FINAL RESULTS EDITION

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FINAL RESULTS EDITION

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AUTO RECORD BROKEN; 40 TO 1 SHOT WINS

SCHMITTBERGER FOUND GUILTY ON QUICK TRIAL

"Oh, Rats!" Bingham Said to Rosalsky, His Counsel in the Case.

SENTENCE, REPRIMAND.

Capt. Dooley, Stung for Eight Days' Pay Last Week, the Leading Witness.

At the close of an exciting trial this afternoon Commissioner Bingham found Inspector Schmittberger guilty of a technical violation of the rules of the department and told him that the lowest possible penalty will be inflicted. This means that Inspector Schmittberger will get off with a reprimand.

Inspector Schmittbeger's trial before Commissioner Bingham for failure to enforce discipline started off with fireworks. Commissioner Bingham began by telling Judge Otto Rosalsky, who appeared for the accused policeman, to sit down.

Mr. Rosalsky became heated up a bit and was told to "cut it out." Mr. Rosalsky ventured to say that he was recently the holder of a high and honorable posit in the city.

"Oh, rats! remarked the Commissioner disgustedly.

There was a continual interchange of such courtesies. Commissioner Bingham insisted that the whole case was simply one of fact. He didn't want to listen to the law on the subject. He continually implored Judge Rosalsky to "cut it short" and "be quick."

Capt. Dooley, whose infraction of the rules in detailing a man on plain clothes duty for nine consecutive days without permission from the Inspector after the first twenty-four hours, was on hand early. He was found guilty last week and fined eight days' pay. The charge against Schmittberger is that he failed to discover that Dooley had violated the rules. Schmittberger was hollow-eyed and nervous. Commissioner Bingham with military promptness took his seat on the second of 2 o'clock and called the big Inspector to stand up. Judge Rosalsky arose at the same time.

Told to Sit Down.

"Sit down until you are called for," commanded the Commissioner.

"I represent Mr. Schmittberger, and I"— began Judge Rosalsky.

"Sit down," shouted Commissioner Bingham. "I'll hear you at the proper time."

After Deputy Commissioner Mack testified Commissioner Bingham told Schmittberger the case against him was a "dead open and shut." He asked Schmittberger if he had submitted charges against Capt. Dooley and if the rules did not make Inspectors responsible for dereliction of duty on the part of their subordinate officers. Schmittberger replied in the affirmative to both questions. Then he said he was not guilty in this case because he had no knowledge of a violation of the rule.

"I have made probably more complaints than any other Inspector in Manhattan," he told Schmittberger. "There was nothing on the books to indicate that Hamilton had been detailed to plain clothes duty. There were no suspicious circumstances to call my attention to it. I have the busiest district in the city. I work eighteen or twenty hours a day, often I have no chance to get my meals and my health is breaking down. I can't stand it much longer. If I had to examine 150 plain clothes men every day I wouldn't have time to do anything else."

Made a Good Talk.

"You have made a good talk, Inspector," said Bingham. "I wish you had left your legal gentleman outside the door. We would have got along much better."

Inspector Schmittberger read a long letter of commendation from Former Commissioner Greene, and then Commissioner Bingham told him he was a good, capable police officer, that he had stood up like a man, and that he had made a good statement.

"But you Inspectors," continued the Commissioner, "must provide means to know what goes on in your districts. You must know the character of your men. You can assume nothing. I will find you guilty of a technical violation in this case in the light of your explanation and inflict the lowest penalty possible under the rules. I want to see you in my office after this proceeding."

Inspector Schmittberger went to Commissioner Bingham's office and had a long conversation with him there.

BELASCO WINS FIGHT.

John Dee Proceedings Against the Theatrical Trust to Go On.

Justice Davis in the Supreme Court this afternoon denied the application for a writ of prohibition and allows the John Dee proceedings to proceed against Wright, Clothier and Belasco, alleged members of the theatrical trust, in a suit brought by Dee, who claims to be a member of the legal profession, against the so-called Theatrical Trust.

Together Leslie Bell, Dee, Blumenthal and Charles Frohman, Clothier, and Belasco have been

CAPT. WALDO IS NAMED AS FIRST POLICE DEPUTY

Member of Old Aristocratic Family Selected to Succeed McAvoy.

