

# Framing the Boy Problem in the Early Twentieth Century: The Willie Doherty Murder of 1902

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Incivilités et désordres dans l'espace public

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Article abstract

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*En 1902, trois adolescents ont visité un parc public à Saint-Jean au Nouveau-Brunswick. Trois jours plus tard, l'un d'eux a été trouvé tué par balle. Cette étude de cas du meurtre de Willie Doherty et des procès de Frank Higgins et Fred Goodspeed examine comment un événement critique a mis en lumière le système judiciaire, la réforme sociale et la compréhension de la presse au sujet du problème des garçons dans une communauté au début du vingtième siècle. Le dossier des jeunes de la classe ouvrière a suggéré l'existence d'un « monde de garçons » semi autonome, qui existait hors de la portée des adultes, y compris la police. Les réformateurs étaient tout aussi portés à blâmer soit les influences environnementales telles que l'irresponsabilité parentale, la culture populaire des romans à dix sous ou la privation socioéconomique, soit les traits antisociaux de la personnalité des délinquants. L'étude explore aussi le degré de liberté que les enfants et adolescents connaissaient au tournant du siècle dans cette ville industrielle.*

In the summer of 1902, teenagers Willie Doherty, Frank Higgins, and Fred Goodspeed visited heavily wooded Rockwood Park in Saint John, New Brunswick. Only two of the boys left the park area alive, and less than three months later one of them was sentenced to be hanged for murder. This case study of the killing of Doherty and the trials of Higgins and Goodspeed examines how a critical event crystallized the justice system, social reform, and press understandings of the boy problem in one community at the turn of the twentieth century. During this period, moral and social reformers were increasingly concerned about the supposed tendency of boys, especially in cities, to avoid school and work, join gangs, use bad language, smoke cigarettes, read inappropriate literature, carry weapons, commit petty crimes, and waste their time on street corners and in places of commercial amusement. The boy problem was perceived as the by-product of a semi-autonomous “boys world” that thrived in specific urban spaces. This article, which is based on the federal Department of Justice capital case file on Higgins and extensive newspaper coverage also explores the issues of crime as entertainment and the degree of freedom enjoyed by working-class youth in the industrial city.<sup>1</sup>

Most recorded crime is committed by men. In the era when juvenile delinquency was a legal category in Canada (1908–84), the overwhelming majority of delinquents, including those handled informally, were boys. Yet the literature on male delinquency lacks the breadth and sophistication of what has been produced on girls.<sup>2</sup> In addition to contributing to the sparse literature on the “boy problem” in Canada, this article helps to fill two other gaps: it deals with a mid-sized city and the Maritimes, a region relatively neglected in criminal justice history scholarship. Finally, it is a rare look at the intersection of juvenile delinquency and homicide.

As the Canadian literature on girls and young women reveals, educators, maternal feminists, charity workers, politicians, and legal officials were concerned about the moral perils confronting girls and young women, but in most jurisdictions boys

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constituted up to 90 per cent of juvenile delinquents in a given year. The greatest fear about delinquent boys was and is that they would fail to become responsible and productive citizens and as adults would transform into habitués of police courts, jails, poor houses, and penitentiaries.<sup>3</sup>

The Doherty case took place prior to the enactment of the Juvenile Delinquents Act and decades before a juvenile court was established for New Brunswick's largest city. The 1902 murder and subsequent trials triggered an intense debate on delinquency, but churches, social reformers, and politicians were no strangers to the issue. Across North America reformers had advocated, and would continue to advocate, a range of preventive measures such as slum clearance, truancy laws, and curfews. Legal reforms and institutions such as juvenile courts, probation, and reformatories were designed to shield the young from the full force of the law and to encourage their rehabilitation into law-abiding and productive adult citizens.<sup>4</sup> The specific threat raised by the 1902 murder was the gang. Most experts agreed the gang, which existed in many forms, was created by its habitat, and that habitat was the slum.<sup>5</sup>

In 1902 Saint John's 42,000 residents were divided by class, ethnicity, religion, and neighbourhood. At the time, the city was Canada's eighth-largest, and its economic fortunes, once built on the timber trade, shipbuilding, and ship owning, were now tied to the winter port, railways, and manufacturing. Despite the advent of streetcars, most workers lived within walking distance of the mills, factories, workshops, and wharves where they toiled. The working class overwhelmingly lived in rented tenements. Slightly less than a third of the population was Roman Catholic, mainly Irish. The institutional responses to delinquent and dependent children and their parents reflected the city's denominational divide, with Catholic girls being sent to the Good Shepherd Reformatory and Industrial Refuge and St. Vincent's Orphanage, run by the Sisters of Charity, and boys to St. Patrick's Industrial School and Farm east of Saint John. A unified approach to "boys work" was similarly hampered by divisions not only between Catholics and Protestants, but also among Protestant churches. Pauper children with parents ended up in the county poor house in nearby Simonds parish. Protestant orphans, institutionalized as early as 1854, were placed in a new facility west of the city in the early 1920s. In 1893 a provincial institution, the Boys' Industrial Home, opened in Simonds parish. This was a reformatory for delinquent and dependent juvenile males.<sup>6</sup> In Saint John the boy problem usually was reported in the press as more of an irritant than a crisis, with editorials often mixing law-and-order rhetoric with sympathetic depictions of the boy as a "splendid young animal" motivated by a spirit of adventure. The typical manifestation of the problem in the early twentieth century was truancy, vandalism, or petty theft, not murder.<sup>7</sup>

Homicide was rare in post-Confederation Saint John, and cases involving minors even more so. Eric Monkkonen has argued that children who killed generally were not portrayed as a "social problem" because of the rarity of their offences.<sup>8</sup> Yet this very

rarity, as well as the age of the offenders, attracted media and expert attention. In addition, by the late nineteenth century all classes of society, in the words of Judith Flanders, exhibited "a love of crime," especially murder.<sup>9</sup> Following the Rockwood Park murder, the community addressed the boy problem through editorials, letters to the editor, investigative journalism, sermons, speeches, and the work of volunteer organizations. Commentators were more likely to blame environmental influences such as poor parenting, overcrowded housing, or poverty than the anti-social personality traits of delinquents. But responses to the murder also revealed more conservative "common sense" opinions that reflected a nostalgic vision of childhood.

