NO FOSBURGH SURPRISE.

DISTRICT ATTORNEY SAYS HE HAS NO SENSATIONS IN THE CASE.

The State's Case Against the Young Man for the Manslaughter of His Sister Rests on Circumstantial Evidence—Chief Nicholson's Peculiar Position in the Trial.

PITTSFIELD, Mass., July 20.—Mr Hammond, the District Attorney conducting the case of the State against Robert Stewart Fosburgh, charged with manslaughter in the killing of his sister on the night of Aug 20 last, put a definite quietus to-day to the rumors that have been in circulation to the effect that some sensational testimony was to be sprung by the prosecution before the State rested. He said positively that there was no sensation of any sort coming. The case for the State, he said, was purely on circumstantial evidence. Speaking from a technical legal standpoint there was no direct evidence whatever.

Inferentially from what he said it was gathered that the testimony for the prosecution is to be all of the same character as that already brought out. Dr. Scofield, the first physician called to the house after the shooting, is to be examined. Dr. Scofield was there some time before Dr. Paddock arrived, and Dr Paddock testified that when he got to the dead girl's side the body was still warm, except as to the hands and forehead, and that there was no indications of rigor mortis. This wiped out one rumor, which was to the effect that it would be shown that Miss Fosburgh had been dead for some time before help was summoned.

After Dr. Paddock's testimony it would seem impossible that of Dr. Scofield could be otherwise than confirmatory of the family's statement that help was called in as quickly as possible in the confusion after the shooting. Then there are the two members of the family who have been summoned by the State to testify against their brother. They are the young Yale graduate, James Fosburgh, and the thirteen-year-old sister, Beatrice, who was sleeping with May on the night of the tragedy.

In speaking of the witnesses yet to come for the State, Mr. Hammond said to-day that perhaps some of those who had been subpœnaed would not be called to the stand and the two members of the Fosburgh family may be in this category. Lawyers here have spoken in some surprise of the fact that the prosecution had ventured to make them its own witnesses.

CHIEF NICHOLSON'S IMPORTANCE.

By all odds the most interesting witness for the State that is yet to come, so far as known, is the Chief of Police, Mr. Nicholson. Mr. Nicholson has been the head and front of the prosecution of young Fosburgh. He it was who first led the investigation along the line of the theory that there were no burglars in the house on the fatal night and that the killing was done by a member of the family and not by an intruder.

The community here may be said to be ranged into two parties, one party supporting the Chief of Police and another party loyally firm in the belief that the family, in telling the story of the invasion of their house and the killing of May by one of the intruders, told the simple truth. Chief Nicholson has many warm personal friends. He is something of a village hero. An athlete, a football player of much dash and pugnacity and the Captain of the local militia company, he has been long in the public eye as an admired figure. There is, moreover, a certain firm, swarthy comeliness in his face and an alert vigor in his bearing. There is that about him which has made people feel a certain sense of security when they saw him about town and reflected that with such a clean-cut figure of a Chief of Police in eternal vigilance over them there need be little fear of evildoers.

So it has come about that in the minds of many this Fosburgh trial is to determine whether this popular idol is to be a fallen and smashed idol or whether he is to remain still upon his pedestal more firmly than ever planted in the confidence of the community. Of course, when the Fosburgh affair occurred it was a tremendous shock to people. It jarred the sense of security with which they went to bed at night, with the eagle eye of the police chieftain watching over them. It not only was not respectable for so proper and conservative an old Massachusetts community as that of Pittsfield to have burglaries and midnight murders in peaceful homes, but the fact itself pulled the very underpinning from the particular structure on which their confident security had rested.

How is it there be such doings they asked themselves and Chief of Police Nicholson. And when weeks passed and months passed and Chief Nicholson, whose keen-eyed, stern, soldierly face was the very ideal of what an eternally vigilant terror to evil-doers should be, when all this time passed and the daring intruders upon Pittsfield's law-abiding privacy remained uncaught and unheard of, it seemed for a time as though there might actually be a shaking of confidence in the all-compelling Hawkshaw powers of the Chief himself.

So it was with something of relief that many people learned that there were no burglars after all. It was akin to an opiate to troubled minds to learn that the Chief of Police had opened his mouth and spoken, and that the substance of what he had said was that the Fosburgh burglars and murderers were myths. For the sake of the good name of the community and for the sake of their past confidence in their police protector, people were glad, in a way, to be told that they could go to bed and sleep free from the fear of having to get up and fight for their lives in the dead of the night with burglars; that the Chief could and would prove all this to a certainty when he let off the deadly Sherlock Holmes detective battery which he was training on the Fosburgh family story.

PITTSFIELD'S VIEW OF OUTSIDERS.