HE IS YOUNG AND RICH.

An Army Officer with a Philippine Record, but Is Not a Member of Tammany.

It is First Deputy Commissioner of Police Rhinelander Waldo, if you please. He was appointed by Commissioner Bingham and sworn in by Mayor McClellan to-day. News of the appointment, spreading through political circles, created a sensation such as might follow the arrival of a snowstorm. The new first deputy will some day be worth $10,000,000.

He is a first cousin of T. J. Oakley Rhinelander and Lispenard Stewart. His wealthy aunts are Miss Laura Rhinelander and Mrs. Rhinelander Watson. His mother is a daughter of the late Bernard Rhinelander, and through his veins runs the bluest blood of New York society. He lives at No. 31 East Seventy-second street, diagonally across from the Waldo mansion at Seventy-second street and Madison avenue, which has already cost close to $1,000,000 and has never been occupied.

The new Deputy Commissioner has an army record. He served as a lieutenant in the Philippines. He is only thirty years old and good looking.

There were rumors around town last night that the appointment of a First Deputy would be announced to-day and that the name of the man would make New York sit up and take notice. The rumor was realized. Tammany Hall was groggy as a grocery clerk pulling at the end of a three-round bout.

"They tell me," remarked one leader, "that Reggie Vanderbilt is going into the Street-Cleaning Department."

"Yes," said another, "and I hear that Worthie Wolfenhouse is about to be made a Corporation Inspector."

"Better news than that," broke in a third. "I have it from the very highest authority, don't you know, that Harry Lehr is to be made assistant superintendent of the Bronx Park Zoo."

Devery Foresaw It.

"Rhinelander Waldo," murmured William Stephen Devery, clasping his throbbing head in his hands. "Rhinelander Waldo! I knew it was comin'! Now all the cops will have to wear full dress suits after 7 o'clock P. M. I didn't be-

(Continued on Second Page.)

WOMAN ACCUSES CAR CONDUCTOR

Says Kinch Struck Her in the Face and Magistrate Holds Him for Trial.

Two elderly and refined women appeared in the Tombs Court before Magistrate Mayo this afternoon to press the charge of assault against a Lexington avenue car conductor. Magistrate Mayo held the prisoner, George Kinch, in $500 bail for trial in Special Sessions.

The complainant was Mrs. Lillie H. Bolles, of No. 5 East Twelfth street, and she was accompanied by Mrs. Church, who lives at the Hotel Albert.

The story told by Mrs. Bolles was that on the night of Jan. 11 at 10.30 o'clock they boarded a car bound downtown. When the car reached Twenty-third street and Broadway, Kinch, the conductor, called "all out—get off, everybody."

The women, not understanding, asked him if the car went any further down Broadway, and all the reply was:

"Get off, I tell you. Do you want to be carried out?"

Mrs. Bolles said she remonstrated with the man for his coarse and abusive language, but that he kept up the habit of throwing them out, closed the gates and rang the bell to go ahead.

Mrs. Bolles said she then leaped up to pull the bell to detain the car, and the conductor struck her in the face. When she reached home she told her husband and he had the man arrested.

Her story was corroborated by Mrs. Church.

