## Higgins Makes the Same Plea With His Usual

Composure.

Great Difficulty in Getting Jury-Panel of Sixty Men Exhausted Before Twelve Are Chosen.

From 10 a. m. to 4.30 p. m. So Consumed - The Crown's Opening-Joseph Doherty and Two Others on the Stand - Three Sessions To-

The trial of Frank Higgins for the murder of William Doherty on Friday, August 1st, began Tuesday morning and judging by the rate of progress made during the day, will continue throughout the rest of the week at The court sat from 10 o'clock in the morning till 6 p. m., and only eded in empanelling the jury and in hearing three rather unimportant dered lad's father, and two boys who saw Willie Doherty in the old burying ground with Higgins and Goodspeed the day of the murder

The greater part of the day was taken up in selecting competent and unprejudiced men to serve on the Objection on one ground or another was taken to nearly every man called, and the whole list of 61 names was exhausted and nearly the whole day gone before twelve men sat isfactory to both counsel were obtain

During the morning session out of 19 the nineteen called, six failed to anon account of ill health, four were rejected as not indifferent by the triers appointed to enquire into each case, six were challenged pre-emptorily by the defence and one by the crown. Of the forty odd who were called in

afternoon the crown emptorily challenged three, the defense eleven, two were excused from serving one was stood aside, and it was halfpast four o'clock before the eleven necessary to complete the tale could be decided upon.

The jury as finally selected consists of John H. Walker, Sidney Bowden, Robt. Leddingham, Richard Caples. John S. Seaton, W. Hawksley Merrit John A. Donaldson, John E. Fitzger ald, John A. Pooley, Daniel C. Coles William Kein and Edward J. Kennedy. the trial be continually kept under the watchful eye of Capt. Rawlings and will be allowed no outside communica-While not in the court room

HIGGINS IN COURT. The chief attraction of course for the crowds which thronged the court room at each session was the prisoner, Higgins, the impurturable whose unshaker merve since his arrest, and particularly at the preliminary examination, has that he be rejected. been the wonder of all who have fol-

lowed the proceedings. His actions vesterday were in keen ing with the reputation he has estabdished. He walked into court in the morning-his first outdoor appearance for a month-with unhurried step. He faced the eyes of the hundreds of eagerly bending forward spectators, and took his seat behind the high wooden railing of the prisoner's dock

with his usual careless monchalance.

The cold of the stone-walled jai corridors had chilled from his face what little color had been there. His hair was a little longer and more unkempt then when he appeared in the police court, but otherwise he was un changed. He wore the same clothes the same green necktie, standing up over the top of his standing collar, and carried the same red bandana hand-kerchief. Of signs of nervousness there were none. His cold, little, shifty eyes, underlined with dark circles now, wandered about the room, carelessly as he followed the proceedings with thin-lipped composure. He watched everything, especially the selection of the men who were to hold his life in wheir hands, with quiet interest, and when little incidents occured breaking the monotony of the court drone, he grinned in cheerful accord wih the tripple of laughter than ran around the

These were the only changes in his furtive, immovable countenance, except an occasional amused smile which grossed his lips when in the afternoon the counsel for the crowd in opening his case was describing in vivid language the scenes of the murder in which he is charged with being the chief participant. His plea of not gui to was made without emotion, but ly, convincingly. His hands were quietly folded across his kneed, but later in the day, tired with indifferent. sitting upright, he leaned forward and rested with his arms across the railing of the dock.

Daniel Mullin, his counsel, has all refused to say anything that will disclose his line of defense. has not done so yet, but he began yesfight which his actions show will be Every possible juror was

earefully examined for prejudice, every Mittle thing that might in the future grasped at and every inch of the way wherever a dispute was possible was

ally opened. Judge Forbes occupied a seat beside the presiding judge.

After the roll of those examined as jurymen had been called, Hon. Mr. McKeown, counsel for the crown, moved that the case of the King against Frank Higgins be now proceeded with and that the prisoner be

prought into court. He took his seat in the dock, above which his head and upper shoulders just topped. At the order of Clerk Willet, he rose smartly to his feet and the indictment of the grand jury was read to him. As the reading concludsaid. "I'm not guilty." The court took no notice.

say you to this indictment, Frank Higgins," asked the clerk, "are you guilty or not guilty?" prisoner shook his head en phatically. His hands rested lightly on the railing and he looked his ques-

"Not guilty," he said quietly

SELECTING THE JURY. By order of the judge 20 of the jury were then called, their names being drawn from the box containing the names of those summoned on the first panel. The names of the 40 auditional men summoned were allowed to stand to be dealt with separately should the first panel prove not sufficient.

