CONTINUATION OF EVIDENCE

DR. CARTER MAKES STATEMENT IN CASE

Witnesses Examined Yesterday Afternoon in Judge Lampman's Court.

Sensational in the extreme was yesterday afternoon's session of the Carter-Garesche trial before Judge Lampman. If the case was an unusual one when in the police court, it was rendered more so by the production in court yesterday for the defence, of a woman of the underworld in this city and of a man from Vancouver, who, according to Miss McIntosh's evidence, was closely identified with houses of prostitution in Vancouver. The most of the afternoon was taken up by Frank Higgins in cross-examining Miss McIntosh, and it was in the course of this examination that Mr. Higgins presented the people in question to Miss McIntosh to see if she recognized them. Following this Miss McIntosh told of the circumstances under which she had met these people in Vancouver while living there, and in doing so told a story, of a nature such as perhaps has never before been told before in a court in this city. Once during the afternoon Miss McIntosh was overcome by her emotions and the court had to adjourn for a time until she was sufficiently composed to go on. Altogether Miss McIntosh was about six hours on the witness stand yesterday, and had not, at the end of that time, yet concluded her evidence.

When the court resumed in the afternoon Mr. Taylor proceeded with his examination.

Mr. Taylor spoke to Mr. Higgins and announced that, with the latter's consent, he intended to introduce the details of a conversation between Mr. Higgins and Miss McIntosh.

Mr. Higgins, addressing the court, said he had gone to see Miss McIntosh on the advice of City Solicitor Mann. He had told her that this conversation was purely confidential. His reason for going to see the girl was that he could not get satisfactory information from his clients, and he wanted to get at the facts. He had intended to bring the matter up anyhow.

Mr. Taylor agreed to forego his examination on this matter if Mr. Higgins would agree to do so. This Mr. Higgins did.

This concluded the direct examination, and Mr. Higgins started his cross-examination. He directed question after question to the witness in regard to apparent discrepancies between her evidence given during the forenoon and at the police court inquiry. He asked her why her evidence in this case was different from that in the police court, and the reply was, "There are lots of things I did not think of at the time of the police court trial."

"You have talked the matter over with your mother, haven't you?" asked Mr. Higgins.

"Yes," came the reply.

In reply to a series of questions the witness remained unshaken in her statement that she went to see Dr. Carter on account of Dr. Garesche's importuning of her to see some doctor.

Mr. Higgins then questioned the witness regarding her acquaintances while she lived in Vancouver in 1906. He asked her if she had lived there with Dr. Quirk and if she knew C. S. Askew, a man named Heinricks, Jack Ferguson or Ruth Owens, or a Mr. Donovan. The witness asknowledged knowing the Owens woman and that she was in a Chatham street resort, but said she was a thoroughly nice woman at the time she first met her. She admitted having telephoned the Owens woman at the resort in question the night previous. She denied knowing the men mentioned.

Mr. Higgins then sent out for the Owens woman and a man from Vancouver to refresh the witness's memory' he said.

There was some delay in the arrival in court of the two, which led Mr. Taylor to ask if they were shy. The man came in first and smilingly presented himself at the bar of the court. At first Miss McIntosh did not recognize him, but Mr. Higgins drew attention to the fact that he had shaved his moustache off. Then the witness recognized him and recollected her friend Mr. Donovan of the Sullivan-Considine circuit. Mr. Higgins then announced that the man's name was Max Vanderville The witness admitted that Vanderville had given her a cross fox stole and she had written to him in Belgium regarding gloves. He had sent her a number of post cards from there, which she still had.

Ruth Owens, in a fresh bleach and a smile that was meant to be winning, next entered the court and the witness at once recognized her.

"Why did you telephone this woman last night?" was the next question to which there was no answer.

Mr. Higgins pressed the witness to tell what she said to the Owens woman over the telephone, but she refused to answer.

Judge Lampman joined his request to that of Mr. Higgins for an answer to these questions.

"Why did you telephone her?" queried his honor. There was no answer.

Referring to the evidence of the witness in the police court that she knew no fast women in the city, Mr. Higgins remarked: "Then you told what was untrue?"

"Yes, I did," was the reply.

