COAL ROADS WIN SUIT

ON COMMODITIES CLAUSE.

Circuit Court Declares It Repugnant to Constitution.

Philadelphia, Sept. 10.—Declaring it to be drastic, harsh and unreasonable and an invasion of the rights of the states, and therefore repugnant to the Constitution, the United States Circuit Court for the Eastern District of Pennsylvania to-day dismissed the suits of the federal government to enforce the commodities clause of the Hepburn railroad act against the anthracite coal carrying railroads of this state. Judges George Gray and George M. Dallas filed opinions dismissing the suits, and Judge Joseph Buffington dissented, but did not file an opinion.

The commodities clause forbids railroad companies to transport in interstate commerce any article or commodity manufactured, mined or produced by them or under their authority. The case was argued in June, United States Attorney General Bonaparte delivering the principal argument for the government. The effect of the commodities clause, if constitutional, would be to confine the mining of anthracite coal by the railroads to that mined for use in Pennsylvania only, or compel the railroads to sell all the mining property they are interested in, either directly or indirectly

The railroad companies involved are the Central of New Jersey, the Lehigh Valley, the Erie, the Delaware, Lackawanna & Western, the Delaware & Hudson, the Pennsylvania and the Philadelphia & Reading. Ninety per cent of all the unmined anthracite coal in Pennsylvania belongs to these corporations or to coal companies whose shares are held by them. The decision of the court did not come as a great surprise.

The principal opinion was written by Judge Gray, who, as president of the Anthracite Strike Commission, has an intimate knowledge of the mining of hard coal and of the many ramifications in the ownership of the coal mines.

"INVADES THE RIGHTS OF THE STATE."

In his opinion he discussed at great length the limitations put upon Congress by the Constitution and concluded as follows:

From every point of view from which we have been able to approach the question, the unreasonableness and consequent invalidity of this so-called "commodities clause" is apparent. It invades the rights of the state by striking down the liberty hitherto innocently enjoyed by its citizens under the laws and usages of the commonwealth, to engage in interstate commerce to the fullest extent, as to all harmless articles, whether owned or not owned by the carrier, and deprives of their property these defendants, contrary to the letter and spirit of the Fifth Amendment to the Constitution. If the enactment in question be warranted by the commerce clause of the Constitution, it is hard to see what bounds may be set to the expenditure of that power. It will, indeed, be an open door through which the forces of a centralization hitherto unknown may enter at will, to the overthrow of that just balance between federal and state power, for which the makers of the Constitution so wisely provided, as an essential to the preservation of our dual form of government.

Ample as is the scope of legislative power granted by the language of the commerce clause, and far as the Supreme Court has undoubtedly gone in sustaining the validity of legislation under it, we think it may be safely said that no assertion of this power hitherto, by Congress, has been so far-reaching or affected in so serious a degree the individual liberty and property rights enjoyed under the constitution and laws of a state as the enactment we are here considering. It is not to be denied that the right to carry in interstate commerce coal which they own in whole or in part, or which is mined or produced by them or under their authority, or by coal companies in which they are stockholders was, until the passage of the act in question, a lawful right of these defendants; that it was a common right of property, neither denied nor disputed by the common or statute law of Pennsylvania; that it was a most important property right, the enjoyment and exercise of which was neither criminal nor immoral, and subject only to any restraints imposed upon its possessors by the common or statute law of the state, or by the then existing statutes of the United States, so far as they were engaged in interstate commerce. If in any manner and to any extent whatever they have actually violated the latter, surely they could be restrained or otherwise made amenable to the legal penalties in such behalf without crippling or destroying a business in which they are profitably and usefully engaged.

LAWFUL BUSINESS MADE UNLAWFUL.

To these defendants, thus innocently and lawfully engaged in transporting coal which they own, or are interested in to the extent and under the circumstances hereinbefore set forth, comes this act of Congress and declares that this whole business is unlawful, and that the future exercise of a vested right of ownership, which they have heretofore and for long periods of years enjoyed, under the belief that it was an ordinary right of property enjoyed innocently by all citizens of the state alike, and inviolable as such, is a crime, and punishable as such. That this legislation is drastic and harsh does not, of course, dispose of the question of power on the part of Congress to enact it. The first inquiry to be made, therefore, is as to whether this legislation is a regulation of commerce within the true meaning of the commerce clauses of the Constitution.

