

AWM52

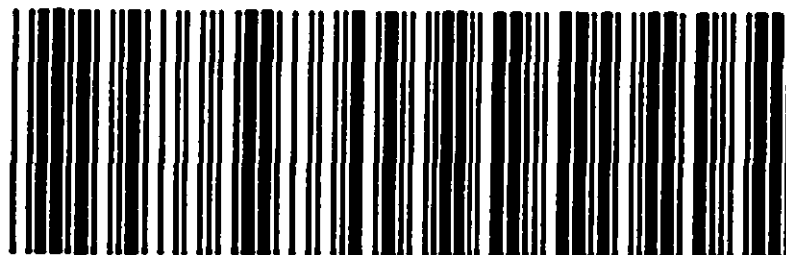
Australian Military Forces, Army headquarters,
formation and unit diaries, 1939-1945

1/7/9

**MILITARY DISTRICTS,
COMMANDS AND LINE
OF COMMUNICATION
AREAS**

**NSW Line of Communication Area
Legal Branch**

January - December 1945



1/7/9-0015

WAR DIARY ~~or INTELLIGENCE SUMMARY.~~

(Erase heading not required).

Army Form C. 2118
(adapted.)

Unit. LEGAL CORPS

Date and Time.—From 1 Jan 45 To 31 Jan 45

SI 7455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
HC NSW L of C Area	January 1		Number of applications for courts martial for year	
			ending 31 Dec 44 was 4992, number tried was 4298.	
" " "	" 2		Major J.S. Kennedy, P i/c promoted Lt-Col and appoint-	
			ed CLO Second Aust Army as from 29 Dec 44.	
" " " "	" 18		GOC conferred with Commissioner of Police and Det.Sgt	
			Walcombe (in charge of Finger Print Section) APM and	
			the CLO. on the subject of furnishing the Police with	
			records of the military offences committed by soldiers	
			in order that the finger print card opened at the	
			Police Department in respect of the soldiers' finger	
			prints could be completed. It had at one stage been	
			suggested that the Police required summary offences	

WAR DIARY ~~or INTELLIGENCE SUMMARY.~~

(Erase heading not required).

Army Form C, 2118
(adapted.)

Unit Legal Corps

Date and Time.—From 1 Jan 45 To 31 Jan 45

SI 7455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
HL NSW 2 of C Area	Jan 15	(contin)	of the soldier but it was agreed at this conference that these were unnecessary and the Police would not require anything more than a record of the court martial convictions.	
" " " "	" 16		Evidence was taken by Mr. Justice Reed in Sydney in connection with the enquiry under the National Security (General) Regulations into the case of ex Pte. Wilson and Others. In this case the Department of the Army was represented by Mr. H.A. Henry of Counsel instructed by the CLO.	
" " " "	" 17			
" " " "	" 18			
" " " "	" 19			
" " " "	" 20			
" " " "	" 21			
" " " "	" 22			
" " " "	" 23			
" " " "	" 18		Unusually large number of courts martial totalling 42 were listed for trial of which 22 were tried.	

WAR DIARY ~~or INTELLIGENCE SUMMARY.~~

(Erase heading not required).

Army Form C. 2118
(adapted.)

Unit Legal Corp.

Date and Time.—From 1 Jan 15 To 31 Jan 16

84 7433

[illegible]

WAR DIARY OF ~~INTELLIGENCE SUMMARY.~~

(Erase heading not required).

Army Form C. 2118
(adapted.)

Unit Legal Office

Date and Time.—From 1 Feb 45

To 28 Feb 45

847455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
HC NSW L of C Area	Feb 5		Twenty cases tried by DCM and three DCM at Wanworth.	
" " " "	" 7		Trial of P./W. (Italian) at Bathurst.	
" " " "	" 8		Trial of P./W. (Italian) at Concordia.	
" " " "	" 9		One GCM and twenty three DCM.	
" " " "	" 10		Evidence taken at Brisbane in connection with the	
	13		enquiry under the National Security (General)	
	14		Regulations into the case of ex Pte. Wilson and	
	15			
	16			
	17			
	21		Others.	
	22			
" " " "	" 27		Court of Enquiry convened by GOC under Order dated	

WAR DIARY ~~or INTELLIGENCE SUMMARY.~~

(Erase heading not required).

