

gins' story had been told, then both boys would have been together in the dock.

Goodspeed's Position.
Goodspeed was not upon trial now, but if the jury found him equally guilty with Higgins it was their duty to say so and he would then be placed on trial for murder as well as Higgins.

Mr. Mullin objected that Mr. McKewon had no right to tell the jury what the crown intended with Goodspeed.

Mr. McKewon—"We are here to ferret out this crime, covering none, sparing none."

Mr. McKewon then pointed out the difference between an accomplice and an accessory. There were very strict rules of evidence in reference to an accomplice. Goodspeed now stood as an accessory after the fact, and may be an accomplice. It was only in Higgins' guilt that Goodspeed was a witness.

Mr. McKewon here diverged from the main matter of the case to pass upon certain strictures which Mr. Mullin had made upon the police force. He (McKewon) commended the work of the force and held out that in regard to the commission of the crime the boys were in custody. It had been said that the police had heard Goodspeed's story and had asked nothing of Higgins. That was incorrect. Higgins' counsel had been asked by the attorney-general if he desired his client to make a statement, and yet no statement was made.

Mr. Mullin—"The responsibility for that was mine."

Higgins' Opportunity to Speak.
Mr. McKewon, continuing, said that at the preliminary examination the same opportunity had been given, but there was no acceptance. The grand jury took the case and his learned friend arose and asked for expert evidence. Not a murmur of Goodspeed's guilt there. He came to the statement from Higgins, a statement which an innocent boy would have broadcasted if he had known the truth. He had no opportunity to speak. He had no opportunity to speak. He had no opportunity to speak.

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was not to hunt up a victim but to clear the matter up; to give the community to understand that these crimes could not go unpunished.

"What would the effect be if these boys should go out into the community unpunished for their crime? Higgins' guilt was shown by his anxiety about his revolver, by his declaration that he would go away."

That "Sing-song" Story.
He referred to the noticeable difference in the manner in which Higgins and Goodspeed told their stories. Goodspeed's was not told in the sing-song style which characterized Higgins'.

Goodspeed's story was told in a conversational style, while everyone noticed the method employed by Higgins. His story was like a recitation, with the familiarity which could only be acquired by learning a story that had been written out.

On Monday a paper had been taken from Higgins by Mr. McKewon and passed to Mr. Mullin.

The Prisoner Speaks.
Mr. Mullin—"Why didn't you read it?" Before Mr. McKewon could reply, Higgins pulled a crumpled ball of paper from his pocket, held it aloft and said without a tremor:

"Here's the paper, Mr. Mullin." Mr. Mullin advanced, took the paper from the prisoner and handed it to Mr. McKewon, who put it on the table in front of him without unfolding it.

Continuing, Mr. McKewon said: "The prisoner was furnished in his cell with a copy of The Daily Telegraph containing the depositions."

Mr. Mullin interrupted by addressing the court and said: "I gave him a copy of The Telegraph containing the depositions because The Telegraph had the best account of the depositions, an absolutely correct account. Higgins' family are poor people and I content I was acting within my rights in giving my client the paper. I protest against my learned friend's argument on this line."

Judge Landry replied that he would not interfere with Mr. McKewon's argument.

Mr. McKewon, turning to Mr. Mullin, said: "If he had the Telegraph containing the depositions what necessity was there to give him a written copy of them?"

Mr. Mullin replied, "When I gave Higgins the written statement I forgot I had given him The Telegraph. Do you believe me now or do you want to dwell further upon this?"

Mr. McKewon replied to the effect that he had every confidence in Mr. Mullin's veracity.

Not the Tanyard Language.
Continuing, Mr. McKewon pointed out that it was incredible that an innocent boy should write such a story out, as Higgins admitted he had done, instead of testifying to his memory for it. He called attention to the phraseology of Higgins' statement which was not the language of the tanyard. All the circumstances pointed to the one conclusion. The jury should consider the method in which Higgins told his story as if it had been carefully studied.

Passing on to the occurrence at the park, Mr. McKewon quoted Higgins' story to the effect that he had gone into the bushes and while in there a quarrel had arisen between Goodspeed and Doherty. It was an unlikely story but as far as a motive was concerned it could not be faulted. Higgins' statement was that Doherty and Goodspeed quarreled over the possession of the revolver. Doherty ran to get a stone and Goodspeed fired three shots into him, but it did not seem as if Goodspeed would shoot him then. It would have been time enough when Doherty had faced him with the stone.

