

THE MOTHER'S STORY

Mrs. Fosburgh Tells of the Night of Terror

SURE IT WAS BURGLARS

Her Manner and Her Testimony Made a Strong Impression — Miss Sheldon Tells What She Saw

Pittsfield, Mass., July 25.—At 9:15 o'clock this morning the trial of Robert S. Fosburgh, charged with the murder of his sister, was resumed. The principal witness today was Miss Bertha M. Sheldon, who was a guest at the Fosburgh house on the night when Miss May Fosburgh was shot to death.

Miss Mae Estelle Chapin was the first witness called today. She was living with the Shepards, across the way from the Fosburghs, at the time of the shooting. The Shepards house was some 250 feet distant from the Fosburgh house. The witness said that she had been in church Sunday evening, August 19. She heard singing at the Fosburgh house during the evening and did not return until 12:30 o'clock.

She was awakened by a violent ringing at the door bell. The witness told of James Fosburgh's brief colloquy with Mr. Shepards, said that she heard a scream from the direction of the Fosburgh house, she went to the window and heard a woman's voice a little later cry out "she has gone."

"I went over to the house with my sister, Mrs. Shepards, shortly. I was told what had happened in the house. I had been in the house about fifteen minutes when Dr. Scofield came. It was all of three-quarters of an hour later before Dr. Paddock came. He went up stairs immediately. All the family were down stairs. I did not see Mr. Fosburgh, Sr., or his wife, Beatrice, or Miss Sheldon, or Mrs. Fosburgh, Jr., go up stairs after Dr. Paddock came."

Mr. Crosby, the city solicitor, obtained from Miss Chapin on cross-examination the statement that she was a close friend of the Fosburgh family. She was very sure that when she saw James Fosburgh after she reached the house that he wore shoes.

Testimony offered by the prosecution had been that Dr. Paddock arrived about 2:30 o'clock, ten minutes or so after Dr. Scofield.

Miss Sheldon was called to the stand at 10:27 o'clock. She was a guest in the Fosburgh house at the time of the shooting. Mystery was said to surround her return to her home in Providence August 21, and her failure to appear at the inquest. There was a little stir of expectancy when she began to testify. She is a slender girl, with a pleasing delicate face. She said that she was a little hard of hearing. The way the family passed Sunday August 19 had been described by James and Beatrice and the elder Fosburgh. Miss Sheldon went over it again. Tears came into her eyes when she testified that the family's day ended with May Fosburgh's last song, "Plains of Peace."

"They all kissed good night when they went to bed," said Miss Sheldon. "I was awakened by a loud noise like a piercing scream. Then I heard a shot from a revolver. I heard another shot and more cries. Presently I got up and went into May's room. She was lying on the floor. James, his mother and Beatrice were stooping over her. Robert was lying on the floor beside her and his wife was leaning over him. Beatrice told me when I asked her what was the matter that some burglars had gotten into the house and shot May."

The witness gave a brief account without details of what she did the rest of the night. She stayed down stairs after dressing, and said that most of the family did likewise. She left for her home at 11 o'clock in the afternoon.

"Why did you leave?" Mr. Joyner asked. "Because I was excited and nervous and knew that I would be in the way." She said she had been asked to come to Massachusetts to testify and that she was willing to come, but her father would not let her. The court refused to allow her father's reasons to be stated.

Miss Sheldon was cross-examined by Mr. Crosby, but her testimony was not shaken. She admitted that she had told General Whitney and Captain Parker that what she did know about the case was very little, and that it was not worth while for her to go to Massachusetts to testify at the inquiry.

The feature of today's proceedings was the testimony of Mrs. Robert L. Fosburgh, the mother of the accused and the mother of the girl who was so cruelly done to death. All of the Fosburghs, from Beatrice to Fosburgh, Sr., himself, are rather more than ordinarily prepossessing, and of all the family there is no one whose presence carries with it more weight of manly or womanly dignity and gentleness than Mrs. Fosburgh, Sr., herself. She looks quite the type of the best ideal of a conscientious, devoted American matron. All who saw her take the witness stand today, knew that they had before them a woman who has been through an agony of grief and mental torture such as fortunately seldom falls to the lot of human beings.

It was the case with her husband, that when the witness came to speak of the simple home events of that last

the crushing fell; that she first gave way under the strain. Her voice shook as she spoke of the murdered daughter's last evening with them, of the reading in the parlor and the playing Sunday the family were together before and singing of sacred songs. She told the names of several of the sacred songs May had sung. "The Holy City" was one of them, she said. "Then," she continued, "the last song," and here she choked, and her voice became so low and tremulous that it scarcely could be heard. "The last song she sang was 'The Plains of Peace.'"