Army Form 2118
(adapted.)

Unit Legal Office

Date and Time.—From 1 Feb 45

To 22 Feb 45

81 7455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
HQ NWHL of G Area	Feb 27		24 Feb 45 to investigate complaints made by Pte. Moran and Tpr Miles concerning ill treatment SUD and other matters at 15 A.D.B. Tamworth.	
			Court of Enquiry commenced at 15 A.D.B. Tamworth on Tuesday 27 Feb 45.	
" " "	" 28		Court of Enquiry at Tamworth still proceeding. Cases convened for the month of February - 420, number of cases tried by court martial 405.	

WAR DIARY ~~or INTELLIGENCE SUMMARY.~~

(Erase heading not required).

Army Form C. 2118

(adapted.)

Unit 101st AIRBORNE CORPS

Date and Time.—From 1 March 1945 To 31 March 1945

55 7455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
HQ NSM L of C	Mar 4		Court of Inquiry on Lamworth Det. sh. completed.	
" " " "	" 9		Interim Report of Commissioner Mr Justice Reed re Wilson issued and Wilson Chalmers and Derrick released.	
" " " "	" 12		Director Army Services visited CNO.	
" " " "	" 24		Lt-Col Brock CNO Vic of C. for visited CNO.	
" " " "	" 28		JAG addressed all Army Officers including those on the Reserve.	
" " " "	" 31		Total number of DCM for the month of March 320 and	

WAR DIARY ~~or INTELLIGENCE SUMMARY.~~

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Army Form C. 2118
(adapted.)

Unit. LEGAL CORPS

Date and Time.—From 1 March 1945 To 31 March 1945

Bt 7445

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WAR DIARY or ~~INTELLIGENCE SUMMARY~~

(Erase heading not required).

Army Form ~~E~~ 2118
(Adapted.)

Unit 576th CASB

Date and Time.—From 1 April 1945 To 30 Apr 45

SI 7455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
At N.W. of C. 100	April 17		100530Z Gbr. Wilcock, A. of No. 5 West Maritime Royal	
			testimony was taken by COM on 14/45 and confirmation	
			was given by the same authority. Confirmation was	
			received on the ground that evidence had not been given	
			of prohibition of an Australian court martial	
			to try an American soldier.	
" " " "	" "		COM conferred with R.A.F. legal officer with a view to	
			R.A.F. appointing a C.O. of a party of the R.A.F. serving	
			connectedly with the American barracks.	
" " " "	" "		At 100530Z Gbr. COM advised that a party of R.A.F.	
			had been prohibited from leaving barracks in the case	
			of Pte. Montalmon. This soldier was tried by COM	
			at this time on 3 April 1945 and to confirmation the	
			order entered by COM of a new prohibition on the	

WAR DIARY ~~or INTELLIGENCE SUMMARY.~~

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Army Form C. 2118
(adapted.)

Unit 12

Date and Time.—From 1 22 45

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SL 7455

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WAR DIARY or ~~INTELLIGENCE SUMMARY.~~

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Army Form C. 2118
(adapted.)

Unit 126th CORPS

Date and Time.—From 1 MAY, 1945 To 31 MAY 45

SI 7455

Place.	Date.	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
HQ NSM - of C Area	1945 MAY			
			The question of punishment of members of the RAAF	
			in detention barracks was settled by Statutory rule	
			1945 number 49 which prescribed that such personnel	
			would be subject to military law as if they were	
			soldiers of corresponding rank.	
			AMR 319 was amended by Statutory rule 1945 number 42	
			with a result that the sentences of courts martial	
			are no longer notified to the accused until	
			promulgation.	
			Detailed report by Mr. Justice Reel on the inquiry	
			re ex Pte. Wilson was issued.	

