WASHINGTON.

Secretary Fish's Reflections Upon the Great Spanish Victory.

The Beaming Smile Changed Into Weird Chagrin.

OUR SPANISH CHRISTMAS BOX.

The Great Financial Question of the Day Agitating Congressional Minds.

NO TAXATION.

The Confirmation of Attorney General Williams Very Doubtful.

WASHINGTON, Dec. 14, 1873.

Secretary Fish Dreads the Scrutiny of Congress—Spain's Victory Over the United States—The Salute To Be Fired on Christmas Day, Being, Therefore, a Customary Ceremony.

From a prominent official, who is in the secrets of the administration, and whose intimacy with the Secretary of State makes his opinions valuable, I have received the following:—

Now that time has intervened for a more deliberate view of the whole case of the Virginius than heretofore, Secretary Fish is less disposed to plume himself on the course of the State Department in respect to the Virginius affair, and is not confident that when all the papers get before Congress the policy of the department will receive unqualified commendation. It is feared that the position that Congress may take on the subject will be that, for the sake of wringing from the Spanish government a reluctant and qualified agreement to do what ought to and would have been done spontaneously and instantly by any other government claiming the reciprocal rights and privileges observed among civilized Powers, the State Department, in its protracted negotiations, the protocol with Admiral Polo, and in the subsequent proceedings relative to the execution therof, has virtually bartered the dignity of the government, as well as the opportunities of justifiable intervention afforded to the United States by the flagrant outrage against this country, consummated in the seizure of the Virginius, and the almost indiscriminate slaughter that followed it. Besides this, the rights of those who failed to realize the protection supposed to belong to the flag of the Virginius have been remanded to the paltering remedy of a long winded diplomatic discussion between the two governments, as likely as not to spread itself over years before the promise of a reference to arbitration is resorted to, and all this, as many Congressmen already have said in conversation on the subject, in the face of a fact as plain as daylight itself, under any theory set up on either side, the capture of the vessel was without the shadow of right, and the subsequent executions, even when glazed over with the form of martial law, pure and simple murder, and that there was nothing in the whole proceeding to justify the slightest concession on our side to the Spanish government. There is little doubt that when the subject does get before Congress it will provoke vehement denials that the miscalled settlement made of it through the present Secretary of State has any right to stand as a fair deduction from what previous administrations have done in cases requiring the vindication of our flag or a proper precedent to be observed by the successors of Mr. Fish in cases that may arise hereafter. The sneaking manner of the actual surrender of the vessel is not thought likely to increase the satisfaction of either the Secretary or Congress at the issue worked out of the question by the State Department. As it is too late now to begin anew the practical side of the discussion in Congress, when it comes on, it is deemed likely to be the urging on of the administration to a more peremptory attitude towards the whole Cuban question, with the view of settling it in a manner consistent with our wounded pride, our duty toward the struggling Cubans and our material interests. Now the facts, divested of diplomatic language, are that while the administration would gladly proclaim a great triumph, the aggravating source of our recent bluster has been annihilated by Spanish diplomacy. The administration began with a concession which was intended to be creditable, and that was—the Castelar government is weak, so far as it represents republican ideas among monarchical Powers. When our demands were received in Madrid, Castelar represented that the language used was stronger than in a literal interpretation was intended, and, instead of acting on the proposition, rewrote the demands in Spanish, and, as rewritten and translated by the Spanish Minister, Admiral Polo, they were submitted to Secretary Fish and dignified with the name of protocol. In addition, the salute to the flag, which is stipulated to take place on Christmas Day, would have been fired on that day without regard to the Virginius matter, and the Spanish authorities in Cuba will carry out the custom of saluting the flags of all nations on the 25th inst. as the Catholic idea of "peace on earth and good will to men," as well as the Christmas greeting of Spain to all the peoples of the earth. It is further alleged that the victory of Spain over the United States is narrowed down to a pecuniary matter. For nearly half a century the Peninsular government has found a wayward colony in the island of Cuba; her authority has been defied both in word and act. Now, the United States, by threatening the volunteers, has, at a cost of millions of dollars, with no loss to Spain, enabled the Castelar government to say the Captain General is the representative of the Spanish government, and what the government of the United States expects us to do is exactly what we wish you to do. Acting under these instructions Captain General Jovellar has endeavered to impress upon the Havanese that it was not so much the home government that was sustaining him as the United States government, and now that the Casino Español is crushed, General Jovellar master of the situation, with our navy to give him its moral support, the State Department has prepared the way for the information that a salute to our flag is, after all, only a diplomatic ceremony of no significance whatever, but merely a matter of formality, such as the sealing of a document or the witnessing of a signature.

"We have been outwitted," remarked a member of the Committee on Foreign Relations to your correspondent. "It has cost us $15,000,000 to pretend we were preparing to maintain our rights and sustain the dignity of the flag on this Continent. It turns out that the money spent just suits the Spanish government, for at our expense she is now able to do what she has not been able to do since 1825, and that is compel obedience to her authority. Castelar might truly say, with the starving woman who prayed for help and believed her petition was answered when mischievous boys threw loaves of bread down the chimney, 'The devil may have been the servant, but the Lord furnished the nourishment.'"

