

Peck, whose father and mother were slain by Dr. Waite, made but one request of Assistant District Attorney Brothers before the trial started.

"I realize the importance of keeping my apparent desire for vengeance on my part out of this case," he said, "but I want to ask you just this one favor; give me a seat some place in that court room, from the beginning of the trial to the end, where I can keep my eye on that man and so, moment by moment, watch the hope fading from his face."

The request was granted and young Peck took full advantage of the privilege. He kept his eyes fixed intently on the defendant every moment he was in the court room.

Justice Shearn carefully warned the jurors against sympathy for Dr. Waite and his family and against resentment due to horror aroused by the defendant's frightful, analytical and detailed confession to them of the killing of old Mr. Peck and his wife.

"There is no such defense known to the law as 'moral imbecility,'" he said. "It may be well known in the medical fraternity, but it is no defense in law that the accused is a habitual criminal or that he is a moral pervert."

Justice Shearn referred to the opinion of the Court of Appeals in the case of Hans Schmidt, the pseudo prize murderer, as authority for this ruling.

JUDGE ORDERS MORAL IMBECILITY PLEA DISMISSED.

"You do not need experts to tell you," continued the Court, "whether this man is sane or insane. They may aid you in forming your own opinion, based on your own good sense and judgment. But since the defense has offered the defense of unsoundness of mind, the burden of proof to the contrary must be established by the State.

"Gentlemen, you are not to assume from things said to you by counsel for the defense and some of the testimony, that you twelve laymen are to sit as a medical clinic. It would be an absurdity, when eminent physicians differ, to ask you to decide whether the defendant is medically sane or insane. Your question is: 'Is he responsible in law?' Measure the evidence by simple and reasonable standards. Was he suffering from a disease which prevented him from knowing what he was doing or from knowing that he was doing was wrong? No plea of 'moral imbecility' is admissible. We must not confuse moral perversion with mental disease."

The court referred to Dr. Waite's testimony that he knew what he was doing and it was wrong, and said the jury must not take Dr. Waite's word as final, necessarily, on this point.

Justice Shearn began the delivery of his charge by thanking the jury for its patience in sitting for long hours and its close attention to all witnesses. He commended the lawyers on both sides for their refraining from technicalities and bickering.

"It is not necessary for me to review to the jury the evidence in this case; I doubt if you can ever erase it from your minds," he said.

Dr. C. W. Friar, a physician awaiting trial in the Tombs for attacking a girl, was not called as a witness by the State. He had told the District Attorney Dr. Waite, returning to the Tombs after his examinations by alienists, boasted of having fooled them and told of his plans to "put it over on them" to a still greater extent.

George N. Brothers, the Assistant District Attorney in charge of the prosecution, said he saw no need to prolong the trial by adding Friar's testimony.

The behavior and conversation of Dr. Waite while he was in the Tombs, during the time of his examination by alienists engaged by his own counsel

and those of the District Attorney, were kept under observation by the prosecutor through Dr. Friar.

According to Dr. Friar, he even went over with Dr. Waite the ideas he meant to exhibit to the alienists as proof of his irresponsibility.

LAWYER PLEADS WAITE BE SENT TO ASYLUM.

"I do not think this jury wants to send such a man to the electric chair," said Mr. Deuel, after recalling all the testimony showing Dr. Waite a "born criminal," driven helplessly from crime to crime by a mental disease of which cunning and cupidity are merely symptoms.

"But you gentlemen can hardly desire to send such a man at large into society. I do not think so. He should be put in some place where he can be kept safe and rendered harmless—unable to repeat the crimes such as he has perpetrated. The District Attorney has seen fit to have a witness tell you such men were not received in asylums or if received, were turned out. Something must be the matter with an asylum which would turn out a man liable to commit such crimes. The witness limited his answer by saying the patients to whom he referred had not been guilty of such crimes as proved in this case.

"I promise you that if this defendant is put in a proper asylum, no member of his family will ever make any effort to get him out. I promise to seek to prevent such a thing at my own expense."

"Don't you think you might confine your remarks to the evidence?" suggested Justice Shearn.

Mr. Deuel concluded with an appeal to the humanity of the jury in dealing with a man uncontrollably disposed to crime by a mental disease.