We may assume, therefore, that the commerce clause of the Constitution is no exception to the general doctrine that unlimited power has no place in American governmental institutions, and that there are rights of liberty and property that are secure against hostile legislative action.

In the opinion of this Court, the enactment in question is not a regulation of commerce, within the proper meaning of these words, as used in the commerce clause of the Constitution, and therefore not within the power granted by that clause.

We confine ourselves to the concrete facts presented by the pleadings in these cases, and intimate no opinion either way as to cases where property has been acquired by the carriers subsequent to the passage of the act. For the reasons stated, therefore, these bills in equity are dismissed and the petitions for writs or mandamus on the law side of this court are denied.

WHAT CONGRESS CAN DO.

Judge Dallas in his opinion says that he "fully concurs in the foregoing opinion, and the little now to be added is intended merely to accentuate my acceptance of it."

Continuing, he says:

The prohibitory intent of the piece of legislation under consideration is too plain for disavowal, and the suggestion that what it prohibits is not interstate commerce, but interstate transportation by a railroad company of commodities which it has produced, etc., is delusive. The question is not whether the carriage from state to state of coal produced by the carrier is interstate commerce, for of course it is; but whether, being a kind of commerce which is not inimical to safety, health or morals, and which, therefore, any one is entitled to pursue "as of right," Congress may restrict a railroad company's interstate transportation to coal not mined or owned by it, and in which it has no interest. Any such restriction, whatever it may be called, in its nature and effect is discriminative prohibition; and that the restrictive provision now in question was enacted, not actually for the regulation of interstate commerce, but really to coerce the conformity of intrastate business with a "policy" approved by Congress, seems practically to be admitted, and could not, with candor, be denied.

No court has authority under the guise of interpretation to change the Constitution for the purpose of meeting a supposed requirement of present conditions, and the covert tendency of any usurpation of any such authority would inevitably be to transform the government of enumerated powers, which the Constitution established, into a government with all power vested in its legislative and executive branches.

The inclination sometimes manifested to centralize power in the general government results in great measure, no doubt, from the apparent expediency of committing to it the correction of ills which it is supposed that the states cannot so readily redress; but the achievement of no presently desired end, however salutary, can justify the infraction of our fundamental law or warrant its perversion by insidious construction. The Constitution of the United States is a written instrument, not a progressive development, and the often quoted epigram that "Constitutions are not made, but grow," should not apply to it.

The effect of the decision on the stock market was instantaneous, and resulted in a sharp bidding up of the shares of the coal carrying roads. Reading, on large transactions, rose above 132, Erie common crossed 31 and Pennsylvania, Baltimore & Ohio, Delaware & Hudson and Ontario & Western advanced sharply. The whole market, which had been irregular before the decision, turned strong in sympathy with the coalers.

Right on the heels of the decision, however, came the announcement that the directors of the American Locomotive Company had passed the dividend on the common stock. This news served to check the rise, and the market sold off a point in sympathy with the pronounced weakness of Locomotive common, which declined from 53 to 48 in less than ten minutes after the dividend action was announced.

At the low levels, however, the market turned face about again, and, led by Reading and Erie, advanced to the highest prices of the day. Reading sold at 133⅛, Erie common at 31¼, Delaware & Hudson at 174, Pennsylvania at 125⅞ and Ontario & Western at 43⅛. Delaware, Lackawanna & Western, on the sale of only 400 shares, was bid up to 528¾, a gain of 4¼ points.

When it began to look like a runaway bull market, led by the coalers, there was a sudden outpouring of stocks, and quotations came down with a rush. Reading dropped from above 133 to 130¾, where it closed. Erie common declined to 29⅝ and closed at 29⅞ for a net loss of 1⅝ points. The close was irregular, with most of the market leaders showing losses.

Robert W. de Forest, who, with John G. Johnson, of Philadelphia, acted as counsel for the coal roads in the government suit, received the decision just as he was leaving his office for the country. He said he had no comment to make until he had read the full text.

BUILDINGS AT PATTERSON, N. Y., ON RESERVOIR SITE.

TO APPEAL PROMPTLY.

Attorney General Will Act—Commerce Commission Surprised.

[From The Tribune Bureau.]

