

THE GALLERIES

THIS CONSTITUTES REPLY TO ACCUSATIONS

Washing of Dirty Linen Continues With Affidavits on One Side and Threats on the Other

By Jay Davidson

Falling back on the usual arguments of threats, insinuations and intimidations, James Woodlawn Brooks, formerly of East St. Louis, has again in the California Jockey club during the lifetime of Caesar Young, still later of Agricultural park when the celebrated Bilefish-Kenilworth race was run and still later of West when the Bearcatcher-Handzara-Cruzaed race was run, rests his case with the statement that "certain newspapers have been subsidized and I will call names unless they quit fighting me."

This constitutes his reply to the accusations of one-third of the horsemen racing at Ascot and representing practically all the owners of horses that have won handicaps and stakes during the present meeting.

The washing of dirty linen continues with affidavits and emphatic talks on one side, and threats and intimidations in defense. The Brooks case is confined to admissions that he believes the ancestry of his accusers as they appear in his mind and the game continues to suffer under a repression of absolute facts and the inertia of those who are charged with protecting and advancing the establishment, and under the management of James Woodlawn Brooks during the entire time. When reputable horsemen of wealth, prominence in the turf and business world and of character as private individuals seek reasons for wrongs they believe to have been sustained, facts must be suppressed or the sport be made to suffer, and these men who have acquired reputations as true sportsmen and reputable citizens in their respective homes are subjected to the ignominy of aspersions when they come to Ascot and dare fly into the face of the august Brooks and his bullying methods of management in the greatest and finest race course on the coast.

It is said that the board of directors of the Los Angeles Jockey club have promised consideration of the charges which the horsemen have preferred against Brooks in their respective homes, were regardless of the strenuous denials of Brooks and others, fled and brought to the attention of the governing body many weeks ago, but were not considered in their respective homes as a desire to avoid the scandal which has come as the natural result of publicity.

The board of directors is the sole and arbitrary power of decision in this affair and should consider and make a decision against the protesting owners, Brooks would be vindicated and the track would emerge from the cloud which now envelops it.

To refuse to consider the charges, when made by reputable horsemen and patrons of Ascot, is to give color and added credence thereto. These charges constitute the interest of the public in the affair and a fair investigation will set the public mostly and the verdict will be accepted as final. Otherwise, not.

Brooks may be as innocent of the charges as a rank outsider, but it is in justice to the horsemen, all true sportsmen and supporters of the racing game that a full, fair and frank consideration be given them and conviction or vindication must necessarily follow. All interested, including Brooks, should demand this investigation.

Charges have also been made against "Boots" Durnell, one of the most prominent horsemen of the country and known throughout the United States, England and France, especially all three.

These charges are of such a serious nature that the public, which supports the racing game, has a natural interest in demanding a full, fair and frank investigation.

The public takes no sides in this affair, but the race-going public pursues the developments with an interested avidity which denotes the interest that is felt in the welfare of the sport.

Charges are lightly made, but when backed by affidavits, wherein the accuser is guilty of perjury or is sworn to the truth, the inference cannot be the portion justly due.

The Herald has presented the facts or alleged facts as they have been advanced from all sources, using them as news items, and C. C. McCafferty expresses no sentiment as to the justification of the charges nor voices opinion as to the probable outcome of an investigation.

A simple and full justice should be the portion of both sides, regardless of the effect, and the controversy was approached to that point where action and not excuses or threats will suffice.

Official Rulings

Judges Hamilton, Cole and Pomeroy yesterday announced decisions in relation to the protests filed with them by C. C. McCafferty as regards the race on February 2 and 3. McCafferty's protest regarding the claim upon Cutter and the racing of Toupee in the name of Durnell.

In the matter of protest of McCafferty as to the claim of Durnell by W. T. Williams, the judges decided that the claim was invalid and of no effect and ordered Durnell returned to the original owners, Williams, who made the claim, was fined \$100, and F. T. Wood, who borrowed the money from J. J. McCafferty, who made the loan, were fined \$100 each. The official verdict is as follows:

"Official ruling—C. C. McCafferty protest against W. T. Williams.

