NO SEAT NO FARE.

Formal Opinion Given by the Corporation Counsel.

THE LEGAL ASPECTS OF THE CASE.

The Powers of the Board of Aldermen Defined.

The following opinion was yesterday made public by Mr. William C. Whitney, Counsel to the Corporation, in relation to the powers of the Common Council over the horse railroad companies. It will be seen that Mr. Whitney holds to the view that the Aldermen have an undoubted right to make any reasonable regulations as to the number of cars to be run by each company and to impose penalties for non-compliance. As it now appears that the city authorities can compel the railroads to give proper accommodations for the travelling public it is to be hoped that some definite action will be taken without delay:—

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, May 9, 1876.

THE HONORABLE THE COMMON COUNCIL:—

GENTLEMEN—On the 10th of February, ult., the following resolution was adopted by your honorable body:—

Resolved, That the Counsel to the Corporation be, and he is hereby respectfully requested to inform this Board, at his earliest convenience, how far, if at all, the agreements made between the city and the several city railroad companies have been affected by the operation of State laws; whether it is not legally in the power of the city authorities to compel such companies to provide seats for all whom they permit to enter their cars, or forfeit the right to collect fares; also, if it is not in the power of the Common Council to compel such companies to reduce their rate of fare from five to three cents from six to eight, A. M., and from five to seven, P. M., each and every day in the interest of the poorer class, or working people, who are compelled to use such cars in going to their work in the morning and returning in the evening.

As some of the questions thus submitted for my consideration were of considerable difficulty my answer has been necessarily delayed. The first inquiry contained in said resolution is, how far, if at all, the agreements made between the city and the several city railroad companies has been affected by the operation of State laws. Prior to the year 1854 the Common Council authorized the construction and use by different companies of horse cars in the Second, Third, Fourth, Sixth, Eighth and Ninth avenues and also in Broadway. Such railroads were accordingly constructed and are now in operation, either wholly or partially under the authority given by the grants of the Common Council in all said avenues. Soon after the making of these grants the question was raised whether the Common Council was authorized by law to make the same, and a protracted litigation ensued in reference to the grant for a railroad in Broadway, lasting during a period of nearly ten years. It was held by quite a number of the judges of the highest courts in this city that the Common Council had such authority, but it was finally settled by the Court of Appeals that such view was erroneous, and it was decided that the Common Council could not authorize the construction of a street railroad without the previous sanction of the Legislature (Davis vs. Mayor, 1 Duer, 451; Id., 512; 2 Duer, 364; 3 Duer, 119; 14 New York, 506; Milhau vs. Sharp, 15 Barb. 193; 17 Barb., 435; 7 Abb., 220; 27 New York, 611).

The final decision of the Court of Appeals in the case of Milhau vs. Sharp was not rendered until the year 1863, but, pending this litigation, the Legislature, on the 4th of April, 1854, passed an act providing that the Common Council of the several cities in this State should not thereafter permit to be constructed in either of the streets or avenues of said cities a railroad for the transportation of passengers which should commence and end in said cities without the consent thereto of a majority in interest of the owners of property upon the streets in which said railroad is to be constructed being first had and obtained. (Chap. 140 of the Laws of 1854.) The third section of this act, however, confirmed all grants, licenses and resolutions (adopted by the Common Council of any city prior to the passage of the act) authorizing the construction, extension or use of any railroad which had already been constructed in part.

The courts have uniformly held that this statute rendered valid the various grants by the Common Council (made prior to the passage of said act) which authorized the construction of street railroads in the several avenues above mentioned, in all cases where the road in such avenues had been wholly or partially constructed at the time of the passage of the act. (Coleman vs Sixth Avenue Railroad Company, 38 N. Y., 201; Sixth Avenue Railroad Company vs. Kerr, 45 Barb., 138.)

The Legislature has also at various times passed laws authorizing the companies owning the roads in such avenues to extend the same, or to discontinue portions of the same already constructed. Such acts have been passed in relation to the road in Second avenue (Laws of 1857, vol. 2, p. 177; Laws of 1872, vol. 1, p. 641); in reference to the Third Avenue (Laws of 1867, p. 405); in reference to the Fourth Avenue road (Laws of 1872, p. 1,954); in reference to the Eighth Avenue road (Laws of 1874, p. 616); also confirming the grant of the Ninth Avenue road, and extending it (Laws of 1860, p. 715, and Laws of 1866, vol. 2, p. 2,003). The act above mentioned, authorizing the extension of the Fourth Avenue Railroad, recognized and probably sanctioned the right of that company to demand and receive not more than eight cents for each passenger for any distance, and not more than six cents for any distance below Forty-second street. Said act of 1874, extending the Eighth Avenue road, also authorized the company owning that road to charge and receive the same fares charged by it for the conveyance of passengers at the time of the passage of the act.

