

THE SEMI-WEEKLY TELEGRAPH, ST. JOHN N. B., SEPTEMBER 20 1902.

distinction between believing a man guilty and finding a man guilty.

Mr. Mullin took occasion to speak warmly in respect to the hot-headed denunciation of supposed criminals and compared the Lynch law of the United States to the justice of Great Britain.

Robt. Reid, challenged for cause, had formed an opinion and while strongly pitying Higgins would not help being influenced by what had transpired since the murder. He was not accepted.

Herbert C. Tilley, challenged for cause, believed Higgins committed the crime, a belief which could not but influence him in subsequent judgment.

John Condon, challenged for cause, confessed his strong belief in the guilt of the prisoner at the bar. He was found to be not indifferent.

J. Otty Morrill was challenged on the same grounds by Mr. Mullin and stated his unfavorable opinion would influence his judgment.

Thos. Kichham, tried, said he had a strong opinion of the prisoner's guilt, but was not prejudiced.

It was then 1 o'clock and Mr. Walker was sworn. Six were rejected on Mr. Mullin's peremptory challenges and several were found on challenges.

The jury then listened to another reading of the indictment by Clerk Willet.

Higgins Grows Interested. The prisoner who, during the rather tedious proceedings of the afternoon, now manifested much interest and straightening up looked seriously at the clerk.

The indictment read, Hon. H. A. McKewen began his address.

The task which our common citizenship imposes upon us is not a pleasant one. It is my duty to lay before you, not in the form of gossip or conjecture, but with the stern earnestness demanded by the law.

On Friday, the first day of August, Willie Doherty left his home a few hours before noon to take his father's dinner to where his father was at work.

As Mr. McKewen described the walk of Higgins, Goodspeed and Doherty along Gilbert's Lane and to the scene of the crime which had undoubtedly been committed in the park, Higgins, although his expression still maintained the same calmness, would watch Mr. McKewen closely and frequently withdraw from his pocket a large bandanna handkerchief with which he would wipe his lips—a habit which he very often indulged in.

When Mr. McKewen came to that part of his address which related to the murder of Doherty, as told by Goodspeed, was described, Higgins flushed and a smile, whether of nervousness or ridicule, flitted across his face.

Joseph Doherty, father of the deceased, was the first witness called. To Mr. McKewen he told of the last time he saw his son alive and of his visit to the morgue about 6 o'clock on the evening of Monday, August 4.

He believed his son and Higgins were chums, and told incidents where how Higgins would call for his boy—calling at the house for him or else whistling for him in adjacent alleys.

missing boy, and his father, alarmed, starts out in quest of him.

"The father rests contented until Monday evening when the city rings with the tidings that the body of a murdered boy has been found in the park.

"By one of those occurrences which some people call chance, but which you, gentlemen of the jury, will, I think, recognize as something more than that, a witness moves out through the park, through Lover's Lane, down the old military road, and passing near a pile of sticks and brush, he notices from beneath the refuse a swarm of flies buzzing angrily arising from their banquet of human flesh.

"Stricken with terror, he goes for help and telephones to the authorities and soon the officers of the law arrive. Fearfully they remove the sticks and rubbish and uncover the body of the victim.

"Prostrate upon its back the body lies. Four bullet holes are found in the back of the murdered boy.

"For four days the body has lain in its unaltered state. Not content with the deadly bullet wounds, the murderers have fastened in the forehead of the unfortunate lad's head with stones which he ground.

"Already evidences are not wanting that, in obedience to nature's laws, death is returning to the body, and in all the horror of wounds, decay, and death, the body is raised and all that is mortal of Willie Doherty, who so trustingly accompanied his numerous companions to the park on that fatal Friday, is borne inwards to the city morgue.

"The flight and arrest. He is after some delay recognized by the father and among the witnesses who view the body there, the prisoner Higgins comes boldly in and after serious deliberation gives it as his opinion that the body is that of Willie Doherty.

"When Goodspeed weakens and tells an officer that he would speak with the chief of police. The chief goes to him and upon Goodspeed telling him that he is desirous of making a statement, waits for him against doing so and leaves the prisoner, refusing to take the statement then.

"Then the chief, as it was his duty to do, takes the lad's statement and, as there is had been how that the three left the graveyard, proceeded to the park and when near the spot where the body was found, he saw the prisoner Higgins alone and fired four shots from his revolver into the murdered boy's back.