Assistant District Attorney Brothers portrayed Dr. Waite as an intelligent, daring, resourceful criminal, who to-day would be going free in the enjoyment of a large fortune and suspected by no one had it not been for a telegram based on intuition from his wife's cousin, Miss Hardwick, to Percy Peck in Grand Rapids.

Mr. Brothers said: "Alienists have had the audacity to say that this man did not know what he was doing when he poisoned Mr. Peck. What did he do? His wife had said her last good night to her father; at the defendant's suggestion she helped him prepare a couch where the solicitous husband could watch over the old man.

"Mr. Peck was coughing and groaning with the agony caused by the awful poison. Waite took a pillow from the living room, went into the bedroom and quieted the old man with chloroform. Why? Why, gentlemen, because as the old man's torment grew worse his cries and groans would have aroused and frightened Mrs. Waite, and she would have alarmed the house and Dr. Moore would have been called, and Dr. Waite would have been suspected at once. He did not know what he was doing, gentlemen?"

A little later Mr. Brothers said: "Is this the sort of man you want to send to Matteawan, where, some bright summer morning, when the milkman comes, he can walk out the front gate?"

"I must admonish the District Attorney," said Justice Shearn, as Mr. Deuel sprang to his feet, "as I did the attorney for the defense."

Mr. Brothers said the jury was not concerned with the question as to whether Dr. Waite was "normal." It was enough, he said, to be sure he had bought poison, knew it would kill and used it, knowing it was a forbidden act. He played for the biggest stake in the world, his life against a fortune and his life is a forfeit, Mr. Brothers declared.

Dr. Waite did little smiling at to-day's session. He sat in gloomy silence, his cheek propped on his left fist, staring to vacancy.

"Shall a smile be a defense against the charge of murder, gentlemen?" Mr. Brothers asked in concluding.

Justice Shearn began to charge the jury at 12:20 o'clock.

The examination of Dr. Smith Ely Jelliffe, W. B. Mabon and Menas T. Gregory by Assistant District Attorney Brothers to-day was notably brief in contrast to the four hours used yesterday by Dr. M. J. Karpas and A. R. Diefendorf for the defendant. It was known to counsel that Justice Shearn, who has accelerated the trial at every turn where it seemed to him consistent with justice, hoped to turn Dr. Waite's fate over to the jury before night.

Much importance was attached to a question asked of Dr. Jelliffe by Juror No. 12, Joseph H. Frank, a Harvard graduate and a writer, at the conclusion of Dr. Jelliffe's testimony.

"Doctor," was the question, "as an expert and a close student of many men accused of crime, do you regard the actions and demeanor of the defendant as normal?"

"In the sense that he had full knowledge of what he was doing," replied the physician, "and knew it was against the law."

PERSHING ORDERED TO AVOID PAREY ON U. S. WITHDRAWAL

Funston Instructs Commander to Discuss Only Co-operation With Gavira.

\$2,927,975 FOR ARMY.

Two Hundred Mexican Women and Children Killed in Three Weeks.

WASHINGTON, May 27.—Gen. Funston has instructed Gen. Pershing not to discuss the question of withdrawal of the American forces from Mexico in the coming conference with Carranzista Gen. Gavira at Nampiquipa, it was learned to-day.

The commander of the American expedition was directed to confine the talk to co-operation between American and Mexican forces and not to go outside of his military area in meeting Gavira.

Pershing reported to Funston, in comment upon rumors of movements of large Carranza forces in northern Mexico, that he has seen no such operations, that there was no indication the natives were being armed or incited to revolt, but that there seems to be every desire to avoid trouble with the United States.

To cover cost of army operations in Mexico, Secretary Baker to-day asked Congress for \$2,927,975 for transportation of the army and \$161,815 for horses.

The formal order directing trial by court martial on June 1 at Fort Sam Houston, Tex., of 116 members of the Texas National Guard, who refused to present themselves to be mustered into the Federal service, was forwarded to-day to Gen. Funston, Col. Edward A. Miller, Third Field Artillery, is designated as President of the Court, and Major Hinton Winslow, U. S. A., as Judge Advocate.

Eight National Guardsmen and four regular army officers will compose the court.

