

THE SEMI-WEEKLY TELEGRAPH, ST. JOHN N. B., OCTOBER 11, 1902.

HIGGINS TO DIE
ON DECEMBER 18.

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

Frank Higgins, convicted of murdering
Wm. Doherty, was Tuesday sentenced by
Judge Landry to be hanged on Thursday,
December 18, next.

The prisoner received the sentence with
an untroubled countenance, with scarce any
change of color and with a composure of
manner that was in painful contrast to the
nature of the judge's words.

"The sentence of the court
is that you, Frank Higgins, be
taken from hence to the prison
from which you came, and that
you be taken from thence on
the 18th day of December
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
your soul."

The dreadful import of the 18th of De-
cember 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 uttered, there
was nothing on the part of Higgins but
perfect self-possession, a matter-of-fact
attitude, an interest in what was being
pronounced and nothing more.

Still Preserves Remarkable Composure.
He stood with his hands resting easily
on the rail of the dock, his small cloth
cap tossed on the seat and his eyes scan-
ning the face of the judge as his honor
in a brief address before the passing of
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 seeking
to picture the future—whether or not he
felt the full horror of his situation confronted
him—he did not in appearance or deportment
betray.

Realizing precisely that unless Crutch-
field was shown his life would not continue
beyond December 18 he left the court much
as he had entered it—with a brisk step,
buoyant bearing and calm face.

Speakers Under Strain; Prisoner Cool.
He had not changed since his last ap-
pearance 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 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 ac-
quaintances in the crowd, and the same
in the composure with which he listened
to the legal struggle with his life at
stake.

Of all those in the court-room—and
there were many—he was perhaps the
most composed at the moment sentence
was imposed.

The spectators were one in the intensity
of the nervous strain while such was
said and betwixt their confusion and that
of the judge and lawyers trained to per-
fect self-control there was not such a wide
gap.

Judge Landry.
Judge Landry, in the full consciousness
of his duty, performed such in an ad-
mirable 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, 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 un-
due hope that sentence would be com-
muted, that it would be well for him to
now consider his spiritual welfare and
occupy his remaining time on earth to pre-
pare his soul to meet its Maker.

Women Were Present.
After legal arguments in the morning the
court resumed at 2:30 o'clock, the court
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
Doherty, father of the murdered lad, en-
tered alone and took a seat on the bench
behind the prisoner's dock. He was fol-
lowed by Mrs. Doherty, who entered with
a female friend. Mrs. Higgins and Mrs.
Goodspeed were not present.

Mr. Mullin Argues.
Promptly at 10 o'clock the morning ses-
sion opened. In beginning his argument
for a reserve of the crown case, Mr. Mul-
lin cited four reasons upon which he based
his application. The first was in refer-
ence to the securing of a jury. When the
special panel was ordered he had objected
as to the selecting of the jury was not as
prescribed by the British North American
Act. As the Canadian parliament had
directed procedure for the selection of
talent, legislation on that point was ex-
hausted and the action of the local legis-
lature in prescribing the procedure was
ultra vires.

Mr. Mullin's second contention dealt
with the opinion of the murdered John
Pooley, inasmuch that when he took his
seat in the jury he declared it as his con-
viction that Frank Higgins was the mur-
derer 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-
davit from John McGrath relative to what

he had heard Mr. Pooley say in his barber
shop concerning the guilt of Frank Hig-
gins, but an objection was raised by the
attorney-general, who stated that Mr.
Mullin had no right to read an affidavit
in a reserve case, which affidavit was out-
side the court and prior to the trial.

Judge Rules in Mr. Mullin's Favor.
Judge Landry ruled that Mr. Mullin
could continue with the reading, which he
did to the effect that John McGrath had
in John Pooley's barber shop heard Pooley
state that he believed Higgins should be
hanged and Goodspeed be given his lib-
erty.

This, contended Mr. Mullin, disqualified
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 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 author-
ity.

Point as to Evidence in Rebuttal.
Mr. Mullin's third contention had to do
with Mr. McKeown's evidence in rebuttal.
He felt that all the evidence which
could have been given in the matter was
not offered by Mr. McKeown and read in
support of the charge from Archibald's crim-
inal evidence, page 191.

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

Point from Judge Landry's Charge.
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 pris-
oner's attitude was for the jury to be
advised 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 consul-
tation between them it should not be
made the subject of comment on the part
of the judge to the jury.

I 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.

Judge and Counsel.
His honor here quoted several instances
by way of illustrating 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 cre-
ated a sensation in the public mind.

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

His honor replied that he had been
casting no reflections, but on the con-
trary desired to congratulate him upon the
able manner in which he had looked
after the interests of his client.

