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VERDICT OF ACQUITTAL

(Continued From Page One)

for many years. On the morning in question he and his wife, Margaret Robinson, had been invited over to the Danes boat at Cow Bay for a drink. They had some beer and then some gin and then they went to the restaurant to breakfast before leaving for the North Pacific Cannery. All were drinking together and all had about the same amount to drink. He remembered talking to Helen about his "kid," Mary, a girl about fifteen years of age and asking how she was getting along. Maybe he said he might give her something but he was drunk and did not remember much. He remembered seeing Helen bleeding but did not see how she got hurt.

In answer to Mr. Brown, witness said all were drinking as much as he was. He had made a statement to the police about a week later but they had not taken down what he said about the window of the cabin being broken, with blood on it. He lived on the boat and kept a hunting knife for various purposes such as cutting fish or meat. He did not notice the glass until the next day. It was a week later that the police had interviewed him.

After all, it had only been a little fracas about a man and a woman had been "scratched." A simple charge of assault might have covered the whole case. There was lack of corroboration of Muldoe's story that Robinson had stabbed her. There had been drinking and no one actually knew what had happened. Defence counsel submitted that it was quite reasonable that the wound had been caused by Muldoe getting her head in the broken window glass.

L. W. Patmore, crown prosecutor, agreed that there seemed to be no deliberate attempt to kill. There was positive evidence by Muldoe that accused had stabbed her. The circumstances in such cases must always be taken as a measure of corroboration. There was also motive in Margaret Robinson being "sore" at Helen Muldoe over the suggestion of buying presents for the latter's daughter by him. The story about the broken window glass and Muldoe having been cut in that way was a product of "wild imagination." It was also ridiculous that the policeman would have refused to take down some of the information he had been given. It was clear that Eddie Smart was not telling the truth. He merely asked the jury to do its duty, bringing in a recommendation of leniency if it felt so disposed.

Dr. C. A. Armstrong told of being called to attend Helen Muldoe at North Pacific. He described the nature of her wound at the back of the right ear which was not serious but might easily have been a little lower and struck the jugular vein. Six stitches had been required. A knife such as that produced in court might have caused the wound. Glass might also have caused it, the doctor said in reply to Mr. Brown.

Ben Wilson told of seeing the party after the alleged affair. Helen Muldoe was in her shack, bleeding. She was feeling good but not very drunk. Witness found the hunting knife on the deck of Danes' boat. It had blood on it. He gave it to Helen Muldoe. He had not seen broken glass or a broken window.

Constable John Wallace Todd described the investigation into the incident. Helen Muldoe had informed him that Margaret Robinson had wounded her. He received the knife from Helen Muldoe and later turned it over to Constable D. W. Taylor. He took a statement from Willie Smart. The officer denied that Smart had told him about a broken window or that he refused to accept a statement in regard to same. The first he knew about the broken window was this (yesterday) morning.

This concluded the case for the crown.

The judge instructed the jury in the points of law and reviewed the evidence. The jury possibly need not trouble much about the attempted murder count. There had been inconsistencies in the evidence which it was up to the jury to iron out. The jury must consider the two possibilities put forward as to how the injured woman had been cut.

The jury retired at 5:36 p.m. to consider its verdict and returned to the courtroom at 6:40 p.m. with the verdict of acquittal.

In discharging the prisoner His Lordship issued a warning. The whole trouble had arisen through the use of gin and beer by accused and her friends. He discouraged its use in future and advised accused to give it up.

DEFENCE WITNESS

The only defence witness was Simon Gun-a-Noot, now serving two months for breaking and entering. He saw Margaret Robinson and Willie Smart. They were drunk. Working on a net on Smart's boat, he saw the glass in the window of the pilot house door broken. Blood was dripping down from it. There was woman's hair as well as blood on the jagged glass. He cleaned off the blood and later the window was replaced.

T. W. Brown, counsel for the defence, assumed that no one would consider seriously that any murder had been attempted. Therefore, the charge of wounding was the only one to be dealt with.

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