200 Mexicans Murdered by Bandits. SAN ANTONIO, Tex., May 27.—Civilian refugees who have arrived here reported to-day that more than 200 men, women and children have been murdered by Mexican bandits in the past three weeks between Mexico City and Cuernavaca.

A train with Government employees, on the way to Cuernavaca, was held up, women and girls attacked and many slain. Every man on board was killed except one, a press messenger. The bandits seized 5,000,000 rounds of ammunition and 2,000,000 pesos of the new issue of currency.

WOULD HAVE TAFT URGE ENFORCED PEACE ABROAD

Theodore Marburg Proposes Mission at League Meeting—Wilson to Speak To-Night.

WASHINGTON, May 27.—A suggestion by Theodore Marburg, former Minister to Belgium, that former President Taft be sent abroad at the proper time to line up the allies in favor of a league to enforce peace brought delegates to their feet cheering to-day at the League to Enforce Peace meeting.

"It wouldn't do to tie a sure loser to such a great proposition," said Mr. Taft smiling expansively. Later in the afternoon the convention showed its disagreement with his estimate of himself by electing him President.

President Lowell of Harvard was another speaker before the league to-day.

Interest grew at to-day's sessions in the speech of the President to-night. It became known to-day the President will lay down what he believes to be the basic principles of a world peace.

A league of nations, backed by an international police force, is looked upon by the President as a possible means of minimizing the danger of war.

AGED CYCLIST KILLED BY CRASH WITH AUTO

Woodruff Hated Motor Cars as Dangerous and Expected "to Die Riding Wheel."

Thenford Woodruff, one of the first men to adopt bicycle riding for recreation, is dead as a result of an automobile accident. He was sixty-eight, lived at No. 124 Berkeley Place, and was a lawyer, linguist, Democratic politician and clubman.

When his bicycle crashed into an auto truck at Flatbush Avenue and Hanson Place, he died an hour later in Brooklyn Hospital from internal injuries and broken hips. He had often told his friends he would "die riding a wheel."

FORMER HELEN GOULD'S ADOPTED SON FINLEY JR. AT ARMY RELIEF FETE.



The Army Relief Society, Branch No. 1, held its annual garden party yesterday afternoon and evening on Governor's Island. Conspicuous among the guests were Mrs. Finley Shepard and Finley Shepard Jr. This organization aids widows and children of United States soldiers all over the country.

The special attractions were an exhibition of the work of the Red Cross, a flying school by Philip Burkland in a new Curtiss army machine, and a drill and sham battle.

After evening parade and colors, Anna Fitzu of the Metropolitan Opera Company sang "The Star Spangled Banner" on the bandstand. There was dancing in the evening at the Officers' Club, to music by the Yale Orchestra and Glee Club.

WOMEN SELL FLOWERS FOR SUFFRAGE CAUSE

Expect to Raise Over \$10,000 by Vending Bouquets All Over the City.

This is "flower day" in the movement to keep woman's suffrage before the public, and throughout the main thoroughfares of the city 3,000 members of the New York State Woman's Suffrage Party are selling bouquets and rosettes of every description and hue for the cause. At 11 o'clock the Flower Committee distributed among 150 automobiles banked with roses, daffodils, pansies, geraniums and other lovely products of the garden, started from Union Square and immediately broke up into squads which took positions on the side streets of Fifth Avenue from Washington Square to Fifty-ninth Street.

Special squads went down to Wall Street and South Ferry. Every member of the committee was provided with a vanda's license. The women hoped to realize at least \$10,000 before the day is over. At night they will go into the theatrical and hotel district.

Among those on the committee and actively engaged in vending are Mrs. Frank Vanderlip, Mrs. L. Chauncey McKee, Mrs. Augustus Home, Mrs. John Watkins, Mrs. Henry W. Miller, Mrs. Edgerton Parsons, Mrs. Henry Flagler, Mrs. Frederic Nathan and Mrs. C. N. Edge.

RIGGS BANK OFFICIALS ACQUITTED OF PERJURY

Jury in Case of Glover and Two Flathers Out for Only Nine Minutes.

