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UNIVERSITY OF LOUISVILLE

HORSE RACING IN CENTRAL KENTUCKY AND JEFFERSON COUNTY
(WITH SPECIAL REFERENCE TO CHURCHILL DOWNS)

A Dissertation
Submitted to the Faculty
Of the Graduate School of the University of Louisville
In Partial Fulfillment of the
Requirements for the Degree
Of Master of Arts

Department of History

By

Marjorie Rieser

Year

1944

NAME OF STUDENT: Marjorie Rieser

TITLE OF THESIS: Horse Racing
 in
 Central Kentucky and Jefferson County
 (with special reference
 to
 Churchill Downs)

APPROVED BY READING COMMITTEE COMPOSED OF THE
FOLLOWING MEMBERS:

W. C. Mallalieu

Robert A. Warren

Robert I. Kutak

NAME OF DIRECTOR: W. C. Mallalieu

DATE: July 18, 1944

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Horse Racing in Central Kentucky and Jefferson County
(with special reference to Churchill Downs)

Chapter I
Racing in Central Kentucky
1780 - 1944

Chapter I

The first interest that the Kentucky settlers displayed in the horse was one of usefulness rather than one of sport. As Kentucky is larger than all of New England below Maine plus New Jersey, a good, fast horse was a necessity if any communication was to be kept up not only between settlements and farms but also with the mother state of Virginia.

The vital importance of the horse among the settlers was shown as early as 1775 when the Transylvania House of Delegates met at Boonesborough on the 23rd of May. Nine acts were passed at the meeting, which was held in the shade of the forest trees.....the eighth being an act for improving¹ the breed of horses.

Continual advertisements in the Kentucke Gazette for strayed horses and equipment indicate that a good many settlers owned at least one or more animals.

"Strayed from Capt. Percival Butlers, near the mouth of Hickman creek some time in October last, a bay mare, two years old past, a heavy gray mane, and tail, trots natural, about thirteen and a half hands high. Whoever takes up said mare and delivers her to me at Lexington, shall have

¹ Ranck, George W., Boonesborough, etc., Filson Club Publications, n. 16, Journal of the Proceedings of the House of Delegates or Representatives of the Colony of Transylvania, Appendix N, p. 196

two dollars reward paid by
ROBERT PATTERSON" 1

TWO DOLLARS

Reward

"To any person that will deliver
me a saddle and bridle which I lost off
my horse at Lexington at December court,
or leave the same at the printing office.
SAMUEL THOMPSON" 2

"Strayed from the plantation of the
widow Stevenson near Lexington last
November, a gray horse about fourteen
hands and a half high, paces, trots and
canters well, has a remarkable scar on
his head occasioned by burning him to
cure the pole evil, he has a speck on
his right eye, branded on the near buttock
B3 about ten years old had on a small bell
tied on with a tug. Also a black mare
about thirteen hands high, about twelve
years old some white on her hind feet
paces naturally whoever takes up said
creatures and delivers them to James
McConnel or the subscriber shall receive
three dollars reward.

JOHN BARR" 3

It is only natural for owners of horses to compare their
animals. Blood lines, conformation, gaits, etc. can easily
be discussed. The question of speed, however, can only be
settled through actual test of one horse against the other.
And the settlers did not delay in finding these results!

This is indicated by a sign of the Historical Markers
Society, which is located in Lexington on South Broadway just

¹ The Kentucke Gazette, January 19, 1788, p. 3

² Ibid., January 12, 1788, p. 3

³ Ibid., February 23, 1788, p. 2

Location
of
first race course

South Broadway
Lexington
1944

over the crest of the hill south of High Street:

FIRST RACE COURSE

"Near this spot pioneers in 1780 established the starting point of the first race path in Kentucky, extending southward one quarter mile."

Another straight quarter-racetrack was supposed to have been 200 yards off the main road from Boonesborough to Harrodsburg near Shallowford Station. It is said that as one rider was pulling up his horse at the end of the track, an Indian stepped from the edge of the canebreak and shot him.¹ This was in 1783.

Undoubtedly the settlers soon discovered that the section of land surrounding Lexington was ideal for producing horses of speed and endurance. The soil of this central section of Kentucky is extremely rich in phosphorous and calcium. The grasses grown on such soil impart strength to the framework of the animal without adding to its weight. This, in addition to the rolling topography and the porous nature of its subsoil, assures adequate drainage at all times thus giving hard feet and bone, which are so essential to a racing horse. These assets cannot be developed by horses raised on marshy, soggy or ill-drained land.