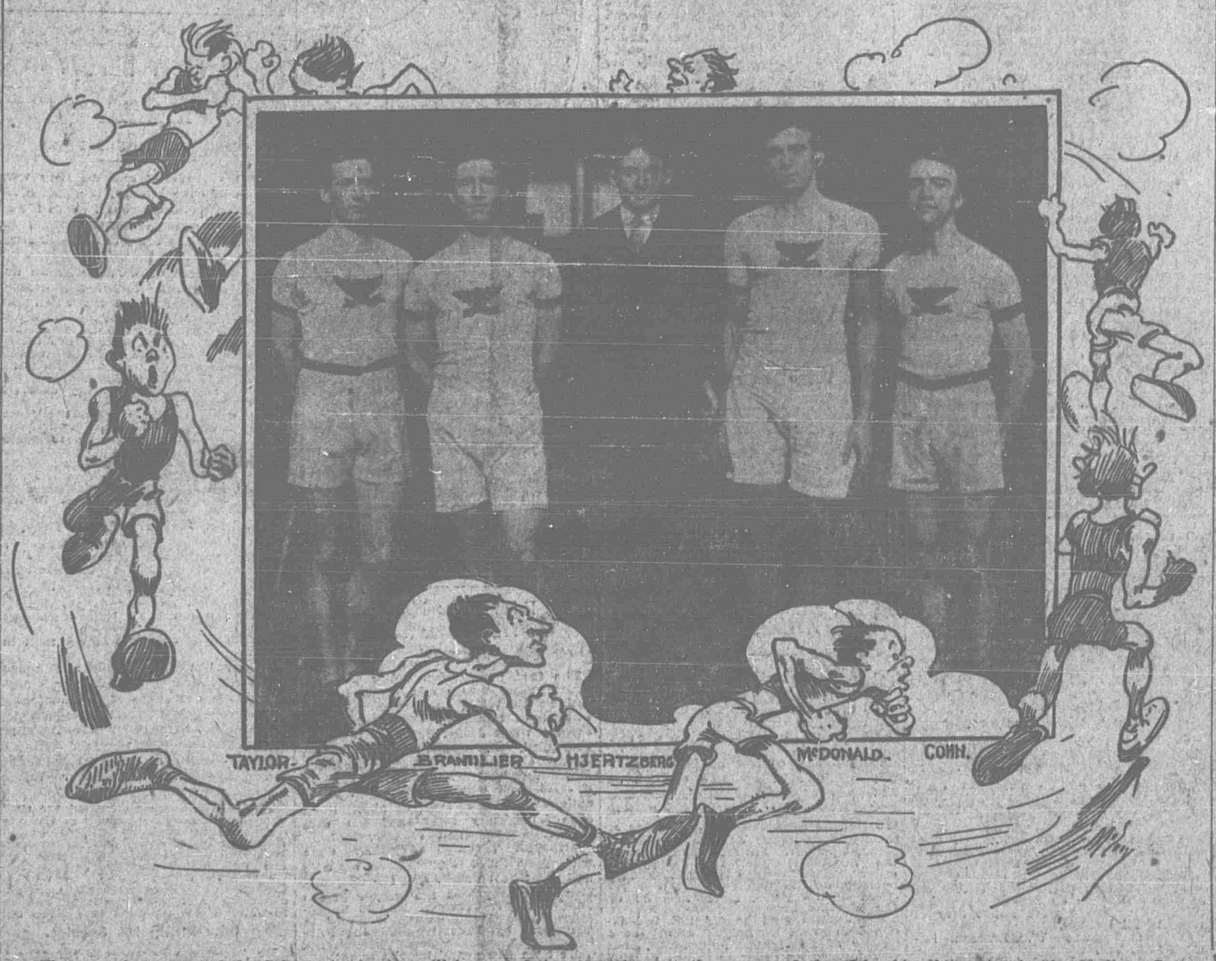
Kinch said he did not strike the woman, but tried to prevent her ringing the bell. He said he came from Prince Edward's Island only four months ago, but he had worked on street cars in Toronto, Chicago and New York.

"In the West," he said, "women don't mind a little rough treatment."

"Well, they do here," replied the magistrate. "I'll hold you in $500 bail for trial."

The prisoner, who is in hard and he said he had no friends in this city, he

FAMOUS RELAY TEAM OF THE IRISH A. A. CLUB.



These crack runners of the Celtic organization will be one of the attractions at the games of the Columbia University in the Madison Square Garden next Friday evening.

40-TO-1 SHOT WINS AT FAIR GROUNDS

Rosehart Upsets the Talent in Opening Dash for Two-Year-Olds.

FAIR GROUNDS, NEW ORLEANS, Jan. 23.—The heavy fall of rain yesterday turned the course here into a veritable quagmire to-day and as a consequence the talent turned their attention to the "ponies" who have shown the best in heavy going and staked their bankrolls on their chances.

What promised to be the most interesting race of the day was the meeting between Capt. Bob and Louis Kraft in the third event at a distance of two miles. The race for two-year-olds also promised to furnish a close finish.

FIRST RACE—Two-year-olds; three-eighths of a mile.

