

KINGSBURY INDICTED FOR "WIRE TAP;" MITCHEL HASTENS TO TELL HIS STORY

DR. WAITE FORETOLD FATE OF SECOND VICTIM AFTER FIRST DIED, SAYS WITNESS

Grand Rapids Undertaker's Testimony of Poisoner's Prediction Regarding Peck Startles Courtroom—Experts Tell of Finding Arsenic.

That Arthur Warren Waite, outwardly troubled by concern for the grief of his wife, suddenly bereft of her mother, foretold the death of her father to a Grand Rapids undertaker, was testimony given to-day at Waite's trial before Justice Shearn in the Criminal Division of the Supreme Court on the charge of poisoning his millionaire father-in-law, John E. Peck.

Having murdered the mother by inoculating her with disease germs, he had definitely planned the removal of her husband. This was the testimony of Joseph Sprattler, a Grand Rapids undertaker, who arranged the funerals of both of Waite's victims.

Sprattler's recital of Waite's casual prediction of the death of John E. Peck, six weeks before the event, came to the spectators as a surprise and a shock. The sensation caused Waite to smile slightly.

Mrs. Margaret Horton, the comely young woman who had a studio for the study of music and French at the Hotel Plaza with Waite as Mr. and Mrs. Walters' stepdaughter, was called to the witness stand to testify to the defense, seeking to prove Waite insane, will try to draw from her the story of his talk about the mystic "Man from Egypt" instigator of evil.

SPRATTLER'S TESTIMONY. Sprattler told of Waite's sending for him to come to the Peck home at Grand Rapids while the body of Mr. Peck lay in his undertaking shop.

Q. What did Waite say to you? A. He wanted to know what was Percy Peck's idea about the funeral. He said his wife Clara wouldn't stand for an autopsy.

Q. And you said? A. I didn't know anything about an autopsy. Hadn't heard of it.

Q. Was that true? Didn't you know there was an autopsy? A. Yes, but I wasn't telling him.

Q. Did you have any other conversation with him? A. Yes, I said to him: "You guessed pretty nearly right that time, didn't you?" He laughed, very pleasant, and said: "Yes, I was about right."

Q. To what do you refer? A. After Mrs. Peck's funeral, I drove Dr. Waite to the station. I said, to cheer him up, I hoped he would have a pleasanter journey back to New York than he had coming out. And he said: "Oh, that's all right. That's nothing. There'll be another 'em in less'n three months."

Q. Did you ask Waite what he meant by that? A. Yes, sir, and he said John Peck was old and not very strong and might drop off at any time.

The Court ruled out the last two questions and answers at the request of Mr. Deuel.

Dr. Peter C. Vaughan, chemistry professor at the University of Michigan at Ann Arbor, was the first witness called by the State to-day.

Dr. Vaughan set before him on a table in front of the witness stand an unpleasant array of glass preserve jars and wooden boxes containing phials. These, he explained, had contained or still contained parts of the vital organs of John E. Peck. The witness said these had been handed to him by Dr. Percy Schurtz, of Grand Rapids, who performed an autopsy on the body of Mr. Peck.

The autopsy was ordered, without Waite's knowledge, by Percy Peck.

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EMBASSY SECRETARY IS HERE FROM BERLIN



JOSEPH GREW Secretary of the American Embassy in Berlin.

Mr. Grew Says He Came to See Children, but He Goes to Washington First.

Joseph Grew, Secretary of the American Embassy in Berlin, who is credited with having accompanied Ambassador Gerard when he delivered President Wilson's last note to Emperor William and who was with him when he received the Imperial Government's reply, arrived to-day on the Frederick VIII, of the Scandinavian-American Line.

"I shall go at once to Washington," he said, "just as every one does who returns from diplomatic duty, but my real purpose is to visit my children."

Mrs. Grew accompanied her husband. They have not seen their children since they left them with relatives two years ago.

The Frederick VIII. made the remarkably good time of eight days and five hours from Kirkwall. She put in at that port as usual to undergo British inspection.

The Rev. James Dickey, well known to all American visitors in Berlin as pastor of the American church there, where he has served for twenty-one years, also arrived on the Frederick VIII, and is pessimistic as to the prospect of an early peace in Europe.

"I can't see where peace is to come from," he said. "All Germany seems to be standing back of the Kaiser, and there seems to be equal determination in Great Britain to stand back of the King. With both nations so grimly set for the struggle I can see no end to it in the near future."

BERLIN (via wireless), May 23.—The report issued to-day at Army Headquarters says: "In the Meuse district fighting was especially lively because of the enemy's attempts to counter attack. On the west bank of the river the Germans took a French blockhouse south of Camard Forest. Attacks east of Hill 304 and on the south slope of Dead Man Hill were repulsed."

On the Meuse, violent infantry engagements occurred on the front south of Thiaumont Farm as far as Callette Forest. The French after a strong fire entered the first German position, but were repulsed on the flanks of the sector by German counter attacks.