WAR DIARY ~~or INTELLIGENCE SUMMARY.~~

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Army Form C. 2118
(adapted.)

Unit LEGAL CORPS

Date and Time.—From 1 MAY, 1945 To 31 MAY, 1945

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WAR DIARY ~~OF INTELLIGENCE SUMMARY.~~

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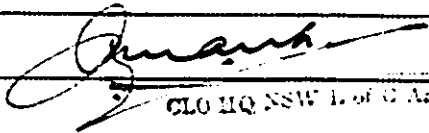
Army Form C. 2118

(adapted.)

Unit 100th CORPS

Date and Time.—From 1 JUNE, 1945 To 30 JUNE, 1945

St 7455

Place.	Date.	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
At NSW L of C Area	1945 June 25		General Court Martial was held at Tamworth to try a number of discharged soldiers on charges of mutiny and escape. The point was taken by Defence Officers and Counsel for the accused that being discharged soldiers they could not commit the offence of mutiny and were not subject to the Army Act at all. The Court were in doubt and referred to the Convening authority for advice.	
" " " "	" 30		There were 487 DCM held at this HQ during the month of June and 4 GCM. There were no Military Courts on Prisoners of War the last one being held in May.	
			 CLO HQ NSW L of C Area	

WAR DIARY or INTELLIGENCE SUMMARY.

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Army Form C. 2118
(adapted.)

Unit LEGAL CORPS

Date and Time.—From 1 July 1945 To 31 July 1945

RE 7455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
AWNSW L of C Area	July 2		A General Court Martial trying discharged soldiers on charges of mutiny referred to the Convening Authority for advice as to whether they had jurisdiction to try discharged soldiers under the Army Act. The Convening Authority advised the Court to proceed with the trial and the Court resumed on 9 Jul. '45. On the 12 Jul. 45 a Rule Nisi prohibiting the court martial proceeding with the trial was issued by the High Court of Australia and the matter came on for argument before the High Court on 25th and 26 July 45. Judgment was reserved. The following lectures on discipline and law were delivered during the month:-	
			4 Lectures to A & C School; 2 lectures to AWMG The School	

WAR DIARY or INTELLIGENCE SUMMARY.

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Army Form G, 2118
(adapted.)

Unit LEGAL CORPS

Date and Time.—From 1 Jul 1945

To 31 July 1945

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WAR DIARY or INTELLIGENCE SUMMARY.

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Army Form 2178
(adapted)

Unit LEGAL CORPS

Date and Time.—From 1/8/45

To 31/8/45

NY 7455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
at NSW L of C AREA	Aug 20		<p>The High Court made absolute the Rule Nisi prohibiting the GCM proceeding with the trial of discharged soldiers on a charge of mutiny in His Majesty's forces on the ground that as there were only discharged soldiers concerned in the disturbance there was not a mutiny in His Majesty's Forces.</p> <p>The High Court held that discharged soldiers serving sentences of detention could be tried by court martial for charges that were appropriate to discharged soldiers under the Army Act. The GCM was accordingly dissolved and arrangements made to try the discharged soldiers by DCM. The name of the case - R v Cox and Others ex parte Smith.</p> <p>On the same day the High Court also refused leave to</p>	

WAR DIARY or INTELLIGENCE SUMMARY.

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Army Form C. 2118
(adapted.)

Unit LEGAL CORPS

Date and Time.—From 1/8/45

To 31/8/45

Ref 7455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
HQ NSW - of C AREA	Aug 20		appeal in the case of R v Jack Martin where a Tasmanian Judge had held that a sentence by a court martial was not a "conviction" within the meaning of the Tasmanian Criminal Act Section 106 and that apparently a serving soldier escaping from gaol could be tried civilly under the Commonwealth Crimes Act Section 47 or by court martial under AA Section 7. The cessation of hostilities did not diminish courts martial in fact on the days ^{succeeding} preceeding cessation of hostilities there were a large number of surrenders by deserters. 460 District Courts Martial were held at this Hq for the month, 2 Military Courts on Prisoners of War were also held in country centres.	