Starters, weights and jockeys.	Betting. Str.	Fl.
Rosehart, 104, Mosell	40	33
Firalto, 112, J. Cherry	10	1
Duchess of Montebello, 104, White	40	13
Miss Martha, 112, L. Wilson	12	5
Dorothy M., 108, C. Bell	15	6
Marretta Bush, 110, T. Walsh	30	12
Swiftwater, 107, J. McCabe	7-5	1-2
Miss Custis, 112, Sewall	7-5	1-2
Redland, 112, Helgesen	15	6
Little Wanda, 112, Macey	15	6
Bailey, 104, White	30	10
Salvina, 112, Hayes	8	3
Bassett, 108, Hagen	12	5
Our Own, 104, L. Smith	8	3

Jacintee and Miss Custis, Walden entry.

Won by Rosehart; Firalto was second and Duchess of Montebello third. Time—0.37.

SECOND RACE—Six furlongs.

Starters, weights and jockeys.	Betting. Str.	Fl.
Kate White, 110, Feicht	2	4-5
Paul Clifford, 110, Dennison	3	3
Uncle Henry, 109, Perrine	12	5
Gotowry, 104, L. Wilson	30	8
Lady Knicks, 102, Cheary	30	10
Blind Pat, 108, Schilling	8	3
Bishop Wood, 108, Freeman	40	15
Lucious, 107, Helgesen	8	3
Allen, 107, Robins	20	10
Glen Gallant, 113, J. Martin	10	4
Eustatia, 107, Perkins	30	10
Verandah, 109, Anderson	6	2

Paul Clifford made the early running, followed by Col. White and Verandah. On the turn Col. White went to the front and won in a drive by a neck from Paul Clifford, who beat Uncle Henry a length. Time—1.15.

THIRD RACE—Selling; two miles.

Starters, weights, jockeys.	Betting. Str.	Fl.
Little Scout, 112, Sewall	6-5	3-5
Capt. Bob, 114, O'Neill	2-1	1-2
Louis Kraft, 114, Lyne	3-1	1
Rose, 101, T. Walsh	60	15
Gordon, 98, Cherry	40	12
Boodale, 93, Chandler	60	15
Hickory Creek, 104, Greenfield	60	15
Bitterroot, 99, Hill	60	15

Time—3.32-5.

Won by Little Scout; Capt. Bob was second and Louis Kraft third.

FOURTH RACE—Handicap; one mile and seventy yards.

Starters, weights, jockeys.	Betting. Str.	Fl.
Lieber, 106, Perrine	12	5
Wysard, 99, Perkins	3	1
Whimsical, 108, Hansen	10	3
Rainford, 102, Sewall	10	3

STOPS WORK ON TUNNEL.

Relmont Prevails for Blasting Revoked by Fire Commissioner.

Fire Commissioner O'Brien this afternoon revoked the blasting permit of the New York and Long Island Bell Telephone Company, which is building the Belmont tunnel, and ordered all work now being done in this connection

AUTO RECORD IS CLIPPED IN ORMOND BEACH RACES

(Special to The Evening World.)

ORMOND, Jan. 23.—Marriott in a cigar-shape steam car made a mile record in the class for steam racers in 31 44-5 seconds. This breaks the orld's mile record of 32 1-5 seconds, made by Marriott earlier n the day.

ORMOND, Fla., Jan. 23.—Cheered with unrestrained enthusiasm by the thousands of men and women who thronged the course Marriott, in a freak racer, smashed the world's record for a mile here in the first preliminary heat. He set out with the hope in his heart of driving his machine at a two-mile-a-minute clip, and at first it seemed as if he would accomplish that dizzy speed. His actual time was 32 1-5 seconds, which could hardly be called a progress of hesitation.

Lancia won the heavy-weight championship race for gasoline cars, distance one mile. Time—37 seconds. Fletcher was second, in 37.2-5 seconds.

Marriott afterward won the race for the Str. Thomas Dewar trophy in 33 seconds. Codrino was second in 38 seconds.

Early in the day a thick fog and drizzling rain threatened to mar the start of the great motor meet, but as afternoon came round the sun ate a great hole in the mist and finally dissipated it altogether. Then a brisk breeze sprang up from off the ocean that gave a delightful freshness to the sultry atmosphere.

When Marriott started in the first preliminary heat he promised his friends that he would at least break the world's record, even though he failed to make the distance within 30 seconds. Until he lowered it by three-fifths of a second the world's record for the mile was held by H. L. Bowden, who at the Ormond races last year drove a 120 horse-power Mercedes over the course in 32 1-5 seconds.

