POOR DOCUMENT

THE SEMI-WEEKLY TELEGRAPH, ST. JOHN N. B., OCTUBER 11, 1962.

HIGGINS TO DIE ON DECEMBER 18.

Judge Landry ruled that Mr. Mullin

Point from Judge Land, y's Charge.

The fourth plea put forth by Mr.

Coolly He Hears Judge Landry Pronounce His Fate-The Least Affected of All in Court—Proceedings in Detail.

Frank Higgins, convicted of murdering he had heard Mr. Pooley say in his barber shop concerning the guilt of Frank Higgins, but an objection was raised by the attorney-general, who claimed that Mr. December 18, next.

The prisoner received the sentence with an unruffled countenance, with scarce any

an unruffled countenance, with scarce any manner that was in painful contrast to the

is that you, Frank Higgins, be taken from hence to the prison next, to the place of execution, and that you be there hanged by the neck until you are dead, and may God have mercy on the

The dreadful import of the 18th of December did not seem in the slightest to affect the imperturbability of the convicted lad, for at that supreme moment when the words "to be hanged by the neck until you are dead" were slowly attered, there was nothing on the part of Higgins but perfect self-possession, a matter-of-fact attitude, an interest in what was being pro-

Still Preserves Remarkable Composure.

He stood with his hands resting easily on the rail of the dock, his small cloth cap to seed on the seat and his eyes scru-tinizing the face of the judge as his honor in a brief address before the passing of sentence gave with dispassionate concern sentence gave with dispassionate concern such advice as the nature of the occasion justified. Whatever the condemned boy may have thought, whether he again lived over the tragedy of August 1 or was seek-ing to picture the future—whether or not the full horror of his situation confronted him—he did not in appearance or deport-ment betray.

Realizing precisely that unless hereagan

Realizing precisely that unless c'emency was shown his life would not continue be yond December 18 he left the court much as he had entered it—with a brisk step, buoyant bearing and calm face.

Spectators Under Strain; Prisoner Cool.

He had not changed since his last appearance in court, if anything perhaps he had increased in weight and was better dressed. He wore a new blue coat, a blue necktie instead of the familiar green one, and in place of the former crumpled soiled one a glossy white apright collar. But these were the only changes. He was the same Frank Higgins in the mock-bravado of his bearing, the same Frank Higgins in the cheery greeting and smile to his acquaintances in the crowd, and the same in the nonchalance with which he listened to the legal struggle with his life the stake. He had not changed since his last ap dressed. He were a new blue coat, a blue mecktie instead of the familiar green one, and in place of the former crumpled soiled one a glossy white upright collar. But these were the only changes. He was the same Frank Higgins in the mock-bravado of his bearing, the same Frank Higgins in the cheery greeting and smile to his acquaintances in the crowd, and the same in the nonchalance with which he listened to the legal struggle with his life the most composed at the moment sentence was imposed.

The spectators were one in the intensity of the nervous strain while such was being the matter in hand, and touched upon the statement—which Higgins had made near the end of the trial—the testimony that Fred Goodspeed was the murderer, an accusation that created a sensation in the public mind.

Mr. Mullin observed that he could see no reason why he should make any apology for the method by which he had conducted his client's defence.

His honor here quoted several instances in hand, and touched upon the statement—which Higgins in the mock-bravado of its description had made near the end of the trial—the testimony that Fred Goodspeed was the murderer, an accusation that created a sensation in the public mind.

Mr. Mullin observed that he could see no reason why he should make any apology for the method by which he had conducted his client's defence.

His honor replied that he had been cannot be at the mount of the could see no reason why he should make any apology for the method by which he had conducted his client's defence.

His honor replied that he had been cannot be at the mount of the could see no reason why he should make any apology for the method by which the tate of the work and not true, and then changing around next time. The same night we sold to another fellow who knew all about it, a watch for \$1.80. He wanted it less but when he spoke to me and Doherty about it, we told him which which he had conducted his client's defence.

His honor replied that he had been cannot be prevented to the same night we sold to Judge and Counsel.

was imposed.

The spectators were one in the intensity of the nervous strain while such was being said and between their condition and that of the judge and lawyers trained to perfect self-control there was not such a wide gulf.

