CRITICISE MR. MASTEN.

Counsel for City and State Attack Gas Franchise Valuation.

The findings of Arthur H. Masten, the special master appointed to hear the evidence as to the constitutionality of the 80-cent gas law, were severely criticised yesterday by counsel for the city and the state when the argument on the confirmation of the report and on the exceptions taken thereto was begun before Judge Hough in the United States Circuit Court.

Ex-Judge Alton B. Parker, special counsel for the city of New York, paid particular attention to that section of the report in which Mr. Masten allowed the gas company to add $20,000,000, its own estimate of the value of its franchises, to the capitalization on which it asserted it should be permitted to earn a fair return for its investment. No precedents, he declared, could be found for permitting a corporation to capitalize the value of its franchises with the mere motive of increasing the total capitalization on which it has a right to earn a fair return.

The finding of the master, he said, meant nothing but that the corporation could capitalize its franchises from time to time at whatever amounts it saw fit. He failed to see any reason for such an asset when the company itself had never invested a dollar of good will. "Why, if they are permitted to do this," said the city's counsel, "there will be constructed a financial snowball that will go rolling down through the ages until finally the money invested will be but as a fly speck in comparison!"

Mr. Parker asserted that the decision on the report would set a precedent, as the real question presented for the first test was whether the Legislature of a state could, after official investigation, such as had been made by the Stevens committee, compel a corporation to live up to the terms of a franchise or contract by which it agreed to furnish a commodity at a reasonable cost.

The legality of allowing the uncompleted Astoria plant of the company to be included in the capitalization was also questioned by the city's counsel. This plant is valued at $12,000,000 in the master's report, but Judge Parker said there was no reason for its inclusion, as the plant was not needed by the company as yet. By the elimination of other items which had been allowed the proper value of the capitalization would be $44,000,000, on which, Judge Parker declared, the figures would show that the company was receiving net earnings of 6 2-3 per cent, a reasonable profit. Mr. Masten had also failed entirely to take into consideration, he said, that profit on gas increased with the increase in consumption. This increase was more rapid in New York than in any other city in the world. New York used more gas than any other city in the world.

For the Attorney General Senator Page took the view that the whole question was one for the Legislature itself to decide, and not the federal courts, as the contested law concerned regulation rather than confiscation. He scored the company for its methods of boosting its capitalization when it was to its advantage to do so, and laid particular stress on the fact that the secretary of the company had under oath declared before the Stevens committee that the entire plant was worth $19,000,000. The master allowed a valuation on the plant of $35,000,000, but Senator Page contended that by its own testimony given under oath the company was legally estopped from taking other and differing valuations.

LEITER WINS HIS CASE.

Court of Appeals Gives Decision Against W. J. Zeller.

The Court of Appeals handed down yesterday a unanimous decision (reversing the ruling of the lower courts) in favor of Joseph Leiter, of Chicago, who in 1898 tried to corner the wheat market, in an action brought by William J. Zeller, a broker, of No. 2 Wall street, to recover $52,021 97, with interest, being the amount of a promissory note executed by Mr. Leiter in that year, to the firm of Allen, Greer & Zeller. The note was payable three years after date, and bore 3 per cent interest.

The case was tried before Justice Greenbaum in October, 1905. Mr. Leiter said that when he gave the note he was engaged in buying wheat for his famous corner. He employed the firm of Allen, Greer & Zeller in his transactions, he said, and as a result of the speculations an accounting had shown he was indebted to the firm to the amount of $52,021 97. He asserted, however, that the books of the firm which showed him indebted to the amount named were false and fraudulent. Justice Greenbaum directed the jury to return a verdict in favor of the plaintiff for $69,767 93. The justice denied a motion to dismiss the action on the ground that the amount of the note could not be recovered as a gambling debt, and directed a verdict for the full amount, with interest.

The case was then tried in the Appellate Division of the Supreme Court, where the original verdict was sustained.

Baldwin & Baldwin, of No. 11 Broadway, attorneys for the defendant, said yesterday that the case would hardly come to trial again.

DEMAND 25 CENTS MORE A DAY.

Millinocket, Me., Nov. 4.—The paper machine departments in the mills of the Great Northern Paper Company here, at East Millinocket and at Madison were closed to-day because of a strike of the 117 machine tenders, who demanded an increase of 25 cents a day, to $4 25 for eight hours' work. Forty strike breakers were met at the train to-day, and all but two agreed to leave town.

LAY OFF 220 MEN IN LOWELL.

Lowell, Mass., Nov. 4.—The Lowell machine shop, which is connected with the Saco and Petite Manufacturing Company, laid off 220 men to-day. No explanation was given.

THE LATHAM APARTMENT HOUSE.
At the northeast corner of Morningside avenue East and 122d street. It was sold yesterday by Leon S. Altmayer for S. Morrill Banner.