The Triangular Duel Between Retrenchment, Increased Taxation and Inflation—How "Permanent" Appropriations May Be Reduced and What Is Said of Them.

There is a general distrust among members of both Houses of Congress relative to an increase of taxation for the purpose of meeting the existing and anticipated deficiency in the revenue. This feeling is stronger with the republican than with the democratic members, the latter contenting themselves with disavowing responsibility for either the deficit or the vast expense of maintaining the peace establishment of the government, and predicting that, overlooked as it now is, the republican party can never go to the polls successfully after a restoration of war taxes and the exposure of the emptiness of the cry of economy and reduction of the public debt, on which the Presidential contest of last year was chiefly fought in the rural districts. The foresighted among the republicans look at the matter in just about the same light, and are anxious to escape the danger by averting the necessity of the new taxes that Secretary Richardson asks for in his purely ministerial character as keeper of the public treasury. The New England and Middle States Congressmen favor reduction of expenditure if it is only in a small degree, but they are not very clear as to where any considerable saving is possible. The Western and Southern members, to a considerable number, favor, on the contrary, a liberal expenditure by the government wherever it can relieve the prostrate industries of the country, and think the convertible three-sixty-five bond would furnish the means without restoring a dollar of abandoned taxation. The advocates of retrenchment, looking over the estimates, find them to be $319,000,000, against $306,000,000 of actual appropriations for the fiscal year ending with next June, and without the several millions that Congress generally appropriates during the session without regular estimates made by or through the Treasury Department.

Some of the largest yearly appropriations are permanent—that is, not actually passed every year, but running till altered or repealed. Among them, those for collecting customs, $6,500,000; expenses of the national loan, $2,250,000; Pacific Railway interest, nearly $4,000,000; interest on the public debt, over $97,000,000, and nearly $30,000,000 for the sinking fund. It is thought that a million and a half could be saved on the customs if members were willing to reduce their patronage and electioneering facilities, and there might be a reduction of half million on the loan by real economy. The exhibits offer no subjects for the pruning knife. If the Salary bill passes in honest form, there will be a cheese-paring saved in that, and the public printing and binding could be made to yield half a million, or even three-quarters, if the executive departments would join in an effort. The Internal revenue service, costing $5,000,000 and collecting $100,000,000 and more, claims to be on its smallest possible basis without sacrifice of revenue. The revenue cutter service, costing over $1,000,000, it is thought might be retrenched if seriously looked after by Congress. The administration of federal justice, costing $3,500,000, is thought by economical New Englanders to be too heavy by far, considering the kind of justice administered south of the Potomac and the suppression of the Ku Klux; but it is found that that service—as federal jurors at $3 each—is the only substantial means of support possessed by many useful henchmen of the party in the Southern States, and for this the appropriations and estimates are not too great. Our Ministers and Consuls cost about a million, which might be, but are not likely to be, reduced one-third by suppression of useless stations or superabundant officers, the salaries not being too high anywhere. The army wants $34,000,000 and is existing meantime on $32,000,000, and certain zealous gentlemen in Congress are going to give especial attention to increasing the combative power of the military establishment, while at the same time lopping off superfluous and ornamental attachments, and saving, at one whole transaction, several millions of useless expenditure. The navy will, doubtless, escape reduction this year, and may even get increased appropriations through the opportune occurrence of threatening weather in the Gulf and along the coast. The Indian peace policy calls for more than $750,000,000 millions, which is much less than a mingled impolicy of war and peace; but Congress is likely to distribute the Indians' share of the financial burden among the tribes by keeping the appropriation at its present figure of $1,000,000, or so less. Pensions cost $30,000,000 and admit of no material reduction. Public works are down for $33,000,000, against an appropriation of a third of a million beyond $24,000,000 for the existing year. Here is where the greatest saving is possible. Fortifications call for $3,500,000, river and harbor work two-thirds of it more, Congressional jobs more than $15,500,000 and $1,000,000 for the public buildings and grounds about Washington, exclusive of the Capitol and the street improvements of the local authorities around government property. Custom House and Court House buildings, many of them in ambitious young towns, call for $8,000,000.

It is believed that on an issue between increased taxation and retrenchment $10,000,000 a year for all the objects demanding between three and four times that sum would stop the leaks and breaches till better times return. The expense of opening up the public lands to settlement is put down for next year at $1,750,000. But this will, beyond doubt, be pruned one-third or more, unless it appear that settlement would be impeded thereby, which is not likely for a year or two to come while times are bad and so many railroads are crowding the government in their efforts to tempt the settlement of their land grants. Altogether the triangular duel in Congress between retrenchment, increased taxation and inflation of the currency promises to be both lively and interesting.

