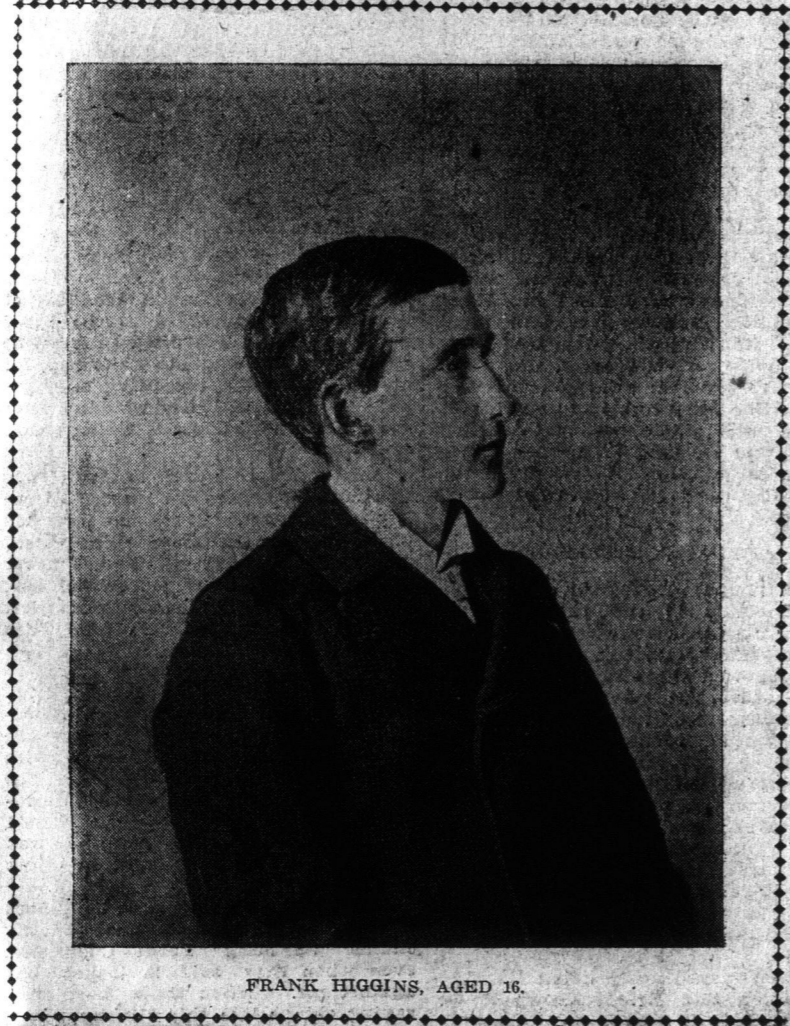


VERDICT OF "GUILTY."

"I Don't Care" Higgins Said, When He Heard the Announcement.

Jury out 2 1-2 Hours—Recommended to Mercy On Account of His Youth—Sentence Postponed—Case May Be Appealed.



FRANK HIGGINS, AGED 16.

"We find the prisoner guilty of the murder of William Doherty, with a recommendation to mercy on account of his youth."

It was the voice of Burly John Fitzgerald, foreman of the jury, that broke the strained stillness of the court room at the hands of the big white clock on the wall pointed to five minutes before three, almost precisely the hour when nearly two months ago the shaded silence of "Lovers' Lane" was shattered with the re-echoing shock of four pistol shots and a boy, murdered from behind by his familiar friend, gasped his life out.

Over the tight-lipped, white calm of the prisoners' face swept a wave of red for an instant. His hand went up as if to brush something from his forehead, and he was Frank Higgins, the imperious, again. He gazed around the crowded room with bravado and sent himself comfortably on his seat.

A few minutes later, as the constable was hurrying him through the side entrance toward the cell where he will await his sentence, a sum reporter whom he brushed by said:

"What do you think of the verdict, Frank?"

"I don't care," was the stolidly stumpy reply as the big door swung suddenly shut behind him.

A TRYING DAY.

It was a trying day for all concerned. During the morning the prisoner, the jury and the spectators listened for two hours to the judge's calm, dispassionately, logically summing up the odds and ends of evidence, urging upon the jury their duty as citizens to the state and charging strongly against the boy in the dock. The twelve men who held the issue of life or death in their hands were gravely attentive, as befitted their great responsibility. Most of them watched the judge closely and followed his every word.

The prisoner was apparently the least interested one in the room. He sat immovably in the corner of the dock, his head against the railing, smooth and darkened from contact with the many airtal ones it has in years engaged. His fingers were turned idly together in his lap, and his feet patted a careless tattoo on the floor.

JURY GOES OUT.

Then at twelve minutes past twelve, the judge having finished his charge, the jury retired to the room where their deliberations involving a human life must be concluded. In anticipation of a somewhat prolonged confinement, arrangements were made for dinner to be served there and the court adjourned until 2:30. Judge Landry making the proviso that he should be summoned immediately should a verdict be reached before that time.

