WILL PRODUCE ANY BOOK

TOBACCO COMPANY SUIT.

Universal's Attorneys Deny Agreement to Bring in all the Books.

The final hearing by Vice Chancellor Reed on the application by Edwin A. McAlpin and other stockholders of the Universal Tobacco Company for a receiver for the Universal Tobacco Company began yesterday. These stockholders declare that William H. Butler, president of the company, got control of the board of directors by subterfuge, disposed of the treasury stock at a price far below the market value to his brother, George P. Butler, and then manipulated the output of the company in favor of the output of the American Tobacco Company, with a view to having the concern turned over to the American Tobacco Company. The former drew the independent dealers in line, and organized the retailers to fight the United Cigar Stores Company, an auxiliary of the American Tobacco Company. It is also charged that Butler attempted to falsify the minutes of the corporation to make valid the sale of 905 shares of the preferred stock to his brother at $2 50 a share.

Mr. Collins, in opening, said he understood that the defendants were willing to produce the books of the corporation. Mr. Davies said an arrangement had been made that some of the books should be in court yesterday. Mr. Peckham denied any such arrangement, but said the defendants would produce in court any book the Vice-Chancellor should order them to submit. He added that the object of the complainants was to get the company's books into court so that they could make an investigation of them. It was decided to proceed with the hearing pending a decision by the Court of Errors and Appeals on this point.

Frederick W. Galbraith, jr., who was secretary and treasurer of the Universal Tobacco Company from April 1, 1902, to April 20, 1903, testified that he did not own any stock when he was made a director and that he never bought or paid for any stock, but William H. Butler put ten shares in his name. The stock was in his hands about a minute. "just long enough," added the witness, "for me to sign the indorsement on the book."

The witness said the trouble between Henry R. Wilson, Frank Tilford and William H. Butler arose from an accusation by Butler that Wilson and Tilford were traitors to the company while acting as members of a purchasing syndicate. Butler had made the threat to wreck the company. The witness gave a description of a sale of one hundred shares of the company's preferred stock to Cyrus W. Lawrence & Co. for $2 a share. The price obtained at the previous sale was $11 a share. Asked about the differences between himself and President Butler, the witness testified that he refused as director to vote for the sale of preferred stock at the rate of $3 a share.

Mr. Osborne, on behalf of the defence, read the minutes of the next board meeting, showing that George B. Butler sent a letter to the directors, saying that, as one of the board had objected to the sale of the stock to him, and as the stock had not yet been delivered, he would relinquish all claim to it. A resolution was then unanimously adopted that the sale be rescinded. The witness said that he was handed typewritten minutes of a previous meeting by the board, which included a resolution which purported to have been introduced at that meeting authorizing the sale of preferred stock at $2 50 a share. The witness added that no such resolution was introduced as represented, and when, in the succeeding meeting, the resolution came up for action he refused to vote for it. The amount of $996,000 of the stock, the witness said, was offered at $3 a share. President Butler, the witness testified, spent $5,000 of the funds of the Universal Tobacco Company in advertising brands of tobacco manufactured by the Commonwealth Tobacco Company, a subsidiary concern.

The case went over to Wednesday.

SLEW ANOTHER'S WIFE.

Husband of Woman Fitzgerald Murdered Thought Her Blameless.

Mrs. Matilda Wood, twenty-seven years old, of No. 29 Cooper-st., Brooklyn, was the woman who was murdered by Lester Fitzgerald, in a room in the Gallavan House, Broadway and Driggs-ave., that borough, early yesterday morning, as told in yesterday's Tribune. Fitzgerald also shot himself. Both he and the women were found dead. She was the wife of Henry T. Wood, a compositor on a morning newspaper. Fitzgerald was formerly a member of a glassware firm in Murray-st., Manhattan, but had had hard luck lately, and had neither a position nor money.

Mr. Wood said yesterday that he and his wife had met Fitzgerald at a social gathering about six months ago, but he had no idea that she had kept up the acquaintance. Mrs. Becker, the dead woman's mother, told the police, however, that her daughter had confided to her that Fitzgerald was constantly seeking her company. He wanted her to elope with him, she said, and she was afraid of him. About 10 o'clock on Sunday night Mrs. Wood left her house, saying she was going to get some medicine for her sick baby. She did not return, and when Mr. Wood came home from work at 6 o'clock he started to go in and greet his wife, but was stopped by the mother, who said that Mattie was sick. It was several hours later when he was called out of bed to identify his wife's body at an undertaking establishment. He declared that he never suspected her of wrong doing, as she was seldom out of the house after 9 o'clock at night, except in his company.

Fitzgerald has a brother, Sidney Fitzgerald, living at No. 775 McDonough-st. His wife told the police that the picture of Mrs. Wood looked like a young woman her brother-in-law had introduced at her house as a "Miss Becker." The dead man was never married, although some of his friends understood that he was. He was a member of the Dakota Tribe, Order of Red Men, and that organization will have charge of the funeral.