A Conflict in Regard to Mr. Williams' Confirmation—The Executive Working for Him, but the Judiciary Committee Hostile.

It is confidently asserted to-night by the friends of Mr. Williams that he will be confirmed as Chief Justice to-morrow by a strict party vote. It is also said that the President has made the confirmation a personal matter, and has caused it to be given out that any Senator voting against Mr. Williams will forfeit the friendship of the Executive. The President is displeased at the personal attacks made upon the nominee, and has followed the example of President Jackson in using his influence in favor of one who has been attacked on personal grounds. But, in spite of the confidence felt by the friends of Mr. Williams, it is asserted with equal positiveness among Senators to-night that he will not be confirmed. Though the Judiciary Committee cannot agree, yet the members are said to be opposed to the confirmation, Conkling and Frelinghuysen excepted. Edmunds, the chairman, Carpenter and Wright, and the democratic members of the committee, Messrs. Thurman and Stevenson, criticise the appointment as one that cannot have their support. The motives of Senator Conkling are ascribed to be his aspirations to the Presidential nomination in 1876, and his desire to keep the good will of the President.

A Bill Extending Greater Facilities to Loyal Sufferers from the Rebellion for a Hearing.

Representative Cobb, of North Carolina, will tomorrow introduce into the House, for reference to the Committee on War Claims, a bill extending till March 3, 1875, the privilege of loyal Southerners to present claims before the commission here for property used by the Union armies in the rebel States during the rebellion. The sudden termination of the right to file claims by the last Congress left a good many claimants out in the cold, and there is a demand all over the South for the extension of time the bill proposes to grant. The bill goes further, however, and proposes to remove the strict technical construction put by the Claims Commissioner on the terms "stores and supplies," as used in the organic act of 1871, and under which they have declined jurisdiction over any claims for the use of buildings occupied as barracks, hospitals or storehouses or for other military purposes, and provides that they shall entertain such claims where the owners were loyal to the United States and the occupation of the premises embraced a period of thirty consecutive days. This particular limitation is introduced for the purpose of avoiding the consideration of cases of mere transient occupancy where any claim for rent would be too insignificant for prosecution, and the demand, in whatever form it might be put, would be really one for damages and not a matter for compensation under the present views in Congress and the opinion of the President as expressed in two or three vetoes on relief bills passed for Southern claimants. The bill also attempts to deal with the subject of how far Congress should now recognize the difficulties surrounding Union men in the South in the rushing days of secession, when there appeared to be little chance of anything surviving of the Union but its past history. It provides that submission to the *de facto* authority of any State while the authority and protection of the United States were subverted and in abeyance, or compulsory service in the rebel State militia in the early days of the rebellion, or in the Confederate army after due service of notice under the conscript acts, shall not be held by the Claims Commission as conclusive evidence of disloyalty where a claimant's rebellion record is clear in other respects. The bill lastly attempts to remedy the yearly and entirely *pro forma* disallowance of large numbers of claims for want of sufficient proof by requiring that the Claims Commissioners shall give a claimant an opportunity to rebut presumptions against the claim before reporting it to Congress, but that having done so the report shall be final and not be as now, subject to reconsideration.

Conflicting Demands of Sections for Transportation Routes.

From conversations with members from the South and West who are interested in the problem of cheap transportation to the seaboard, it appears that a strong effort is to be made to prevent railroad legislation this session, unless aid be given to some of the great projects already proposed for bringing about increased facilities for carrying the products of the great Northwest to market. The project upon which the Western and Southern men propose to unite, if united action can be brought about, is the construction of the Fort St. Philip Canal and the dredging of the Mississippi River. This route, they claim, is the cheapest and the best, and will give to the great Northwest a market for all her cereals. There is a strong sectional feeling about the matter, although some of the members put it on a broader basis, and claim that all the States will be benefited, and Representatives should, therefore, act together in the matter. One gentleman remarked to-day that the feeling in the Northwest is particularly strong, and they think there that the railroad and money power of the Eastern and Middle States has too long prevented that section from receiving any aid whatever. It is apparent that the James River and Kanawha Canal scheme is to have a strong backing by those who are interested in its success, and that no compromise will be made with the Northwest or South that will interfere with the carrying on of this work. On the other hand the members from the Mississippi Valley say they will stand firm this session, and if they fail to get what they want they will renew the fight again next year.

The Chief Justiceship Bouquet.

Mrs. Attorney General Williams was enraptured when, ten days or so since, she received an elegant bouquet from Mrs. President Grant, with her compliments on the nomination of the Attorney General as Chief Justice. But while "the President proposes the Senate disposes," and it is doubtful whether the power of the administration in the Senate, marshalled by Conkling, can secure the nomination. Should Williams be rejected or withdrawn it remains to be seen whether the President will fall back on his original choice, Caleb Cushing. Fish has been for Caleb from the start, and he may end his eventful life as Chief Justice of the United States yet. But poor Williams!

Madame de Noailles' Parting Ball.