On 4 August 1902 a citizen picking berries on the edge of Saint John's Rockwood Park discovered the body of a young man covered with stones and brush. This was the second suspicious death in the city in the last five months. Earlier, a well-known recluse, Isaac Oulton, had been killed in his hut in the city's north end. Oulton's murder, although linked in public gossip to the new crime, was never solved. One early press theory was that the victim had been attacked for spying on amorous couples in the local "lovers' lane." The park itself was a cause of concern for a number of Protestant ministers because it supposedly provided cover for various immoral practices, especially those involving men and women.<sup>10</sup>

After the body was removed by wagon to the "dead house" in the city centre, it was identified as that of seventeen-year-old Willie "Ding" Doherty, of Brussels Street, located in the city's east end. This working-class neighbourhood was the subject of the city's first housing survey and, in the late 1950s, its first federally funded urban renewal scheme. One justification for the slum clearance project was that it would eradicate juvenile delinquency.<sup>11</sup> Doherty was the son of William H. Doherty, an Irish Catholic joiner and carpenter, who, together with his wife Mary, presided over a household of seven children. As the sole provider for his family, Doherty earned roughly ten dollars a week.<sup>12</sup> On the morning of the day Willie disappeared, he had dropped off lunch and tobacco to his father, who was working in the city's south end. Willie was no longer in school and had worked sporadically at a number of jobs in the past year. He was part of a loose group of boys who socialized at an old burial ground in the centre of the city, near a theatre on Union Street and near a tannery located along Courtenay Bay in the east end. This neighbourhood, which contained two thousand families, consisted of Prince and part of Wellington wards. Of the two, Prince north of Union Street was more proletarian and functioned as an immigrant/migrant reception zone. One in five residents of the east end was Catholic and the parish church was the imposing Cathedral of the Immaculate Conception.<sup>13</sup> Along the shore of Courtenay Bay, and to the north, were a number of the close to two hundred manufacturing enterprises that employed more than 4,600 hands in the city. More than one witness at the Doherty murder trial attempted to recall the

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time of day based on when mill and factory whistles sounded at the end of the workday.<sup>14</sup>

Once news spread on 4 August hundreds, including children, gathered outside the dead house to satisfy their curiosity. Fred Goodspeed and Frank Higgins were present and the latter helped the victim's father identify the body. By this point the police knew that the two boys were companions of the deceased. When questioned as to their whereabouts on 1 August, they insisted that they last saw Doherty at 2 p.m. at the graveyard. Higgins claimed that they remained in the burial ground until roughly 5 p.m., then returned to their family homes for supper. In a statement to the coroner prior to his arrest, Goodspeed explained that Willie had left them at 3 p.m. to go to the Opera House in search of a cigarette.<sup>15</sup>

Higgins, who had been born in Prince Edward Island, was the sixteen-year old son of Irish immigrant Edward Higgins. Edward and Ellen Higgins supported three children by operating a store on St. Patrick Street. The 1901 census listed their income as less than \$9 a week. This east end family typified the precarious economic existence of early twentieth-century working-class life, where unemployment, disease, or accident could mean disaster.<sup>16</sup> Fourteen-year old Goodspeed was the son of James and Anna Goodspeed, who had six daughters and three sons, all living at home in slightly more upscale Queen's ward, south of the east end. The elder Goodspeed, who worked as a coachman and labourer, had been born in the United States. An Episcopalian, he had married a Catholic, and the manuscript census listed all the children as belonging to the mother's religion. The family was a fairly recent arrival to New Brunswick, with the children having been born in Ontario, Quebec, and Nova Scotia. In 1901 one son worked as dry goods clerk, and fourteen-year-old Rodney was listed as an "electrician." The census estimated the annual household income as \$610.<sup>17</sup>

Doherty had been missing from home since Friday, yet his family had not reported his absence to the police. An inquest revealed that he been shot four times in the back with a 0.38 calibre revolver and that his skull exhibited blunt force injuries. The coroner estimated that Doherty had been dead for forty-eight hours. Although the killing of an adolescent was an exceedingly rare event in a city the size of Saint John, possession of a handgun was not. Cheap, mass-produced revolvers became "middle-class male consumer objects" as early as the 1850s. In the late nineteenth century, North Americans could purchase inexpensive revolvers from mail order catalogues. The American Bulldog revolver that killed Doherty was purchased in a second-hand store for \$2.50. The bullets cost less than two cents each.<sup>18</sup> Handguns supposedly were regulated under the Criminal Code of Canada, and by 1913 three provinces had enacted forms of licensing. That year the sale of firearms to persons under sixteen was prohibited under the Criminal Code.<sup>19</sup> Newspaper editors, police chiefs, and social reformers in this period all expressed concerns about the easy availability of cheap revolvers and automatic pistols through mail order catalogues and in stores. As Blake Brown details, they were

especially worried about these weapons in the hands of boys and non-British immigrants.<sup>20</sup>

Although the Saint John Police Department came under heavy criticism in the press for its handling of the case, evidence from the trial suggested that a detective had been watching Doherty and Goodspeed on suspicion of burglary, and that Higgins and Goodspeed were suspected of involvement in the death of Doherty. The victim had been arrested in connection with a burglary but not charged, and Higgins had been in trouble for breaking windows. The provincial government took the unusual step of offering a \$500 reward for information leading to an arrest. In this case eyewitnesses, many of them acquaintances of the victim, were the most important source of leads. In 1902, as in 2018, homicide victims tended to be killed by acquaintances, spouses, co-workers, or family members. The code of working-class masculinity among boys mimicked that of their older role models; Doherty, for example, was reported as having been in a fight with another boy prior to his death, and Goodspeed had been expelled from school for assaulting a female teacher.<sup>21</sup>

Statements to the police, the coroner, and reporters revealed another fascinating aspect of the Doherty case: the existence of a "boys' world" operating with minimal interference or apparent concern from parents, police, and other authority figures. The boys in this case appear to have gone home for their meals, and some had occasional or full-time jobs. But they spent long hours socializing with their peers in locations such as alleys and parks where adults rarely intervened, including those mentioned in this article, and sometimes they did not come home at night. Goodspeed, at age thirteen, had boarded for several months in Salem, Massachusetts, and worked in a cotton mill, and the victim, Higgins, and an older youth had ridden "blind baggage" (hopped a train hobo-style) to Maine to commit a burglary. When Goodspeed's father searched for his missing son, Higgins told him that he had gone to Springhill, Nova Scotia, a distance of 250 kilometres, and there was no evidence that the parent considered this odd. This was the independent adolescent lifestyle that reformers, as explained by Cynthia Commachio, wanted to bring under control.<sup>22</sup>

According to evidence entered at the trial, although the police attempted to keep an eye on Goodspeed and Higgins, they departed on "the Boston train" one week after the murder. Two days earlier the *Daily Sun* had reported that one of Higgins's friends said that he owned a revolver. In addition, they had been interviewed by the coroner and the police, as had several of their friends. The fugitives were apprehended at Vanceboro, Maine, by an American customs official who had been alerted by a telegram. The boys, who gave false names, were transferred to a police detective at McAdam Junction, who brought them back to Saint John. Goodspeed gave a statement in which he described Higgins as the murderer and explained that he had helped to hide the body and had not contacted the authorities out of fear for his life. Higgins exercised his right to silence, which was brought out during the trial in a controversial fashion.<sup>23</sup>