WASHINGTON, May 27.—Charles C. Glover, President of the Riggs National Bank, and Henry Flather and William Flathers, officials in the same institution, to-day were found not guilty of perjury in the District Supreme Court. The jury was out only nine minutes.

The perjury charge against the Riggs bank officials was based on an affidavit, sworn to by Glover and the Flathers, to the effect that the bank had not indulged in stock transactions with the now defunct brokerage firm of Lewis Johnson and Company. The affidavit was submitted in a civil action taken against Secretary of the Treasury McAdoo, Comptroller William C. Clegg and the Riggs bank as a result of alleged persecution.

TWO DIE IN COLLEGE FIRE.

Blaze in Iowa Institution May Cost More Lives.

OSKALOOSA, Ia., May 27.—Two men were killed, two probably fatally injured and property damage estimated at \$100,000 was done by a fire which broke out in the main building of Penn College here early to-day. Robert H. Williams, business manager of the college, and Harry Oakley, a freshman, were killed.

George Miner and Howard Keller, students, are in the hospital, and may die. Williams and Oakley were killed while attempting to save the college records. The fire reached the cupola and the four-story college bell crashed down through the building, wrecking the front wall and burning the victims' suits to shreds.

FRENCH RADICALS FIGHT ON PRESTS AT ARMY FRONT

Don't Want Chaplains to Be in Constant Touch With the Soldiers.

HEROIC ACTS RECALLED.

How Clergymen Differ Denominations Died Bravely for France.

PARIS, May 19 (Associated Press correspondence).—A campaign by the extreme anti-clerical elements of the Radical and Socialist parties against the presence of priests at the battle fronts in daily contact with soldiers has brought sharply into public notice the work which these priests have done and are doing at the front.

It required a special intervention to produce for priests even the "privilege" of going to the front. Prior to May, 1915, no chaplains were provided for the army. The Minister of War at that time provided in a decree that in case of war two Catholic priests, a Protestant pastor and a rabbi should be attached to each group of stretcher bearers of an army corps, and two Catholic chaplains to each division which had no stretcher bearers.

Thus about 100 priests and half as many Protestants and Israelites were authorized to accompany the army. When war began Count Albert de Mun, since deceased, obtained from the Minister of War authorization for priests to enlist as chaplains with the approval of their Bishops up to the number of 250 in addition. Count Paul Fourties obtained the same favor for eighty more Protestant pastors, while sixteen additional rabbis were named.

The number of priests who have given their lives on the field of battle has not yet been counted, but besides the chaplains there are several thousand priests incorporated in the auxiliary services, or who volunteered for active service. A great many deaths, however, have been reported among the chaplains under heroic circumstances. The rabbi, Abraham Bloch, was fatally wounded at Saint-Die by a fragment of a shell at the moment when he tendered a crucifix to a wounded soldier who had taken him for a Catholic priest. The Abbe Villier, chaplain of the civil hospital of Arras, was killed by a shell while seeking to save his patients during a bombardment of Arras. Chaplain Dubreuil died at the extreme point of positions conquered by the Zouaves with whom he went to the assault.

A chaplain from the region of Verdun gives the following graphic recital of an experience: "We celebrated a Mass in a trench, within 800 yards of the German trenches, and the Credo was saluted by a fusillade. Our trenches had been converted into green bowers with flowers and ivy garlands. On Good Friday fourteen stations had been marked with crosses in the communicating trench for the solemn procession. At half past four the band sounded the retreat. The blood spurted out just as the last words of absolution were uttered. I gave him first aid, and then he died. He was a brave man, and he died for the cause of his country. I offered up a prayer that went with his departing soul. His blood flowed upon my cross and casque. It was in that condition that I proceeded on the road to the cross, and the French station I offered the pure Vermilion blood of that brave son of France to Christ, and with all my heart I said: 'Our Lord, that blood was generously shed.'"

ROOSEVELT MEN ON JOB.

Satterlee and Graham Open Headquarters at Chicago. Roosevelt Republican boom was brought officially to Chicago to-day when headquarters to promote the Colonel's candidacy before the Republican Convention were opened at the Congress Hotel. Lawrence Graham and Herbert L. Satterlee, Assistant Secretary of the Roosevelt Administration, are in charge.

