

ed, the crux was as corroboration necessary that this been made in every de-

tion made to blacken McIntosh in connection with the case, but as far as this black had stuck to the girl. As the character of the girl was not in question, the weight of evidence and Mr. Taylor's that there was sufficient corroborative evidence to convict Dr. Garceshe. After some argument Judge Lampman adjourned the case until this morning, Carter going to jail in the meantime and Dr. Garceshe going free to appear in court to-day.

Two years and six months was the sentence meted out to Dr. Richard H. Carter for performing a criminal operation on a woman which he was yesterday found guilty. In stating this, Judge Lampman told Dr. Carter that he believed he had merely been the tool of someone else in this matter, but the evidence had shown that he was not, while the other party went free. The sentence appeared to break Carter up completely. While he was plainly affected when the judge gave the verdict against him yesterday, he did not appear to realize his position until the sentence was pronounced this morning. Before pronouncing sentence, his honor heard an application from Dr. Carter to have the weight of evidence was against the verdict. This application Judge Lampman refused. One of the features of the morning was a statement made by Mr. Higgins regarding the strictures passed upon him yesterday for his conduct of the case for the defence. This Mr. Taylor, for the crown and Judge Lampman accepted as satisfactory.

When the court opened Mr. Higgins rose and asked for permission to make a statement regarding the strictures passed upon him yesterday for having gone to see the young woman in the case, and also for his dealings with Curtis. First he wanted to explain how he got into this case. R. T. Elliott, K. C., had telephoned him that Dr. Garceshe had been arrested and asked him to go to the police station to arrange bail for him. Mr. Elliott had said that what he knew of the case Garceshe had given him was that he had been arrested for the seduction and loss of service. He had told Mr. Elliott that if the girl was pure he would have nothing to do with the case, but Mr. Elliott had asked him to go ahead and get Dr. Carter out. In the police court next day Mr. Moore, who was prosecuting, pressed to have the case go ahead, and the magistrate appeared to agree with him. He was forced to act and as it was he was pitched into the case. He went to City Solicitor Mann to ask him about the matter, as he was solicitor for Mrs. McIntosh, to ask him about the girl's character, and also had discussed the payment of this \$750, suggesting that if the charge of seduction was correct, Mann, Mrs. McIntosh and her daughter were all liable to arrest for compounding a felony. He had asked Mr. Mann particularly about the girl's character and had been assured by him that it had been good until she met Dr. Garceshe. Mr. Mann had said that ten minutes' talk with the girl would assure him of this, and he suggested to Mr. Mann that he should bring the girl and her mother to his office, where they could talk the matter over. Mr. Mann had refused to do this, but had told him that if he wanted to see the girl he had better go to her home for the purpose. He had asked the girl for her mother, who she called and had a warning that she had been there. The girl had told him she was innocent before she met Dr. Garceshe. At this time he had asked to do with Dr. Carter's case, although he later came into it as the two men were jointly charged and it would be impossible to handle the case separately. He told her he did not want to hear anything about the case, but she had nevertheless told him that Dr. Carter had performed an operation on her, describing the instrument. He told her he did not see how she could identify them, but she had said she could. She said she did not desire to see Carter prosecuted, but that she did want to see Garceshe punished for his attempts to bring her character into disrepute. He told her the story of the trouble was in the evening paper and she expressed herself as being very anxious that the girl should not come to harm. He told her that if she told the truth and did not exaggerate the case would go no further than the police court, but if she did not tell the truth and did exaggerate the case would go to the higher court and all the facts would come out. After leaving the girl he believed her character was in the police court and she was forced to act. The next day he called Mr. Moore, the prosecutor, to his office and told him on this visit to the girl. At the same time he told Mr. Elliott he would have to get some one else to take the case, as he believed the girl's story of her character. After this a man who had been called by Dr. Garceshe and Carter to his office and heard Dr. Garceshe's story, which seemed to be the truth, he had been told about the case. It was then, and not until then, that he had been retained by Dr. Garceshe.