Hours before the start of the preliminary heats to-day thousands of automobile enthusiasts—brightly gowned women and men in ducks and flannels gathered about the course and secured positions of vantage. There were also plantation folk in great number and a great sea of blacks lined up along the course.

Preparations for the contest had been completed yesterday, and to-day the promoters of the enterprise had only the weather with which to reckon. Nearly all the cars and all the drivers who will take part in the contest already had covered the course along the ocean beach and were in readiness for the start.

NEW SUPT. OF BUILDINGS

Edward Murphy, of the firm of Murphy Bros., contractors, was this afternoon appointed Superintendent of [illegible] for Manhattan Borough by Borough President [illegible] succeeds Isaac A. Hopper, who resigned some [illegible] Murphy resides in the Twenty-ninth Assembly District, is a member of the Osceola Club, and also of [illegible] the leading Irish societies of the city.

LATE RESULTS AT FAIR GROUNDS.

First—Third Premium 9-2, Ethelred 5-1 place, Halloway. [illegible] 7-5, Macbeth 6-5 place, Dapple Gold.

AT CITY PARK.

Fifth—Jicha 8-1, Tarp 2-1 place, Little Red. [illegible] Hayes 7-2, Belle Strome out place, Parisian. Seventh—Merry Acrobat 6-1, Skyward 4-1 place, Merlingo.

CITY PARK BETTORS AFTER MUDLARKS

Good Attendance at Track To-Day Despite Heavy Condition of Track.

CITY PARK, NEW ORLEANS, Jan. 23.—Although the talent usually remains away from the track when the course is sloppy, a fair sized crowd came here this afternoon to try the picking of mudders. Horses that have shown their heels to the sprinters in the heavy going claimed the attention of the spectators and the large wad of dope which they carried on the previous performances of the mudlarks was carefully scrutinized for the best races in the mud.

FIRST RACE—Three and a half furlongs.

Starters, weights and jockeys.	Betting. Str.	Fl.
Little George, 113, Obert	5	2
A. Rosenfeld, 113, Troxler	4	2
Black Flag, 110, Young	10	4
Precious II., Perkins	50	20
Merry Leap Year, 110, Healy	20	8
Tanny Marks, 110, J. Jones	6	5-2
Tom Morgan, 110, Carron	60	20
Judge Treem, 113, Wishard	5	2
Gang Saw, 110, J. Hennessy	30	12
A. Rosenfeld, 110, T. Walsh	10	2
Imposition, 110, E. Morrison	10	4
Rud, 112, D. Austin	10	4

Won by Little George; Arthur Rosenfeld was second and Black Flag third. Time—0.47 3-5.

SECOND RACE—Selling; five and a half furlongs.

Starters, weights and jockeys.	Betting. Str.	Fl.
Morry Cleonora, 106, J. Hennessy	5	2
Alcantara, 111, D. Hall	5	2
Clover Hampton, 106, J. Jones	6	2
Red Mat, 102, Oregar	10	4
Heart of Lammermoor, 107, R. Lowe	60	20
Miss Kentucky, 102, Newman	60	20
Bill Carter, 111, Och	60	20
Snowy Valley, 104, Heffernan	30	10
Lord Kitty Bellairs, 104, Matthews	60	20
Planet, 112, Gilmore	20	10
Dansoque, 105, R. Powers	10	4
Harpoon, 103, W. Allen	30	10
Amanda, 103, Wishard	4	8-5
Amanda, 110, Weisheit	20	10
Perry Clark, 112, D. Austin	6	2

Percy Clark, Alcantara and Clover Hampton ran in a close bunch to the Venezuelan Government's despoiling the company was correct according to the Venezuelan point of view.

Percy Clark, Alcantara and Clover Hampton ran in a close bunch to the turn, where Merry Cleonora closed and in a drive won by a neck from Alcantara, who beat Clover Hampton a length. Time—1.09 2-5.

THIRD RACE—Selling; mile and seventy yards.