SALE OF THE LATHAM.

AN INVESTMENT DEAL.

Market Found for Several Midtown Parcels.

Several large realty deals were reported yesterday. One of the principal transactions was the sale by Leon S. Altmayer to a client for S. Morrill Banner of the Latham, a seven story fireproof elevator apartment house on a plot 100x100 feet, at the northeast corner of 122d st. and Morningside ave. East. The house was built by Henry L. Felt about five years ago, and is said to be one of the best built houses in the city. It is directly opposite Morningside Park. The property was purchased for investment. It was an all cash transaction. The house is fully rented. There are seven apartments to a floor and forty-eight families in the building.

Edgar T. Kingsley sold for Patrick J. Fox and several heirs of the Daniel F. Quinn estate Nos. 336 and 338 West 25th st., two five story double flathouses, with stores, on a plot 50x75 feet, and also the four story stable in the rear, on lot 25x75 feet. This is the first sale of the property since 1853.

Pocher & Co. sold No. 154 West 31st st., a three story brick stable, on lot 25x100 feet, for Isaac Moss to Mary J. McDonald. The parcel is directly opposite the Pennsylvania tunnel terminal site.

MALI & CO. TO MOVE TO FIFTH AVE.

Frederick Fox & Co. have leased for the Richman Realty and Construction Company two floors, comprising about 15,000 square feet of space, in its new commercial building at the northeast corner of 5th ave. and 15th st. The lessees are Henry W. T. Mali & Co., a woollen house, for many years in Worth st. The lease is for a long term of years.

Pierre Mali, of the firm, is the Belgian Consul in this city. The office of the consulate will be in the same building as his firm.

WILL REMODEL LENOX LYCEUM.

Plans have been filed with Buildings Superintendent Murphy for remodelling the Lenox Lyceum Building, at Madison ave. and 59th st., owned by John D. Crimmins. The balconies are to be raised and extended, and the auditorium fitted with fixed seats and equipped with an auxiliary sprinkler fire extinguishing plant. The entrance is to be made over with a porch adorned with Corinthian columns. The improvements are to be made for Walter J. Salomon as lessee, and are to cost $30,000.

IN THE AUCTION SALESROOMS.

In the Real Estate Exchange Salesrooms yesterday Herbert A. Sherman sold in foreclosure No. 503 Manhattan ave., a three story dwelling house, 15x80 feet, to the Legal Realty Company for $12,648.

The other parcels listed to be sold will be offered on December 10.

PLANS FOR ARMORY.

Plans were filed yesterday by the city for a four story armory, to be built on a plot 202.2x301.5 feet, at the northeast corner of 166th st. and Franklin ave. It will cost $420,000. Charles C. Haight is the architect.

William Schnaufer, the architect, filed plans for a two story stable, to cost $13,500, and to be built on a plot 51.3x100.8½ feet, on the south side of Mosholu Parkway, 130.9 feet west of Webster ave. John M. Rauth is the owner of the property.

S. R. GUGGENHEIM GETS TITLE.

Solomon R. Guggenheim took title yesterday to Nos. 48 and 50 West 54th st., a dwelling house on a plot 45.6x100.5 feet, from George Dickson and other persons. John S. Phipps took title to No. 1,150 Fifth ave., a parcel 25.4x100 feet, northeast corner of 96th st. Thomas J. McLaughlin got title to No. 32 East 39th st., 20.6x98.9 feet, from Adelaide K. Rhinelander.

MANY BUSINESS LEASES REPORTED.

The Renton-Moore Company has leased for John T. Dooling to E. D. Garvine, for a term of years, the three story dwelling house No. 524 West 140th st.

J. H. Harlam & Co. have leased for William and Julius Bachrach the three story frame tenement house No. 507 West 166th st.; also, for John Katzman, the store on the northwest corner of 168th st. and Amsterdam ave. for a term of years at a total rental of about $18,000; also the store at No. 182 Amsterdam ave. for a term of years.

Denzer Brothers have leased for a term of years for Richard Sidenberg 10,000 square feet in Nos. 111 and 113 Bleecker st.; for the estate of Henry Bruner, 10,000 square feet in Nos. 120 and 122 Wooster st.; for Philip Braender, 5,000 square feet in Nos. 7 and 9 East 20th st, and 5,000 feet in Nos. 34 and 36 East 10th st. Also, in conjunction with Douglas Robinson, Charles S. Brown & Co., 11,000 square feet in Nos. 73 and 75 Wooster st.

Darius Palmer has leased for Elizabeth H. Larkin and the estate of Annie M. Sands to Benjamin B. Myers the two story building at the southwest corner of 130th st. and Amsterdam ave. for five years from May 1, 1908.