Neither the other laws above mentioned nor any others, so far as I am aware, have affected the agreements entered into by the city and the various railroad companies, except in the particular above mentioned; and the act of 1854, above mentioned, having rendered valid the various grants by the Common Council, the agreements entered into in pursuance of such grants, except where modified as above stated, remain in full force.

The second question in regard to which my opinion is requested is whether it is not legally in the power of the city authorities to compel such companies to provide seats for all whom they permit to enter their cars, or forfeit the right to collect fare. As your honorable body is undoubtedly aware, the Legislature in 1860 passed a law declaring that no street railroad should be constructed in the city of New York unless authorized by an act of the Legislature (Laws of 1860, p. 816), and since the passage of that act the Legislature has passed laws authorizing the construction of quite a number of street railroads in this city.

It was at first contended that the Legislature could not authorize the construction of such road without the consent of the Common Council, but the Court of Appeals finally decided that the consent of the Common Council was not necessary, and that the Legislature had full control over the matter and could authorize the construction of such street railroads in this city as it saw fit. (The People vs. Kerr, 27 N. Y., 188.)

I presume that the second inquiry above mentioned, with regard to which my opinion is requested by your resolution, is intended to cover not only the roads constructed under the original grants from this Common Council, but also those which have been directly authorized by acts of the Legislature; and it will, I think, be quite apparent, from an inspection of the agreements made with the different companies pursuant to such grants and the various acts of the Legislature above referred to, that the question is not free from difficulty.

The provisions of these agreements with the different companies bearing upon the question under consideration are substantially the same, though not equally full and explicit in every case, and they are, in substance, the following:—That the various companies will run cars every day as often as the public convenience may require, under such prudential regulations as the Common Council and the Street Commissioner may, from time to time, prescribe; also that the various companies shall in all respects comply with the directions of the Common Council in the building of the roads, and in any other manner connected with the regulation of the same; also that they will run a certain number of cars every day, both ways, between certain hours, and as much oftener as the public convenience may require, under such directions as the Common Council may, from time to time, prescribe.

A number of acts authorizing the construction of street railroads were passed by the Legislature in the year 1860. They are nearly identical in form, and in each case provide that the companies shall run cars as often as the convenience of the public may require, and shall be subject to such reasonable rules and regulations in respect thereto as the Common Council of the city of New York may, from time to time, by ordinance prescribe.

A similar provision is, I believe, found in each of the acts authorizing street railroads in this city, passed by the Legislature since the year 1860. The question presented, therefore, is, whether the right to regulate the running of the cars, reserved in the grants made by the Common Council itself and given in express terms in said acts of the Legislature, is sufficient to authorize the passage of an ordinance of the Common Council declaring that such companies shall provide seats for all whom they permit to enter their cars, or forfeit the right to collect fares. I have been unable to discover that this precise question has ever been passed upon by any Court, and, in the absence of judicial decisions, I have been in considerable doubt as to the true construction of the grants of the Common Council and acts of the Legislature. It was decided a number of years since that, under the power to regulate the running of cars, the Common Council of the City of Buffalo had the right to forbid the use of steam, as a motive power, through the streets of that city. (Buffalo and Niagara Falls Railroad vs. City of Buffalo, 5 Hill, 209.) It was also decided that, under the agreement made with the New York and Harlem Railroad Company for the construction and use of a railroad in Fourth avenue, the Common Council of this city had the right to forbid the use of steam below a certain street. (1 Hilton, 552.) It has, however, been decided that the Common Council of this city could not lawfully require the different companies which have received grants from it to take out licenses to run their cars, and impose a penalty for the failure to take out such licenses. (Mayor vs. Second Avenue Railroad Company, 32 N. Y., 261; Mayor vs. Third Avenue Railroad Company, 33 N. Y., 42.) These adjudications do not cover the precise points referred to in your resolution, but they are useful, inasmuch as they maintain that the authority of the municipal authorities over the streets is, in their hands, a trust held for the benefit of the people of which they cannot divest themselves, and which they cannot incumber by grants conflicting with the general purposes for which the streets are held.

