

SENT UP FOR TRIAL.

Preliminary Examination of Frank Higgins Concluded at St. John.

TO BE TRIED AT THE CIRCUIT COURT SEPTEMBER 2.

Twenty-Five Witnesses Were Examined.

GOODSPEED REPEATS HIS STORY IN THE PRISONER'S PRESENCE.

(St. John Telegraph.)

"I've nothing to say excepting that I'm not guilty," was the only remarks of young Frank Higgins, charged with the murder of Willie Doherty, at the preliminary examination held yesterday before Judge R. J. Ritchie at the police court. The hearing commenced in the morning and throughout the day was attended by an immense crowd.

Shortly after nine o'clock men and boys began to gather in front of the police station. Detective Killen and Officer Earle were stationed at the main entrance and the doors of the court room were locked until the judge was ready to take up the murder case.

Just before 10 the crown witnesses were given seats in the court. Mrs. Goodspeed mother of Freddie Goodspeed, and her daughter were present, as was Mrs. Higgins, mother of the accused boy, and a couple of friends.

Hon. H. A. McKeown was present, representing the crown; Daniel Mullin, K. C., appeared for the prisoner, Higgins, and Scott E. Morrill was looking after Fred Goodspeed's interest.

Mayor White and Sheriff Ritchie occupied seats beside the judge. At 10 o'clock Chief Clark had placed Officers Thorne, Scott and Finley outside the railing back of the prisoner's bench to look after the crowd and Sergeants Campbell and Ross were placed on the prisoners' bench, so that the prisoner would be between them. At this time Judge Ritchie gave orders to open the doors and allow the crowd to enter.

When the word was given there was a grand rush for the most prominent positions. The crowd jammed so at the front entrance that one of the glass panels in the door was smashed. It was only a few minutes from the time the crowd started in until every available space for spectators was taken up and the people were packed together like sardines.

When the crowd became quiet Judge Ritchie gave the order for the prisoner, Frank Higgins, to be brought into court and a few minutes afterwards the boy was conducted into court between Deputy Chief Jenkins and Detective Killen and was placed on the prisoners' bench. All eyes were turned on the prisoner. He walked to his seat with an easy stride. He was slightly flushed, looked very neat and apparently unconcerned. His clothes were new looking, and well brushed. He wore a white shirt, standing collar and a green scarf tie with a scarf pin. In his hand he carried a light, soft cap.

He was immediately arraigned on an information which read as follows:

"Information of Joseph Doherty, who said that he suspects and believes that Frank Higgins, of the city of St. John, in the city and county of St. John, on the 1st day of August, did murder William Doherty contrary to the statutes, and his reasons for his suspicion and belief are: First, that the said William Doherty was murdered; second, he has heard Fred Goodspeed under oath say that he saw the said Frank Higgins commit this offence."

The Morning Evidence.

Joseph Doherty, father of the murdered youth repeated his evidence given at the coroner's inquest. On Saturday after his son disappeared he said he asked Frank Higgins and a boy named Alexander about him. "Higgins first said he saw my boy about ten o'clock Friday morning and then reversed and said he saw him going with my dinner kettle. This was on Union street that I was talking to Higgins, and Alexander told me that they heard my son went to Springhill."

Harry Beckwith, the next witness, told of finding the body. Felix Gallagher repeated his evidence as to staying at the spot where the body was found until Mr. Henry and Mr. Knox, of the park staff, came.

Harley Knox, park policeman, told of remaining there until the coroner and police came. He described the location. George Henry gave evidence as to seeing the body.

Policeman George Earle described the way the body was covered when found,

told what was found on the body, and of the removal of the body to the dead house. Witness produced a piece of a branch of a tree with a piece of paper on it. This was about five feet from the ground and 12 feet from the body, leading towards the meadow.

The witnesses, Doherty, Gallagher, Knox, Earle, Beckwith and Henry were then called forward and entered into recognition to appear at a higher court on September 2.

Detective Patrick Killen was the next witness. He said: I saw a dead body in the dead house about 7 o'clock on the evening of August 4. A couple of boys came in and said it was the body of "Ding" Doherty. I think Higgins was in the deadhouse at the time. The deceased's father was there. I have known Doherty about a year and a half, but did not recognize the body. I called Higgins into the dead house and he said he thought it was Doherty. Higgins was with the two Goodspeed boys. John Goodspeed and Higgins came in together and young Goodspeed came in afterwards. I didn't hear any conversation between the boys, other than Higgins saying he thought it was "Ding" Doherty.