The protest of C. C. McCafferty against W. T. Williams regarding the mare Durbar out of the sixth race on February 2 is sustained. The evidence discloses the following facts:

"First—That part of the money for the claim of Durbar was furnished or loaned to Fred T. Wood by J. J. McCafferty, who in turn loaned the money for the claim of the mare to W. T. Williams and wrote out the claim for him. After Durbar was awarded to Williams under his claim she was sold to Fred T. Wood for an advance of \$170 over the claiming price and subsequently sold by Wood to J. J. McCafferty for \$70 less than he paid for her.

"While all the parties to these transactions claim that they are legitimate and regular and are merely in the nature of horse trades, the judges are of the opinion that they constitute practices in violation of the rules of racing and derogatory to the best interests of the turf.

"It is therefore ordered, that the claim of W. T. Williams on the mare Durbar be annulled and the mare or

HERALD'S ASCOT FORM CHART

ASCOT PARK, Feb. 19. Presiding Judge W. A. Hamilton. Starter J. J. Holtman. Weather clear, track fast.

Table with columns: Index, Horse, Wt., St., Jockey, Op. Cl. for 1082 First Race—Six furlongs, four-year-olds and upward, selling.

Table with columns: Index, Horse, Wt., St., Jockey, Op. Cl. for 1083 Second Race—Four and one-half furlongs, two-year-olds, selling.

Table with columns: Index, Horse, Wt., St., Jockey, Op. Cl. for 1084 Third Race—Futurity course, three-year-olds.

Table with columns: Index, Horse, Wt., St., Jockey, Op. Cl. for 1085 Fourth Race—One mile, four-year-olds and upward.

Table with columns: Index, Horse, Wt., St., Jockey, Op. Cl. for 1086 Fifth Race—One mile and fifty yards, three-year-olds and upward, selling.

Table with columns: Index, Horse, Wt., St., Jockey, Op. Cl. for 1087 Sixth Race—Six furlongs, four-year-olds and upward, selling.

ded to be returned to the custody of the owner, in whose name she ran in said race, and that W. T. Williams be fined in the sum of \$100 and Fred T. Wood and J. J. McCafferty be fined the sum of \$100 each.

The Cutter Case

In deciding the issues in the matter of protest of C. T. Boots as regards the running of Toupee in the name of Durnell, the judges ruled that the claim of McCafferty in a race won by Toupee, the judges annulled the claim of Cutter, fined Durnell \$1000, disqualified Toupee in all races run in the name of Durnell, and the claim of McCafferty in all races run in the name of Durnell.

Official ruling—C. T. Boots against C. E. Durnell.

In the protest of C. T. Boots against the winning of a race by the horse Toupee on January 23, 1906, upon the grounds that Toupee was not the property of C. E. Durnell, but was the property of C. C. McCafferty, the evidence discloses the following facts:

"First—That Toupee was bought out of a selling race in San Francisco by C. C. McCafferty on December 13, 1905, and was shipped to Los Angeles after four races over the Ascot Park in the name of C. E. Durnell on the dates of December 21, 25, January 3 and 6. Shortly afterward Toupee was shipped back to San Francisco and on January 12 and 13, McCafferty ran two races on the Oakland track in the name of C. C. McCafferty.

"Second—That before shipping Toupee to Los Angeles C. C. McCafferty wrote a letter dated December 16, to J. J. McCafferty, in which he stated 'I send Toupee to Los Angeles with Durnell. I arranged for Durnell to run him as his horse. He has a good reputation as a jockey. This letter is in evidence before the judges.'

"Third—That C. C. McCafferty, when in Los Angeles on February 3, stated that Toupee was his horse and was not the property of C. E. Durnell at the time he ran in Durnell's name at Ascot, with which statement said Wood and McCafferty have filed with the judges sworn affidavits.

"Fourth—Two bills of sale for Toupee dated December 19, which are so contradictory in their terms as to appear that they were manufactured to suit the occasion. Also three telegrams showing the transfer of Toupee from McCafferty to Durnell and subsequently from Durnell back to McCafferty, also the positive statement of C. E. Durnell, and C. C. McCafferty, that the sale of Toupee was legitimate and regular.

After carefully weighing the evidence the judges are of the opinion that the claim of Toupee for the race on February 2 is sustained. The evidence discloses the following facts:

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Cadillac. Repairs, Storage and Supplies. Lee Motor Car Co. 1218-20 South Main Street.

Carload Glide Touring Cars. Seats five, 18 h p \$1250. Supply Limited.