Perhaps it is a little too much to say that Pittsfield regards strangers who come here and sojourn unvouched for by local families of long-established respectability in something the light of foreigners. To say that is to go too far, for the orthodox Pittsfield idea of a foreigner is that he wears earrings and has intricate recesses in his wearing apparel for the concealment of dirks. So they do not look upon mere strangers who come here to live temporarily from this foreigner point of view. It is not fair to say they do. They look at them merely with the wholly dispassionate, perhaps even severe, eye of respectability and leave time, in the absence of other guarantees and in the absence likewise of any overt acts of turpitude, to determine their status—to determine it vaguely, of course, for the status of anybody born far away from Berkshire county and wholly without Massachusetts family connections must naturally ever remain vague—not shady, necessarily, but nebulous.

Now the Fosburgh family here at the time of the tragedy were socially in a state of transition to that point of social eminence in Berkshire which is the highest point persons from afar, particularly when under suspicion, as were the Fosburghs, of some indefinite association with "the West," can hope to attain—the point where their presence is regarded with indulgent tolerance, and when there is a delicate avoidance in their presence of the subject of the unfortunate accident of birth which deprived them of Massachusetts connection. So when the Chief of Police came to the relief of the community with the statement that there were no burglars, that the whole affair was a horrible family brawl—why, it was a Uitlander family and there were rumors that Uitlanders did all sorts of irregular things, and the chief's proposition did not cause the surprise it might have done had it referred to a properly identified and certified family.

In other words, the chief had no local prejudice to overcome in getting adherents to his theory, and he got them, many of them. The party that is ranged on his side is made up of all kinds of people, but it is particularly strong among the group to whom police influence is of value in one way and another, and it is pretty well understood in this instance that the Chief of Police is in the frame of mind where all who are not for him in this matter are against him. So far as local sentiment is concerned, he does not quite admit the possibility of a neutral attitude. Therefore, when he comes to go on the stand next week there will be the most interest to hear his testimony. Even his adherents, who have been somewhat disappointed at the status of the case up to the present, are saying:

"Wait till you hear from Chief Nicholson; just hear him tell what he has got to say in the case and then you will open your eyes."

The Chief was on the witness stand yesterday, but it was only in a perfunctory way. His real testimony is yet to come and it is now the belief that it will come on Monday. Mr. Hammond said to-day that so far as he knew no new witnesses would be summoned other than those already sworn, but it was his belief that the State hardly would be able to get in its case before Tuesday night, as he foresaw that the examinations of some of the witnesses would be more or less prolonged.

There is the entire subject of the shoe and the pair of trousers that were found outside the Fosburgh house that remains yet to be gone into and this promises to consume no little time. Then there is the question of "Dirty Dick" Quinn. The air has been quite jaundiced with yellow rumors as to the strange things that were going to be done with "Dirty Dick" on the witness stand. All that Chief Nicholson would say to-day on the subject was that State Detective Whitney knew where he was. The best impression is that the untidy Richard will not be drawn from whatever ascetic retreat he may be adorning to take part in any way in the proceedings.

On the part of the Fosburghs no intimation has as yet been given of there being pending any of the "surprises" with which rumor has so lavishly supplied the case for the defence. It is said, however, that Mrs. Fosburgh, the elder, will be the main prop of the defence. As to Mrs. Fosburgh's gentleness of character and clearness of head, there are not two opinions. There is a very remarkable unanimity of opinion as to the personally lovable and charming qualities of this woman who has gone through such an ordeal, an ordeal which she has borne with a fortitude which is considered astonishing by all who have had an opportunity for knowing the intensity of that maternal affection which, no matter what belief may be held as to the guilt or innocence of her son, has been lacerated.

The vital question in her testimony will be whether she did or did not see the burglars. It has been said that she not only did see them but saw them first and roused her husband to their presence.

A close friend of the chief of police said to-day that there was nothing new whatever in the situation.

"The only news there could be," he added, "would be that the State's case had fallen to pieces and was to be thrown up, and that has not happened."

"DICK" QUINN DISAPPEARS.

BOSTON, July 20.—"Dick" Quinn, who is called the leader of the "Wire Gang," and has been wanted as a witness in the Fosburgh case, is no longer a lodger at the Medford Inn, Medford, where he has been living for six weeks as the guest of Gen. J. H. Whitney of the State police. At an early hour this morning Quinn left Medford suddenly, unaccompanied, and it is believed that he is on his way to Pittsfield, although he may not go directly to that city. Last night, within a few hours of the publication of his whereabouts, Quinn received a message, and although he would not say from whom it came, it is believed to have been sent by Gen. Whitney. The message ordered Quinn to pack up and get under cover until his presence was desired in Pittsfield.

MARY ESTHER M'COMB'S WILL.

Wife of the Millionaire Had but a Small Estate to Dispose of.

WHITE PLAINS, N. Y., July 20.—Mrs. Mary Esther McComb, the widow of Millionaire James Jennings McComb, left no real estate in this State and personal property valued at only $100. Frank W. Wood of New Orleans, her brother, filed a petition for the probate of the will in the Surrogate's Court at White Plains to-day. Mr. McComb died last April, leaving an estate valued at $10,000,000. Mary Esther McComb was his second wife and to her was left only a life interest in about $8,000,000.