WOODBINE RESULTS.

FIRST RACE—\$600 added; three-year-olds and upward; selling; six furlongs—(a) Belmont, 102 (Lynch), 12 to 1; (b) Belmont, 102 (Lynch), 12 to 1; (c) Belmont, 102 (Lynch), 12 to 1; (d) Belmont, 102 (Lynch), 12 to 1; (e) Belmont, 102 (Lynch), 12 to 1; (f) Belmont, 102 (Lynch), 12 to 1.

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FIRST RACE—Two-year-olds; selling; four and a half furlongs; straight; 100 yards—(a) Belmont, 102 (Lynch), 12 to 1; (b) Belmont, 102 (Lynch), 12 to 1; (c) Belmont, 102 (Lynch), 12 to 1; (d) Belmont, 102 (Lynch), 12 to 1; (e) Belmont, 102 (Lynch), 12 to 1; (f) Belmont, 102 (Lynch), 12 to 1.

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FLIER DIES AS SON IS BORN.

News of Lieut. Rockwell's Fate Kept From Wife. PENSACOLA, Fla., May 27.—Mrs. James V. Rockwell thinks she is the happiest woman in the world to-day, she keeps repeating this to a wee pudge boy who is extremely new to this world. The baby was born last night, and because of that physicians have been repeating this to a wee pudge boy who is extremely new to this world. The baby was born last night, and because of that physicians have been repeating this to a wee pudge boy who is extremely new to this world.

TWO TRAINLOADS GO TO BOOST ROOSEVELT

Colonel Will Make a Speech to Visitors on Lawn of Sagamore Hill.

Two trainloads of enthusiastic political pilgrims journeyed to Oyster Bay this afternoon to tell Col. Roosevelt what they thought of him. In martial array and heroic mood they marched from Oyster Bay railroad station out the dusty road to Sagamore Hill.

Richard M. Hurd, president of the Lawyers Mortgage Company, marshalled the pilgrims on the lawn and made a short speech on their behalf, telling the Colonel that his Americanism was the kind they loved. The Colonel made a speech in reply. His secretary said that inasmuch as T. R. did not know what the pilgrims were coming to tell him, he had no speech prepared in advance but could trust to inspiration of the moment.

\$18,000,000 'UPSET' PRICE FOR WEST. PAC.

Federal Court Fixes Figure in Equitable Trust Foreclosure.

SAN FRANCISCO, May 27.—United States District Judge Maurice T. Dooley fixed \$18,000,000 as the "upset" price for the sale of the Western Pacific Railway to-day in the foreclosure suit brought by the Equitable Trust Company of New York.

WILSON WRONG ON NAVY?

United States Third, Not Fourth, Budget Believes. WASHINGTON, May 27.—This country has a better navy than President Wilson thinks, Chairman Padgett of the House Naval Committee declared this afternoon, backed by Republican "big navy" men. The Naval Bill started its course through the House with expectation of passage next Friday.

"Admiral Fictitious saved the American Navy the rank of third in the world," said Mr. Padgett. "But President Wilson said in his message we were only fourth," commented Representative Farr of Pennsylvania. "I believe the President was wrong—we have a better navy than he thinks," said Padgett.

TRIED TO DIE TWO WAYS.

Sailor Stabbed Himself and Then Leaped From Motor Boat. As James Tuomey, No. 1023 College Avenue, was stepping into his motor boat at the foot of Franny Street, Bronx, this morning he was hailed by a stranger. Tuomey let him go aboard and started the boat. Near the foot of Franny Street the stranger whipped out a pen knife, stabbed himself in the abdomen and then leaped overboard.

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RACING WOMAN SUED FOR \$100,000 BY WIFE OF HER HORSE TRAINER

Mrs. Blalock Wants Heavy Damages for Loss of Husband's Affections.

Suit for \$100,000 damages for alleged alienation of the affections of James William Blalock, a race horse trainer, was begun to-day in the Supreme court against Mrs. Grace M. Irwin, heiress to millions, who lives at the Ritz-Carlton, by Mrs. Jennie White-Lalock, wife of the trainer. For several years Blalock has trained Mrs. Irwin's racing stable.

