The Trotting Association Criticised.

LEXINGTON, KY., June 15, 1898.

EDITOR AMERICAN HORSE BREEDER:

It is scarcely worth one's while to be surprised at any legal gymnastics which the two great trotting boards perform in order to give the tracks the advantage of the horsemen. As their principal business now is to make collections of entry fees under an ingeniously devised system which makes the track secretary the judge of delinquencies, and virtually confers upon him the power of suspension, without a possibility of redress till the alleged delinquent deposits in the hands of the secretary of the parent association the amount in dispute, and then makes that unfortunate individual pay all the costs of recovering his money, provided he does recover it, it is not, I say, at all strange that gentlemen who are accustomed to working under such a delectable system should twist and torture the law into every conceivable shape, in order (at least apparently) to give the tracks the advantage of the horsemen in the administration of so-called "justice."

There are few decisions from the boards of the parent associations that are now capable of exciting surprise. I beg pardon, there is one that would really be a matter of astonishment, providing it really happened, and that is for a track association that pays its dues regularly to be severely penalized. I do not say that there are not possible circumstances under which such a thing might occur. But when did it occur? I don't want any one punished, but it would really be refreshing to see a little variety. All the penalizing ought not to be among the horsemen. Or probably none of the tracks are ever guilty of offences. There has, I suppose, been no such thing as suppression of time, no such thing as the acceptance of conditional entries, nothing of this kind or other violations of the rules. Tracks never default in the payment of dues to horsemen. They never fail in any of their duties to horsemen. It is the horsemen who are guilty of all the crimes, all the delinquencies. Hence, while every presumption is that tracks are innocent of offences, in the case of horsemen accused of indebtedness to tracks, the rule is precisely the opposite. The statement of the track secretary makes out a prima facie case sufficiently strong to procure the suspension of the accused horse.

I do not know that the members of the Board that constitute the court of final resort ask themselves in terms "What are we here for, if not to decide in favor of the tracks?" I do not know that they reason the matter out in this way: "We are appointed by the tracks, all the authority we have comes from them, we owe no duty to the horsemen in any controversy they may have with the tracks, we are not responsible to them; our first and great duty is to decide in favor of the tracks whenever we can. If there is any doubt either of law or fact, that doubt is to be resolved in their favor, and no matter how much trouble or expense a horseman may be put to in asserting an undeniable right, this trouble and expense must always be borne by him. Tracks are too sacred things to be required to pay the expenses of litigation, even when they are in the wrong."

Although members of these boards may not consciously go through this process of reasoning in their minds, one would be warranted in inferring that something similar to this occurs. Upon what other hypothesis can much of what they do be explained? When, for example, it is held that an owner must pay his entrance fees, whether the track pays a dollar on a stake or purse or not, on what other theory is explanation possible? When it is held that an owner or driver cannot sue a track association, no matter how gross the wrong complained of, how else can such a ruling be justified? When it is held against all law and in the teeth of all right that an owner is responsible for entries made without his authority or ratification, express or implied, how else can this be justified, except on the principle that every decision, where possible, must be in favor of the tracks?

It may be that such things as these are explicable on some other principle consistent with a desire to do equal and impartial justice between man and man. I hope they are, but I must admit that thus far that principle is a mystery to me. I have never received the inner light with which the members of Boards of Review and Boards of Appeal seem to be endowed. The administration of justice has always appeared to me to be a most sacred thing,—favoritism in its administration the most hateful thing of which I can conceive. Giving one litigant the advantage over another has always seemed not only wrong, but absolutely intolerable, the unpardonable sin. But I suppose there are new-fashioned ideas in such subjects. As old Jerry Black said on a momentous occasion, "There may be new principles upon which cases are decided, and the old-fashioned idea that courts were intended to decide without fear, favor or affection is probably obsolete." One very smart young gentleman lately acused me of lacking in progressiveness. I am free to admit that I am not sufficiently progressive to take in and absorb these new ideas of administering justice for the benefit of one class of litigants. I hope I never may.

The following recent decision of the National Board of Review is attracting some attention and eliciting some criticism:

F. H. Bowden, Monroe, Me., vs. F. H. Berry, Rockland, Me., and brown mare Lillie Wilkes. Aug. 22, 1897, F. H. Berry made a conditional entry for the brown mare Lillie Wilkes at the meeting of the Waldo and Penobscot Agricultural Society, which was held at Monroe, Me., Sept. 14, 15 and 16 She started under this entry and won the race. As her eligibility was questioned, the association retained the premium and forwarded same to he office of the National Trotting Association. E. H. Neally, the secretary of the Waldo and Penobscot Agricultural Society, admitted in his correspondence with this office that the entry was conditional.