"Not content with this, the prisoner seized his dying victim and, with unaided brutality, beat him over the head with his revolver. The murderer turned a deaf ear to his helpless victim's appeal for mercy.

"The prisoner and Goodspeed cover up the evidence of their crime with stones and sticks and brush, and leave them alone, and a few moments later they are seen to depart from the scene of the crime.

"These are the facts, gentlemen, which will be laid before you and by virtue of the oath you have taken, and the terrible importance of the issue to the prisoner at the bar, I beseech you to scan with the utmost closeness all the evidence which will be laid before you, and to do justice between the prisoner and the prosecution without prejudice or passion or previous opinions which you may have formed. I will now proceed to call the witnesses for the crown."

Higgins Flushed and Smiled. During Mr. McKewen's speech the prisoner showed continued and larger interest in the solicitor-general's words.

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PE-RU-NA WOMAN'S BEST FRIEND, IS THE So Says Mrs. Rose, of New York City, And Tens of Thousands of Other Women.



Mrs. Jennie Rose, 362 W. Twenty-Second Street, New York City, writes: The Peruna Medicine Co., Columbus, O.

Gentlemen: "Peruna is a blessing to suffering women. I suffered with female trouble since I began menstruation, and every month I suffered two or three days of untold agony, and had to arrange my work and duties so as to be in bed every month for two days at least.

"My brother was cured of Bright's Disease from the use of Peruna and so I determined to try it for my trouble.

"I imagine my great joy when I found that it relieved me quite a bit the first month and I was entirely without pain during that period after having used Peruna only four months.

"This is about two years ago and all during that time I have suffered no pain. I can now come and go as I like and consider Peruna what a best friend relief and what that every suffering woman might know that she can find relief through the use of this medicine.

Truly yours, MRS. JENNIE ROSE.

Mrs. Ellen Thompson, Battle Town, Ky., writes: "When I wrote you for advice I was very bad off. When I received your letter I commenced using Peruna and it did just what you said it would.

"I have been troubled with pain before and during my menses ever since I was seventeen, and also troubled with other female troubles. I took your treatment, and now I feel better than I have ever before.

"I am so glad to say that I am well. I have taken Peruna and feel better than I have for ten years. I have gained twelve pounds and am still gaining. When I wrote you for advice I had given up all hope of being well again, and I feel that it has saved my life."

Mrs. Ida Baker, Portsmouth, O., writes: "I am glad to say that I am well. I have taken Peruna and feel better than I have for ten years. I have gained twelve pounds and am still gaining. When I wrote you for advice I had given up all hope of being well again, and I feel that it has saved my life."

Alice Scott, of Franklin, Ky., in a letter to Dr. Hartman, says: "For seven long years I had been a constant sufferer from catarrh of the pelvic organs which resulted in displacement of the uterus. I wrote you telling you all my complaints from the beginning to the present, made happy and much encouraged every time by your kind and fatherly letters of advice and instruction. I am now a strong woman weighing 148 pounds."

"I do not derive prompt and satisfactory results from the use of Peruna, write to me at Dr. Hartman, giving a full statement of your case and he will be pleased to give you his valuable advice."

Address Dr. Hartman, President of The Hartman Sanitarium, Columbus, Ohio.

burying ground on the afternoon of August 1, was next called. He testified that he was talking with the accused and told of seeing the muzzle of a revolver in his inside coat pocket.

He saw Doherty lying on the grass reading a portion of newspaper and saw Goodspeed also near.

In company with Clifford King he left the burying ground and when he again passed that way he saw the two boys.

His Talk With Higgins. The witness testified of being accused after the finding of Doherty's body and of saying: "I saw you with a revolver—that looks bad."

Higgins replied that he could prove where the revolver was and passed on. He saw him again on Friday at the baseball game. He had gone to school with Higgins and had always known him as a quiet, and agreeable companion.

Mind Your Own Business. Clifford King was next called. He was in the old burying ground on the afternoon of August 1. He and Kelly were talking about the revolver in Higgins' pocket and he asked Higgins about it, but was told to mind his own business.

Higgins Warned Alexander. He told of accompanying the accused from Waterloo street to Stanley street, where Higgins met a lad named Alexander, to whom he said he had better deny seeing him with a revolver.

At 6 o'clock court was adjourned to meet at 9:30 o'clock Wednesday morning.

Higgins' Brother's Sudden Death. About six years ago a young son of Mr. Higgins, aged 14, died after an illness of a day and a half. On Friday morning the boy complained of a sick headache and towards noon grew so much worse that a doctor was summoned.

