

AUG 1 - 1945

# Canadian Not Guilty Of Fomenting Mutiny

## Court at Aldershot Upholds Charges of Damaging Property

(By Ross Munro, Canadian Press  
Staff Writer)

Aldershot, England, Aug. 1.—A Canadian general court-martial decided today that the charge against Pte. Lloyd States, of New Glasgow, N.S., of causing a mutiny at Aldershot last July 4 and 5 could not be upheld, but there was a prima facie case on the other charges against the Canadian negro soldier.

### Defence Argument Upheld

The remaining charges against States are: endeavouring to persuade others to join in mutiny, causing riotous damage July 4 and 5, and inciting others to damage property on those nights.

The court's decision on the charge of causing mutiny was taken at the end of the morning session during which the prosecution completed its case against States. The defence then submitted that "mutiny can only be against military authority and military property" and argued that no mutiny had taken place.

Previously two Aldershot policemen had testified that States was one of the men responsible for the damage done in the downtown Aldershot area on those nights.

States is the first of three soldiers charged with mutiny to appear before the court-martial. The other two are Sgt. Emmanuel Schuler, Burnstall, Sask., and Pte. I. L. MacIntyre, of Stavards, P.E.I. The maximum penalty for mutiny is death.

### Soldiers Throw Bottles

Detective-Constable Roy Burns related how on July 5 a group of

soldiers picked up broken chairs and threw pieces of broken chairs and bottles at windows of the amusement arcade.

"States joined with the other soldiers," Burns testified. "I didn't hear States say anything but he left no doubt in my mind that he was egging them on to cause more damage. He was gesticulating and assisting in throwing bottles."

Burns told how soldiers smashed windows along Union and Wellington streets, and in reply to a question by Capt. N. J. McNeill, of Calgary, prosecutor, he said the damage was done by "Canadian soldiers led by States."

Detective Constable Noel Kidd, of Aldershot, in describing the July 5 disturbances said "I saw States and two other men with a long wooden beam battering against the doors of the amusement arcade. The others were rolling out milk churns and throwing these against the main entrance."

### Provost Officer Mobbed

Capt. J. P. Williamson, of Lennoxville, Que., first witness to-day, told the court-martial that Lieut. J. E. LaJeunesse, of Montreal, was "practically mobbed" when he tried to disperse the soldier mob of July 4. He said a crowd of about 200 were stopping vehicles and "making a great deal of noise."

At the end of the prosecutor's case against Pte. States, defence counsel Major J. R. Hyde, of Montreal, submitted that no case had been established against the Nova Scotia negro soldier on four of the six charges he faces—those of causing mutiny, endeavouring to persuade others to join the mutiny, causing riotous damage and inciting to cause damage.

### Authority Questioned

Major Hyde said. "Col. Calder (Lt.-Col. J. A. Calder, of Montreal, who said he had tried to restrain the troops), didn't exercise his lawful military authority to give a direct order to carry out any specific act and therefore no mutiny took place. Mutiny can only be against military authority and military property."

Capt. McNeill, in replying, said, "The definition (of mutiny) is two or more persons who resist or persuade others to resist lawful army authority, and I submit that you have evidence that his (States') actions were in defiance of lawful authority and therefore mutinyous."

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