The witness, who had been weeping bitterly for some time, now showed increasing signs of agitation, and broke in with a plaintive wail: "Oh, I wish you would bring in my mother," accompanying the appeal by the raising of her hands in supplication.

The appeal was not granted and Mr. Higgins continued with his cross-examination. "Now," said he, "tell the truth and stop all this falsifying. Remember, Doctors Garesche and Carter are liable to go to jail on your evidence."

"I don't want them to go to jail," was the reply.

"Your mother does, then?"

"No, only Dr. Garesche for his attempt to blacken by character to every one who came into his office."

"Is all he said true?"

"Yes."

"Now tell the truth for once in your life. Have it out once and be done with it and it will not hurt you again."

This question sent the witness into hysterics. After some minutes Judge Lampman adjourned the court for fifteen minutes to give Miss McIntosh time to compose herself.

When Miss McIntosh was sufficiently herself again, the cross-examination continued. Mr. Higgins proceeded to question her regarding a Dr. Quirk of Vancouver. She also knew Dr. Boyle of Vancouver.

"What other doctor do you also know in Vancouver?"

No answer.

"Come on, Miss McIntosh, tell the truth. If you know any other doctor say so."

"Dr. Longe."

She said that she had employed Dr. Longe professionally. She remembered having met a man named Donovan at Vanderville's. Then followed a lot of questions as what the witness was supposed to have told Vanderville, and Mr. Higgins cautioned her about telling the truth. To this the witness replied with the question: "When have I told a lie since I came in here?"

The reason that she had come home from Vancouver was that a woman had written her mother about her going to the theatre and other places with Dr. Quirk. She knew Carl Kellar, who had afterwards played the piano in a Chatham street resort, and also knew Ruth Owens.

The next matter Mr. Higgins took up was a visit of two men to the McIntosh home last Saturday, one of whom had formerly been a waiter at the Poodle Dog hotel, and the other of whom Mr. Higgins intimated during his cross-examination had been a detective employed by him. These men asked her to describe how she got into the Poodle Dog, and she told them and also how she had gone to the room, where she said she had met Dr. Carter. Curtis, the former waiter, had said from her description that it must be No. 5, but the other pointed out that that room had been occupied that day by Jack Hassard and Carl Kellar, and suggested she should say it was No. 46. She hadn't heard her mother say that if the witness hadn't talked she would have got $9,000 out of Dr. Garesche. She would have heard it if this had been said. She had seen Curtis again that afternoon. Her mother and she had had an appointment to go to the Poodle Dog at 4 o'clock Saturday afternoon to pick on a room to which she could swear as being the one in which she had been in, but she had advised her mother against going as she did not like the looks of the men, especially of Curtis' companion, whose name it transpired was Gordon. Gordon reeked of whiskey at the time. If Curtis had demanded $200 of Dr. Carter to keep quiet she did not know of it. She had telephoned Detective Palmer about the visit of the two men, and on his advice they had not gone to the Poodle Dog as arranged by her mother with the two men. One reason that her mother placed such reliance in the men knowing the house well was that it was Gordon's duty to make up the beds at the Poodle Dog.

The next matter Mr. Higgins took up was his visit to the McIntosh home the night of the arrest of Doctors Carter and Garesche. He asked her if he had told her he had no desire to "pump" her.

"No, that's not the word you used, although that is what it meant," replied the witness.

"It wouldn't have been true anyhow if she had said you tried to pump her, would it?" remarked Mr. Taylor.

In reply to questions, Miss McIntosh repeated most of the facts regarding this visit as she had told them in the police court. She said that Mr. Higgins had said something about her mother and City Solicitor Mann being liable to go to jail for having taken money from Dr. Garesche in connection with the case. Mr. Higgins pressed her to be exact on this matter, but she stayed with this statement, and Mr. Taylor broke in with the remark: "She has the right end of the legal stick."

She had told him and also the chief of police and the detective that the operation had been performed in a doctor's office.

"You told Mr. Aikman when he came into the case that it was in the Poodle Dog hotel?" asked Mr. Higgins.

"Yes," replied the witness.

Continuing, she said she had not paid Dr. Carter any money, nor had she asked Dr. Garesche for any money with which to do so. She didn't remember whether she had told Dr. Frank Hall on the occasion of his first visit what had been done. On the occasion of his second visit she had done so. Although she knew that her mother was trying to get a settlement from Dr. Garesche she had never heard any amount mentioned.