Held, That the entry of F. H. Berry having been conditional, the horse could not win, and the money supposed to have been won by her will be redistributed to other horses in the race according to their standing; the secretary of the association who received the conditional entry is fined therefor $10.

This decision is under Sect. 3 of Rule 3, which provides that conditional entries shall be void. And yet it is claimed that although the rule provides that an entry when conditioned shall be void, the Board of Review has never ordered the repayment to the nominator of his entrance fee in such cases, but has permitted the track association to retain the fee while denying the nominator the privilege of starting his horses. In this particular case the winnings of the nominator were taken from him (the amount is not stated), and the track secretary was fined the amazing sum of $10, while the track association retains the entry fee. As usual the track suffers nothing, though as a proposition of law the controlling authorities were bound to know that the entry was conditional, and in accepting it they were violating the law. The unfortunate owner is mulcted, probably several hundred dollars, the secretary is fined $10, which he can pay or not as he sees fit, while the owner must return his winnings under penalty of suspension.

If this court were in the habit of paying any attention to legal principles, it might shield itself behind the doctrine that a court will not interfere between two parties equally at fault. But so far from paying any respect to the law, it even punishes owners and drivers for asserting their rights under the law. Natural justice in such case would say, "Your track was fully as much at fault in receiving a conditional entry as Berry was in offering it. If he should not keep his winnings the track should not receive compensation for allowing him the chance to win, for that has turned out to be no chance at all. The consideration for the entrance fee has failed and it should be returned. Both parties must have known that there could have been no legitimate winning under such an entry. Let the winnings and the entrance fees both be refunded."

Such a ruling as this would, however, have compelled the track association to have given up some of its spoils, and that is something which a turf court always requires reluctantly. As I have said before many times, the law is made by the tracks and for the tracks. The rights of owners and drivers are an extremely secondary consideration. It is administered in the spirit in which it was made, and until owners and drivers take the proper method of asserting and maintaining their rights, they cannot expect equal and impartial justice. It does not seem to be contemplated that they ever shall have it.

At the late Philadelphia meeting, two horses, Mike and Kodak, trotting and pacing in successive races, each won the last three heats of a four-heat race in 2.19¼, 2.19¼, 2.19¼. This is almost as remarkable a coincidence as occurred at the Lexington meeting last year, when the time of 2.09¼ was made in four successive heats in one race, different horses winning these heats.

Thomas Jefferson said about 100 years ago that "the world is governed too much." This observation is as true now as it was then. In every legislative body there are men, usually empirics, who have some pet ideas which they imagine should be developed into laws, and that the millenium will never come till this is done. The pigeonholes of committees in the State and national legislatures are filled with drafts of these schemes for reforming humanity; 99 out of every 100 of them are entirely worthless, and the rest not much better. The wisest statesmen and political philosophers agree with Jefferson that the less the legislation as a general rule the better.

This maxim of Jefferson's might be well applied to our trotting associations. There is a wonderful quantity of lumber in the rules now in use, and Mr. Morse was right when he said they needed simplification and reduction. Horsemen are made of precisely the same clay as the ordinary citizen, and they need in the way of government the same sort of legislation, only modified to suit the special necessities of the business. Minute and frivolous legislation should be avoided. A little should be left to the common sense of the people governed. The first step toward getting sensible and practical legislation is to permit the classes governed to assist in framing and administering the laws. There are plenty of good, level-headed drivers that know more of the necessities of track legislation than any number of kid-gloved amateurs that could be assembled, and there are plenty of owners that could give valuable assistance to trotting authorities.

Trotting legislation has been managed exclusively by close corporations too long. The men who have the investments in trotting stock and do the work on trotting tracks should have a chance. I doubt whether it would be the consensus of opinion of trotting-horse men that trotting affairs have upon the whole been well managed. Under the system in vogue I do not very well see how they could be. A governing class entirely distinct from the governed, a legislature meeting once in two years and lasting at most one or two days, an intricate and complex code of laws, most of them framed many years ago, a persistent and continuous effort to keep one part of the trotting community subject to the other, how could it be expected that the legislation should be wise, or the administration satisfactory. The English government is today a hundred times more democratic than our trotting system. In the former, every subject has a vote; in the latter, nobody but the tracks can vote. We need a thorough overhauling of our governmental machinery, and we are likely to have it, probably sooner than some people anticipate.

ICONOCLAST.

Charter Oak Park Meeting.

