

SCHLEY COURT IS COMPLETE

Captain Lemly Judge Advocate General of the Navy, Will Be Judge Advocate.

PRECEPT TO THE COURT

The Circumstances to Be Investigated—Will Call Upon the Department for All Documentary Evidence—The Conditions Attending the Arrival of the "Flying Squadron" Off Santiago and the Reasons for Its Retrograde Turn Westward, Are Among the Subjects to Be Considered—Secretary Long Displeased at the Loquacity of Naval Officers.

By Exclusive Wire from the Associated Press. Washington, July 26.—Secretary Long has completed the personnel of the Schley court of inquiry by the appointment of Captain Lemly, judge advocate general of the navy, to be judge advocate for the court. No word has been received from Rear Admiral Kimberly indicating that officer's disinclination to serve as a member of the court, and the secretary does not believe that the admiral has been correctly quoted as having asked to be excused on account of his health.

The admiral was not notified of his selection until last night, and he can have had no opportunity to declare his intentions. In addition, he is noted in the navy as a strict disciplinarian and as a devoted adherent to the forms and etiquette of the service, so that he would hardly decline important duty except for insurmountable reasons, and would certainly not discuss publicly his intention before communicating with his official superiors.

The selection of Captain Lemly as judge advocate is regarded as perhaps the best choice which could be made. Secretary Long was at first averse to choosing the captain, owing to his long connection with the department, which might lay him open to the charge by Schley's friends that he was under the department's influence. Any objection of that kind, however, is rendered futile by the fact that Captain Lemly is a personal friend of Schley and has served with him in several cruises, including the Greely relief expedition.

Secretary Long's Fairness. The fairness of mind displayed by Secretary Long in selecting the members of the court is nowhere more evident than in the selection of a judge advocate. It was generally expected that his motive was that of Major Charles H. Lanchester, assistant adjutant inspector in the marine corps, who has a reputation in the service as a prosecuting officer and an authority on naval law. It was also expected that his attention, however, that the major's action in former cases had been criticized, and consequently his name was dropped from consideration.

That had hardly been done before word came of the serious charges brought against him by Colonel Mead, commandant of the marine barracks at the Brooklyn navy yard. Commander John E. Pillsbury was mentioned, as it was thought better not to appoint him, as he is equipment officer at the Charleston yard under command of Admiral Sampson and so might be suspected of personal bias.

Secretary Long is much displeased with the manner in which the officers who have undertaken to get their version of certain incidents into the newspapers in advance of the court of inquiry. All officers will be given to understand that they are not to talk publicly about the West Indian operations until the court shall have summoned them and heard their testimony.

Precept for the Court. The precept to the court was issued this afternoon. It is as follows: To Admiral George Dewey, United States Navy, Washington, D. C.

Upon the present of Rear Admiral Winfield S. Schley, United States Navy, and a court of inquiry, of which you are hereby appointed president, Rear Admiral Lewis A. Kimberly, and Captain Samuel C. Lemly, United States Navy, judge advocate general, judge advocate, is hereby ordered to come at 10 o'clock p. m., on Thursday, the 27th day of September, 1901, or as soon thereafter as may be practicable, for the purpose of being heard in the court of the said Schley, commandant in the navy, during the recent war with Spain, and in connection with the circumstances attending the circumstances bearing upon the subject of the investigation hereby ordered, and in this end, besides examining orally all proper witnesses whose attendance can be secured, will call upon the department for all documentary evidence in relation thereto on file.

Upon the completion of the investigation the court will report its proceedings and the testimony taken, with a full and detailed statement of all the facts which it may deem to be established, together with its opinion and recommendation in the premises. While the department relies upon the report of the court to make its examination into this matter full and complete, as required by the other at this instance, it is, however, the report should show the conditions reached on each important point to which attention is specially directed, as follows:

FOSBURGH'S AGAIN FREE

Judge Stevens, of Pittsfield, Directs the Jury to Return a Verdict of Not Guilty.

CASE NOT ESTABLISHED

The Prosecution's Evidence Insufficient—Shouts of Approval in the Court Room—Jurymen Did Not Leave Seats—Chief of Police Commended—The Members of the Fosburgh Family Weep with Joy at the Charge of the Court—They Extend Thanks to the Press and Public.

By Exclusive Wire from the Associated Press. Pittsfield, Mass., July 26.—The trial of Robert S. Fosburgh, accused of having shot and killed his sister, May, in August last year, was concluded abruptly yesterday by Judge Stevens, who directed the jury to return a verdict of "not guilty." That action was in response to the motion made yesterday by counsel for the defense that the case be taken from the jury, on the ground that the prosecution had failed to produce evidence to sustain its charge. The jury carried out the instructions without leaving their seats.

