

WHO IS THE MURDERER?

Higgins Takes the Stand and Swears Goodspeed Killed Doherty.

Prisoner Turns Tables on Crown's Witness—A Dramatic Scene—Higgins Tells Straight-Forward Story and Sticks to It—Goodspeed Confused in Cross-examination.



Then they went up to the... Higgins the following day. This Sunday in the tanyard. This morning. In the afternoon... Higgins while they were there. Was on till about 9.30.

CONTRADICTS.
Goodspeed was on the stand and gave his testimony, after which the attorney general addressed the jury, saying that it was only fair to the other prisoner to say that he had not yet been heard. He said it was Higgins' privilege to speak, though he was not bound to do so. In the meantime, he said, the crown was willing to accept Goodspeed's evidence. Mr. Mullin stated that he would advise his client to make no statement at that time.

He had always persisted in declining to outline his course of defense. At the previous session he applied for an adjournment because he was in correspondence with a medical expert whom he considered a material witness for the defense. He did not disclose at the time in what respect this evidence was material.

Mr. Mullin here produced the letters, showing that the witness was Dr. Byrne of St. Stephen with whom Mr. Mullin had discussed the case. The sole evidence he wanted from him was regarding the effect of the pistol shot. It had nothing to do with the plea of insanity.

The prisoner, he said had pleaded not guilty and would take the stand on his own behalf.

Proceeding, Mr. Mullin referred to Goodspeed's jury and outlined to the jury precisely as given above by Higgins' evidence.

"What is the defense which I propose to submit," he said in conclusion, "but before I call Higgins I have a few witnesses to present. I will call David Magee as the first."

HIGGINS' GOOD CHARACTER.
Mr. Magee of D. Magee's Sons, called and sworn, said he knew the prisoner, who was about a year in his employ. He had no fault to find with Higgins' character, and he left of his own accord. He appeared to be an unusually quiet, boy, peaceable and of mild disposition. He left in April or May a year ago.

James Barry, the principal of St. Malachi's hall school, said he knew Fred Goodspeed, a former pupil. The witness went on to tell of circumstances of Goodspeed's expulsion, but Mr. McKewen here objected to the evidence as irrelevant, and it was ruled out.

Continuing, Mr. Barry said four years ago Higgins was at the school and was a good boy in every respect and a regular attendant.

Frank Higgins was then called and sworn. He took his place easily in the dock and with one or two starting questions launched out into his story. He began at quarter past three.

"My name is Frank Higgins," he said. "I reside at 59 St. Patrick street in this city. I am 16 years of age. I knew Willie Doherty and I know Fred Goodspeed. I remember Aug. 1 last. Fred Goodspeed called at my home at 10.20 that morning for me. He whistled and we went up to the graveyard, where we stayed till 12. Willie Doherty came up Sydney street about 11.15. He said he was going to Britain street with his father's dinner. Goodspeed and I remained until 12.

"Help, Higgle, help!" I heard Willie Doherty cry as the shot went off," said Frank Higgins on Friday afternoon as he told his story of the ghastly murder. "Then I ran up as fast as I could and saw him lying on the ground, his breast and stomach heaving up and down, while Fred Goodspeed went out with the revolver in his hand, stood by the body's side."

Never in the criminal history of the province was situation more thrillingly dramatic than that afforded to the wide-eyed, breathless crowd that thronged the court room at the time. They crushed forward eagerly, gasping in the close atmosphere as they listened with intent stillness. The judge impressively leaned back in his great chair. Around the fronting table counsel in the case and visiting lawyers sat quietly with assumed indifference. No questions were needed and the stillness of the room was broken only by the rasping monotone of the witness' voice and the nervous rustling of pencils and quickly turned sheets of paper.

On the stand fighting for his life stood Frank Higgins, the accused murderer of Willie Doherty, telling in a sing-song recitative a straightforward and unhesitating story of the crime which has aroused more living interest than any occurrence in the city's annals.

And that story fixed the whole matter of the cruel killing upon Fred Goodspeed, the crown's chief witness, upon whose evidence the case against the prisoner has rested.