As to Curtis, a man, James Frank, had met him on the street and had money in connection with the case. He had gone to the Poodle Dog and had called in the proprietors and asked them what about this case that Curtis was going to give. He then asked to see Curtis, and had called him in. When Curtis came he had asked him what this meant. Gordon had said that Curtis told different stories to the Poodle Dog and that was the girl he had seen and the next that was Carter. He had questioned Curtis as to which was correct and Curtis had refused to answer. He asked Curtis why he was moving in the matter, and Curtis said he wanted help. He knew that if Curtis went to the Poodle Dog for money, they would have no evidence but their word against Curtis' word, and so had

him on to get evidence of an attempt to blackmail. Curtis had demanded money to go to Seattle to see the fleet, saying that Garceshe and McIntosh had lots of money, while he had none, and he wanted some. He had then sent for Dr. Carter and had confronted him with him. After that he told Curtis that he had him in a trap and that if he gave evidence he would prosecute him for perjury and that if he did not he would take action against him for extortion and blackmail. The next day he had actually prepared an information charging Curtis with extortion, but had been advised by Mr. Elliott that he could not make the charge stick. His only remedy was to take an action under the common law, and his honor knew how difficult it was to get a conviction in that way.

When he saw the girl he was not retained in the case and would have taken it up if he thought she was a pure girl before she met Dr. Garceshe. His object in talking to Curtis was to get evidence of an attempt to blackmail. He had practiced law here for some years and he did not think anyone would accuse him of doing anything that was not right. In this case he had tried to do anything wrong. He had tried to act in a legitimate way and at the same time look after the interests of his clients.

Mr. Taylor in reply said that in view of the explanation made by Mr. Higgins his motives were not so black as they had been painted yesterday. Whatever the motives in a case of this kind the method might vary. All with the best of intent were inclined to err on the side of the accused. The circumstance that in carrying out his method in this instance in the interests of his client Mr. Higgins had left so much to be explained and which had been the subject of adverse comment by himself and his honor yesterday. In view of the explanation he would have to withdraw his remarks of yesterday. He regretted exceedingly for the sake of Mr. Higgins and for the sake of the profession that he should have seen it to resort to methods which were open to question.

Judge Lampman remarked that he was glad to hear Mr. Higgins' explanation and he accepted it. What had occurred exemplified the impropriety of counsel going to see witnesses on the opposite side especially as there was no previous notice of the facts of such an interview out in evidence as counsel was precluded from going into the witness box to give evidence. All that he could do to place the matter before the court was in the character of the questions he asked in cross-examination. These questions could not, however, be taken as evidence and a judge was forced to go on evidence in any case. Whatever remarks he had made yesterday were based on the evidence as it was before him.

Following this Mr. Higgins asked for leave to appeal against the verdict on the ground that it was against the weight of evidence. He could find no section providing for the admission of the prisoner to bail but he knew that it was nevertheless customary in the cases of abortion, where the prisoner was allowed out on suspended sentence and this would apply in this case.

Judge Lampman asked what were the grounds upon which Mr. Higgins intended to take his appeal. The authorities quoted by Mr. Higgins referred more particularly to instances in which a jury had brought in a verdict which the judge did not agree. In this case he was both judge and jury and he could not see how it would apply. Mr. Higgins in reply said that where his Honor might find a verdict on the evidence, the judge might not. His Honor replied that he did not think that it could be held in this case that there had not been corroboration. For example, in the case of the girl, the evidence of the Poodle Dog was clear. Mr. Taylor quoted authorities to show that it was only where there was no evidence or where in case of a conflict of opinion the evidence was indubitably in favor of the accused, where the judges could give leave to appeal against a verdict on the ground that it was against the weight of evidence. He did not see how his Honor, after giving a verdict on the evidence could then turn around and grant a right to appeal on the ground that the evidence where there was conflict was indubitably in favor of the accused. The court above had laid down the principle that it would not interfere in a case of the kind, except where there had been failure to weigh the evidence.

