

HOUDE ACQUITTED BY SUPREME COURT

Jury Brought in Verdict of Not Guilty Last Night

Prisoners Evidence Gave Unexpected Turn to Case.

From Wednesday's Bulletin
Victor Houde was acquitted last night of the charge of causing the death of George Woods in a shack in Edmonton on the night of April 4th last by striking him on the back of the head with a blunt instrument resulting in a fracture of the skull and hemorrhage of the brain. The jury were out 50 minutes when they returned with the unanimous verdict of "Not guilty," whereupon His Honor Justice Scott declared to the prisoner he was discharged.

The case for the crown was concluded at 5 o'clock yesterday afternoon and the court adjourned until 8 o'clock.

Nothing was disclosed as to the line of argument the defence would take until the court resumed. The case for the defence opened with the accused man in the box. This gave the case a new turn. Up to this time the crown had to prove Houde did the deed by purely circumstantial evidence, for, as the judge said, the tragedy in the shack would forever remain a mystery. Houde tacitly confessed to causing the death of Woods by striking him with no intention to kill or injure, but merely to defend himself. This left the question for the one of justifiable homicide and the alternative of conviction for manslaughter or acquittal.

The judge in charging the jury said that after the prisoner's evidence there could be no doubt as to who killed Woods. The credibility of the Crown witnesses was no longer important. If it had been their evidence would require careful scrutiny. The question to decide was there sufficient provocation to justify the prisoner in thinking his own life was in danger and that force was necessary? Any reasonable doubt, he said, should be given to the prisoner.

Houde's counsel throughout the trial were Messrs. H. H. Robertson, of Robertson & Dickson, and Mr. H. A. MacKie.

The Defence.

The case for the defence opened with the evidence of the accused man Victor Houde. He swore he had lived in Edmonton for five years, and was a warehouseman, having worked for various firms in the city.

He told the situation of the shack and the various individuals who lived in the shack. Woods came in from the bush, and had stayed in a shack below Houde's shack. One day Woods came by his shack. Woods came in and asked witness to have a drink. Eventually Woods came to live in the shack. He often brought liquor. As many as 10 flasks and four bottles of whiskey were found around the shack one week. Once they had words and Woods left. On Monday or Tuesday before the murder he applied to the Griffin Co. for a job.

On the morning of the 4th he and Woods left the shack early. About 10 in the morning he returned and made some tea and got something to eat. Woods came in then. He had a bottle of beer. Witness said this business would have to stop. Woods then struck witness between the eyes and on the nose, and knocked him down. Woods hit witness the second time, and still a third time. Witness then knew no more. He said he was stupid, and when he recovered, he had a bruise on the right eye and his lip was swollen. He washed himself and wiped his hands on the towel. He then went out, he thought and got a few drinks. He came back to get something to eat. Witness came in about evening. It was dusk in the shack. Woods accosted him with insulting words and hit witness again on the left cheek, cutting his mouth and loosening his teeth. Witness thought he must have hit Woods with something, and left the shack. He came up town and went into the Alberta pool room. He could not recall the various places he visited that evening. He recollects going to Taylor and Spinks' barn and sleeping there. On the morning of the 5th he went to the Senate and had a drink. Then he went to the Queen's