Madame de Noailles will probably give a grand ball (which, *hélas!* is to be her *pour prendre congé*) on the 6th of January. The transfer of her husband from here to the mission at Rome is a promotion, but they would have preferred remaining here during the coming season, as they had just managed to get so installed as to dispense elegant hospitalities.

Cool Reception of the Committee on Ways and Means by the President.

It was announced on Friday that on Saturday Mr. Dawes was to visit the White House, at the head of the House Committee on Ways and Means, to enjoy a consultation with the President upon the financial situation. The committee accordingly repaired on Saturday to the White House, and was ushered into the office of the President, who welcomed them with a grim and sphynx-like smile. He had evidently read the speeches of Dawes and Kasson, reflecting on him, and he was not over cordial; indeed, he did not even invite the visitors to sit down. Simply saying that he trusted that the committee would find "ways and means" for carrying on the government, he exchanged the usual farewell hand-shake, and the committee left, wondering what they had come for. Going to the Treasury Department the little Secretary was equally ceremonious and retentive. But as the committee was again retreating he suggested that they see the Printing of Currency Department, now running on half time, which invitation they accepted. The President and his financial agent were evidently not inclined to receive advice from Dawes & Company.

Resume of the Work Done by the Civil Rights Convention.

The results of the late National Civil Rights Convention, held in this city, are as follows:—The adoption of an address to Congress and the people in behalf of their cause—endorsing Senate bill No. 1, or some bill equivalent to it; the organization of a National Council of Civil Rights, consisting of one member from each State and Territory, with an executive committee located in Washington; all existing organizations are to perform the functions conferred by the Convention; endorsing Senator Sumner and all other friends of progress; thanking President Grant for his courtesy in receiving the members of the Convention and his friendly utterances to them; organizing a Committee on Jubilee to be prepared to celebrate the passage of a civil rights bill (the committee consists of one member from each State and Territory); appointing a National Historical and Statistical Association, to report to the National Executive Committee of the Council subjects relating to the interests of the colored race; resolutions in favor of the independence of Cuba, and endorsing the call for a convention to take measures for the erection, in Washington, of a monument to the colored sailors and soldiers who fell in the late civil war.

Annual Report of the Librarian of Congress.

The annual report of the Librarian of Congress exhibits the fact that 12,497 volumes have been added to the collection during the year closing December 1. The aggregate number of books now in the library is 255,752 volumes, besides about 50,000 pamphlets. In the copyright department there have been 15,352 entries made during the year, and the Librarian has paid into the Treasury the sum of $13,404 as the receipts from copyright fees. This exceeds the entries of the year preceding by about 10 per cent. The Librarian reports the accessions to the library as unusually valuable, including an almost complete set of the county histories of England, purchased in London, and very important as throwing light upon the history and genealogy of thousands of American families. The rapid growth of the library and of the copyright business of the country render the necessity for a new building to accommodate its overflowing collections an imperative necessity. While retaining in the Capitol a sufficiently large library for legislative and judicial use, Congress has already authorized the preparation of plans for a separate building, and the commission appointed to select a plan will shortly make the award of premiums. The location of the building, however, is not yet selected.

BURGLARY IN NEWARK.

Cracksmen Expressing Their Contempt for the Local Police.

Sometime on Saturday night or early yesterday morning "The Club House," a well known "sample room" resort on Cedar street, Newark, kept by a local political celebrity, Major Thomas O'Connor, was broken into by burglars, the safe blown open and robbed of a considerable sum of money, besides some valuable papers held in trust by the Major for various parties. In the safe, also, were some documents having a most important bearing in the way of evidence on the Newark Ring frauds, but these were not disturbed. Before leaving the burglars helped themselves liberally to the Major's best brands of champagne and cigars. They left behind them some of the papers stolen from the factory of Bliss & Drake, which, as recorded in yesterday's HERALD, was broken into on Friday night and robbed. It is thought the burglars left at O'Connor's the papers referred to in order to express their contempt for the Newark police. Last evening Chief Rogers was asked by the HERALD reporter, "Anything new, Chief?" to which he replied in the negative, so that it would appear that he will have to read the HERALD in order to know of the Cedar street burglaries.

TRIBULATIONS OF TROTTING MEN.

The Board of Appeals of the National Association Render an Important Decision—The Alleged Fraudulent Race on the Prospect Park Fair Grounds Last September—The Gray Gelding Hopeful Reinstated, but the Penalty of Expulsion Stands Against Chase and Jarvis.

The Board of Appeals of the National Trotting Association, of which Mr. T. J. Vail was chairman, closed its long and arduous labors late on Saturday night, and yesterday rendered its decisions upon the several cases that came up for hearing. That in which the most interest is and has long been manifested was the case of W. H. Jarvis (driver), L. C. Chase (owner), and the gray gelding Hopeful, expelled by the Prospect Park Fair Grounds Association for alleged fraud in a race September 27 last. The case received a patient and careful investigation, and as will be found in the decision herewith, the Board reinstate Hopeful, but justify the association in expelling Chase and Jarvis, and have ordered that the penalty remain. The decisions in the other cases will, without doubt, be published to-morrow.