[Signature]
Lt. Col.
GEO HQ NSW L of C Area

WAR DIARY or INTELLIGENCE SUMMARY.

(Erase heading not required).

Army Form C. 2118
(adapted.)

Unit LEGAL CORPS

Date and Time.—From 1 Sep 45

To 30 Sep 45

RE 7455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
HQ NSW ~ of C AREA	Sep 11		Some discharged soldiers awaiting trial on charges of escaping from detention barracks endeavoured to break out of the holding room at Victoria Barracks court martial room. They were restrained after a struggle with the Provost. The papers correctly reported the incident but the Daily Telegraph published an account of the case in which a Mrs. Coggins was stated to have said that she had seen Provost kicking one ex soldier in the stomach. This matter was mentioned in Parliament by a MHR and the Minister for the Army appointed Mr. Justice Reed the Commissioner under the National Security (Inquiries) Regulations to investigate the matter.	
			The Commissioner sat in Sydney on 24th, 25th and 26th Sep	

WAR DIARY or INTELLIGENCE SUMMARY.

(Erase heading not required).

Army Form C. 2118
(adapted.)

Unit LEGAL CORPS

Date and Time.—From 1 Sep 45

To 30 Sep 45

86 7455

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Army Form C. 2118
(adapted.)

(adapted)

81 7455

Place.	Date. 1945	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
HQ NSW L OF C AREA	October		<p>The Inquiry by Mr. Justice Rice under the National Security Regulations into the alleged ill-treatment of an ex-soldier by the Provost was continued on 22 Oct 45 when the Commissioner took evidence from various ex-soldiers at Long Bay Gaol.</p> <p>Three Courts-Martial were held during the month of October on Japanese prisoners of war at Bay.</p> <p>308 District Courts-Martial were held at Victoria Barracks during the month of October.</p> <p style="text-align: right;"> <i>Grant.</i> <i>2 Nov 45</i> C/O HQ NSW L of C Area </p>	

WAR DIARY or INTELLIGENCE SUMMARY.

(Erase heading not required).

Army Form C. 2118
(adapted.)

Unit LEGAL CORPS Date and Time.—From 1 Nov 45 To 30 Nov 45

SP 7425

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WAR DIARY or INTELLIGENCE SUMMARY.

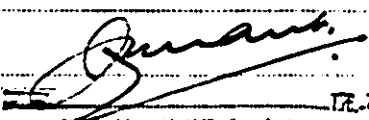
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Army Form C-2118
(adapted.)

Unit. LEGAL CORPS

Date and Time.—From 1 Dec 45 To 31 Dec 45

SI 7453

Place.	Date.	Hour.	Summary of Events and Information.	Remarks and references to Appendices, Diaries, &c.
HQ NSW L OF C AREA	1945 December		160 District Courts Martial were held at Victoria Barracks during the month of December.	
			During the year ended 31 Dec 45, 4739 Courts Martial were held at HQ NSW L of C Area, and, in addition, there were 9 trials of Prisoners of War. The largest number of cases ever held at this Headquarters was in May 45, when there were 551 Courts Martial. Since then the number per month has steadily declined, but it is noticeable that, while the numbers of those arrested for Desertion and AWL have declined so steadily, there has been a definite increase in the number of cases of stealing.	
			Lectures were given to Officers attending an EME School, not at their camp, but at the Legal Office. The officers appreciated being able to listen to a lecture and then immediately afterwards attend several actual Courts Martial which illustrated some of the subjects covered by the lecture.	
			4 Jan 46.	
			 R. Col. HQ NSW L of C Area	