28	January	Hearing in Court Room; Following ac- cused submitted individual motions to dismiss the indictment: KOISO, MINAMI, MUTO, OKA, OKAWA, SATO, SHIGEMITSU, SHIMADA, SUZUKI, and TOGO.
709	29	January	Order in re Oral application of the Prosecution to amend Count No. 25 of the Indictment.
710	29	January	Order granting oral application of Pro- secution to conduct the phase of the case for the Republic of France in the French language.
711	28	January	Request of accused SHIGEMITSU, Mamoru, for corrections to be made in motion to dismiss (Paper No. 685).
712	29	January	Order granting application of accused SHIMADA, Shigetaro, to amend that cer- tain order of the Tribunal No. 642 dated 8 January 1947 with regard to the production of certain documents. (Disposes of Paper No. 681 in re 642).

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713	29	January	Motion to dismiss on behalf of all defendants. (See Order No. 728).
**	29	January	Hearing in Court Room; Following accused submitted individual motions to dismiss the indictment: TOGO (Presented 28 January 1947 but not completed), TOJO, UMEZU. General motion to dismiss the indictment was submitted on behalf of all the accused and argued. Major Moore presented language corrections. Prosecution submitted argument in reply to all motions of accused to dismiss.
714	30	January	Order granting application of Prosecution to conduct phase of case for the USSR in the Russian language. (Disposes of oral application).
**	30	January	Hearing in Court Room; Further submission by Prosecution of its argument in response to motions of accused to dismiss indictment, said argument continuing to hour of adjournment.
715	31	January	Number not used. Reserved for IPS Philippine Section for paper not filed.
716	31	January	Order relating to subpoena heretofore issued for NAKASHIMA, Tetsuzo, witness for accused UMEZU, Yoshijiro, and directing that every facility be provided to Counsel for accused to interrogate orally or submit written interrogatories.
717	31	January	Order granting withdrawal from the records of the Tribunal Court Exhibits Nos. 1251, 1252-C, 2034, et al. (Disposes of Oral application).
718	31	January	Certificate nominating Counsel.
**	31	January	Hearing in Court Room; Further submission by Prosecution of its argument in response to motions of accused to dismiss indictment. Defense made its objection to use being made by Tribunal of IPS Document No. 0001; Objection to be considered and decision rendered at same time as decisions on motions to dismiss. Defense made application for

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leave to reply to Prosecution's argument re motions to dismiss, either orally or in writing; Denied. Counsel for accused Shumei OKAWA offered into evidence affidavit of wife of accused; Document rejected for reason matter should be presented in Chambers.

719	3	February	Affidavit of Kane OKAWA, wife of accused Shumei OKAWA.
**	3	February	Hearing in Court Room; Tribunal announced its ruling on motions of various accused to dismiss indictment and on general motion to dismiss, and ordered: All motions overruled and denied. Tribunal announced decision to use IPS Document No. 0001 as index to evidence and no more. Application of all accused for additional 10 days recess to prepare case; Granted 3 weeks in all, Court to reconvene at 0930 hours 24 February 1947.
**	3	February	Hearing in Conference Room; to consider tentative agreement or offer on part of the Prosecution to assist in the processing and translation problems of the Defense. Ordered: Agreement approved so far as the approval of the Tribunal is necessary or desirable.
720	5	February	Application on behalf of ITAGAKI, Seishiro, for an order for the production of witnesses. (See Order No. 726).
721	5	February	Order granting oral application of the Defense for use of certain translating and processing facilities of the Prosecution in the course of presentation of evidence by the Defense.
722	7	February	Request of KIMURA, Heitaro, for an order for the production of a witness. (See Order No. 727).

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723	5	February	Application on behalf of the Prosecution for leave to withdraw certain documents (Judge Advocate General of the United States). (See Order No. 729).
724	5	February	Certificate nominating Counsel.
725	6	February	Request of accused OSHIMA, Hiroshi, to correct Memorandum Brief of Authorities (Paper No. 703).
**	10	February	Hearing in Conference Room; On application (Paper No. 720) of accused ITAGAKI, Seishiro, for the production of witnesses under the Charter. Ordered: That facilities for interrogations be furnished as to the first 3 witnesses named in application, and subpoenas issued as to the other 2 persons named, who are presently confined in Sugamo Prison. (See Order No. 726). On application (Paper No. 722) of accused KIMURA, Heitaro, for the production of witnesses under the Charter; Ordered: That facilities for interrogations be furnished. (See Order No. 727). On application (Paper No. 723) of the Prosecution for leave to withdraw certain documents; Granted, as prayed, subject to concurrence between Chairman of Defense Committee and Prosecution; to be re-referred to the President in case of disagreement. (See Order No. 729).
726	10	February	Order that facilities to interview certain witnesses requested by accused ITAGAKI, Seishiro, be provided and for 2 summonses. (Disposes of Paper No. 720 in part).
727	10	February	Order that facilities to interview witness requested by accused KIMURA be provided. (Disposes of Paper No. 722 in part).
728	10	February	Order overruling and denying a general application on behalf of all the accused and the several applications of each accused respectively to dismiss the indictment. (Disposes of various papers).

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729	10	February	Order granting withdrawal from custody of the Office of the Clerk of the Tribunal certain J.A.G. reports and affidavits, and receipt of Prosecution for said documents. (Disposes of Paper No. 723).
730	13	February	Application on behalf of ITAGAKI, Seishiro, for an order for the production of witness. (See Order No. 733).
731	18	February	Application on behalf of HASHIMOTO, Kingoro, for an order for production of witness. (See Order No. 735).
732	18	February	Supplemental application on behalf of HASHIMOTO, Kingoro, for production of witness. (See Paper No. 607). (See Order No. 736).
733	19	February	Order granting issuance of summons for witness requested by ITAGAKI, Seishiro. (Disposes of Paper No. 730).
734	19	February	Withdrawal by Counsel and certificate nominating Counsel.
735	24	February	Order granting issuance of summons for witness requested by HASHIMOTO, Kingoro. (Disposes of Paper No. 731).
736	24	February	Order granting issuance of summons for witness requested by HASHIMOTO, Kingoro. (Disposes of Paper No. 732).
**	24	February	Hearing in Conference Room; On Application (Paper No. 731) of accused HASHIMOTO, Kingoro, for the production of witness KUSUU, Hoshihisa. Granted, and ordered issuance of summons (See Order No. 735). On supplemental application of accused HASHIMOTO, Kingoro, for production of witness WACHI, Takaji; Granted (See Order No. 736).
**	24	February	Hearing in Court Room; Tribunal called up for consideration the matter of an article appearing in the Pacific Stars & Stripes. Explanations and apologies were offered by persons responsible therefor. Defense submitted opening statements.

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737	24	February	Request of accused TOJO, Hideki, for production of witness (See Order No. 739).
738	24	February	Order establishing rule of procedure re: General corrections, and language corrections, of official transcript of the record.
**	25	February	Hearing in Court Room; Opening statement for first phase of Defense was submitted.
**	26	February	Hearing in Court Room; Defense Exhibits Nos. 2283 to 2310 inc. marked for identification.
739	26	February	Order for issuance of summonses for witnesses on behalf of accused TOJO, Hideki. (Disposes of Paper No. 737).
740	26	February	Apology of Editor of Stars & Stripes for article inadvertently published in, 24 February 1947 issue.
741	28	February	Oath of witness.
742-744	28	February	Returns of service of summonses.