No discussion of horse breeding in Kentucky would be complete without some mention of the famed bluegrass, the

¹ Collins, Lewis, History of Kentucky, v. 2, p. 521

Map
of the
Commonwealth of Kentucky

The heavily outlined section
denotes
the Bluegrass region
of the
State

origin of which is somewhat vague. Some theories contend that it was imported from Ireland; from Canada; from the continent of Europe; from the territory that is now Indiana after the battle of Tippecanoe in 1811. It is true, however, that there is no mention of the grass in the early advertisements for the sale of farms in the Gazette. If the grass had been in existence at that time, it would certainly have been suggested as an asset by the owner.

The first advertisements of stallions standing in the vicinity of Lexington appeared in 1788, the spring following the initial publication of the colony's newspaper. Two announcements were made on Saturday, February 16th:

"The famous horse
PILGARLICK

of a beautiful chestnut colour, full fourteen hand three inches high, rising ten years old, will stand the ensuing season on the head of Salt river at Capt. Abr. Irvins, Mercer county, and will cover mares at the very low price of ten shillings a leap if the money is paid down, or fifteen at the expiration of the season; and twenty shillings the season in cash, or thirty shillings in good trade. Pilgarlick was got by the noted imported horse Janus, his dam by old Silver-eye; and is the swiftest horse in the district of Kentucke from one to six hundred yards, Darious (the property of Mr. Burwell Jackson) only excepted.

JOHN DAVENPORT" 1

1

The Kentucke Gazette, February 16, 1788, p. 2

A bluegrass pasture
in
central Kentucky

C.I. photos by RHODENBAUGH

1944

CASTOR

"Stands the ensuing season at Mr. Stephen Griers near where the road from Lexington to General Scotts crosses South Elkhorn the terms will be made known hereafter.

ELIJAH CRAIG" 1

In March, 1789, a stallion advertisement of particular interest appeared in the district's publication. It was inserted by Francis Keen, one of the wealthiest and most extensive land owners of the region, who, some years later, was host to the Marquis de Lafayette during his tour of the new, independent America.

DON CARELESS

"A beautiful bay, full five feet three inches high, stands this season at the subscribers stable within two miles of Lexington to Gen. Scott's and will cover mares at five dollars the season payable in cows and calves, neat cattle, sheep, pork, wheat, corn, rye or oats at their cash price when delivered at the subscriber's house, provided that any of the above mentioned articles shall be delivered by the first day of December next, otherwise nothing but cash will be received in payment; or four dollars in cash paid by the first day of August next; any gentleman putting four mares of his own property, may have them covered the season for twenty shillings each, if paid in cash by the first day of August next; good pasture gratis, but will not be answerable for escapes or accidents. Doncareless was got by old Doncareless, imported by Col. Taylor from England, his dam by the noted Tom Jones, his pedigree is equal to any horse's in the

1

Ibid.

District, but there need not an enumeration of words, as the horse will show for himself.

FRANCIS KEEN

It is hoped no person will bring a distempered mare, by which the horse can receive any injury." ¹

Better bred horses became a stimulus to an already noted liking for competitive racing. The first recorded races in Lexington were held in the fall of 1789, three years before Kentucky was admitted to statehood. The main street of the town served as the race course. In the announcement that appeared in the August 22nd issue of the Gazette, "the rules of New Market" undoubtedly referred to the old track in England:

"A purse race at Lexington, on the 2d Thursday in October next, free for any Horse, Mare or Gelding, weight for age, agreeable to the rules of New Market (three mile heats) the best two in three; one quarter of an hour between heats allowed for rubbing. Each subscriber to pay one guinea, and every person that enters a horse for the purse, to pay two guineas including his subscription. One guinea for every horse starting to be considered as entrance money for the second best horse. Judges to be appointed by a majority of the starters on the day of running. The horse to be entered the day before running with Mr. John Fowler, who will attend at Mr. Collin's tavern on that day. The age of the horse to be ascertained to the satisfaction of the Judges appointed, before they can be admitted to start, even although they have paid the

¹

Ibid., March 14, 1789, p. 1

entrance money and the money paid remain for the good of the purse. But the starter may be admitted to start his horse at the age adjudged by the judges, agreeable to the rules of New Market. The horses to start precisely at 1 o'clock; any horse not starting agreeable to the appointment, to be adjudged a distanced horse. All disputes arising to be left to the decision of the judges.

