

FOSBURGH IS SET FREE.

JUDGE INSTRUCTS THE JURY TO ACQUIT HIM.

PROSECUTION FAILED TO MAKE OUT A CASE—AFFECTING SCENE AT CLOSE OF TRIAL.

[BY TELEGRAPH TO THE TRIBUNE.] Pittsfield, Mass., July 26.—With a smile on his face Robert Stewart Fosburgh this morning heard the jury pronounce him not guilty of the killing of his sister, May L. Fosburgh. The verdict was the culmination of perhaps one of the most surprising trials which ever occurred in Western Massachusetts. In the history of criminal trials in this State no case in recent years has attracted the attention which this one has. It was unusual from the very nature of the crime alleged, as well as from the almost unbelievable character of the acts which by implication were connected with it.

RESULT WAS EXPECTED.

Ever since the prosecution has finished its case, it has been a matter of speculation whether Judge Stevens would end the trial summarily, or whether he would permit it to go to the jury for their deliberation. It was known by those in touch with the officials last night that a consultation had taken place between District Attorney Hammond, on the one side, and Lawyer Charles E. Hibbard of the defense, in the presence of the judge. The question that came up was whether or not the government had shown exclusive opportunity for the defendant to have committed the crime. Any one who followed the case closely knows that the State had absolutely failed in this, and it was not at all surprising when the rumor that the judge had decided to take the case from the jury gained currency. In order to save the counsel on both sides the labor of preparing their arguments, Judge Stevens very humanely sent word to them last evening what he had decided to do. The communication, of course, was guarded from the public, who gathered in the usual crowd about the courtroom this morning, expecting to hear the arguments, which were sure to be spicy and sensational.

FAMILY ASPIRE EARLY.

The Fosburgh family probably knew what the decision was. They were astir early in the Hotel Wendell, where they have had their quarters during the progress of the trial. On the face of every member of the family there was a happy expression, not at all keeping with the uncertainty usual in jury trials. The defendant, when he appeared, bore his usual expression. There was one face missing in the family group. It was that of the defendant's pretty young wife. She was taken ill on Wednesday and has not been seen, either in court or about the hotel, since. She is frail constitutionally, and the strain of the trial caused a practical collapse. So the family party went to the courtroom this morning without her. The time for coming in this morning had been fixed for a quarter of an hour earlier than usual. But when 9 o'clock arrived, the jurors were not in their seats, and the judge was still missing from the bench. The spectators' seats were filled with an expectant audience. At 9:15 the door was opened to admit the jurors. They came in with their hats in their hands, a sure indication that the end was near. Judge Stevens followed closely. The formal opening of the court over, Judge Stevens arose and addressed the jury. He said:

THE JUDGE INSTRUCTS THE JURY.

Mr. Foreman and Gentlemen: The last six days we have given to the painful recital of one of the saddest tragedies that was ever presented to a jury. A beautiful girl, just bursting into womanhood, was shot in her home. Her brother was accused of having committed the crime. The government has urged that she should be convicted, to establish three propositions.

TRANSATLANTIC TRAVELLERS.

Among those who will sail to-day on the Minnetonka, London, are Dr. and Mrs. A. B. Hall, Archdeacon Bruce, the Rev. Montague Bruce, Dr. W. R. Chichester, Mr. and Mrs. A. Bernard Chancellor, Mrs. Rosalie Dyer, Dr. J. Q. Gerhard, the Hon. and Mrs. George Gray, Dr. and Mrs. H. A. Kent, Dr. and Mrs. F. W. Mann, Dr. and Mrs. E. M. North, Dr. and Mrs. Thomas Shearer and Mr. and Mrs. J. S. Weatherly.

THE DEFENDANT DISCHARGED.

The judge resumed his seat, and Clerk Conde summoned the defendant to his feet. Addressing the jury, he said: "Gentlemen of the jury, have you agreed on a verdict?" "Yes," answered the foreman. "What say you, is the defendant guilty or not guilty?" "Not guilty."

REJOICING OVER THE RESULT.

When the defendant was discharged his family and friends gathered about him with radiant faces. The family were besieged by a great body of friends and relatives, who embraced them and shook their hands and offered congratulations. It was a scene of affecting felicity. In a few moments the family party adjourned to the Hotel Wendell, where the congratulatory scene was renewed. At luncheon, when the defendant passed into the dining room, the female orchestra played "America" and "The Star Spangled Banner" in honor of the occasion. It was not long before telegrams began pouring in from all over the country, as well as from Europe. As an instance of the speed with which the good news traveled, it may be said that a cablegram was received by the Fosburghs from an uncle in Manchester, England, about noon, expressing gratification at the verdict, and confidence in the innocence of the defendant. Very little was said by the Fosburgh family. When called for an interview Robert L. Fosburgh,

THE FAMILY'S FAITH.