Hell & Stern have leased for Andrew J. Kerwin, jr., in the building No. 27 to 35 West 24th st., the tenth loft, containing 10,000 square feet of space, for a long term of years, at an aggregate rental of $40,000. The lessees are Charles M. Cohen & Co. This property, which is an eleven story and basement building covering a plot 100x98.9 feet, has now been completely rented before completion.

IN THE PRIVATE SALES MARKET.

E. Califano has sold No. 221 East 114th st., a five story tenement house on a lot 25x100 feet.

Horace S. Ely & Co. have sold for Samuel Wolverton, as trustee, No. 289 Washington st., a four story building, on lot 20.3x50 feet, adjoining the northeast corner of Chambers st.

Weil & Mayer have sold to Henry Harburger and others Nos. 348 and 350 West 39th st., two five story flathouses, each on lot 25x98.9 feet.

Henry J. Kantrowitz has sold for the Liebenthal Construction Company to Anthony F. Koelble the new six story apartment house, plot 50x72.6 feet, on the east side of Madison ave., 50 feet north of 128th st.

M. Kahn & Co. have sold for Mrs. M. S. R. Ford No. 113 West 132d st., a three story and basement dwelling house, with two story brick garage in rear, on lot 25x99.11 feet.

Charles F. Dietrich has sold No. 73 East 77th st., a three story stable on a lot 25x100.5 feet.

Pietro Traverso has bought No. 24 Catharine st., northeast corner of Henry st., a six story tenement house, with store, on a lot 19x100 feet.

SATISFIED JUDGMENTS.

The first name is that of the debtor, the second that of the creditor and date when judgment was filed:

Barnsdall, Theodore N—R Ingalls; October 16, 1907	$3,192 07
Cowper, Eleanor M—Metropolitan Printing Company; May 14, 1907	429 98
Carr, Joseph—Standard Plumbing Supply Company; October 29, 1907	124 73
Kohn, Sigmund and Isidor—L C Weir; November 1, 1907	14 91
Buketman, Samuel—State Bank; July 1, 1907	69 22
Klug, Martin J—M T Hicks; October 25, 1907	187 53
Luescher, Mark A—L L Weber et al; June 29, 1907	146 81
Henning, James W—A J Savage; March 23, 1905 (cancelled)	74 72
Sugar, Moses—S Kandall et al; December 3, 1906 (vacated)	330 56
Yetter, Andrew B—A C Weil et al; October 1, 1907	32 41
Thomas J Reilly—J H Roberts; October 26, 1907	3,156 70

MARINE INTELLIGENCE.

MINIATURE ALMANAC.

Sun rises 6:33 | Sun sets 4:54 | Moon sets —— | Moon's age 29

HIGH WATER.

A. M.—Sandy Hook 6:50 | Gov. Island 6:56 | Hell Gate 8:49
P. M.—Sandy Hook 7:14 | Gov. Island 7:12 | Hell Gate 9:05

WIRELESS REPORTS.

The Kronprinzessin Cecilie reported to Siasconset at 5 p m yesterday when 120 miles east of the Nantucket Lightship. She is expected to dock about 9:30 o'clock this morning.

The Furnessia was in communication with Siasconset yesterday at noon when 323 miles east of Sandy Hook. Will probably dock about 11 o'clock this morning.

The President Grant reported to Sable Island yesterday morning at 6:10 when 120 miles east of there. Is expected to dock about 4:10 o'clock to-morrow afternoon.

The Teutonic was in communication with Cape Race at 7 o'clock yesterday morning when 977 miles east of Nantucket Lightship. Will dock probably about 8 o'clock Thursday morning.

INCOMING STEAMERS.

TO-DAY.

Vessel.	From.	Line.
*Manica	St Croix, October 28	Quebec
*Sergipe	Barbados, October 29	Brazilian
*Kronprin Cecilie	Bremen, October 30	N G Lloyd
*Furnessia	Glasgow, October 26	Anchor
San Marcos	Galveston, October 26	Mallory
Armenian	Liverpool, October 25	White Star
Cestrian	London, October 26	Atlantic Trans
Algeria	Gibraltar, October 24	Anchor
Denver	Galveston, October 29	Mallory
Jersey City	Swansea, October 26	Bristol

WEDNESDAY, NOVEMBER 6.

*Teutonic	Queenstown, October 31	White Star
President Grant	Plymouth, October 28	Hamb-Am
Samland	Antwerp, October 26	Red Star
Colorado	Mobile, October 30	Mallory
El Siglo	Galveston, October 31	So Pacific

THURSDAY, NOVEMBER 7.

Pannonia	Gibraltar, October 27	Cunard
Trave	Bremen, October 26	N G Lloyd
Calabria	Marseilles, October 25	Anchor
Martello	Hull, October 25	Wilson
Sofia Hohenberg	Patras, October 23	Austrian

FRIDAY, NOVEMBER 8.