The reservation to the Common Council of the right to regulate the use by the companies of the franchises given them is, of course, retained by the Common Council in the interest of the people of the city. Regulations securing that the franchises are used in such a way as to subserve the convenience and comfort of the travelling public are within the intentions of the reservations. With this object in view the Common Council have, from time to time, required the railroad companies to run an increased number of cars; and this mode of regulating, in the interest of the travelling public, the use of the franchise by the railroad companies is undoubtedly in every respect legal. Whether the power to regulate can be carried to the extent proposed by your resolution—namely, of prescribing that every passenger shall be given a seat, or no fare collected, is an entirely new question, and one with regard to which I am obliged to say to you that there is considerable doubt. They can be made to run cars as often as the public convenience may require, which would seem to accomplish the same object as that desired to be accomplished by your resolution. But if a person gets into a car and is carried by the railroad company it is questionable whether the company would not have, under the agreements and the laws, a right to the fare which they have been authorized to collect. Under the various agreements they are authorized to charge a certain rate of fare for "carrying" a passenger, and the various acts of the Legislature for the construction of these street railroads authorize the several companies to charge a rate specified in the act, or to charge the same rate as was charged by other city railroads at the time of the passage of the various acts. Under these acts of the Legislature, and the agreements, I think the companies have acquired a vested right to charge the rates prescribed, which the Common Council cannot now take away. There were no reservations in the acts or in the agreements authorizing any change of the rates, and, inasmuch as that must be supposed to have been the consideration for the outlay on the part of the railroad companies, I question whether it is within the power of the Common Council, at this time, to alter the conditions prescribed for the collection of fares; and, inasmuch as the carriage of the passenger was the only condition annexed in the agreements and the acts of the Legislature to the collection of fares, I think the power to regulate the running of the road must be exercised in some other way than by forfeiting the fare.

The Common Council has, undoubtedly, the right to make any reasonable regulations as to the number of cars to be run, and to impose a pecuniary penalty for non-compliance therewith; and, whatever action is taken, I should advise that this method be adopted, as the companies might successfully claim that they have a vested right to collect fares from every passenger carried, of which they could not be deprived by an ordinance of the Common Council.

I have come to this conclusion after considerable doubt and hesitation, and I must advise your honorable body that, upon a novel question of this character, which has not been passed upon nor considered by the courts, lawyers and judges will undoubtedly differ in opinion.

As I have above mentioned, when the question first arose as to the power of the Common Council to authorize the construction of street railroads without the previous sanction of the Legislature, many of the ablest lawyers and judges in this city were clearly of the opinion that it possessed such power; but, after years of litigation, it was finally decided that such opinions were entirely erroneous. It is, therefore, of course, impossible for me to say that the view taken by me of the powers of the Common Council upon the point in question will be certainly sustained by the courts.

The third point upon which my opinion is asked is whether the Common Council can compel the railroad companies to reduce their rate of fare from five to three cents during certain hours of the day. As the rates have been fixed by the agreements or acts of the Legislature in most cases, I am of opinion that the companies have acquired vested rights, and that the Common Council cannot now change the rates from those prescribed by the laws under which they are acting and the agreements heretofore entered into. I am, gentlemen, yours respectfully,

WILLIAM C. WHITNEY,
Counsel to the Corporation.

NEW YORK YACHT CLUB.

THE RACE FOR THE AMERICA'S CUP—THE TERMS PROPOSED FOR THE INTERNATIONAL CONTEST.

A special meeting of the New York Yacht Club was held last evening to further consider the matter of the challenge of the Royal Canadian Yacht Club for the possession of the America's cup. There was a large attendance of yachtsmen, Commodore Kingsland presiding. The letter forwarded to Major Gifford setting forth the conditions under which the club would accept the challenge, was read. The following is Major Gifford's reply:—

COBURG, Ont., Dominion of Canada,
May 2, 1876.

THE REGATTA COMMITTEE, NEW YORK YACHT CLUB:—

GENTLEMEN—I am in receipt of your favor of April 24 last, setting forth the terms for the America's Challenge Cup as determined on by the New York Yacht Club. It appears to me that there are four conditions for settlement by mutual consent between the contending parties, viz.:—The time for sailing the race, the course to be sailed over, the number of races to be sailed and the number of yachts belonging to the challenged club that is to contend in the race. This latter condition is the most important of all, and from your letter of April 24 I can gather nothing as to your views on the matter. You have probably left it for future determination, not knowing but that other yacht clubs may join in the contest. It might happen, however, that my yacht, which I may say is the only one that the Royal Canadian Yacht Club that will send you a challenge, may be the only one that you will have to contend against. Should the Countess of Dufferin be the only contending yacht I should feel much obliged if you would inform me whether you would in that case match one yacht against her or one out of four, as in Captain Ashbury's case, or whether it is to be an open race for all the yachts of the New York Yacht Club squadron to sail against her. I ask for this information because, according to the terms on which the New York Yacht Club holds the cup, the match has to be determined by mutual consent, and before assenting to the conditions mentioned in your letter of April 24 I should like to know what the intention of the New York Yacht Club is in the matter; that is to say, how many yachts the New York Yacht Club intend to sail against the Countess of Dufferin in the match race of the cup. I have the honor to be, gentlemen, yours respectfully,

CHARLES GIFFORD,
Vice Commodore Royal Canadian Yacht Club.

A copy of the deed of gift was also read.

Mr. J. D. Smith moved that the three races be sailed on the 10th, 12th and 14th of July next. The resolution was adopted.

On motion of Mr. Kam it was resolved that in respect to the course to be sailed over the offer of the club be repeated to Major Gifford, namely—one race over the New York Yacht Club course, one race outside Sandy Hook, twenty miles to windward and back, and the third, if necessary, to be chosen from either of the foregoing.