W. H. JARVIS AND L. C. CHASE VS. THE PROSPECT PARK FAIR GROUNDS ASSOCIATION—APPEAL AND PETITION.

By a written communication, dated September 29, 1873, the Prospect Park Fair Grounds Association notified the Secretary of the National Association that the appellants and the gray gelding Hopeful were expelled by said Association for fraud committed by the appellants in purposely "pulling" said horse in a race which took place over the course of said Association, on Saturday, September 27, 1873. Upon which and in conformity with rule 51, the Secretary, on the 30th of September, transmitted information to associate members, notifying them of the expulsion of the appellants as aforesaid, but excluding from said notice the gray gelding Hopeful; and on October 1 he communicated to said Association information of his action, and as his reason for so excluding said gray gelding from said notice of expulsion he referred them to the authority and limitations in rule 28, applicable to such cases.

Under date of October 8, the appellants filed their petition by H. M. Whitehead, their attorney, appealing from the order of expulsion as aforesaid, and reciting that the petitioners, said L. C. Chase, of Boston, Mass., and W. H. Jarvis, of New York, and the gray gelding Hopeful, were expelled under the order aforesaid, but claiming that by the decision of the judges of the race, as it appears from the official record, the grounds of the expulsion were that the driver, Jarvis, had "pulled" the horse in the race but whether with fraudulent intent to throw the race did not appear, and submitting that to incur such punishment the driver must pull his horse a heat which he was evidently able to win and with the intent to commit a fraud; and averring that the said Jarvis was expelled because he did not win a heat which the judges thought he ought to win, and which the driver in the exercise of his discretion thought he ought not to win and could not win without imperilling the race. Further claiming that said Chase was expelled for being the owner of said horse so expelled; that the official record does not exhibit sufficient grounds for the expulsion; that the petitioner, Chase, has hitherto borne a good character and is a merchant in good standing and credit, and has suffered in name and credit by reason of published comments respecting said expulsion; that said order of expulsion was unlawful and not warranted by the facts, but was the result of an imperfect understanding of the rules on the part of the judges and also of the pressure and influence of "pool buyers;" that the petitioners had appealed from the decision and order of the judges to the Prospect Park Fair Grounds Association, and that at a special meeting, but lacking a quorum, the matter was considered before the Executive Committee, who formally affirmed the decision and order of the judges, and expressed a preference that the matter should go directly to the Board of Appeals.

The Association, by their Superintendent, produced their official record of the race, and appearing by W. D. Veeder, Esq., their counsel, state to the Board that they do not seek to punish any body, if innocent. The question, they say, presented for consideration of the Board is—"Have the judges done right upon the facts as they occurred at the race?"

The association claimed that when the events were fresh in the minds of the judges who were present and witnessed the race, those judges were more competent to give a proper verdict than persons who may now testify. The counsel claimed that according to article 13 of the bylaws it is incumbent upon the clerk of the course to "record all protests, fines, penalties, and appeals," but not necessarily to set out in detail the premises upon which the decision of the judges is based.

The judges found that the horse, driver and owner had so conducted themselves on that occasion as to warrant the infliction of the penalty of expulsion, and they have inflicted it.

The association say that the recorded judgment is correct, and ask the Board to try that question. Is the order of expulsion legitimate or not? We present the record of the penalties simply, and the Board can review it upon the facts. We plant ourselves upon the ground that if a fraud has been committed, such as rule 48 applies to, the judges did right. We say that the horse having lost two heats in 2:20 and 2:32¼, and having won the three following heats in 2:16 2:27 and 2:25, was some evidence to support the judges in their view of the race. We say, if there was not any act of a fraudulent nature in this race the owner and driver and horse should not be expelled; but if there was such an act, then the judgment and decision were correct.

The Board heard the testimony of numerous witnesses on both sides, and the appellants were examined in their own behalf and subject to cross-examination.

The case received a patient and careful investigation, and upon consideration of all the matters presented the Board arrived at the following conclusions:—

First—That the order of the judges of said race and the action of said association, so far as relates to the expulsion of the gray gelding Hopeful, were not in conformity with the rules, as appears from the record and notice to the Secretary of the National Association; said order of expulsion was based upon the decision of the judges of the race that fraud had been committed by the appellants in purposely "pulling" said horse in the race; for which act rule 28 authorizes the expulsion of the rider or driver, and if the owner shall be a party to such fraud he is to be included in the expulsion. But no provision is made in the rules in reference to the offence recited whereby the horse shall be included in such an order of expulsion. Rule 48, recited as authority for said order, expressly says that "if no special provision is made in the rules to meet the case" the judges shall have power to apply the penalties set forth in rule 48. We hold that rule 28 makes "special provision" for such cases, and therefore that rule 48 has no proper application to the matter.