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The case received plenty of press attention from the city's daily newspapers—the *Telegraph*, *Globe*, *Sun*—and the *Star*, as well as outside publications. Press accounts immediately linked the crime to a larger concern about the boy problem, a concern that the media was largely responsible for creating.<sup>24</sup> Although Saint John was not a large city, its residents derived their knowledge of crime and violence primarily from the print media. Michael Boudreau has described the contemporary press in Halifax as part of a web of social control.<sup>25</sup> Crime coverage, according to Mitchell Stephens, functions as a form of deterrence, distinguishes acceptable from unacceptable behaviour, and, by channelling “moral outrage,” builds community cohesion.<sup>26</sup> Media portrayals of crime, by sensationalizing details, can also distort its social reality. A number of scholars have stressed the role of crime, especially violent crime, in the creation of modern, mass-circulation newspapers. And as analyzed by Flanders and others, “true crime,” whether in broadsides, dime novels, plays, books, magazines, or newspapers, came to rival fictional crime as a form of popular entertainment. The Higgins murder trial was reportedly well attended, including by girls and women. Detailed press coverage was a way to convey the proceedings—in a mediated fashion—to the wider community.<sup>27</sup>

Higgins and Goodspeed had been seen with the victim on 1 August and were visible in the community following discovery of his body.<sup>28</sup> Doherty was described as a member of the Tan Yard gang that frequented a tannery property in the east end. He also was linked to the Opera House gang, named after a popular theatre in an adjacent neighbourhood. The boys who were suspects and witnesses in the case used the terms *gang*, *chums*, and *crowd* interchangeably. Although there was some evidence of petty crime within the larger social network of Doherty, Higgins, and Goodspeed, their typical activities included picking up odd jobs, playing baseball, fishing, and simply “hanging out.” Their haunts were alleys, street corners, a graveyard, and railroad, industrial, and waterfront areas. It is likely that petty theft and burglary were preceded by “junking”—scouring the neighbourhood for cast-off materials to sell. Many of the boys lived in the same working-class neighbourhood, belonged to the same Roman Catholic parish, and had attended the same schools. The province's first compulsory school law was not passed until 1905, so formal schooling for these working-class boys seems to have ended at age eleven or twelve.<sup>29</sup> Because of the context of the crime, the press and the authorities used the term *gang* in its most serious sense, a criminal association that operated in a specific area in defiance of the police. Judged by the evidence, this appears to be an exaggeration. The Opera House and Tan Yard groups, based on their ages and activities, were not serious gangs like those studied by early American criminologists, but loose groupings of quasi-delinquent youth.

The daily social networks of the boys in the two groups were almost entirely homosocial. In the extensive trial transcripts and newspaper coverage of the case, there was only one mention of girls, and this was in a teasing remark made to a relative stranger. This isolation from adolescent girls may have been related

to the gender segregation of Catholic schooling and family life. Another factor may have been the constraints on public activity by young women at this time. The Irish Catholic police magistrate of the era, for example, not only denounced girls and single women who were on the streets at night, but called for their arrest. We know little about courtship and socialization among young people in the Maritime provinces for this period, but there are two ways of reading this apparently self-contained homosocial world. Either these boys were too young to be associated with girls of their own class, or they were precocious participants in the era's bachelor subculture that has been documented by historians such as Chudacoff.<sup>30</sup> Moral and social reformers argued that the “boy problem” could not be easily ameliorated by the typical solutions advocated by maternal feminists. A meeting of Protestant ministers held after Doherty's murder concluded that men were best suited to this task.<sup>31</sup>

As with later generations of problematic youth, working-class boys supposedly were corrupted by sensationalist popular culture. Willie Doherty and his circle of friends were fans of dime novels, which moral reformers and educators feared as a pernicious influence on children. The *Montreal Star* described Higgins as a “dime novel fiend.”<sup>32</sup> For reporters and the reading public, another intriguing aspect of the case was that Doherty, Higgins, and Goodspeed were studying hypnotism, with Higgins possessing a book or course of lessons on the subject. Higgins claimed to have been “learning” the victim “how to hypnotize.” Hypnotism fascinated the public, but there were concerns that it could be used to cover up crimes, such as sexual assault or theft, or even to force people to commit criminal acts. The Opera House and Tan Yard “gang” were also aware of true-crime news. In courtroom testimony, Higgins claimed that after he loaned his revolver to Goodspeed, the latter pointed it at two of his “chums” and pretended to be Harry Tracey, an American desperado and murderer who was on the run from the law in Oregon, in early August 1902. This and other evidence from the trial suggests that the boys in this social network read the daily newspapers, which regularly carried crime news. “Child savers” often promoted education as an antidote to delinquency, but Saint John's “gang” members were fairly literate.<sup>33</sup>

In the days following the crime, Coroner Dr. D.E. Berryman not only investigated the crime scene, but also interviewed more than a dozen boys to try to determine the identity of the murderer. Berryman's investigation appears to have been a trigger for Goodspeed and Higgins leaving for Maine before they could be arrested.<sup>34</sup> With the pair in custody, a coroner's jury was assembled, and an inquest began on 19 August in the county courthouse. Goodspeed told the jury heard that on 1 August he had met Doherty and Higgins in the graveyard near Kings Square, and that the three chums had walked to Rockwood Park to pick berries. In a semi-secluded area, Goodspeed supposedly became separated from his companions. He then heard four shots and Willie cry “My God, Higgie, you've shot me.” Goodspeed next witnessed Higgins striking the wounded youth on the head with the butt of a pistol. Doherty pleaded for

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medical help, and Higgins threatened Goodspeed with death if he tried to leave or alert the authorities. Higgins hit the victim several more times with the gun, then forced his companion to help him cover the body with brush and stones. Leaving the park, they crossed the tracks of the Intercolonial Railway, and Higgins tossed the gun into Marsh Creek. Other youthful witnesses confirmed that Higgins owned a gun. One testified that the revolver was purchased in a second-hand store a week before the murder; another saw Higgins shooting it near the Tan Yard on the day before the murder. Others stated that Higgins had carried a revolver in the weeks prior to his arrest and placed the three boys at the park on the day of the murder. The coroner's jury determined that the victim had been feloniously killed by his companion Frank Higgins.<sup>35</sup>

On 14 August the police secured a crucial piece of forensic evidence when Goodspeed led them to a section of Marsh Creek. Searching with an underwater telescope, detectives found the revolver, which had five spent cartridges in its chamber. A witness identified the gun as the one owned by Higgins. After this discovery, the authorities laid a charge of murder against Higgins. During the trial, the defence suggested that Goodspeed remembered the location of the weapons because he, and not Higgins, was the killer.<sup>36</sup>

The next stage in the legal process was a preliminary examination before police magistrate William Ritchie. Higgins was represented by Daniel Mullin, K.C., and the Crown prosecutor was Harrison Andrew McKeown, a future attorney general and provincial chief justice. During the hearing, which was packed with spectators, Goodspeed testified that the motive was a dispute over stolen goods and money—proceeds from a series of break-ins—and that Higgins, earlier in the summer, had asked him to help kill Doherty. Other witnesses cast suspicion on Higgins, reiterating that he had carried a revolver on the day of the murder and, on the day the body was discovered, had bragged to another youth that he knew the location of the murder weapon. A series of youthful witnesses told the court that they had heard Higgins remark that he liked neither Doherty nor Goodspeed. Magistrate Ritchie, who had already spoken out on the boy and girl problems on many occasions, expressed his displeasure at the existence of gangs in Saint John. He ruled that there was sufficient evidence to send the case on to a grand jury. The grand jury, as was the practice, heard the evidence of the Crown and, without having to give any reasons, returned an indictment on 2 September. Higgins would face a jury trial for murder. Goodspeed was indicted as an accessory, for which the penalty was life in prison.<sup>37</sup>

The city's press, which was locked into a newspaper war, dedicated considerable resources to the Doherty murder. The *Telegraph* and its competitors, catering to readers in not only Saint John but also other parts of the province and even neighbouring provinces, struggled to deliver a combination of local and international news, entertainment, and advertisements. Reporters and editors now had a dramatic story on their very doorstep. No detail or rumour was too trivial to escape attention.