It was a practically motiveless murder, but the rules of motive could not be applied to these boys as to men. Whether it would be reasonable that Goodspeed should shoot Doherty for no motive was a matter for the jury. He expressed doubt as to whether all the facts of the tragedy had been brought out.

Goodspeed's admissions on the stand were bad enough to shock all who heard them. He told one thing which was true, and that was that if he had gone on the stand and denied them, Mr. Mullin had held up Higgins as a boy of stainless character, but Mr. McKewon would have the crown had all the truth in connection with the Brownville matter. "Would two boys," he queried, "take a third story with them to Brownville and give him no intimation as to what they intended to do? Would they leave him in a car while they go away and commit a murder and then come back and give him part of the booty?"

About That Money.
Then there was the matter of the \$250 gold piece which Higgins at first said he earned on his return from Brownville by choring around and with which he bought the revolver. When he found he could not let himself enough time between his return from Brownville and the date of his buying the revolver to earn the money he changed his base and said he had earned part of it before going away and left it here. At another stage he said he had taken all his money to Brownville with him and here the witness had contradicted himself.

As to the time of the return of the boys from the park Goodspeed and Higgins told different stories. In his story Goodspeed was corroborated by Mr. McGinley and although Mr. Mullin argued with vehemence and much clamor in his effort to discredit this evidence it did not follow that it was untrue. He thought the jury were much impressed by the straightforward and truthful story told by Mr. McGinley. Then there was the evidence of Mrs. Goodspeed and Mrs. Marshall, both of whom told straightforward stories.

He Repeats Mr. Mullin.
He did not approve of Mr. Mullin's treatment of witnesses. It was hardly right that every one who differed from the opinion of the lawyer should be denounced as a liar or perjurer. Witnesses were sworn to tell the truth while the counsel were only restrained in their remarks by their ideas of propriety. The evidence of Leslie Singer was also important and bore every appearance of truth. It fitted in well with the story told by Goodspeed.

Mr. Mullin had gone out of his way a great many times to say the case would have been conducted differently if the attorney-general had represented the crown. He was prepared to admit his own limitations and incompetency as hinted by Mr. Mullin.

Mr. Mullin here announced that he had not intended to charge Mr. McKewon

with incompetency and if he had done so he would apologize.

In reference to the exclusion of Mr. Barry and in his whole conduct of the case Mr. McKewon said he had not attempted to lead the witness. As to the disposal of the revolver Mr. Mullin had raised the point that it could have been thrown into the artificial pond in the park. Mr. McKewon contended that this pond had been known to run dry and itself was sufficient reason for Higgins' having thrown the weapon into the Marsh creek. In reference to the medical testimony Mr. McKewon said that in all testimony of this kind there is the widest latitude for opinion. Doctor White himself had said upon the stand that he couldn't really tell within a minute how long Doherty might live after such wounds were inflicted.

In conclusion, Mr. McKewon said: "The stories the two boys tell reveal a condition of affairs which must be brought to a halt. The prosecution of this young man is the most important duty I ever had in criminal law. If my own feelings had been allowed to have mastery I would have permitted these boys to escape into the United States, but here they are. We are obliged to do our duty. There is a duty resting upon the crown in this case to see to it an end and it shall be done."

Mr. McKewon's Last Word.
"No one here has stronger feelings of sympathy for the unfortunate boys than I have. I do not know how easy it is to go astray and that transgression and penalty go hand in hand. If the jurymen take their sense of justice with them to the jury room the path of duty will be the path of safety."

"Your verdict is the judgment of your consciences. Take all the facts in favor of the prisoner, but follow the line of your convictions no matter what they may be."

"While the circumstances of the murder are such as to shock us they should not influence us in our work. There is one thing which can never get away from us and that is a sense of duty solemnly laid upon us by God. We will be confronted by his fierce of duty to pain us where we are unprepared and to aid us where it has been done."

Mr. McKewon then sat down and Mr. Justice Landry announced that he would leave the jury to their deliberations and adjourn until the morning.

The jury decided in favor of an adjournment and court was adjourned until this morning at 10 o'clock.