Mrs. Wood must have met Fitzgerald soon after she left home, because the couple reached the Gallavan House about 11 o'clock. After having something to eat and drink they registered as Mr. and Mrs. Fitzgerald, and were assigned to a room. Apparently they were in the best of spirits. An actress, occupying an adjoining room, was aroused by the loud talking of the couple about 1 o'clock. It seemed to be good natured at first, and then became more serious. Suddenly the woman gave a defiant, hysterical laugh, and two shots were heard. The hotel clerk, being summoned, found both man and woman dead. It was evident that the man had done the shooting, and he was standing over her at the time. The revolver was found near by.

WOMEN HARPISTS BEFORE TRIBUNAL!

Mme. Weil and Mme. Tagliavia Not Likely to Have More Trouble Over the Union.

Mme. Weil and Mme. Tagliavia, the two women harp players at the Metropolitan, to whose presence in the orchestra the Musical Union objected, yesterday afternoon went to the Old Homestead, a beer garden far up Third-ave., and played for the committee of the union, to see if they were efficient enough to become members of that body. The committee consisted of Charles Kurth, first flute in the Philharmonic; a violinist from Pabst's Casino, a clarinet player from Terrace Garden, and two others of equal musical rank. The committee heard the women play selections by Schuecker, of the Boston Symphony Orchestra, and then reserved their decision until Wednesday. But the union accepted a check from Nahan Franko for $200, $100 for the entrance fee of each woman, so the Opera House management seems to think the matter settled. Mr. Franko got a receipt for the $200.

The two women were accompanied up Third-ave. to the beer garden by Mr. Franko. A harp was trundled up on an express wagon, and they decided to make the best of the situation. They gathered their skirts about them, spoke to nobody and entered behind closed doors to exhibit their skill. Both women have played in the best orchestras in Europe, and naturally felt rather timid before so critical a tribunal.

They will continue to play at the Metropolitan pending the decision of the union's committee, and as both of them, it now develops, have been in this country at one time or another more than six months, there seems to be no reason for fear of further trouble.

BELASCO AND MRS. CARTER WIN.

No Injunction Granted Against Their Producing "Zaza."

David Belasco has beaten those who sought to enjoin him and Mrs. Carter from producing "Zaza." Justice Scott, of the Supreme Court, who heard the arguments last Monday, yesterday denied the injunction. The defeated plaintiff, Mr. Gressitt, was represented by A. H. Hummel, and Mr. Belasco was represented by A. J. Dittenhoefer and by Charles E. Hughes, of Carter, Hughes, Rounds & Schurman. De Lancey Nicoll represented the interests of Mrs. Leslie Carter, when she was admitted by Justice Scott as a codefendant in the case.

"It is sufficient to say," the decision reads, "that I am by no means satisfied that it will be found upon the trial either that Frohman was the sole owner of the English version of the play, or if he and Belasco were joint owners, that Belasco acquiesced in the exclusive contract under which the plaintiff claims. I feel constrained therefore, to deny the motion for an injunction."

SHUTTLECOCKS IN COURTS

Prisoners Sent Back and Forth by Wyatt and Cornell.

Half a hundred indignant people waited around the entrance to the Court of Special Sessions, in the main corridor of the Criminal Courts Building, yesterday, asking why they should not be heard. The trouble arose out of the much mooted question of jurisdiction between justices of the Court of Special Sessions, sitting as magistrates, and the magistrates of the police courts.

Mary McKinley and a dozen men, women and children were arrested late on Saturday in a raid on an alleged policy shop at Fourteenth-st. and First-ave. by Agents Burke and Bray, of the Anti-Policy Society. When arraigned before Magistrate Cornell in the Jefferson Market court on Sunday the magistrate, on inspection of the warrant, found that it had been issued by Justice Wyatt, of the Court of Special Sessions, and called for the arrest of only Mary McKinley, who was named as the alleged proprietor of the shop. Magistrate Cornell refused to consider the case, as the warrant of arrest had been issued from Special Sessions, and most of the prisoners were locked up again over Sunday in default of bail.

All the prisoners assembled yesterday in the Criminal Courts Building. With their relatives, they made a crowd that crushed and pushed in the corridors. Mr. Oliver, a lawyer, appeared for some of the defendants, and, after waiting some time, approached the justice in his chambers, and asked that some disposition of the case be made. Justice Wyatt admitted that he did not want to call the hearing, as the officers of the Anti-Policy Society who made the raid were not to be found. The lawyer wanted the prisoners except Mary McKinley discharged. Justice Wyatt refused to discuss this phase of the situation or any other until the officers who had made the arrests arrived.

The prisoners were later arraigned before Justice Wyatt. The justice had issued four warrants, and the prisoners arrested on those papers were arraigned before him. They were Sarah Brady and her husband, Edward Volka, arrested in the raid at Fourteenth-st. and First-ave., and John Sugerman and Ury Hermi, arrested in a raid at No. 36 East Fourth-st. They were held in $1,000 bail each for examination to-day at 5 p. m. The justice also held Mary McKinley, arrested in the raid at Fourteenth-st. and First-ave., in similar bail for examination at the same time.