Mr. Chase then moved that one yacht be selected to sail all the races.

The motion was lost.

Mr. Smith offered a resolution to the effect that the Regatta Committee be instructed to inform Major Gifford that the yacht to sail against the Countess of Dufferin will be named on the morning of each race.

On the motion of Mr. Haight, it was resolved that the flag officers be made an advisory committee to assist the Regatta Committee in selecting the yacht to sail on the morning of the race. The meeting then adjourned.

CORINTHIAN RACES.

THE SEAWANHAKA YACHT CLUB OFFER PRIZES FOR TWO EVENTS, CABIN SLOOPS AND SCHOONERS.

The Seawanhaka Yacht Club thus early gives publicity to a programme for two Corinthian races, to be sailed in the month of June next. Contests of this nature have for several seasons been worthily carried out by the Seawanhaka gentlemen, the result being that the owners of yachts belonging to the association have become sailors of no mean degree. The races now in view are for cabin sloops, to take place in New York harbor on June 10, and for schooners, twenty miles to windward and return from Sandy Hook, three days thereafter, on June 13. The invitation extended by the Regatta Committee of the club is of the most cordial nature, and in the case of the sloop race it includes cabin sloops belonging to all organized yacht clubs. This will be the sixth race sailed under the auspices of the club, and the hope is expressed that there will be a large entry. There will be one prize in each class in which two yachts start, and a second prize in each class in which four or more start. First class yachts include those measuring fifty-five feet mean length and over; second class, all yachts under fifty-five feet mean length. Entries will close at the office of Mr. M. Roosevelt Schuyler, No. 54 William street, at three o'clock P. M., Friday, June 9. Yachts must be manned by amateurs exclusively. The course will be from the starting point, as above, to and around buoy No. 10, on the Southwest Spit, keeping it on the port hand, thence to and around the Sandy Hook lightship, keeping it on the starboard hand, and return over the same course. Yachts must keep to the eastward of buoys Nos. 9, 11 and 13, on the West Bank, and outside of buoy No. 5½, on the point of Sandy Hook, going and returning, and will pass between the club steamer and Fort Wadsworth on arriving home.

The schooner race is opened to yachts belonging to the Atlantic, Brooklyn, Eastern, New York and Seawanhaka clubs, and will be governed by the sailing regulations of the latter. The classes will be: first, those measuring more than ninety feet over all; and second, those under ninety feet over all. The prizes to be presented by the Seawanhaka flag officers will consist of one in each class in which two yachts start, and a second prize in each class where four or more start. Entries will be received at Mr. Schuyler's office, as above, until noon of the day preceding the race. The course will be from buoy No. 5, off Sandy Hook, twenty miles to windward and return, if the wind permits, or twenty miles to leeward and return. Yachts will pass between the judge's steamer and the buoy going out and coming home, and at these points the time will be taken. After starting the yachts the steamer will proceed to the turning point, where a buoy will be anchored, which all yachts must round, leaving it on the starboard hand. Should any yacht reach the home buoy (No. 5, off Sandy Hook), in advance of the judge's steamer, she must pass within 100 yards of it, and the owner shall take the time when the buoy bears due southwest, reporting the same immediately after the race to the Regatta Committee.

YACHTING NOTE.

The overhauling of the yacht Mohawk has been completed. She was taken from the Coast Wrecking Company's dock at Stapleton, yesterday and anchored off the club house.

LEXINGTON RACES.

FOURTH DAY OF THE SPRING MEETING OF THE KENTUCKY ASSOCIATION—BAZAR, M'WHIRTER AND ELEMI THE WINNERS.

LEXINGTON, Ky., May 11, 1876.

The fourth day of the spring meeting of the Kentucky Association was clear and warm, and the track as fine and as fast as it was possible to have it. The attendance was again very large, and the racing gave great satisfaction. Three events were on the card. The first a selling race, dash of one mile and a quarter; the second the Colt and Filly Stakes, for two-year-olds, dash of five eighths of a mile, which had nineteen entries, eleven of which came to the post, and last, a mile and a half race for a purse, between five four-year-olds.

SELLING RACE.

The starters in this event were Robinson, Morgan & Co.'s brown filly Gyptis, 4 years old, carrying 100 lbs.; A. Keene Richards' chestnut colt Bazar, 3 years old, 90 lbs.; J. A. Grinstead's chestnut filly Goldmine, 4 years old, 105 lbs., and O. A. Gilman's brown colt Grenoble, 4 years old, 108 lbs. The betting on this race was very even, as they all sold for nearly the same prices. Goldmine took the lead, Bazar second, Grenoble third, Gyptis fourth. The horses ran rapidly down the quarter stretch and passed the judges' stand lapped, Bazar in front, Goldmine second, Grenoble third, Gyptis fourth. Around the turn Goldmine showed her head in front, Bazar second, Grenoble third, Gyptis fourth. Racing along the backstretch, Grenoble and Gyptis moved up to the leaders, and at the half-mile pole Grenoble had his head in front, and a short time afterward was leading a length. His backers at this moment were exulting. Going up the hill to the three-quarter pole, Grenoble showed the way and looked the winner all over, but just as he turned into the homestretch Bazar came with a rush and challenged him. A merry run up the stretch ensued, which terminated by Bazar winning the race by three lengths, Grenoble second, four lengths in advance of Goldmine, Gyptis fourth. Time of the mile and a quarter, 2:09¼, which is only three-quarters of a second behind the fastest time ever made for the same distance, which is credited to Grinstead at Saratoga last summer.