Through all the proceedings the crowd was eagerly attentive. It was a queerly mixed assemblage, mostly young men, not without a prominent sprinkling of grey heads. Joseph Do nerty, father of the murdered boy, sat ehind the dock, with the prisoner right under his eyes. Mrs. Goodsp sat with the witnesses and Mrs. Higgins sat at one side of the room, within full view of her son in the dock The names of the twenty

were then read to the prisoner for acceptance or rejection in the order in which they were drawn. John H. Walker, the first juror called, was challenged by Mr. Mullin, for cause as not standing indifferent between the king and the accused.

Mr. McKeown took issue and asked for the appointment of triers, who me examined only one, and he was should decide as to the juror's indiffer the first one called, was found fit to ence. Sheriff Ritchie chose J. V. Mcserve in that important capacity. Of Lellan and Alex Blaine as triers. These and Mr. Walker were sworn and the juror examined by Mr. Mullin said: I reside in the city of St. John. I read the newspapers and have read part of the accounts of the murder of William Doherty, I don't know that I have formed any decisive opinion. I think my mind is quite open on the subject. I believe I am not prejudiced against the prisoner at the bar and can give him a fair trial.

After hearing Mr. Walker's state ment Mr. Mullin withdrew his objection and Mr. Walker was sworn. The next called-Chas. E. Scam was similarly challenged and examined by Mr. Mullin before triers J. V. Mc-Lellan and John H. Walker, Mr. Scammel said he had read the accounts of the murder in the papers and had formed the ppinion that the prisoner at the bar was guilty. He did no think, however, that he was prejudiced against the prisoner and considered

To Mr. McKeown he said the preformed opinion was based upon the accounts in the papers. As a juror he would base his decision upon the evidence produced in court.

that he could give a fair trial.

Mr. Mullin in addressing the triers submitted that Mr. Scammell was not indifferent. He had pre-formed opinions and was not sure but that they might influence his decision. He asked

Mr. McKeown urged that no intelligent men could be obtained who had not formed some opinion. The desire was to get jurymen fairminded enough to give a true verdist according to the evidence in spite of some slight opin-

Judge Landry told the jury the question for them to decide was whether

He der. He did not feel that he could be kept up through every minute of the James Gallt, similarly challenged, he land also formed a strong opinion re-

Higgins grinned with amused cheer

To the triers Mr. Caldwell said he would judge by the evidence produced He was found indifferent, but was

hallenged by the defence peremptor-

lly and allowed to go. Chas. E. Harding, David Magee, jr. read to him. As the reading conclud- R. W. Williams, J. H. D. Turner were ed and before the question was put he absent. Robt. Reid, the next called, was challenged as the previous jurors had been. He was strongly convinced of the prisoner's guilt, but felt he could give a fair trial without beng influenced by previous opinions.

was challenged peremptorily. H. C. Tilley, challenged for the same cause, also believed in the guilt of Higgins. He was influenced by this pinion, but as a jurpr he would give erdict according to the evidence. He was passed by the triers but challenged peremptorily by Mr. Mul-

John Condon, likewise challenger hought that his opinion regarding Higgins' guilt might prejudice his decisio in the case. He was rejected as no indifferent. Jas. D. Seely did not answer to his

J. Otty Morrell, the next, was chalenged for cases, said his opinion was unfavorable to the prisoner and strong enough to affect his judgment. As ce. Mr. Mullin challenged him pernptorily after the triers had decided

Thos. W. Kickham, challenged, b lieved in the prisoner's guilt, yould not be influenced by such opin ion in giving a verdict. Mr. Mullin agreed to him as a juror, but he was challenged peremptorily by Mr. Mc-It being 1 o'clock court here ad-

journed to 2.15 p. m. AFTERNOON SESSION.

The greater part of the afternoon see ion was taken up with the same monotonous procedure. Man after man was called, challenged, examined and rejected. Only two of the sixty odd were allowed to pass without question. Finally about three o'clock the deadlock seemed to break and the men were rapidly chosen.