Attorney-General Pugsley replied to Mr. Mullin. He pointed out that if there were questions to be brought before the court, the law provided a mode for such. If his honor refused a reserve of the law provided a mode for such. If his honor refused a reserve of the law provided a mode for such.

of his duty, performed such in an admir-able manner and in his address to the prisoner gave him the best advice which it was possible for him to receive under the circumstances. He pointed out—not harshly, not hastily—but in the knowledge harshly, not hastily—but in the knowledge that the law having found the prisoner guilty, was going to take its logical course, that the prisoner need not entertain undue hope that sentence would be commuted, that it would be well for him to now consider his spiritual welfare and occupy his remaining time on earth to prepare his soul to meet its Maker.

Were Present.

Women Were Present.

After legal argument in the morning the court resumed at 2.30 o'clock, the crowd being very large outside the rail and the seats inside being well occupied. There was a sprinkling of clergymen and many ladies.

Mr. and Mrs. Doherty There.

Shortly before the opening Joseph

Shortly before the opening Joseph Doherty, father of the murdered lad, entered alone and took a seat on the bench behind the prisoner's dock. He was followed by Mrs. Doherty, who entered with a female friend. Mrs. Higgins and Mrs. Goodspeed were not present.

Was chosen.

As to Mr. Pooley.

Concerning Mr. Mullin's second ground for a reserve the attorney-general desirble deto urge strongly that his honor should not consider the affidavit of Mr. McGrath. It would be detrimental to the administration of incline its often. for a reserve the attorney-general desired to urge strongly that his honor should not consider the affidavit of Mr. Mc-Grath. It would be detrimental to the administration of justice, if after a trial had been concluded the taking of an affidavit could set aside the result.

Mr. Mullin Argues.

Promptly at 10 o'clock the morning ses Promptly at 10 o'clock the morning session opened. In beginning his argument for a reserve of the crown case, Mr. Multin sited four reasons upon which he based his application. The first was in reference to the securing of a jury. When the special panel was ordered he had objected as the selecting of the jury was not as preferibed by the British North America Act. As the Canadian parliament had directed procedure for the selection of talesmen, legislation on that point was exhausted and the action of the local legislature in prescribing the procedure was altra vires.

The Marilia's second contention deait affidavit could set aside the result.

When a man went into the jury box, no matter what his pre-conceived opinions were, counsels and judge were prepared to assume that he would decide by the nature of the evidence adduced.

"Mr. Pooley," remarked his honor, "was not prejudiced, it was a conviction of what he had read."

Continuing, the attorney-general said that a man would be without intelligence if under the circumstances of the park tragedy, or any similar affair, he did not form some opinion or conviction. The fact that Mr. Pooley had expressed his belief did not disqualify him to act as juror.

OF "HIGGIE," HIS PARTNER,

story of his connection with the Brownville robbery and his attitude toward Doherty was not permitted to tell it at the trial.

"The trouble between 'Ding' Doherty, as we called him, and Higgins, dates from the Judge Landry ruled that Mr. Mullur could continue with the reading, which he did to the effect that John McGrath had in John Pooley's banber shop heard Pooley state that he believed Higgins should be hanged and Goodspeed be given his libbroke the agreement and Higgins always

This, contended Mr. Mullin, disqualified held it against him. Mr. Pooley from acting as juror for it was one of the fundamental principles of Brit-ish law that a jury should be free from "When they started over the the slightest bias. Mr. Pooley had clearly shown that he did not stand indifferent between the prisoner and the crown and the question at issue being of the gravest import, his honor would do well to give the matter his most careful thought. In support, Mr. Mullin quoted legal authmen called: 'Go it Johnny, the cops are after you.' Mr. Mullin's third contention had to do

had been taken in Brownville and he threw it away, which angered Higgins. I do not tal. He felt that all the evidence which

tal. He felt that all the evidence which could have been given in the matter was not offered by Mr. McKeown and read it support authority from Archibald's criminal evidence, page 191.

Mr. McKeown should have offered all the evidence at his disposal in reference to the time when Goodspeed arrived home from the park. The evidence in rebuttal was confined to a contradiction.

It away, which angered Higgins. I do not know any thing about the trip from that to Vanceboro because I left them then and came home on May 24.

"On Monday, the 26th, a fellow and I went over to Fairville to see if the boys had arrived. Just as we got to the depot a treight train pulled into the yard and they were on it. I asked where the bag was and they told me the story of their chase. On they had brought with them and Higgie gave me four watches and several knives. I to Brownville so we spoke freely before things near the corner of Pont and George street. Before we left we struck a bargain

The fourth plea put forth by Mr. Mullin was in respect to a portion of Judge Landry's charge, when he drew the attention of the jury to the prisoner's silence and of the frequent consultations between him and his counsel. The prisoner's attitude was for the jury to observe in determining as to his guilt or innocence. Mr. Mullin held strongly that a prisoner, under the British constitution, had a right to be defended by his counsel and that when there was any consultation between them it should not be made the subject of comment on the part of judge to jury. knives for a quarter. "While 'Higgie' and 'Ding' were in a store trying to buy something to eat, the other fellow suggested to me, just in a foolof judge to jury.