The other prisoners arrested in the two raids were taken by order of Justice Wyatt to the Jefferson Market court, with instructions to arraign them before Magistrate Cornell.

"Ask Magistrate Cornell to dispose of the cases," said the justice, in giving his instructions to the police officers. "If he can't, ask him to send them back here with the other cases to-morrow."

When the prisoners were arraigned in Jefferson Market Court, Magistrate Cornell said that he had no jurisdiction in the cases, as the arrests had been made in the Yorkville Court district. He instructed the officers to take them to the last named court. The prisoners were then taken to the Yorkville Court, where they were held in $500 bail each for examination to-day. Two gave bail in $500 each and were released. The others were locked up.

PRISONERS HAVE $2,561.

Capt. Burns and Jerome's Assistants Make Simultaneous Pool Raids.

DOORS SMASHED WITH AXES.

Successful raids were made simultaneously on two poolrooms yesterday afternoon by Captain Joseph Burns and his men, of the Church-st. police, in company with Assistant District Attorneys Lord and Corrigan. A few minutes after 4 p. m. patrolmen and detectives from the police station surrounded the two poolrooms, preventing anybody from leaving either place. At the same time Captain Burns and Mr. Jerome's two assistants were on their way in a cab to the poolroom at No. 96 Church-st., near Barclay-st.

When Captain Burns demanded admittance to that place and it was refused, Detective Maloney smashed the door with an axe. Then the captain went in, followed by a dozen policemen, and announced that all the men in the place were under arrest. Leaving orders not to let any prisoners escape, the captain and Messrs. Lord and Corrigan drove rapidly to No. 65 West Broadway. There admittance was refused and the door was broken down by Detective McMahon with another axe. Just as the captain led a detachment of police into the place he heard the telephone bell ring, and he placed the receiver to his ear.

"Hello, is that you, Sam?" asked a voice.

"Yes; what do you want?"

"Come up here and get me out. There has been a raid here in Leon's place. The whole place is filled with 'cops.'"

"I'll come and get you out pretty soon," said the Captain, as he hung up the receiver.

In both places the police captured complete poolroom paraphernalia. In the Church-st. place, where Leon Stedeker was arrested as the proprietor, the police found $245 in the money drawer. Stedeker tried to grab the money, but Detective McCormick was too quick for him. In Stedeker's pockets the police found $1,650 more when he was searched at the police station. After Stedeker was caught the police drove all the other men out of the place.

At the West Broadway place Samuel and Henry Stedeker, brothers of Leon, were arrested, and eighty-five other men were driven out. In Samuel's pockets the police found $515, while the search of Henry's pockets yielded $151.

The three prisoners were released as soon as the bail bonds were delivered to Sergeant Harry Nugent at the station house.

ATTACKED FROM AMBUSH.

Boy Probably Fatally Stabbed in the Street.

Emanuel Glick, seventeen years old, of No. 325 Fifth-st., was stabbed four times in the back last night in a fight in front of No. 347 Fifth-st. According to the police several boys had planned to assault the boy and waited in ambush for him. He put up a good fight until he was struck with clubs and stabbed. He was taken to Bellevue Hospital in a serious condition and three boys were arrested and locked up. Charles Breitfeld, seventeen years old, of No. 47 East Ninth-st, is charged with the stabbing, and Harry Breitfeld, sixteen years old, his brother, and Harry Feltman, alias "Greenie," thirteen years old, of No. 340 Fifth-st., were locked up charged with assault. According to the police the stabbing was done with a shoemaker's knife.

Captain McDermott, of the Fifth-st. station, says that on Sunday night Glick went into a candy store in Fifth-st., and put down 10 cents on the counter. Several other boys were in the place at the time. One of them, it is said, picked up the money and ran out of the store. Glick followed, and accused "Greenie" of taking the money. The accusation started a fight, several other boys taking sides with "Greenie." Glick is athletic, and, although it is alleged four or five attacked him, he whipped them all in a free fight, and put them to rout.

Captain McDermott says that the vanquished ones planned to "do" Glick. Last night he went out and was walking along Fifth-st. on his way home when he was set upon by a number of boys. Glick hit out right and left, and was getting the better of the fight, Captain McDermott said, when he was struck on the head and shoulders with clubs. Then, according to the police, some one stabbed him in the back four times. The blade of the knife twice penetrated the left lung. The wounded boy was carried to the Fifth-st. station, a short distance away, and an ambulance was summoned from Bellevue Hospital. The ambulance surgeon said the boy had only a small chance for his life and hurried him to the hospital. The police say that they expect to make additional arrests in the case.

HAD $10,000 WORTH OF DIAMONDS.