Bazar, the winner, is a small, well formed colt, without any striking points about him. He has no white except a small star in his forehead. He was put up for sale after the race, and was purchased by J. A. Grinstead for $1,500.

COLT AND FILLY STAKES.

This race had for starters Green Clay's chestnut filly Glennella; J. Henry Miller & Co.'s gray colt, by Phaeton, dam Ella Jackson; H. P. McGrath's chestnut colt Hugh; George Gill's brown colt, by Glen Athol; L. B. Field's bay colt Headlight; T. J. Nichols' chestnut colt Glimmer; A. Buford's chestnut colt McWhirter; also same owner's brown filly Lizzie Whips; Lyle & Scully's bay colt, by Glen Athol; same owner's bay filly, by Hartington, and J. A. Grinstead's chestnut filly Mahur. Miller & Co.'s colt was the favorite, Glimmer being second choice. After many breakaway the youngsters were started in tolerably fair order, Lizzie Whips leading, the Glen Athol colt second, McWhirter third and the others so close together it was impossible to separate them. Running past the half-mile pole the Glen Athol colt was in the lead, McWhirter second, Lizzie Whips third, Glenella fourth, with the balance still bunched. The changes were kaleidoscopic on the turn, but as they entered the homestretch McWhirter dashed away from the others, followed by the Glen Athol colt, Glenella third, Glimmer fourth, and in this way they came down the homestretch, and passed under the string, McWhirter leading two lengths, the Glen Athol colt second, Glenella third, Glimmer fourth, Mohur fifth, Hugh sixth, Miller's Phaeton colt seventh, Lyle & Scully's pair eighth and ninth, Buford's Lizzie Whips tenth and Headlight eleventh. Time, 1:04¾.

M'WHIRTER.

The winner is a dark chestnut, with a blaze face, and a white spot on the front of each hind pastern. He stands 15 feet 1 inch high, with a long and resolute head, good shoulders and a fine back. The body is a trifle light in front, but he has a fine set of hips and his legs are broad and flat and well under him.

ONE MILE AND A HALF.

The third race was for a purse of $350, dash of one mile and a half, and the starters were S. J. Salyer's bay filly Carrie Anderson, T. J. Megibben's bay filly Elemi, James A. Grinstead's bay filly Phœbe Mayflower, A. Keene Richards' bay colt Redman and H. P. McGrath's bay colt Chesapeake. The latter was the favorite at nearly even money over the field. Carrie Anderson was first away, Redman second, Chesapeake third, Elemi fourth and Phœbe Mayflower fifth. The positions were unchanged on the upper hill turn, but as they reached the three-quarter pole Elemi, Carrie Anderson and Chesapeake were running head and head, Redman fourth and Phœbe Mayflower fifth. Racing rapidly down the quarterstretch, as they passed the judges' stand Redman had the best of it by a neck, Chesapeake second, Elemi third, Carrie Anderson fourth and Phœbe Mayflower fifth. Going around the turn Chesapeake and Redman were yoked one length ahead of Elemi, Carrie Anderson and Phœbe Mayflower bringing up the rear. There was no change of place or position at the quarter pole nor along the backstretch, Redman and Chesapeake running neck and neck all the way, closely followed by Elemi, the Phaeton fillies trailing a few lengths behind. Climbing the hill made no difference between Chesapeake and Redman, but when they turned into the homestretch, to the astonishment of every looker on, Elemi rushed to the front, and had all the others whipped in an instant. She galloped home under a pull, leading two lengths, Carrie Anderson second, half a length ahead of Redman, Chesapeake fourth, Phœbe Mayflower fifth. Time, 2:38¾.

SUMMARY.

LEXINGTON, KY., MAY 11, 1876—FOURTH DAY OF THE SPRING MEETING OF THE KENTUCKY ASSOCIATION—FIRST RACE.—A selling race, purse of $300; horses to sell for $1,500, carry proper weight; to sell for $1,000, allowed 5 lbs.; for $750, allowed 7 lbs.; for $500, allowed 10 lbs. One mile and a quarter.