Dr. W. L. Ellis repeated his evidence of what was revealed by post mortem examination of Doherty's body.

Coroner Berryman was sworn and told of being called to the park, and seeing the body covered with stones of from two to seven pounds on top of the covering. He also told about questioning Doherty's companions at his office.

Harry Kelly was then sworn and said: "I know all the boys to see them on the street, but am not a companion of them. On Friday, August 1, I met King near the Opera House. We went to the graveyard. I saw three fellows lying on the grass—Goodspeed, Higgins and Doherty. They were lying near the fountain. Goodspeed and I were talking about Boston. I was there about 15 minutes and King left with me. I went home and did not see the boys after that. I did not see a revolver, but what I took to be the muzzle of a revolver in Higgin's inside coat pocket. It was pointing in my face and I told him to put it out of that; to put it in another pocket. He said: 'I haven't got another pocket.' He was reading a newspaper when I left the crowd. There was no conversation while I was there. Doherty was smoking a cigarette then. They were not companions of mine."

It was 1 o'clock when Judge Ritchie adjourned his court until 2.30 in the afternoon. Higgins was taken back to jail and the large crowd who remained throughout the proceedings wended their way from the court.

Afternoon Session.

On resuming at 2.30 o'clock John Baird was called. He told of seeing Doherty, Higgins and a third boy about 1.20 o'clock Friday, August 1, in Gilbert's Lane, going towards the park.

George Patterson, too, repeated his story already told of seeing three boys in the park Friday afternoon. He said: "I know Doherty, don't know Higgins or Goodspeed." Higgins was asked to stand up and put on his cap. Witness said one of the boys was about that size, but he could not identify him. Continuing witness said, the other boy was smaller."

Lewis Sharkey was the next witness. He said: "I live at 300 Union street. I work at Hunter's, locksmith; have known Doherty for three years and Higgins about five years. I saw Higgins in Hunter's store about a week before the murder. He was there alone and asked for some 38 centre-fire cartridges. He asked me if there was any broken boxes. I said yes. He said he would take what was in the box. He asked me how much they would be. I told him a box was 75 cents, and as there was a half box they would be 33 cents. He said he only had 30 cents and I took two out. I put the rest in the box and he paid 30 cents for them and took them out. I gave them to Detective Killen. I did not have the revolver in my hand. I never heard Higgins say anything about Doherty."

George Gamble was the next witness. He said: "I live at No. 9 Richmond street. I work in Waters' wood yard. I know Higgins and Doherty. I was with Higgins some time ago when he purchased a revolver in the first second-hand store on Mill street, below Rankine's. The fellow whom he bought it from was about 30 years old and said the revolver was a 42. Higgins told me he bought the revolver to shoot snipe with."

Harry Alexander and Harry McNeill both testified that they saw Higgins with a revolver in his possession.

The Evening.

Of the scene within the court room last night Frank Higgins was apparently just an interested spectator—that was all. He was not indifferent, he did not exhibit any bravado—just a deep interest, nothing more. In the earlier part of the proceedings there was absolutely no change in his countenance, except perhaps at times the interest deepened and the boy, who sat on the prisoner's bench, leaned for-

ward to hear what the witness was saying.

As Goodspeed was sworn Higgins came to the very edge of the bench and with one hand on his knee leaned forward with the first real interest he had shown.

Chief Clark leaned over the reporters' table to Mr. Mullin, and in a whisper asked, "Does Higgins know of Goodspeed's evidence?" To this Mr. Mullin replied he was not at liberty to speak.

Slowly Goodspeed was questioned by Crown Prosecutor McKeown, and the silence showed the deep interest which was being taken in the lad's evidence. As it progressed the boyish prisoner changed his position and clasped and unclasped his hands with nervous frequency. As Goodspeed reached the part where he told of hearing four shots every eye was turned on the prisoner, but he bore the scrutiny well and as if he had accustomed himself to hearing the story told.

The laugh with which he greeted Goodspeed's story of the latter's part in it was more scornful than anything else, but when this was passed the old look returned and Higgins was once again merely the interested spectator. This demeanor was maintained even when Deputy Jenkins took the revolver found in the creek from his pocket, handed it to Mr. McKeown, who in turn passed it to the witnesses for examination. Goodspeed told his story in well chosen words and with the same composure as at the inquest, though perhaps with a more serious air. At the conclusion of this evidence he was taken down stairs, and his sister Mrs. Knowles, was allowed a short interview with him.