Wherefore we order that the said order of expulsion, so far as it relates to said gray gelding Hopeful, be reversed, and said gray gelding be exempt from any penalty by virtue thereof, and we approve the action of the Secretary in excluding said horse from the official notice transmitted to associated members.

Second—That in respect to the penalty for acts and things charged against said appellants, imputed to them through the decision of the judges and the facts presented in the record aforesaid, special provision is made under rule 28, by authority of which, and in view of the evidence before the Board, we find said order of expulsion was properly promulgated as far as relates to said appellants.

Third—In respect to the issues presented, and the construction sought to be placed upon the rules, we have deemed it necessary to set forth our intepretation and application of the rules which particularly relate to the matter under consideration, which we do as follows:—

Rule 28 clothes the "judges of the day and race" with authority while presiding, among other things, "to determine all questions of fact relating to the race over which they preside;" and under such a state of facts, as they, the judges, have determined, it is required that their decisions and rulings shall be in strict conformity with the rules or with the principles thereof.

Rule 28 forbids that the action of the judges shall be influenced by any statements and opinions coming from persons who are spectators of the race, excepting those who have been properly appointed to act at the time as "distance and patrol judges," and those who are "owners, riders or drivers in the race." Therefore it cannot be supposed that the Board of Appeals is to admit such statements and opinions to influence their conclusions in reviewing the actions of the judges.

The rules and bylaws considered together confer upon the Board of Appeals authority to review all decisions and rulings of the judges of any race upon facts and questions involving the proper interpretation and application of the rules—(see rule 52)—and to examine all evidence of fraud, or any other matters relating to the turf that is brought before them—(see bylaw 7)—it is always subject to the rules, regulations and bylaws. From these provisions and limitations it follows that it was not intended the Board of Appeals should judge the race *de novo*—in more familiar language, we are not to judge the race anew, and in doing so to admit the statements and opinions of spectators, which the rules forbid the judges in the stand from entertaining nor are we upon an appeal from the decision of the judges of the race to vacate the record as to any facts which they have certified, while we may review all their rulings and decisions pronounced in the presence of those facts, otherwise the functions of the judges would become almost nugatory.

The Board unanimously agree that that portion of rule 28, included in the following words, to wit—"If the judges believe that a horse is being or has been 'pulled,' or has been ridden or driven in other respects improperly, with the design to prevent his winning a heat which he was evidently able to win, and that such act was done on the part of the rider or driver for the purpose of perpetrating or aiding a fraud, they may declare that heat void, and they shall have power to substitute a competent and reliable driver or rider for the remainder of the race"—confers upon the judges a power which this Board has no authority to annul. And in respect to the words in rule 28, to wit:—"And if the result of the succeeding heat or heats shall confirm their belief, the rider or diver so removed shall be expelled;" that the direction given by these words to the judges, to expel when their belief has been confirmed by what they themselves have witnessed, is a power invested in the judges which this Board is not authorized to annul.

The Board concur in the view that the following words in rule 28, to wit:—"And at the close of the race, if they are warranted under the foregoing circumstances in deciding that such improper conduct has changed the result of the race to the prejudice of innocent parties, they shall declare all outside bets 'off,' are to be construed that the power of the judges thereunder to declare outside bets "off" shall be exercised when, in their belief, they are warranted by the existence of those circumstances which are indicated in the rule, and this Board is not authorized to reverse such order of the judges when made as aforesaid.

In respect to the provision in rule 28, to-wit:—"And if the owner or persons controlling the offending horse shall be a party or parties to such fraud he or they shall be punished by expulsion"—the Board concur in the view that these words in the rule make it obligatory upon the judges of the race, if they shall decide that "the owner or person or persons controlling the offending horse" be a "party or parties to such fraud," to impose the penalty of expulsion; but the party so expelled is entitled to a hearing before the Board of Appeals in respect to his guilt or innocence, and have said penalty modified or removed, as in the discretion of the Board shall be deemed proper.

The Board holds that the authority given to the judges (under rule 28) when they believe a horse is being or has been "pulled," or improperly driven, as recited in the rule, applies to the first heat as much as to the subsequent heats in the race. Yet there are sometimes circumstances under which the judges may fairly and wisely defer the application of the authority referred to, unless the race shall by them be deemed to be placed in jeopardy by such delay; and we are of the opinion that a further trial of at least one heat might safely and wisely have been allowed to the driver of Hopeful.

Finally—It is the decision of the Board, in view of the evidence presented and of the grounds taken by the parties, that the rulings and decision of the judges of said race, and the action of the Prospect Park Fair Grounds Association in the premises, so far as relates to Messrs. Chase and Jarvis, be and they are sustained.

[The testimony of witnesses and the facts presented by the official record of the Association, having been published during the investigation, are omitted here.]

RAILROAD ACCIDENT.

COLUMBUS, Ohio, Dec. 14, 1873.