A. Keene Richards' ch. c. Bazar, 3 years, by Jack Malone, dam by Australian, 90 lbs 1
O. A. Gilman's br. c. Grenoble, 4 years, by Baywood, dam Lute, 108 lbs 2
James A. Grinstead's ch. f. Goldmine, 4 years, by Australian, dam Income, 105 lbs 3
Robinson, Morgan & Co.'s br. f. Gyptis, 4 years, by Australian, dam Mazurka, 100 lbs 4
Time, 2:09¼.

SAME DAY—SECOND RACE.—The Colt and Filly Stakes, for two-year-olds, $50 entrance, $25 forfeit; second horse to save his stake. Five furlongs. Closed with 19 nominations.

A. Buford's ch. c. McWhirter, by Enquirer, dam Ontario, by Bonnie Scotland 1
George Gill's br. c. by Glen Athol, dam Susan Overton, by Sovereign 2
Green Clay's ch. f. Glenella, by Glenelg, dam Sally, by Lexington 3
T. J. Nichol's ch. c. Glimmer, by Glenelg, dam The Nun, by Lexington 4
James A. Grinstead's ch. f. Mohur, by Gilroy, dam Sequin, by imp. Eclipse 5
H. P. McGrath's ch. c. Hugh, by Blarney Stone, dam Crescent, by Australian 6
J. Henry Miller & Co.'s gr. c. by Phaeton, dam Ella Jackson, by Lightning 7
Lyle & Scully's b. f. by imp. Hartington, dam Laura Bruce, by Star Davis 8
Lyle & Scully's b. c. by imp. Glen Athol, dam Edith, by imp. Sovereign 9
A. Buford's br. f. Lizzie Whips, by Enquirer, dam Grand Duchess, by Vandal 10
L. B. Field's b. c. Headlight, by Bayonet, dam Olivier, by Oliver 11
Time, 1:04¾.

SAME DAY—THIRD RACE.—Purse of $350, for all ages; $300 to the first and $50 to the second horse. One mile and a half.

T. J. McGibben's b. f. Elemi, 4 years, by Asteroid, dam Edna 1
S. J. Salyer's b. f. Carrie Anderson, 4 years by imp. Phaeton, dam Sallie Anderson 2
A. Keene Richards' b. c. Redman, 4 years, by War Dance, dam by Solferino 3
H. P. McGrath's b. c. Chesapeake, 4 years, by Lexington, dam Roxana 4
James A. Grinstead's b. f. Phœbe Mayflower, 4 years, by imp. Phaeton, dam Cicily Johnson 5
Time, 2:38¾.

TO-DAY'S RACING.

The liberal entry to the dash of two miles for three year olds made speculation quite brisk, and although the talent picked Ceylon for a winner, Bullion was in great demand, and all the others found friends. No pools were sold on the dash of two miles for all ages, as it was understood to be a walk over. The following gives an average of the business:—

DASH OF TWO MILES.

	Turf Exchange.		Johnson's.	Thomas'.	
Ceylon	45	60	50	50	25
Bullion	40	70	45	50	20
Leamingtonian	15	12	15	12	12
Redcoat	10	18	15	15	10
Knapsack	10	20	15	12	10
Bencher	9	14	12	8	8
Bryan	10	12	10	8	8
Largnatian	6	14	8	7	7
THREE-QUARTER MILE DASH.					
Misdeal	50	40	50	50	25
Bill Bruce	55	40	50	48	20
Sally Gardner	20	18	20	15	10

WASHINGTON DRIVING PARK RACES.

WASHINGTON, May 11, 1876.

The trotting meeting of the Washington Driving Association at Brightwood Park, which has been postponed since Tuesday on account of the weather, commenced to-day. The weather was fine, the track in good condition, and the attendance large. Two races were trotted, the first event being for horses of the three minute class, mile heats, best three in five, for a purse of $400. There were four starters as follows:—Dora, Oscar, General Hunton (formerly Modoc) and General McArthur. Seven heats were trotted, Oscar taking the first and second, General Hunton the third and sixth and Dora the fourth, fifth and seventh. Time—2:42¾, 2:43¾, 2:42½, 2:40¾, 2:44, 2:43 and 2:45¾. Dora took first money, General Hunton second and Oscar third. General McArthur was retired after the fifth heat. Oscar was the favorite in the pools.

The second event was for horses of the 2:26 class; mile heats, best three in five, for a purse of $700. Three horses started—namely, Barney Kelly, Joe Brown and Bateman. Four heats were trotted. In the first heat Bateman took the lead, with Barney Kelly second and Joe Brown third. At the turn Joe Brown went to the second place, and the horses kept these positions around the upper turn, down the half-mile stretch and past the stand. At the lower turn, going around the second time, Barney Kelly began to push Joe Brown, and on the backstretch Joe Brown lapped Bateman, but as they came around into the homestretch Barney Kelly shot to the front and came in winner, with Joe Brown second and Bateman third. Time, 2:30½.