As noted below, despite a general attempt to remain factual and neutral, and to create some sympathy for the families of Doherty, Higgins, and Goodspeed, possibly on account of their youth, reporting tended to portray Frank Higgins in a negative fashion. The detailed coverage no doubt added to at least temporary fears of the boy menace. In contrast to recent decades, jurors were not warned by the trial judge to avoid media commentary on the trial. Goodspeed's mother told reporters that her son was terrified by Higgins. Higgins's mother protested his innocence and claimed that her son learned the art of hypnotism from Doherty. Prior to fleeing the city, Higgins asked another youth to recant a statement he had made to a reporter about Higgins possessing a revolver, which indicated that journalists were speaking to members of the Opera House and Tan Yard groups while the investigation was still active. Some of the news resembled the plot lines of detective stories, such as the allegation that the police had "allowed" the suspects to flee by train to be arrested on the border by pre-arrangement. In this era there were no pre-trial bans on the publication of evidence, no statutory protections of the identity of youth accused, nor pretensions of journalistic neutrality. The *Telegraph*, for example, described the coolness of Higgins and Goodspeed at the identification of the victim's body as "an exhibition of nerve control rarely equalled in the hardened crimes of the most depraved type." This was before any charges had been laid. The newspapers also published the names and addresses of jury members.<sup>38</sup>

As events unfolded, Higgins, largely because of his supposedly blasé attitude towards the proceedings, was portrayed by reporters in fairly negative terms and in some cases as an evil genius who had carried on a life of crime under the noses of the authorities. His determined demeanour when in the witness box, which appeared to be unshaken by several hours of cross-examination, contrasted with his small stature and youthfulness. On the first day of the trial Higgins wore short pants, as if to emphasize his boyishness. A reporter described him as "cool and unconcerned" when committed to stand trial, walking to his cell "without the slightest apparent tremor."<sup>39</sup> Despite a generally sympathetic treatment of juvenile delinquents as vulnerable victims of the urban environment, the popular press occasionally portrayed delinquents as "born criminals."<sup>40</sup> In this case, reporters knew they had a winning story. The Doherty, Goodspeed, and Higgins families supplied ongoing human-interest stories. Higgins was described as a skilled violinist and sketch artist whose hard-working parents had scrimped to buy him a used piano. Goodspeed was portrayed in a relatively more positive way, but not always sympathetically. One newspaper even ran fictitious accounts of formal meetings of the Tan Yard gang, written in stylized working-class dialect, laced with slang. The *Globe* printed a story, also in Damon Runyan-style dialect, that described Higgins putting on a hypnotism demonstration for firemen. This underscored the apparent anti-social and sensation-seeking nature of the world of urban boys.<sup>41</sup>

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The trial before Justice Pierre-Amand Landry began on 16 September after a contested jury selection. Landry as a young lawyer had helped defend nine Acadians charged with murder as the result of the 1875 Caraquet riots. He was an active participant in the Acadian renaissance and a political operative who bridged the francophone and anglophone worlds. After serving as a Conservative MLA, he was made a county court judge in 1890 and named to the Supreme Court of New Brunswick three years later. Landry would be appointed Chief Justice of the King's Bench of the provincial Supreme Court in 1913, and in 1916 he became the first and only Acadian to be knighted. Often depicted as a statesmanlike advocate for the Acadian people, Landry had few qualms about sending a sixteen-year-old to the gallows.<sup>42</sup> Mullin, who continued to represent Higgins, moved for a postponement to allow the defence to bring in an expert witness on the cause of death. He also moved for a change of venue on the grounds that the press had so prejudiced public opinion that it would be impossible for the defendant to receive a fair trial: both motions were denied.

In his opening address, the Crown prosecutor explained that "home ties" were "not very binding" on the principals in the case, who were away from home for considerable periods and "whose fathers, designedly or otherwise, have at times very little influence over them."<sup>43</sup> McKeown's remarks signalled social disapproval over a lack of parental control, but the activities of the defendant, the victim, and their chums were not necessarily atypical for working-class youth. The concept of adolescence, a period in life between childhood and adulthood, was being created in the first decade of the twentieth century. As advocated by the influential psychologist G. Stanley Hall, adolescence was a stage in personal development, ideally, when youths were protected from adult responsibilities. Hall worried that urban teenagers were forced to grow up too early, largely because of their early entry into the job market. In contrast to rural children, they also were exposed to "vice and enhanced temptations."<sup>44</sup> Average life expectancy in the early 1900s was fifty, and in addition, there were relatively more children and teenagers than in late decades of the previous century. These factors, combined with working-class family strategies, meant that the young often assumed adult responsibilities at an early age.<sup>45</sup> McKeown, who needed to keep his focus on Higgins, tended to blame not their parents, but the delinquent boys themselves, but he faced a challenge in that many of the witnesses for the prosecution appeared to be little different from Higgins, Doherty, or Goodspeed.

Witnesses, many of them youth, testified that on 1 August the victim, the accused, and Goodspeed had been in the burial ground and then near and within Rockwood Park later that afternoon. Harry Alexander, fifteen, testified that the defendant had threatened to "fix him, too," if he did not get a reporter to retract his statement about Higgins owning a revolver.<sup>46</sup> George Gamble, seventeen, told the court that he had purchased the gun on Higgins's behalf, because he looked older.<sup>47</sup> Frank Kelley, fourteen, testified that the accused did not like the victim

because he drew police attention and that Higgins had talked of getting "square" with Doherty "for stealing things from him."<sup>48</sup> Other youths revealed that "Higgie" had fired his gun at the "cotton mill wharf," a popular swimming spot.<sup>49</sup>