*Lusitania	Liverpool, November 2	Cunard
*Celtic	Liverpool, October 31	White Star
*Königin Louise	Gibraltar, October 30	N G Lloyd
*Bolivar	Para, October 26	——
*Morro Castle	Havana, November 5	Ward
*Dunottar Castle	Colon, November 2	Panama R R
El Paso	Galveston, November 2	So Pacific
City of Columbus	Savannah, November 5	Savannah
Comus	New Orleans, November 3	So Pacific

*Brings mail.

OUTGOING STEAMERS.

TO-DAY.

Vessel.	For.	Line.	Mail closes.	Vessel Sails.
K'prinz Wilhelm	Bremen,	N G Lloyd.	9:30 a m	2:00 p m
Dunstan, Para,	Booth	——	6:00 a m	7:30 a m
Carmania,	Liverpool,	Cunard	——	5:00 a m
Hamburg,	Naples,	Hamb-Am	——	3:00 p m
Liguria,	Naples,	Italian	——	——
City of Atlanta,	Savannah,	Savannah	——	3:00 p m
Hamilton,	Norfolk,	Old Dominion	——	3:00 p m

WEDNESDAY, NOVEMBER 6.

*Adriatic,	Southampton,	White Star	1:00 a m	5:30 a m
Phidias,	Argentine,	Lamp & Holt	6:00 a m	8:30 a m
Cazilda,	Argentine,	Norton	8:00 a m	11:30 a m
Bermudian,	Bermuda,	Quebec	9:00 a m	11:00 a m
Maraval,	Grenada,	Trinidad	10:00 a m	12:00 m
Advance,	Colon,	Panama	11:00 a m	3:00 p m
Noordam,	Rotterdam,	Holland-Am	——	5:00 a m
Kroonland,	Antwerp,	Red Star	——	10:00 a m
Alice,	Naples,	Austrian	——	——
Iroquois,	Jacksonville,	Clyde	——	3:00 p m
San Marcos,	Galveston,	Mallory	——	12:00 m
Princess Anne,	Norfolk,	Old Dom	——	3:00 p m

THURSDAY, NOVEMBER 7.

*La Provence,	Havre, French	6:00 a m	10:00 a m
Blücher,	Hamburg, Hamb-Am	1:30 a m	6:00 a m
Cedric,	Liverpool, White Star	1:30 a m	6:00 a m
Hellig Olav,	Christiansand, Scand-Am	9:30 a m	12:00 m
Merida,	Havana, Ward	9:00 a m	12:00 m
Virginia,	Hayti, Hamb-Am	11:00 a m	2:00 p m
Brooklyn,	Porto Rico, Insular	12:00 m	3:00 p m
City of Memphis,	Savannah, Savannah	——	3:00 p m
Jefferson,	Norfolk, Old Dominion	——	3:00 p m

*Takes mail for South Brazil.

TRANSPACIFIC MAILS.

Destination and steamer.	Close in New York.
Japan, Corea, China and Philippine Islands (via Seattle)—Iyo Maru	Nov 7, 6:00 p m
Hawaii (via San Francisco)—Alameda	Nov 11, 6:00 p m
Hawaii, Japan, Corea, China and Philippine Islands (via San Francisco)—Mongolia	Nov 11, 6:00 p m
Tahiti and Marquesas Islands (via San Francisco)—Mariposa	Nov 17, 6:00 p m
New Zealand, Australia (except West), Samoan Islands and New Caledonia (via San Francisco)—Inveric	Nov 17, 6:00 p m
Japan, Corea, China and Philippine Islands (via Vancouver and Victoria, B C)—Empress of India	Nov 21, 6:00 p m
Japan, Corea and China (specially addressed only) (via Seattle)—Kaga Maru	Nov 21, 6:00 p m
Hawaii, Guam and Philippine Islands (via San Francisco)—(U S Transport)	Nov 30, 6:00 p m

SHIPPING NEWS.

Port of New York, Monday, Nov. 4, 1907.

ARRIVED.

Steamer Napolitan Prince (Br), Sheppard, Patras October 18, Almeria 22, Gibraltar 23, St Michaels 27 and Fayal 28, to C B Richard & Co, with 17 cabin and 934 steerage passengers and mdse. Arrived at the Bar at 6 a m.

Steamer Ponce, Harvey, Ponce October 18, Mayaguez 20, San Juan 21, Arecibo 23, Guanica 25, Aguadilla 26, Mayaguez 27 and Ponce 29, to the New York and Porto Rico SS Co, with 20 passengers, mails and mdse. Arrived at the Bar at 4:28 a m.

Steamer Bradford (Ger), Thomsen, Port Antonio October 30, to the United Fruit Co, with two passengers and mdse. Arrived at the Bar at 1 a m.