Mrs. Higgins and Mrs. Goodspeed were in their usual seats and Doherty sat, as usual, behind the dock staring at the prisoner. At the opening of the session the re-

maining member of the first panel— Michael Ryan—was called and challenged by Mr. Mullin. He objected to serving on personal grounds, and with nsent of counsel was released. Rainsford /W. Williams, who failed

to appear at the morning session, was called and by consent of counsel, on his own objection, was released. J. H. D. Turner, another delinquent from the morning session, appeared and presented a medical certificate to ill-health, dated two weeks ago. He was stood aside and later was allowed to go.

This exhausting the original panel. resort was made to the forty additionally summoned. The names were placed in the box and twenty-four

Then the challenging business began il over again. Homer G Cruikshank challenged pro forma, said he had formed a strong opinion regarding the case. Questions by Mr. Mullin regarding the nature of the opinions were ruled out by the judge upon objection by Mr. McKeown. The same fate met questions regarding the effect that opinion might have upon his judgment of the case. Whatever the opinion was, Mr. Cruikshank said it would take considerable evidence to change

Mr. Cruikshank was accepted by the triers and challenged peremptorily by

Daniel C. Coles met with non and was accepted and swe Robert A. C. Brown, John F. Dock

this was the case, that the jury be discharged and another summoned, as it was plain with a member who openly stated in court such opinion as Mr. Pooley had, his client could not get a fair trial. His objection was

over age. Wm. Kein, challenged for cause, sat isfied the prisoner's counsel that he

This exhausted the panel and proceedings were made to draw talemen rom among those present.

with the statement that he had formed an opinion but would not allow it to interfere with his decision of the case. He was acceptable to both counsel, and being sworn, completed the jury after five hours steady work. seeded to open the crown's case in a concise, well arranged, and impressive address, in which he laid before the jury a convincing digest of the evidence which during the trial will be presented to them. In the introduction he briefly recounted the incidents of the murder and the subsequent legal of Frank Higgins for murder and Fred Goodspeed as an accessary, upon which, if convicted, the latter could be sentenced to life imprisonment if

oath and consciences.

On the morning of Aug. 1st, he said, Willie Doherty left home with a lunch to take to his father. He did the errand and was never seen by his parents alive again. He next turned up in the old graveyard in company with the prisoner and Goodspeed between 12.30 and 1.30. Two other lads, Kelly and King, saw him there, and after going away for a few minutes came back and ascertained that they were gone. They were seen later in Gilbert's Lane going toward the park, and later in the park. There the curtain fell and as to the consummation of the atrocity no human eye outside of the three boys had knowledge.

Doherty did not return, and as the days passed the father made inquiry. Among others he met the prisoner, whom he knew as a companion of his boy. Higgins gave an evasive reply at first and later assures the father that Willie had gone to Spring-hill. No further enquiries were made, and no suspicions were aroused until Monday afternoon, when the body of a murdered man was found in the park. Then the father, fearing he knew not what, went to the dead house and was at first unable to recognize the body and could only identify it as his son by known repairs to his clothing. Then Higgins came forward, and after examination declared it was the body of Willie Doherty.

In graphic language the counsel for the

examination dec Willie Doherty.

He called as the first witness, Joseph Doherty, father of the boy of whose murder the prisoner stands accused. His evidence, dealing with his last view of his son at noon dealing with his last view of his son at noon Aug. lest, was just as given previously at the inquest and the preliminary examination. He said his son left him at 10 minutes to one and was never seen alive by him again. Witness told of talking with the prisoner eifher the Saturday or Sunday evening following. Higgins first said he hadn't seen Willie since 10 o'clock Friday and later said he had seen him about 11.30 going through the graveyard with his fathers' dinner. He also said he had heard Willie talking of going to Springhill.

mr. McKeown as fitting the crown counsel in a case where a man's life the defense on technical grounds, but the defense on technical grounds, but the saw that his side lost no points, and when the jury was at last secured, he was challenged peremptorily by Mr. As this completed the 24, the remainder of the panel were drawn from the name box. Of the new list, Henry Rubins, Bradbury J. The Prisoner guilty. Strong evidence would be needed to change his mind.

rill, John F. Barry, Jas, S. Harding, Joshua Ward and Chas. McMichael did not answer to their names.