Washington, Sept. 10.—The decision rendered this afternoon in Philadelphia, declaring unconstitutional the commodity clause of the Hepburn act, caused much surprise and disappointment at the Interstate Commerce Commission. None of the officials of that body have for a moment doubted that the powers given the federal government by that clause are well within the limits of the Constitution, and while no criticism of the decision was made public, expressions of hope were heard on every side that the decision was aimed at some minor defect in the act and not in the intent of the act itself.

Commissioner Judson Clements made no effort to conceal his disappointment, and said:

As I have not yet read the decision, I can make no comment on it other than to express my regret that the commodity clause by which we expected to accomplish so much has been declared unconstitutional. I hope that the fault is curable and that, with a few alterations in the clause, it can again be placed on the statute books. If the act is unconstitutional in some minor details, this decision will prove only a slight handicap, and, after a brief delay, the law can become operative again.

If the decision holds that it is unconstitutional for the government to prevent railroads from engaging in other business besides that of common carriers, I am inclined to believe that a great evil will go unchecked. There is no doubt in my mind that some legislation along the line of the Hepburn clause is absolutely necessary, and I should be sorry if the courts construe the Constitution so as to prevent it.

That an appeal doubtless will be taken within the next sixty days directly to the Supreme Court of the United States from to-day's decision of the United States Circuit Court at Philadelphia, declaring unconstitutional the commodities clause of the Hepburn act, was the statement of Acting Attorney General Russell to-day.

Oyster Bay, Sept. 10.—While Attorney General Charles J. Bonaparte was in conference with President Roosevelt at Sagamore Hill this afternoon the report of the decision was carried to them and they immediately took up the matter. After the discussion they came to the conclusion that the Department of Justice should take an appeal from the decision rendered by the Circuit Court.

Mr. Bonaparte, as he was departing for New York at 4 p. m., was asked whether he had any statement to make regarding the decision of the court. He replied that he had none except that he would immediately take steps to appeal from the decision. He would say nothing about what the President had said in regard to the decision.

LIEUTENANT ACQUITTED.

Married Officer Who Called Himself Single Restored to Duty.

In an order which was made public yesterday Major General Frederick D. Grant has restored to duty Lieutenant Guy H. Wyman, of the 11th Cavalry, who was tried by a general court martial for saying he was a single man when he was married.

Lieutenant Wyman was commissioned from the ranks in 1905, and has an excellent record in the service. He married Miss Vanella Chambers, of Huntsville, Ala., just before he took his examinations, and she agreed to return to her home and obtain a divorce immediately. This she failed to do, but the young officer believing that he was single signed his "personal service" reports as such, and was married again last spring.

His first wife wrote to the War Department in 1907, saying that she was legally the wife of Lieutenant Wyman, and that she needed money for the support of herself and her child. The lieutenant has been sending her $15 a month of his pay since that time.

In his review of the proceedings General Grant says:

The acquittal is reluctantly approved. The department commander trusts that the accused in the future in the discharge of his official duties and of the graver responsibilities of life will use greater prudence, caution and discretion than, according to his own testimony, he used in this matter. He will be released from arrest and restored to duty.

TO REVIVE SILK RAISING HERE.

Government Will Aid in Work Undertaken at Central Islip, Long Island.

An attempt on a large scale to revive the dormant industry of silk raising in this country is now being made by Alfred Van Praag, of No. 4 West 40th street, and some associates. They have purchased a tract of land at Central Islip, Long Island, for the purpose, and the work of preparing a portion of the land for the planting of that species of the mulberry tree known to science as the Morus alba, together with the erection of the needed buildings, will begin soon.

It is expected that, in addition to the Central Islip holding, an attempt will be made to obtain the experimental silk raising plant situated on the Hudson, about fifty miles from New York, which was founded some years ago by a citizen of Syrian birth. The results, it is said, have been entirely satisfactory, but other interests prevented the founder from going beyond the experimental stages.

The chief feature of the new project is that it has the virtual backing of the United States government, which has agreed to purchase all native silk in the cocoon at from 90 cents to $1 10 a pound. The government will supply to the new enterprise the needed mulberry saplings, the silkworm eggs and expert advice.

SAYS ASSESSMENTS WERE LOWERED.