Steamer Caracas, Furst, Puerto Cabello October 25, Curacao 27, La Guayra 28 and San Juan 30, to Boulton, Bliss & Dallett, with 26 passengers, mails and mdse. Arrived at the Bar at 4:38 a m.

Steamer Bluecher (Ger), Reessing, Hamburg October 24, Southampton 25 and Cherbourg 26, to the Hamburg-American Line, with 600 cabin and 893 steerage passengers, mails and mdse. Arrived at the Bar at 2 p m, 3d.

Steamer La Gascogne (Fr), Gosselin, Havre October 26, to the Compagnie Generale Transatlantique, with 207 cabin and 1,205 steerage passengers and mdse. Arrived at the Bar at 2 a m.

Steamer Venetia (Ger), Hugler, Santa Marta October 28 and Inagua 31, to the Hamburg-American Line, with 11 passengers and mdse. Arrived at the Bar at 6:30 a m.

Steamer City of Memphis, Dreyer, Savannah November 1, to the Ocean Ss Co, with passengers and mdse. Passed in Quarantine at 4:50 a m.

Steamer Porto Rico, Delano, Baltimore, to H C Foster, with mdse. Passed in Quarantine at 7:20 a m.

Steamer Ocmulgee, Mason, Brunswick November 1, to the Brunswick Ss Co, with mdse. Passed in Quarantine at 7:55 a m.

Steamer Ligonier, Wellman, towing a barge, Port Arthur October 26, to the J M Guffey Petroleum Co, with oil. Passed in Quarantine at 8:55 a m.

Steamer Imogen (Br), Edwards, Cardiff October 18, to J H Winchester & Co, in ballast. Arrived at the Bar at 12:35 p m.

Steamer City of Philadelphia, Charles, Charleston October 31, to George S Baxter & Co, with railroad ties. Passed in Quarantine at 12:05 p m.

Steamer Pathfinder, Barbour, Boston, to the New York and Porto Rico SS Co, in ballast. Passed in Quarantine at 12:05 p m.

Steamer Navahoe, Hale, Georgetown, S C, October 31 and Wilmington, N C, November 2, to the Clyde Ss Co with mdse. Off Highlands at 3:50 p m.

Steamer Northtown, Van Glider, Port Arthur October 18, to the Texas Crude Oil Co, with oil. Passed in Quarantine at 4:20 p m.

Steamer Ryndam (Dutch), Vander Zee, Rotterdam and Boulogne October 28, to the Holland-America Line, with 402 cabin and 728 steerage passengers, mails and mdse. Arrived at the Bar at 6:10 p m.

Steamer Clan MacKinnon (Br), Smith, Calais October 19, to Barber & Co, in ballast. Arrived at the Bar at 6 p m.

Steamer Sergipe (Braz), Azavado, Rio de Janeiro October 4, Victoria 5, Bahia 13, Para 22 and Barbados 27 to J C Seager Co with mdse. Anchored in Quarantine 8:25 p m.

Sandy Hook, N J, Nov 4, 9:30 p m—Wind southwest, light breeze; hazy.

SAILED.

Steamers Yumuri (Nor), Perth Amboy; Byron (Br), Bahia, Rio de Janeiro, etc; Monroe, Norfolk and Newport News; Huron, Charleston and Jacksonville.

STEAMERS AT FOREIGN PORTS.

ARRIVED.

Plymouth, Nov 4, 8:28 a m—Kaiser Wilhelm II (Ger), New York for Cherbourg and Bremen; 4:25 p m—President Lincoln (Ger), New York for Cherbourg and Hamburg.

Bremen, Nov 4, noon—Barbarossa (Ger), New York via Cherbourg.

Glasgow, Nov 4—California (Br), New York via Moville.

Manchester, Nov 2—Thespis (Br), Ferguson, New York.

Rotterdam, Nov 2—Korea (Russ), New York for Libau.

Newport, Nov 1—Maracas (Br), New York and Newport News via Dunkirk.

Melbourne, Nov 3—Star of New Zealand (Br), New York for Sydney.

Algoa Bay, Nov 4—Barotse (Br), New York via St Vincent, C V, and Cape Town.

Madras, Nov 4—Lindenfels (Ger), New York via Colombo for Calcutta.

SAILED.

Liverpool, Nov 2—Lackawanna (Br), New York.

Hamburg, Nov 3—Phoebus (Ger), New York.

Bremen, Nov 2, 9 p m—Main (Ger), New York.

Cherbourg, Nov 2, 6 p m—Philadelphia, New York.

Shields, Nov 2—Deutschland (Ger, tank), New York.

Rotterdam, Nov 2—Petersburg (Russ), New York.

Cardiff, Nov 2—Cowrie (Br), New York.