She had told Mr. Mann of her relations with Dr. Quirk before he commenced negotiations with Dr. Garesche for damages for seduction. The first she had known of the fact that her mother was not satisfied with the amount of money she had received from Dr. Garesche, $750, was when she read the report of her mother's evidence in the police court. She had talked the matter of the case over with her mother but they had not discussed the matter of damages, except generally. Her mother had said several times that she wished to see Dr. Garesche punished.

In re-examination by Mr. Taylor, Miss McIntosh said she had told Mr. Higgins all she had told the police. Mr. Higgins had told her that Garesche deserved a good horse-whipping and that he was stingy. Mr. Higgins had told her that if she did not give much evidence the case would end in the police court and the matter would not become public, but that if she gave enough evidence, Doctors Carter and Garesche would go to the higher court for trial and everything would come out. She had told him she did not want the case to go to the higher court.

She then, at Mr. Taylor's request, told the story of her life in Vancouver. She was then 15 years old. She had met a woman named Worme, against whom she had not a word to say. Through Miss Worme she had met the woman's brother, who had taken her to the show one night and had been introduced by him to a Mr. and Mrs. Jack Ferguson. After the show, against her inclination she had accompanied the party to supper and had got in a hack with them afterwards to be driven home, as she thought. Instead they had been driven to the restricted district and she had practically been forced to go with them into one of the houses. Following this the Ferguson woman had induced her to go to live at the Pender house where the Ferguson woman lives with her husband. It was while there that she met the Owens woman, who was a waitress in the hotel. While there Ferguson and his wife had tried to induce her to enter a life of shame, promising her all kinds of good clothes, money and jewelry, but she had refused. One evening she had gone to a drug store with Ruth Owens.

"That's the woman who put her face in here to-day in yellow clothes," interjected Mr. Taylor. Witness replied it was.

While they were in the drug store the Owens woman had gone into the back of the store and a man, a customer in the store, had asked the witness what one so young as she was should be doing with a woman of the Owens woman's character. This man had taken her away from the Pender house and she had afterwards secured employment in a respectable family.

In examining the witness regarding the man, Vanderville, who was in court, Mr. Taylor referring to him and his occupation, said: "Runner for a house of prostitution eh? He looks the part."

At this stage Mr. Higgins inquired: "What does all this mean?"

Mr. Taylor—That this girl was surrounded by a band of procurers and I want to see how they work.

Judge Lampman—Apparently they all wanted to help her.

She told of several meetings with Vanderville and the man now here, and of having called at his house where she met a man named Donovan. Vanderville had proposed that she go for a trip wiith him but she had refused. She afterwards learned that Vanderville was in the habit of taking young girls away with him and leading them to destruction. Nothing improper had occurred between her and Vanderville.

As it was now after 6 o'clock the court adjourned. Before this was done, however, Judge Lampman warned the witness not to speak to any one about the case before the morning, especially warning her against people who professed to be her friends of several of whom she had apparently already been the victim.

(From Friday's Daily.)

Yesterday saw the examination of several witnesses in the Carter-Garesche trial, including the cross-examination of Mrs. McIntosh by Mr. Higgins and the hearing of Doctors Ernest and Frank Hall, Chief Langley and J. P. Mann, city solicitor. Mrs. McIntosh was put through a rigorous cross-examination to show if possible that blackmail had figured in the case, and there were a number of clashes between her and Mr. Higgins. Throughout her evidence there was an unmistakable hostility to Dr. Garesche for having placed her and her daughter in the position which they at present occupied in the public eye. Dr. Ernest Hall merely gave evidence as to Dr. Carter having had the use of an office adjoining his, while Dr. Frank Hall gave medical testimony in connection with the case. Chief Langley's evidence was to the effect that the McIntoshes had no part in the starting of the prosecution, while Mr. Mann told of the negotiations with Dr. Garesche regarding a settlement.

The prosecition has several more witnesses to be heard after which the defence will be heard.