While this was going on Juror coley arose in his place and said he had been asked no question, but he wished to state that his mind made up and he felt he could not give the pris

Mr. Mullin at once asked that as

Samuel Fisher was released as being

could give a fair trial and he was

Edward J. Kennedy, the first so caled, responded to challenge for cause The indictment was then read to the ipleted jury and Mr. McKeown pro-All day Wednesday the counsel for

the crown in the Doherty murder case a net of entangling evidence mesh by mesh around the prisoner. Frank Higgins, who watched the process with ceedings leading to the indictment most of whom were none too willing necessary. It was no common case the jury were to examine, and he asked their undeviating, unbiassed opin-

ion and a verdiet according to their oath and consciences.

willie oberty.

In graphic language the counsel for the crown told of the providential finding of the body and of the evidences of the awful crime thereon committed. He spoke of Higgins' callous indifference when identifying the body. The boys then declare their last view of the murdered boy was in the pass tatement which the jury would hear during the trial. It was the story of the crown with the crime unsurpassed for atrocity in the annals of New Brunswick. After committing the crime, as Goodspeed would describe it, the boys returned with unexampled effrontial and many other circumstances, filling out the gaps of the case not covered by Good.

DEFENCE FIGHTING HARD.

On the other hand the counsel for the defence all day long tore at the meshes of the crown's evidence with pointed objections, sharp questions and clear crime thereon committed. He spoke of Higgins' callous indifference when identify. In cross-examination, loosening a thread objections, sharp questions and clear cross-examination, loosening a thread believed to be added to brought back. When in the police statement which the jury would hear during the trial. It was the story of the crown's within caused some of the park together the defence.

This was in the case of Leslie Singer

afternoon. He said he was picking sult. Sink was released on activities of the control of t berries in the immediate vicinity of where the body was found and was there from about 2.30 to 3.15. He came

wove with the word of many witnesses

His actions for weeks before the

pon found in Marsh Creek, where, ac-

cording to Goodspeed, it was thrown

by the prisoner after the fearful deed

was done, was identified as the one

It was shown that Higgins had fre-

quently expressed his dislike for

those who might tell of him carrying

made to the police he contradicted

The afternoon of the murder, when,

according to Higgins' story he was in

DEFENCE FIGHTING HARD.

himself more than once.

volver that day.

store.

serene and unshaken composure.

boy. Mrs. Higgins was absent, but in of the body when he saw it. lad whom she suspects of murdering body. At the request of counsel wither son. She was dressed in black ness drew a sketch plan of the park through which her eyes gleamed roads and the place where the tragedy steadily at the prisoner. At times occurred, marking for the benefit of when the evidence told of the finding judge and jury approximate distances

day with his usual carelessness. He 3 or 4 pounds in weight. Judging from listened attentively to all the evidence, the pile of stuff on the body he thought ally. Not infrequently he turned boys to gather it Later he modified this, around and grinned cheerfully at some saying that as material was plentiful of his aforetime friends among the around there it would not take so long. witnesses. During the afternoon ses- He saw no blood on the sticks or and was greeted by the prisoner with was damp the days following the mura grateful smile. Higgins' favorite at- der this could have been washed away. with his chin resting on his arms fold- not be sure that the details of his plan

that the crown's case will be conclud- connection with the discovery and re-At this morning's session the court ready in hand. He said that on the

room was again crowded. Those directly interested in the case were present as yesterday, the only new face being that of Mrs. Doherty, who sat He heard no shots and did not rememnear the seat previously occupied by Mrs. Higgins, in full view of the pri- prisoner. soner.

HIGGINS IN THE PARK.



witness went with him down to Stanley street, where they met him with Fred Goodspeed. Higgins said he wanted to see Alexander about the story he had told to the paper about seeing him with a revolver. When he met Alexander he told him to go and tell the Sun reporter it was a mistake. Alexander said he would, and they went away together.