Cadiz, Oct 30—Manuel Calvo (Span), New York.

Hamburg, Nov 2—Brilliant (Ger), New York.

Swansea, Nov 1—Llandaff City (Br), New York.

Vigo, Nov 2—Atrato (Br), Barbados, Colon, etc, for New York.

PASSED.

Scilly, Nov 4—Rotterdam (Dutch), New York for Amsterdam; Suram (Br), New York for Hull; 9:40 a m—President Lincoln (Ger), New York for Plymouth, Cherbourg and Hamburg.

Butt of Lewis, Nov 3—Energie (Ger), from New York.

Prawle Point, Nov 3—Smolensk (Russ), New York for Rotterdam and Libau.

Gibraltar, Nov 2—Satsuma (Br), Yokohama, etc, for New York.

Cape Spartel, Nov 3—Hudson (Br), Iloilo, etc, for New York.

Lizard, Nov 4, 5 p m—La Bretagne (Fr), New York for Havre.

Real Estate.

Title Examination

and Insurance by this Company is much cheaper than litigation, and saves expense by transferring all responsibility to us. It is the only way to provide against possible loss from defective Titles, and often saves property interests from sacrifice.

Lawyers Title Insurance and Trust Company

CAPITAL & SURPLUS $9,500,000

37 Liberty Street, 59 Liberty Street, MANHATTAN.
188 Montague Street, Brooklyn.

Notice of Summons.

SUPREME COURT OF THE STATE OF NEW YORK, County of New York.—Rose M. Nolan, Plaintiff, against James Nolan, Katharine Kirk, Margaret Kirk, Lizzie Kirk, Ellen Kirk, Julia Armstrong and John Armstrong, her husband, the name John being fictitious, said defendant's first name being unknown to plaintiff; Mary Nolan and John Nolan, her husband; James Dunn, the name James being fictitious, said defendant's first name being unknown to plaintiff; Frank Arrzberger, the name Frank being fictitious, said defendant's first name being unknown to plaintiff; Charles H. Emery, William W. Murdock, the name William being fictitious, said defendant's first name being unknown to plaintiff; Edward Zimara, the name Edward being fictitious, said defendant's first name being unknown to plaintiff; William Newmiller, the name William being fictitious, said defendant's first name being unknown to plaintiff; Edward Newmiller, the name Edward being fictitious, said defendant's first name being unknown to plaintiff; George Matthews and Lawrence McCarroll, Defendants.—Amended Summons.—To the above named defendants: You are hereby summoned to answer the amended complaint in this action and to serve a copy of your answer on the plaintiff's attorney within twenty days after the service of this summons, exclusive of the day of service, and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the amended complaint.

Dated New York, October 9th, 1907.

THOMAS J. MEEHAN, Attorney for Plaintiff.

Office and Postoffice Address, No. 38 Park Row, Borough of Manhattan, New York City.

To the Defendants Lizzie Kirk, Ellen Kirk, Julia Armstrong and John Armstrong, her husband, the name John being fictitious, said defendant's first name being unknown to plaintiff; Mary Nolan and John Nolan, her husband: The foregoing amended summons is served upon you by publication pursuant to an order of the Hon. James A. Blanchard, a Justice of the Supreme Court of the State of New York, dated the 10th day of October, 1907, and filed with the complaint and amended complaint in the office of the Clerk of the County of New York, at the County Court House, in the Borough of Manhattan, New York City.

Dated New York, October 11th, 1907.

THOMAS J. MEEHAN, Attorney for Plaintiff.

SUPREME COURT OF THE STATE OF NEW YORK, County of New York.—Rose M. Nolan, Plaintiff, against James Nolan, Katharine Kirk, Margaret Kirk, Lizzie Kirk, Ellen Kirk, Julia Armstrong and John Armstrong, her husband, the name John being fictitious, said defendant's first name being unknown to the plaintiff, Mary Nolan and John Nolan, her husband, Defendants.—Amended summons—To the above named Defendants: You are hereby summoned to answer the amended complaint in this action and to serve a copy of your answer on the Plaintiff's Attorney within twenty days after the service of this summons, exclusive of the day of service, and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the amended complaint.

Dated, New York, October 9th, 1907.

THOMAS J. MEEHAN, Attorney for Plaintiff.

Office and Postoffice address, No. 38 Park Row, Borough Manhattan, New York City.

To the Defendants Lizzie Kirk, Ellen Kirk, Julia Armstrong and John Armstrong her husband, the name John being fictitious, said defendant's first name being unknown to plaintiff, Mary Nolan and John Nolan her husband: The foregoing amended summons is served upon you by publication pursuant to an order of the Hon. James A. Blanchard, a Justice of the Supreme Court of the State of New York, dated the 10th day of October, 1907, and filed with the complaint and amended complaint in the office of the Clerk of the County of New York, at the County Court House in the Borough of Manhattan, New York City.