In the second heat Barney Kelly took the lead, with Joe Brown second, and Bateman third, and they kept these positions to the upper turn, when Joe Brown went to the front, Barney Kelly breaking and falling off to the third place; but as they came down the half-mile stretch Barney Kelly succeeded in passing Bateman, but soon lost his advantage, and the horses trotted to the score, coming under the wire, Joe Brown first, Bateman second, and Barney Kelly third. Time, 2:28¾.

In the third heat Barney Kelly took the lead, with Joe Brown second and Bateman third. At the turn Joe Brown went to the front, and, although pressed hard by Bateman throughout the heat, came in winner, Bateman second and Barney Kelly third. Time, 2:31.

In the fourth heat Joe Brown and Barney Kelly got off well together, with Bateman third; but at the turn Barney Kelly left his feet and fell to the third place, and these positions were kept throughout, Joe Brown winning the heat and race. Time, 2:28.

Barney Kelly took the second money and Bateman the third. Before the race Joe Brown was the favorite.

SUMMARY.

FIRST RACE.—For horses in the 3:00 class; mile heats; best three in five, in harness; for a purse of $400, the winner to receive $250; second horse, $100, and the third $50.

Dora	2	2	2	1	1	2	1
Oscar	1	1	3	3	4	3	2
General Hunton	3	3	1	2	2	1	3
General McArthur	4	4	4	4	3	dr.	

Time, 2:42¾—2:43¾—2:42½—2:40¾—2:44—2:43—2:45¾.

SECOND RACE.—For horses of the 2:26 class; mile heats; best three in five, in harness; for a purse of $700; first horse to receive $450; second $150 and third $100.

Joe Brown	2	1	1
Barney Kelly	1	3	3
Bateman	3	2	2

Time, 2:30½—2:28¾—2:31—2:28.

BEACON PARK RACES.

BOSTON, May 11, 1876.

The spring trotting meeting at Beacon Park was inaugurated to-day with two races.

Five started in the first race, for the three minute class, purse $200, and it was won by the brown mare Georgie M., in 2:49½, 2:40¼, 2:48.

The second race was for the 2:38 class. Two horses started. The gray mare Jennie won in 2:30, 2:40½, 2:39.

MR. BELMONT'S STABLE BURNED.

NEWPORT, R. I., May 11, 1876.

The elegant stable of Mr. August Belmont, of New York, on Bellevue avenue, was burned down this afternoon despite the exertions of the firemen. The latter owing to the grand trades procession, which was in line, did not get the alarm until some time after the fire broke out. Mr. Belmont's English drag and other carriages were removed in safety, as were also the statuary and vases which decorate his extensive grounds during the summer season and which were stored through the cold weather in the stable building. The stable was insured through New York agencies, hence the amount of insurance is not known here. Loss, $7,000. Many valuable trees and shrubs were also destroyed and the grounds were considerably damaged by the engines. The fire is believed to have been the work of an incendiary, as the stable doors were all locked and the windows nailed down. The gardener in charge was in New York.

SKYLARK AND THE DERBY.

The famous bay colt Skylark, by King Tom, out of Wheatear, owned by Lord Falmouth, was the favorite for the Derby until the Two Thousand Guineas was decided on the 3d inst. At that time Lord Dupplin's Petrarch supplanted him in the attention bestowed by the bookmakers on the candidates for the great race which is to be run May 31. Notwithstanding this fact is looking them in the face, however, there are hundreds of the shrewdest turfmen in England who yet believe Skylark cannot be beaten the Derby distance—one mile and a half. Consequently in betting circles there the opinions expressed by the friends of the favorite candidates are numerous and exceedingly diverse. It will not be many days before similar expressions are heard on this side of the Atlantic and in the pool rooms of New York. Within the past two or three years there has been much betting in this city on the Derby, and the present contest will, no doubt, cause a lively speculation on the best known candidates engaged.

With this view of the matter it may not be uninteresting to give the HERALD readers an idea of the latest allusions found in the English sporting journals regarding Skylark, against whose chances for victory in the Derby there has been determined hostility since Petrarch captured the Two Thousand Guineas. Says the Newmarket Commissioner of the London *Sportsman* of recent date:—

Skylark has wintered uncommonly well, and might, without any stretch of imagination, be taken for a well furnished four-year-old. Opinions are, however, about equally divided between good judges as to whether his hocks will stand the ordeal of a preparation for the Derby. Of course they have undergone the best possible treatment, both during his two-year-old career and since he ran at the Second October Meeting. If Skylark were a hunter, or a horse to be used for ordinary purposes, I should say that the dressing which his hocks—and particularly the off one—have undergone would have had the desired effect, and that they would never trouble him again. So far as he has already progressed in his preparation I cannot perceive that the ulcerder has affected his action, and it will not be until the ground becomes hard that his backers will have anything to fear as to his being able to "weather the storm." For the present no man can pretend to say whether Skylark will give way or not in his preparation, though there are plenty of people who will venture an opinion on the off chance of their being right, when they really know nothing as to the nature of the ailment. On the contrary, those who are more anxious to arrive at a reliable, sound and decided opinion on such a difficult point are, I am quite certain, unable to do so at present. Besides the curb on the off hock of Skylark, the joint is coarsely formed all round. Horsemen and veterinary surgeons will quite understand me when I say that it is this particular disarrangement of the hock, rather than the thickened and now callous ligament known as curb, that is liable to be affected by the inevitable "jar" arising from continual gallops on hard ground during a Derby preparation. Whether the very grand-looking son of King Tom will succumb to the threatened danger remains to be seen. For my own part, I would sooner take 3 to 1 about him on the day of the race than 5 to 1 at the present time.