MADDED HORSE THROWS RIDER. ARRAGOWAN RUNS WILD AT EMERYVILLE.

Animal Throat Jockey Walsh Against the Fence and Veterinarians Will Investigate Strange Actions of the Racer.

By Associated Press. SAN FRANCISCO, Feb. 19.—Arragowan ran away during the third race today and threw Jockey Walsh against the fence. Detectives took charge of the horse and veterinary surgeons are making an investigation with a view of ascertaining the cause of the strange actions of the animal.

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The Broadway Department Store. LIBERAL GROCERY SAVINGS. Bargains Made Possible by Independent Buying and a Large Outlet.

Swift's Premium Hams 14c Pound. Swift's choice premium hams; the kind that sell in the trust stores at 18c a pound; good size, weighing from 8 to 10 pounds.

Swift's Winchester Bacon 16 1/2c Pound. Swift's celebrated Winchester bacon; you know the kind and what you pay for it in the trust stores.

SHREDDED WHEAT BISCUIT. The well-known breakfast food; limit 2 packages to a customer; sells regularly 2 packages for a quarter in trust stores. Today, the package 9c.

Thursday, February 22nd Washington's Birthday. FREE HATCHETS. Thursday, February 22, will be Washington's birthday. Following our usual custom we will on that day distribute 5000 sword hatchets free.

Basement Bargains. White covered combinettes or sofa sets with hall table; regular price \$1.18; today 98c.

MR. AND MRS. LONGWORTH ON HONEYMOON TRIP. TO VISIT TAMPA, FLORIDA, AND HAVANA.

While Waiting for Train Little Girl Secures Autograph of Both Bride and Groom—Automobile Brought Into Play.

ASCOT ENTRIES. FIRST RACE—Purse; maidens; two-year-olds; 4 furlongs.

THIRD RACE—Purse; 5 1/2 furlongs. (1907) Lilly B. 105.

FOURTH RACE—Purse; 1 mile. (1907) Ebony 102.

FIFTH RACE—Selling; Brooks Course. (1907) St. Louis 102.

SIXTH RACE—Selling; 6 furlongs. (1908) Tim Hurst 105.

DEATHS OF THE DAY. John Crawford, Porterville. BAKERSFIELD, Feb. 19.—John M. Crawford, a pioneer of this county, died today at Porterville, after a long illness.

ACCIDENT MAY END FATALLY. Ukiah Pedestrian Falls in Electrified Pool and is Rendered Speechless.

PLAYGROUNDS WANT A GAME. The Playground baseball team is desirous of trying conclusions with any grammar school nine in the city.

Match Gans and Sullivan. Special to the Herald. SAN FRANCISCO, Feb. 19.—Joe Gans and Mike Sullivan have signed articles to fight a twenty-round battle on the night of March 16 in Los Angeles, before Morris Levy's club.

Sinaloa—Wealth-Seeker's Goal. Sinaloa, Mexico, has all the elements and advantages that have made California famous.

Sinaloa Land Company. Conserv. Life Bldg., Los Angeles, Cal.

Pale and Schlitz Bavarian. Erlanger. On Draught at Jos. Melzer & Co. 141-147 S. Main.

Train Reaches Charlotte. BY ASSOCIATED PRESS. CHARLOTTE, N. C., Feb. 20.—The train bearing Representative Longworth and Mrs. Longworth arrived at the Southern railway station here shortly after 2 o'clock this morning on the journey south.

ILLINOIS WINS FAMOUS CASE. Justice Holmes Decides Chicago Has a Right to Dump Sewer in River.

ROBBERS HOLD UP A FREIGHT. BY ASSOCIATED PRESS. CHICAGO, Feb. 19.—Three robbers last night held up a freight train on the Chicago, Milwaukee & St. Paul road at the Ashland avenue crossing and, after compelling the engineer and firemen to give up their watches, the bandits made them leave the engine and walk down the tracks.

Instruments Record Earthquake. BY ASSOCIATED PRESS. VIENNA, Feb. 19.—The instruments of the imperial meteorological department today recorded an earthquake center, which was 7500 miles off. The movement lasted from 3:22 a. m. to 5:30 a. m.

IT'S VERY FUNNY. That some people will insist on drinking poor whiskey when they can get the best—that is JESSE MOORE. H. J. WOOLCOTT, Distributor, 124-126 North Spring St.