We are glad the trial has ended. We never had a moment's doubt of the result. We knew we had told the exact truth as to the death of our dear May. Her death at the hands of a burglar was a crushing blow to us all, but greater still was our anguish when one of our number was accused of killing her. But through it all our faith in her innocence and power has sustained us. To the indignation of the public press and the kind friends who have so nobly stood by us we extend our sincere thanks. District Attorney Hammond said after the verdict was announced that he had little to say. He said that the prosecution depended on the statement of little Beatrice Fosburgh to prove a militia opportunity on the part of the defendant. She testified at the inquest, he said, that Robert was in the hall when May was shot. But when she testified at the trial she changed this story entirely, and said that Robert was in the bedroom when May was shot. This took away one of the strongest features of the government's case.

FOSBURGH WITNESS DEAD.

DR. PADDOCK, THE MEDICAL EXAMINER, DIED LAST EVENING.

FOSBURGH TO HUNT MURDERER.

Captain Titus, of the local detective bureau, said yesterday that the Fosburgh family had asked Chief Hazen, of the United States Secret Service, to help find the man who killed May Fosburgh. He said he expected Hazen here soon to confer about the matter.

SUSPECTED PERSON RELEASED.

Washington, July 26.—A man who said he was James Gray, formerly of Union Pier, Mich., and Chicago, was arrested here to-day on suspicion of being implicated in the Fosburgh case. Gray had just stepped out of jail after serving fifteen days for stealing a hat from a hotel, when a detective arrested him. Affidavits secured by Detective Titus, of New-York, from women there, charge a man named Gray with committing a burglary and shooting a woman about the same time and in the same place as the Fosburgh case. Captain Hazen learned three days ago that Gray was taking an unusual interest in reports of the Fosburgh trial and spent much time in his discussion. Gray told detectives that he was from Indianapolis, but the authorities there have no trace of him. He said he had lived at Union Pier, then went to Chicago and later was employed on a railroad at Cambridgeport, Mass.

WHAT TILMAN SAYS OF M'LAURIN

THE LATTER EXPECTED TO MAKE GOOD HIS THREAT OF "SPLITTING THE PARTY WIDE OPEN."

[BY TELEGRAPH TO THE TRIBUNE.] Columbia, S. C., July 26.—"They objected to our curbing the tail of the tiger by making the candidates for Congress pledge themselves to support and advocate the measures in the party platform, so we cut its damned head off." This support and the explanation given to-day by Senator Tilman of the action of the Democratic Executive Committee last night in ruling Senator McLaughlin out of the party and calling for his immediate resignation. The news of the committee's action was to-day taken to Senator McLaughlin, who is occupying a cottage on the summit of a mountain in Greenville County. He was taken by surprise, but declined to express himself at this time. It can be safely said that he will not resign. He will confer with some friends and in a few days issue a statement. He was suggested he might be turned out of the party, said: "I dare them to try it. If they do, I'll split the Democratic party in this State wide open."

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OBITUARY.

THADDEUS HYATT. Thaddeus Hyatt, who was an intimate friend of John Brown, Senator Sumner, Horace Greeley and other men prominent in national affairs, and who was active in his efforts to prevent the extension of slavery in Kansas, died on Thursday at his home, in Morton-st., which contains a large library of books, and was brought up in New-York. He became the manufacturer of the glass lens which is used to admit light under sidewalks. This was his own invention, and brought him much wealth, which he afterward used in his anti-slavery work. In the fifties he joined heart and soul in the movement to check the extension of slavery. His house, in Morton-st., which contains a large library of the anti-slavery leaders in New-York, John Brown when in the city always made his home with Mr. Hyatt. After the execution of Brown Mr. Hyatt was summoned to appear before the United States Senate Committee to give testimony regarding the movements leading up to the Harper's Ferry trouble. He went to London to attend to the demands of the committee, and was sent to the Old Capitol Prison, in Washington, where he stayed for several weeks. Making the best of it, he had his cell comfortably fitted up, and sent out "at home" cards to his many friends in Congress and in official position. He kept an autograph book, signed by some of the most distinguished men of that time. When not engaged in receiving callers Mr. Hyatt addressed anti-slavery communications to various papers and magazines, and arranged for a series of mass meetings at the Cooper Union, in New-York.

EX-JUDGE AUGUSTUS VAN WYCK MENTIONED AS THE ATTORNEY—THE CAPITAL \$300,000.

Information of the formation of a "bread trust" reached Wall Street yesterday afternoon and excited discussion. It was learned that the National Bread Company had been incorporated at Trenton, N. J., with a capital of \$300,000, and that among the incorporators were Joseph H. Strang, Orange, N. J., a man well known in Wall Street, and Charles Lutz, treasurer. Charles Fostelli, of No. 17 Sullivan-st., who with William Dooley, of No. 324 Third-ave., was terribly burned and scalded on Thursday in the boiler explosion in Poyet's candy factory, at Tenth-ave., and Thirty-fifth-st., died in Bellevue Hospital yesterday.

