

MYSTERY WOMAN IN PECK CASE FOUND

Mrs. Horton Says She Had a Studio at the Plaza With Dr. Waite.

THINKS HIM INNOCENT

Mrs. Margaret Horton, who says she is the sister of Dr. Horton, electrical engineer, who lives at 56 West Seventh street, said yesterday afternoon that she was the woman who was often seen, with Dr. Waite, at the Hotel Plaza between February 22 and March 15, Mrs. Horton, who is a contrast singer, explained the meetings by saying that she was brought to the studio at the Plaza. Her husband holds her entirely innocent of any wrongdoing.

Mrs. Horton admitted that Dr. Waite had written "Mr. and Mrs. A. W. Waite, New Rochelle," on the hotel register, but she did not know that, she said, until she read it in the newspapers. The bags that were brought to the hotel by Dr. Waite contained nothing but papers and books for the studio, she said.

She and Dr. Waite were to study music and foreign languages together, Mrs. Horton said. Dr. Waite alone is blamed by Mr. Horton for leading his wife into an embarrassing situation.

"I don't believe that Dr. Waite is guilty of the crime of which he is accused," Mrs. Horton said last night.

He appeared frank and carefree. We went to the hotel together. The Hotel Plaza as openly as if we had been walking on Fifth avenue, for there was not a thing to conceal.

Mrs. Horton said she did not come forward at first because she wanted to shield herself and her husband from publicity, and not because she had any doubts as to the innocence of Dr. Waite.

"I soon learned he was an accomplished pianist and he learned I was a singer."

"He suggested that we engage a room in the Plaza and use it as a studio on the afternoons when we had no other engagements. I readily agreed to the plan. We were never there at night. There was no bed in the room. It was fitted up just as any artist's studio in a hotel would be. It would go there for as long as two or three months, sometimes longer. It all depended on what engagements I had with my teachers. It was just a room to study and practice in between classes."

"Dr. Waite often spoke to me about his father-in-law and expressed great affection for him. He said Mr. Peck's death had been a tragedy. He spoke of the death and that he seemed to be suffering a good deal. He always spoke of Mrs. Waite with the greatest love and affection, and he expressed the hope that Mr. Horton and I should come to see them."

"On the other hand, I was just as sure as I could be that Dr. Waite told me that he was studying together with Mr. Horton's studio, and Mr. Horton offered no objection. Many times I urged him to come down to our apartment, but there was no serious suggestion to prevent his coming."

PASTOR SNARED WAITE.

Real Investigator of Autopsy on Mr. Peck's Body.

GRAND JURORS, March 24.—It was disclosed today that Dr. Arthur Warren Waite, pastor of the Fountain Street Baptist Church, was the real power in the investigation into the death of Mr. Peck and that he had been attending and officiating at the funeral service and Waite had been the coffin that Waite was the one responsible for the man's death.

As soon as the mysterious telegram came to Perry Peck demanding the district attorney's name, Dr. Perry Schindler and they took steps for the investigation. Dr. Waite also prevented Waite from seeing Mr. Peck's body during the funeral. Waite constantly hid the face of the corpse, and the pastor, not being a doctor, did not do, but stood with his arms, feeling very nervous all the time of the port Waite had called on Mr. Peck's death.

Assistant District Attorney Manahan of New York said today: "Dr. Waite is a wonderful. If it had not been for him, a very heavy murderer would have been known. It was a minister he would make an excellent detective."

Perry S. Peck, the son, said today that Dr. Waite had intended to poison his father-in-law, as he had intended to poison the members of the family. Perry Peck said that he was on a friendly visit with Waite one day after the funeral, but that Waite had suggested to him that Clara, the sister, Dr. Waite's wife, looked to be in poor health.

"I don't believe she will live the year out," he said.

The next day Waite told his wife that Perry Peck was willing fast and would not live long. Then he told both of them and other relatives that when he left New York, she was feeling "poorly" and died at any time.

He said positively that Mrs. Waite gave him a will in favor of her husband, but that she had had it always, and that she had almost demanded it after the funeral of her father. He also discovered that, shortly before the father's death, Waite sent \$10,000 in cash to her and the money was deposited in a local bank.

SWANN DID NOT WARN WAITE.

Detestor Not Told Confession Would Be Used Against Him.

District Attorney Swann said after announcing that Dr. Arthur Warren Waite had admitted that he bought arsenic and gave it to his father-in-law, John E. Peck, that he had not warned the dentist that anything he said would be used against him. Judge Swann said also that he was not legally required so to warn an accused man.