Pittsburg, Dec. 7.—Abraham Thaler and Morris Opar, thought to be New-York thieves, were arrested here to-day in Fulton-st. by Detectives Lally and Leff. When searched at the central station nearly $10,000 worth of diamonds and jewelery was found on them. Thaler had $110 in cash, two men's gold watches, two women's gold watches, three diamond pins and four diamond rings. Thaler said that his real name was Dower, but refused to give his address in New-York. Opar was very nervous when searched. He carried a large revolver. Around his neck was a leather bag, containing four large diamonds.

At Police Headquarters last evening it was said that news of the arrests of Thaler and Opar had been received there, and word had been sent to the police of Pittsburg to hold the men, as they were wanted here.

SPORTS AND SPORTSMEN.

RIDERS QUIT BIG RACE.

NINE TEAMS ARE TIED.

McLean Unconscious—Gougoltz and Beaugendre in New Team.

THE SCORE AT 2 A. M.

	Miles.	Laps.
Breton-Contenet	521	8
Butler-Leander	521	8
Krebs-Peterson	521	8
Jacobsen-Newkirk	521	8
John and M. Bedell	521	8
Root-Dorlan	521	8
Bardgett-Galvin	521	8
Fisher-Bowler	521	8
Walthour-Munroe	521	8
Keegan-Moran	521	7
Krebs-Barclay	521	5
Samson-Vanderstuyft	521	5
Rettich-Gougoltz	521	2
Hedspeth-Dove	515	3
Record	547	7

Another large crowd gathered at the six day bicycle race last evening, and all day long the Garden was well filled. The fast pace the men have set since the start of the race is plainly telling on them, especially on the foreign riders, and of the seventeen bicyclists who started in the race two had dropped out last evening.

Of these two the loss of the team composed of Simar and Gougoltz caused the most regret. Simar was compelled to leave the race shortly before 9 p. m., when his stomach began to trouble him. Simar indulged in some fast sprinting early in the evening, which made the spectators wild with enthusiasm. He had not had any sleep up to that time from the start of the grind. The pace told on Gougoltz when he took Simar's place, and just before 9 p. m. he was lapped with Rettich and Dove. It was learned after the sprint that Beaugendre, Rettich's partner, intended to quit the race, and Rettich and Gougoltz entered an agreement to team.

Gougoltz, however, took advantage of the rule permitting him four hours' rest before taking Beaugendre's place, and left the track to get some sleep. Beaugendre and Rettich, under the rule, continued to ride together until 2 o'clock this morning, when Gougoltz's time limit is up. For this the score of the Beaugendre-Rettich team is penalized one lap.

Rettich, when he heard his partner was going to quit, said: "I'm here to ride six days."

Gougoltz, who overheard the remark, replied, "So am I."

The two then shook hands and the new team was formed. Gougoltz, however, is riding under a big handicap, Rettich and Beaugendre being several laps behind the leaders.

Detectives attached to the West Thirtieth-st. station said last night that a number of complaints had been received at the station house from men who said they had been robbed at the races. One man, they said, reported he had been robbed of a diamond ring, worth $300, while he was asleep. Another report was the loss of a diamond stud, worth $200, and a third was a diamond pin worth $75. Inspector Walsh had fifty men at the Garden last night. There were but fifteen men on Sunday evening.

Records were broken up to the fourth hour. The men had travelled 118 miles and 2 laps at the end of that time, as compared to 118 miles and 1 lap, the former record, made last year. After that, however, the men quieted to a slower pace, and, although there were frequent spurts a few hours later, the riders were behind the record.

CRY OF "FIRE!" STARTS SMALL PANIC.

A practical joke came near causing a serious panic yesterday morning. Shortly after 8 o'clock some one lighted a piece of paper under a sleeping man's chair and then shouted "Fire!" The spectators jumped to their feet and started a wild rush for the exits.

In a moment a wild, frenzied crowd was struggling and fighting down the steep sides of the track. The riders quickly left the track and made for the level floor space, none, by good luck, hurt in the scrimmage.

In about three minutes the fear of the crowd was allayed and peace was restored, though many spectators left the Garden.

The fast pace of the first five hours had been almost entirely due to the efforts of Kramer and Fenn, who alternated in furious sprints. As predicted, however, the two withdrew from the race at 5.30 o'clock. They rode exactly 134 miles and 5 laps.

Gougoltz and Continet ran into each other shortly before 5 a. m. yesterday, but neither was badly hurt, and the lap lost by the accident was not counted against them.

Shortly before 6 a. m. yesterday Melvin T. Dove, of the colored team, had been lapped repeatedly and the crowd was standing in their seats, shouting, when there came a crash at the Fourth-ave. end of the track. Bowler, of the Chicago team, struck Simar's wheel, throwing both riders down the steep bank. Simar fell directly in front of McLean. That rider, in his efforts to keep from falling, ran his wheel up the bank. It struck a post on the side of the track, and he fell on the steep incline, where he grabbed the post and held on until he was dragged into a box. The left side of his face was torn and bleeding. Simar's knees were severely bruised by the fall, but Bowler was not hurt at all.