Mr. Pugsley Replies.
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 their
presentation. If his honor refused a reserve of
the case it was open to Mr. Mullin to make
application for reserve to the court of ap-
peal. If his honor imposed sentence he
would set the date for the execution of
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
had the right from time to time to ex-
ercise his discretion as he saw fit. His
honor had heard the evidence and was
familiar with all that had arisen in the
course of the trial and he felt that his
honor could not throw into the case an
element of doubt when in his mind no
such thing as doubt existed.

Doctor Pugsley, in arguing against Mr.
Mullin's first ground, said that under the
present legislation the presiding judge
had power to summon as many jurors as
was necessary. If Mr. Mullin took ob-
jection to the panel summoned he should
have challenged the array before the jury
was chosen.

A POLITICAL MYSTERY.
OPPOSITION GENERALS IN THE FIELD,
BUT THE MAIN BODY IS MYST-
ERIOUSLY MISSING.

No News of the Masses of Determined Men
Who Are Supposed Somewhere to Be
Shouting, "Give Us Hazen, or Give Us
Death"—Hesitant Candidates at Ardoer
"Thinking It Over."

Where is the main body of Mr. Hazen's
opposition forces?
That is the question asked, and in-
vited, by those who are interested in local
politics.
The main body was not at Fairville
apparently, unless the 30 front-deck
gentlemen who met there constituted it.
Nor was it in evidence at Gagetown
or Campbellton. Certainly it was not at
the York Theatre.

In vain the vigilant men on the watch
towers through the country strain their
eyes for a glimpse of the mighty host
which is supposed to be massing some-
where in the land, a host of grim, deter-
mined men whose slogan is "Give us
Hazen or give us death!"
Seriously speaking the frost seems un-
usually severe.

"Locally, there is 'nothing doing' as
far as the adherents of the opposition
party are concerned. They held a
poorly attended and inharmonious
convention in the York Theatre and an-
other 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.

Since the Fairville meeting the party
managers have been using every effort to
pick out a candidate to trot double with
Mr. Anderson in the county but they have
not met with success. As far as can be
learned they were counting upon Ald. J.
Paine supporting the groom.

After the ceremony, which was per-
formed by Rev. D. Henderson, pastor
of St. Andrew's church, a summons ap-
per was served. Mr. Tweedie's orchestra
was in attendance and gave a fine mus-
ical programme.
Some very beautiful gowns were worn
by the ladies. Mrs. Tweedie being very
much admired.

Mr. and Mrs. Bruce left for St. John's
(Nfld.) their future home.
Mrs. Bruce is a particular favorite in
Chatham. Mr. Bruce, who was connected
with the Maritime Sulphate Fibre Mill,
for several years, has also hosts of friends
here who wish them both every happi-
ness. They were the recipients of many
beautiful gifts.

WHY THIS HESITATION?
ANDOVER, N. B., Oct. 8—
(Special)—An opposition caucus
was held here yesterday after-
noon by unassigned call. About
a dozen gentlemen attended, prin-
cipally from Andover village, the
rest of the opposition being rep-
resented by Messrs. Hazen, McKeown,
McCluskey from Grand Falls.

After a forcible speech from
T. J. Carter, on the lines laid
down by Messrs. Hazen, McKeown,
McCluskey, Messrs. Carter and
McCluskey were nominated op-
position candidates.

The request of Mr. Mc-
Cluskey the acceptance of the
nomination was deferred 10 days
to allow him to consult his
friends.

B. M. Baxter to run, but that gentleman
was present at the York Theatre con-
vention and had an opportunity there to get
an idea of the biting qualities of the op-
position front which in this county is
apparently set in early.

In the city, the opposition camp is
wrapped in stillness, deep and pro-
found. Even Mr. Hatheway and Mr. Mc-
Inerney, the so-called nominees of the
opposition, have gone into temporary
retirement. Mr. McInerney has not been
heard from locally since the jollification
in Fairville while Mr. Hatheway "took
matters" in the York Theatre. The
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 pump-
kins and the rock maple stocks. Mr. Wilson
is, however, a very busy man at any time
and it may be that just now his exten-
sive business is occupying all his time. Mr.
Shaw is evidently not lying awake nights
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.

There are some generals in the field,
but the really serious question relates to
the mysterious reluctance of the main body
to plant its banners in the open and let
the applicant public take a look at it.

What
is it?
Vapo-Cresolene is the
Cresolene. You get
the Vapo-Cresolene in
the Vapo-Cresolene. When
the Vapo-Cresolene is
What is it? Vapo-Cresolene is
something like carbolic acid, only much
more powerful. It kills germs of
disease and heals inflamed mem-
branes. It's the perfect cure for
whooping-cough. Now, it's equal
for asthma, catarrh, hay fever, colds,
etc.

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.

BRILLIANT EVENT AT
CHATHAM HOME OF
HON. L. J. TWEEDIE.

Wedding of Miss H. Rae Muir-
head and Charles A.
Bruce

Bride a Grand-daughter of the Late Senator
Muirhead—Groom Son of Alex. Bruce,
K. C., of Montreal—Elegant G. w. of the
Ladies—Happy Couple to Live in New-
foundland.