Goodspeed, the chief witness for the Crown, repeated his evidence from the inquest and preliminary inquiry that pointed to Higgins's guilt. Mullin objected that Goodspeed was not a competent witness, as he would not incriminate himself, yet his testimony was permitted. He told the jury that there had been no arguments or apparent ill will among the boys when they were picking berries and claimed that Higgins and Doherty had been talking about hypnotism and "the places they had robbed." The shooting and bludgeoning of the victim appeared to have been unprovoked. Goodspeed testified that Higgins had placed a piece of a newspaper on a tree branch to help mark the burial spot. In his version of events, the defendant, in addition to forcing Goodspeed to become an accessory, had pressured him to return to the park a few days later, although the latter refused to visit the grave site. Similarly, Higgins had forced him to leave by Canadian Pacific Railway a week after the crime by threatening to blame him for the murder.<sup>50</sup> Cross-examined by Mullin, Goodspeed admitted to having taken part in a number of burglaries and to having been expelled from school in Grade 4 after throwing a slate at a teacher. Defence questioning stressed differences between Goodspeed and its client's testimony in terms of the post-offence timeline, especially on the issue of when they returned to the park to check on the body.<sup>51</sup>

Although under no compulsion to do so, Higgins took the stand in his own defence and insisted that Goodspeed was the killer. Despite his growing reputation in the press as a cold-blooded criminal mastermind, Higgins had no prior involvement with the law. Character witnesses who testified on his behalf included a former employer as well as the principal of St. Malachy's school, a Roman Catholic institution. In this version of the story, Goodspeed had borrowed Higgins's revolver to shoot birds and squirrels while they gathered berries. Higgins alleged that his friend had shot Willie after he tried to take the revolver, then prepared to pick up a rock with which to hit Goodspeed. He explained that Goodspeed expressed remorse for borrowing the weapon, but then proceeded to strike the wounded Doherty with the butt of the revolver and stopped only when Higgins hugged him. Goodspeed supposedly threatened to pin the murder on Higgins, the owner of the gun, if he did not help cover up the crime, and mistreated the corpse by "pegging" stones at it. The defendant explained that he had refused to touch the firearm after it was used in the murder and that Fred threw it into the creek as they returned to the east end. Goodspeed supposedly also wanted him to return to the park to burn the body, but Higgins had refused. After they were named in the press as persons of interest in the crime, it was Goodspeed who wanted to "skip" town; Higgins supposedly had been a reluctant participant in their flight to Maine. This testimony portrayed the Crown's chief witness as a persistent petty criminal who had

stashed money and stolen goods around the city, and the victim as a thief and a coward.<sup>52</sup>

Under cross-examination, Higgins admitted that he had associated with William Holland, an older youth serving a sentence in Dorchester Penitentiary for burglary. The defence attempted to use Higgins's story of a trip to Maine in June 1902 to prove that he was an unwitting participant in a burglary committed there, but Mullin's cross-examination cast doubt on this claim and raised the possibility that a stolen American gold piece had been used to purchase the revolver. McKeown had Higgins admit that he had carried a club on the train to Maine and had acquired a watch and chain as spoils from the burglary. He also suggested that Higgins had remarked to friends that Bill Holm, another Saint John youth recently sent to penitentiary for burglary, should have shot an arresting police officer rather than be taken into custody. Holm was the companion with whom Higgins and Doherty had travelled to Maine, where they had supposedly stolen \$300 worth of merchandise. After the trial a *Globe* reporter interviewed Holm for his insights into the killing of Isaac Oulton earlier in the year, a crime with which Willie Doherty had been linked in public gossip.<sup>53</sup>

Mullin made powerful concluding arguments in defence of his client, reminding the court that Goodspeed was an admitted criminal and perjurer. He raised questions about the way Goodspeed was interviewed by the police and also attacked the department for failing to detect the true level of juvenile crime in the community and for not prosecuting more youthful offenders. On the forensic side, he pointed to defence rebuttal evidence that challenged the Crown's theory that the victim had managed to run up a hill after being fatally wounded and before receiving the blunt force injuries. The boy problem, according to Mullin, was a complex issue and partly the fault of society itself. Here the defence was appealing to well-established environmental and sentimental understandings of delinquency. He also criticized what he deemed irresponsible reporting by the newspapers, which had undermined his client's right to a fair trial.<sup>54</sup>

On 24 September Justice Landry delivered his charge to the jury. He cautioned that the evidence of an accomplice (Goodspeed) had to be scrutinized more closely than that of the typical witness. The defendant and Goodspeed were "two idle young men, without any visible means of support," who could have been "chums in crime."<sup>55</sup> Straying from a strict summary of the evidence for both sides, and an explanation of what the law demanded for a conviction, he commented on the character of many of the youthful witnesses, stating that many of them had known that Higgins possessed a revolver. The judge hinted that a number of the boys knew more about the crime than they had admitted in court. Landry also denounced the existence of gangs in the city and suggested that Higgins, Goodspeed, and their "chums in organization" appeared "quite as strong as the police." The judge seemed aghast that Goodspeed, after witnessing the murder of a friend, helping to hide the body, and watching the murder weapon being tossed into a creek, would rob a candy store two days later and matter-of-factly distribute

his booty to his friends. The delinquents denounced by Landry in court (and in his confidential report to the federal minister of justice) were bold, confident, and organized, a far cry from the immature or "feeble-minded" offenders who usually appeared in reform discourse. The judge also warned of the dangerous impact of unsavoury literature that glorified the deeds of criminals and speculated that infamous lawbreakers were actually heroes to this class of boy. The jury did not know this, but in the judge's personal opinion there were no arguments in favour of mercy. Frank Higgins needed to hang as collective punishment for Saint John's delinquent boys.<sup>56</sup>

The jury deliberated for less than three hours before finding Higgins guilty, with a recommendation of mercy on account of his young age. Both the judge and the prosecutor had asked the jury to avoid basing their verdict on their opinions towards capital punishment.<sup>57</sup> Until the early 1960s, when degrees for murder were legislated, the only possible sentence was death by hanging. On 7 October the court reconvened for sentencing. Compared to earlier decades when sentences had been pronounced immediately after conviction, courts were now in the habit of affording defendants time to launch appeals and organize clemency petitions. The federal government also needed time to prepare and study capital case files in order to make a final determination of the fate of the condemned.<sup>58</sup> The sentence, if carried out, would be under the supervision of the county sheriff, but most likely handled by a professional hangman such as John Radclive. Landry announced that Higgins would be executed one week before Christmas. By the early 1900s the commutation rates of young convicted murderers were fairly high, but there were always exceptions, such as Robert Henderson, a seventeen-year-old British immigrant who was hanged in Peterborough, Ontario, in 1910 for the axe murder of an older woman.<sup>59</sup>

Wallace, Higgins, and McGahan concluded that most citizens were satisfied that the trial had been fair and that justice had been served. More than one journalist suggested that the defendant's demeanour in court and the credibility of his testimony had contributed to the jury's decision.<sup>60</sup> Closer to the execution date considerable misgivings began to appear, as people pondered the hanging of a boy close to Christmas, and a petition was circulated in the attempt to save Higgins from the gallows. In keeping with standard practice in Ottawa, a capital case file was opened with the Department of Justice. Justice Landry contributed a confidential report, and the departmental bureaucrat who reviewed the file could find no reason, in his recommendation to the minister of justice, to advise commuting the sentence to life in prison.<sup>61</sup> Landry wrote of a "deplorable state of affairs" in Saint John, with criminal activities being carried out by a group of fifteen to forty youths who were inspired by "infallible [sic] literature." For these boys, "squealing" to the authorities was the gravest offence and criminals were role models. He recommended the "terrible example of the gallows" to deter delinquency and to better protect the public.<sup>62</sup> In an interview published on 23 October 1902, Landry hinted at