McLean lapsed into unconsciousness soon after he was taken to his quarters, and an ambulance was summoned fom Bellevue Hospital. McLean was revived with difficulty and remained in the Garden. He was compelled to retire from the race.

Turville dropped out of the race, as he had said he would, and a new team, consisting of Keegan and Moran, was announced.

The track was not broad enough for Samson, and, in consequence, he rode into an arena box on the Twenty-sixth-st. side occupied by two women and three men. When the rider was freed he was found to be unhurt. One of the women had her face badly bruised, but she was soon revived. Samson soon joined the other riders.

About 3:30 p. m. Peterson had a bad fall. He was riding near the top of the bank at the Fourth-ave. end of the Garden when his wheel slipped. He fell, rolling over and over, and banged against the rail around the press inclosure. His partner, Floyd Krebs, got on the track immediately, but Peterson insisted on continuing, and was loudly cheered for his pluck.

ROOT'S SPRINT PROVES USELESS.

An exciting sprint was begun by Root shortly before 5 p. m., in which he won a lap, which was not allowed by the referee. In the rush that followed John Bedell, Walthour and Fisher were thrown from their wheels near the Madison-ave. end of the Garden, but beyond a few scratches they were unhurt.

After the excitement quieted down the referee announced that as the men who fell, under the rules, lost nothing by their mishap, and as Bowler had paced Root for the lap, the leaders would still be continued to be scored as on even terms.

NEW HOCKEY LEAGUE FORMED.

Columbia Second, Crescent Junior, C. C. N. Y. and School Teams to Play Together.

Another hockey league was organized in Brooklyn last night. It is called the Intermediate Hockey League. Games will be played at the Clermont Avenue Rink and the St. Nicholas Rink. The teams in the league consist of the Heffley School, 23d Regiment, the junior team of the Crescent Athletic Club, the Charles Commercial School, the second team of Columbia and the first team of the College of the City of New-York.

AUTOMOBILE NOTES.

The Long Island Automobile Club will hold its annual meeting to-morrow evening. The following are the candidates for officers of the club: Frank G. Webb, president; Albert Wilmarth, vice-president; H. P. Hanaford, secretary; Edwin Melvin, treasurer. Board of governors, J. Adolph Mollenhauer, A. R. Pardington, Lawrence Abraham, Louis R. Adams, Frank G. Webb, H. P. Hanaford and Edwin Melvin. After the election the third annual dinner of the club will be held.

The Automobile Club of America will hold its fifth annual banquet at the Waldorf-Astoria on Saturday evening, January 23. The governors are in receipt of acceptances to invitations sent to several well known speakers.

THREE FAVORITES BEATEN

Clanger, Sarah Maxim and Malster Defeated at New-Orleans.

New-Orleans, Dec. 7.—Clanger, Sarah Maxim and Malster, all three favorites were defeated to-day. Judges Clarence McDowell and Hall arrived to-day from Bennings. The card was only fair, but in the last three races the winners scored by narrow margins. The weather was fine and the track slow. The summaries:

First race (five furlongs)—Sea Shark, 108 (Helgesen), 7 to 1, won; Diaphanous, 110 (L. Walsh), 5 to 1, second; King's Counsel, 108 (W. Hicks), 15 to 1, third. Time, 1:03⅘. Mountebank, Tamarix and Clanger also ran.

Second race (one mile and a sixteenth)—Ben Chance, 107 (B. Davis), 9 to 10, won; Aladdin, 109 (W. Hicks), 3 to 1, second; Fairbury, 104 (Cochran), 6 to 1, third. Time, 1:52⅘. Past, Hucena and Ben Hempstead also ran.

Third race (one mile)—Mamselle, 93 (McIntyre), 8 to 1, won; Sarah Maxim, 98 (H. Phillips), 14 to 5, second; Free Admission, 103 (Hoffer), 50 to 1, third. Time, 1:45. Tioga, Choice, Glendon, Barkelmore, Will Shelley, Claristin, Bob Hilliard and Artist also ran.

Fourth race (Six furlongs)—Cyprienne, 106 (W. Robbins), 10 to 1, won; Worthington, 112 (Crawford), 10 to 1, second; Aggie Lewis, 104 (Helgesen), 11 to 5, third. Time, 1:16⅘. Lady Free Knight, Malster, Blue Blaze and Moderator also ran.

Fifth race (six and one-half furlongs)—Bard of Avon, 105 (H. Phillips), 13 to 5, won; Balm of Gilead, 106 (B. Davis), 5 to 1, second; Alpaca, 105 (McCafferty), 13 to 5, third. Time, 1:23⅘. Mayor Johnson, Little Jack Horner, Burgoyne and Bean also ran.

Sixth race (six and one-half furlongs)—Macbeth, 109 (W. Hicks), 9 to 5, won; Emma A. H., 105 (Helgesen), 7 to 2, second; Baronet, 110 (Livingston), 10 to 1, third. Time, 1:24. Siddara, Pirate's Daughter, Russellton, Mollie T., Leeking, Si Ah, Half a Hundred, Debenture and Ida V. also ran.