After the customary formalities, the prisoner was discharged. Spectators in the court room applauded loudly and rushed to shake the young man's hand. The demonstration was suppressed quickly. In addressing the jury, the judge said:

"Mr. Foreman and Gentlemen: During six days we have listened to a painful recital of one of the saddest tragedies which have befallen a family. A beautiful girl, just budding into womanhood, was shot down, and her brother has been accused of the crime. The government has, in accusing the brother of the crime, been called on to establish three things:

"First—That May Fosburgh was not killed by burglars. "Second—That no one else in the house killed her. "Third—That the government must exclude every one from the charge except the defendant. "The trial has proceeded somewhat in the form of an inquest, and has been tried with great fairness on the part of the government and the defense. There has been a desire to obtain proof, and so a great deal of evidence has been introduced and admitted without objection. It might have been excluded under the strict rule of the law, but I think I ought also to say to you that it is due to the chief of police, who has stood behind this prosecution, that in the view of the court, he has tried to do his duty with a single eye to ascertaining the truth. Now, Mr. Foreman and gentlemen, a motion has been made that this case be taken from the jury, and it becomes my duty to say to you that, in the opinion of the court, the government has not furnished proof sufficient to sustain a verdict of guilty against the defendant, and therefore, under the direction of the court in the indictment of Robert S. Fosburgh for killing his sister, you will return a verdict of not guilty."

Fosburgh in Tears. While the judge was speaking the members of the Fosburgh family, ready to burst into tears, burst into tears. Tears rolled down the defendant's cheeks. Beside him his father and mother sat with their hands clasped to their eyes. The defendant was ordered to stand while the foreman of the jury was asked, "What is your verdict?" He replied, "Not guilty."

The defendant was then formally discharged. As soon as the jury was dismissed the foreman called them together in his private room for a conference. Without exception they declared that they would have returned a verdict of not guilty within fifteen minutes if they had not been instructed by the court. The general impression was that the trial was a very fair one, but that the government had acquitted the defendant with its own testimony. They acknowledged that they would have paid no attention to the exhibits in the case.

From the court room young Fosburgh went directly to the hotel and passed quickly to his wife's room. She was ill in bed, but at the news of her husband's acquittal she arose, and, throwing her arms around him, exclaimed: "Thank God! Thank God!" His mother joined them and they then went down stairs to the lobby of the hotel, where an informal reception was being held.

Young Fosburgh was asked to make a statement, but he declined, remarking that he might say something about the case later.

GREAT FEAT OF CRESCUS

The Noted Stallion Lowers His Own Time at Cleveland Driving Park.

WORLD'S RECORD BROKEN

He Trots a Mile in on the Glenville Track in 2:02 3-4, Establishing a New World's Trotting Record for Both Sexes—Circumstances Were Anything but Conducive to Fast Time—Ten Thousand People Witnessed the Race—An Ovation for Ketcham.

By Exclusive Wire from the Associated Press. Cleveland, O., July 26.—Amid the enthusiastic cheers of nearly ten thousand people, Crescus, the world's champion trotting stallion, again demonstrated that he is the peer of all trotters by trotting a mile this afternoon on the Glenville track in 2:02 3-4. This establishes a new world's trotting record for both sexes, replacing the former world's record of 2:05 1-2, held by The Abbot. The circumstances connected with this remarkable performance were anything but conducive to fast time, as, owing to the heavy rains of last night, the track was not in the best of condition today, and it was about 8:20 p. m. before the track was deemed to be in sufficiently good shape to warrant making the attempt. At that time the sun's heat had been replaced by cool breezes.

Even then, there were very few horsemen that looked for a mile better than 2:05. After having been given several preliminary miles, George Ketcham came out with the stallion to attempt what seemed an impossible feat. Ketcham looked for the word on the third score, the horse trotting like a machine. Accompanied by a runner, the chestnut stallion fairly flew to the quarter, the timers' watches registering just thirty seconds.

As Crescus swung into the back stretch, he was joined by a second runner, and although many predicted that the footing was such as would retard his speed, he reached the half in 1:01. As the time was hung out, the immense crowd broke out in cheers, as it was evident that the mile would be a first one. The three-quarters pole was reached in 1:54, and as the great trotter trotted into the stretch a runner on each side, his frictionless, machine-like stride was fairly eating up the distance. Never once faltering, notwithstanding the terrific clip, he trotted to the wire, being sustained only by his indomitable courage and almost human intelligence, not being touched once by the whip, his sole urging being the driver's voice and the thundering hoof beats of the accompanying runners.