The Jury's Charge.
Mr. Justice Landry commenced his charge to the jury at 10:15 Wednesday morning and spoke of the case as being repeatedly told that their duty was to take the law from the judge and judge of the facts from the evidence which was presented to them in that position in the present case. There was not much law to be considered in this case. The jury know what the law is and what their duty is as well as he could. He read the definition of murder as set forth by the Criminal Code and showed that murder is the unlawful killing of a human being with malice aforethought. It meant to cause death or to render whether or not death ensued as a result. It was for the jury to decide whether or not the defendant was guilty of murder. It was for the jury to decide whether or not the defendant was guilty of murder.

Continuing, his honor pointed out that Doherty was last seen alive in the park with Higgins and Goodspeed. This was a very strong point in the case, quite near the scene of the tragedy, and accompanying him were the two boys who started with him from the graveyard. These boys were seen near the white house in the park by the man whom Goodspeed asked if that was the way to Connell's place. The next evidence was that they were seen returning from the park on the railroad track by a witness who, while not certain, thought it was the same day on which the murder was committed.

Mr. Mullin's Last Word.
Mr. Mullin here took occasion to remark that when the boys were then seen they were going towards the Marsh bridge.

Mr. Justice Landry—"Yes, and that is the way they must go to get to the place where the revolver was found. The young man is not sure that it was the same day. This deed was committed in the park, a place daily frequented by hundreds of citizens and if the boys were not seen I ask you, gentlemen, was it because of it was it accidental? If they were seen by the young man it was not far from where the revolver was found."

Continuing, his honor related the circumstances attendant upon it and said that it was a very strong link in the chain of circumstantial evidence which pointed to the guilt of the owner of the revolver, the holder of the revolver, and the companion of Doherty with the carrying of the revolver until the act was done and the concealment of the revolver effected. There was also the identification of the revolver, the practical identification of the cartridges and the tracing of the bullets in the body of the victim was the next link and there was enough evidence for the jury to say whether they were the same as purchased by Higgins.

Higgins' Conduct.
If then proceeded to review the conduct of the prisoner in the time intervening between the murder and his appearance before the court.

First, he met the father of the boy who had been so cruelly murdered and to him Higgins denied having seen Doherty since 10 o'clock on the day of the murder. Was that evidence of innocence or guilt? He deliberately told Doherty's father he had not seen his son since 10 o'clock, but he was seen by Leslie Singer. Was his conduct at the identification of the body of the conduct of an innocent man? Then there was his anxiety to uphold the law. He was that the conduct of an innocent man or was it another link in the chain?

During this awful recital, this gradual, link by link, weaving of the evidence upon strands, mesh after mesh in the entangling web of damning evidence gradually closing in about him and enveloping him in its deadly folds Higgins gave no sign that he knew that he understood his perilous position.

Finally he listened to Judge Landry's

indictment and his course would be to resign from the bench.

Justice.
The jury had nothing to do with the verdict of the jury and they should not be guided by sympathy. What they were sworn to arrive at was justice, not mercy. The time for mercy was after an admission of guilt and repentance. They were to give justice between themselves and the prisoner, the justice that would not allow an innocent person to go to the gallows or a guilty one to escape punishment.

Reviewing the testimony, his honor thought there was an abundance of corroborative evidence, but he would submit to the jury whether without the evidence of Goodspeed or Higgins there was not enough testimony to find that the party charged was guilty.

Then they were reminded that the prisoner was a man of Doherty. For some time they had been going together and the jury could conclude what each individual had done. They were two people. What should two young men without any visible means of support be doing for? If they were doing for the perpetration of a crime they would add to the evidence.

The Threat.
He directed the jury's attention to statements made by Higgins while the prisoner and Doherty were in the park. What did the prisoner say of the murdered boy? On one occasion he said he would square with him. That was another step in the unravelling of the mystery. Again, he said he didn't like to have Doherty around as when he was around the police were on his track. He asked the jury to consider why it was that Higgins did not want Doherty around, and that would not naturally do to get rid of him? He would find the purchase of a revolver by the prisoner. That seemed to be proven beyond peradventure. What was his liver? What did he want it for? How long did he have it? Afterwards he purchased cartridges. The purchase of the revolver was under peculiar circumstances. It had been purchased by another person for the prisoner, Higgins gave as a reason for this that he was too small to sell it to him. He was not too small to use it. After the purchase of the revolver and cartridges there was the proof of the prisoner's carrying it. He had it in the graveyard on August 1, and there, according to the statement of King, he was anxious to conceal it. When King asked what he had there, Higgins replied that it was none of his business.