Last December Mrs. Irwin, who has homes in San Francisco and Honolulu, divorced her husband, John Benjamin Irwin in Reno. Irwin at the time was cruising among the South Sea Islands on his private yacht, while Blalock, the papers allege, was with Mrs. Irwin in Reno.

The two, it is charged frequently visited San Francisco while waiting for the divorce, and it is alleged in divorce papers filed by Mrs. Blalock, that acts of marital misconduct occurred on the trains and in hotels in San Francisco.

Soon after establishing residence in Reno, the papers charge, Mrs. Irwin promised to give the trainer a \$100,000 farm in the best part of California on the day he succeeded in getting a divorce from Mrs. Blalock. After her own divorce, it is alleged, Mrs. Irwin rented a cottage on the shores of Lake Tahoe, Cal., and spent many days with Blalock.

It was Mrs. Irwin's lavish gifts of clothes and money, Mrs. Blalock alleges, that succeeded in turning his head. She charged that Mrs. Irwin bought him custom made silk shirts, London clothes, paid his gambling debts, gave him midnight dinners, together with many from other parts of New England, gave expression of their belief that the nation should be adequately prepared against war.

At the head of the long line rode Massachusetts members of Congress, the Governor's Council, members of the Legislature, former Governors and former members of Congress. The forty divisions which followed were made up of representatives of all forms of business, the professions, labor, school and college, civilian, military and patriotic organizations.

CAMERONIA CARRYING SPY LINCOLN TO ENGLAND

Capt. Bone to Tarow Overboard Memorial Wreaths for Two Titanic Victims.

The Anchor liner Cameronia, for Glasgow and Liverpool, left at noon to-day with a small list of passengers, the most noted of which is Ignatius T. T. Lincoln, the self-confessed German spy. He is on his way to London in the custody of Inspectors Ward and Brewer of Scotland Yard. The detectives say Lincoln is to be tried for forgery. He maintains that the forgery charge is a cloak for the British Government's intention to try him as a spy and shoot him in the Tower of London. No one was allowed to see Lincoln, who was confined in the ship's hospital on the boat deck aft. The windows of the hospital are heavily barred.

Capt. David Bone of the Cameronia will throw overboard at 11:30 o'clock next Tuesday night two large floral wreaths which were sent to him by the Boston Lodge of Elks. The wreaths are memorials to Robert Strauss of Boston and Henry B. Harris of New York, both members of the Boston lodge, who went down with the Titanic.

The St. Louis of the American line sailed for Liverpool with 430 first cabin passengers.

LOSES \$25,000 SHE WON.

Verdict Against Long Island Railroad Excessive. Court says. A verdict awarding \$25,000 damages to Miss Irene Zatulove in her suit against the Long Island Railroad for injuries received in an automobile accident at Hempstead Turnpike crossing, July 5, 1914, was to-day ordered set aside as excessive by Supreme Court Justice Mullin, in the Bronx, within a few minutes after the jury had awarded it. Later he announced final decision in the matter would be rendered in five days.

Miss Zatulove, who was a model and lived at No. 245 West 114th Street, Bronx, was injured in a collision with a Queens train, which killed her sister and a man riding in the motor car with them. Suits in their behalf are now pending.

SALE ARMY & NAVY GOODS

Most practical articles for Outing, Camping, Hiking, Autoing, Motoring, etc. MILITARY TRAINING CAMP. Army Store, 245 W. 14th St., New York. 1000 other useful articles. Send for catalogue. Catalogue free. Open every day 9 P. M.

FOR 10 CENTS YOU CAN TRY THE MODERN REMEDY FOR PIMPLES, BLOTCHES, INDIGESTION, BRUISES, SICK HEADACHE.

R&G PILLS

THE TONIC LAXATIVE 10¢ & 50¢ THE BOX. FURNISHED ROOMS TO LET. Come see my pretty home, fully decorated; reasonable rates. 100% Satisfaction. 245 W. 14th St., New York.

100% FORFEIT

Increases strength of delicate nervous system. 100% Satisfaction. 245 W. 14th St., New York.

2,500 ITALIANS CAPTURED AS THE AUSTRIANS DRIVE

Vienna Reports the Taking of an Entire Mountain Ridge and Much Booty.

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