At four o'clock this afternoon a locomotive on the Baltimore and Ohio Railroad, drawing a baggage car and three coaches filled with passengers, started from the depot in apparently good condition, but when opposite the round house, about 500 yards from the depot, and between two freight trains, the boiler of the passenger engine exploded with terrible force, instantly killing Daniel Cooper, the engineer, and throwing David Loughry, a fireman, several hundred yards into the freight yard, injuring him but slightly.

William Walzer, the engineer of the yard engine, attached to the freight train, and Fletcher Bates, a fireman, were considerably injured. The engine was blown to atoms, some heavy pieces being hurled some 500 yards distant.

Two freight cars were demolished, but, strange to say, the conductor and baggage master, who were seated in the baggage car, were not injured.

The cause of the explosion is unknown.

PRINT CLOTHS MARKET.

PROVIDENCE, R. I., Dec. 14, 1873.

Print cloths steady with a firmer tone, especially for lower grades. Sales of the past week, 126,000 pieces, 64 square, including 24,000 extra on hand, at 6c. cash; 25,000 fair standards, January to April, 6c., 30 days; 50,000 extra January to April, 6⅛c., 30 days.

HAVANA MARKETS.

HAVANA, Dec. 13, 1873.

Sugar—Demand active and prices advanced; operations limited owing to the scarcity of classes demanded for shipment; Nos. 10 to 12 Dutch standard, 12 a 13 reals per arrobe; Nos. 15 to 20 Dutch standard, 14¼ a 15 reals. Sugar at Havana and Matanzas—stock in warehouse, 69,000 boxes and 2,500 hhds.; receipts of the week, 900 boxes and 275 hhds.; exported during the week, 29,000 boxes and 75 hhds., including 16,000 boxes and all the hhds. to the United States. Bacon in fair demand at $24 a $25 per cwt. Butter firm; superior American, $44 a $46 per quintal; Goshen, $48 a $50. Flour firm at $24 25 a $25. Hams—American sugar cured firm at $30 per quintal. Lard firm; in kegs, $25 per quintal; in tins, $26 a $27. Potatoes firm. Tallow firm at $20 per quintal. Wax—Yellow firm; white dull at $19 a $22 per arrobe. Honey quiet at 6 reals per gallon. Onions in fair demand. Coal oil firm at 6½ a 7 reals per gallon. Empty hogsheads active at $5 50 a $5 75. Lumber—White pine dull at $40 a $45 per M; pitch pine in fair demand at $45 a $51. Shooks in fair demand at 20 reals for box, 35 a 36 for sugar hogsheads. Naval stores in fair demand. Turpentine, 15c. per lb. Tar, $14 50 per bbl. Rosin, $8 50 per bbl. Hoops quiet. Freights quiet; loading at Havana for the United States, per box of sugar, 50c. a 75c.; per hhd. of sugar, $3 50 a $4; per hhd. of molasses, $3 a $3 50; to Falmouth and orders, 47s. 6d. a 57s. 6d., loading at other ports on the north coast to the United States, per hhd. of sugar, $4 50 a $5; per hhd. of molasses, $3 50 a $3 75; to Falmouth and orders, 50s. a 65s. Exchange firm; on the United States, 60 days, currency, 79 a 80 premium; short sight, 83 a 85 premium; short sight, gold, 98 a 100 premium. On London, 110 a 114 premium. On Paris, 85 a 90 premium.

SHIPPING NEWS.

OCEAN STEAMSHIPS.

DATES OF DEPARTURE FROM NEW YORK FOR THE MONTH OF DECEMBER.

Steamer.	Sails.	Destination.	Office.
Russia	Dec. 17	Liverpool	4 Bowling Green
Wyoming	Dec. 17	Liverpool	29 Broadway.
America	Dec. 17	Bremen	2 Bowling Green
Castalia	Dec. 17	Glasgow	7 Bowling Green
Thuringia	Dec. 18	Hamburg	61 Broadway
Mosel	Dec. 20	Bremen	4 Bowling Green
Spain	Dec. 20	Liverpool	69 Broadway
Hecla	Dec. 20	Liverpool	4 Bowling Green
Adriatic	Dec. 20	Liverpool	19 Broadway.
Anglia	Dec. 20	Glasgow	7 Bowling Green
City of Montreal	Dec. 20	Liverpool	15 Broadway
Idaho	Dec. 24	Liverpool	29 Broadway
Java	Dec. 24	Liverpool	4 Bowling Green
Trinacria	Dec. 24	Glasgow	7 Bowling Green
Hohenzollern	Dec. 24	Bremen	2 Bowling Green
Pommerania	Dec. 25	Hamburg	61 Broadway
City of New York	Dec. 27	Liverpool	15 Broadway.
Italy	Dec. 27	Liverpool	69 Broadway.
Baltic	Dec. 27	Liverpool	19 Broadway.
Parthia	Dec. 27	Liverpool	4 Bowling Green
Georgia	Dec. 27	Glasgow	72 Broadway
California	Dec. 27	Glasgow	7 Bowling Green
Europe	Dec. 27	Havre	58 Broadway
Hermann	Dec 27	Bremen	2 Bowling Green

Almanac for New York—This Day.

