The Sun.

Snow or rain to-day, probably rain to-morrow.

VOL. LXVIII.—NO. 149. NEW YORK, SUNDAY, JANUARY 27, 1901. COPYRIGHT, 1901, BY THE SUN PRINTING AND PUBLISHING ASSOCIATION. THIRTY-TWO PAGES. PRICE FIVE CENTS.

FOSBURG MURDER ARREST.

SUSPECT OF THE WOMAN KILLED INDICTED FOR MANSLAUGHTER.

Esther Stewart Fosburg Charged With Shooting His Sister in Pittsfield, Mass., in August Last. Family Have It Not That Three Masked Men Have Invaded the House and That One of Them Shot the Girl While She Was Coming to the Entrance of Her Father. Reasons for the Present Arrest Not Disclosed. Family Troubles Hinted At.

SPECIAL TO THE SUN. PITTSFIELD, Mass., Jan. 26. Robert Stewart Fosburg, brother of Miss May L. Fosburg, who was shot at the home of her father in Pittsfield on Monday, Aug. 20, was finally arrested for manslaughter, charged with killing his sister. The arrest was the result of a warrant issued by the Grand Jury, which met in this city last week, and which was finally announced only to the surprise of the public as well as of the Fosburgs, father and son. The indictment is extended and indignant denials are issued. He says:

"This case is a diabolical plot on the part of some one. I was not at home, and though I did not know of my sister's shooting until all day to get bondsmen and I succeeded. The arrest is a surprise to me. I thought I had heard from the Fosburg officials at the continued inquest. I am still open. It was caused by Chief Nicholson, whose reference in the inquest I did not understand, and according to the Fosburg family, to certain other detectives employed in the case. The rewards offered were not by amateur as well as professional detectives, but upon arrest of men by the Chief of Police and a committee of citizens. Massachusetts detectives, General Pinkerton, the Pinkerton detectives of New York, one and I have received no information."

The Chief of Police heard all and declined to comment and to-day is unwilling to express what testimony will be used to secure Fosburg on the grand jury indictment. Whether there was a family quarrel, whether another explanation of the killing will be attempted in one here is not known.

A significant point missed in all reports of the inquests is the fact that Miss Bertha Stewart, daughter of a Providence, R. I., architect, was a guest of the Fosburgs on the night when Miss May was killed, that she left Pittsfield soon after the tragedy, and that she came to Pittsfield to testify at the inquests as to what occurred in the house on the night of the tragedy—and no attention to the summons was paid. Public sentiment here is that the Chief of Police is now in a position to get at the facts in the case heretofore not procurable and that some surprises are in store.

The grand jury reported on Jan. 17 and although it has been generally supposed that young Fosburg has been in Pittsfield it was not until to-day that the police were able to apprehend him. For some reason he was not where they naturally expected to find him until this morning. This morning Police Officers Dean and Flynn drove out to the office of Fosburg & Sons, just beyond the scene of the crime and a mile from the city, where the Fosburgs are building a $200,000 plant for the Stanley Electric Company recently bought by Roebling & Sons of Trenton, N. J., wire manufacturers. There they found young Fosburg and his bookkeeper, Fred W. Lund of Buffalo.

Fosburg greeted the officers and Flynn replied:

"Good morning, Fosburg. I have something here to read to you."

Fosburg smiled and asked the policeman to quit "jollying" him. When he realized that he was charged with manslaughter in killing his own sister he turned ghastly pale and said:

"This will kill father. This is the last straw."

Young Fosburg was greatly surprised, and if he had anticipated anything of this kind, he certainly feigned it a masterly manner. He asked permission to notify his father, who had just returned to Pittsfield from Hot Springs, Ark. This done the young man announced that he was ready to accompany the officers. His father's home is the finest in Pittsfield, and the young man offered the carriage with the officers and was driven to the police station, passing the house where the crime was committed. He was not placed in a cell, but in a large detention room where his father soon visited him. The young man could not be seen by the newspaper men and furthermore would not talk of the case to others. Major Charles F. Plunkett fixed his bail at $10,000 and the father immediately hastened off to see several business men in the hope of procuring bondsmen. Merchants of whom the Fosburgs had bought goods were seen, but this evening the effort had not resulted satisfactorily.

The SUN reporter the elder Fosburg said:

"I don't care to make any extended statement at this time. The arrest was a surprise to me. I had not the slightest intimation that my son was under suspicion or that anything was being done in the direction which has resulted in the arrest of Robert. I have not yet recovered from the shock of the arrest, and I know it at my son had no idea that he was under suspicion. I believe that this arrest is a diabolical plot on the part of some one. The evidence which the police have must be heavy—started by some one and reported so shrewd a manner as to gain credence."

The illness of Miss Fosburg made the biggest sensation the town ever had. The fire alarm was sounded, and during the day and night a thousand armed men patrolled the country roads about. For a week the search was kept up, but no trace of the murderer was found. At last it was learned that young Fosburg had been arrested there and a second sensation. The news was sent from the women of both Fosburg families until this evening, when the mother, father and three sisters visited the prisoner at the police station.

Jacob Fosburg, who is the only member of the family not in Pittsfield. Two of the sisters read at a newsstand this evening a paper, one of them bursting into tears. She did so. Much sympathy is expressed for the women of the family, but it is generally believed Chief Nicholson has here have unbounded confidence in his opinions have been thus far justified. The horrible deed and a battle is sure to result, for the wealthy relatives who will furnish all needed money. Mr. Fosburg's representatives are anxious to secure all evidence the Commonwealth has, and what caused the indictment of the girlies printed in the newspapers. Interviews with different members of the family show that how nicely the testimony of the members of the family given in the inquest will be known when the inquest is closed and made public.

Chief Nicholson simply says that he received evidence he said to Judge Pocker at the inquest and before the Grand Jury and cares for nothing more at present. It was that Medical Examiner Podick recalled to the police that Miss Fosburg had three bruises when he looked at her body, which he denied this and stated that the statement is not correct. The body was warm when I reached there. My examination has been filed in the District Court, but has not been made public. I have nothing to say on the case."

The fact that the indictment charged manslaughter, and not murder, made it the impression that the inquest was finished, for it was at that time the Nicholson claim would the girl was not intended for her. There was very young person about and there are grounds for belief that young Fosburg would hardly have been ignorant of the intention of firing the rifle. The inquest ended with a great deal of attention to an evening state paper, in which it was placed at the disposal of Police Nicholson. Later came the report in the New York papers, and soon the city offered a reward of $1,000. Quite was built up, and the family appointed on the ground of family troubles. Later the family offered a reward of $1,000. Quite was built up, and the family appointed on the ground of family troubles. The