"Augur," the shrewd special turf writer in the *Sporting Life*, 26th ult., thus briefly refers to the Son of King Tom and Wheatear:—

Skylark has been in great force for the Derby of late, and the continuous outlays in his favor have brought him to the diminished odds of 5 to 1. I believe that but small fears are entertained of his standing a preparation, and as his executable has as yet been unannoticed by the stain of defect, his friends may well retain confidence. That he is by far the best of the Heath House three-year-olds I have no doubt, and this circumstance alone must ever entitle him to respect.

Again, on the 29th ult., the same writer in his leading article has this rather facetious reference, owing, no doubt to the thousand and one rumors always flying about regarding the favorite of such an event as the Derby. He says:—

At the same time, it may be noted as a curious fact that Newmarket horses have more things happen to them, on the average, than any other horses. Skylark is one of the latest instances, and it is now averred that he is subject to attacks of colic. In some quarters it is asserted that Skylark is lame in front, and by others that he has been lame behind ever since the Biennial at Newmarket. I expect to hear shortly that he has had an attack of the megrims, that he was born with a chinked back, and that he has a stone in each of his kidneys weighing 7 lbs. apiece, so that his jockey will be able to ride 14 lbs. less than 122 lbs., and that on the horse dropping down dead after passing the winning-post first, an eminent veterinarian will be called upon to open the body in the presence of the stewards of the Jockey Club, and the 14 lbs. weight of calcutt being brought into the weighing-room, the horse will be allowed to have carried the proper weight, and the jockey be declared "all right." It is difficult to determine whether there are genuine grounds or not for the outbreak of hostility against Skylark for the Derby. Simultaneously, there is no getting over the fact that within the last few days he has, for some reason or other, been out of favor in quarters usually supposed to be well informed. Next week Skylark is certain to be subjected to a fierce ordeal of criticism, while, should he fail to go to the post, or should he be beaten in his engagement for the Coffee Room Stakes on the opening day, wherein Forerunner is entered, it may be anticipated that the smouldering fire of hostility toward his Derby chance will burst into a flame.

The *Sporting Times*, 29th ult., contains this sententious allusion:—Skylark is "right."

ATLANTIC CABLE AT EPSOM.

ONE OF MR. A. B. STOCKWELL'S NEWLY ACQUIRED TWO-YEAR-OLDS.

The HERALD readers will, no doubt, remember that on the 27th ult. it apprised them by cable that Mr. A. B. Stockwell, the New York gentleman who had made extensive purchases of thoroughbreds in England, had with one of his newly acquired two year-olds won an important stake at Epsom. This was the Westminster Stakes, about five and a half furlongs, which closed with thirty subscribers. Six came to the post, and Mr. Stockwell's chestnut colt beat the other youngsters easily by a length. After the race Sir George Chetwynd named the winner Atlantic Cable. Of him the London *Sportsman* says:—

Atlantic Cable was another two year-old winner at Epsom, and Mr. Alden, the assumed name of an American gentleman, is to be congratulated on winning a race the first time of asking. Celerrima, the dam of Atlantic Cable, was bred by Lord Falmouth, and the best of her produce up to the time the "Cable" was foaled were Hopeful and Celer.

The *Sporting Times* has this reference:—

Atlantic Cable, the winner of the Westminster Stakes, is of a better stamp (than other two-year-olds that ran at Epsom), and there should be a bright future before him. He is by Macaroni, out of Celerrima, and is the property of an American gentleman, who has spent a fortune in blood stock in England. Atlantic Cable, who is one of the Cobham youngsters, looks like staying.

THE POLO CLUB GROUNDS.

[From the Sun, May 11.]

The Polo Club's grounds, in the northwestern portion of Jerome Park, are rapidly assuming shape, much to the astonishment of the staid people in Westchester county. * * * Mr. Lawrence Jerome has spent much time in personal supervision of the work, and probably on the 1st of June the elegant house will be opened to the members of the club and its guests. Jerome Park is a synonyme for brilliant contests on the turf, and the name recalls beautiful women, excited men, champagne glasses, lunch baskets and fast horses; and now, with the Polo Club, the park is bound to be more attractive than ever.

The game of polo