When the court resumed in the afternoon Mr. Higgins again took up his cross-examination of Mrs. McIntosh. She couldn't say whether she had discussed the matter of getting money from Garesche with her daughter. She might have mentioned it to her. She had never asked money from Dr. Garesche. She had left the matter to Mr. Mann. Dr. Garesche had, however, offered her money. She had gone to Dr. Garesche's office to tell him to settle with Mr. Mann. Dr. Garesche had told her it was a case of blackmail and for her to go. By the word "settle," she had meant the payment of money.

Mr. Higgins took considerable time in an effort to make Mrs. McIntosh admit that she knew, when making a demand on Dr. Garesche for settlement that her daughter had acted improperly with a dentist in Vancouver. This Mrs. McIntosh refused to do. She had heard her daughter say to Mr. Mann that she had not been intimate with any man in Victoria except Dr. Garesche, but had been intimate with a man in Vancouver. She, however, had not given consideration to these facts.

"This is no laughing matter," said Mr. Higgins. "It's a serious thing to think of sending two innocent men to jail."

Mr. Taylor: "It's a serious thing to ruin her daughter and then attempt to blacken her character."

Mr. Higgins: "And it's a serious thing to commit perjury."

Mr. Taylor: "Yes, I should think it is."

Continuing, Mrs. McIntosh said she was not responsible for the starting of the prosecution, although she felt that such action would let the world know who was right and who was wrong in the matter. She desired to see Doctors Carter and Garesche punished for what they had done to her daughter, and had always done so. She had not gone to the police because she did not desire the disgrace that the publicity of a trial would entail. No amount of money would recompense her for the damage to her daughter's reputation and for what she had undergone. She had not demanded money from Dr. Carter because Dr. Garesche had been responsible for her daughter's downfall, and Dr. Carter had been brought into the case by Dr. Garesche.

Turing to the visit of two men to her home, Mr. Higgins undertook to cross-examine Mrs. McIntosh at length. In effect she said that Gordon and Curtis had come to her place on Saturday last and had talked with her daughter about the room used by Dr. Carter. Gordon had talked of his having a wife and advised her to be careful in the case now under consideration for the sake of her daughter. Gordon and Curtis had told her and her daughter to come down to the Poodle Dog and they would show her daughter a room that her daughter could swear to having been in.

"Didn't Curtis say you don't want to say you went into room No. 5? You had better try 46?" asked Mr. Higgins.

"No, it was the other man who said to try 46," was the reply. "He said Lawyer Higgins would say No. 5 was occupied."

In reply to further questions she said there had been some talk between her daughter and Curtis about there being a fire-place in the room. The man Gordon was drunk. Gordon had told her that Lawyer Higgins wanted him to say everything in his favor. She had refused to go with these men to the Poodle Dog or to let her daughter go. She had told them she would telephone Detective Palmer and that, if her daughter went to the Poodle Dog it would be with him. Curtis had not said anything about blackmailing Dr. Carter.

Mr. Taylor: "We will describe that $250 incident in due time."

Mr. Higgins: "Just what I want is Curtis in the box."

Mr. Taylor: "Don't fret, you'll have him."

At this stage Judge Lampman inquired what all this talk about these men was about, and Mr. Higgins explained that Gordon was a detective who had been hired by him. The man worked at the Poodle Dog hotel, but had a detective's certificate from the Webster Detective Agency at Indianapolis. He had heard that Curtis was going to see Mrs. McIntosh and had hired Gordon to go with him to watch what was doing. This man Curtis had been discharged from the Poodle Dog and was trying to get even.

"One of them was drunk, you said?" asked Mr. Higgins.

"Yes, Gordon was drunk," was the reply.

Mr. Higgins asked if anything had been said about paying money to the man in connection with the case, and Mrs. McIntosh replied that Gordon had said that he was afraid Mr. Higgins would have to pay and that he was to go around to see him after the case was over. Curtis had said he had seen Dr. Carter in the Poodle Dog hotel the day of the alleged operation. She had called Curtis back when he was going out and told him that if he gave the proper evidence he would not be forgotten. Curtis had later in the day come back alone.

Curtis had told her he intended to do what was right and she had told him that she was glad to know it. Curtis had told her that Mr. Smith, one of the proprietors of the Poodle Dog hotel, had come to him where he was working at the Strand cafe, and had asked him whether he intended to stay with the "house" in connection with the case. She asked Curtis to leave his name and address in order that she might tell Detective Palmer where to find him. She had sent the name and address to Mr. Palmer by Mr. Moore, the police court prosecutor. She had not met Curtis again from Saturday until she saw him in the court house. Her daughter had visited Mrs. Davies when she ran the Poodle Dog hotel.