J. B. Ludlow Tells Referee Sugar Refinery Gained $150,000 by Paying $500.

During a hearing before Referee Frank L. Young in certiorari proceedings, in Yonkers, to review his assessment for the year 1906, James B. Ludlow, a New York lawyer and large property owner in Yonkers, made the assertion yesterday that the Federal Sugar Refining Company had had its assessment for the same year reduced $150,000 by the payment of $500.

He also charged that the certified copy of the tax roll for 1906 had mysteriously disappeared since the beginning of the proceedings. This is only one of a number of proceedings brought by Mr. Ludlow and a number of allied interests, in which they charge that the assessors in the Coyne administration of 1907 discriminated against them.

MEANS END OF VILLAGE.

Patterson Residents Prepared to Give Up Homes for Reservoir.

Word was received yesterday from the inhabitants of Patterson, which will be wiped off the map if the Patterson Reservoir becomes a fact, that they won't mind it a bit if water does cover the sites of their present homes and business houses. They will get a larger price for their property than they could possibly receive in the open market. They have been assured that the new reservoir will be built, and are making plans accordingly.

It was intended to keep the project of building the dam a secret until the Mayor's return and the question had come up before the Corporation Counsel, but the publication of the proposition in The Tribune exclusively has compelled a change of plans.

John J. Ryan, one of the Aqueduct Commissioners, said that the commission would be able to demonstrate the necessity of the reservoir without difficulty. The opposition from John H. O'Brien, Commissioner of Water Supply, Gas and Electricity, had not been unexpected, since Mr. O'Brien opposed the new act permitting the city to acquire additional land for reservoirs in the Croton watershed. But the law was enacted over Mr. O'Brien's head and the way opened for this new reservoir.

Attention was called at the offices of the Aqueduct Commission yesterday to the fact that this act would enable the city to prevent any possible water famine, through minimizing the waste. In a report, Walter H. Sears, the chief engineer, presented pictures of the spillways of the present reservoirs, and each showed a large overflow. If this waste could be prevented by a new reservoir, Mr. Sears argued, all danger before the completion of the Catskill system would be eliminated. He gave figures to prove this contention.

It was said yesterday that it would take twelve years to build adequate additions to the present Croton system, which would cost $150,000,000. The new reservoir would cost about $3,250,000, and, according to Mr. Sears, would take care of nearly all the waste and be a great source of relief in addition.

AGAINST THAW TRANSFER

State Commission in Lunacy to Fight Such a Move.

Albany, Sept. 10.—Any attempt to take Harry K. Thaw from the Dutchess County jail, at Poughkeepsie, to Pittsburg, or any point outside the state, will be opposed by the State Commission in Lunacy. Dr. Albert W. Ferris, president of the commission, returned to-day from a long European trip and announced the position the commission would take regarding the order of Referee Blair, of Pittsburg, that Thaw shall be taken to Pennsylvania to be examined in the bankruptcy proceedings instituted in his behalf.

Dr. Ferris said he knew of no jurisdiction which would authorize the transfer of "this insane patient," adding that the commission "would certainly not countenance such a procedure."

"Thaw is now," he continued, "in the custody of the sheriff of the County of Dutchess pending the arguments to be made when he is taken into court later in September as a result of the second writ of habeas corpus. Justice Dowling committed Thaw as an insane man with criminal tendencies to Matteawan state hospital. Thaw cannot be extradited to Pennsylvania as a criminal unless he is charged with some new crime committed in that state. He was not tried in nor is he held by a United States court. I do not believe the Pittsburg referee will be gratified."

Dr. Ferris said that while abroad he devoted a large part of his time to the study of hospital construction and equipment, securing information which he believes will be of advantage in the construction of new hospitals for the insane, as well as in the erection of the projected psychiatric reception hospital in New York. Dr. Ferris said that it was necessary to build new hospitals for the state's insane "to relieve the serious present overcrowding of over two thousand beyond present capacity, to meet the alarming increase of cases of lunacy, and to provide adequate opportunity to study causes and devise methods of prevention of mental impairment.'

TRUSTEE CONFERS WITH THAW.

Poughkeepsie, N. Y., Sept. 10.—Roger O'Mara, trustee of Harry K. Thaw in bankruptcy, and his attorney, ex-Governor Stone of Pennsylvania, were in this city to-day, and spent an hour and a half in conference with Thaw in the county jail. Charles Morschauser, Thaw's counsel in his habeas corpus proceedings, was present part of the time. It was stated that the visit was to discuss with Thaw the various claims against him on account of which he went into bankruptcy. O'Mara said that he did not know when Thaw would go to Pittsburg in the bankruptcy matter, but he was sure that it would not be in advance of the hearing in the habeas corpus proceedings before Justice Mills, at White Plains, on September 21.