SUN AND MOON.			HIGH WATER.		
Sun rises	7 18		Gov. Island	eve	4 57
Sun sets	4 34		Sandy Hook	eve	4 12
Moon rises	morn	2 54	Hell Gate	eve	6 42

PORT OF NEW YORK, DEC. 14, 1873.

ARRIVALS.

REPORTED BY THE HERALD STEAM YACHTS AND HERALD WHITESTONE TELEGRAPH LINES.

Steamship Adriatic (Br), Perry, Liverpool Dec 4, via Queenstown 5th, with mdse and passengers to J Hyde Sparks.

Steamship Mississippi, Quick, New Orleans Dec 6, with mdse and passengers to F Baker. Dec 12, off Hatteras, passed a US steamer with a monitor in tow, bound south.

Steamship George Cromwell, Crawford, New Orleans Dec 6 and Southwest Pass 7th, with mdse and passengers to Clark & Seaman. Had strong easterly gales first part of passage; latter part strong northerly gales; Dec 9, 1:30 PM, exchanged signals with a United States steamship, standing northward.

Steamship Gen Barnes, Cheeseman, Savannah Dec 11, with mdse and passengers to W R Garrison.

Steamship Georgia, Crowell, Charleston Dec 11, with mdse and passengers to J W Quintard & Co. Dec 12, 8 PM, Hatteras light NW 15 miles, passed a steamship having a monitor in tow.

Steamship Wyanoke, Conch, Richmond, City Point and Norfolk, with mdse and passengers to the Old Dominion Steamship Co.

Steamship E C Knight, Chichester, Georgetown, DC, with mdse and passengers to J C Kenyon.

Steamship North Point, Foley, Philadelphia, with mdse to the Lorillard Steamship Co.

Bark Christofor Columbus (Ger), Doebler, Hamburg 71 days, with mdse to Funch, Edye & Co.

Brig Mary B Williams (of Nassau, NP), Hanna, Malaga Oct 16 and Gibraltar 26th, with fruit to Lawrence Giles & Co; vessel to James Henry. Made a southern passage, and had very light trades, with a heavy sea, to lat 30, lon 72; thence to Hatteras fresh easterly gales; Nov 30, lat 22 30, lon 59 45, spoke schr Francis Bailey, hence for St Vincent; Dec 3, lat 24 20, lon 66 40, saw a vessel bearing SSW, with but one mast standing, and, supposing assistance might be required, ran down to her; discovered it to be a schr, waterlogged and abandoned, of about 100 tons burden; the mainmast and jibboom were standing; was painted an olive green, with yellow stripe and elliptic stern; no name on it; a square piece of canvas was tied about half way up the mainmast, as if for a signal of distress; she had evidently been but a short time in that condition; a heavy sea was breaking all over her.

Brig Camilla (Aus), Sovich, Tralee 33 days, in ballast to Slocovich & Co. Dec 10, lat 34 31, lon 71 35, exchanged signals with a British bark steering NE, showing letters LBCJ.

Brig A M Roberts (of Boston), Jenkins, Brunswick, Ga, 17 days, with railway ties to Eppinger, Russell & Co; vessel to S C Lond & Co.

Schr Annie Freeman (of Boothbay), Boynton, Nassau 9 days, with mdse to B J Wenberg.

Schr J B Smith, Tyler, Georgetown, SC, 5 days, with naval stores to Zophar Mills; vessel to Bentley, Gildersleeve & Co.

Schr Lamartine, Allen, Richmond, Va.

Schr Dick Williams, Corson, Richmond, Va.

Schr Carrie Holmes, Downing, Alexandria, Va.

Schr Denie Hastings, Tilton, Virginia.

Schr S J Hoyt, Cranmer, Virginia.

Schr Alathea, Darby, Virginia.

Schr Julius Webb, Cranmer, Virginia.

Schr Three Brothers, Bailey, Virginia.

Schr Hattie Lou, Sherer, Virginia.

Schr Napoleon, Rulon, Virginia.

Schr M G Leonard, Gurgens, Virginia.

Schr Barbara, Hedden, Virginia.

Schr C P Stickney, Matthews, Georgetown, DC, for Bridgeport.

Passed Through Hell Gate.

BOUND SOUTH.

Schr A B Baxter (Br), Baxter, Cornwallis, NS, for New York, 20 days, with potatoes to Wm E Duryea.

Schr Orion, Osborne, Hancock for New York, with staves to Weatherspoon Bros.

Schr Mabel Hall, Hoyt, Rockland for New York, with lime to master.

Schr Anna Myrick, Richards, Gloucester for Philadelphia, with fish.

Schr S S Buckingham, Pease, Hartford for New York.

Schr A G Hazard, Brewster, Norwich for New York.

Schr Elwood Brewster, Jones