Dated, New York, October 11th, 1907.

THOMAS J. MEEHAN, Attorney for Plaintiff.

Citations.

LINDENMEYR, HENRY.—The People of the State of New York, by the grace of God free and independent, to Mrs. Henrietta Lindenmeyr, Gustave Lindenmeyr, Henry Lindenmeyr, Fritz Lindenmeyr, Louise Sonntag, Thekla Sauer, Frieda Urchs, Ludwig F. Lindenmeyr, Henrietta M. Lindenmeyr, Matilda Lindenmeyr and Thekla Henrietta Sack, send greeting:

You and each of you are hereby cited and required personally to be and appear before our Surrogate of the County of New York, at the Surrogates' Court of said county, held at the Hall of Records, in the County of New York, on the 13th day of December, 1907, at half-past ten o'clock in the forenoon of that day, then and there to attend a judicial settlement of the account of proceedings of Gustave Lindenmeyr, Henry Lindenmeyr, Gustave L. Jaeger, Willy Sonntag and Henrietta Lindenmeyr, as trustees of the trust created under the last will and testament of Henry Lindenmeyr, late of the County of New York, deceased; and such of you as are hereby cited as are under the age of twenty-one years are required to appear by your guardian, if you have one, or if you have none, to appear and apply for one to be appointed, or in the event of your neglect or failure to do so, a guardian will be appointed by the Surrogate to represent and act for you in the proceeding.

In testimony whereof, we have caused the seal of the Surrogates' Court of the said County of New York to be hereunto affixed. Witness, Hon. Frank T. Fitzgerald, a Surrogate of our said county, at the County of New York, the 8th day of October, in the year of our Lord one thousand nine hundred and seven.

[L. S.]

DANIEL J. DOWDNEY, Clerk of the Surrogates' Court.

HAWKESWORTH & KIRTLAND, Attorneys for Trustees, 100 Broadway, New York City.

To Let for Business Purposes. | *To Let for Business Purposes.*

TO LET.

LARGE AND SMALL OFFICES,
SINGLE OR EN SUITE,
IN
THE CENTRAL BANK BUILDING,
320 BROADWAY.
LATELY OCCUPIED BY PUBLIC SERVICE COMMISSION.
VERY REASONABLE RENTS; APPOINTMENTS PERFECT.
Apply to
H. L. MOXLEY & CO.,
320 BROADWAY.
Or to the Agent of the Tribune Building, 154 Nassau St., Room 610.

Buildings, Stores AND LOFTS TO LET ON DOWNTOWN STREETS
RULAND & WHITING CO., 5 BEEKMAN ST.

City Property to Let.

No. 136 East 71st Street
American basement house, entirely rebuilt; new plumbing throughout; 3 bathrooms; butler's pantry extension; new range and furnace; hardwood floors; electric light. Will be decorated to suit tenant. Immediate possession. House may be seen at any time. Further particulars from the agents.
Douglas Robinson, Charles S. Brown & Co.
570 5TH AVE., Between 46TH and 47TH STS.

City Property for Sale.

BROADWAY, N. W. cor. Reade st., 66.6x124, for sale; one of the most desirable corners downtown. Apply to WM. C. WALKER'S SONS, 299 Broadway.

Unfurnished Apartments to Let.

CROSS CHAMBERS,
210 5TH AVENUE.
APARTMENTS, TWO TO FOUR ROOMS AND BATH, TO LEASE.
JAMES E. BALL, SUPT.

City Property for Sale.

A.—A.—
MAGNIFICENT PRIVATE HOUSE WEST 52D ST.
ADJOINING FIFTH AVENUE.
75 feet west of the Vanderbilt and Sloane mansions; 25-foot American-basement Dwelling, built by CLINTON & RUSSELL; rare hardwoods throughout; every modern improvement; electric elevator; positively the choicest location in New York; price $200,000; terms to suit; may consider smaller parcel in part payment. Particulars of your own broker or
JACOB NEADLE, 59 William St.

BROWNSTONE residence in Harlem, on 129th st., opposite largest Methodist Church; hardwood finish; price, $19,000; terms to the right party to suit. Apply to ROBERT T. B. EASTON, attorney, Equitable Bldg, N. Y.

Country Property for Sale.

BEAUTIFUL COUNTRY HOME FOR SALE AT Rutherford, New Jersey; nine rooms and bath; all improvements; oak floors and trim; gas, electric light, steam heat; open fireplace; lot 50x160 feet; situate on high ground; only $6,150; terms $1,000 cash, balance like rent. A. W. VAN WINKLE & CO., Rutherford, New Jersey.

FOR SALE AT OSSINING.—35 ACRES, WITH ELEgant dwelling. Apply to THOS. LEARY, Ossining, N. Y.