It was unfair to the prisoner that the jury should be informed of certain things that might influence them to the extent that they would draw an inference. on our way. We had an arrangement among us that when anything was sold for a quarter the odd cent would be given to each in his turn-two getting 8c. and one 9c.

Doherty and Higgins. spoken of," he continued, "My brother held and Doherty drew the watch. Higgle didn't like that, but he didn't say much, as he If his honor refused a reserve of the case it was open to Mr. Mullin to make application for reserve to the court of appeals. If his honor imposed sentence he would set the date for the execution of would set the date for the execution of the Square. He said, "I believe, that he threw this club away, but he didn't, and the had he must have felt pretty said." the sentence at a period which would allow ample time to take every possible step, on the part of Mr. Mullin, for a reserve of the case. He mentioned this in view of the fact that a presiding judge with several daggers on him. He also sa

CHRISTIAN ENDEAVOR ANNIVERSARY.

The Founder of the Organization Attends Ottawa Meeting.

Ottawa, Oct. 7-(Special)-Rev. Dr Clarke, of Boston, the founder of the Christian Endeavor Union, attended the opening of the 14th anniversary of the Ontario Union here this afternoon. At tonight's meeting Doctor Clarke, who is a native of this district, delivered an address pointing out that during the pas year the association made greater progres than during any year in the past.

NEWFOUNDLAND ARBITRATION.

Capitalist Reid Awarded \$850,000 for His Claim of Two and One-quarter Millions---Verdict a Government Victory.

Montreal, Oct. 8-(Special)-A New foundland cable says an award was made today in the Reid railway arbitration. Reid was awarded \$850,000. His claim was for \$2,500,000. The verdict is considered a victory for the government.

hausted and the action of the procedure was lature in prescribing the procedure was altra vires.

Mr. Mullin's second contention dealt with the opinion expressed by Juror John Pooley, inasmuch that when he took his seat in the jury ine declared it as his conviction that Frank Higgins was the muricular of the time at which such evidence should be received was at the discretion of the prestiding judge. Higgins had sworn certain delerer of Wm. Doherty, which opinion made it manifest that he was not a fit and proper person to sit as juror.

Pooley Had Expressed Opinion.

Mr. Mullin now began to read an affi-incomplete the return was also furnished.

(Continued on page 6, fifth column.)

A POLITICAL MYSTERY. OPPOSI ION GENERALS IN THE FIELD,

head and Charles A.

Ladies--Happy Couple to Live in New-

Chatham, N. B., Oct. 8-(Special)-One of the most brilliant society events which

son of Alexander Bruce, R. C., of Hamilton (Ont.), manager of the Canada Life Insurance Company in Newfoundland.

The marriage, at which there was a very large number of guests, took place at the handsome residence of Premier and Mrs. Tweedie, which was profusely

and artistically decorated with flowers

The bride was given away by her brother, Roy Muirhead, of the Bank of Nova

She looked very lovely, gowned in ele

gant white silk and with a beautiful bridal veil. The bridesmaid, Miss Louie Tweedie, was also becomingly attired

in an exquisite white silk dress with chif-

Park supported the groom.

After the ceremony, which was performed by Rev. D. Henderson, paston

of St. Andrew's church, a sumptuous sup-per was served. McEachern's orchestra

Some very beautiful gowns were worn

Mr. and Mrs. Bruce left for St. John's

(Mfd.), their future home.

Mrs. Bruce is a particular favorite in Chatham. Mr. Bruce, who was connected with the Maritime Sulphite Fibre Mill,

here who wish them both every happiness. They were the recipients of many beautiful gifts.

is an extract from the weekly report of Sergeant Bird, of the Duck Lake detachment of Mounted Police. It is dated 21st September, 1902, and was forwarded here by Commissioner Perry:—
"I proceeded through the Doukhobour villages, of which there are six. I found these people, both women and men, a very industrious and hard working class. They were busy stacking their wheat. They com-

were busy stacking their wheat. They con menced work at daylight and continue

"These people take the greatest care of their horses and are very kind to them.

damage to the grain and cause a good deal of loss in the yield.

WORKS DESTROYED

Insurance \$37,000.

DOUKHOBORS ARE

cotia, St. John.

much admired.