In discussing the matter last night a prominent lawyer and former public official said that it was true that a prosecutor need not warn a suspected person before attempting to get him confessed, but that the prisoner might refuse to answer such questions, and could not be forced to do so.

According to this lawyer and to others, a decision of the Court of Appeals makes this possible. While admitting this, the official said that according to the letter of the law such warning need not be given, and another well known legal authority said that judges generally and many lawyers had that it was desirable and was considered a letter practice for the district attorney to give this warning and afford the accused person every opportunity to escape the consequences of such confessions.

DR. WAITE GAVE TO PECK POISON PURCHASED, HE SAID, "TO KILL A CAT"

Waite himself. It was a clincher in the case.

Once Judge Swann had this information he telephoned to Detective Cuniff, who was guarding Waite in his sick room. Cuniff had had his eye on the young man all night, not too sure, indeed, that Waite wasn't shamming coma, wasn't pretending to be much stupider than he is.

As a matter of fact, the trained nurse constantly at Waite's bedside whispered to Cuniff that every time Waite heard the mumble of voices in the room adjoining the sick room his eyes fixed with curiosity. He asked the nurse what those men—Cuniff and other detectives—were talking about. Were they discussing his case? The District Attorney told Cuniff that the physician and the druggist had positively named Waite as the purchaser of arsenic.

"Let Waite know about this," phoned Judge Swann. "Tell him all we've learned. Let him think it over. I shall be up presently." What the Judge said, Cuniff went to the sick room.

"News Broken to Waite."

"Well, doctor," he said, "they've got some pretty strong stuff on you. The doctor and the druggist through and from whom you got the arsenic have told the District Attorney all about it. Now, hadn't you better get a clean breast of the whole business? The Judge [Swann] even has the receipt you signed when you got the arsenic."

"Not true! Not true!" said Waite, all in a fever. "It's a lie."

"All right," said Cuniff soothingly. "If you don't want to talk to me, will you talk to the District Attorney?"

"Yes," said Waite. "I'll see him. He's been very decent to me."

Judge Swann could not get to the Columbia Apartments until 10 P. M. He had many things to do, many parts of the inquiry to develop. He had to see Miss Catherine Peck, Waite's aunt by marriage, at the Park Avenue Hotel, to trace Waite's financial operations and to run down other purchases of poison made by the young dentist. There were many of these purchases, too, between December 21 and March 7, purchases made elsewhere than at the drug store, which he had on March 9. All in all, the Judge went to Waite's apartment with an impressive bundle of evidence, all circumstantial, it is true, but of a stick of it pointing to Arthur Warren Waite.

He took with him Assistant District Attorney Brothers, his secretary, Horace E. Peck, a photographer, and they were shown at once to the bedroom in which Waite lay, shaking off the effects of powerful sedatives. The picture was taken at the moment Judge Swann stepped over the threshold into this room, where the air was clogged and heavy with drugs.

"Waite a Pitiable Figure."

Waite, all unshaven, hair disheveled, as complete a contrast as could be fancied from the dapper youth who was seen walking about the city streets, spent several hours at the Plaza Hotel, with a pretty young woman, who, as the investigation has shown, the gayest and most beautiful of the city, a ruffled bed. He seemed to have aged years in the last forty-eight hours. His eyes were bright as new beads, but his face was ashen and his lips were white. Judge Swann stepped rapidly to the bedside.

"How do you find yourself, Dr. Waite?" he asked. "Do you feel comfortable? Do you feel like talking? How do you mind cleared?"

"Yes, I'm all right, enough," said Waite. "I feel like talking. How are you, Judge Swann?"

"Why, no-not a tail," said Judge Swann.

Waite half lifted himself from his bed, grasped Judge Swann's hand, shook it firmly, and then dropped back upon his pillow. Judge Swann delayed not a minute.

"Doctor," he said, "I have just obtained from the druggist you patronized the receipt you gave him for a quantity of arsenic. I would like to see it, as to whom you consulted about getting the arsenic, as to where you went to get it, as to how much you bought. And I would like to see your receipt. When was this purchased?"

Waite's eyes went to the ceiling and his lips tightened. He refused to answer.

"Do you know Dr. So-and-so?" he asked. "Do you know Dr. So-and-so?" the District Attorney pursued.

"Yes, I know him," said Waite.

"Arsonic Purchase Described."