Hon. H. A. McKeown was an ideal examiner of the witnesses and put each at his ease at the outset, by his kindly manner and plain language.

It was nearly 10 o'clock when Deputy Chief Jenkins took the stand and told of the way in which the body was identified, of the finding of the revolver in Marsh creek and various other things in connection with the appearance of the weapon. By this time Higgins began to show signs of weariness and yawned frequently. At the close his counsel rose and spoke a few words to him in an undertone. Higgins nodded in assent. It was an instruction to plead not guilty which was afterwards obeyed.

When Deputy Jenkins' evidence was ended the Judge requested Frank Higgins to stand up. The boy rose quickly and with his hands held behind his back stood calmly while he was asked if he had anything to say. At the close of the usual formal charge the boy said: "I have nothing to say, except that I am not guilty."

"Of course," said his honor, you are not on trial now, but your trial will take place at the next circuit court, which opens on September 2."

Yesterday's proceedings were unique in the rapid business-like manner in which the examination was conducted. Twenty-five witnesses were examined and though there was no undue haste, unnecessary questioning was avoided.

Once during the evening Higgins' counsel was asked if the boy would be put on the stand, to which the usual answer that he was not at liberty to speak of the case was returned by Mr. Mullin. "I may say, though that no defence will be entered in this court," he added.

Mr. and Mrs. Higgins were present at last night's proceedings and were greatly affected. They were not allowed to speak to their son, who at the close of the judge's remarks, brushed close past them as he was led back to his cell by Detective Killen.

E B Emmerson of Boston is staying at Windsor Hall.

Delicious

Dainties

to tempt the summer appetite. We make a specialty of catering to the

Summer Trade.

We fully realize that the Summer appetite demands lots of the best. Prices are amazingly cheap. We make up baskets of good things for picnics.

In making plans for the summer consult

C. H. BURTT

Grocer, Queen st.

Soiled Blouse Waists...

We have marked down greatly a lot of our choice Blouse Waists, which have been soiled by handling, to

75c., \$1.00, \$1.75

The above prices comprise only what were our best quality Waists.

TENNANT, DAVIES & CLARKE

Agent for Ideal Patterns.

Fine Tailoring.

Our Stock is now complete in all the leading makes in

Overcoatings, Suitings and Trouserings.

IMPERIAL HALL,

GEO. S. STANGER, Merchant Tailor.

Quality and Style



Are back of the suits we make to measure. Not enough that the cloth is good, well woven and shrunken and well put together, but the garments must be cut according to the latest styles and finished perfectly before leaving our establishment. Whatever chosen will be of a quality to give the greatest satisfaction under all conditions of wear. Just think of it! A nice Tweed Suit, All-wool for TWELVE DOLLARS, others from \$14.00 to \$25.00

JAS. R. HOWIE, 210 Queen Street.

LATEST IN ART.

Just received a stock of Prang Pictures and Fallowfield Hunting Sketches considered to be very handsome and up-to-date. Also new mouldings in oak and rubber black. Prices moderate.

GEO. W. ADAMS, Undertaker and Embalmer, Queen Street, uptown.

BARRETT'S BICYCLE TIRES \$5.00 PAIR

Are the best value in Pneumatic Tires ever offered in this province. No charge for putting on tires bought here. Barrett's Bicycle repairing is prompt, accurate, thorough, substantial, inexpensive. Separate entrance and waiting room for ladies and attendant in waiting.

BARRETT'S CYCLE SHOP

Uptown, nearly opp. Peoples Bank.

WM. P. TAYLOR, Barrister-at-Law, NOTARY AND CONVEYANCER.

Money to Loan on approved Real Estate.

YORK ST., FTON. N. B.

MONEY TO LOAN.

Large sum of money, in amounts to suit applicants, to invest in Real Estate security at lowest term of interest.

R. W. McLELLAN, Carleton St.

Feb. 14—dwtf.

Intercolonial Railway.

Tender for Excavating at Point Tupper.

Sealed Tenders addressed to the undersigned, and marked on the outside "Tender for Excavating at Point Tupper," will be received until FRIDAY, August 22nd, for the above named work. Plans and Specification may be seen at the Office of the Station Master at Point Tupper, and at the Chief Engineer's Office, Moncton, N. B., where forms of tender may be obtained. All the conditions of the Specification must be complied with.

D. POTTINGER, General Manager. Railway Office, Moncton, N. B., 11th August, 1902. Aug. 14—d51