According to the provisions of the will, upon the death of Mrs. McComb the entire estate reverts to four children, Mary Alice, Fanny Rayne, Lillie and Jennings Scott McComb. These children were by Mr. McComb's first wife. The death of the second Mrs. McComb does not change the validity of the provision in the will, which stipulates "that if his daughter Fanny should marry Louis Herzog the provision which she shall enjoy shall be an annuity of $15,000 a year."

Under the provisions of her father's will, so long as she does not marry Mr. Herzog her share in the estate will be about $2,500,000.

Not to Move Democratic Headquarters.

LITTLE ROCK, Ark., July 20.—While in the city on the way to his home at Hope Senator James K. Jones was asked regarding the report that the headquarters of the Democratic National Committee would be removed to Washington. He said:

"The report is news to me. As chairman of the committee, I think I would know something about it if it was true. No, there is nothing in the report."

Mayor Fiske Renominated.

MOUNT VERNON, N. Y., July 20.—The Democrats of Mount Vernon held their annual convention to-night and renominated Edwin W. Fiske for Mayor. He has already served two terms as Mayor of the city. Richard Sader was nominated for Comptroller, Thomas Donlison for Treasurer, O. J. Fagan and C. H. Linn for Assessors and John H. Brett for Tax Receiver.

Admiral Remey Sails for Java.

WASHINGTON, July 20.—Rear Admiral Remey cabled the Navy Department to-day from Albany, Australia, that he was sailing thence in his flagship, the armored cruiser Brooklyn, for Batavia, Java. He is on his way to Cavité, where he will resume active command of the Asiatic Naval Station. He is taking a round-about route of returning to Cavité on account of better facilities for navigation.

Bolt and Nut Makers Combine.

PORT CHESTER, N. Y., July 20.—By a consolidation announced to-day all the large bolt and nut companies of this place and Pemberwick, Conn., are to become one corporation. Ex-Congressman William Ward is President of the consolidated companies and the capital stock is $2,000,000.

Even Though You Are Not

going to purchase at present, real estate investors will profit by reading a specially prepared article on Westchester county and the borough of Bronx in to-day's SUN, July 21. Page 8.—*Adv.*

PLEA FOR DOUBLE TURRETS.

REAR ADMIRAL BRADFORD'S MINORITY REPORT TO SECRETARY LONG.

He Says That in Practice the Superposed Turrets Have Fulfilled Every Expectation—Criticises the Battery Proposed by the Majority of the Construction Board.

WASHINGTON, July 20.—Rear Admiral R. B. Bradford, chief of the Bureau of Equipment and a member of the Naval Board on Construction, to-day submitted a minority report to the Secretary of the Navy, advocating superposed turrets and 8-inch guns for the two battleships for which plans are to be submitted to Congress. He goes into every detail concerning the relative merits of the majority and minority batteries and does not hesitate to criticise the former as weak. He asserts that the Alabama and Maine types, which have armament similar to the majority ship, have weak batteries. As for the 7-inch gun advocated by the majority and embraced in its battery plan in place of the 8-inch gun, he says there is no such gun in existence and the calculations as to its power are merely theoretical.

The battery advocated by Admiral Bradford consists of the two 12-inch turrets with two 8-inch turrets superposed on them, and four additional 8-inch turrets arranged in the form of a quadrilateral. There are in addition, on the main deck, twelve 6-inch rapid-fire guns. The entire battery consists of 28 guns, divided as follows: Four 12s, twelve 8s and twelve 6s. The battery of the majority (Rear Admirals O'Neil, Melville and Bowles) has no 8-inch guns and no superposed turrets. It consists of four 12s in two turrets and twenty 7s (none protected by turrets), the latter being located, as described by Admiral Bradford, as follows: "Sixteen on the main deck behind casemate armor, arranged largely in accordance with the battery on an old frigate's gun deck; on the deck above, at the corners of the superstructure, are installed four more 7-inch guns for the purpose of increasing the fire ahead and astern."

Admiral Bradford says that the absence of turret protection and the reduction in caliber are marked features of the majority design "to which officers have heretofore shown a marked disapproval." He adds that the maximum broad-side fire of the 7-inch battery (in the majority design) extends over an arc of only 64 degrees, with an average muzzle energy of 230,620 foot tons over that arc, while in the minority's type it extends over an arc of 90 degrees, with an average muzzle energy of 253,174 foot tons, both vessels assumed to be engaged on one side only. He admits that the majority's battery is able to deliver at the same time the same energy of fire on both sides, while his battery "can deliver on both sides at the same time, but 220,530 foot tons, which is a little less than in the case of type 4 [the majority's]." He claims for his battery, however, a great advantage over the majority's in that "it delivers a maximum fire over 100 degrees of arc, while the latter delivers it over only 64 degrees.