Mr. Higgins said the point in his appeal was that the girl was a perjurer and that the benefit of the doubt arising should be given to the prisoner. Judge Lampman—If there was any room for doubt in this case the accused got the benefit of it. Dr. Garceshe had got it. He had no doubt regarding Carter's guilt.

In reply to the judge Mr. Higgins said that if his Honor did not give him the right to appeal he had no remedy. Mr. Taylor replied that if his Honor refused the leave it gave Mr. Higgins his opportunity to go to the higher court. Without that refusal he could not very well get an appeal. He suggested that Mr. Higgins formulate a series of grounds on which he asked leave to appeal and if his Honor then refused him leave, he would have something to go to the higher court.

Judge Lampman said he was of the same opinion regarding the granting of a reserve case as regarding leave to appeal. Mr. Higgins had shown no ground for granting his application. He did not want to shut Mr. Higgins out from the right to appeal, but at the same time he did not see how he could grant the application so that all he had to do now was to pass sentence.

"Stand up, Carter," said the judge. Carter stood up and the judge addressed him, asking if he had anything to say by way of sentence should not be passed upon him.

Carter, in reply, denied the charge in toto. He had, he said, always been careful in his practice and had never intended that he ever should be. When the girl had come to him he had told her to go home to her mother and if she told him there would have been some of this trouble. He certainly was not guilty of the charge, and did not tell Mrs. McIntosh what she said he had done. He had performed no abortion and he never intended to do so. He had not made the statement credited to him by Detective Clavards about

having told the girl she would have a miscarriage. Judge Lampman, in passing sentence, said that after considering all the evidence he had come to the conclusion that he was guilty. He would have preferred that the case should have gone to a jury and they should have said the responsibility of passing on the matter. The case was, however, come before him and he had decided that he was guilty and the duty now devolved upon him to pass sentence. The crime was a serious one, as shown by the fact that the extreme punishment was imprisonment for life. He could not help thinking that he had been unlucky in this case. He was not the man who started this trouble. He had been the tool of someone else who had escaped punishment, while the evidence had fastened the crime on him, he would sentence him to two years and six months in the penitentiary.

On hearing the sentence Dr. Carter almost collapsed, and as the court of the sheriff, he sat with buried head, a broken man.

Who is agent for steamship transit? Prospective Passengers and Local Shipping Men are Seeking Enlightenment.

Who is the agent for the steamship Transit, advertised to sail from this port for Nome on Monday under charter to Schubach and Hamilton of Seattle?

The above question is one that has been freely asked by many shipping men and prospective passengers of the vessel during the last few days and it still remains unanswered. When the Transit was first taken over to Vancouver to make a trip to Nome, this port at cut rates for steamer accommodation, a report was circulated to the effect that she would sail from the Terminal city. Later this report was denied and advertisements were circulated in the Seattle papers by Schubach and Hamilton announcing that the Transit would leave Victoria on Monday next for Nome.

A number of local steamship agents have been approached during the week by men holding tickets to sail by the Transit which were to be presented to the "Victoria agent." In addition to these inquiries some of the local companies have received freight for the steamship and are in something of a perplexity.

The question is a perplexing one, and a satisfactory answer will undoubtedly be received with pleasure by those who are seeking for enlightenment.

CAPT. DANIELS HERE ARRANGING SETTLEMENT

Master of Schooner Has Claim for Salvage of Otter.

Capt. Daniels, master of the Port Townsend fishing schooner Alice, owned by E. A. Sims, arrived in the city yesterday to represent the owners of the schooner in his claim against the C. P. R. and underwriters for services rendered to the steamship Otter when she broke down off Aboussat recently.

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Immediately upon reaching port on Tuesday night Capt. Worsnop came aboard and severely censured me for making this call, and for being so late. He said that he was not at all concerned in which Capt. Worsnop is interested in negotiating for this business and that his criticism and rebuke were called forth by the upsetting of the balance of the ship through other parties securing the trade.