worst of it. The counsel charged the jury with the seriousness of the responsibility in judging homicide and quoted copiously from the criminal code, defining justifiable homicide. The prisoner was afraid to go back to the shack on that night because he feared Woods. He directed attention to the discrepancy in the evidence of Peacock as to the position of the head of the murdered man with the evidence of the police. Argument of the Crown. In his argument Mr. Coggswell held that the expert evidence showed that Woods died from the result of a blow with some blunt instrument. The question was to determine how this blow was inflicted. The defence attempted to imply that it was caused by a fall upon some object and held that object was the accordion found near the head of the victim and under the bed. Such a theory was impossible from any consideration. The only verdict that anyone could come to was that the blow was inflicted by some hand. Whose hand? He drew attention to the fact that the casual rows and alterations of Woods and the prisoner were improbable to lead to such gruesome results. The story of the prisoner in the box looked like an invention after hearing the case for the Crown for two days. It was inconceivable how the prisoner could wander all day on the 4th from 10 o'clock, when he had the first row with Woods, and all night in such an unconscious state as he presumed to tell the court. He had sense enough to shun the shack where the body of Woods lay, and to take off and put on his boots in the house of Nelson Grey, and go to the Senate hotel, the Alberta and the livery barn. He submitted that none of the crown witnesses had shown any personal animus towards the prisoner. Their stories agreed in essentials and had been disproved by any cross-examination. He left the questions of law about what was homicide, premeditated or justifiable, to the judge, and rested his case upon the facts adduced in the evidence. Afternoon Session. The case for the crown opened again in the afternoon with the evidence of George Smith. He testified that he came into the livery barn of Taylor & Spinks early on the morning of April 5th, when he saw Houde in the office. Houde said "Hello, George," but witness never knew him to stay there all night. Witness' suspicion was not aroused by Houde's presence in the stable. He noticed nothing about prisoner's face then. He did not take a careful look at him. Mrs. Stennett, who lives on Elizabeth street, swore that she knew Houde and knew where he lived. The Houde shack was easily seen from Mrs. Stennett's kitchen window. She saw George Woods on the evening of the 4th at about twenty minutes to six o'clock. She watched him go to his own house. She saw Vie, Houde about two minutes later. He came out of the shack and took the short cut across the lots to Elizabeth street. To Mr. MacKie, in cross-examination, Mrs. Stennett said she was ironing at the window and saw Woods go past to his shack. She watched him go in. The reason she watched was because there had been considerable drinking going on in that shack about that time. She was certain that she made no mistake about identifying Houde as he passed her window. He had a peculiar military overcoat. She denied that she was asked to suppress any evidence, and would not have done so if she had been asked. George Bonness, a clerk in the Senate Hotel, swore that he saw Houde in the Senate Hotel about twelve o'clock. When witness looked up he asked Houde to leave. He noticed nothing suspicious in Houde's action. Sergeant Tidbury swore that he saw Houde on April 5th in the Grand Central Hotel about 10 a.m. Witness told Houde he wanted to see him. When asked what the conversation was between the prisoner and the constable the defence objected, citing authorities that while in custody no words of the prisoner should be admitted as evidence. The judge so held. He took Houde to the office. He had marks upon his face. The next witness was Charles Griffith. He searched the Woods' shack on April 5th in company with Chief Evans. His evidence was held by the court to be inadmissible. Dr. E. A. Schwabe, who was en-

gaged on behalf of the Attorney-General's department to examine the blood stains found on the poker and towels discovered in the shack when Detective Griffiths and Chief Evans searched it on April 12th, and who was to give evidence in this regard was not called on account of throwing out this part of the evidence. The case for the crown concluded with the evidence of Chief Evans. The Chief was unable to attend, consequently the court adjourned to his home, where his evidence was taken. He recited the evidence already told by Constable Houde about finding the body of Woods in the shack. The principal evidence given by Chief Evans was concerning the conversation he heard between the prisoner and Mr. Van Wort, of Calgary, in the police cells. Mr. Van Wort called at the chief's office and the chief took him downstairs. He shook hands with Houde and said he was sorry to see him there. He said he would be glad to do anything to help him. The prisoner said if he did anything he did it in self-defence, and that he had been pounded unmercifully. Chief Evans further said that Houde was in a bad condition. His right eye was blackened, his left cheek bruised, his lip swollen and black inside, and there were blood spots on his breast. He asked for Dr. Braithwaite, not for any medicine, but to take note of his condition. The chief said to the prisoner he could testify as to his condition for his defence. In answer, Houde said he did not know how he got out of the shack. He had to get out the best way he could. The first action of Houde after his acquittal was to go to the C. P. R. telegraph office and wire the news to his mother in Carman, Manitoba.

TO PREVENT COAL SHORTAGE.

Regina, June 11—A press representative had an interview today with, Hon. W. R. Motherwell, commissioner of agriculture, with regard to a cold storage scheme. Mr. Motherwell said that whilst the negotiations were still pending and he was unable to go into details, he felt at liberty to say that the main feature of the scheme was an arrangement whereby the wholesalers and retailers would be enabled to lay in stocks of coal against the winter without an immediate outlay of capital. In the ordinary course of things and with the present momentary stringency it could not be expected that the trade would load themselves up with coal which they could only hope to sell months ahead. At the same time it was not to be expected that the operators would be willing to lay out of the wages and expenses on the coal mined. The arrangements would entail some sacrifice on the part of the wholesalers and retailers, but just how they would be arranged he was not prepared to say as yet. Asked how the railway company proposed to help Mr. Motherwell stated that they had promised a supply of cars. If all parties to the scheme carried out their part he expected that at the beginning of the winter there would be a storage of between 50,000 and 60,000 tons of coal in Saskatchewan.