"You went to this doctor, did you not, to ask him to recommend me to some one to go to a pharmacist and to request that pharmacist to give you arsenic, did you not?"

"Yes," said Waite, coughed and muttered. "That has nothing to do with this matter, has it?" Waite countered, and the question went unanswered. That was the way with many questions that did not bear directly upon the death of John E. Peck. Waite insisted on holding the District Attorney to the circumstances of the death.

By that time—It was 4:15 P. M.—Judge Swann had learned enough for his purpose. He got up, nodded good afternoon to Waite and was about to leave the room when he heard Waite call to him. He turned back and saw the detective agency which was engaged by Perry S. Peck, Waite's brother-in-law. Waite has come to the notion, so Judge Swann has learned, that Schindler is a friend and confidant. The Judge asked Waite and Waite talked. Presently Schindler reported, and the report made the District Attorney jump from surprise.

"Dr. Waite Writes a Check."

"He said to me," Schindler told Judge Swann, "that he had really only helped Mr. Peck to commit suicide. I said, 'How do you know you didn't poison him?'"

"Well, that's so," Waite said, "but there's the negro maid, Dora, a Hillier. If you see her in advance and get her to testify to what I told Judge Swann, I'll give her \$1,000."

"I haven't any thousand dollars to give her," I replied.

"But I have," continued Waite. "I'll give you a check for it."

"I told him I didn't have a check book, but he insisted, so I tore a blank page from my notebook and wrote out a check payable to bearer upon Waite's broker."

Here it is.

Judge Swann said that Schindler showed him the check as it had been signed by Waite. The check will figure, of course, in the evidence.



Waite, below, Arthur Warren Waite, from a photograph taken when he was studying at the University of Michigan.

supposed," replied Waite. "Now, Judge, you have set the law on me and I expect to go to the electric chair, because I can't prove what I'm telling you. I am sorry I did not die from the effects of the dope I took. How much did I take, anyway? Well, it doesn't matter. It was a lot."

"Did Mr. Peck say anything when you gave him the arsenic?" asked Judge Swann.

"Yes, he thanked me," said Waite.

Waite observed at that moment that the District Attorney's secretary, who was busy taking down notes of the questions and answers, was not fairly in the sickroom, but was nearly concealed around the doorjamb of the adjoining room.

"Oh, here, come out of that," said Waite, "come over here and sit by the bed. If you don't mind, I know you've got me, Waite's wife."

"Did your wife know anything about this matter?" said Judge Swann. "Was she a nurse? Was her father being helped to commit suicide?"

"She knew nothing about it," said Waite. "That's a lie."

"How much money did you have from the arsenic?" asked Judge Swann.

"What's that got to do with the subject—with this matter?" said Waite angrily. "I did make investments for a number of years in the State of New York, New Jersey and Pennsylvania. I have your own testimony."

"No, some were bought on margin," said Waite.

"Did you win or lose?"

"I don't know which."

"Did you tell Judge Swann yesterday that she had handed just a few dollars to you and that she had never asked him to report on the investments because of her complete confidence in his integrity and her fondness for him as a perfect gentleman?"

"No, some were bought on margin," said Waite.

"Why did you give \$10,000 to your brother?" Judge Swann went on, questioning Waite.

"That has nothing to do with this matter, has it?" Waite countered, and the question went unanswered. That was the way with many questions that did not bear directly upon the death of John E. Peck. Waite insisted on holding the District Attorney to the circumstances of the death.

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"It is to be kept in mind," said Judge Swann last night, "that Waite never offered any sort of confession until he learned that I had discovered the receipt he gave for the arsenic. Then he seemed willing to talk. He told me, too, that he wanted a lawyer and would prefer to have John B. Stanchfield. I assured him that he could have every privilege warranted by the circumstances, that he could see whom he pleased and that whenever he pleased except the officers on duty. I asked him where, in his condition, he would prefer to stay. He wanted to remain in his apartment, but there are excellent reasons why that is not desirable, so I instructed the police to remove him from the apartment and take him to Bellevue Hospital."

Dr. Waite was taken to Bellevue last night at 8 o'clock and placed in the

WAITE'S PARENTS HERE TO AID HIM

Father Goes From Train to Bellevue, but Can't See the Patient.

DAZED, SAYS A BROTHER

"Slowly recovering from the effect of the drugs," was the report of Dr. Rufus T. Reid, the admitting surgeon at Bellevue, after an examination of Dr. Arthur Warren Waite, who was taken into the hospital at 8 o'clock last night.