"It will thus be seen," he adds, "that type 5 [minority's] will still have the advantage, even while engaged on both sides."

Admiral Bradford argues that his battery should be adopted to preserve the homogeneity of the fleet. He says that the majority battery corresponds only with the Alabama and the Maine classes, and does "not hesitate to assert that these ships possess a weak battery, and the omission of 8-inch guns from their armament is much regretted by the best informed officers of the navy." There are six vessels of these classes armed only with 12-inch and 8-inch guns, the latter in broadside, and there are eleven ships built or building having 8-inch guns mounted in turrets.

"To the unprofessional mind it might perhaps appear to be a good plan to build varying types of ships in order to make sure that some one type shall be the best. This would be a great error, since nothing is worse than a patchwork fleet, some of one kind and others of another. The wisdom of adopting the 8-inch gun as a part of the battery of our battleships has been clearly demonstrated and it is being rapidly followed by foreign nations. No reduction in caliber should be entertained."

Admiral Bradford then takes up the important question of superposed turrets. He invites attention to the fact that Admiral O'Neil voted for the armament (including guns in superposed turrets) adopted for the five battleships of the Virginia class, and to the opinion of officers of the Kearsarge and the Kentucky, which have superposed turrets, in favor of that type. "The unfavorable criticisms of the superposed turret are, thus far, purely theoretical," says Admiral Bradford. "In practice they have fulfilled every expectation of their advocates."

Admiral Bradford concurs with the majority as to the general type of ship recommended. In conclusion he says:

"The armament of the ships of the Virginia class was assigned only after the most careful consideration by many of the ablest officers of the navy. I consider it very unfortunate that the majority of the Board of Construction should now recommend an armament for additional battleships so different in caliber and so differently disposed, protected and mounted. The natural effect will be loss of confidence in the knowledge of the board as to the type of battleship best suited for naval purposes.

"I therefore recommend the most careful consideration by the best authorities the department is able to command."

FIGURES FROM THE CENSUS.

Nativity of Persons of School and Voting Age and Illiterates in the States Named.

WASHINGTON, July 20.—A bulletin issued to-day by the Census Bureau gives the number of persons of school age, males of voting age and citizenship of foreign born males 21 years of age and over in the States of Delaware, Florida, Georgia, Idaho and Illinois, the Territory of Hawaii and the District of Columbia. In Delaware substantially two-thirds of the children of school age are native white of native parentage, while a little less than one-fifth are colored and about one-eighth are native whites of foreign parentage. In Idaho 61 per cent. are native whites of native parentage and nearly 33 per cent. native whites of foreign parentage, these two elements together constituting more than nine-tenths of the whole number of persons of school age in the State. In the District of Columbia, Florida and Georgia practically one-half the children of school age are native whites of native parentage, while the colored element represents nearly one-half of the whole in Florida and Georgia and about one-third in the District of Columbia. More than nine-tenths of all the children of school age in Illinois are native white, those of native parentage constituting more than one-half and those of foreign parentage two-fifths of the whole number. In Hawaii nearly three-tenths of the children of school age are Chinese and Japanese, while the native Hawaiians constitute nearly fourtenths and Caucasian more than three-tenths.

The following tables give the percentage of native and foreign white and of colored persons of voting age in the States and Territories named—negroes, Chinese, Japanese and Indians being included under the term "colored:"

	Native White.	Foreign White.	Colored
Delaware	71.9	12.5	15.6
District of Columbia	60.5	11.5	28.0
Florida	48.9	7.0	44.1
Georgia	54.1	1.3	44.6
Hawaii	16.2	8.4	75.4
Idaho	62.3	25.0	6.7
Illinois	64.5	33.3	2.2

The bulletin shows only a comparatively small percentage of illiterates among males of voting age in Illinois, Idaho and the District of Columbia, but in the remaining States and Territories of this group the percentages are somewhat larger, in Delaware 14 per cent. in Florida 22.1 per cent., in Georgia 31.6 per cent., and in Hawaii 31.4 per cent. In the insular territory the illiterates are mainly Chinese and Japanese, while in Delaware, Florida and Georgia the large percentage is due in good part to the presence of illiterate persons of negro descent. In the three States last named there is also a considerable illiterate element among native white males of voting age who are of native parentage, the percentage in this class being in Georgia 12.1 per cent., in Florida 12.8 per cent. and in Delaware 8 per cent. Illiterate foreign white males of voting age in Delaware constitute 17.6 per cent. of the whole number of foreign white males of voting age. In Delaware the illiterates constitute 42.6 per cent. of the colored males of voting age, in the District of Columbia 26 per cent., in Florida 39.4 per cent. and in Georgia 56.3 per cent.

Movements of Naval Vessels.

WASHINGTON, July 20.—The collier Leonidas has arrived at Lambert's Point, Va.; the cruiser Michigan at Erie, Pa.; the training ship Buffalo at Gardiner's Bay, the despatch boat Dolphin at Portland, Me., and the gunboat yacht Mayflower at Boston. The collier Nanshan has sailed from Shanghai for Kobe.