Mr. Taylor postponed his re-examination of Mrs. McIntosh until after some other testimony had been called.

Dr. Ernest Hall then went into the witnesss box. He had allowed Dr. Carter the use of an outer room adjoining his office for the purpose of meeting male patients only. He had not allowed him to use his consulting room or any other portion of his office. Dr. Carter had the use of this outer room during October, November, December, January and February.

John M. Langley, chief of the Victoria police, followed. He had commenced this prosecution as a result of rumors that were flying around town of Doctors Carter and Garesche. He had requested Sergeant Detective Palmer to bring Mrs. and Miss McIntosh to him and he had questioned them. There was no request from Mrs. or Miss McIntosh that a prosecution be undertaken. They had appeared unwilling that this should be done.

Dr. Frank W. Hall testified to having treated Miss McIntosh for an abortion. He had at first refused to undertake her case until she told him who was responsible for the condition in which he found her. This she had done in the presence of her mother when he visited the house the second time. She had said that Dr. Garesche was implicated and told of Dr. Carter's connection with the case. Dr. Garesche had not paid him for treating the girl, although he had promised to do so.

In cross-examination he said that Mrs. McIntosh had told him that her daughter was not truthful. Providing a certain hypothetical case that Mr. Higgins put to him were founded on fact, the girl's illness might have been due to other causes than an abortion. He had seen no evidence that this was so, although there was one symptom that might bear out Mr. Higgins' supposition.

Judge Lampman directed some questions to Dr. Hall, who replied that an examination of the girl at the present time would enable him to speak with authority on the matter.

Mrs. McIntosh was then recalled for re-examination, but after a few questions was told she was through.

J. P. Mann, city solicitor, was next called by the prosecution. As soon as the witness had been sworn Mr. Taylor told Mr. Higgins to go on with his cross-examination as he did not propose to ask any questions.

In reply to Mr. Higgins' questions, Mr. Mann said that he had been consulted by Mrs. McIntosh in connection with the case. Wanting to learn the facts regarding the story he had sent for Dr. Carter, who had come to his office. He had been particular to warn Dr. Carter that anything he might say to him might be used in court against him. Dr. Carter had then denied what has been alleged by Miss McIntosh, although he said he had examined her. He had also seen Dr. Garesche and had also warned him that anything he might say might be used against him. Dr. Garesche, while admitting intimacy with Miss McIntosh had intimated that she had not been living a good live. He had told Dr. Garesche that it was all the more shame to him to keep the girl in his employ. He had approached Dr. Garesche about a settlement while the girl was in the hospital, and it was about three weeks afterwards when the girl had practically admitted to him by her silence in reply to questions put to her something of her past life before she first met Dr. Garesche.

He had figured out the amount that Dr. Garesche should pay by taking into consideration the fact that it would be well to place the girl in new surroundings, that she would be taught some new vocation and that her mother would be without her services for a certain time. He had told Dr. Garesche that if he did not settle on the basis suggested by him he would wipe his hands of the whole case. He had told Mrs. McIntosh that she had better see the police about the matter. Being doubtful about his position in the matter, being city solicitor, he had had a special meeting of the police commissioners, when he had laid the case before them. At that time he did not believe what was alleged, for he recognized the difficulty of establishing such a charge.

Shortly after Mr. Taylor started his re-examination of Mr. Mann, Mr. Higgins objected to a question as to whether any demand had been made upon him for a return of the money paid by Dr. Garesche, saying that Mr. Taylor had not the right to ask such a question as it had not been mentioned in cross-examination. Mr. Taylor explained that as he had not asked Mr. Mann any questions at the start, he had the right to do as he was doing. The cross-examination was all that he had to go on, and he could ask any questions he liked that touched on it. That was good logic, he thought.

Judge Lampman: "You are taking it for granted that the law is logical?"

The judge allowed the question and Mr. Mann replied that no demand had been made for a return of the money paid to him by Dr. Garesche in connection with the case.