On the Meuse heights (southeast of Verdun), the first and second French lines were destroyed by our blasting for a considerable width. On the Meuse heights southeast of Verdun, near Vaux-les-Palamez and Seucey, enemy attacks broke down under our curtain fire. Small detachments which had entered our trenches were annihilated. An enemy aeroplane was shot down southwest of Vally.

FRENCH DRIVE ON, BUT BERLIN DENIES DOUAUMONT LOSS

Paris Insists That Entire Fort Has Been Taken Except the Northeastern Corner.

WIN ON HILL NO. 304

One Report Was That Dead Man's Hill Had Been Lost.

PARIS, May 23.—Fighting continued with extreme violence on both banks of the Meuse along the Verdun front during the whole night. Following is the text of the War Office report:

"In the region of Verdun the battle continued with extreme violence all last night on both banks of the River Meuse. On the left bank furious counter attacks delivered by the enemy against all our positions at Hill 304 resulted in complete failure. To the west of the hill particularly the enemy employed in large measure machines to throw flaming liquids. This permitted them to penetrate into our trenches, but a brilliant counter movement on the part of our troops compelled them immediately to evacuate all the positions gained."

"To the east of the hill, in spite of an intense preparatory artillery fire, the attack of the enemy was broken by our fire, and they could not reach our lines."

"On the right bank of the river, in the sector of Thiaumont and Douaumont, the battle has been continued with ferocity. The enemy during the night increased the number of their attacks in massed formation, and they suffered enormous losses. They were successful in occupying a trench which had been taken by us to the north of the Thiaumont farm. Everywhere else we held our positions."

"Inside of Fort Douaumont we have continued to force back the enemy, and in spite of a spirited resistance the Germans to-day hold only the northeast corner of the fort."

"On the heights of the Meuse a surprise attack delivered by us in the Chevalier Wood was in all respects successful."

"The night passed with relative calm on the remainder of the front." At one time Paris was greatly excited over rumors that Dead Man Hill had been captured, but was reassured by the official reports.

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CITY OFFICIAL AND LAWYER INDICTED FOR TAPPING PHONE WIRES.



JOHN A. KINGSBURY Commissioner of Charities.



W. H. HOTCHKISS Commissioner of Charities.

FUNSTON GETS AIRSHIPS BUT NO PROPELLERS

New Machines Reach Columbus, N. M., With Nothing to Make Them Go.

COLUMBUS, N. M., May 23.—Two of the new aeroplanes have arrived here, but unfortunately the shippers forgot to send propellers with the planes and the aviators manifest a reluctance to ascending without them.

No aeroplane flights have been made for two weeks because the propellers on all the old planes were split. Not one member of the New Mexico National Guard has so far been mustered into the United States service, although the President issued his call two weeks ago to-day.

About one-half of the New Mexico contingent, which was ordered concentrated here, has been examined, and about 40 per cent. of this number has been rejected as physically unfit and returned to their homes.

TAXICAB COMPANY IN BANKRUPTCY COURT

Three Creditors File a Petition Against Mason-Seaman Concern and Cite a Voluntary Act.

A petition in involuntary bankruptcy was filed to-day in the United States District Court against the Mason-Seaman Taxicab Company. The creditors who filed the petition are the American Leather Manufacturing Company of New Jersey, claiming a debt of \$763; the Fitzgerald Manufacturing Company of Torrington, Conn., \$574; and the Has Glass Company, New York, \$178.

The petitioners declare that four months ago the Mason-Seaman Company committed an act of bankruptcy by making preferential payments to the Broadway Trust Company and other holders of its notes. These notes, it is asserted, were endorsed by William H. Bernard, President of the Mason-Seaman Company, and J. W. Salisbury, its Secretary.

"What the public needs is knowledge of the underlying facts in this affair."

(For Racing Results See Page 2.)

CHARITIES HEAD IS INDICTED WITH PERSONAL LAWYER

Brooklyn Grand Jury Acts on Charge of Tapping Father Farrell's Wires.

CENSURE FOR MAYOR.

Commissioner and Hotchkiss Held in \$1,000 Bail Each—To Have Speedy Trial.

The Kings County Grand Jury, after two weeks of investigation, handed up to Judge Mitchell May in the County Court to-day indictments charging John A. Kingsbury, Commissioner of Charities, and William H. Hotchkiss, his counsel, with illegally tapping the private telephone wire leading to the home of Rev. William B. Farrell, in Brooklyn, and intercepting messages.

The Grand Jury handed up a presentment with the indictment. The presentment states that if the Mayor and the Police Commissioner approved of the tapping of Father Farrell's telephone wire they deserve the severest condemnation.

Kingsbury and Hotchkiss, who were notified last night by District Attorney Lewis to be on hand in the County Court to-day, evidently anticipated arraignment, for they were accompanied by Martin W. Littleton, who acted as their counsel.

Mr. Littleton, on behalf of his clients, entered a plea of not guilty and asked for two weeks in which to prepare for trial. District Attorney Lewis said a week would be long enough, and announced his intention of bringing the defendants to trial in the first week in June. Judge May allowed Mr. Littleton ten days in which to prepare his case and held the defendants in \$1,000 bail each, which was furnished.