Cautious.
His honor here diverged to caution the jury against the evidence of many of these boys on the stand. They were chums of Higgins, and he asked the jury to consider all these boys did not talk of this time. Is it possible that they were not proud of it? It would be remembered that King (the man who had been seen at the top of the hill) had told a reporter he had seen the prisoner with a revolver.

Showed the Strain.
While his honor was thus clearly drawing the attention of the jury to points given by the witnesses, Higgins sat, out of the witness box, but he was under a terrible strain. Every few minutes he would nervously moisten his lips with the tip of his tongue. He was seen at the top of the hill, where the murder was committed. Just at that time Doherty overtook him and the shots were fired. If there was an organized gang of boys and if Higgins was the leader, would he not have been seen by the other boys? If there was an organized gang of boys and if Higgins was the leader, would he not have been seen by the other boys? If there was an organized gang of boys and if Higgins was the leader, would he not have been seen by the other boys?

He referred to the moral condition of the boys and hinted that their morals had been perverted by the literature they read.

The jury should carefully consider the stories of both boys and see which one was most nearly corroborated. Higgins had the advantage of knowing what top speed had said, and if guilty he could improve upon the weak points in Goodspeed's story.

A Telling Point.
The position of the body when found corroborated Goodspeed's version of the shooting. On the other hand, Higgins' statement was somewhat strengthened by the medical testimony.

If Goodspeed were found guilty, then Higgins would be guilty of manslaughter, but there was no evidence on which he could be charged with this crime.

If Goodspeed committed the murder as he charged, he would be guilty of murder, and if Higgins helped him to conceal the body.

Some attention was paid to the way the body was found, and some to the fact that it would under the circumstances be more natural to find Goodspeed making instant traces of violence than to calmly discuss the tragedy.

"Was Higgins afraid of Goodspeed, a much smaller lad?" asked his honor, "that he submitted to his alleged threats, or were both of them equally guilty?"

"When they went back Monday morning was it to look at the body or for the purpose of burning it? Each boy says he was too fainthearted to go near the body, and each claims to have waited in the lane while the other went to the body. Why did one of them remain in the lane while the other was passing through it? We may be seen, one of us had better remain here and watch—that is the natural conclusion."

"Gentlemen," said his honor in closing a wonderful array of nearly two hours' duration, "the law is not for the punishment of criminals, but for the protection of society. Imprisonment is not for the punishment of one person, but for the protection of society. Do not consider the fact of the more prominent of the case, and give your verdict on the truth. If any reasonable doubt arises from the evidence give the prisoner the benefit of that doubt. If you feel that he is guilty you are bound to find him guilty, irrespective of consequences."

The jury retired at 12:10 and Judge Landry adjourned court until 2:30.

It was thought the trial of Fred Goodspeed, indicted as an accessory after the fact, would commence Thursday morning, but after the formal court opening, Goodspeed's counsel, Scott E. Morrell, applied to have the case postponed.

"This was because that as in the case of Higgins, the court may reserve a case, and further that as matters were not in quite readiness to proceed, he was desirous that the trial stand over until the next Circuit Court."

In case of an appeal being sustained and through the fact of Goodspeed being

disappointed yet brilliant arranging of circumstances and facts which helped in one part, the scales of justice were to weigh against his life or liberty in the other.

Quickly, almost spontaneously, his honor placed in proper perspective the facts. "What was his statement to Alexander?" he asked. "Unless you deny it I'll fix you, too." What does that mean? Then his remark on the way to the coroner's office, "If I get out of the office tonight, I'll skip." What caused him to go away? Why did he leave when Goodspeed's story had not yet been told? Then his subterfuge at McAdams, his flight of the wrong name and a fictitious address. Was that a carefully preconceived concoction or was it the material emanation of an active mind ready to answer quickly and plausibly any awkward questions?

A Terrible Analysis.
"Arrested McAdams he denies everything. Then watch his conduct when arrested. Absolute silence. Is that the action of an innocent person or would an innocent person not now feel justified in having had up to other long enough but it was now time to clear his own skirts? Nothing but silence until he consults his counsel. If he believed his silence the best way to establish his innocence that is for a man to say. Suppose he had a knowledge of his guilt. Can you imagine by design or accident a defence which presents greater difficulties in the way of the prosecution than the truth or has it been a developed plan by a very shrewd young boy who thought he could escape in the confusion which would result from his defence so hastily sprung?"

"If you find Higgins guilty your verdict would be upheld by the basis of circumstantial evidence."