NEW-ORLEANS ENTRIES FOR TO-DAY.

First race (five furlongs)—Morning Star, 98; Arnold K, 101; Mordella, 104; Allista, 104; Agnes Brennan, 110; Maltoferin, 116; Caledonite, 116; Little Jack Horner, 121; Lady Contrary, 121; Jim A. Long, 121; Over Again, 124; Irene Lindsey, 134.

Second race (six furlongs)—Mynheer, 99; Tommy Foster, 102; Scorpio, 104; Van Ness, 104; Big Ben, 105; Frank Bell, 107.

Third race (four and a half furlongs)—Bountiful, 97; Step Aside, 97; Superlative, 97; Volto, 97; Lights Out, 97; Glen Flol, 100; Lolly Daily, 100; Chantry, 100; Tower, 102; Trossachs, 102; Symphony, 107; Tonteo, 107.

Fourth race (handicap; one mile)—Ancke, 100; Ethel Weber, 104; Homestead, 106; Bondage, 105; Wilful, 111; Ethics, 114.

Fifth race (selling; one and a half miles)—Irving Mayor, 96; Airlight, 100; Adalente, 101; The Bobby, 103; Siddons, 111.

Sixth race (seven furlongs)—Sherman B., 95; Ryevale, 95; Hiawatha, 98; Ora McKinney, 99; Spencerian, 99; Overhand, 99; Inquisitive Girl, 102; Caybon, 102; J. P. Mayberry, 105; Dutiful, 105; Foresight, 110; Rainland, 110.

BOOKMAKER APPEALS.

Peter De Lacy Behind Steinhardt Suits, Says DeLancey Nicoll.

Argument was heard and decision reserved by the Appellate Term of the Supreme Court yesterday on the application of DeLancey Nicoll, representing the Westchester Racing Association, to carry to the Appellate Division of the Supreme Court the suit of Raymond Moulton against the racing association and William J. Torpie. Moulton had sued the racing association and Torpie, a bookmaker, to recover $50 bet on a horse at the Morris Park track. A jury in a municipal court gave a verdict for the defendant, which was reversed by the Appellate Term in a decision handed down a few weeks ago. This decision, however, declared no evidence connected the racing association with the bet.

In support of his application, Mr. Nicoll attacked Peter De Lacy, who, he said, was a former poolroom proprietor, and was interested in several hundred such suits to annoy racing associations and racegoers.

Mr. Nicoll asserted that De Lacy supplied the money with which the bets were made and paid the expenses of the litigation, and that the action was not one brought by an honest bettor to recover a wager made in good faith.

Benjamin Steinhardt, counsel for the plaintiff, in opposing, raised a number of legal objections to the appeal. He declared that every one knew that the sole source of income of the racing association was from the gambling. He continued:

At the time of the Ives Pool bill, which suspended all original laws against gambling, and which led to the constitutional amendment in that respect, the business of the racetracks as proved by the tax paid into the State was: Gross receipts, $1,632,261 27. After the amendment to the constitution, the tax from the same sources amounted to $2,790,175 40. It needs no argument to convince any one with common sense that the constitution, as well as the laws, are defied by the very clients Mr. Nicoll represents. And Mr. Nicoll himself, when a member of the Constitutional Convention, was most eloquent in criticising the very gambling which the amendment was to suppress, together with all evasions, and he also voted in favor of the amendment, which is now being so plainly defied, and for those who practise it he has been a vehement defender.

WESTERN JOCKEY CLUB GIVES DATES.

Chicago, Dec. 7.—At the annual meeting of the board of stewards of the Western Jockey Club today, the application of the Union Jockey Club, of St. Louis, for racing dates, was denied. No action was taken on the application of the Hot Springs Jockey Club, because the stewards regarded the racing property as in an unsatisfactory and incomplete condition at the present time. No application for racing dates was received from the Detroit Jockey Club. The application of a new organization at Kansas City was granted, and the dates set from June 13 to July 4, and October 1 to 29. Other racing dates were set as follows:

Crescent City Jockey Club, January 1 to March 12; New Louisiana Jockey Club, March 14 to 19; Arkansas Jockey Club, March 21 to 26; New Memphis Jockey Club, March 23 to April 29; Kinloch Breeders' Association, April 15 to May 20; Tennessee Breeders' Association, April 21 to 30; Worth Jockey Club, April 27 to May 29; New Louisville Jockey Club, May 2 to 18; Latonia Jockey Club, May 19 to June 11; Chicago Jockey Club, May 21 to June 3; Delmar Jockey Club, May 21 to June 10; Harlem Jockey Club, June 4 to 17; St. Louis Fair Association, June 11 to September 3; Kansas City Jockey Club, June 13 to July 4; Washington Park Club, June 18 to July 16; Chicago Jockey Club, July 18 to 30; Harlem Jockey Club, August 1 to 13; Highland Park Club, August 6 to September 3; Chicago Jockey Club, August 15 to 27; Harlem Jockey Club, August 29 to September 12; Delmar Jockey Club, September 5 to October 31; Chicago Jockey Club, September 13 to 24; Harlem Jockey Club, September 26 to October 3; Kansas City Jockey Club, October 1 to 29; Worth Jockey Club, October 4 to 31; Latonia Jockey Club, October 22 to November 19; Tennessee Breeders' Association, November 19 to 28; Crescent City Jockey Club, November 24 to December 31.