"Subscriptions taken in by Nicholas Lafon, Lexington." 1

Unfortunately, the results of the festive occasion were not recorded in the following issues of the paper. The only printed proof that the races were actually held was this insertion:

TWO DOLLARS REWARD

Buckle Tip Diamond

Cheek of the Bitt

"Stolen from the subscriber the last day of the Lexington races a snaffle bridle with plated bit, star, tips and buckle; Kentucky manufactory, the form as above described, with short broken reins and pale blue ribbon at the forehead, forming a rose at each ear - any person giving me information so that I get it again shall receive the above reward and no questions asked.

NICH. LAFON" 2

Lexington, Oct. 28, 1789

1

Ibid., August 22, 1789, p. 1

2

Ibid., October 31, 1789, p. 2

Street racing continued to such an extent for the next four years that the trustees of the town of Lexington thought it unwise and unsafe for it to become a permanent institution. On Monday, October 21st, 1793, the following resolution was drawn up.

"The Trustees of Lexington met, towit, John Bradfore, Chm. James Hughes, Christe Kreizer, Alexander Parker and Robert McGowan Gents.

"Resolved that the following Representation ought to be made to the citizens of the town - and that Mr. Bradford be requested to print it in his next paper, towit, 'The Trustees of the town of Lexington, feeling the dangers and inconveniences which are occasioned by the practice of racing through the streets of the in out lots of the town, and convinced that they are not invested with sufficient authority to put a stop to such practices, recommend it to the people of the town to call a public meeting, to consider the means which ought to be adopted for applying a remedy to the growing evil...."1

Mr. Bradford published this resolution in the October 26th issue of the Gazette but did not follow it up with any account of a public meeting. However, six years later on December 13, 1799, a state law was approved that probably found its origin in the resolution of the Lexington trustees.

"Section 2. Be it further enacted, that whosoever shall be guilty of running or racing horses in the street or highways,

shooting at marks, or playing at long-bullets, shall forfeit and pay, for every such offense, the sum of two dollars. The forfeitures occurring by virtue of this act, shall be sued for in the name of the trustees of the said town, and recovered in the same manner as sums of the same amount are now recovered by law: all sums, so recovered, shall be paid to the said trustees, or any person authorised by them to receive the same, and shall be appropriated by them, to the purpose of keeping in repair the streets and highways of said town." ¹

The race-minded settlers were very probably moved to the outskirts of the town after the published recommendations of the trustees and before the state law was passed. This did not daunt their love of the sport; two years after the supposedly held public meeting, which banned racing in the streets, results of a two day race meet on the Lexington course were published in the Gazette.²

It is interesting to note the mention of the Lexington course. It later became known as the Williams Brother's Track, which lay in Lee's wood on the north side of West Main Street, beginning at the corner of Jefferson. This corner was the entrance gate and the track itself was located in the low ground now in part occupied by the Cincinnati division of the L&N railroad tracks and the east side of the Lexington cemetery. There must have been an entrance on Third

¹

Littell, William, The Statute Law of Kentucky, v. 2, p. 281

²

The Kentucky Gazette, November 14, 1795, p. 2

Street as the course did not extend south of Main Street.¹

This same track was again referred to when, in January, 1796, Mr. Leonard Claiborne challenged Mr. Simeon Buford's horse, Mogul, to a match race over the Lexington course. The two owners made the challenge and acceptance public through the columns of the Gazette:

"There was a race made between Capt. Simeon Buford of Woodford and myself of Bourbon County. Buford was to run his stud known by the name of Mogul, against Bumpard for 1000 dollars. Bumpard fell lame by a mere accident, the very fortunate for Capt. Buford that he did. He has since bantered my horse in Kentucky. Now if the gentleman will be as good as his word, I can beat his fine horse Mogul for 500L - weight for age, four mile heats, in any time that is reasonable for me to put my horse in order, at the Lexington course.

LEONARD CLAIBORNE

January 15, 1796

--

Mr. Claiborne:

"It has been five months since your horse by mere accident lamed himself: And I have been told he is as well as ever; and two months, I think, a reasonable time to put him in order - But for fear two months is not enough, I will give you till the last of March. Now, sir, come down, enter into writing with me, to run at Maj. Blackburn's, or at Lexington course if it can be had, on the last Thursday in March, for two or three hundred pounds, the four mile heats, or a distance - weight for age.