BUT THE MAIN BODY IS MYS-TERIOUSLY MISSING.

lo News of the Masses of Determined Men who Are Supposed Scmewhere to Be Wedding of Miss H. Rae Muir-Shouting, "Give Us Hazen, or Give Us Death!"-Hesitant Candidates at Andover "I hinking It Over."

Where is the main body of Mr. Hazen's opposition forces?

That is the question asked, and in vain, by those who are interested in local Bride a Grand-daughter of the Late Senator Muichead --- Groom Son of Alex Bruce, K C, of Montreal--Elegant G.wns of the

apparently, unless the 30 frost-defying gentlemen who met there constituted it. Nor was it in evidence at Gagetown or Campbellton. Certainly it was not at the York Theatre. Where is it?

In vain the vigilant men on the water towers through the country strain their was the marriage tonight of Miss H. Rae eyes for a glimpse of the mighty host which is supposed to be massing somewhere in the land, a host of grim, determined men whose slogan is "Give us son of Alexander Bruce, K. C., of Hamilmined men whose slogan is "Give Hazen or give us death!" Seriously speaking the frost seems

"Locally, there is "nothing doing" as far as the adherents of the opposition led by Mr. Hazen are concerned. They held a poorly attended and inharmonious convention in the York Theatre and another in the Orange Hall, Fairville, which attracted even a smaller audience. One of these conventions nominated a ticket, the other did not. That's the record so far. managers have been using every effort to pick a candidate to trot double with Mr Anderson in the county but they have not met with success. As far as can be

WHY THIS HESITATION?

Andover, N. B., Oct. 8-(Special)—An opposition caucus was held here yesterday after noon by unsigned call. About a dozen gentlemen attended prin-cipally from Andover village, the only outsider being James F. McCluskey from Grand Falls. After a forcible speech from T. J. Carter, on the lines laid down by Messrs. Hazen and McInerney, Messrs. Carter and McCluskey were nominated opposition candidates. At the request of Mr. Mc-Cluskey the acceptance of the nomination was deferred 10 days

B. M. Baxter to run, but that gentleman was present at the York Theatre conven-tion and had an opportunity there to get an idea of the biting qualities of the op-position frost which in this county has Mounted Police Official Speaks of Progress and Customs of Canada's Strangest Settlers. Ottawa, Oct. 8-(Special)-The following

him to consult

apparently set in early.

Before the kindly hand of time could efface all memory of the fiasco in the York Theatre the Fairville meeting was called and Mr. Baxter hurried there with the rest of the spell-binders. The Fairville reception may have extinguished the last spark of enthusiasm for when he was of-fered the county nomination at that meeting he declined it in no uncertain terms. Because Mr. Baxter did not agree reason for shifting the responsibility

reason for shifting the responsibility of selecting a candidate to a committee.

Councillor W. J. Dean, of Musquash, is in some circles mentioned as a possible mate for Mr. Anderson. Whether they would "match" in harness is conjecture are people who have prospered wonder fully within the last three years. Lie have comfortable houses, good stables and abundance of good water and hay close at abundance of good water and nay cose at hand. Their style of dressing is strange. They place the oat sheaves on the ground in a large circle and then go over it with horses drawing large corrugated log. When they consider the oats are threshed out with forks they pitched the whole int: the air and the wind blows away the deaf and others and they are fall to the and then Mr. Dean may be a man of wisdom like Mr. Baxter. Coun. James Lowell, of Lancaster, is another possibility or rather he was, when this alleged opposition boom started, but it is under-stood he would not be satisfactory to all the factions, and his name is not heard as often now as it was some weeks ago.

Meanwhile Mr. Anderson is enjoying ground. They then gathered them up and put them in sacks. They are certainly not splendid if frosty isolation.

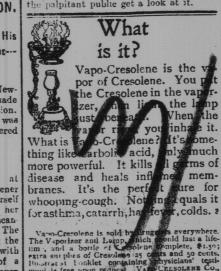
In the city, the opposition camp is wrapped in a stillness, deep and profound. Even Mr. Hatheway and Mr. Mc-