At 2:30 the court re-assembled. Higgins crushed around the outer doors in search of admittance, but only enough were let in to comfortably fill the room. These settled themselves

THE VERDICT.

It was seven minutes to three when Clerk Willet arose and went through the nerve-straining formality of calling the roll and the chief with monotonous voice answered with the number of each jurymen.

Then came the question, "Gentlemen of the jury, have you agreed upon your verdict?" Who speaks first? The long form of John Fitzgerald arose in his place, and the spectators with sharply indrawn breaths through clinched teeth leaned forward.

"Do you find the prisoner guilty or not guilty?"

"We, the jury," said the foreman, as if speaking a lesson, "find the prisoner guilty of the murder of William Doherty, with a recommendation to mercy on account of his youth."

A sigh of relief came from the crowd as the strain relaxed. The prisoner, barring a momentary flush and the brushing of his hand over his face, was unmoved.

"Have you any presentment to make regarding the case of Goodspeed?" asked the judge, and the answer was in the negative.

Then the judge thanked the jury for their attention and for the way they had done their duty. The recommendation they had made, he said, was one that appealed to the best sentiments of all, and he assured them that it would find its way to the proper quarters when the officers of the crown would act as they thought best regarding it.

Then he discharged them from their service and the trial, which had excited more interest than almost any other event in the history of the city, was at an end.

MAY BE AN APPEAL.

But before the court adjourned Mr. Mullin said that there were certain questions which he would like to discuss before his honor before sentence was passed with the re-echoing shock of the case reserved for a higher court.

The judge said he would present no opposition to such a course if grounds were shown. He would withhold sentence until Mr. Mullin had made his argument. This may not be for a week yet.

Meanwhile the crown will push the case against Fred Goodspeed, who stands indicted as an accessory after the fact—an offence punishable with life imprisonment as a maximum penalty.

Mr. McKewen, who will prosecute the case, stated yesterday that it would come up this morning unless counsel for Goodspeed applied for a delay. Mr. McKewen said that in that eventuality he would not say just what he would do.

INTERVIEW WITH HIGGINS.

While the court was anxiously waiting the reappearance of the jury a Sun reporter accosted a man sitting in the prisoner Higgins, who since his arrest has addressed a word to no one except his counsel.

"In the meanwhile all waited as patiently as they might and waited quietly."

JURY OUT 2 1-2 HOURS.

The stillness was broken at eighteen minutes to three by the voice of a constable at the door:

"The jury is coming, your honor."

Everybody stiffened with nervous expectancy, and with parted lips and eager eyes watched the entrance. Two minutes later the jury, headed by Foreman Fitzgerald, filed in and solemnly took their seats. They had been out only two and a half hours, and everyone knew by this that a verdict had been agreed upon.

But what was it? There was nothing in the impassive faces of the twelve men who for over a week have been considering only the guilt or innocence of the prisoner, whose life depended upon the turn of their thumbs. They sat solemnly enough, their looks telling of the burden of responsibility they felt, but by word nor expression did they betray anything of their knowledge.

Straining forward, the crowd gazed at them as if trying to read their thoughts. They yearned for that verdict, they wanted to hear it from the only men who knew, but they had to wait and wait.

NINE MINUTES OF AGONY.

For after the jury had taken their places it was discovered that Clerk of the Court Willet was not in his place. The sheriff volunteered as a substitute, but the formalities of the court had to be complied with, and the judge ordered a delay while the absentee was summoned. The minutes plodded by with feet of lead and the waiters grew pale with suspense. The court room was still as a graveyard. For the most part the people were motionless. Had anyone occasion to move he walked on tip-toe softly, solemnly, as at a funeral.

At fourteen minutes to two the prisoner was again brought in. He sat in the middle of the dock this time and crossed his hands lightly across his knees. His face was set like a white mask—absolutely expressionless. But those near him could see the gnawing of his tightly clinched lips, the nervous twitching of his interlaced fingers, the steady tattoo of his feet upon the floor and back behind his half closed eyelids a look as of a hunted thing at bay. But he faced the jury with his wonderful nerve and flinched not a whit. Whatever might have been going on behind those narrow eyes—and how much of agony and fear and suspense there must have been—he gave no sign.

It was remarkable that none of his relatives nor those of the other prisoners, all of whom have attended every other session, were present. Mr. McKewen and Mr. Mullin, the respective counsel, felt the strain as much if not more than the rest as they sat at the long table and waited those nine minutes that seemed years, before the clerk appeared.

since the jury that he was telling the truth it would be as binding on them as any other.

AGAINST THE PRISONER.

At the bar to take their consideration as to the truth or falsity. The evidence of a person concerned in crimes, he did as that of more reputable citizens, but the most hardened criminal may tell the truth.

Justice, not mercy.

Merely was only to be given in event of confession and repentance.

Discussing the evidence presented by the crown, the judge submitted to the jury whether they would find or not that the prisoner was guilty of the murder of Doherty.

Then whether true or not, evidence was produced that Higgins said he had not seen the body of Doherty.

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tion of surrounding circumstances.

Higgins had the advantage of knowing all Goodspeed said before he gave his own testimony.

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