MONKEY HOUSE THAT BEATS 'EM ALL.

Being Put Up in The Bronx Zoo—Has All Modern Conveniences.

The advance copies of the latest issue of the *News Bulletin* of the New York Zoölogical Society contain an account of the work on the new house for monkeys which is now in process of construction in The Bronx Zoo. The building is to cost $49,700, and Director Hornaday of the Zoo says it will be the greatest home for monkeys ever put up. He has received a number of letters asking him about it, and only the other day received a letter from the director of the Zoölogical Garden at Amsterdam asking if he wouldn't send the plans across the ocean.

The house is about 160 feet long and 70 wide, and when it is completed will be ornamented with a frieze of stone monkeys on which Sculptor A. P. Proctor is now at work. Mr. Proctor is using the Zoo monkeys as models. There will be lots of windows in the building and specially constructed and automatically closing doors, through which the monkeys can get outdoors at all times of the year. A big wire funnel will admit them to a small grove of trees, and all around the building there will be an abundance of trees and shrubbery which the monkeys can look at.

Just across the way from the monkey house ground was broken yesterday for a new house for lions. That will also be a well-built place.

Among the most recent gifts to the Zoo are two moufions, a species of sheep. They came on a steamer from Genoa the other day and are the gifts of Maurice Egerton, an English sportsman enthusiast who recently joined the Zoölogical Society. They came from Sardinia, and are by no means common in captivity.

R. G. REID BROUGHT TO TERMS.

"Czar of Newfoundland" Gives Up Many of His Valuable Holdings.

ST. JOHNS, N. F., July 20.—Contractor R. G. Reid, after vainly trying to obtain the Government's consent to his transferring his large holdings in this colony to a limited liability company in its present form, accepts extensive modifications. He surrenders the ownership of the railway, telegraphs and lands, and accepts a substantial curtailment of his privileges otherwise. Instead of being the owner of practically all public franchises, he is now reduced to the position of an ordinary contractor operating these services on behalf of the Government without any of the autocratic possibilities hitherto in his hands.

The recovery of the lands is regarded as an important point, because his grants gave him absolute title to 80,000 miles of coast line, equal in extent to the territory known as the French Shore. He had village lands, churches and cemeteries within these limits, besides large forests which formed the only means whereby fishermen could build their boats and skiffs.

He surrenders nearly 3,000,000 acres of these choice lands, accepting thirty cents per acre in payment therefor. He will also abandon the ownership of the railways, receiving the $1,000,000 paid therefor in 1898. The clauses provided for the operation of the railway, and other services insure a considerable improvement, while an extensive development of internal resources is insured by his deposit of $250,000 as a guarantee that his corporation will spend $5,000,000 in development. A bill to effect these changes will likely be passed by the Legislature next week.

FEDERATION OF CATHOLIC SOCIETIES.

Move to Form Them Into a National Body—Conference to Be Held in the Fall.

CHICAGO, July 20.—The Catholic societies of the United States may be organized into a National Federation. Plans to this end are being made by two Bishops and many well known laymen in various parts of the country. A conference will be held at Cincinnati some time during the fall, at which the work of organizing will be agreed upon.

German Catholics, who in about twenty States are formed into State Federations, are also discussing the organization of a National body, which in turn is to become a part of the National Federation of Catholic Societies. All nationalities will be included in the federation, the intention of which is to embrace every State, National and local society composed of members of he church.

Bishop James A. McFaul, of Trenton, N. J., and Bishop Sebastian Messmer of Green Bay, Wis., are the chief projectors and Congressman John J. Fitzgerald of Brooklyn and Thomas B. Thiele of Chicago are among those actively working on the plan.

The Cincinnati conference, the date of which will be fixed within a few weeks, will issue a call for a general convention of church societies, delegates to be selected in proportion to membership and to be held probably some time during the present year.

THE LYNCHING IN MISSISSIPPI.

No Proof Yet Produced That the Victims Were Subjects of Italy.

WASHINGTON, July 20.—The Italian Government has failed to produce proof that the two Italians lynched recently at Erwin, Miss., were Italian subjects. Until it does so the State Department will not pass on the demand of Italy for redress. Mr. Carguani, the Chargé d'Affaires of Italy here, called at the State Department to-day to inquire as to what progress the Department was making in its inquiry into the lynching, but no report on the subject had been received from the Governor of Mississippi or any other source. The Italian Consul at New Orleans is endeavoring to secure the desired proof of nationality.

Board to Revise the Ration in the Navy.

WASHINGTON, July 20.—Secretary Long has appointed a Board of naval officers, with Capt. John J. Hunker as President to revise the ration for enlisted men. The ration has not been changed for more than forty years. It has been in existence in its present form since 1859, when the use of grog was stopped and five cents added in place of it to each man's daily ration allowance. The board, which will meet at Newport, will ascertain whether there should be additions to the ration and whether certain parts of it should be eliminated.