Ovation for Ketcham. As the time for the mile was announced, 2:02 3-4, and the immense crowd realized that a new world's record had been established, Ketcham and his favorite stallion were tendered an ovation such as has been but seldom witnessed on a race track. Thousands of enthusiastic people rushed out on the track and Ketcham was lifted from the sulky and carried to the grand stand on the shoulders of admirers. Cheer after cheer rent the air, and the name of Crescus was on the lips of every one present. "Ketcham! Ketcham!" yelled the crowd, and the owner of the sturdy son of Robert McGregor was almost carried to the judge's stand where he delivered a brief address. Crescus now not only holds the world's trotting record for both sexes, but last week at the Detroit Grand Circuit meeting, by trotting in 2:06 1-2, in his race against Charley Herr, secured the world's record for the two fastest heats ever trotted. In a race, his second mile was also trotted in 2:02 3-4, a record for the fastest mile ever trotted in a race, and also the fastest second heat ever trotted. It is said by prominent horsemen that George H. Ketcham deserves much credit for the remarkable achievements of the great son of Robert McGregor, as he has the proud distinction of not only owning the world's champion trotter, but also having bred him and driven him in all his races.

DUN'S REVIEW OF TRADE

Exceptional Activity Is Noticed in Steel Mills Not Affected by Strikes.

MR. PATTISON ACCEPTS

He Is Unwilling to Be Numbered Among Those Who Shirk the Duties and Burdens of Citizenship.

By Exclusive Wire from the Associated Press. Philadelphia, Pa., July 26.—Ex-Governor Robert E. Pattison today accepted the election to succeed Charles P. Donnelly as chairman of the Democratic city committee. In a letter to the committee, he said: "I would much rather that the responsibilities of so important a position should have fallen upon other shoulders. I am unwilling, however, to be numbered among those who shirk the duties and burdens of citizenship, while enjoying its benefits. I accept the election." Continuing, he says, in part: "It is openly charged and admitted that in this Republican stronghold political corruption and political rings now hold the seats of power and place. These have been deaf to the voice of the people. Public works have been made the source of exorbitant private gain. Public franchises have been distributed as personal gifts.

"These evils cannot continue in the presence of an intelligent and aroused people. Parties are now organizing for the struggle—the Republican ring for its defense, the people for the overthrow of the ring. In this contest the Democratic party must take its place with the people. Twice in the history of the city the Democratic party, in the administration of the affairs of the district, has demonstrated that the people made no mistake in the commission of public affairs to its hands. Its administrations are bright pages in our city's history.

"Let us rally under this Democratic banner and by thorough organization and intelligent co-operation deserve a victory that will again prove to our fellow citizens that we are worthy of their confidence."

IMPERIALISM THE ISSUE. Mr. Bryan Regards the Tariff as National Stomach Ache. By Exclusive Wire from the Associated Press. Chicago, July 26.—While here today, William J. Bryan, who is going home after a long tour of the east and south, said: "Imperialism is still the great issue between the two principal parties. The tariff, to be sure, is an important subject, but, to my mind, heart disease is a more serious malady than stomach-ache."

EARTHQUAKE IN NEVADA. By Exclusive Wire from the Associated Press. Elko, Nev., July 26.—A heavy shock of earthquake was felt here at 2:50 this afternoon. The vibrations were from north to south and lasted three or four minutes.

World's Bicycle Record Broken. By Exclusive Wire from the Associated Press. Providence, R. I., July 26.—Will Stinson broke the world's bicycle record for the past mile on a six-lap track at the Colburns this afternoon, riding the distance in 1:51 1-2. The previous record was 1:57, made at Baltimore by Archie McKelvey, last season.

Walcott Defeats Bonner. By Exclusive Wire from the Associated Press. Bridgeport, Conn., July 26.—Before the royal Golf and Athletic club tonight, Joe Walcott won the decision over Jack Bonner at the end of fifteen rounds. Walcott kept up a rattles on Bonner's head and stomach during the fight. The negro weighed 145 and Bonner 135 pounds.

Deaths from Heat. By Exclusive Wire from the Associated Press. Chicago, July 26.—Four deaths and six prostrations were the net result of today's heat and humidity, the former being 82 at its highest and the latter being 71.

THIRTEENTH BROKE CAMP

Members of the Regiment Will Arrive in This City Early This Morning.

END OF THE INSPECTIONS

The Thirteenth Went Through the Ordeal on Thursday Like Veterans. Last Day in Camp was Featured by a Continuous Downpour of Rain All Morning—Tents Had to Be Left Standing on Account of Their Condition—Captain George Merriam Presented with a Sword by Members of His Company.

Special to the Scranton Tribune. Camp Magee, Mt. Gretna, Pa., July 26.—The Thirteenth regiment broke camp here at 9 o'clock tonight, and shortly after 1 o'clock every man was aboard the train, which left the Cornwall and Lebanon railroad station. Scranton will probably be reached about 7 o'clock tomorrow morning. Colonel Watres' regiment is the first to leave Mt. Gretna, and the other commands will follow tomorrow morning and break camp before sunrise.