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the argument in his confidential report by suggesting that the exercise of mercy might not be the best method for dealing with a crowd of lawless boys.<sup>63</sup>

Mullin filed an appeal to New Brunswick Supreme Court requesting that the verdict be set aside and a new trial ordered. He argued that the trial judge had erred in instructing the jury on the significance of the accused not making a statement to police when first in custody. The Supreme Court, which included Landry, dismissed the request for a new trial. One judge dissented, but another opined that Higgins's silence until his trial "raised a strong presumption of guilt."<sup>64</sup> Although in theory the defence could apply for leave to appeal to the Supreme Court of Canada, a surer route was to seek executive clemency from the federal Cabinet. There had been no hanging in Saint John since the 1880s, although executions had taken place elsewhere in the province, and in 1904 twenty-three-year-old George Gee would be hanged for murder in Woodstock. Higgins, in the condemned prisoners' cell, seemed unconcerned, and slept and ate well, made drawings, and whistled popular tunes.<sup>65</sup>

In early December Mullin travelled to Ottawa to deliver the petition to the minister of justice. The document contained five hundred names, all of them male, of both Catholic and Protestant citizens. One of the most important was the Roman Catholic bishop of Saint John, Timothy Casey.<sup>66</sup> Although there were tensions between Saint John's growing Irish Catholic minority and the Protestant majority, no ethnic or religious stereotypes or prejudice appeared in courtroom discourse or reporting on the case. The grounds for clemency included the young age of the prisoner, the petition, and the fact that one justice in the New Brunswick Supreme Court had favoured ordering a new trial. Mullin argued that the petition could have been larger if there had been sufficient time. He admitted that, despite his youthfulness, his client was "endowed with extraordinary self-possession."<sup>67</sup>

On 9 December Laurier's Cabinet commuted Higgins's death sentence. Reverend F.J. Murray of the Cathedral parish, his spiritual advisor, informed the prisoner in his cell. The *Star* reported that the news was met with "mixed feelings" in the community. The Catholic *Freeman* claimed that the result, mainly because of the approaching holy season, was popular among adherents to that faith.<sup>68</sup> A reporter broke the news to his mother, who remained convinced that Frank was innocent and that "him that squealed did it." The reporter suggested that because of his age, Frank may not have to serve his full life sentence, which gave her some hope. Once again, journalists were active participants in the story. Goodspeed's mother supported this outcome; hanging boys was wrong, in her opinion, and the exercise of mercy might inspire Higgins to confess and repent. An angry Joseph Doherty, who supposedly had vowed vengeance for his son's death, left town to work in the woods for winter. In late December, Higgins was transferred to Dorchester Penitentiary.<sup>69</sup>

Fred Goodspeed, despite being the key witness for the Crown in the Higgins trial, was remanded and placed on trial early in

1903 for being an accessory to murder "after the fact." Through his mother, he had expressed his determination to "be good" if given a second chance. By 13 January the jury was unable to reach a verdict. Goodspeed subsequently pleaded guilty to burglary and, avoiding a second trial, was sentenced to thirty-nine months in the Boys Industrial Home. The sentence was controversial with the managers of the facility and part of the public, who felt that he was too violent and not a good candidate for reform. There was also a lingering belief that the youth had played a greater role in the Doherty murder than he had admitted. The Crown attorney supported the sentence in the name of rehabilitation. In early February the New Brunswick Supreme Court ordered the mayor of Saint John to admit Goodspeed to the reformatory. These legal proceedings produced more evidence and discussion of juvenile delinquency and gangs.<sup>70</sup>

Initially Goodspeed appeared to do well in the reformatory, but after an escape attempt, he was isolated from the rest of the boys. In August 1903, as guard Charles Maher was doing rounds, Goodspeed assaulted him with an iron bar. The youth was indicted for assault with attempt to murder. The trial, which began on 18 September, was not lengthy and was not covered in much detail in the press. Upon conviction he was sentenced to Dorchester Penitentiary for two years, in addition to the remaining term of his burglary sentence.<sup>71</sup> This outcome made part of the public wonder if the jury in the Doherty trial had convicted the right person. Goodspeed joined his companion in Dorchester, where he served his full time but then died in the United States soon after his release.

Despite his family's entreaties for his early release on ticket of leave, Frank Higgins was not a model prisoner. Between 1903 and 1914, he was punished for dozens of infractions of penitentiary discipline and was placed in the "dark cell" for hundreds of hours. At one point he and another convict were caught in the middle of an escape attempt, making it as far as the outer wall. Despite pleas from his mother, Higgins was never released and died in Dorchester in 1927, at the age of forty-one. In 1914 Landry had opposed his parole on the grounds that he was a danger to the public. He also wrote that in 1902 he had been convinced that both Higgins and Goodspeed were guilty of the murder.<sup>72</sup>

The murder of Willie Doherty and the trials of Frank Higgins and Fred Goodspeed touched off an intense discussion about delinquency in Saint John. Many commentators linked youthful delinquency to the larger issue of poverty. The Evangelical Alliance was one of several organizations to speak out on the boy problem, and not all of the discussion was unsympathetic to the condition of working-class youth, although the alliance thought more in terms of religious missions to the poor than secular solutions. Hard approaches to delinquency included prohibition, curfews, compulsory schooling, increased policing, tougher sentencing, and a ban on the sale of cigarettes to children. Soft approaches included Sunday school, city missions, housing reform, clubs such as the Boys Brigade and Boy Scouts, and organized sports and recreation such as

supervised playgrounds. Public pronouncements on youth work often avoided direct class analysis, but many of these efforts targeted neighbourhoods inhabited by working-class tenement dwellers. In 1908 the Local Council of Women opened the city's first playground on Brussels Street in the east end; by 1912, three would be operating. In the same neighbourhood associated in 1902 with the Tan Yard gang, the East End Improvement League eventually operated a playground, a baseball league, and an outdoor skating rink.<sup>73</sup>

Not even the killing of a police officer by an east end youth could spur Saint John into introducing a juvenile court and youth probations services. In 1914 special police officer Frank O'Leary convinced a youth involved in burglaries to take him to the stolen goods. When John Braman, sixteen, reached his residence on St. Patrick Street, he acquired a revolver and shot the patrolman. O'Leary managed to drag the teen to the street, but collapsed. He died several days later, and Braman, described by one reporter as a "youthful gangster," was tried for murder.<sup>74</sup> Once again, community leaders and the press fretted over what to do about the boy problem, which, as in 1902, manifested itself through burglaries. One new gang, identified with the south end, actually included a younger brother of Fred Goodspeed. The pathological influence raised in this case by the defence lawyer was lurid and violent motion pictures that "contaminate the young mind."<sup>75</sup> A jury convicted Braman of manslaughter, possibly because the victim had died of peritonitis, and he was sentenced to twenty years in penitentiary. Several years later, a visiting "boys work" expert estimated that five thousand boys in the city were beyond the care and influence of the YMCA, the Boy Scouts, and the cadet movement.<sup>76</sup>