To the judge, Mr. Mann said he had made an investigation of the charge of abortion and had come to the conclusion that there had been no abortion. When Mrs. McIntosh had first come to him she had mentioned no sum to be asked of Dr. Garesche. She had said that Dr. Garesche had told her he would settle but after the incident when he said there was $100 in a roll which he had given her, while in reality there was only $75, she would not trust him. The only leverage he had used on Dr. Garesche was that he had prepared and filed a writ of seduction, which if it came to trial would be as bad for him as a prosecution. From his experience he knew the difficulty of proving abortion charges. He had no instructions to collect civil damages from Dr. Carter. His duty was to get money from Dr. Garesche for seduction.

This concluded Mr. Mann's evidence and the court adjourned for the day.

The evidence of the crown in the Garesche-Carter was concluded just as court adjourned to-day, and this afternoon the defence will open. The feature of the morning was the evidence of Detective Clayards, who told of Dr. Carter's statements at the time of his arrest and of T. M. Curtis, formerly a waiter in the Poodle Dog hotel, who swore that he had seen Dr. Carter in the Poodle Dog about the time of the alleged operation. Mr. Higgins' cross-examination brought out the fact that this man had been approached by parties for the defence. He had been called into the Poodle Dog last Sunday evening, where he had met Mr. Higgins, Dr. Carter, and Messrs. Smith and Shaughnessy, proprietors of the hotel. He admitted that he had held out for money on that occasion to leave the city, but said that Mr. Higgins had suggested his going

(Continued on Page 5)

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New York, May 22.—Tra records for a voyage, aver and for the shortest trip ov course, were broken by liner Lusitania which arriv day. The big ship anchor Sandy Hook lightship in a at 2.55 this morning, just fo hours and 22 minutes after Daunts Rocks.

This beats the best previo the long course made by her the Mauretania by three h minutes, and is only one h minutes longer than the record of four days 18 hou minutes over the short cou

The Lusitania's average s voyage was 24.83 knots, an goes far toward securing fo ers the British mail subsid promised when the Lusi have averaged 24.50 knots better, for a round trip p

Queen of the Sea

New York, May 22.—Som near the Sandy Hook light dense fog bank which has ing over the ocean since ye big liner Lusitania is s anchor to-day, probably on unrivalled queen of the sea giant turbiner shot past F 10.05 this morning at a spe 30 miles an hour (more th and was lost in the mi carrying a record of hours ever made before by a ship trans-Atlantic highway. S moment she has been abso view, as if in mid ocean, less has told that she c flight over at least most miles which separated he goal. Just where she w wireless was sent, even th the steamer did not know, it is taken for granted t Watts made certain that ed the record line off the fore letting down his anc ever she is, there she must the fog lifts sufficiently t to work her way cautiousl the narrow channels to th dock.

LET AT LAST

Contract for Fort Garry Said to Be Awar

Winnipeg, May 22.—Muc was expressed here yeste announcement that the co big union depot for the Pacific and Canadian N ways had at last been aw Lyle, jr., and Peter Mitch ern manager of Lyle & the report that their firm cessful tenderers and st work will be rushed and completed by the time p gust, 1909.

TICKETLESS DOUK

Attempt to Put Family North Bay Nearly Le

North Bay, May 22.— Russian Doukhobors ha One family of seven was only one ticket, and wh was made to put them riot was threatened. car was side tracked p tions from headquarters

GOOD FRIDAY M

Cooksville, Ont., M Swyrdya was committe stand trial in the autun der of a fellow count Lutick near Erindale last.

MORE OUTRAGES CLEVELAND

Dynamite Injures S sengers—Sectio Blown to A

Cleveland, Ohio, May proach of peace in the lo did not prevent dynami ing out their usual oper no less than half a damaged, while several injuries.

The most serious outra ing up of a car carrying the corner of Euclid 116th street. The car two of the ten passe hurt. A section of th long was blown to at cars were dynamited i of the city during the was seriously injured morning no disorder of reported.

The mediators who w about a settlement of t sumed their labors to-d are deadlocked in the arbitrator. Two arbitr been named.

HOSPITAL EX

New Westminster, decided at the meet pital board yesterda sions to the hospita maternity cottage a should be opened on ble. The monthly re intendent showed tha four patients had b April and that th amounted to $826.10. patients in the hosp time is forty-one.