

"NOT GUILTY" AGAIN.

Higgins Makes the Same Plea With His Usual Composure.

Great Difficulty in Getting a 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 Today.

The trial of Frank Higgins for the murder of William Doherty on Friday, August 15, began Tuesday morning and judging by the rate of progress made during the day, will continue throughout the rest of the week at least. The court sat from 10 o'clock in the morning till 6 p. m., and only succeeded in empaneling the jury and in hearing three rather unimportant witnesses, Joseph Doherty, the murdered 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 jury. 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 satisfactory to both counsel were obtained.

During the morning session of 19 men examined, only one, and he was the first one called, was found fit to serve in that important capacity. Of the nineteen called, six failed to answer to their names; one was excused on account of ill health, four were rejected as not indifferent by the triers appointed to enquire into each case, six were challenged preemptorily by the defense and one by the crown.

The jury as finally selected consists of John H. Walker, Sidney Bowden, Robt. Leddingham, Richard Caples, John S. Seaton, W. Hawkeley Merrit, John A. Donaldson, John E. Fitzgerald, John A. Pooley, Daniel C. Cole, William Keim and Edward J. Kennedy. Those men will during the course of the trial be continually kept under the watchful eye of Capt. Rawlings and will be allowed no outside communication. While not in the court room they will lodge at the Park Hotel.

HIGGINS IN COURT.

The chief attraction of course for the crowds which thronged the court room at each session was the prisoner, Higgins, who was brought out in a very nervous state, and particularly at the preliminary examination, had been the wonder of all who have followed the proceedings.

His actions yesterday were in keeping with the reputation he has established. He walked into court in the morning—his first outdoor appearance for a month—without hurried steps, 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 nonchalance. The cold of the stone-walled jail corridors had chilled from his face what little color had been there. His eyes were a little longer and more unkept than when he appeared in the police court, but otherwise he was unchanged. He wore the same clothes, the same green necktie, standing up over the top of his standing collar, and carried the same red bandana handkerchief. Of signs of nervousness there were none. His cold, little, shifty eyes, unrimmed 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 handle his life in their hands, with quiet interest, and when little incidents occurred breaking the monotony of the court drone, he grinned in cheerful accord with the ripple of laughter that ran around the court.

These were the only changes in his features, immovable countenance, except an occasional amused smile, which crossed his lips when in the afternoon the counsel for the crown in opening his case was describing in vivid language the scenes of the murder in which he was charged with being the chief participant. His plea of not guilty was made without emotion, but steadily, convincingly. His hands were generally quietly folded across his knees, but later in the day, tired with sitting upright, he leaned forward and rested with his arms across the railing of the dock.

THE PRISONER ARRANGED.

It was seven minutes after ten yesterday morning when Judge Landry

took his seat and the court was formally opened. Judge Forbes occupied a seat beside the presiding judge. After the roll of those examined as jurors had been called, Hon. Mr. McKewon, counsel for the crown, moved that the case of the King against Frank Higgins be now proceeded with and that the prisoner be brought 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 jury was read to him. As the reading concluded and before the question was put, he said, "I'm not guilty."

The court took no notice. "What say you to this indictment, Frank Higgins," asked the clerk, "are you guilty or not guilty?"

The prisoner shook his head emphatically. His hands rested lightly on the railing and he looked his questioner eye to eye.

"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 day. The names of the additional 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 similarly challenged. It was a queerly mixed assemblage, mostly young men, not without a prominent sprinkling of grey heads. Joseph Doherty, father of the murdered boy, sat just behind the dock with the prisoner right under his eyes. Mrs. Goodspeed 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.

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SURPRISE
SURPRISE SOAP
is
Pure Hard Soap.
SURPRISE

He had no feeling against the prisoner and would not find him guilty unless the evidence showed him so.

To Mr. Mullin he said that he was sure that the prisoner was guilty and nothing could change his mind.

Higgins grinned with amused cheerfulness.

To the triers Mr. Caldwell said he would judge by the evidence produced in court.

He was found indifferent, but was challenged by the defence preemptorily and allowed to go.

Chas. E. Harding, David Turner, Jr., R. W. Williams, J. H. D. Turner, were 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 being influenced by previous opinions. He was challenged preemptorily.

Samuel Fisher was released as being over age.

Wm. Keim, challenged for cause, satisfied the jury that he was a competent juror and he was sworn.

This exhausted the panel and proceedings were made to draw talemens from among those present.

Edward J. Kennedy, the first so called, responded to challenge for cause with the statement that he had formed an opinion and did not allow it to interfere with his decision in the case. He was acceptable to both counsel, and being sworn, completed the jury after five hours steady work.

The indictment was then read, the jury a convincing agent of evidence which during the trial will be presented to them. In the introduction, Mr. Mullin recounted the incidents of the murder and the subsequent proceedings leading to the indictment of Frank Higgins for murder and Fred Goodspeed as an accessory, upon which, if convicted, the latter could be sentenced to life imprisonment if necessary. It was no common case the jury were to examine, and he asked their undivided, unbiased opinion and verdict according to their oath and consciences.

On the morning of Aug. 1st, he said, Willie Doherty left home with a lunch to take to his father, who was in the city. He was never seen by his parents alive again. He was taken to a graveyard in the city of St. John, N. H., and there, between 12.30 and 1.30, two other lads, named Goodspeed and Higgins, were going away for a few minutes each back to their homes. They were going to the graveyard, and were seen later in the city. They were seen later in the city.

It was shown that Higgins had frequently expressed his dislike for Doherty; that he used threats toward those who might tell of him carrying a revolver, and that in his statements to the police he contradicted himself more than once.

On Saturday, the day after the trial, the action has been taken to call attention to a certain legislative measure. The opposition to the idea that a goose is a natural support of the liberal professions is well known, but in the opinion of the writer, being naturally no right of liberal professions, the action has been taken to call attention to a certain legislative measure. The opposition to the idea that a goose is a natural support of the liberal professions is well known, but in the opinion of the writer, being naturally no right of liberal professions, the action has been taken to call attention to a certain legislative measure.

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