Despite episodic controversies such as the Braman case, worries over the operation of the Boys Industrial Home in the late 1920s,<sup>77</sup> and the concerns of child welfare activists such as the Children's Aid Society, the 1908 Juvenile Delinquents Act was never proclaimed for the city. The 1929 version of the law would not be given force until 1944, in reaction to the Second World War juvenile delinquency scare. Juvenile crime and delinquency in Saint John constituted not a social crisis, but a persistent urban social problem in need of management. This is in contrast with Halifax, where Michael Boudreau has found that delinquency was more of a pressing social issue in 1918–35.<sup>78</sup>

During the Second World War, experts blamed working mothers, disrupted families, and psychological stress for an apparent upsurge in delinquency.<sup>79</sup> The major push for a juvenile court in Saint John came from the Family Service Association, which had wide support from community groups. Echoing the philosophy of earlier progressive child savers, the official aim of the court was to assist rather than to punish the delinquent child. Female and male probation officers were attached to the court; the judge had no legal training but was an Anglican rector with a background in social work. In 1944 and 1945 the juvenile court handled 250 and 297 children respectively. The typical formal sanction was probation, generally reserved for cases of theft. A large minority of cases involved truancy.<sup>80</sup> Social agencies

and service clubs welcomed the new court, but in 1945 Chief Horace McLeese warned that a more proactive approach was needed to reach "the core problem." The entire community needed to combat "undesirable elements" from which delinquency germinated. These included alcohol and "undesirable motion pictures, crime magazines and crime radio stories."<sup>81</sup>

Four decades after the murder of Willie Doherty, the official discourse was that most delinquents were working-class boys who lived in urban tenement districts. The adolescent stage of their life cycle meant that they spent more time with their peer group than under the supervision of parents and employers, although compulsory education increasingly curbed their freedom. They were not "born bad," but were the products of modern society and avidly followed popular culture trends. Advocates of "boys work" recognized there was also a spatial dimension to their delinquency, which flourished on the "street corners" and in the "dark places" of the industrial city.<sup>82</sup>

This case study of Saint John suggests three broader lines of inquiry. First, historians of crime and delinquency, and of both the objective realities and the subjective portrayal of childhood and adolescence, should be aware of the distinct culture, social structure, and geographies of the communities being examined. Second, we need more work on male delinquency, which in quantitative terms far surpassed the "girl problem." Finally, source and methodological challenges aside, it is important to understand the "boys world" on its own terms, not simply through the filter of journalists, police, judges, and social reformers.

#### Notes

- 1 The case is described briefly in Gerald Wallace, William Higgins, and Peter McGahan, *The Saint John Police Story*, vol. 1, *The Clark Years, 1890–1915* (Fredericton: New Ireland, 1991). The newspapers consulted were Saint John's major newspapers of the era, as well as the *Toronto Globe*, which relied on a local correspondent.
- 2 For important work on the "girl problem," see Carolyn Strange, *Toronto's Girl Problem: The Perils and Pleasures of the City, 1890–1930* (Toronto: University of Toronto Press, 1995); Joan Sangster, *Regulating Girls and Women: Sexuality, Family, and the Law in Ontario, 1920–1960: Sexuality, the Family and the Law, Ontario, 1920–1960* (Toronto: University of Toronto Press, 2001); Sangster, *Girl Trouble: Female Delinquency in English Canada* (Toronto: Between the Lines, 2002); Tamara Myers, *Caught: Montreal's Modern Girls and the Law, 1869–1945* (Toronto: University of Toronto Press, 2006). For delinquency in general, see Brian Hogeveen, "Impossible Cases Can Be Cured When All the Factors Are Known": Gender, Psychiatry and Toronto's Juvenile Court, 1912–1930," *Canadian Bulletin of Medical History* 20, no. 1 (2003): 43–73; Hogeveen, "The Evils with Which We Are Called to Grapple: Elite Reformers, Eugenicians, Environmental Psychologists, and the Construction of Toronto's Working-Class Boy Problem, 1860–1930," *Labour / Le Travail* 55 (Spring 2005): 37–68; Michael Boudreau, "Delinquents Often Become Criminals": Juvenile Delinquency in Halifax, 1918–1935," *Acadiensis* 39, no. 1 (Winter/Spring 2010): 108–32.
- 3 Hogeveen, "Evils with Which We Are Called to Grapple"; Boudreau, "Delinquents Often Become Criminals"; Julia Grant, *The Boy Problem: Educating Boys in Urban America, 1870–1970* (Baltimore, MD: Johns Hopkins University Press, 2014).

