

JUL 31 1945

# Three Soldiers Face Court at Aldershot

## Charge of Causing Mutiny Laid Against One Man By Army

(By Ross Munro)

Aldershot, England, July 31.—(CP Cable)—At least one Canadian officer who attempted to restore order during the riots here July 4 and 5 was roughly handled by a crowd of Canadian soldiers, witnesses for the prosecution testified to-day as the first of three Canadian soldiers appeared before a Canadian general court-martial to face charges of mutiny and other offences.

### Officer Treated Roughly

Maximum penalty for mutiny is death.

Lieut. J. E. Lajeunesse, Montreal, of the Canadian Provost Corps, testified he was treated "a bit roughly" and received "a bit of rough handling from the crowd" when he endeavoured to establish order July 4 among 500 Canadian soldiers who, he said, were "carrying on in a manner which I determined was a riot."

Lt.-Col. J. A. Calder, Montreal and Hamilton, Ont., a member of the repatriation depot staff, said he saw a number of Canadian soldiers stopping military and civilian vehicles and threatening to overturn them. There were about 200 soldiers in a crowd which rocked vehicles and pushed an officer around, he testified.

### Other Hearings Later

As the first day's hearing ended, prosecution witnesses still being called against Pte. Lloyc States, New Glasgow, N.S., negro

who faces charges of causing mutiny and endeavouring to persuade others to join in mutiny, and two charges each of doing malicious damage and inciting to malicious damage. States is a member of the Royal Canadian Regiment an Ontario permanent force unit

Previously tabled were the cases against Sgt. Emmanuel Schuler Burnstall, Sask., of the Lord Strathcona Horse, Winnipeg, and Pte. I. L. MacIntyre, Stavards, P.E.I., of the R.C.A.S.C., also involv-

ed in mutiny charges. Their hearings will come later.

The first prosecution witness called into the drab barracks room after the lunch-hour adjournment was J. H. J. Powers, Aldershot insurance agent, who said that on the evening of July 5 he saw States with a group of other Canadian soldiers trying to batter down the doors of a local amusement arcade.

Two other soldiers will face a field general court-martial later.

Major G. M. Graham, Halifax, is judge advocate-general, and members of the court are Brig. T. J. Rutherford, Owen Sound, Ont.; Col. R. C. Clark, Vancouver, B.C.; Lieut.-Col. R. B. Forbes, Fredericton; Lieut.-Col. R. J. Burgess, Grand Falls, N.B., and Major T. M. Cantlie, New Glasgow, N.S.

Prosecutor is Capt. N. J. McNeill, Calgary, and officers for the defence are Major J. R. Hyde, Montreal, defending States; Capt. H. F. Gibson, Kingston, Ont., defending Schuler, and Major J. W. G. Hunter, Toronto, defending MacIntyre.

As the court opened, the defence for Schuler and States objected to the president and members of the court. Gibson, said all officers of the court were from Canadian replacement units, and he felt it would be "far fairer" if the court were composed of officers from northwest Europe.

After considerable discussion, Graham said the objections could not be sustained, and the court was sworn in.

States, first of the three accused, was called before the court and charged with causing mutiny, endeavouring to persuade others to join in a mutiny, doing malicious damage, and inciting to do damage.

Charges against Schuler and MacIntyre will be read when they are called.

### Repatriated to Canada

Hyde, opening his defence, said charges against States had been investigated about July 7 by a competent officer, and as a result of the investigation the accused was released and dispatched for repatriation to Canada.

Two witnesses were called. Lt.-Col. W. G. Myatt, Edmonton, commanding officer of a wing in No. 5 Repatriation Depot, said that on the night of July 5, a negro soldier among Canadian rioters had swung a punch at him.

States later was put under close

arrest, but as a result of the investigation he was released and Myatt himself rushed him to the station in his own car so he could catch up with his repatriation draft as it was leaving Aldershot.

### Contents Case Dismissed

Lt.-Col. R. M. Wynn, Calgary, officer commanding a wing of No. 7 depot, also testified.

Hyde said States had been dealt with summarily by an officer competent to deal with the case and he submitted that the case against the accused had been dismissed and that States should not be tried here now.

Prosecutor McNeill said there had been no dismissal of charges laid before the present court. There was a delay while the court considered the submission of the defence, but after 10 minutes Graham announced the defence claim was not held valid and the trial of States would proceed.

### Tumultuous Gathering

Shortly before the lunch-hour adjournment, McNeill opened his case against the accused.

"I will call evidence that at the time under consideration there was a tumultuous gathering of soldiers," he said. "I believe I can show that their mood was ugly and that it defied lawful military authority."

"Things that the crowd did constituted a mutiny in my opinion. I will bring evidence to prove that the accused was a member of the crowd."

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