EVELYN NESBIT THAW IN MICHIGAN.

Detroit, Sept. 10.—It is reported that Mrs. Evelyn Nesbit Thaw arrived with a maid from Mackinac last night at the Media Hotel at Mount Clemens. She took two rooms, but has been maintaining strict seclusion.

SHELLARD INDICTED FOR MURDER.

Ex-Patrolman Pleads Not Guilty to Charge of Killing Barbara Reig.

David H. Shellard, the ex-patrolman, was indicted yesterday for the murder of Barbara Reig in the Irving Park toolhouse, in Brooklyn, on July 22, by Justice Rogers. He was sent to the Raymond street jail to await trial. Hymann Newmann and Peter B. Hanson, his attorneys, tried unsuccessfully to have the bail of $10,000 renewed. Immediately after the indictment was handed in Shellard was taken to court, where he pleaded not guilty.

HARRIMAN AND STEEL CARS.

Why the Pressed Steel Car Company Did Not Share in Big Order.

[By Telegraph to The Tribune.]

Pittsburg, Sept. 10.—The publication to-day of the letting of a $5,000,000 contract by E. H. Harriman for steel cars, in which the Pressed Steel Car concern, of Pittsburg, had no share, caused some comment here, and brought out the story that some time ago Mr. Harriman and the big Pittsburg car builders had a tilt, which caused him to withdraw his patronage. For many years the big Pittsburg car works made cars for Mr. Harriman's roads. Recently the local concern made computations on a 7,000-car order for Mr. Harriman, but this did not appear to please him, and he is said to have done, as he once did with the Steel Corporation when it didn't suit him—took his orders elsewhere.

MACOMB STATUE READY.

Memorial to General of 1812 Dedicated at Detroit To-day.

A bronze statue of Major General Alexander Macomb, commander in chief of the United States army and hero of the Battle of Plattsburg in the War of 1812, will be dedicated to-day at Detroit by the Michigan Society of the United States Daughters of 1812. The sculptor is Adolph A. Weinman, of New York.

The commission for the monument was awarded to Mr. Weinman by competition in 1906. The architectural features are the work of Albert R. Ross, of New York.

The general scheme is a circular platform facing south, intersected at its northern, eastern and western axis by low granite pedestals on which are mounted bronze guns of 1812. These three pedestals are connected by a low parapet wall. The front of the platform is taken up by three low steps of granite, and the pavement of the platform consists of small pebbles laid in cement.

BRONZE STATUE OF MAJOR GENERAL ALEXANDER MACOMB.

Dedicated to-day at Detroit, by the Michigan Society of the United States Daughters of 1812.

(Adolph A. Weinman, sculptor.)

In the centre of this pavement rises the granite pedestal, seven feet high, the front of which is ornamented with two wreaths of oak and laurel intertwined, and below them the name "Macomb." The back of the pedestal bears the following inscription:

To Major General Alexander Macomb, commanding the Army of the United States, hero of the Battle of Plattsburg, this monument is erected in the city of his birth by the Michigan Society of the United States Daughters of 1812, September 11, 1908.

The granite used is New Hampshire granite of a pinkish color, which harmonizes with the greenish patina of the bronze statue and cannon.

LIE PASSED IN DEMOCRATIC CLUB.

Brooklyn Organization Hears Quarrel Between Moynahan and Eastmond.

Interest in the chief object of a meeting last evening of Edward M. Shepard's old organization, the Brooklyn Democratic Club, at No. 201 Montague street, that of indorsing Bryan and Kern, was lost in a disagreement between ex-Water Register John E. Eastmond and Daniel Moynahan, the president of the club.

Mr. Eastmond offered a resolution providing that no political officeholders should be officers of the club and that any club offices so filled should be declared vacant. Mr. Moynahan, who was presiding, is employed in the Auditing Department by Controller Metz. He left the chair and addressed the house, saying he considered Mr. Eastmond's resolution a personal attack. Mr. Eastmond rejoined that he wished he had the proper facility for using the "shorter and uglier" term, and finally threw all scruples to the winds, calling Mr. Moynahan's remark a lie.