Cross-examined by Mr. Mullin, witness said he did not hear all the talk. He kept ahead so he could not hear. He heard Alexander say he would contradict the story. Court here adjourned to 10 o'clock this morning. Morning, attennoon and evening sessions will be held today, and subsequently until the trial is concluded.

told his story of seeing Higgins, Doherty and another boy on Gilbert's lane between 1.30 and 2 p. m. the day of the murder, going toward the park of the marger and another boy on Gilbert's lane between 1.30 and 2 p. m. the day of the murder, going toward the park of the murde

Cross-examined by Mr. Mullin-There was another remark made by the youngest boy, but he did not distinctly hear, didn't remember saying anything about girls in the park, nor did he remember any response made by

the smallest of the boys. Leslie Singer knows Higgins and knew Doherty to see him. On Friday, tragedy were minutely traced, chiefly August 1, he was not working and was by the evidence of his one time chums, out Gilbert's lane between 2.30 and 2, and stopped near the park entrance. to give their damaging testimony. It While there he saw Higgins, Doherty was proven that Higgins purchased and Goodspeed going toward the park and was often seen carrying a 38 entrance. Witness went out into the calibre revolver; that a short time be- park ahead of them and between 2.30 fore the murder he bought cartridges and 3.15 was all over the ground where o fit it, and the bullets found in the the tragedy occurred. The last he saw murdered boy's body corresponded with of the boys was near the park entthose the revolver carried. The wea- rance.

AT THE PLACE OF THE MURDER. Questioned more closely he said: "I went into the park almost 200 yards purchased by Higgins at a second hand ahead of the boys. I went up past the refreshment house and out the old military road. I stopped to pick berries near where the body was found. Doherty; that he used threats toward I saw there some young ladies and some boys picking berries. I stayed a revolver, and that in his statements there an hour and coming out the same way I lay down in the rear of the rereshment house. Saw none of the boys there. I think it was about a quarter after 3 when I left the burnt the old burying ground, he was traced land to come in. John Baird and a out Gilbert's Lane to the park, and boy named Carmichael joined me witnesses were produced who saw him there and we went out the Military there with Doherty and Goodspeed. It road again, passing the spot where was also shown that he carried a re- the body was found and picking berries on each side of the path. We came back the second time about four o'clock and sat down on a bench at this end of the road, remaining there until a quarter to five, when we came of the crown's evidence with pointed directly in home. In this time nothing occurred to attract my attention. Heard no revolver shots. Saw neither Hig-

Cross examined: It was near the entrance of the park where I saw the boys about two o'clock. Going out the Military Road I went about one hundred yards past the scene of the tragnesses to depreciate the nature of their edy. It was a little after three when I came in. The second time we went out we stayed about half an hour. ness who saw Higgins, Doherty and There were some women and children picking berries then almost where the

Mr. Mullin questioned the witness closely about the time of these occurwho was in the park that fatal Friday ences and seemed satisfied with the re-

Geo. Patterson had known Doherty. but neither Higgins or Goodspeed. He told of seeing Doherty in the park with two boys the afternoon of August 1. He had seen Higgins and Goodspeed since and thought these boys were about the same size. He saw them on a little hill back of the bear nit. They were going in the direction of the city. and seemed to be picking berries. This was about half past three. Witness then went toward home and did not see the boys again that day.

THE BODY FOUND.

Harry Beckwith, the young man who first discovered the body on Monday. Aug. 4, repeated the story substantially as at the inquest and the preliminary examination. It was the rising of a dense swarm of flies that first attracted his attention to the pile of burnt sticks and brush. He removed some and seeing some clothes and a human hand, gave the alarm.

Felix Gallagher, park laborer, to

whom Beckwith first told the news of the finding of the body, told of subsequent events and described the position Harley Knox, park policeman, related his part in the discovery of the showing the entrance, the various

from point to point. In response to further questions he told of removing from the body the heaps of logs, rocks, sticks and bush-Higgins bore himself through the es still green. The rocks were about it would take nearly an hour for two stones, but as rain had fallen and it To Mr. Mullin witness said he could

were absolutely accurate. George Henry, another park laborer and policeman, related incidents in moval of Doherty's body. He added nothing of interest to the evidence alafternoon of Friday, August 1, he had been working in a hayfield not far from where the discovery was made. ber seeing anybody resembling the

FOUND ON THE BODY. Officer Geo. Earle was also present John Baird, the first witness called, when the body was removed. He deEndor

On Saturlay

vention in the

inated as a ca cial legislature the action has I tention to a co in nominations The opposition the idea that and that ernment, being naturally no rig of liberal suppo ing its nomin named a libera is well known, county, but in tigouche. The ally that of an gentleman of standing, and wart of the st the convention was still a libe. of the Ottawa a statement wl ed, and he is ordinary class by the provin fore, that it is nomination co present at the has induced th publish an a

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