July 4, 5, 6, 7 and 8. The regular trains leaving the Grand Central Depot, New York city, at 9 o'clock A. M. and 9.04 A.M. over the New York, New Haven & Hartford Railroad reaching Hartford at 11.48 A.M. and 12.05 P. M, respectively, will afford accommodation for those desiring to attend the races at Charter Oak Park on any special day. Ample arrangements will be made for prompt return to New York after the races have been run. Round trip tickets including admission to the Park will be $4.30.

Cutineal.

C. R. Wood, V. S., Lowell, Mass.:

Dear Sir—It affords me great satisfaction to endorse your superior remedy, "Cutineal." For the purposes it is designed it is easily the best remedy on the market, and should be in every stable.

WILLIAM C. CLARKE.

Manchester, N. H.

Lynbrook Stakes.

Lynbrook Trotting Association has opened 10 purses of $1000 each, to be decided at their autumn meeting, Sept. 13 to 17. They are for the 2.19, 2.23, 2 28, 2.34, 2 40 and 3.00 trotting, and the 2.12, 2 22, 2.40 and 3.00 pacing classes, and the entry list will close on July 5. Horses eligible from Jan. 1. The five per cent. entrance fee is divided, one per cent. payable July 5, two per cent. on Aug. 1, and one per cent. on Sept. 1, with five additional from the winners. These events deserve a generous support.

SEASHORE IS ALL SERENE.

Last Vestige of the "Scare" has Passed, and Hotel Men are Happy.

After all the misgivings indulged in by hotel proprietors and owners of seashore cottages, it looks as if the coming season at the New England beaches would be in no way different from any of its predecessors, unless to be more successful than many of them.

The little "scare" following the suggestion that the Spanish fleet might pay a flying visit to our northern shores, and contribute a trifling midsummer excitement to some of the popular resorts, died away almost before it took well-defined shape. It was like the general trepidation that filled the public heart about the time the war itself was declared, and which has given way to a feeling of calmness and almost indifference.

Since it has become apparent to even the most timid that the time when Spain could have sent an armada against the New England coast long since went by, and that the seat of war must now be confined to a point even south of America's winter resorts, the courage of those who like to enjoy their summer vacation by the seaside has wholly returned. So pronounced has been the change of feeling that very few people indeed are likely to remain away from the beaches this summer because of any fear of the Spanish.

The hotel people, who were naturally very much depressed at the outset, are now looking forward to an excellent season, and the only enemy they have to fear now is unseasonable weather. Most of the big houses have booked their usual quota of guests at this date, and the officials of the Boston & Maine Railroad's passenger and ticket department, who are the most infallible authorities on such questions, report that the outlook for an average season is very encouraging.

Requests for the Company's illustrated booklet "All Along Shore" (which, by the way, is sent to any one on receipt of two-cent stamp) are unusually numerous this month.

1898 Bicycles Down to $5.

New 1898 Model Ladies' and Gents' Bicycles are now being sold on easy conditions as low as $5; others outright at $13 95, and high grade at $19 95 and $22.50, to be paid for after received. If you will cut this notice out and send to SEARS, ROEBUCK & CO., Chicago, they will send you their 1898 Bicycle Catalogue and full particulars.

STAKE EVENTS

AT THE

HUNTINGTON DRIVING PARK,

HUNTINGTON, L. I.,

On September 6, 7, 8, 9 and 10, 1898.

One Week of Trotting and Pacing Races.

Entries Close Tuesday, July 5.

PROGRAMME.

Tuesday, Sept. 6.

2.12 Class, pace.....$1000
2.28 Class, trot..... 1000

Wednesday, Sept. 7.

2.22 Class, pace.....$1000
2.34 Class, trot..... 1000

Thursday, Sept. 8.

3.00 Class trot.....$1000
2.40 Class, pace..... 1000

Friday, Sept. 9.

2.19 Class, trot.....$1000
3.00 Class, pace..... 1000

Saturday, Sept. 10.

2.23 Class, trot..... $1000
2.40 Class, trot..... 1000

Purse Races will be announced later.

Horses eligible from Jan. 1, 1898.

CONDITIONS—Entrance fee 5 per cent. to start, payable as follows: 1 per cent. July 5, when horses must be named; 2 per cent. Aug. 1, 1 per cent. Sept. 5. Five per cent. additional from money winners. All stakes for face value, no more, no less. Liability of nominators ceases only with written declaration of withdrawal. Races to be conducted under the rules of the National Trotting Association. Right reserved to declare off any stake not filling satisfactorily, and return the entrance money. A horse distancing the field will secure one money only. Usual division of money.