No physical violence ensued, but some of the other members became excited, and the wrangling continued. Finally the resolution was put to a vote and defeated. In 1895 the club adopted a bylaw embodying the provisions of the resolution, but later annulled it. There has been considerable friction between Mr. Eastmond and Mr. Moynahan, it is said, for some time.

NOT SO MANY PUPILS THIS YEAR.

Dr. Maxwell Thinks Return of Foreigners to Europe Will Lighten School Burden.

From all indications the enrolment of pupils in the public schools in this city this week will not show the average increase of the last eight years, namely, twenty-five thousand. The Superintendent of Schools, Dr. William H. Maxwell, said yesterday this was so because the number of foreigners who returned to Europe last spring and summer was unprecedentedly large, their children forming a considerable percentage of the regular school attendance. Dr. Maxwell also said that the exodus would reduce the overcrowding. No school child of six years or over would be turned away, he said. If there should be a grave necessity of making more room, it might be that children of kindergarten age would be kept out. The opening of the many new schools and additions to old schools would also reduce the number of part time pupils.

The building of the Health Department, 55th street and Sixth avenue, was overcrowded yesterday with parents accompanying children to see that they were vaccinated and to get birth certificates. The crowd surged to the sidewalk, jammed the stairways and halls, and made the transaction of the routine work of the department difficult. It was estimated that more than four thousand children were vaccinated. The rush, it was expected, would be continued well into next week.

MARINE INTELLIGENCE.

MINIATURE ALMANAC.

Sun rises 5:37 | Sun sets 6:16 | Moon rises 7:27 | Moon's age 15

HIGH WATER.

A. M.—Sandy Hook 8:02 | Gov. Island 8:32 | Hell Gate 10:25
P. M.—Sandy Hook 8:23 | Gov. Island 8:52 | Hell Gate 10:45

WIRELESS REPORTS.

The Kaiserin Auguste Victoria, reported as 830 miles east of Sandy Hook at 1:15 a m yesterday, is expected to dock about 7:30 a m Saturday.

The Caledonia, reported as 1,227 miles east of Sandy Hook at 8:45 p m Wednesday, is expected to dock about 7:30 a m Sunday.

The Hamburg, reported as 333 miles east of Sandy Hook at 6 p m yesterday, is expected to dock about 6 p m to-day.

La Lorraine, reported as 840 miles east of Sandy Hook at 7:45 a m yesterday, is expected to dock about 7:30 a m Saturday.

INCOMING STEAMERS.

TO-DAY.

Vessel.	From.	Line.
*Advance	Colon, September 4	Panama R R
*Morro Castle	Vera Cruz, September 3	Ward
*Arabic	Liverpool, September 3	White Star
*Corrientes	Barbados, September 3	Hamb-S A
Bordeaux	Havre, August 25	French
Fortunata	Gibraltar, August 26	——
Devonshire	Liverpool, August 28	——
Windermere	Gibraltar, August 27	——
Cretic	Gibraltar, September 1	White Star
Hamburg	Hamburg, September 1	Hamb-Am
Nueces	Galveston, September 5	Mallory
City of Atlanta	Savannah, September 8	Savannah

SATURDAY, SEPTEMBER 12.

*K A Victoria	Hamburg, September 3	Hamb-Am
*St Louis	Southampton, September 5	American
*La Lorraine	Havre, September 5	French
*Boniface	Barbados, September 4	Booth
Manuel Calvo	Cadiz, August 30	Spanish
*Caledonia	Glasgow, September 5	Anchor
*Coamo	Porto Rico, September 8	N Y & P R
Duldorch	Shields, August 30	——
Kansas City	Savannah, September 10	Savannah

*Brings mail.

OUTGOING STEAMERS.

TO-DAY.

Vessel.	For.	Line.	Mail closes.	Vessel sails.
Prins Willem V	Hayti, D W I		11:00 a m	1:00 p m
Vigilancia	Nassau	Ward	12:00 m	3:00 p m
Daghestan	Bahia, Brazilian		12:00 m	3:00 p m
Lowther Castle	Montevideo, Barber		——	——
Rio Grande	Tampa, Mallory		——	12:00 m

SATURDAY, SEPTEMBER 12.