HIGGINS' GIBBNESS.
Higgins' testimony was as emphatic and as clearly given as Goodspeed's had previously been and all of Mr. McKewen's trying cross-examination was unable to shake him in a single fact. If anything the witness was too glib. He talked in the sing-song impersonation of a school boy giving a recitation. He needed no urging questions, but went on from point to point with careful language as he described in copious detail the events of that fatal day. Cross-examined, he repeated various parts of the story without the variation of an accent. At Mr. McKewen's request he repeated his account of one occurrence five times in quick succession, and about one half hour later, and more notably the change of a syllable. "Little adjectives," unimportant qualifying words, he used in direct examination were repeated each time with glib carelessness. Had he been reading his evidence from a printed page he could not have been more minutely exact.

As it stands now, the jury have two accounts exactly opposite in fact. Goodspeed as supported by several minor bits of testimony about Higgins owning the revolver and making threats against Doherty, and is deprecatory by more serious indications in the chief witness' own testimony. Higgins' evidence comes rather late and motives might be imputed for his giving it, but his story itself is straight and so far he has been made to contradict himself in not the smallest detail. Unless the crown can show today certain discrepancies or fallacies in it, the jury in declining will be placed in an anxious position.

THE DAY'S EVENTS.
All through the morning session Goodspeed stood under the fierce cross-fire of Mr. Mullin's questioning and bore up well. Confused, he invoked himself in several serious discrepancies, but each time extricated himself without greatly damaging his credibility. The burden of the questions hurled at him tended to elicit admissions that he knew more of the crime than he had previously acknowledged, and after he had been under the strain that day nearly two hours he was confronted with a fire of questions charging him with complicity in the commission of the crime. To each of these he gave an unhesitating and emphatic negative.

"Didn't you fire the shot?" "Didn't you borrow the pistol?" "Didn't you want to burn the body afterward?" brought a succession of indignantly decisive "No sirs" as the little witness, grasping the sides of the dock, put the whole force of his diminutive body into the reply that hurled back the counsel's imputations.

During it all, though nothing of great importance was detracted from his original testimony, he incidentally removed with his own hands the halo of innocence, which sympathetic friends have placed upon his brows. For even admitting his total freedom from the greater crime, he stands convicted by his own admission of several burglaries which have heretofore puzzled the police.

FRANK HIGGINS CALLED.
Then came the afternoon session with its crowded expectancy, and the defence opened its case. Mr. Mullin in eloquent introductory sketched his line of battle and revealed, what he had hitherto successfully concealed, that the defence by putting the prisoner on the stand in his own behalf would attempt to fix the burden of the crime upon the boy whose convicting testimony had drawn the suspicion of all to his own client.

A couple of minors testified to the previous good character of the prisoner, and then Frank Higgins himself was called.

ward. As he stepped into the dock his face, pale as ever, was serenely confident and betrayed no nervousness. But the arteries in his neck throbbed flutteringly and his hand as he grasped the outstretched Bible, trembled a little. He looked the administrator of the oath straight in the eyes as he kissed the book.

Then he told in carefully selected words, spoken with a rapidity that took the stenographers off their feet, of meeting Goodspeed and Doherty in the tanyard Friday, of Goodspeed suggesting that they go out to the Park and shoot birds and squirrels, after he had found that Higgins had the revolver with him. The walk out Gilbert's Lane was described exactly as was Goodspeed, and his account of the route through the Park differed but little from the previous testimony.

GOODSPEED CONTRADICTED.
The difference between the two stories began when he told of the three sitting down on a hill about a half mile back of the Park, an occurrence which Goodspeed, in answer to repeated questions, had strenuously denied, insisting that there had been no rest of this kind.

"We went up in the rear of Connelly's," he said, "and up about one half mile back of the Park, where we sat down on the side of a hill. Goodspeed asked me for the loan of the revolver, saying he wanted it to shoot crows out at Black Rock."

"What do you think of the things in there?" "Goodspeed replied, smiling, sure, my father did eat them things."

DOHERTY HAD THE REVOLVER.
Then Doherty took the cartridges out of the revolver and pointed it at Goodspeed and pulled the trigger. Then he gave it to Goodspeed again and Goodspeed put it in his pocket. Then we started back toward the back of the park.

"I left Goodspeed and Doherty and told them to wait for me around Lover's Lane."