¹

This information was told to me through correspondence by Mr. Charles R. Staples, Lexington, Kentucky

And in so doing you will very much
oblige

Your humble Servant,
Simeon Buford

January 22, 1796

"N.B. You will enter into writing
with me in two weeks from this date,
or I shall not run my horse till next
fall, if at all." ¹

It is questionable as to whether Mr. Claiborne and Mr. Buford were able to determine who owned the better horse; no further account of the match race was recorded.

It seems rather unusual that the contest was slated for the spring of the year as heretofore all racing had taken place during the autumn months. As central Kentucky has always been an agricultural community, the farmer-owners probably devoted their time to their tobacco, hemp and other produce and waited until October and November to test their thoroughbreds.

By the year 1797, horse racing in Lexington had developed to such an extent that a Jockey Club had been organized. Meetings were held at Mr. John Postlethwait's tavern, a low, rambling log building which was located at the corner of Main and Mulberry [Limestone] Streets. Mr. Bradford's paper carried an account of the October 17th meeting of the Club.

"At a meeting of the Lexington Jockey-
Club, at Mers. Postlethwait's on Tuesday,

¹

The Kentucky Gazette, January 23, 1796, p. 2

October 17, 1797,

"RESOLVED, That there be a Purse run for over the Lexington Course, on the Second Wednesday and the two following days in November next: the first day, four miles, the heats, - the second day, three miles, the heats, - and, the third day, (for four years old and under,) two miles, the heats; aged horses carrying 130 lbs. - six years old 120 lbs. - five ditto, 110 lbs. - four ditto, 100 lbs., - three ditto, feather. (70 lb.)

"Resolved, That Samuel Downing, A. Holmes, G. Anderson, R. W. Downing, and J.B. January, be a committee to admit persons wishing to become members of this club.

"Resolved, that the next meeting of this club be at this house on this day week, at six o'clock P.M.

From the Minutes,
C. BANKS, Secy." 1

The next public mention of a meeting was the following September. All members were asked to be pointed in their attendance.²

Racing continued in Lexington and the surrounding towns through the turn of the century. Frequent advertisements appeared in the Gazette announcing two and three day meetings in Bairdstown, Shelbyville, Georgetown, and, of course,

1

Ibid., October 21, 1797, p. 2

2

Ibid., September 12, 1798, p. 3

1
Lexington.

The War of 1812 slackened racing on the Lexington course to some extent although private farms, notably that of Henry Clay, continued to put their thoroughbreds to trial.

Less than a year after the battle of New Orleans, racing was held near Harrodsburg on the Greenville Turf. The public announcements were pointed not only to the local stables but also to those who had to travel a distance to the race course. The fame of Kentucky racing had undoubtedly become more widely known through the conversations of the Commonwealth's many soldiers who had served at Detroit, Ft. McHenry, New Orleans and other battlegrounds.

This advertisement of the Greenville Turf must have attracted many owners - both local and out-of-state:

"On the 1st Thursday in October next, a sweepstake race now amounting to 300 dollars, (and must be increased by more subscribers) entrance 100 dollars each; will be run the two mile heats, over the Greenville Turf near Harrodsburgh, free for any three or four year old horse, mare or gelding in the state of Kentucky or Tennessee. The second day's purse is made up by subscription, and is now worth 150 dollars; this day's races will be free for all description of nags, and will be the two mile heats. The third and last day's running will be the mile heats; it will be

1

Ibid., September 8, 1797, p. 3
August 29, 1798, p. 3
November 1, 1797, p. 3
May 30, 1799, p. 1

for one of the most valuable and elegant Saddles and Bridles which can be made by Mr. Hulett, who is so much celebrated in his profession, and who resides in Nashville. The successful nags on the two preceding days are to be excluded on the third. The rules of the Greenville turf are the same of the Lexington turf.