These officers were elected: Chairman, Lawrence A. Young; vice-chairman, George G. Perkins; treasurer, James Howard; secretary and forfeit clerk, Harvey T. Woodruff.

RESULTS AT OAKLAND.

San Francisco, Dec. 7.—First race (selling; seven furlongs)—El Rilloto, 103 (Hildebrand), 4 to 1, won; Telephone, 92 (Greenfield), 3 to 1, second; Elle, 89 (Anderson), 20 to 1, third. Time, 1:27. Bill Massie, Judge Voorhels, Toto Gratiot, Cougar, Sisenvine and Wanderling also ran.

Second race (five furlongs)—Dargin, 108 (Otis), 11 to 5, won; Instrument, 108 (Dewell), 8 to 1, second; Harbor, 108 (King), 3 to 1, third. Time, 1:01¼. Water Spout, Minimum, Bombardier, Neko, Dundreary, Presidio and L. J. Cox also ran.

Third race (selling; one mile and fifty yards)—Kitty Kelly, 96 (Lewis), 5 to 2, won; Constellator, 104 (J. Martin), even, second; Achilles, 107 (Prior), 25 to 1, third. Time, 1:43¾. Cougar, Gawaine, Tom Slavin, James J. Corbett and Lounga also ran.

Fourth race (selling; five and one-half furlongs)—Double Six, 102 (Larsen), 5 to 2, won; Glendenning, 103 (Foley), 6 to 5, second; Obemarle, 103 (Hildebrand), 6 to 1, third. Time, 1:06¾. Clivisio, Breenus, Schwarzwald, Ignacio and Brodie also ran.

Fifth race (selling; seven furlongs)—Illowaho, 111 (See), 8 to 1, won; Heather Honey, 104 (Henderson), 11 to 5, second; St. Winifreda, 99 (Foley), 6 to 1, third. Time, 1:28¾. Aniard, Sommos, Dorice and Gleanrvon also ran.

Sixth race (selling; one mile and fifty yards)—Horton, 112 (J. Martin), 9 to 5, won; Rosarie, 96 (Hildebrand), 6 to 1, second; Redwald, 104 (J. Bocker), 4 to 1, third. Time, 1:43¾. Frank Wood, Billy Moore, Silurian, Harry Thatcher and Rollick also ran.

OAKLAND ENTRIES FOR TO-DAY.

First race (Futurity Course; selling)—Little Margaret, 97; Adirondack, 97; Theodora L., 95; Sir Christopher, 95; Maud Sherwood, 95; Hipponax, 100; Madam Bishop, 100; Our Pride, 100; Lurene, 100; Handpress, 103; Yellow Stone, 104; Milas, 107.

Second race (five and one-half furlongs; selling)—Effervescence, 92; Silent Water, 97; Punctilio, 100; Miss Rigles, 102; Lustig, 103; Andrew B. Cook, 103; The Cure, 105; Ananias, 105; F. E. Shaw, 106; Instructor, 113; George Berry, 113.

Third race (Futurity Course; selling)—Alice Carey, 90; Maresa, 95; Orrosine, 98; Mountebank, 100; Thisbe, 100; Sallie Goodwin, 100; My Surprise, 101; The Fog, 103; I Do Go, 105; Rinaldo, 105; Oscar Tolle, 108.

Fourth race (one mile and eighth; selling)—Blessed Damosell, 95; El Oriente, 98; Invictus, 100; Chub, 100; Tonopah, 100; Expedient, 102; The Ledean, 103; Arthur Ray, 103; Marello, 103; Silver Fizz, 103; Dr. Bernays, 103; Illowahok, 110.

Fifth race (six furlongs; selling)—Lapidus, 95; Cautivate, 97; Nervator, 100; Reeves, 101; Dora, 101; Aunt Polly, 102; Martinmas, 105; Colonel Van, 105; Headwater, 106; E. M. Brattain, 108; Quiet, 108; Escalante, 114.

Sixth race (one mile and seventy yards)—Dupont, 104; Ishtar, 105; Allopath, 105; Byron Rose, 105; Dolly Hayman, 105; Arabo, 107; Jockey Club, 107.

ADJOURN CASE OF "TOD" SLOAN.

Paris, Dec. 7.—The case of "Tod" Sloan, the American jockey, against the French Jockey Club for $40,000 damages for being warned off the turf in connection with Rose de Mai's winning the Prix de Diane at Chantilly in May, was further argued to-day and adjourned for a fortnight, when a decision will be given.