CRY FOR HELP.
Then I went into the bushes and had been there only a few minutes when I heard four or five shots go off and heard Doherty cry "Help, Higgle, help!"

Then I came out from the bushes and ran as fast as I could to the scene. I saw Goodspeed standing with the revolver in his hand. Willie Doherty was on the ground with his chest heaving up and down.

GOODSPEED SHOOT.
I asked Goodspeed if he did the shooting and he said yes.

"Doherty asked me for the revolver and I refused to give it to him. Doherty tried to take it and I pointed it at him, not intending to shoot, and he turned and ran away to get a rock to throw at me and I fired at him as he was running."

I went to Doherty and spoke to him but got no answer. He had stomach had stopped moving. I told Goodspeed I thought he was dead.

GOODSPEED FRENZIED.
Goodspeed said: "Take your damned revolver. If you had kept it this wouldn't have happened."

"I wouldn't touch it and told him he could keep it now. Then Goodspeed ran with the revolver in his right hand and felt with his left hand down inside Doherty's shirt and said:

I'LL BE HUNG FOR THIS.
"My God, he's dead, and I'll be hung for this."

Then he raised his right hand and brought the revolver down on Doherty's head several times. I caught hold of him in my arms and held him till he was quiet again.

Then he turned and said "Look here, Higgins, if you tell on me I'll swear to God you shot him, and as it was your revolver they'll believe me."

I was scared and I said I wouldn't tell. Goodspeed put the revolver in his pocket and asked me if I'd help bury the body. I said yes.

ROCKS ON THE DEAD FACE.
Then he picked up two big stones and pegged them, one after the other, on Willie's head. I told him to stop, and then I helped him get sticks and brush and long grass to cover him up.

I picked up a piece of paper and hung it on a tree near the body so that it might be discovered. Then we came to town, down Lover's Lane, out Gilbert's Lane to the C. R. track, across the Marsh Bridge and along Erin street. Here Goodspeed offered me the revolver again and I told him I wouldn't take it, that he could keep it now. He said he would chuck it in Marsh Creek, and I said "All right."

THROW REVOLVER IN CREEK.
Goodspeed asked me to walk to the creek with him and we went to Sandy Bank and down to the edge of the water, where he chucked the revolver in. We both came up along Eileen street, in along the track to the foot of Brunswick street, then up to Clarence street, where I left him and went home. He went on up the track.

TO SET DOHERTY ON FIRE.
After supper I saw Goodspeed about 7.30, coming down Union Alley, and he asked me to go out and set Doherty on fire.

I said I wouldn't, and he asked me to come on out to the Park anyhow. I said I would but that I wouldn't go near Doherty. We went out Waterloo street and Gilbert's Lane to the Park, going by the refreshment house and out Lover's Lane. I waited in the lane till Goodspeed went out to see the body, and came back and said it was all right. Then we went back to town by the straight in the tanyard and to the graveyard about nine o'clock. John Goodspeed and Will Kelly joined us about 9.30.

Continuing, Higgins told in minute detail of his actions every day until he was arrested, mentioning that on the morning of the Monday the body was found and Goodspeed had again come out to the park and Goodspeed had another look at Doherty.

It was 8.15 when he took the stand and he remained there until six o'clock. He did not meet his brother until the afternoon of the 17th, when he was subjected to a searching cross-examination by Mr. McKewen, but in every respect he adhered to his original story, and was not shaken a word.

The cross-examination will be resumed this morning at 10 o'clock.

AT THE MORNING SESSION.
When Frank Higgins walked carelessly into the court this morning the room was already filled by the crowd who were prepared for a session of more than usual interest.

The opening formalities over the cross-examination of Fred Goodspeed was resumed. He swore positively that neither Mr. Morrill nor anybody else had been talking to him since he gave evidence the day before.

Questioned regarding his evidence of the preceding day witness said he remembered being out to the park the morning of the Monday the body was found. He did not remember being in the refreshment house, and he was there with Frank about five weeks before that. He acknowledged that he had told the coroner he had never been there, and that he was alone with the coroner at the time.

DIDN'T SAY "BURN THE BODY."
"The night after the murder I went to the tanyard and met Frank Higgins. We went right up to the graveyard."