"Persons coming from a distance may be furnished with stableage, corn, oats, and fodder, &c." ¹

There is no record of any pamphlet containing the rules of the Lexington turf that might have been published during these formative years. However, in 1821, The Kentucky Reporter announced, in connection with the fall race meeting of that year, a set of rules and regulations adopted by the subscribers of the Lexington Jockey Club:

"The horses each day to carry the following weights:

Aged horses,.....	120 lbs.
6 years old,.....	114
5 years old,.....	103
4 years old,.....	90
3 years old,.....	75

"The horses are to be entered with the Secretary on or before the day preceding each day's race, in the names of members of the Club only. Entrance each day ten dollars - but horses not the property of any member, are required to pay thirty dollars. Twelve o'clock is the hour of starting each day. The rules of the Club will be strictly

¹

The Kentucky Reporter, August 2, 1815, p. 1

adhered to in every respect.

E.J. WINTER, PRESIDENT" 1

S. Keen, Sec'ry
Lexington, August 27, 1821

The rules of racing used at all central Kentucky race meetings prior to this announcement were probably very similar to these adopted by the Lexington Jockey Club. The most important points to be considered were the weight that a horse should carry, the age of the horse, the distance to be run.

The first permanent race course in the state, the Kentucky Association for Improving the Breeds of Stock, was established in Lexington in 1826. In order to form this organization, there was first circulated a writing entitled "Constitution, or Articles of Agreement":

"We, the subscribers, agree to form ourselves into an Association, for the purpose of promoting the purchase and sale of stock, and to encourage the breeding of horses upon the following conditions:

"The Association is to purchase a suitable site for the exhibition and sale of various stock and manufactured articles, and the trial of speed and bottom of our horses; the title of the ground to be invested in seven Trustees, who are to have the management thereof and application of the funds; the Trustees to be chosen by the members; each member voting one vote for each share he may hold, on all questions for the consideration of the proprietors.

"The stock to be fifty dollars per

1

Ibid., August 27, 1821, p. 3

share, one half in hand and the other half in nine months, for which notes are to be executed, and on failure of payment to forfeit to the use of the others all right which such stockholder may have acquired. On the last payment being made, certificates of stock are to issue, drawing interest from that date at the rate of six per cent per annum, payable yearly.

"All surplus funds after paying the aforesaid interest and other expenses of the institution, to be applied as follows: The money received during the days of the Fair, after paying a fair ratable proportion of interest on stock certificates, is to be applied exclusively to promote that object, and to premiums by advertising and providing suitable places for the exhibition of various stock and manufactured articles. The money received for the use of the grounds and during the races, to be applied exclusively to that object in the way of purses, after paying the fair ratable proportion of interest on stock. All transfers of stock to be made by the Secretary of the Association on the order of the Chairman of the Trustees and three of his associates.

"The Trustees are to be chosen during good behavior but to be removed by a majority of all the votes of the Association, and others substituted by the same vote.

"The first election of Trustees to be held after two weeks' notice in a newspaper, and a majority of boys present to elect a member.

"Any member wishing to dispose of his stock, shall give the first offer of it to the Association, at the original subscription price.

"The members pledge themselves separately to the Association, that they will exert themselves to have every match or sweepstake

race in which they are engaged, run over the Course purchased by virtue of this agreement.

"The subscription not to be obligatory until there shall have been sixty subscribers obtained; after which period advertisement shall be made calling the members together at an early period." ¹

The following list of names were the sixty subscribers to the foregoing articles:

Elisha J. Winter	Joseph Bowman
E. Warfield	R.J. Breckenridge
Elijah Cartwill	Peter Gatewood
Chas. Buford	W. Sanders
T.H. Pindell	Pritchard & Robinson
Jno. Dishman	Wm. Buford
Jas. K. Duke	Leslie Combs
J. Boswell	J.S. Berryman
Thos. Smith	D. Parrish
Wm. Bowman	Jas. C. Rodes
B.P. Sanders	Downing, Grant & Co.
Will R. Morton	Thos. Stevenson
O. Keene	J.L. Downing
Geo. H. Bowman	John Hunnicut
Ater & Boswell	E. Yeiser
Edward Lafon	B.W. Dudley
Theo. W. Clay	John Brand
John Brand	Robert Wickliffe
Jas. Clark	Ralph B. Tarlton
Geo. Boswell	S. Davenport
Willa Viley	Charlton Hunt
David Bryatt	Geo. & Abram K. Smedes
John Bruce	John Tilford
J. Logan	L.J. Fenwick
F. Montmollin	Geo. W. Anderson
R. Hawes, Jr.	John Wirt
J.M. Pike	Wm. Buchannon
Jno. C. Talbot	Ludwell Berkley
Thos. E. Boswell	A. Burnett
E.M. Blackburn	Geo. Miller ²

¹ A Souvenir (Book) from the Kentucky Association, Inc.,
Lexington, Kentucky, Centennial Meeting, Spring, 1926, pp. 5-6

² Ibid.