COLONEL MEADE HITS BACK.

CHARGES COLONEL DENNY AND MAJOR LAUCHHEIMER WITH CONSPIRACY.

It was said yesterday that the court of inquiry which is now in session at the Brooklyn Navy Yard had on Thursday sifted the charges of intoxication made against Colonel Robert L. Meade, commandant at the marine barracks, and was then considering the counter charges made against Colonel Frank L. Denny, quartermaster, U. S. M. C., and Major Charles Lauchheimer. Colonel Meade charged both with false statement and conspiracy to injure him, and charges Colonel Denny with irregularities in the reconstruction of the marine barracks.

SMALLPOX AT EASTVIEW.

FOUR CASES AT THE WESTCHESTER COUNTY ALMSHOUSE—ALL THE INMATES VACCINATED.

Tarrytown, N. Y., July 26 (Special).—There are four cases of smallpox at the Westchester County Almshouse, at Eastview, three of which developed this morning. There is some fear that the disease will spread. The matron, Miss Sarah Delaney, became ill a few days ago, and three old men who have been in the almshouse for some time were stricken to-day. Another old man is quarantined on suspicion. Superintendent Lane was in town this morning to get a carpenter to build a pesthouse, and a large one will be erected at once. All the inmates have been vaccinated. Drs. Freeland and Mills are in charge, and they are doing all they can to stamp out the outbreak.

STILL FIGHTING FIRE.

ANNOUNCEMENTS.

E. & W. TIONA, E. & W. MARINE INTELLIGENCE.

MINIATURE ALMANAC.

INCORPORATED STEAMERS.

NEW-YORK CITY.

WHAT IS GOING ON TO-DAY.

THE CASINO GIRL.

THE STROLLERS.

THE BOHEMIAN GIRL.

THE STROLLERS.

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THE STROLLERS.

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THE STROLLERS.

HOT NEWS.

PROMINENT ARRIVALS AT THE HOTELS.

WHAT IS GOING ON TO-DAY.

THE CASINO GIRL.

THE STROLLERS.

THE BOHEMIAN GIRL.

THE STROLLERS.

COUGH & FITZGERALD.

161 BROADWAY.

723 SIXTH AVENUE.

Amusements.

S. NICHOLAS GARDEN.

MANHATTAN BEACH DAY.

THE CASINO GIRL.

THE STROLLERS.

THE BOHEMIAN GIRL.

THE STROLLERS.

WHO IS "IT"?

Sampson or Schley?

The controversy between these celebrated naval officers "will not down." All the influence of the government has been used in the past to suppress this quarrel without avail. It has at last been decided that a Court of Inquiry will be appointed. There is, however, no controversy as to the fact that

THE Sunday Tribune IS "IT."

The Court of Public Opinion has passed upon this question and given a final decision to the effect that if you wish to be thoroughly posted on the news of the day, with just sufficient amusement thrown in to make it agreeable, you MUST purchase THE SUNDAY TRIBUNE. Some of the attractive features for Sunday, July 28, are given below.

Too Busy to Go to Luncheon.

Many New York business men have their luncheon prepared and served in their offices. Some interesting features of this custom.

The Lady and the Banker.

Women as bank customers, and their methods in dealing with the banks.

American Citizens British Peers.

You may inherit a title in the British Empire without being a citizen of it. An international precedent of interest.

Adirondack Camps.

A most interesting description of Adirondack camp life. Some of the magnificent hotels there, and many prominent visitors.

A Submarine Tragedy.

History of the Submarine Boat David at New Orleans. Monument to a forlorn hope.

The Panama Canal.

While the United States is talking of the Nicaragua project, the digging of the Panama Canal is progressing.

Thousand Islands.

No more delightful region for a summer outing can be found than these gems of the St. Lawrence.

A Souvenir of the Boxers.

Proclamation in Chinese and Pidgin English posted in the American quarter of Peking.

Block Island.

This beautiful little rock-ribbed speck in the ocean which is forever fanned by the cooling sea breezes.

Yacht Protection.

The equipment millionaires have for protecting their steam yachts against accidents.

The Striking Tailors.

Their grievances and what they hope to accomplish.

Hay Fever Cure.

A new method for relieving sufferers from this peculiar malady.

Mexican Music.

The Pan-American has a varied and very interesting collection of Mexican musical instruments, which must be both seen and heard to be appreciated.

Literary Reviews. Sports of Saturday and the Week. Matters of Special Interest to Women. Entertaining Miscellany from The Tribune's Foreign and American Contemporaries. A page of Humor. Special Correspondence from London and Paris. The News of the World.

All this, and much more, in the SUNDAY TRIBUNE.

Order it of your dealer.