"Didn't you go out to the park?" "Didn't you set fire to Willie Doherty's body and burn it up?" "No, sir. I did not. I'll swear I did not."

"Will you swear you didn't go to the park that night and return to the graveyard about nine o'clock?" "No, sir. I did not go there at all. I was not at the Opera House that night."

Questioned closely whether he had not seen the Opera House after about 7.30 the day Doherty was killed, met Higgins at the foot and went up Union and Waterloo, witness insisted that he was not there. He said he was at the Opera House that night, and he swore positively again and convincingly that he did not go out to the park that night with Frank Higgins.

Do you swear that you were not out behind the park the afternoon of the murder, sitting down about fifteen minutes' asked Mr. Mullin.

"Do you pick berries all the time and never set down the whole afternoon. There was nothing said about coming home as we came in towards the park," said Mr. Mullin.

"No, sir, I did not," came the answer, sharp and clear.

"Didn't you borrow the pistol from Higgins on the rear when you sat and kill Doherty yourself?" "No, sir, like a shot."

"Didn't Higgins go down in the bushes for the pistol and when he came up you told him you had the pistol?" "Yes, sir, if he told you I'll swear to help you God that it was he that did the murder, because it was his pistol?"

"No, sir, I did not," came the answer, sharp and clear.

"Didn't you hit Doherty over the head with the revolver?" "No, sir; it was Higgins did that."

"Wasn't the murder done about 5 o'clock, and didn't you cross the Marsh bridge just as the whistles were blowing?" "No, sir."

"Didn't you throw the revolver into the creek?" "No, sir."

"How did you know so nearly where the revolver was then?" "I saw where Frank Higgins threw it. I watched closely because I intended to tell afterwards where it was. I did not tell anyone up to the time I was arrested. I was questioned by the police but I never told until after I was in jail."

"To the judge I saw Frank Higgins put a newspaper up on a bush near where the body was covered up. He didn't say who he did it, but I saw it go to the bush and he never told me of doing so afterwards. The following Monday when Higgins went out to the spot he was only out there a few minutes to see if the body was all right. I didn't like to go out."

Before Higgins rolled the body down with his foot he had the revolver in his pocket. Didn't know it was empty until I saw it after it was taken out of the creek. Higgins and I often talked about the murder afterward. The boys didn't miss Doherty, but Higgins here they asked told the whole crowd in

the tanyard that Doherty had gone away.

On the way to the park Higgins and Doherty were talking of the robberies they had done and I had often heard them talk about such things yet I kept around with them. I never told on them but intended to tell about the murder.

KENNY QUESTIONING.
Mr. Mullin tried to get the witness to admit he was in the tanyard Sunday night, but he insisted that he was in the graveyard then. Questioned again regarding the boys present Saturday night he remembered Joe Hanaberry and Willie Mackin's little brother.

Asked to repeat the whole list he gave them exactly as before, with the omission of Higgins' name.

Mr. Mullin sharply caught him up on this and witness said he had forgotten. The same boys, including Higgins, were there Sunday afternoon and he gave Higgins some candy.

Mr. Mullin consulted with his client and returning, asked Goodspeed if he would still adhere to an hour statement that he distributed candy to these boys in the tanyard Sunday afternoon.

"I was Sunday night or Sunday afternoon," he said. "I think now it was Sunday night. I don't remember just what time it was about seven o'clock. I didn't go from the house direct to the tanyard. I went to the graveyard first and then down to the tanyard. I think I did this. I know I met Frank Higgins in the graveyard. I swear I went down to the tanyard that evening."

HE HAD FORGOTTEN.
"Then when you said you stayed there all the evening you stated what was not true," said Mr. Mullin.

"I didn't remember then," was the answer. "I remember now that I was in the tanyard Sunday night and gave Higgins some candy. I stayed in the tanyard about seven o'clock. I didn't go from the house direct to the tanyard. I went to the graveyard first and then down to the tanyard. I think I did this. I know I met Frank Higgins in the graveyard. I swear I went down to the tanyard that evening."

What reason did you have for not telling of the murder before you did?" asked Mr. McKewen.

"Frank Higgins said he would kill me if I told and I was afraid he would get me before I was arrested. He told me this afternoon of the murder, and told me to say he was in the graveyard all the afternoon.