Adjutant General Stewart was detained here today by the inspections of the Fourth regiment, Battery C and the governor's troops. Governor Stone, however, left here last night with his staff, and Major General Miller and his retinue left shortly after 2 o'clock this afternoon. There were no words of farewell wasted between him and General J. P. S. Gobin, and the departure of the division commander leaves matters in a worse stage than before his arrival, as concerning his relations with the brigade leader.

The Thirteenth spent the day in quiet and rest. There was a heavy fall of rain the entire morning, which delayed the inspections until afternoon. As a result of the rain, the regiment left tonight with equipment still standing, as the canvas cannot be moved until it is perfectly dry. A detail from Harrisburg will attend to the packing as soon as the canvas is thoroughly dried.

A Severe Ordeal. As is usual in both brigade and division encampments, the inspection of the regiment proved by far the severest ordeal of camp to the Thirteenth's men. The morning was boiling warm and the field had been ploughed up by the equally hot sun, and the dust rose in clouds after every maneuver.

For three hours Colonel Watres' command was on the field unprotected from the fierce rays of the sun, either going through an exhausting drill or the equally exhausting ordeal of standing in a strained position while Adjutant General Stewart and his staff cast sharp, watchful eyes over each man's equipment and accoutrements.

At 5:30 o'clock there was a brigade dress review conducted by Governor W. A. Stone, and immediately after the noon mess, guard mount was held. And yet in spite of all this severe drill there was not a single case of serious heat prostration, the men undergoing the severe trial like veterans.

The inspections were begun at 7 o'clock. Promptly at this hour, Col. C. Bow Dougherty led the Ninth Regiment out on the field. The Wilkes-Barre command made a fine appearance and an excellent showing. Colonel L. A. Watres led the Thirteenth out for inspection at 9 o'clock. Every man in line wore the khaki uniform, brown leggings and campaign hat. Regime uniforms were first formed, and Colonel Watres standing in front of his command then, loudly called "prepare for inspection." Adjutant General Thomas J. Stewart, and several of the active members of his staff, accompanied the Thirteenth then began their inspection. Colonel E. H. Ripple of Scranton, assistant adjutant general; Colonel Frank Sweeney, inspector of rifle practice; Lieutenant Colonel Pratt and Colonel Sheldon Postler accompanied the adjutant general on his inspection tour.

JAPAN LOOMS UP AS A "YELLOW PERIL"

In the Eyes of Mr. Pichon the French Mishiater to China the Subjects of the Mikado Are to Be Feared.

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By Exclusive Wire from the Associated Press. Paris, July 26.—M. Pichon, former minister to China and who is now in Paris, in an interview published today, urged the moderate treatment of the Chinese because he believed a policy of violence would lead to even more serious uprisings than the recent troubles. M. Pichon said he did not believe in an immediate "Yellow Peril." He thought it would be a long time before the Chinese became dangerous to Europe. Referring to the Japanese, he said that was another matter, and that their progress inspired him with much anxiety.

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WILDERS SIGN LABOR CONTRACT

National Tube Works Company at McKeesport Attempt to Checkmate the Labor Leaders.

SECRETARY LONG'S FAIRNESS

The fairness of mind displayed by Secretary Long in selecting the members of the court is nowhere more evident than in the selection of a judge advocate. It was generally expected that his motive was that of Major Charles H. Lanchester, assistant adjutant inspector in the marine corps, who has a reputation in the service as a prosecuting officer and an authority on naval law. It was also expected that his attention, however, that the major's action in former cases had been criticized, and consequently his name was dropped from consideration.

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First—His conduct in connection with the events of the Santiago campaign. "Second—The conditions attending the reasons controlling, and the propriety of the movements of the "Flying Squadron" off Santiago in May, 1898. "Third—The circumstances attending the reasons controlling, and the propriety of the movements of the said squadron in proceeding from Santiago to San Juan, and the propriety thereof. "Fourth—The circumstances attending the arrival of the "Flying Squadron" off Santiago, the reasons for its retrograde turn westward, and departure from St. Santiago, and the propriety thereof. "Fifth—The circumstances attending and the reasons for the order of the department contained in its despatch dated May 25, 1898, and the

YESTERDAY'S WEATHER. Local data for July 26, 1901: Highest temperature 66 degrees, lowest temperature 49 degrees, relative humidity 81 per cent, precipitation 0.15 in, wind S.W. 15 to 25 m.p.h., 25 hours ended 8 p.m. WEATHER FORECAST: Washington, July 26.—Forecast for Saturday and Sunday: Eastern Pennsylvania cloudy in southern portion Saturday. Sunday, fair, warmer; winds mostly light easterly.