This meeting will precede the great Mineola Fair, and will be the first of a circuit of strong Long Island tracks. For entry blanks and further information address

JESSE L. SMITH, Huntington, L. I.

H. J. Harwood, Littleton, Mass., or 136 Lincoln street, Boston, Mass., says that the mare Cheerful, by Sir Walter Jr., out of Thankful (dam of Royal Ben), and which he is offering for sale, is well gaited, sound, gentle and a tireless roadster. This mare is bred in similar lines to the great Alcidalia.

FREE To owners and trainers.

NEVERCHAFE

Horse boots are manufactured by Tuttle & Clark, Detroit, Mich., in leather, with finest French calf wrapper and

Brown Compressed Felt

and by all trainers who have used them they are recognized to be the very best and cheapest

HORSE BOOTS

Any of the undersigned will send a beautiful lithographed catalogue of these, and showing a full line of turf goods, and a copy of the latest revised rules of the American and National Trotting Associations, absolutely free. Enclose 2 cent stamp.

This is not Tuttle & Clark's large, complete catalogue, but only a catalogue of turf goods.

T. W. Rounds Company, Providence, R. I.
C. M. Moseman & Brother, 128 Chambers St., New York, N. Y.
L. A. Hastings, Worcester, Mass.
E. Frey & Son, Pittsburg, Pa.
George W. Fritz, Scranton, Pa.
DeNormandie & Kay, Youngstown, O.
H. M. Andress, Elyria, O.
L. Heilman & Son, Reading, Pa.
G. Casanave, Altoona, Pa.
Kirk & Smith, Newcastle, Pa.
Standard Livery and Buggy Company, Findlay, O.
William McCulloch, Springfield, O.
John Brown, New Haven, Ct.
Snead & Burns, Baltimore, Md.
Mullar Bros., Baltimore, Md.
Tuttle & Clark, Detroit, Mich.

In fact, any good dealer anywhere can get these books for you.

Gentlemen's Driving Ass'n Track

FALMOUTH, MASS.,

JULY 4th, 1898.

ENTRIES CLOSE TUESDAY, JUNE 28,

Races Called at 1.00 P. M. Sharp.

Monday, July 4.

2.37 Class, trot or pace.....Purse, $200
2.27 " " " " ..... " 200
2.50 " for County Horses..... " 100

A large sum of money has been expended in recushioning the track. It is now one of the best tracks in southeastern Massachusetts.

CONDITIONS—Entrance fee 10 per cent. The National Rules will govern all races. All classes must fill satisfactory to management, or declared off. The usual division of purses. Winners to receive one money only. No conditional entries received. One-half of entry fee must accompany entry. Horses leaving Boston points must be shipped not later than Friday, July 1. Any class not filling satisfactory, owners will be notified by telegram.

Entries close Tuesday June 28. Address
E. E. C. SWIFT, JR., Sec'y,
Falmouth, Mass.

RE-OPENED STAKES

AT THE

LYNBROOK DRIVING PARK,

LYNBROOK, L. I.,

On September 13, 14, 15, 16 and 17, '98.

One Week of Trotting and Pacing Races.

Entries Close Tuesday, July 5.

PROGRAMME.

Tuesday, Sept. 13.

2 12 Class, pace.....$1000
2.28 Class, trot..... 1000

Wednesday, Sept. 14.

2.22 Class, pace.....$1000
2.34 Class, trot..... 1000

Thursday, Sept. 15.

3.00 Class, trot.....$1000
2.40 Class, pace..... 1000

Friday, Sept. 16.

2.19 Class, trot.....$1000
3.00 Class, pace..... 1000

Saturday, Sept. 17.

2.23 Class, trot.....$1000
2.40 Class, trot..... 1000

Purse Races will be announced later.

Horses eligible from Jan. 1, 1898.

CONDITIONS—Entrance fee 5 per cent. to start, payable as follows: One per cent. July 5, when horses must be named; 2 per cent. Aug. 1; 1 per cent. Sept. 1; 1 per cent. Sept. 12. Five per cent. additional from money winners. All stakes for face value; no more, no less. Liability of nominators ceases only with written declaration of withdrawal. Races to be conducted under the rules of the National Trotting Association. Right reserved to declare off any stake not filling satisfactorily, and return the entrance money. A horse distancing the field will secure the money only. Usual division of the money.

This meeting will precede the great Mineola Fair, and will be the second of a circuit of strong Long Island tracks. For entry blanks and any further information address

R. L. DAVIS, Sec'y, Lynbrook, L. I.