Continuing, his honor showed that Higgins had denied very little of the circumstantial evidence. One question which would be pertinent was, did Higgins and Goodspeed keep the crime to themselves? It was a companion and saying, "I'm Henry Higgins." He pictured Goodspeed standing upon a tombstone in the old burying ground with Higgins' revolver in his hand, pointing it at a companion and saying, "I'm Henry Higgins." "What does that mean?" said his honor. "These boys have been poisoning their minds with pernicious literature showing the benefits of the revolver. He held up for emulation. Such being the case, would not these boys naturally be glad of the deed? Would they not rejoice in their companionship? Higgins replied that it was none of his business.

Why was the hero among these boys who had the body when it was found? Was it Higgins or Goodspeed? Who was the centre of attraction? Who was followed about by the other boys? Is it possible that all these boys did not talk of this time? Is it possible that they were not proud of it? It would be remembered that King (the man who had been seen at the top of the hill) had told a reporter he had seen the prisoner with a revolver.

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In case of an appeal being sustained and through the fact of Goodspeed being

indicted as an accessory, it would make material difference.

Mr. McKewon Consents.
Mr. McKewon here announced that the procedure presented difficulties. Under the present law Mr. Mullin had the right to be heard before the Supreme Court en banc which meets in November. In regard to Goodspeed, Mr. McKewon said that as he had his own evidence was guilty of breaking and entering the crown intended to indict him for the offense, which would necessitate a presentation to the grand jury which would have to be summoned.

Mr. McKewon thought therefore that as notice of appeal had been given by Mr. Mullin, and to hasten the procedure rather than to hinder it, it was best for the crown to consent to the postponement.

His honor considered it might require a long time for the trial of Goodspeed, if proof had to be given that there was a principal in the Doherty murder. He therefore thought it best that the trial stand over till the next Circuit Court.

Mr. Mullin, when asked in regard to Higgins said he had received notification from Judge Landry to appear at court this morning. He was not in position to state decisively what course he would pursue but was considering the advisability of making application for a reserve case.

Higgins Unchanged.
Of what goes on in the outer world Higgins and Goodspeed seem to know little and care less.

Since the verdict, Higgins has not changed in the slightest. He arises at the accustomed hour, washes and devours his breakfast with a strong evidence that there is nothing wrong with his appetite.

And with Goodspeed it is similar. While Higgins washes, another prisoner makes his bed and tidies the cell. The forenoon is spent partly in lying down, walking in the cell and enjoying a constitutional in the corridor.

Neither of the boys is supplied with much reading matter, but it seems as long as they can get sufficient to eat and are assured of good beds (which they proceed to occupy at darkness) they are as contented as possible under the circumstances.

Higgins will not readily enter into conversation—it is necessary for some one else to begin it—but to any questions asked he will answer cheerfully.

As far as is known Mr. Mullin is his only visitor. No relatives have called as yet.

A Vague Story.
An excited man was looking for Mr. Mullin yesterday afternoon, as he claimed he had important evidence which would materially affect the case of Frank Higgins, and which might be of sufficient importance to secure for him a new trial. His story was in effect that he had discovered that the boy whom "twelve good men and true" have declared to be the murderer of William Doherty was a member of a regularly organized gang and that other boys besides those now in custody were implicated in the murder.

He gave his name to a Telegraph reporter as John McHugh and his house address as 2 Main street. In the directory this number is occupied by the J. W. McKewon Company stores and no John McHugh can be found living on Main street.

Mr. McHugh asserts that he has no acquaintance with any of the parties interested in the Higgins case but that he desires to impart his information to Mr. Mullin arises solely from his belief that Higgins and Goodspeed are not the only persons concerned in the murder.

It will be remembered that in his charge to the jury Mr. Justice Landry intimated that he would not be surprised if such a gang exists and it would not seem that Mr. McHugh has any foundation for his remarks as he possesses the evidence which will corroborate his own opinion.

The court house crowds have lessened—the frequency, along the streets of the Higgins inquiry. How goes the trial? He has subsided, the tension of public attention has somewhat slackened, but there is, nevertheless, a strong undercurrent of general interest which will exist for good many days to come.

The tragedy itself, and the subsequent ferreting out of Goodspeed and Higgins, scarcely command more interest than has the legal contest just concluded.

Looking Backward.
The interest has been wide spread and all-embracing, and the thin, calculating