At the first meeting of the subscribers, July 29, 1826, William Pritchard was elected president and John Wirt, secretary. It was arranged that the Williams Track be the location for the race meetings until land could be purchased and a race course built. The unaugural meeting under the auspices of the Kentucky Association was held for three days, beginning October 19, 1826.¹

On July 15, 1828, a deed was recorded in the Fayette County Court House

".....between William Hanson and Alley, his wife, of the County of Shelby and State of Kentucky, of one part, and Elisha Warfield, John Postlethwait, Thomas Smith, James Shelby, Richard Downing, David Migonan and Elisha J. Winter, Trustees for the Kentucky Association for Improving the Breed of Horses of the County of Fayette and State aforesaid of the other part.....for and in consideration of the sum of one hundred and sixty dollars.....a certain tract or parcel of land situated, lying and being in the County of Fayette on the Waters of the Town fork of Elkhorn containing four acres and one hundred and twenty eight poles and bounded as follows: towit: Beginning at a stake in the South Side of Pasture Street, Corner to lot No. 17 running thence with said Street N 42° E. Twenty poles to a stake in the line of lot No. 19 thence with said line S 59° E 40 poles to a stake in Orchard Street, thence with said Street S 42° W 20 poles to a stake corner to lot No. 17 thence with a line thereof N 59° W 40 poles to the beginning....." 2

In 1834, a second tract of land was purchased from

¹ Ibid., p. 7

² Fayette County Deed Book, n. 4, p. 181. The complete deed can be found in the Appendix, p. 119

Jeremiah Murphy which extended the acreage to sixty-five in all.

At the fall meeting of the Association in 1830, a set of rules and regulations were adopted; eight years later an act was passed by the State legislature to incorporate the organization.¹

Although the rules and regulations of 1830 called for only one race meeting a year, there were often two and sometimes three held during the twelve months. The exception to this was the year 1862 when General Kirby Smith, C.S.A., camped his army on the course during the autumn months. Lexington's streets were sometimes patrolled by the Grays and at other times guarded by the Blues, but the Kentucky Association for the Improvement of the Breeds of Stock maintained its organization. Horse racing was continued regardless of what flag was flown over the city!

Due to financial difficulties, the Club was disbanded in 1933, 107 years after its inauguration. In November, 1935, the plant was sold and the dismantling of the grandstand, clubhouse and stables made way for the construction of a federal low-cost housing project.

The only markers that were salvaged were the iron gates that are now inside the grounds of the Keeneland Race Course

¹

The complete rules and regulations and the incorporation act can be found in the Appendix, p. 120 and p. 126

on the Versailles Pike and an old gatepost that guards the entrance. Oddly enough, the letters "K.A." at the top of the gates fit both the old and the new.

Chapter II
Early Racing in Louisville
1783 - 1870

Chapter II

Records of horse racing in Jefferson county are not as complete as those in central Kentucky. This is due mainly to the fact that the community did not have a publication contemporary with the Kentucky Gazette, which is an indispensable index to the early history of the Commonwealth.

Col. J. Stoddard Johnston in his Memorial History of Louisville mentions that races were held as early as 1783 on what is now Market Street. Afterward, there was a race track near the foot of Sixteenth Street, at which horses were¹ run for purses.

This track, to which Colonel Johnston referred, was the Hope Distillery Course. The Louisville Daily Focus of October 5, 1827 announced:

"The Louisville Jockey Club will commence on the first Wednesday in October, 1827, on the Louisville turf, Hope Distillery, and continue for four days. First day, three-mile heats, \$120; second day, two-mile heats, \$80; third day, one-mile heats, \$50; fourth day, three best in five, one mile and repeat." 2

Four years later on October 8th the same paper published a four day race program of the Louisville Agricultural

¹ Johnston, J. Stoddard, editor, Memorial History of Louisville, v. 2, p. 323

² Golden Anniversary of the Kentucky Derby and Churchill Downs (Book), 1924, p. 1

¹
Society. These meetings were held once a year on the grounds of the Society which were located near the present site of the Louisville Water Company on Frankfort Avenue. They were similar to a county or a state fair.