Florida Yields Jurisdiction of Quarantine.

WASHINGTON, July 20.—The State of Florida has yielded to the Federal Government its jurisdiction in quarantine matters, and three quarantine stations now controlled by the State will be leased to the Treasury Department and officers of the Marine Hospital Service placed in charge. This arrangement was brought about as a result of the recent visit of the Governor of Florida to Washington, when he had a conference with the Treasury officials on the subject.

Army and Navy Orders.

WASHINGTON, July 20.—These army orders have been issued:

Capt. Herbert A. White, First Cavalry, from sick leave of absence to Fort Meade.

Leave of absence for one month granted First Lieut. Eleutheros H. Cook, Tenth Infantry, recruiting officer.

Second Lieut. William Ashbridge, Fourteenth Infantry, to join his regiment at Fort Wayne, Mich.

First Lieut. William H. Brooks, Assistant Surgeon, recently appointed, from San Francisco to Fort St. Michael.

First Lieut. Robert U. Patterson, Assistant Surgeon, recently appointed, from Baltimore to Fort McHenry for temporary duty.

Leave of absence for two months granted Col. John Simpson, Assistant Quartermaster General, and Capt. Charles L. Potter, Corps of Engineers.

Major Franklin A. Meacham, Surgeon, honorably discharged.

Major Robert Burns, Surgeon, from leave of absence to San Francisco for transportation to Manila.

First Lieut. Lloyd L. E. Krebs, Assistant Surgeon, recently appointed, from Kansas City to Fort Leavenworth.

Leave of absence for one month granted Major Ralph S. Porter, Surgeon, and for one month and fifteen days to Major James G. Warren, Corps of Engineers.

Capt. Hugh D. Wise, Ninth Infantry, from San Francisco to Fort McPherson.

Second Lieut. Dan T. Moore, transferred from the Fifteenth Infantry to the Artillery Corps and assigned to the Ninty-sixth Company, Coast Artillery, at Fort Warren.

Capt. Thomas G. Hanson, Nineteenth Infantry; First Lieuts. Robert C. Davis, Seventeenth Infantry; Thomas A. Roberts, Tenth Cavalry, and Frank C. Jewell, Artillery Corps, to the West Point Military Academy.

Capt. William A. Raibourn, Twenty-ninth Infantry, and Capt. Robert H. Allen, Twenty-ninth Infantry, to join their regiment.

Leave of absence for one month granted Capt. James W. Watson, Ninth Cavalry; Second Lieut. Edward K. Masses, Seventh Infantry, and Second Lieut. James E. Ware, Fourteenth Infantry.

The leave of absence granted Capt. William Brooke, Fifteenth Infantry, extended two months.

First Lieut. Samuel F. Dallam, Fifth Cavalry, from leave of absence to Fort Duchesne.

These naval orders have been issued.

Lieutenant-Commander S. Cook, to Mare Island yard.

Assistant Surgeon E. O. Huntington, from the Newark to home and wait orders.

It May Be That You

are going to purchase real estate in Westchester county or the borough of Bronx. See to-day's SUN, July 21, Page 8.—*Adv.*

GEN. BUTTERFIELD BURIED.

LARGEST FUNERAL SEEN AT WEST POINT IN RECENT YEARS.

The Entire Twelfth Regiment of the National Guard Fires Three Volleys Over the Grave—Cadets and Lafayette Post Men Heat-Stricken—James Estate Litigation.

WEST POINT, July 20.—The body of Major-Gen. Daniel Butterfield, U. S. V., was to-day consigned to the tomb in the picturesque West Point Cemetery, overlooking the Hudson, where sleep scores of the nation's illustrious soldier dead. Gen. Butterfield's funeral is said to have been the largest witnessed here in recent years, and the largest since the Civil War, barring that of Gen. Scott in 1866 and Gen. Custer in 1877.

At 10 o'clock the body of the General was taken from his late residence at Cragside by the male help employed on the place, and under escort of the local Grand Army post, was borne to the Church of St. Mary's at Cold Spring, where the Episcopal ritualistic burial service was read by the rector, the Rev. E. Floyd-Jones. An opportunity was then given to take a last view of the remains. The body was clothed in the full dress of a Major-General. The face looked as natural as in life.

At the conclusion of the service the body was placed in a hearse, and conveyed by wagon road to Garrisons-on-Hudson, four miles distant, where it was transferred to West Point by ferry. Here it was placed on a gun carriage and borne up the long hill and halted in front of Cadet Chapel.

