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HIGGINS FOUND GUILTY OF DOHERTY MURDER.

JURY QUICKLY FINDS A VERDICT, AND THE PRISONER, WHO WILL BE SENTENCED TO DEATH, WHISTLES GAILY.

Mr. Mullin Will Ask for a Reserved Case—The Prisoner Flushed and Paled As He Heard the Verdict, But Whistled Rag-time Music When He Reached His Cell—Judge Landry's Remarkably Keen Analysis of the Evidence—Jury Out Two Hours and 35 Minutes.

Frank Higgins was found guilty of the murder of William Doherty. The jury recommended mercy, but, under the law, the prisoner must be sentenced to death.

Goodspeed's trial, as an accessory after the fact, will be called this morning.

Higgins betrayed slight emotion as he listened to the verdict, but within half-an-hour was whistling "I'd Leave My Happy Home for You," in his cell.

Below is the story in detail. Generally speaking the verdict was something of a surprise, although after Mr. Justice Landry's keen analysis of the evidence, many were certain the jury would say "Guilty."

That the verdict was justified by the facts there is no doubt in the mind of the general public. The jurymen wasted little time in discussion. Argument among themselves was unnecessary.

Sentence of death will probably not be imposed until Friday morning for his Honor Judge Landry, when asked regarding the matter, stated he wished to confer with the crown officers first in reference to certain legal points, and that he did not anticipate imposing sentence today at all events.

With a view of ascertaining the attitude of the different jurymen during their final deliberation several members were approached but each firmly refused to make any statement whatever.

Goodspeed's Turn Next. The attorney general and Mr. McKeown announced that Goodspeed's trial as an accessory would be called this morning, shortly following out the announcement that he was not to be called against Higgins.

The jury, on whose decision rested such momentous consequences left the court room at 12:10 o'clock and re-entered at 2:45 o'clock.

Their demeanor at both times was that of cool, dispassionate men, fully conscious of the nature of the duty it was their's to perform.

When they filed out at noon to finally close with the question that was their's to decide, it was in the consciousness, that to the evidence which had come before them, full head and careful consideration had been given.

To the mass of conflicting testimony which had been adduced they had applied their closest attention—drawn their several conclusions—and to the addresses of the counsel for the crown, the counsel for the defence and the charge of the judge, they had given due and serious deliberation.

intimating that as the jury had not yet returned it would be well to remand the prisoner until they did so.

The next quarter of an hour was that of soft cogitation, whispered consultations, the tip-toeing of court officers in and out, a drone of talk from the throng outside the hall.

The counsel for the crown and the counsel for the prosecution had entered and taking their accustomed places at the table sat in meditative silence.

In the keenness of the expectancy and in the sultry, close drowsiness of the room, one could hear with acuteness the soft rustling of paper as the judge consulted certain documents and the occasional abrupt cough of somebody back in the hedge of heads almost startled you.

It was 20 minutes to 3 o'clock, then a considerable back in the door way stopped quickly in and shouted: "The jury's coming in!"

The judge continued his scrutiny of the papers, but on all others the constable's words had a most stimulating effect.

The crowd at the rail shuffled and straightened, and with a painful craning of necks and a straining of the eyes strove to get closer to the centre of the room. Over in the seats the occupants manipulated their fans more briskly, and with much anxious concern followed in their gaze the steps of each jurymen as he passed to his seat.

They entered—the jurymen—as if with a clear consciousness of what was in the minds of those in the court room, and that what they were expecting would momentarily be given them.

They took their seats, and, some, gravely, others allowing their glances to wander carelessly out over the court room, awaited the judge's pleasure.

Just prior to their coming the prisoner re-entered the dock, and as the jury kept their eyes on him until all had been seated and not even then taking his eyes away.

There was great stillness in the court, now—the kind of quiet which wished to have disturbed the judge's peace of mind.

Finally he spoke, stating that the court, but he had scarce concluded before Mr. Willit appeared—fitting into the barrister's room and reappearing in official dress.

The verdict. "We, the jury, find the prisoner, Frank Higgins, guilty of the murder of William Doherty, with a recommendation for mercy on account of his youth."

Clerk Willit entered the verdict without the recommendation, but upon the advice of Judge Landry, this was afterwards added.

His honor thanked the jury for the patience and attention they had displayed in performing such a painful duty as had been their's, and said he felt that the recommendation to mercy was an expression of sentiment which redounded to their credit.

Mr. Mullin's Plan. Mr. Mullin here arose, requesting that immediate sentence be not imposed as he wished to make application for a reserved case.

His honor agreed to grant a full hearing before the court closes.

ing the verdict. He would apply for a reserved case.

Mr. McKeown, when seen, stated that this morning the trial of Frederick Goodspeed would probably begin. Scott E. Morrison will defend him.