Starters, weights and jockeys.	Betting. Str.	Fl.
Handmore, 114, Wishard	5-2	1
Marimbo, 95, R. Lowe	6	2
Emma, 99, Gilmore	20	8
Matilde II., 104, Fotteringe	20	8
Match, 109, Young	60	20
Cambridge, 91, Finn	8-2	1
The Laurel, 104, E. Matthews	30	10
Vim, 111, Healy	10	10
Signal Light, 101, Heffernan	15	6
Tryon, 111, W. Daly	6	2
Lalla Hamlet, 99, W. Allen	60	20

Matilde II. and Emma had a turn at the lead and then gave way to Handmore, who made all the rest of the running and won by a head from Marimbo, who beat Emma half a length for the place.

FOURTH RACE—Selling; One mile and a sixteenth.

Starters, weights, jockeys.	Betting. Str.	Fl.
Darling, 98, R. Lowe	7-10	1-2
Elliott, 108, E. Scott	20	8
Lamont, 91, Gorman	20	8
Ivanhoe, 111, Freischon	8	3

Darling led all the way and won by a length from Elliott, who was an easy second in front of Balshot. Time—1.59 1-5.

The latest war news held in a store at Lauscher, Garden Theatre, to-night. ***

RICH "COONS" CAME DOWN BEFORE GUN OF TOWN TOPICS

Agents for Fads and Fancies Mentioned Col. Mann, His Paper and Trenchant Pen to Victims, but Made No Threats.

The defense in the Hapgood criminal libel suit began to-day after Col. W. D. Mann, of Town Topics, had been recalled to the stand and explained some more of his "borrowings," which he revealed yesterday.

It was intended to call as the first witness Charles S. Wayne, for nineteen years managing editor of Town Topics, but Mr. Osborne changed his mind and put on Robert I. Irving and Moses E. Wooster, the solicitors for Fads and Fancies. They gave much interesting evidence as to their methods, which, they said, were according to instructions from Col. Mann and Justice Joseph M. Deuel. Incidentally it was brought out that Irving had been promised that his evidence would not be used against him. He is already under indictment in another case.

Col. Mann and his partner, Justice Deuel, came in together. Col. Mann, the Davy Crockett whose gun always brought down the millionaire coons, seemed nervous—more nervous than at any time since the trial began. Deuel, the agile gardener, who hopes to garner both fruits and flowers from the Newport colonists, appeared like a sick man. He was chalky white and his fingers kept straying uneasily to his white mustache. His jaw was set in corrugated wrinkles.

The defense first had the court order inquire if E. Clarence Jones and Loyal Smith, two men who loaned Mann money, were in court. They did not answer to their names. Osborne had had them called as witnesses. Mention of their names created a stir.

Col. Mann was recalled by District-Attorney Jerome.

That Vanderbilt Loan.

Q. How did W. K. Vanderbilt come to loan you money? A. I was interested in the manufacture of parlor cars. In that business I knew Mr. Vanderbilt, he being a prominent figure in the railway world. Wall street deals—I would call it conspiracy—left me broke and owing $100,000, when I had expected to be a millionaire, owning a controlling interest in the sleeping-car company which I had built up. Later I went into Town Topics and needed money.

I went to Dr. W. Seward Webb, and Mr. Vanderbilt, relying on my honesty, and basing that belief upon our past dealings when they were also in the sleeping-car business, these two men loaned me $10,000 each. Mr. Vanderbilt later sent me back the shares of stock which I had given him as security. I returned it. Some time later I met him and asked him if he could not give me a tip in Wall street which would allow me to employ my small savings as a margin and make enough out of the speculation to put me on my feet and enable me to pay my debts. He promised to think it over and keep me in mind.

"Later on I needed money. I saw Mr. Rossiter, one of Mr. Vanderbilt's secretaries, and asked him to make an application to Mr. Vanderbilt for another loan. I got a very lovely letter from Mr. Vanderbilt saying he could loan me no more. He hoped I would get the funds elsewhere. He also returned the notes I had given him and the scarcs of stock I had deposited with him as security."

Q. How did you come to borrow from J. P. Morgan? A. I walked into Morgan's banking-house and laid down my unsecured checks for $2,500. Upon these checks Mr. Morgan advanced me cash to that amount. I presume he did this relying upon me and my personality. I thought I knew him well enough to ask him. I felt that way about all the rich men whom I approached for loans.