Mrs. Fosburgh now was openly crying, but continued on apparently unconscious of the tears that were streaming down her cheeks. Many people in the court room sat with bowed heads and several were crying with handkerchiefs to their faces.

But it was when the witness told of the terrible events of the night, of the light she saw in the hall, of her calling out, "who is it?" of two awful figures with pillow cases over their heads instantly appearing in the room; of the fearful shriek of her husband as he grappled with them in a life and death struggle of his own rush to help her husband; of the outcry of Beatrice: "Oh, Mamma, look at May," and of her kneeling by her dying daughter's side, whose eyes were already fixed and glaring—this it was which moved the witness to almost wailing earnestness of speech which for a time looked as though her nerves must surely give way under the terrible tension as the memory of those appalling pictures came back to her.

At no time since the trial began have the spectators been as moved as they were while Mrs. Fosburgh's voice raised to a pitch in her nervous excitement while she gave this testimony. Women all over the court room were in tears and men sat with stern drawn faces which told plainly enough of their emotions. If this gentle-faced mother, known for the earnestness of her frequent expressions of religious faith, were playing a part and deliberately perjuring herself, then it was a bit of acting to mark an epoch in the lives of those who saw it; for surely they could hardly expect ever to see its like again. If, on the other hand, it was the relation of the plain truth and a genuine outcry of a fellow creature in the agony of an awful grief, then again it was something to drive a very churl to sympathy and pity.

Mrs. Fosburgh testified that it was about 10 o'clock when she and her husband went to bed. She did not know what time the rest of the family went to bed. "I do not know how long I had been asleep," said the witness. "When I woke up I saw a light. I wakened easily. When I saw the light I thought that some of the family were up. I thought it might be Amy, my son's wife, going to the bath room, as she was not well. I listened, expecting to hear the sound of her moving that way, but there was no sound, no noise whatever. Then I raised myself on my elbow and called out: 'Who is it?' Instantly two men appeared in the doorway. They appeared side by side. I can only describe it by saying that they acted like soldiers as though they swung in the room in line. They both had on pillow cases over their heads. There were slits cut in the pillow cases for their eyes. Their appearance was awful. They looked like devils. I screamed and the next thing my husband uttered an awful shriek. I hope I shall never hear its like again. At the same time he sprang out of bed and the next thing I saw him grappling with the men. They all fell to the floor. I leaped from the bed and went to my husband's aid. I tried to pull the men off from him. I knew no more until I heard Beatrice cry out: 'Oh, Mamma, look at May; she is hurt.' I saw my child lying there before me. My son James was kneeling by her. I dropped down beside her. Blood was flowing from her mouth. I tried to pull it away with my hands. Her eyes were fixed. Then she was gone. It was all over. James was then crying: 'Oh, it was only I. I said 'don't say that, don't say that.' They my son came into the room, staggered and fell fainting on the floor. His head fell near May's. I called to his wife saying: 'Take care of Bert, I have got May.' I tried to pull the blood that was strangling her from her mouth with my fingers. She was dead. I said to James: 'She is gone.' He cried to me as I started to rise: 'Oh, don't get up, don't get up.' I do not remember seeing people. I only saw my child lying dead there. James had folded her hands and straightened out her knees. I remember then James putting his arm around me and saying that I should go to my room and dress that people would be coming. I went and dressed; I went to my own room."

The witness then said that while she was dressing Beatrice came into her room where she had slept and found the hat and the revolver. James was crying over the body of his sister, repeating "Why was it not I?"

Mrs. Fosburgh quieted her son, telling him not to say that. In her distress and agony, she could not tell what time it was. She only knew that her daughter was dead. She did not see Dr. Paddock when he came.

"Dr. Paddock is mistaken about seeing and talking with me that night," said the witness. "He is mistaken. It was the next morning that he saw me. In the morning when they came to make the autopsy I was at the table and went out and spoke to Dr. Paddock. I said: 'Doctor, have you daughters of your own?' and he said 'I have.' Then doctor I said, 'May was a good and pious girl and you will deal with her as you would with your own daughter.' Dr. Paddock said he would.

Mrs. Fosburgh said she did not see Robert until he came in from the back room and fell down beside May.

Question by Mr. Joyner: "Was it your son Robert who was masked?"

(Continued on Second Page.)