KEENE RACERS SOLD IN ENGLAND.

Newmarket, England, Dec. 7.—At the auction of the horses belonging to the Keene stable here today the sale started with Citrine, who fetched 150 guineas. Crepuscule was sold for 1,000 guineas. The interest increased as Bobrinski was led out, and he finally was knocked down for 5,000 guineas. Surbiton sold for 1,500 guineas, Whitechapel for 400, Lancashire brought 3,000, Love Dart 200, and Valley 200 guineas. Tripping was sold for 2,800, Duster for 175 and Flying Prince for 700 guineas. Sweeper was withdrawn at 2,400 guineas. There was a fair attendance of buyers.

ARRIVAL OF HORSES OF JAMES R. KEENE.

On the Atlantic Transport liner Minnetonka, which arrived from London yesterday, were six of the English string of racehorses owned by James R. Keene—Hurst Park, Dalesman, Dazzling, Cap and Bells, Out of Reach and a yearling filly by Cyllene—Lady Minton. The animals were brought over in specially constructed box stalls, in charge of a number of keepers. In the afternoon they were transferred to a float and taken to Mr. Keene's stables, at Sheepshead Bay.

HOGAN YALE'S CAPTAIN.

Tackle Chosen to Lead Blue Football Team Next Season.

[BY TELEGRAPH TO THE TRIBUNE.]

New-Haven, Conn., Dec. 7.—James J. Hogan, of the senior class, was to-night elected captain of the Yale football team for next year by his seventeen teammates who won their "Y's" against Harvard and Princeton this fall. Hogan's only competitor was Ralph Kinney, his tackle mate, who received a complimentary vote from the Scientific School players on the team. Hogan, however, was the only Yale player who had been on the team for three years.

Hogan played four years ago, and was captain of the Exeter team. He was chosen for right tackle on the 1901 Yale eleven, played again last year and this year. This season Hogan played a remarkable tackle game, and was Yale's heaviest ground gainer. He has worked up a specialty in tackles' back line rushing, and made Yale's only touchdown against Princeton this year.

Hogan will enter the Yale Law School, making his undergraduate senior year count for his first in the school. He is a high stand scholar, is twenty-five years old, weighs 205 pounds and is five feet eleven inches in height.

After to-night's election a dinner was held at the University Club for the team.

LYNAH TO CAPTAIN CORNELL'S TEAM.

[BY TELEGRAPH TO THE TRIBUNE.]

Ithaca, N. Y., Dec. 7.—At a meeting of the Cornell football team, held this afternoon, James Lynah, '05, was elected captain for next year. The vote was said to be rather close, Costello, a sophomore, being Lynah's opponent. Lynah is a junior in the mechanical engineering course. He comes from Savannah, Ga. He entered Cornell a year ago from Clemson College, where he played halfback. He was a member of the Cornell squad last year, but could not play on account of the eligibility rules. At the beginning of this season he tried for end, then was used as Brewster's substitutee at quarterback, and was also full back for a time.

SYRACUSE TEAM TO PLAY IN GARDEN.

Syracuse, Dec. 7 (Special).—The Syracuse football team has finally completed arrangements for competing with Franklin (Penn.), Watertown (N. Y.) and the Orange Athletic Club teams in the tournament to be held in Madison Square Garden, New-York, next week, under the auspices of the Watertown Athletic Association. There had been some hitch over the question of finance, but when President James B. Wise of the Watertown Club sent $500 here as a side bet on the game between Syracuse and Watertown, the members of the local team immediately covered it and agreed to play. They are confident of winning, as they have already played two tie games at Watertown.

60-YARD CHAMPIONSHIP IN GARDEN.

Columbia College has obtained permission to run the 60-yard championship at her games in Madison Square Garden on January 30. With two championships, eleven relays and six handicap contests, the programme is so inviting that it would not surprise many to see an intercollegiate indoor championship held at the Garden next year. Entries close with R. H. Bradley, Room 302, University Hall, Columbia University, on January 23.

COLLEGE "GYM" DIRECTORS TO CONFER.

Princeton, N. J., Dec. 7 (Special).—The seventh annual meeting of the society of college gymnasium directors will be held in Princeton in the week of December 28. George F. Goldie, Princeton's gymnasium director, who will entertain the conference, has announced that he expects about twenty-five directors to attend. The conference will come as a housewarming to Princeton's new gymnasium, which will be completed before Christmas.

NEW ATHLETIC OFFICERS AT N. Y. U.

At the coming business meeting of the New-York University Athletic Association the following officers were elected for the coming year: President, David Banks; first vice-president, E. J. Baldiris, '05; second vice-president, L. Warford, '05; corresponding secretary, R. Hazelwood, '05; recording secretary, A. S. Draper, '05; member-at-large, L. H. Stone, '05, and to the advisory committee by the alumni and faculty, Dr.