At the morning session, Mrs. Doherty, accompanied by two women, was present, and the prisoner walking along the lane, going toward the park entrance. He walked on toward the park and was all over the ground of the tragedy between 2 and 3:30 o'clock p.m.

At the commencement of the afternoon session, Mrs. Doherty and her husband entered together, taking their seats in the rear of the prisoner's dock. Frequently through the afternoon they would chat easily, or discuss certain points which arose in the evidence being given.

All Wednesday was taken up in the question of minor witnesses. The park police, several of the city police, Doctors Druryman and Macaulay, and several of Higgins' friends were all closely examined, but no new evidence of a startling nature was forthcoming.

Crowd Waits for Higgins. At 6 o'clock a crowd, probably numbering 200, had gathered outside the jail being led from the court to his cell. When he at length made his appearance in the close custody of an officer, he walked hopefully along in that peculiar, sloping walk which he has, and to a companion whom he knew in the crowd he made a signal of recognition, as if to acquaint him of the fact that he was certainly in a "scrape," but that he had not abandoned hope of emerging from it.

John Baird, first witness called at the morning session, testified he lived in Brunswick street. He had known the prisoner for about three years and had known Doherty for eight years. He did not know Goodspeed.

He remembered seeing Doherty, Higgins and another companion in Gilbert's lane about 2:30 o'clock on Friday, Aug. 1. Doherty's Last Cigarette. Witness was walking out the lane, and as he passed the party was asked by Doherty for a cigarette. He saw the two again near Daveport's school gate. He could not recall what they were talking about. The next time he saw the prisoner he was in the refreshment house.

see him pass out and, smiling, waved his hand nonchalantly to acquaintances in the crowd as would one care-free boy to another.

Clearly terror of the future is not in his mind at present. Whether he realizes fully that he is within the shadow of the gallows is one question. Innocent or guilty his is a strong character.

During a portion of the testimony Wednesday he was evidently laboring under the influence of some worry. Yet whatever he was laboring in his mind was not particularly manifested in his face. There was the same pale, self-possessed countenance, the same glinting, gimlet eyes, the same smile when anything in the proceedings provoked the mirth of the crowd.

A Change of Demeanor. Without doubt he was the same Frank Higgins whom his companions knew, and in the same mechanical, unchangeable fashion, he grasped, but as the day progressed and as evidence after evidence was adduced, much of it coming from the mouths of persons particularly manifested in his face. His attitude slightly changed from semi-amused disdain to that of interest, from complacency to eagerness to interest, and from the state of mind somewhat akin to that of lively anxiety.

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about 40 feet away, and walking from the direction of the deer house.

Doherty was walking ahead. This was 3:30 o'clock. Witness then went down the hill, through the bushes and, reaching the foot of the road and went home. He next saw the prisoner at the coroner's residence.

Finding the Body. Henry Beckwith, of Short street, 23 years of age, knew William Doherty a slightly. He remembered Monday afternoon, Aug. 4, when he was picking berries in the Military road, Rockwood Park.

While rambling along a path, a continuation of the road, his attention was attracted by a swarm of flies buzzing over a heap of stones, sticks and ramp-logs. He disturbed the heap and, making further investigation, saw a human hand.

He left immediately and notified Felix Gallagher, in the park, and the police and coroner.

Felix Gallagher, laborer in Rockwood Park, told of Beckwith's approaching him with the information that he had discovered the body of a dead man. He described the position of the body and the coat hiding the head. He saw a wound on the shoulder. He assisted in the removal of the body. He did not know Higgins, Goodspeed or Doherty.

Plan of the Scene. Harry Knox, a park policeman who kept guard over the body till it was removed, drew a rough plan of Gilbert's Lane, the entrance to the park, and the positions of the refreshment house, Lover's Lane, the deer house, and bear pit, and the place where the murder was committed. This plan, after being explained by witness to Mr. McKewen, was shown by him to the members of the jury.

Resuming his examination Mr. McKewen asked the tragedy had taken place within the limits of the park, and was told it was outside the limits. The witness described the removal of debris from the body of Doherty—a mass of ramp-logs, burnt sticks, brush, grass and rocks. A quantity of the latter lay beneath the body, which was lying face downward. He could not state positively how much material covered the body. He noticed that around the head of the deceased were several stones, also that the head was badly lacerated and the hair matted with blood.

Between Friday and Monday there had been fog and a fall of rain.

At this point a large colored plan of the park was produced and consulted by judge, opposing counsel, jury and witness.