very clean.
"The Doukhobors at the village of Hariolka have alone 800 acres under cultivation. The stacks at a distance have the found. Even Mr. Hatheway and Mr. Mc. Inerney, the so-called nominees of the labor party, have gone into temporary retirement. Mr. McInerney has not been heard from locally since the jollification in Fairville while Mr. Hatheway "took his corner" right after the York Theatre meeting and has evidently remained there, or, if he has ventured out he's not saying a word. True, Mr. Wilson visited the Loch Lomond fair, but he wasn't even asked to speak. Perhaps he had no ulterior designs in going out after all, but merely wanted to see the big pumpkins and the rock maple socks. Mr. Wilson is, however, a very busy man at any time and it may be that just now his extensive business is occupying all his time. Mr. Shaw is evidently not lying awake nights thinking what his chances of re-election appearance of a large village. They informed me that they intend building a mill shortly. They could improve considerably on their bridges, which are not very They are good horsemen and can break a horse to saddle or harness in very short time. They are a class of people who never shoot or kill any kind of animal or wild fowl, and in consequence the geose and cranes which are very numerous in their grain fields must do considerable Theard of no infectious disease amongst them and they appear to be a very cleanly and healthy people.

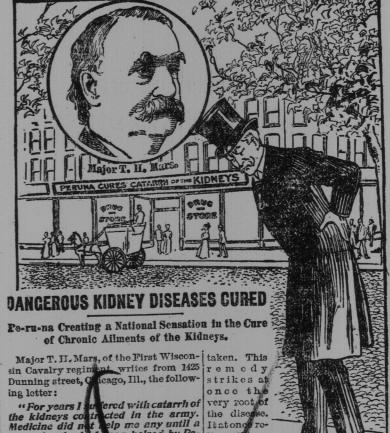
"I cautioned them about being very careful about putting out fires and the penalty attached for doing so. They had no complaints to make and were very well satisfied with the careful." thinking what his chances of re-election are. Maybe he is so confident that no thought is necessary, but at any rate the grand tide of revolt against the iniquitous government which the opposition spell-binders said was almost at its flood seems to have subsided

to have subsided.

There are some generals in the field, and they are not all pulling together, but the really serious question relates to the mysterious reluctance of the main body to plant its banners in the open and ict the palpitant public get a look at it.



BRILLIANT EVENT AT PE-RU-NA CURES CATARRH OF KIDNEYS EVERY TIME. CHATHAM HOME OF HON. L. J TWEEDIE.



and am now well a better than I have Mr. John Va ney trouble is much Ind., says: "My better. I have im everybody wants t cine I am using. I r

to everybody and some y that if to use it. The folks all Hartman's medicine cures great."-John Vance. Mr. J. Brake, of Petrolea, On Canada, writes:

done for mc. I began to take Penna and Manalin, and in three months I was a well man, and have continued so ever since." --- J. Brake.

Will statement of your case and he will be pleased to give you his valuable advice gratis.

Address Dr. Hartman. President of

At the appearance of the first symptom The Hartman Sanitarium, Columbus, of kidney trouble, Peruna should be Ohio.

the escape of serum from the od. Peruna stimulates the kidneys great vigor to the heart's action and di-

fail rapidly in this disease. Peruna cures catarrh of the kidneys

If you do not derive prompt and satisfactory results from the use of Peruna, write at once to Dr. Hartman, giving a

CANADA FIRST IN GROWTH OF EXPORTS BETWEEN 1891 AND 1901.

		1
Ottawa, Ont., Oct. 8-(Special)-From statement in the monthly summary of	Imports. 59.89	Exports.
mmerce and finance of the United	Argentine Republic 69.56	62.49
ates for August of this year received at	Austria 33.88	20.07
e department of trade and commerce,	Cape Colony130.33	22.06
anada stands first in the percentage of owth in exports for 1891 to 1901 inclu-	Germany 30.61	39.55
we among all the principal countries of	Italy 52.46	56.77
e world.	Japan 40.32	97.43
In growth of imports Canada stands	Egypt 65.64	13.55
urth and had it not been for the South	Russia 58.95	2.51
frican war, which shows Cape Colony	United Kingdom 19.88	13.25
an abnormal figure, Canada would have	United States 9.18	33.45
en third.	Australia 9.72	27.55
Some of the principal countries are		1.11
The property of the property o		10 71

COST OF THE COAL STRIKE FOR 21 WEEKS, \$120,880,000 Wilkesbarre, Pa., Oct. 7 .- The 21st week of the coal strike ended Saturday and the estimated general losses are as follows:-

PROMINENT C. P. R. MEN COMING TO ST. JOHN TO INSPECT THE PORT.

Montreal, Oct. 7—(Special)—Arthur Mr. Skinner is the English financier of Piers, superintendent of steamships for the Canadian Pacific Railway Company, and Thomas Skinner, of London, a director of the post Halifax and Sydney will also the company, left Montreal tonight for St. of the port. Halifax and Sydney will also be visited for the same purpose.