Dr. Harold Bates, ambulance surgeon, arrived at the dentist's Riverside Drive apartment shortly after 10 o'clock and accompanied by an assistant went up to Dr. Waite's apartment. The dentist, still in a half-dazed condition, had been dressed to go to bed in a blue shirt, striped dark trousers and socks for his trip to Bellevue.

"Who are you?" he asked Dr. Bates. "Who are you?" the ambulance surgeon told the dentist he had come from Bellevue to take him to the hospital.

"What do you want?" Dr. Waite wanted to know after a moment. "I don't want to go to a prison," he said. "I don't want to be taken to a prison."

Recently Mrs. Newkirk went to Summitville to visit her sister, a Mrs. Foster. Her friends say that they quarrelled frequently because of his jealousy.

They were seen on the streets of Middletown early this afternoon. Later in the day Mrs. Newkirk appeared at Police Headquarters, accompanied by a man whose identity is unknown. She complained that she had been following her, and threatened to kill her. She was greatly agitated and bled for Police McGeech assigned a policeman to find the man.

The policeman walked up and down the main streets with Mrs. Newkirk, but she did not see the man. Afterward she was observed, when she and her husband looked for a train for Summitville. Her manner seemed normal, and her friends thought that she had made up her quarrel with Newkirk. The station agent at Summitville saw her leave the train, accompanied by a man whom he could not identify as Newkirk. They went down the road together.

Fifteen minutes later the fireman of a train saw a man and a woman struggling at a spot beside the tracks 500 feet from the Summitville station. The engineer stopped the train and the fireman ran back. Before he got there, however, he saw the man throw the woman down an embankment. Then her assailant ran up the road. The fireman looked for the woman and found that her neck had been slit from ear to ear. The razor lay close to the body.

A posse was formed and started in search for the man. An hour afterward members of the posse found Newkirk's body half a mile from where the woman was murdered. The body was found close to the tracks and there was no doubt that he had been killed by a train. The body was terribly mangled, but cards and pockets were found and it was Newkirk's. The razor case was accepted as conclusive evidence of his guilt.

Friends of Mrs. Newkirk say that since she left him to live with Mrs. Foster he had been endeavoring to induce her to return. They believe that she split the difference by permitting her to return and accompany her to Summitville, but that she refused.

They were married in Washington on May 11, 1908, and lived for thirteen months in London. Mr. Cruger was in Paris and again has assumed the name she took at her first marriage, Mrs. S. Van Busseler Cruger.

Her first husband, Mr. Cruger, was a contractor of the Trinity Corporation in New York city. She was introduced at the court of King Edward VII. by Mrs. Whitehall, wife of the then American Ambassador.

Mr. Chance, who was born in Canton, Ohio, was associated in New York with the late Spencer Trask, banker. He went to London and established his own banking house, Wade Chance & Co., with offices in Old Broad street, and New York. Mr. Chance also is of a literary turn of mind.

NOTE MAY BE MURDER MOTIVE.

Kentucky Girl complained of Attention to Another.

LEXINGTON, Ky., March 24.—A letter found on the body of Miss Eva Gregory, who was assassinated near Hartsville Springs yesterday, addressed to Clarence Quigley, Abingdon, Ill., expressing indignation at his attentions to Miss Ella Monroe, seemingly has cleared up the mystery of her death.

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Officers say that Duggan admitted having shot a small bore shotgun from a neighbor and leaving it at the Monroe home. Whether he did this at the request of Miss Monroe is unknown. There is nothing to connect Duggan with the murder of her sister, but the gun was said to be responsible.

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WIFE MURDERER KILLED BY TRAIN AS HE ESCAPES

Cuts Woman's Throat Near Summitville After Begging Her to Live With Him Again—Falls Beneath Wheels as Pursuers Press on Trail.

MIDDLETOWN, N. Y., March 24.—Shortly after the body of Mrs. Maude Brantington Newkirk of Port Jervis was found murdered to-night at a lonely spot near Summitville, Sullivan county, the body of her husband was found beside the railroad tracks half a mile away.

The woman's throat had been cut. Hair of a razor case was in one of her husband's pockets. Near the woman's body the razor and the other half of the case were picked up.

The man had been killed by a train either while trying to escape from the scene of the crime, or to commit suicide. The police are inclined to believe that his death was an accident, and that he fell beneath the wheels of a freight he was trying to board.

Newkirk, an employee of the Erie Railroad, married his wife a year ago. His friends say that they quarrelled frequently because of his jealousy.

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