ALL KEEP MUM

Naval Officers Quiet on the Schley Affair

FEELING IS HOPEFUL

Captain McCalla Declines to Talk About the Cuban Code of Signals—Captain Cooke Cannot Be Found

Newport, July 25.—There is more or less talk in naval circles here over the coming investigation asked for by Rear Admiral Schley, but not one of the officers cares to publicly express his views. The general opinion is that the investigation will clear up all matters satisfactorily, and all feel relieved that the whole Santiago campaign will be cleared up and disputes will be adjusted to the satisfaction of every one.

Captain McCalla was seen this afternoon on the flagship Kearsarge in regard to the statement made by Rear Admiral Sampson, in which he states that he gave orders, through Captain McCalla, to communicate the Cuban signal code to all the ships of the fleet. Captain Cooke is reported in an interview to have said that the Brooklyn was not in possession of this code of signals, and Captain McCalla was asked if this was correct. He said that as he had read in the newspapers that there was to be an official inquiry at the request of Rear Admiral Schley, it would be improper for him to be interviewed on the subject, as he might be called on as a witness by the court, and he pointedly refused to talk on the subject.

Capt. Francis A. Cook, who commanded the Brooklyn in the war with Spain, is in Newport, the guest of Commander Mason, at the torpedo station. He could not be found today, but there is every reason to believe his reported interview, in which he states that the Brooklyn was not in possession of the code of signals that had been arranged for use between the surgeons and the ships of our navy, and "on account of our lack of knowledge of them we were very much mystified by certain signs that we observed on the beach of Cienfuegos," is correct.

SOMEBODY GUESSED WRONG

New York, July 25.—John R. Dospassos denied a report published today that he had been retained by Admiral Schley as counsel in the coming inquiry. Early in the afternoon Mr. Dospassos left the city for his summer home at Elberon, N. J., but his secretary exhibited to newspaper men the following signed statement: "Mr. Dospassos has had no communication with Admiral Schley and knows nothing about the matter."

SAMPSON IN MUM TOO

His Friends Say He is a Badly Abused Man

Boston, July 25.—Rear Admiral Sampson was confined to his residence at the Charleston navy yard today by an attack of illness which developed Monday night. His condition is not considered serious, but it may be a day or two before he is able to resume his duties as commandant.

It was said at the yard today by those who are in close touch with Admiral Sampson that he will remain silent about the Sampson-Schley controversy reported by the MacLay naval history, until the investigation begins in Washington. His friends regret that he has made the statements he has and they are responsible for his decision not to discuss Schley further until the investigation. Admiral Sampson, according to his friends, is more pleased over the announcement by Secretary Long that there will be an official investigation than anything that has happened since the war, and he will be able to place evidence in the hands of the investigating board which will satisfy it beyond a doubt that he was not responsible for the statements made in the MacLay history about Admiral Schley; that Admiral Schley was given orders by him to send to Cienfuegos that he had not obeyed; and that since the war, he (Sampson) has been a very much abused man, and that Schley and his friends have been responsible for the abuse for which Admiral Sampson and his friends allege there has not been the slightest justification.

Admiral Sampson will reach the age limit for retirement next February, and without a doubt will retire, retaining his present position until then. Contrary to rumors he is said to have no intention of asking for premature retirement, although it is a known fact that he is in poor health. He has for several months been visiting suburban towns with a view to purchasing a desirable home where he intends to live after he severs his official connection with the navy.

Prince Chun Visits Hong Kong

Hong Kong, July 25.—Prince Chun, brother of Emperor Kwang Hsu, who is the head of a special mission bound for Berlin to make an attempt for the murder of Baron Von Ketteler, arrived here this morning. At 11 o'clock he called on the governor and afterward visited the Chinese club which was decorated in his honor. Then he made a tour of the city and left on his trip at 6 o'clock.

Prince Chun and party sailed on the German warship Bayern.

SCHLEY'S JUDGES

Three Officers of High Rank Appointed

DEWEY AT THE HEAD

Rear Admirals Kimberly and Benham, Both Retired, Will Be Associated with the Hero of Manila Bay

Washington, July 25.—Secretary Long today announced the names of those who are to serve on the court of inquiry requested by Rear Admiral W. S. Schley for the purpose of thoroughly investigating the charges that have been made against the victor of Santiago in MacLay's "History of the Navy," and in various other quarters concerning his conduct during the West Indian naval campaign.

The court will be constituted as follows:

Admiral Dewey, president; Rear Admiral Lewis Ashford Kimberly, retired; Rear Admiral Andrew Elliot Kennedy Benham, retired; Commander John B. Pillsbury, judge advocate.