Mr. McKeown was considerably affected by the painful nature of the proceedings in which, as a crown officer, he was forced to take so important a role.

Higgins Whistles. When Higgins was taken into his cell after the jury had given their verdict he wore a downcast look though he was on the verge of tears, but about five minutes after he was put behind the heavy bars he commenced to whistle "El Capitan," Higgins whistled admirably. Loud and sweet the notes came down the corridors and up the stairs. He finished "El Capitan" and got up two or three more songs, "I'd Leave My Happy Home for You" seemed to be a favorite.

Judge Ritchie, accompanied by Samuel Clifford, Mr. Mullin, waited Higgins in his cell. Outside the entrance to the corridor where Higgins lives, the gentlemen stopped, listened, and then looked at each other. Mr. Clifford smiled and Mr. Mullin looked puzzled for a while and clearly, bringing out every note distinctly and dwelling on the higher ones, Higgins was whistling "I'd Leave My Happy Home for You," as though his whole heart was in it. He whistled it for some time.

Goodspeed has not made any musical efforts for two days.

During the brief interval that Higgins was remanded, between his appearance in court and the arrival of the jury, he talked with several persons in the sheriff's office. He seemed quite free from nervousness and with cheerfulness expressed his conviction that the jury would find him guilty.

Although the trial of Fred Goodspeed is called for this morning, it may not be proceeded with. It is within the rights of Mr. Mullin to appeal for the case of his client and the Attorney General and Mr. McKeown may deem it expedient to wait until such time as the Higgins matter is finally disposed of.

The closing scenes in the trial Tuesday were of a dramatic interest.

The 12 men in whose hands rests the fate of the prisoner sat, through the addresses of counsel, listening impassively, where the judge had placed every point made by the opposing advocates.

Behind the bars of the prisoner's dock, to the casual observer, the prisoner, Frank Higgins, was a man under the shadow of a terrible accusation. On the contrary he might have been but for the fact that he was in court to gratify his curiosity.

The day was occupied in hearing the arguments of Hon. Mr. Mullin and the arguments of Mr. McKeown for the defence. Those in the court room had an excellent opportunity to compare the oratorical methods of those two men. Mr. McKeown's defence was forcible and well supported. The trial promises to rank among the most famous in the annals of the province.

Prisoner Stood It Well. And through it all the prisoner sat without betraying by even the quiver of an eyelid that he was at all interested in the proceedings. Once or twice during the afternoon he smiled cheerfully during Mr. McKeown's address, and when called upon to answer the questions of the jury, he produced the paper in question and, holding it up in his hand, said "his counsel."

His demeanor throughout was wonderful. During Mr. McKeown's terrible narration of the details of the tragedy at the school, when his clear, sonorous voice rang through the closely packed, heated court room, Higgins sat immovable, gazing at the prosecuting attorney with steady, unflinching gaze.

Innocent or Guilty? Meanwhile others in the room were more visibly affected.

Mr. Mullin took up Mr. Mullin's plea for mercy for his client and, with leveled forefinger beating every word deep into the brains of his hearers, said: "The name of heaven where every word was mercy tended to Doherty, when, within a minute's time in which to cry to God for his sins, he was hurried into a troublesome jump which would keep rising in their throats, and looked toward the prisoner to see how he stood toward the trial."

that after Higgins had left Mr. White's employ he became mixed up in bad company, and that after-wards were largely due to his companionship with Fred. Goodspeed. Unfortunately, such boys as Goodspeed, Doherty and Holm had met the prisoner.

The prisoner had sworn he had not taken part in the Maine robbery, but had truthfully admitted accepting part of the booty later on.

Such a supposition as that Doherty had certain knowledge was not an adequate motive for his murder. It was quite absurd. The speaker claimed that the motive was the fact that Higgins had made a statement of Goodspeed's—

There was a wide difference between Higgins and Goodspeed in the matter of character recommendation. Higgins stood head and shoulders above Goodspeed in good character and veracity.

Goodspeed's Possible Motive. The speaker felt strongly that in view of Goodspeed's proven temper a very clear motive for Doherty's murder was the fact that he was tried to wear the revolver from Goodspeed's hand and then went for a rock, Goodspeed fired—that was a motive.

Doctor Macaulay had testified that the wounds on Doherty's face were post-mortem. Goodspeed's story was to the effect that the wounds which Higgins had made on the face were prior to death. Therefore his story was not in accordance with the scientific statement furnished by Doctor Macaulay.

Higgins' story that Goodspeed had inflicted the wounds after death bore out the physician's evidence. The prisoner had certainly heard Doctor Macaulay's statement, but could he grasp the meaning of the term "post-mortem"?

The speaker acquainted him with anything in this connection.