Another city official, more prominent than Kingsbury, escaped indictment by a narrow margin, according to persons who have been active in bringing the wire-tapping matter to the notice of the authorities. When the Grand Jury adjourned on Saturday it was expected that this official would be indicted at the next session, but the jurors evidently concluded that Kingsbury and his counsel were the men primarily responsible for the wire-tapping.

In addition to the indictments the Grand Jury handed up a presentment which read in part: "This body, mindful of its duty to find indictments only when all the evidence before it taken together is such as would, unexplained and uncontradicted, warrant a trial jury in convicting a defendant, has found indictments."

"There was no legal evidence justifying us in finding that the Mayor of the city, the Police Commissioner aided or abetted in the crime charged, and for that reason no indictments were found against them, but if, as does appear, they approved of the conduct of those who were responsible for the tapping of the wires in question for no other purpose than to furnish counsel in private and personal litigation and to gratify private curiosity, and not for the detection and the prevention of crime, the conduct of the Mayor and the Police Commissioner merits the most severe condemnation."

Mayor Mitchell, when informed at noon of the indictment of his Charities Commissioner and Mr. Hotchkiss, said: "I am sorry the Grand Jury has seen fit to accuse Mr. Kingsbury and Mr. Hotchkiss, in both of whom I have perfect confidence."

"What the public needs is knowledge of the underlying facts in this affair."

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MAYOR CHARGES CONSPIRACY OF HIS CO-RELIGIONISTS TO INJURE HIS ADMINISTRATION

Decision to Give His Side About Wire-Tapping Made by Mitchel After the Indictment of Kingsbury in Brooklyn.

POLICE WHO "LISTENED IN" ALSO CALLED TO INQUIRY

Mayor John Purroy Mitchel went before the Thompson Committee this afternoon to tell his story about wire-tapping and "listening in" on telephone wires. He was in a different frame of mind from that of last week when he threatened that if the Committee didn't hear him right away he would "make a statement that would tear things wide open."

Mayor Mitchel sent Corporation Counsel Lamar Hardy last night to ask Senator Thompson to defer the Mayor's examination for a while. The request was granted. When he left the City Hall at 1 P. M. the Mayor said he would make up his mind while at luncheon whether or not he would testify to-day. When he came back he said he would testify.

Assistant District Attorney William Harmon Black followed the Mayor's testimony closely and beside him sat Alfred J. Talley, counsel for the Rev. William B. Farrell and Dr. Daniel C. Potter and his son, Dean Potter. The wires of these three men were tapped during the recent investigation of charges of inefficiency made against the State Charities Department. Part of their conversations that were overheard by the wire-tappers were put in evidence in the investigation.

Before the Mayor went into the committee room Police Commissioner Arthur Woods and Deputy Commissioner Frank Lord went into the ante-room and had a long talk with Senator Thompson. They were asked by the Senator and Counsel Frank Moss why Inspectors Murphy and McElroy, Acting Captain Devey and five detectives concerned in the Brooklyn poolroom wire-tapping cases were not in attendance. The Commissioner promised to order the eight policemen to report before the committee at once.

"It begins to look to me as if this police wire-tapping at will is a pretty important matter," said Counsel Frank Moss. "I don't say that the cops we brought here this morning are dodging; they're simply slipping away from us. But we'll get them here if we have to stay all night. They've got to get those policemen here. They may make fools of themselves, but they can't make fools of us."

"Potter was an examiner for the Department of Finance, upon whose sole word was based the department's information as to the treatment of the children in institutions to which the city gave money. The Comptroller secured the resignation of this man Potter as an examiner."

"The Comptroller secured resignation of this man. In course of this investigation it became my duty to examine the witnesses. Among them M. McMahon, then Moderator of Catholic Charities, who admitted these funds had been collected for Daniel C. Potter. After having collected these funds his conscience troubled him and for that reason he did not pay it over, but appropriated it for his own use."

"This man Potter, after passing through many vicissitudes, became an officer of the Ambulance Board and later Executive Secretary of an association of private charities. When this Administration took hold Potter's connection was severed with the Ambulance Board. Commissioner Kingsbury was selected to head the Charities Department and instructed by me to investigate charitable institutions. In order that all religious denominations might be represented, Commissioner Kingsbury appointed Brother Barnabas, representing the Catholics; Dr. Bernstein, representing the Jews; and a Protestant representative."

"This commission found children with hair shaved with the children of co-religionists of my own to obstruct the due processes of the government of the city to interfere with the proper and orderly control of the charitable institutions and the care of the 22,000 children committed by the city to their care."

"The details of the conspiracy I will detail to you. It had its origin before this City Administration came in. It will be recalled that in 1912 the Board of Estimate ordered an investigation by a sub-committee—Comptroller Prendergast and myself as President of the Board of Aldermen. That committee went into the question of treatment and care of children. In our examination of the accounts we found among the records of one of the Catholic institutions of this city a voucher bearing the record of a part of a fund of \$5,000 raised among the Catholic institutions of this city as an honorarium—to give it an euphonious name—for Daniel C. Potter."

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