It was also announced that the court will meet in the large reception room of Secretary Long's office, the opening session, to be held September 12 next. Rear Admiral Kimberly was retired for age April 2, 1892, and is now 71 years old. Rear Admiral Benham was retired April 10, 1894, and is now 69 years old. Both these officers are hale and hearty, despite their advanced years. They have splendid records, professionally and otherwise. Admiral Kimberly lives at West Newton, Mass., and Admiral Benham in Washington.

It was Admiral Kimberly who was sent to Samoa in 1890 in command of a squadron to protect American interests. The friction between the American and German ships was very great and there was danger of a clash, but confidence was felt by the authorities in Washington in Kimberly's ability to proceed diplomatically, or, if absolutely necessary, to defend the honor of the flag. The great hurricane of March, 1890, relieved the political situation. The three ships under Kimberly's command—the Trenton, Vandallia and Nipsic—were destroyed, as were also three German war vessels.

Admiral Kimberly was born in Troy, N. Y., in 1830. In the civil war he served as executive officer of Admiral Farragut's famous flagship, the Hartford, and participated in many important actions, including Mobile Bay. Admiral Dewey was a junior officer of the Hartford, with Admiral Kimberly at that time. In the Korean expedition, Admiral Kimberly commanded the landing force that captured the Chemulpo forts. For his services in Samoa Admiral Kimberly received a commendatory letter from the secretary of the navy.

Admiral Benham is best known to his countrymen as the man who broke the blockade at Rio de Janeiro in the Brazilian rebellion of 1895, and not only enabled the American merchantmen to discharge their cargoes, but gave the death blow to the attempt to re-establish the Portuguese monarchy in Brazil. Benham made fruitless efforts through diplomatic means to secure permission from the republic for some American vessels laden with flour to discharge their cargoes at the Rio wharves. Finally he served notice on the rebellion admiral, DeGama, that he intended to convoy the flour vessels to the city.

The little second class cruiser Detroit, under Commander Willard H. Brownson, now of the battleship Alabama, started by Benham's orders to escort two American merchantmen through the blockade line. Two rebel battleships with shotted guns and their crews at quarters, barred the way. One of them fired a shot across the bow of the Detroit and Brownson responded with a shell aimed at the hull of the Brazilian, and shouted over the side that he would sink her if another shot was fired. This ended the incident and the revolution. DeGama attempted to surrender to Benham, but the latter refused to regard him as an enemy. Other foreign commanders followed the example of Benham, the blockade was completely broken and the attempted restoration of the monarchy went to pieces.

Admiral Benham was born in New York city, in 1832, entered the navy in 1847, and two years later participated in the capture of a piratical Chinese junk near Macao, receiving a slight pike wound in the right thigh. He was a lieutenant commander in the civil war, serving principally on the blockade of the Texas coast. While on that service he did not go ashore for thirteen months.

Commander Pillsbury is now equipment officer at the Boston navy yard. In the war with Spain he commanded the dynamite cruiser Vesuvius which frightened the Spaniards by firing big shells filled with high explosives.

Pittsburgh Scratched Off

Washington, July 25.—Secretary Long tonight cancelled the appointment of Commodore John E. Pillsbury as judge advocate of the Schley court of inquiry.

CANNOT BE TOLD

Frank Allred's Crime Too Horrible to Print

HIS PURPOSE FAILED

Caught and Committed to Jail Without Bail — Strike of Spinners in Lakeside Cotton Mills

Burlington, N. C., July 25.—Special. Frank Allred, aged thirty-five, was arrested here tonight by Chief of Police Murray, charged with an attempted rape on Claytie, the three-year-old daughter of C. W. Petty of Osceola. The evidence against Allred is very strong, and there seems to be no doubt as to his guilt. Allred has borne a good reputation previous to this, and it is a great surprise to all who know him. The following are the facts in the case, as given to your correspondent:

Allred has been employed in the Bellefont cotton mills and boarding with the Petty family. Last night he was drinking and did not report for duty. This morning Mr. Petty left Allred and the little girl in the room about 9 o'clock and went out to attend to some business, and when he returned he found Allred with the little girl down on a pallet. His design was evident from his position, but the details are not printable. The father demanded of him to know what he was about, but he only jumped up and proceeded to make good his escape from the angry father. Mr. Petty at once looked up a deputy sheriff and began a search for the wretch. They were not able to find any trace of him until he was located here this evening just as he was about to take the 5:45 train. The officers carried him back to the scene of the crime, which is about seven miles from this place, where he was tried before Justice Page and committed to jail without bond.