Umbria	Liverpool	Cunard	3:30 a m	7:00 a m
New York	Southampton	American	6:30 a m	10:00 a m
Caracas	Porto Rico	Red D	8:30 a m	12:00 m
Dagfred	Curacao	Red D	8:30 a m	12:00 m
Havana	Havana	Ward	10:00 a m	1:00 p m
Ponce	Ponce	N Y & P R	9:00 a m	12:00 m
P A Wilhelm	Jamaica	Hamb-Am	11:00 a m	1:00 p m
California	Glasgow	Anchor	——	11:00 a m
Mesaba	London	Atlantic-Trans	——	9:00 a m
Finland	Antwerp	Red Star	——	11:00 a m
Pennsylvania	Hamburg	Hamb-Am	——	11:00 a m
City of Atlanta	Savannah	Savannah	——	3:00 p m
Iroquois	Jacksonville	Clyde	——	3:00 p m
Lampasas	Galveston	Mallory	——	12:00 m
Monroe	Norfolk	Old Dominion	——	3:00 p m

MONDAY, SEPTEMBER 14.

Alliance	Cristobal	Panama	11:30 a m	3:00 p m
Suriname	Demerara	D W I	11:00 a m	1:00 p m
Jefferson	Norfolk	Old Dominion	——	3:00 p m

TRANSPACIFIC MAILS.

Destination and steamer.	Close in New York.
Japan, Corea, China and Philippine Islands (via Vancouver and Victoria, B C)—Empress of India	To-day, 6:30 p m
Japan, Corea, China and Philippine Islands (via Seattle)—Siberia	Sept 12, 6:30 p m
New Zealand, Australia (except West), Samoan Islands and New Caledonia (via San Francisco)—Boveric	Sept 20, 6:30 p m
Japan, Corea, China and Philippine Islands (specially addressed only) (via Tacoma)—Bellerophon	Sept 25, 6:30 p m

SHIPPING NEWS.

Port of New York, Thursday, Sept. 10, 1908.

ARRIVED.

Steamer Hamilton, Boaz, Newport News and Norfolk, to the Old Dominion Ss Co, with passengers and mdse. Left Quarantine at 2:50 p m.

Steamer Iroquois, Chichester, Jacksonville September 7 and Charleston 8, to the Clyde Ss Co, with passengers and mdse. Lef Quarantine at 2:45 p m.

Steamer Patricia (Ger), Magin, Hamburg August 29, Boulogne 30 and Plymouth 31, to the Hamburg-American Line, with 393 cabin, 206 third cabin and 155 steerage passengers and mdse. Arrived at the Bar at 12:18 p m.

Steamer Martha Washington (Aust), Gerolimich, Trieste August 25, Patras 27, Palermo 29 and Almeria September 1, to Phelps Bros & Co, with 178 cabin and 299 steerage passengers and mdse. Arrived at the Bar at 11:45 a m.

Steamer Manna Hata, Charles, Baltimore, to the New York and Baltimore Transportation Line, with mdse. Left Quarantine at 11:25 a m.

Steamer Gere (Nor), Meyer, Baracoa September 5, to M S Arrue, with 2 passengers and fruit. Arrived at the Bar at 10:10 a m.

Steamer Dagfred (Nor), Jamvold, Maracaibo August 30, Curacao 31 and Porto Cabello September 1, to Boulton, Bliss & Dallett, with mdse. Arrived at the Bar at 5:30 p m.

Steamer Ida Cuneo (Nor), Iversen, Port Antonio September 4, to the Cuneo Importing Co, with fruit. Arrived at the Bar at 4 a m.

Steamer Momus, Boyd, New Orleans September 5, to the Southern Pacific Co, with passengers and mdse. Left Quarantine at 6:41 a m.

Steamer Carlton (Br), Adams, Cheribon June 22, Besoeki 30, Sourabaya July 3, Samarang 10, Port Said August 10, via Delaware Breakwater September 9, to J H Winchester & Co, with sugar. Arrived at the Bar at 6 a m.

Steamer Rio Grande, Risk, Mobile September 2, Tampa 4 and Key West 5, to the Mallory Ss Co, with passengers and mdse. Left Quarantine at 9 a m.