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- 5 Robert Park, "Preface," in *The Gang: A Study of 1,313 Gangs in Chicago*, ed. Frederic Thrasher (Chicago: University of Chicago Press, 1927), xi.
- 6 *Saint John Star*, "Boys Missions," 3 November 1904, 4; C.M. Wallace, "Saint John, New Brunswick (1800–1900)," *Urban History Review* 1 (1975): 15, <https://doi.org/10.7202/1020578ar>; James M. Whalen, "Social Welfare in New Brunswick, 1784–1900," *Acadiensis* 2, no. 1 (Autumn 1972): 54–64.
- 7 *St. John Globe*, "The Boy Problem," 2 May 1922, 4.
- 8 Eric Monkkonen, *Murder in New York City* (Los Angeles: University of California Press, 2001), 99.
- 9 Judith Flanders, *The Invention of Murder: How the Victorians Revelled in Death and Detection and Created Modern Crime* (n.p.: Harper Collins, 2011), 27.
- 10 *Saint John Daily Telegraph*, "Now for the Murder," 7 May 1902, 8; *Saint John Daily Sun*, "Juvenile Depravity," 30 August 1902, 2.
- 11 Greg Marquis, "Uneven Renaissance: Urban Development in Saint John, 1955–1976," *Journal of New Brunswick Studies* 1 (2010): 99–112.
- 12 Canada, 1901 manuscript census, St. John City, Prince ward.
- 13 Canada, *Fourth Census of Canada 1901*, vol. 1, *Population* (Ottawa: S.E. Dawson, 1902), table VII.
- 14 Wallace, "Saint John," 14.
- 15 Frank Higgins, R. v. Frank Higgins, transcript vol. 1, 147–8, Capital Case Files, RG 13, vols. 1516–17, Library and Archives Canada (LAC).
- 16 Canada, 1901 manuscript census, St. John City, Prince ward.
- 17 Canada, 1901 manuscript census, St. John City, Queen's ward.
- 18 Monkkonen, *Murder in New York City*, 39, 28.
- 19 R. Blake Brown, *Arming and Disarming: A History of Gun Control in Canada* (Toronto: Osgoode Society/University of Toronto Press, 2012), 112–13.
- 20 Brown, *Arming and Disarming*, 119–21.
- 21 Monkkonen, *Murder in New York City*, 116.
- 22 Cynthia Comacchio, *The Dominion of Youth: Adolescence and the Making of Modern Canada, 1920–1950* (Waterloo, ON: Wilfrid Laurier University Press, 2006).
- 23 R. v. Frank Higgins, transcript vol. 1, 14, 115–22; transcript vol. 2, 369–71.
- 24 Christopher A. Casey, "Common Misperceptions: The Press and Victorian Views of Crime," *Journal of Interdisciplinary History* 41, no. 3 (Winter 2011): 367–91.
- 25 Michael Boudreau, *City of Order: Crime and Society in Halifax, 1918–35* (Montreal and Kingston: McGill-Queen's University Press, 2012), chap. 3.
- 26 Mitchell Stephens, *A History of the News: From the Drum to the Satellite* (New York: Viking, 1988), 201, 204.
- 27 Guy Reel, *The National Police Gazette and the Making of the Modern American Man, 1879–1906* (New York: Palgrave MacMillan, 2006), chap. 3; Flanders, *Invention of Murder*.
- 28 R. v. Higgins, transcript vol. 1, 30–1, 35–6, 48–53.
- 29 *Saint John Star*, "The Boys," 20 September 1902, 3. In 1901, 50 per cent of boys from ten to twenty in Saint John city and county were school pupils: Canada, *Fourth Census of Canada*, vol. 4, *Vital Statistics* (Ottawa: S.E. Dawson, 1902), table X.
- 30 Howard P. Chudacoff, *The Age of the Bachelor: Creating an American Subculture* (Princeton, NJ: Princeton University Press, 1999).
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- 32 Cited in *Saint John Star*, "A Press Comment on the Murder of Willie Doherty and Its Lessons," 15 August 1902, 1.
- 33 R. v. Frank Higgins, transcript vol. 1, 261; transcript vol. 2, 383, 400. For hypnotism and crime, see Alan Gauld, *A Brief History of Hypnotism* (New York: Cambridge University Press, 1995), 494–503.
- 34 R. v. Higgins, transcript vol. 1, 140–50.
- 35 *Saint John Star*, "The Murder Case," 12 August 1902, 1–2; *Saint John Daily Telegraph*, "Goodspeed Swears Higgins Killed Doherty," 12 August 1902, 1.
- 36 R. v. Higgins, transcript vol. 2, 343.
- 37 *Saint John Daily Telegraph*, "Doherty Was Shot in the Back Four Times," 6 August 1902, 1–2.
- 38 *Saint John Daily Telegraph*, "Doherty, Friday Afternoon in Graveyard with Two Companions," 8 August 1902, 1; *Saint John Daily Telegraph*, "Revolver Is Found," 15 August 1902, 1.
- 39 *Toronto Globe*, "The Doherty Murder: Frank Higgins Sent for Trial at St. John," 21 August 1902, 8. See also *Saint John Daily Sun*, "Verdict of Guilty," 25 September 1902, 1.
- 40 Wolcott, *Cops and Kids*, 29.
- 41 *Saint John Daily Sun*, "The Crown's Case," 18 September 1902, 1; *Saint John Globe*, "Higgins's Examination," 12 August 1902.
- 42 Della Margaret Stanley, *A Man for Two Peoples: Pierre-Amand Landry* (Fredericton: Acadiensis, 1998). The riots took place in the small Acadian community of Caraquet as part of unrest over provincial public education legislation. One Acadian and one anglophone special constable were killed and several Caraquet men were charged with murder. All were eventually freed.
- 43 R. v. Frank Higgins, transcript vol. 1, 10–11.
- 44 Joseph H. Kett, "Reflections on the History of Adolescence in America," *History of the Family* 8 (2003): 359.
- 45 Monkkonen, *Murder in New York City*, 1.
- 46 R. v. Frank Higgins, transcript vol. 1, 156.
- 47 R. v. Frank Higgins, transcript vol. 1, 185–6.
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- 50 R. v. Frank Higgins, transcript vol. 1, 260–3.
- 51 R. v. Frank Higgins, transcript vol. 1, 265–97; transcript vol. 2, 348–9, 367–8.
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- 55 R. v. Frank Higgins, transcript vol. 2, 617.
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- 58 Ken Leyton-Brown, *The Practice of Execution in Canada* (Vancouver: UBC Press, 2010), chap. 3.
- 59 Robert Henderson, Capital Case Files, RG 13, vol. 1457, LAC.
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- 61 R. v. Higgins, A. Power to Minister of Justice, Rex vs. Frank Higgins, 3 December 1902.

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- 62 R. v. Higgins, P.A. Landry to Charles Fitzpatrick, 21 October 1902.
- 63 *Saint John Star*, "Interview with Judge Landry," 23 October 1902, 4.
- 64 *Toronto Globe*, "Higgins Murder Trial: Appeal May Be Carried to the Supreme Court," 17 November 1902, 10.
- 65 *Saint John Star*, "Higgins Appeal," 7 October 1902, 4; Wallace, Higgins, and McGahan, *Saint John Police Story*, 1:55.
- 66 R. v. Higgins, Petition of the undersigned citizens of the City of St. John, N.B., 1 December 1902.
- 67 *Toronto Globe*, "Lord Minto's Successor," 8 December 1902, 8.
- 68 *Saint John Freeman*, "Higgins Case Finale," 20 December 1902, 1.
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- 70 *Saint John Globe*, "Goodspeed on Trial," 19 September 1903, 1; Wallace, Higgins, and McGahan, *Saint John Police Story*, 1:57–8.
- 71 *Saint John Daily Telegraph*, "Two More Years for Goodspeed," 30 September 1903, 2.
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- 74 *Daily Telegraph*, "O'Leary Cannot Live Is Report," 12 July 1914, 1.
- 75 By the 1920s, motion pictures had replaced the dime novel as a target of adult concerns about possible influences on juvenile and adult delinquency: Thrasher, *The Gang*, 106–7.
- 76 *Daily Telegraph*, "Strong Pleas for Greater Effort for Work with Boys," 28 September 1920, 2.
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- 78 Boudreau, "Delinquents Often Become Criminals."
- 79 J.B. Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (Toronto: Oxford University Press, 1986), chap. 3.
- 80 Gerald F. Wallace, William Higgins and Peter McGahan, *The Saint John Police Story*, vol. 4, *The McLeese Years, 1941–47* (Fredericton: New Ireland, 1994), 90–1.
- 81 Wallace, Higgins, and McGahan, *Saint John Police Story*, 4:92.
- 82 *Saint John Daily Telegraph*, "For Public Playgrounds," 19 August 1902, 5.

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