CONTEST COMPROMISED

Peace Reigns in Randolph County Once More

Asheboro, N. C., July 25.—Special.—The three contested election cases in Randolph county were today compromised by the Democrats getting the offices of register of deeds and treasurer, and the Republicans the office of sheriff, each party paying their own costs, thus terminating what would have been one of the most hotly and expensively contested cases in the history of the State, there being from three to five hundred witnesses on each side. The Democrats were represented by Messrs. Robins, Hammer, Hammond, Brittain, Morehead, Long and Poy, and Messrs. Bynum and Bynum, Steadman, Barringer and Sapp for the Republicans.

The criminal docket will be disposed of tomorrow. Several important civil cases will be tried, beginning Monday, Judge Coble presiding.

WENT OFF TOO SOON

Premature Explosion in a Battleship's Big Gun

Newport, July 25.—While at target practice outside Tuesday, before the ships of the North Atlantic squadron came into Newport harbor, it is reported that the port 13-inch gun in the after turret of the Kearsarge met with an accident similar to that which disabled one of the guns in the forward turret in the gulf last winter—the premature explosion of a shell. Captain McCalla was seen today about the matter and said that he would prefer that the information be received from the department, a report having been sent there on the matter. He did say, however, that there were premature explosions but that no serious damage was done, in fact the gun was fired several time afterwards and worked well.

When spoken to about the investigation into the firing of a one-pounder yesterday when a shell burst over the thickly populated part of the city, one piece of the projectile hitting the city hall, Capt. McCalla said there was nothing to say other than it was done by an automatic gun. From this it is inferred that while at target practice Tuesday a shell was left in the gun by oversight, and when at drill last evening the gun was fired when supposed to be empty, but it was found to be shotted. It is learned today that the shell plowed its way through the grove of trees on Quaker meeting grounds and that this caused it to burst. The city hall is a stone's throw from there. Large crowds viewed the scene today to see the result of the shot, and those who found pieces of the shell value them highly.

WRECKED BY NAPHTHA

A Town in Ruins and Many Killed and Wounded

Batoum, July 25.—A terrible explosion of naphtha occurred at noon today in the center of the town which is now in ruins. Many persons were killed. Many of the dead were horribly mangled and fragments of bodies were scattered broadcast by the force of the explosion. The number of victims cannot be estimated, but as the area affected was the most thickly populated part of the city it is feared the loss of life was great.

Heat Kills a Convict

Winston, Salem, N. C., July 25.—Special.—A negro county convict died near Kernersville last evening from a sunstroke received while marching along the public road. The supervisor was moving his force and camp from Centerville to Kernersville.

Long Stroud, a member of a section force between Winston and North Wilkesboro on the Southern road, was prostrated by heat yesterday, and today his condition is considered critical.

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The feeling against Allred is very strong, but there is no danger of the people taking the law into their own hands and lynching him; but they will allow the law to take its proper course. There was a strike this morning in Lakeside Mills here. The spinners were dissatisfied with the way they were using, and in a fret they left their bodies. The whole mill had to stop operation. There will be no compromise, but their places will be supplied by others. They have already been notified to vacate their houses. The number of men involved is about fifteen.

ORDER SUSPENDED

Reorganization of Army Posts Has Been Put Off

Washington, July 25.—Secretary Root today suspended the order which he prepared yesterday for the appointment of a board of officers to look into the subject of a reorganization of army posts of the United States. This order was drafted yesterday and the personnel of the board selected. It has been apparent to the officials of the War Department that there should be a reorganization of the military posts of the United States. Some sections of the country have asked for the establishment of new posts and reports received at the department show the necessity for the abandonment of others. Accordingly Secretary Root determined to refer the subject to a board of army officers and the order doing so was sent to General Miles for his consideration. It was expected that it would be ready to be made public today, but Secretary Root surprised the officials of the department by returning the order to the adjutant general's office with the endorsement "suspended." No explanation was obtainable at the War Department for this action. It is thought, however, that its suspension at this time is merely temporary.

PALMA DENIES

Neither He Nor Gomez Declared for Annexation

Havana, July 25.—The newspapers publish a letter written by Senor Estrada Palma to Senor Rubens, in answer to a letter from the latter informing Senor Palma that the Havana city papers stated that Senor Gomez and Senor Palma had said at the banquet given at the Union League Club that the destiny of Cuba was annexation and a question of gravitation between Cuba and the United States. Senor Palma says that the statement is utterly untrue. Neither he nor General Gomez said anything of the kind. General Gomez, he adds, is not an annexationist. Senor Palma declares that the story originated probably from two reporters of the Associated Press and another reporter who misrepresented the statements that were made, owing to the fondness of some American papers to have the idea of annexation advanced or who, perhaps, took statements of Mr. Stokes for those of General Gomez.

A number of Spanish merchants have formed a company to build a court for the Spanish ball game in New York.