Excursions.

Through Cars TO California
NO CHANGE
Superior arrangements. Either one-way or round-trip tickets at regular rates. Tours to California, Mexico, Florida, Porto Rico, West Indies, Hawaii, Europe, etc., including all expenses.
Railroad and Steamship Tickets to all points.
Call, telephone or write for information.
RAYMOND & WHITCOMB CO.,
25 Union Sq. Tel. 1410—Stuyvesant.
Philadelphia, Boston, Pittsburgh, Chicago, etc.

Instruction.

Boys and Young Men—City.

Fourteenth Year and Thoroughly Modern.
Miller School
1133-1135 Broadway, cor. 26th St., N. Y.
Shorthand, Typewriting, Bookkeeping, Penmanship, Business. Fall term now open. DAY AND NIGHT SESSIONS. Employment Dept. Endorsed by the Board of Regents. Call or send for Booklet E. 'Phone 2063 Madison Square.

IRVING SCHOOL,
L. D. RAY, 35 WEST 84TH ST.
Boys from seven years upward
Thorough preparation for college
No home study for pupils under fifteen
SCHOOL NOW IN SESSION

For Young Ladies—City.

Kindergarten, Primary Training.—New York Froebel Normal and Dr. Earle's Collegiate Prep. School for Girls. 59 W. 96th. Incorporated Institute. Scholarships.

For Both Sexes—City.

THE BERLITZ SCHOOL OF LANGUAGES,
MADISON SQUARE (112 Broadway).
Harlem Branch: Lenox Ave., cor. 126th St.
Brooklyn " 73 Court St.
Newark " Scheuer Building.
350 BRANCHES IN ALL CITIES.
Pupils hear and speak the new language exclusively from the first lesson. Trial lessons free.
FREE FRENCH LECTURE AND CONVERSATION CIRCLE EVERY WEDNESDAY, 3 P. M.

For Boys and Young Men—Country.

$360 HUDSON RIVER MILITARY ACADEMY $360
Removed to FINDERNE PARK, FINDERNE, N. J. One hour from New York City on Central Railroad of N. J.
For boys and young men. Beautiful buildings, heated by steam and lighted by electricity. Artesian water. Immense athletic field and drill grounds for infantry, artillery and cavalry. Equestrian department of trained horses and ponies for the free use of cadets. To many boys the physical development resulting from the equestrian training is worth far more than the cost of the year's schooling. Courses: English, Classical, Scientific, Commercial, College Preparatory, Special. The advantages, facilities and rates here offered cannot be duplicated. Illustrated catalogue B.
CAPT. J. WILSON, U. S. V., A. M., Supt.
(This school was founded by Capt. Wilson, a young cavalry officer, at the close of the Civil War in '65, and has since been continuously under his management.)

ADVERTISEMENTS and subscriptions for The Tribune received at their Uptown Office, No. 1364 Broadway, between 36th and 37th sts., until 9 o'clock p. m. Advertisements received at the following branch offices at regular office rates until 8 o'clock p. m., viz.: 264 8th ave., s. e. cor. 23d st.; 153 6th ave., cor. 12th st.; 92 East 14th st.; 257 West 42d st., between 7th and 8th aves.; 263 West 125th st.; 1338 3d ave., between 76th and 77th sts.; 1026 3d ave., near 61st st.; 1708 1st ave., near 89th st.; 157 East 125th st.; 756 Tremont ave.; 650 3d ave., and any American District Telegraph office.

Autumn Resorts.

NEW YORK.

HOTEL GRAMATAN
BRONXVILLE, Westchester Co., N. Y.
15 miles from New York. Write for special winter rates. J. J. LANNIN CO., Proprietors.

GARDEN CITY HOTEL
GARDEN CITY.....Long Island.
18 miles from N. Y. Write for special winter rates.
J. J. LANNIN CO., Proprietors.

Briarcliff Lodge
"THE HOTEL BEAUTIFUL OF THE BRIARCLIFF HILLS"
Open for the fall season, with Elegant New Addition and presenting many unique and attractive features.
Thirty Miles from New York.
D. B. PLUMER, Manager.
Mr. Comstock, representative, will be at Briarcliff's New York Store, Windsor Arcade, 46th street and Fifth avenue, on week days, except Saturdays, from 10 a. m. to 1 p. m.

NEW JERSEY.

LAKEWOOD, N. J.
THE LAUREL HOUSE
NOW OPEN.
A. J. MURPHY, Manager.
LAUREL-IN-THE-PINES
NOW OPEN.
FRANK F. SHUTE, Manager.
Both hotels have been extensively improved since last season, including the addition of numerous private baths, and are favorably known for their standard of excellence and patronage since the inception of Lakewood as a resort.

**HOTE