MAN DISAPPEARED IN CALGARY.

Calgary, June 12—A man named S. Williams, his wife and two children, came from Innisfail last night, intending to go to the States, Williams disappeared at 6 o'clock in the evening and up to an early hour this morning nothing has been learned regarding him. Later—Eastbound No. 96 struck an unknown man three miles east of the city this morning. He was walking on the track and was killed instantly. The body was taken on board to Langdon. The police believe the man to be Williams.

Will Fight the Government.

London, June 11—At a meeting of the Irish parliamentary party in the House of Commons today it was decided to fight the government both in the house and in the constituencies in order to punish the Liberals for failing to give Ireland a broader measure of home rule than contained in the rejected Irish council bill.

Two Years for Stealing.

Macleod, June 11—Walters, two men charged with making away with 50,000 feet of lumber, the property of the Leavings Alberta Lumber Co., was today sentenced to two years in the Edmonton penitentiary by Justice Harvey.

Officers Sent Up.

Calgary, June 11—Police Constable and Fireman Charnonneau, tried today on a charge of theft, were committed for trial at the Supreme court. The board of works today decided to call for tenders for the erection of a new city hall to cost \$150,000.

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DEFENCE T

OR

Boise, Idaho, June 10.—In cross-examination of Harry today, counsel for William wood repeatedly interjected, question of a great counter-acted and carried out by means of the Western Feder Miners and indicated a defense to direct the main line fence in that field. They charged by slow movements, the minute details from the mitting of the Independence rado, station, down to the life of Fred Bradley and ily in San Francisco. Besides of particular attacks, creditability of the witness, general probability of his story in preparation for their own money in rebuttal, the defense to show that Orchard has for boasting of the commissary agrary crimes and that he fying under the control and suggestion of Detective McP.

The defense began today by clear that so far as Orchard Haywood, Moyer and Pettibone nothing to do with inspiring or carrying out the V mine explosion and that Moyer and Moyer had nothing to planning the murder of Gregory. They passed then dynamiting of the Independence the first crime with testimony of Orchard direct needs Haywood, to show springing the mine, Orchard ly sought to spare the o train, and that the whole y engineered by agents of mine and railway managers, who a comparatively harmless "o to injure the union miners, on a strike. Leaving the In ence station crime, which y lowed by the flight of Orch Wyoming and the unexpected to Denver, the defense sought credit his statement that F directed Orchard to kill Maybery by showing that F and Maybery were old and friends. Coming to the att kill Bradley the defense de self largely to the story of o attempt to poison Bradley, of ing the rest of the Bradley hold, including an infant Crow, the cook, with whom made friends and whom he companioned to the theater. swore that while in San Fra repeatedly received money I tibone who used the name Bone' in transmitting it. In this clearer today the defe ded an effort to show t money was sent under Pe disguised name by persons against the leaders of the Federation of Miners.

Not a Fake.
Orchard denied that the owners or railway had a in the Independence stat had a mania for confessing mitted crimes, and denied is under the influence of McParland. He showed so in answering many of Attor arden's questions, but he held up to all his first stor sed for state let today's ext take its course without ge fection and at the close signified their entire sat Orchard has been on the s days and has fully two mo of him. Steve Adams is a c Ida County jail and a clo neighbor to Haywood, Mo Pettibone.

Bradley Murder Plann
Orchard testified that the of Frank Bradley was discus Sunday afternoon in July, I conference between Haywo bone and Orchard in Pe backyard in Denver. Hay Orchard should go alone Bradley because he was at the mine-owners and was dr Federation out of California. "At the time I put stry Bradley's milk I was not I did not care whether I whole family of father, mot and three servants," was reply to Mr. Richardson's animation on the attempt Bradley's life in San Fran court adjourned at 3:30 o'clock. The story of the att Bradley's life. The Independence As to the Independence