Goodspeed, in his direct examination, had said he was in the House alley, a statement which, when later cross-examined, spoke with inaccuracy and confusion. The speaker here quoted from Goodspeed's evidence showing where the witness, when pressed closely, would extricate himself from his position by claiming he could not remember; and in taking the evidence of the prisoner as the insulting words which Goodspeed had addressed to a lad when walking out Gilbert's lane.

At the coroner's inquest it was noticeable that the story which Goodspeed told also looked as if he had learned it pretty thoroughly. If the prisoner had a motive for taking the life of Doherty, would he have ever taken a third party along? When a man with malice aforethought had gone to murder he went with the greatest of secrecy and caution.

Criticism and Time. Here the speaker warmly criticized Mr. McKeown's cross-examination of Higgins. Higgins he suggested how far Doherty ran after he had received the shots. One point which Mr. Mullin brought out was that Goodspeed's evidence said he was in the lead, and that after the shots Higgins ran past him, a statement which was one of grave discrepancy in view of other statements.

Mr. Mullin expatiated on the fact that Goodspeed had sworn that it taken him an hour or so later, from Clarence street to Mecklenburg street, something that was nonsensical.

The speaker now quoted from the evidence given by Mr. Singer, who swore that he had been in the park at 3 o'clock and after that he asked the time of John Baird, that he had remained in the park for an hour or so later, that he did not hear any shots, and that women and children were picking berries in the vicinity of the scene of the tragedy at the hour that Goodspeed had sworn the shooting had taken place. All this was especially plausible the statement that Higgins made to the effect that Doherty was murdered about 5 o'clock.

Questionable Evidence. Mr. Mullin again drew attention to the course of the newspapers, which, in his opinion, had prejudiced the public mind.

The speaker knew he was addressing a mass of truth and integrity, and could give place evidence on the flimsy tale of the witnesses who had testified the previous day? Then there was the evidence of Mrs. Marshall, a woman who could not give any reason why she was so positive, give any reason why she was so positive, give any reason why she was so positive.

Then there was the evidence of Mrs. Goodspeed and Mrs. Higgins, but of these the speaker would make no comment. They were mothers. The evidence of Singer proved conclusively that the murder of Doherty was not done at 3 o'clock, and established beyond doubt that what Higgins had testified to was correct.

Why Believe Goodspeed? The failure of the crown to establish any motive for the killing of Doherty by the prisoner at the bar was pointed out.

Where was this evidence? Severe cross-examination had failed to reveal any motive whatsoever which might have prompted the prisoner to do the deed.

It could not be conjectured what might have been the motive. Idle tales could never go down in the jury box. Nothing had been proven as to why the prisoner at the bar had taken the life of Doherty.

Outside of the statement of Goodspeed—a show and perjure—there was nothing to show that Higgins was guilty.

The prisoner had sworn he had not taken part in the Maine robbery, but had truthfully admitted accepting part of the booty later on.

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HON. MR. MCKEOWN'S MASTERLY ADDRESS TO THE JURY.

As even the excellent summary of the addresses by counsel which The Telegraph prints this week do not do full justice to the masterly address of Hon. Mr. McKeown for the crown a few of his periods are here reproduced verbatim:

Motive. Who can trace the beginnings of crime? Do they arise from some evil impulse implanted in the breast of man as a fatal legacy from his original transgression? Or do they stand as a relic of the lower scale of nature, from which the human heart, which is deceitful above all things and desperately wicked? Or come they from the force of evil ancestry poisoning life at its fountain-head and sending its polluting strains through the current of man's existence? Come they as an overmastering and irresistible impulse from without beating down man's moral nature and causing him to commit a sin? Whence come these beginnings of crime? I know not, neither do any man know; but with what awful force and fierceness did they burst forth in the life of the prisoner at the bar.

The Problem of Crime. The problem of the extinction and suppression of crime is the most important question which confronts society. Upon its solution depend the integrity and safety of the people. To secure this result laws are made and penalties attached, not as a revenge upon the offender, but to secure the future observance of these enactments. There are other and powerful auxiliaries working for righteousness within the land, but the law is the final and effective check to wrongdoing. The condition of this city shows the swelling tide of crime which has risen beyond the door of the common school, from which all religious instruction has been banished, past the churches which seem powerless to check its upward rush. It is now risen to the very threshold of the courts of justice, bearing a bloody burden with it, and society takes its final stand within this last barrier for we must check this evil here by the due and just administration of the law.

The Appeal for Mercy. My learned friend begs for mercy and quotes the injunction of the Divine founder of our religion when He commended His followers to be merciful than one to the other. There is no sweeter conception attaching to Christianity than the thought of mercy spreading its white wings over our misdeeds and covering them up for ever. And in all the strife and stress and strain of life, much we stand in need of mercy, for it is so easy to go astray. And in truth seldom stand in need of mercy, for it is so easy to go astray. And in truth seldom stand in need of mercy, for it is so easy to go astray. And in truth seldom stand in need of mercy, for it is so easy to go astray.

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