Steamer Manuel Calvo (Span), Castello, Genoa August 23, Barcelona 26, Malaga 28 and Cadiz 30, to the Compania Trasatlantica, with 127 cabin and 191 steerage passengers and mdse. Arrived at the Bar at 3 p m.

Steamer Lusitania, from Liverpool. East of Fire Island at 8:04 p m.

Steamer Luisiana (Ital), Carbone, Genoa August 25 and Naples 26, to C B Richard & Co, with passengers and mdse. Passed in Sandy Hook at 9:50 p m.

Steamer Lusitania (Br), Watt, Liverpool September 5 and Queenstown 6, to the Cunard Line, with passengers, mails and mdse. Anchored outside the Bar at 10:18 p m.

Steamer Corrientes (Ger), Scharfe, Santos August 20, Rio de Janeiro 22 and Barbados September 3, to Funch, Edye & Co, with passengers, mails and mdse. Passed in Sandy Hook at 9:35 p m.

SAILED.

Steamers Comanche, Charleston and Jacksonville; San Giovanni (Ital), Naples, Messina, etc; Corsican Prince (Br), Bahia, Rio de Janeiro, etc; Nanette (Br), Barbarossa (Ger), Bremen via Plymouth and Cherbourg; Bluecher (Ger), Hamburg via Plymouth and Cherbourg; Cedric (Br), Liverpool via Queenstown; La Provence (Fr), Havre; Altai (Ger), Inagua, Port-au-Prince, etc; Anita (Nor), Carteret, N J; Colon, Cristobal; Indrawadi (Br), Aden, Singapore, etc; Merida, Havana, Vera Cruz, etc; City of Savannah, Savannah; El Dorado, Galveston; Jefferson, Norfolk and Newport News; C F Tietgen (Dan), Copenhagen, etc; Ultonia (Br), Fiume via Trieste, etc; American, Puerto Corve, Mexico; Hird (Nor), ——; Delaware, Philadelphia.

STEAMERS AT FOREIGN PORTS.

ARRIVED.

Southampton, Sept 9—Teutonic (Br), New York via Plymouth and Cherbourg.

Auckland, Sept 10—Indralema (Br), New York via Melbourne and Sydney.

Chingkiang, Sept 7—Ardgowan (Br), New York via Port Natal.

Pernambuco, Sept 7—Gunther (Ger), New York for Bahia, etc.

Plymouth, Sept 10—Prinz Friedrich Wilhelm (Ger), New York for Cherbourg and Bremen; Amerika (Ger), New York for Cherbourg and Hamburg.

Queenstown, Sept 10—Baltic (Br), New York for Liverpool.

Boulogne, Sept 10—Statendam (Dutch), New York for Rotterdam.

Valparaiso, Sept 9—Coya (Br), New York.

Genoa, Sept 6—Re d'Italia (Ital), New York via Naples.

Cadiz, Sept 5—Elika (Ger), New York via Bilbao.

Shanghai, Sept 10—Indrani (Br), New York via Singapore Hong Kong, etc.

Aden, Sept 10—Schonfles (Ger), New York for Bombay, etc.

Liverpool, Sept 10—Tamarac (Br), New York.

Rio Grande, Sept 9—Hughenden (Br), New York via Pernambuco, Rio de Janeiro and Santos.

SAILED.

Queenstown, Sept 10—Oceanic (Br), Southampton and Cherbourg for New York; Etruria (Br), Liverpool, for New York.

Rosario, Sept 2—Egda (Nor), New York.

Trieste, Sept 5—Argentina (Aust), New York.

Port Natal, Sept 8—English Monarch (Br), New York for Auckland.

Colombo, Sept 9—Karonga (Br), Calcutta for New York.

Cherbourg, Sept 9—Kaiser Wilhelm der Grosse (Ger), Bremen and Southampton for New York.

Liverpool, Sept 10—Celtic (Br), New York via Queenstown.

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GIRLS Clyde Fitch's Cooing Comedy. Evgs. 8:15. Mat. To-m'w. DALY'S Last Weeks MIMIC WORLD Evgs. 8:15. Mat. To-morrow. CASINO Last Weeks.

FIELDS'. Evenings 8:15. Matinee To-morrow. HERALD SQ. 3 TWINS HACKETT Eve. 8:15 Matinee 42d St., W. of B'way. To-m'w. JOHN MASON in The WITCHING HOUR

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