In the meantime the Twelfth Regiment National Guard, Gen. Butterfield's former regiment, under command of Col. George B. Dyer and Lafayette Post G. A. R. of New York city, had arrived to participate in the obsequies. The formation for the march to the cemetery was in readiness at 12:10 and was in the following order: Twelfth Regiment and band, Lafayette Post of New York city, members of the Military Order Loyal Legion and of the Army of the Potomac, the United States Military Academy field battery of artillery, composed of cadets under command of Capt. Greble, the Military Academy detachment of cavalry under command of Capt. Sands, the officiating clergyman, the caisson bearing the body, the friends in carriages, and lastly the battalion of cadets with side arms only. As soon as the column began to move a salute of thirteen minute guns was fired by the field battery at a distant part of the plains.

Arriving at the cemetery the body was transferred from the caisson to the place of interment by a detail from Company M, Engineers, and lowered to its final resting place. The chaplain of Lafayette Post then read the burial service of that order and the Rev. Floyd-Jones offered up a prayer, at the conclusion of which the vast assemblage joined in the Lord's Prayer. Then three volleys of musketry were fired over the grave by the entire Twelfth Regiment, the bugler sounded taps and the last sad rites were at an end. While in formation at the cemetery ten or twelve cadets and three or four members of the Lafayette Post fell in their tracks, overcome with the heat.

JAMES ESTATE LITIGATION TO REVIVE.

It is promised that the litigation over the estate of Gen. Butterfield's widow's first husband will now begin again with renewed vigor. Mrs. Butterfield was the widow of Frederick P. James. She married Gen. Butterfield in 1887. Mr. James was a banker and broker and left nearly $2,000,000. The estate included the Hotel Buckingham, the Bijou Theatre and other valuable Fifth avenue and Broadway real estate. By the terms of Mr. James's will, the income from one-half the estate was to go to his widow for life, and the other half, less the charges on the entire estate, was to go to five relatives or their descendants, per stirpes. The relatives were: Cornelia A. James, a sister; Judith C. Prescott, a sister; Edward E. James, a brother; Mary A. Clark, a niece, and Charles D. Chase, a nephew. The widow was named as the sole executrix.

Not long after Mrs. James married Gen. Butterfield she and her first husband's relatives got into dispute, the relatives alleging that they were not getting what was coming to them from the James estate. Then the nephew, Charles D. Chase, began an action to compel Mrs. Butterfield to distribute certain funds alleged to have accrued from the estate and to be in her hands.

The case was finally sent to Silas B. Brownell as referee, to hear evidence, determine the total amount of funds, if any, in Mrs. Butterfield's hands, and to determine, also, how much should go to each of the five relatives or their descendants.

That was fourteen years ago. Before Mr. Brownell could come to any determination a brand new action was begun by some of the relatives. The case went to the Court of Appeals—litigation over this estate had been carried to that court three times before—and a decision was finally rendered to the effect that in 1900 there was about $102,000 in Mrs. Butterfield's hands which should be distributed among the other heirs.

It was estimated that the yearly income from the estate was about $50,000. Mrs. Butterfield made no objection to turning over to the other heirs the amount designated by the Court of Appeals, but she insisted on knowing how much she must pay to each heir. It was said last night that the new litigation would probably take the form of a motion to resubmit the whole matter to a referee for the purpose of determining how much is now coming to each heir or his or her descendants. Most of the relatives named in the will are dead, including Charles D. Chase. Mrs. Butterfield is over 80 years old, but she is still able to look after her own affairs.

OBITUARY.

Joseph L. T. Smith, the oldest city surveyor in the city of New York, died yesterday at his home, 737 Crescent street, Astoria, aged 79 years. Mr. Smith was active in business until Friday, when he succumbed to the heat. He began his career at a civil engineer and surveyor in 1850, and in 1859 was admitted as a city surveyor in New York city. When the subway was built in Park avenue Mr. Smith had charge of part of the work, and he laid out the series of small parks along the top of the tunnel. He also assisted in the building of the first suspension bridge at Niagara Falls. He leaves two sons, former Supervisor George H. Smith and Civil Engineer Leonard L. C. Smith, and five daughters.

The Rev. Francis Martin Fowler, formerly chaplain of Notre Dame College, Govans, Md., is dead. He was born in Brooklyn, N. Y., in September, 1848, and was the son of John P. and Matilda Landis Fowler, who were Quakers. At the age of 15 he entered St. Charles College and while there became a convert to Catholicism. He was ordained a priest at the seminary of St. Sulpice in Baltimore in 1874. His first charge as pastor was at Hickory, Md., where he remained sixteen years. He was chaplain of Notre Dame from 1884 to 1899, leaving there to go to Brooklyn.

Dr. William H. Gobreicht, an anatomist of note and the author of several works on obstetrics and surgery, died suddenly on Friday at his home in Washington. He was 72 years old. Dr. Gobreicht was graduated from the University of Pennsylvania and was for several years a demonstrator of anatomy there. He served during the war on the staff of Gen. Hancock. For ten years after the war he was a demonstrator of anatomy in the University of Ohio.