"Capt. Worsnop accompanied the Lonsdale to Nanaimo from this port and, when the vessel had pulled out from the wharf, he handed me the letter which he referred to in the interview given in the Times last evening. This letter contained a notification from Capt. Worsnop to the effect that he was willing to give up the Lonsdale to the collector to declare and informed him that I had obtained a large shipment of cigars cheaply at Guaymas a few hours before we left. These cigars were brought back from Magdalena Bay by a man who had endeavored to dispose of them to the Americans, but having them on his hands, he wished to dispose of them at the best price offered. I had no time to secure an invoice but had one posted to me which I received at Victoria and gave to the customs collector at Nanaimo. I might mention here that when the cigars were brought aboard at Guaymas a director of the Canadian-Mexican and the Mexico City agent came off to the steamship in the rowboat which carried the cigars and were quite aware of my action. The cigars were also left on deck several days and no attempt was made to conceal their presence on the ship.

"At Nanaimo I informed the collector of the facts and he offered to get a buyer for the shipment who would take the cigars off to the mainland and put them in bond. The collector went out to secure the man he mentioned and shortly returned, saying that the man was not a man to do so. He then said that he would send a man down to the Lonsdale to put the cigars under lock and key.

"Following this, Capt. Worsnop had an interview with the collector while I was absent from the ship, and when

I returned I found a customs officer, Capt. Worsnop and a policeman aboard. The former demanded me to show him the letter, referring to the smuggling incident which I had received from Capt. Worsnop which was not given to him. He then seized the cigars and told me he would hold the ship until he obtained four hundred dollars as a fine.

"I feel convinced that Capt. Worsnop prejudiced the customs officials against me with the object of getting the Lonsdale out of my hands, and that he could fill my place with a captain who would work hand in hand with Capt. Worsnop in furthering his business interests. In tendering my resignation for the second time to my owners I have been actuated by the same reasons as previously, the antagonism which Capt. Worsnop has always displayed toward me since my first acquaintance with him. Until my resignation is accepted by my owners I will retain command of the Lonsdale.

"While I have no desire to obtain publicity over the present friction between Capt. Worsnop and myself I feel called upon to make the above statements explaining a matter over which there has been much rumor and speculation of an incorrect and unjust nature."

Capt. Shadforth further says that no smuggling of opium, has taken place ever permitted by him. A proposition to have opium smuggled into Mexico was made to him by Porter Worsnop, brother of the manager, but Captain Shadforth says he promptly refused to have anything to do with it or to allow it. If any member of the crew did become parties to a smuggling scheme it was against him (Capt. Shadforth) and without his knowledge. On the same voyage on which he refused the proposition to allow opium smuggling, Capt. Shadforth says sailors were given instructions and without his knowledge. On the same voyage on which he refused the proposition to allow opium smuggling, Capt. Shadforth says sailors were given instructions and without his knowledge.

Upon my arrival with the steamship, preparatory to commencing service with her under the company's charter, Capt. Worsnop interviewed me and cautioned me against smuggling. With Capt. Henderson, with whom he had had some friction leading to Capt. Henderson tendering his resignation. Because I refused to recognize such an arbitrary and totally unwarrantable demand, Capt. Worsnop became incensed and antagonized me, hinting, on several occasions, that he would secure my dismissal from the Lonsdale if I did not fall in with his demands. Regarding the company I was to keep.

"Realizing that I would have continued annoyances so long as Capt. Worsnop retained his position as manager of the line, I obtained another position, that of master of a vessel on the Mexican coast and forwarded my resignation to my owners. I received a reply from them in which they stated that they could not understand my motive for desiring to leave the line and requesting me to continue as master of the Lonsdale and to forward a full explanation of the circumstances leading to my resignation. In reply to this explanation I received a letter from my owners expressing appreciation of my action, and requesting me to withdraw my resignation. I have since been in position, that of master of a vessel on the Mexican coast and forwarded my resignation to my owners. 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