Morgan and Ryan Loan.

Q. Why did he loan you this money, you being a comparative stranger to him? A. As I say, I felt that there was realized if they accommodated me I would be apt to feel a friendly interest in them.

Q. How did you come to borrow from Mr. Ryan? A. One day I met Mr. Ryan in Mr. Whitney's company and Mr. Whitney told Mr. Ryan that I represented money that he (Whitney) hoped Ryan would accommodate me. Subsequently Ryan did loan me money, as Whitney had done. I offered stock in Town Topics as security.

Q. What did E. Clarence Jones loan you? A. Ten thousand dollars. He never loaned me a penny, however, that was not secured by collateral.

Then Mr. Osborne took the witness in hand.

"Colonel," he said, "when you borrowed money from E. Clarence Jones did he come to you or did you go to him?"

"I can't recall," said Mann.

Q. Don't you know you went to see him? A. Yes, I remember that I went to see him. I remember that now.

Q. Don't you recall that before you went to see Mr. Jones you had unpleasant paragraphs about him in your paper? A. I don't recall.

"Maybe I will refresh your memory," said Osborne. He read an attack on Jones which had referred to Jones's divorce from his first wife, whom the paper called "a former Bowery girl." Mann didn't remember ever having seen it before.

Q. After you borrowed from Jones if the paragraphs you wrote about him were pleasant? A. Possibly so.

Q. You wrote them, didn't you? A. Really, Why shouldn't I?

The defense called Edward Bjorkman, a reporter for the New York Times, to testify. Edward M. Shepard examined him.

Q. Did you in 1901 or 1902 talk with Judge Deuel about newspaper articles and magazines? A. Yes, and he told

[illegible] quite to every syllable. A book in every line, a sermon in every speech.—Mme. Gallisier, Garden Theatre. ***

FRANCE FREE TO ATTACK CASTRO, SAYS ROOSEVELT

Monroe Doctrine Not in Way of Demonstration at Venezuela.

PARIS, Jan. 23—5.30 P. M.—President Loubet presided to-day at a Cabinet Council held in the Elysee Palace, at which Premier Rouvier announced that he had received a communication from Ambassador Jusserand to the effect that the United States does not consider a French naval demonstration against Venezuela to be a violation of the Monroe Doctrine.

France, it is pointed out, thus has her hands free, but the situation is unchanged for the moment as the Council will not take decisive action until the report of M. Taigny, the former Charge d'Affaires at Caracas, is received.

The Foreign Office has received confirmation of the press report that the dean of the diplomatic corps and other Ministers at Caracas have unsuccessfully demanded explanations from the Venezuelan Government with reference to their position after the Taigny incident.

PORT OF SPAIN, Island of Trinidad, Jan. 23.—The French armored cruiser Desaix and the second-class cruiser Julien de la Graviere sailed from here to-day, presumably for La Guaira, Venezuela.

WASHINGTON, Jan. 23.—The protected cruiser Denver has sailed from San Juan, Porto Rico, to St. Kitts. It is explained at the Navy Department that St. Kitts is a usual port of call during the winter cruise in West Indian waters.

It also lies nearer the Venezuelan coast than San Juan.

CARACAS, Venezuela, Jan. 20, via Ponce of Spain, Island of Trinidad, Jan. 23.—The Franco-Venezuelan correspondence which the Constitucional has been publishing fully demonstrates, it is claimed, the connivance of the French Government in the Matos revolution.

It is added that the fact that the French Cable Company had been the French Government's best news carrier justified the action by the Government against the company.

Hence the position which Venezuela assumed toward M. Taigny, the former Charge d'Affaires of France, at this capital, when in his protest in behalf of the cable company he accused the Venezuelan Government of despoiling the company was correct according to the Venezuelan point of view.

LEWIS IN THE RING TO-MORROW NIGHT

First Local Appearance Will Be in Bout with Amby McGarry.

Willie Lewis, the local welterweight, will be seen in the ring to-morrow night at the Olympic A. C., One Hundred and Twenty-sixth street and Lexington avenue. He will box Amby McGarry in the star bout of the night.

This will be Lewis's first local appearance since his return from the coast where he fought Willie Fitzgerald a twenty-five round draw. McGarry has long been anxious to meet Lewis.