Alfred Darte, Judge of the Orphans' Court in Wilkes-Barre, and for many years State Commander of the G. A. R. in Pennsylvania, died suddenly last night of apoplexy, aged 65. He was twice elected District Attorney of his county and had held many offices. He was a well-known Republican politician.

George Wohlforth, who was coachman to Secretaries of State Seward and Fish, died in Washington on Friday night. He was employed as a watchman in the State Department and had been on its rolls since 1866.

Sunken Caisson Floated.

The new caisson for dry dock No. 2 at the Brooklyn Navy Yard, which was sunk at the entrance to the dock about two weeks ago, has been successfully floated by the Merritt-Chapman Wrecking Company. A special board composed of Civil Engineer Asserson, Naval Constructor Capps and Lieutenant Commander Ward have been appointed to examine the caisson and to see whether the cost of raising it shall be paid by the Government or by the contractors who built it.

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FAIR ESTATE TO BE DISTRIBUTED.

Judge Troutt Orders $8,000,000 of Personal Property to Be Given to the Children.

SAN FRANCISCO, July 20.—The personal property of James G. Fair, valued at $5,000,000, was to-day ordered to be immediately distributed to three heirs, Mrs. Herman Oelrichs and Mrs. W. K. Vanderbilt, Jr., of New York, and Miss Fair of San Francisco. Judge Troutt signed the order. Bonds valued at $2,500,000 were ordered reserved to meet the demands of attorneys for the executors and for executors fees. It is also stipulated that should Mrs. Nettie R. Craven establish that she is legal widow of Fair the shall share in this reservation.

Judge Troutt's decision practically settles the long fight between Senator Fair's three children and the executors named in his will, except for the executors' appeal to the Supreme Court on a trust clause in Fair's will by which all his property was placed in the hands of the three executors in trust for his children. As the Supreme Court held this invalid the children of Fair contended that this decision applied to the personal property as well as to the real estate of their father. The executors fought to retain control of $7,500,000 also of personal property. Judge Troutt held that all trust provisions in the will necessarily fall together and that consequently the children's petition for the distribution of personal property must be granted, with a reservation of bonds for attorneys and executors' fees.

Judge Troutt didn't consider Mrs. Craven's petition for a share in the personal estate. This will be taken up later, but it is thought that she will not stand any show, as she failed to prove her claim to a widow's position. The executors will appeal from to-day's decision, but it is thought that the Supreme Court will sustain Judge Troutt. As soon as the personal property is distributed a petition will be filed to distribute the real estate, valued at $13,000,000.

COP SAVES GREEN-GOODS VICTIM.

Stops Him as He Is Drawing His Money Out of the Bank.

G. E. Symonds, a hotel keeper from Boyle, Miss., was stopped by Detective Tyler of Newark yesterday as he was about to cash a draft for $700 on the North Ward Bank to give the money to a green-goods gang. At the same time Detective Murphy arrested Walter Gordon outside of the bank.

Gordon said he was a commission dealer from Brooklyn, but Simpson had no hesitation in saying that he was just ready to make a deal with Gordon for $750 worth of money which had been stolen from the United States Treasury or printed from stolen plates, and which, from the sample he had seen, was just as good as any ever issued. He met Gordon at Plainfield by appointment, and had a good time with him at Lake Hopatcong for several days. Simpson had no suspicions until the police explained the game to him. Gordon is said to be a member of Mike Ryan's green-goods gang.

FIRE IN THE OIL SHIP IS OUT.

Salving Begins—Fireboat Not Provisioned for So Long a Siege.

The fire in the oil-laden clipper Commodore T. H. Allen, discovered on Thursday afternoon while she was on her way to sea in tow, was put out yesterday. Much of her cargo may be saved. The ship's foremast is gone and her hull is badly damaged. It is likely that she will be converted into a coal barge. The salvors got to work on her yesterday afternoon and put a boiler aboard. The crew of the fireboat New Yorker, who arrived at the Battery yesterday after thirty hours of consecutive work on the fire, was pretty well used up. Lieut. John Harmann said that the provisions on the fireboat and the tugs were inadequate. The men of the New Yorker, he said, got nothing to eat from 4 o'clock Thursday afternoon until noon the next day. Then the steam pilot boat New York fed them.

Moses T. Williams Missing.

The police of the West Twentieth street station were asked yesterday to send out a general alarm for Moses T. Williams, 75 years old, a retired coal merchant, who lived at 436 West Twentieth street. Mr. Williams went out to buy a paper at 8 o'clock Friday morning and did not return. He wore a diamond stud and carried some money. His friends have searched the hospitals for him, but have been unable to get any trace of him.

Ex-Salvationist Arrested for Burglary.

NEW ROCHELLE, N. Y., July 20.—The police here have arrested William Mitchell, a young man of 231 West Thirteenth street, New York, on suspicion of being a burglar. Mitchell is a former member of the Salvation Army. When arrested by Patrolman Devenugh he had a bicycle in his possession, which, the police say, was stolen from Oscar