Chatham, N. B., Oct. 8—(Special)—One
of the most brilliant society events which
has taken place in Chatham for some time
was the marriage tonight of Miss H. Rae
Muirhead, daughter of the late Henry
Muirhead and granddaughter of the late
Senator Muirhead, to Charles A. C. Bruce,
son of Alexander Bruce, K. C., of Hamil-
ton (Ont.), manager of the Canada Life
Insurance Company in Newfoundland.

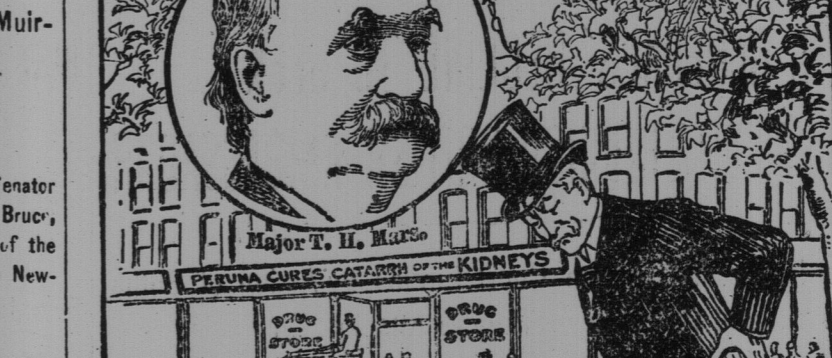
The marriage, at which there was a
very large number of guests, took place
at the handsome residence of Premier
and Mrs. Tweedie, which was profusely
and artistically decorated with flowers
for the occasion.

The bride was given away by her broth-
er, Roy Muirhead, of the Bank of Nova
Scotia, St. John.

She looked very lovely, gowned in el-
egant white silk and with a beautiful
bridal veil. The bridesmaid, Miss Louise
Tweedie, was also becomingly attired
in an exquisite white silk dress with will-
ow and meadow trimmings. William
Paine supported the groom.

After the ceremony, which was per-
formed by Rev. D. Henderson, pastor
of St. Andrew's church, a summons ap-
per was served. Mr. Tweedie's orchestra
was in attendance and gave a fine mus-
ical programme.
Some very beautiful gowns were worn
by the ladies. Mrs. Tweedie being very
much admired.

PE-RU-NA CURES CATARRH
OF KIDNEYS EVERY TIME.



Major T. H. Mars, of the First Wiscon-
sin Cavalry regiment, writes from 1425
Dunning street, Chicago, Ill., the follow-
ing letter:
"For years I suffered with catarrh of
the kidneys contracted in the army.
Medicine did not help me any until a
comrade who had been helped by Pe-
ru-na advised me to try it. I bought
some at once, and soon found blessed
relief. I kept taking it for four months,
and am now well and vigorous. I feel
better than I have done for the last
twenty years, thanks to Pe-Ru-Na."
T. H. Mars.

Mr. John Vance, of Hartford City,
Ind., says: "My kidney trouble is much
better. I have improved so much that
everybody wants to know what medi-
cine I am using. I recommend Pe-Ru-
na to everybody and some have com-
mended it to me. The folks all seem to
use it. The folks all seem to use it.
Hartman's medicine cured it. It must be
great."—John Vance.

Mr. J. Brack, of Petrolia, Ontario,
Canada, writes: "Four years ago I
had a severe attack of Bright's dis-
ease, which brought me so low that
the doctor said nothing more could be
done for me. I began to take Pe-Ru-
na and in three months I was
a well man, and have continued
so ever since."—J. Brack.

At the appearance of the first symptoms
of kidney trouble, Pe-Ru-na should be
taken. This remedy strikes at
once to the very root of the
disease. It restores the
kidneys to their normal
condition, and prevents the
accumulation of poisons, which
are allowed to remain. It gives
great vigor to the heart's action and
restores the system, both of which are apt
to fall rapidly in this disease.

Pe-Ru-na cures catarrh of the kidneys
simply because it cures catarrh wherever
located.
If you do not derive prompt and sat-
isfactory results from the use of Pe-Ru-
na, write at once to Dr. Hartman, giving
a full statement of your case and he will
be pleased to give you his valuable ad-
vice gratis.
Address Dr. Hartman, President of
The Hartman Sanitarium, Columbus,
Ohio.

COST OF THE COAL STRIKE FOR 21 WEEKS, \$120,880,000.

Table with 2 columns: Imports and Exports. Lists various countries and their respective coal trade values.

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

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

Advertisement for Sunlight Soap, featuring an illustration of the soap box and text describing its benefits for laundry.

Advertisement for Vapo-Cresolene, describing its uses for various ailments like colds, coughs, and asthma.

Advertisement for Organ Company's Works Destroyed, mentioning a fire in Goderich, Ontario.