The next witness, George Henry, a laborer in Rockwood Park. He saw a human hand beneath the heap of brush and sticks. He secured his team and, accompanied by Policemen Knox and Earle, conveyed the body to the deer house. He was in the park all Friday afternoon, August 1, but did not hear any shots, nor did he see Higgins, Goodspeed or Doherty.

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autopsy. There was a wound an inch long on the forehead and there was a depressed fracture of the skull. There was found in the fracture a tiny piece of limestone. There were about 12 small wounds in face and head, abrasions of skin, probably the result of stones thrown on the face after death. In the back of the body were four penetrating wounds, apparently pistol wounds, from which blood was issuing at the angle of the left scapula—the top wound. The second was to the left of the spine and on a level with the last rib. The third wound was one inch from the median line, on the right side on the border of the last rib. The fourth wound was in lower lobe of the lung. The exception of one, only admitted the instrument about an inch. The left lung tissue was perforated and a bullet was found in lower lobe of the lung. The bleeding was practically all internal. In the pelvis cavity was found a bullet lying free. The third bullet was found in the abdominal cavity.

A Grosseome Exhibit. The home in which the bullet was embedded in an cut cut. It was shown by witness. The bone was about the size of a napkin ring and was preserved in a small glass jar. It was shown by witness. The bullet should plainly be seen embedded in it, also a small patch of blue cloth. The remaining three bullets were shown by witness, who carried them in a pill box. In the stomach was found pigeon berries and bug berries.

Further examination revealed an additional fracture of the skull, made possibly by contact with some large object.

The Prisoner and the Crowd. At 2:30 o'clock the afternoon session commenced. The prisoner, as he was being escorted in smiling weakly, and entered the dock like one bracing himself.

As he entered court the crowd lunged over the rail and for a moment he was the target for many eyes—eyes which expressed pity, disgust, fear, hatred, wonderment, indignation, curiosity.

But Higgins turned his back on them and with a slight tightening of the lips and the drawing of a long easy breath let his gaze rove over the ceiling of the room.

Policeman Patrick Killen testified that he had known Doherty for about five years. He was slightly acquainted with Goodspeed. He never met Higgins and Goodspeed much together until after the tragedy. Previously he had seen them in company with Doherty, idling about the streets and Opera House. He had occasion to keep the boys under a semi-surveillance. The first news he had about the murder was about 6:30 o'clock when he was told about a body being found in the park. He did not recognize the body although he knew Doherty well.

Goodspeed Greatly Startled. While at the dead house he heard somebody mention the name of Doherty. He called prisoner, and Fred and John Goodspeed, who were loitering outside, to come in and see if they could identify the body as that of Doherty.

Fred Goodspeed at the first glance seemed greatly startled and went out quickly. The witness, Joseph Doherty, the prisoner and policeman remained in the room alone, while the features of the dead was washed.

Later, witness, while in the guard room was told by the prisoner that he had not seen the deceased since Friday, when he was going to his father with the dinner. Killen next saw the prisoner on Tuesday evening, when he said the last time he saw Doherty was on Friday afternoon. He went with Deputy Chief Jenkins to the scene of the tragedy and searched for the revolver or any other clue.

This search was made on Tuesday afternoon following the discovery of the body. He saw Higgins and Goodspeed every day from Monday until Thursday, not seeing them again until he arrested them Saturday at McAdam Junction with passengers on the C. P. 24-train. The boys were on the train and in charge of Inspector Robinson. Witness searched the boys and found on Higgins a gold watch chain with charm. Found on Goodspeed \$4.13. Also Inspector Robinson gave witness a pocket knife which he said he had taken off Goodspeed. Witness handed the boys and returned with them to St. John.

To Mr. Mullin—I never arrested the prisoner before, but about 10 o'clock Friday night I heard from deputy chief, who

had received a telegram respecting the boys' disappearance. I arrested both boys the following day at McAdam, acquainting them with the fact that it was in connection with the Doherty tragedy. From the hour of arrest until I lodged them in central station both boys were close together.

Doherty was arrested in connection with the Cullinan robbery, but there was no evidence forthcoming to hold him. Higgins was never, to my knowledge, arrested, but my chief object in keeping an eye on him was due the questionable company which he kept.

Dr. John F. Macaulay, recalled, could not state which bullet had entered the body first. The bullets which had penetrated kidney and liver would be fatal, producing speedy death, but the shot which had entered the lung might not have been necessarily fatal.

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