The first organized racing institution in Louisville paralleled the Kentucky Association for the Improvement of the Breeds of Stock in Lexington. It was called the Louisville Association for the Improvement of the Breed of Horses.

The first meeting was held at the Washington Hall on November 5th, 1831; Dr. John M. Talbot was called to the Chair and Alfred Tarlton was appointed Secretary. The following Constitution was read and unanimously adopted:

"The Society shall be called the Louisville Association for the Improvement of the Breed of Horses.

"The Association is to purchase a suitable tract of land for a race course, the title of which shall be vested in seven Trustees, who are to have the management thereof and the application of the funds of the Society.

"The Stock is to consist of Seventy-five Shares of One Hundred Dollars each, upon which such payments will be made as shall be requited by the Trustees, and on failure to pay the whole, the delinquent to forfeit whatever he may have paid, to the use of the other proprietors. On the last payment being made or satisfactorially secured,

certificates of Stock are to be issued, drawing interest from date, at the rate of six per cent, per annum, payable out of the funds of the Association, after paying the Purses offered by the Society and the other incidental expense of the annual Meetings. All transfers of stock to be made by the Secretary of the Association, on the order of the President of the Society and three Trustees.

"The Trustees to be chosen at the first meeting of the Society, and to hold their offices during good behaviour, but removable by a majority of all the votes of the Society, and other substituted by the same vote.

"Any Member wishing to sell his Stock shall give the first offer of it to the Association at the original subscription price, if declined by them, he may sell it to another person who may be approved of by the Society, there being present not less than seven Members, always including the President; and three black balls to exclude the person nominated.

"The officers of the Association shall be, beside the President and Trustees above referred to, a Treasurer and Secretary."

"The meeting then proceeded to ballot for the officers, when the following gentlemen were found to be unanimously elected:

Dr. John M. Talbot,	President
Samuel Churchill,	
B.R. M'illvaine,	
James Anderson,	Trustees
Garnett Duncan,	
John O'Beirne	
Alfred Tarlton,	
John M. Talbot,	

B.R. M'illvaine, Treasurer
John Poe, Secretary" 1

The rules and regulations of the Association, which were almost identical to those of the Lexington organization, were read and adopted at the same meeting.² The stockholders were listed as follows:

James Anderson	A. Hasbrook
James Anderson, Jr.	D. Heinsohn
G.W. Adams	John I. Jacob
L.D. Addison	Gab'l. S. Jones
A.C. Baldwin	F.A. Kaye
George Buchanan	Jacob Keller
Samuel Bell	H. Letevre
E.C. Beard	A. M'Grath
Wm. Baird	T.M. M'Gruder
B. Bennett	Wm. Miller
Brindley & Breece	James Marshall
Rob't. Breckenridge	B.R. M'illvaine
Fred. Bremeker	Patrick Maxey
W.C. Baum	Jno. O'Beirne
C.F. Barker	Shapley Owens
Jas. M'Gilly Cuddy	C.N. Patterson
J.D. Colesnil	John Price
D.S. Chambers	Wm. Prather
Thomas L. Caldwell	Wm. H. Pope
Sam'l. Churchill	John B. Poe
Leander Clarke	John Peay
Chapman Coleman	Jas. Price
Ja's. B. Danforth	James Pickett
Garnett Duncan	E. Shippen
J.P. Declary	D. Smith
P.H. Dillon	Tho's. Stewart
Issac S. Everett	John Shallcross
F.B. Ernest	P. Shannon
Silas Field	Tho's. Shreve
Wm. C. Fellowes	L.L. Shreve

¹ Worsley, W.W., printer, Constitution of the Louisville Association for the Improvement of the Breed of Horses, and Rules and Regulations for the Government of the Course (Book), pp. 5-6

² The complete rules and regulations can be found in the Appendix, p. 128

S. Forde
Jno. B. Forde
H.N. Forsyth
Jas. Guthrie
H.B. Hill
James Hewitt

A. Throckmorton
Jno. M. Talbot
C.W. Thurston
A. Tarlton
W.W. Worsley
A.R. Wolley 1

A committee, consisting of B.R. M'Ilvaine, A. Tarlton and John O'Beirne, was appointed to purchase a suitable tract of land for the race course. They signed an agreement with the Churchill family in 1832. It provided:

".....Samuel Churchill and Abigail, his wife, of the one part and Henry Churchill and Catharine, his wife, of the second part and John M. Talbot, Bowes R. McIlvaine, John O'Beirne, James Anderson, Alfred Tarlton and Garnett Duncan of the third part....in consideration of the sum of fifty dollars for each and every acre of land.....south of Louisville and west of the Salt River Road containing fifty-one acres 282/1000 and bounded as follows, to wit - Beginning at Henry Churchill's land near the land of Pary & Sneads heirs at a tree marked H.C. which is a corner of Henry Churchill and also of Samuel Churchill west of the Salt River Road and running thence N. 24 1/3° E. sixty-seven and 7/10 poles to an old tree at McConnell's corner East of the road thence north 88° 24 W. one hundred and ten poles to a stake north of the fence thence south 16° 30 E. one hundred and twenty-eight poles to a stake near a pond thence north 79° 53 East thirty poles to the beginning....." 2

Although these boundaries now seem rather vague, the tract of land was actually located at what is now Seventh and Magnolia Streets. At that time, Louisville proper extended

¹ Worsley, op. cit., pp. 11-12

² Jefferson County Court Deed Book, n. 51, pp. 31-33. The complete deed can be found in the Appendix, p. 134

south only as far as Green [Liberty] Street; the new race course was quite a distance into the country and could only be reached over dirt roads. Because of the many oak trees that surrounded the grounds, the course was called Oakland.

The first published record now available of a meeting held at the course was in May, 1833, when the Journal and Focus¹ announced that purse races would be held.

The most noteworthy day of the Oakland Race Course was Monday, September 30, 1839 when the first of two famous races was held between the pride of all Kentuckians, Grey Eagle, and the Louisiana horse, Wagner. The growing competition between the two thoroughbreds had actually developed into a rivalry between the two states represented.

Although there had been ten subscribers to the race at \$2,000 each, only four horses started in the four-mile heats, best two in three. All eyes were focused upon:

"1-Y.N. Oliver & Miles W. Dickey, of Kentucky, named gr. c. Grey Eagle by Woodpecker, out of Ophelia by Wild Medley, 4 yrs. - Dress, Red, Blue and Orange.

8-Jas. S. Garrison, of Louisiana, named oh. h. Wagner, by Sir Charles, out of Maria West by Marion, 5 yrs. - Dress, Red and Red." 2

1

The Journal and Focus, May 27, 1833, p. 1

2

The American Turf Register and Sporting Magazine, January, 1840, p. 120

Wagner won both heats and the purse of \$14,000. The Kentuckians were not satisfied with the results, and, although almost bankrupt, demanded a second contest between the two horses. This was held on October 5th for the Jockey Club Purse of \$1,500.

Grey Eagle won the first heat; Wagner the second. The excitement was intense during the running of the third heat, but the race was never finished. Grey Eagle gave way in the second mile; he had broken down and never raced again!

William T. Porter, editor of the contemporary publication, The American Turf Register and Sporting Magazine, recorded his observations of the contests at Oakland. His account of the races themselves is excellent, but his picture of the gathering is even more vividly written:

WAGNER AND GREY EAGLE'S RACES
at Louisville, Kentucky

"The Editor of this Magazine had the pleasure of attending the last meeting of the Louisville Jockey Club, and witnessing the two splendid races between Wagner and Grey Eagle. Those who have noticed the spirit with which everything connected with breeding and racing is carried on at present in Kentucky, will hardly be surprised to hear that the late meeting has never been equaled in the excellence of the sport, or in the number and character of the visitors. Turfmen, and distinguished strangers from neighboring States, mustered in great force; while the Kentuckians themselves turned out in such numbers, that the hotels and lodging houses literally overflowed. A week of more delightful weather we have rarely known; the fields were large every

day, the horses ran well, "all the world and his wife" were on the course, the "pressure" was forgotten, and all appeared to enjoy themselves without stint or measure.

--

"The Oakland Course was in the finest possible order, the Stewards were in uniform and well mounted, and the arrangements of the proprietor, Col. Oliver, and of the Club, for the gratification and convenience of their guests, were not only in good taste, but complete in all respects.

"We have not room to speak in this place of a variety of interesting circumstances connected with the meeting, but shall be pardoned for alluding to the unusual number of distinguished individuals present, and the blaze of beauty reflected from the Ladies' Pavilion, on the occasion of the first race between the champions of Louisiana and Kentucky. The number of ladies in attendance was estimated at eight hundred, while nearly two thousand horsemen were assembled on the field. The stands, the fences, the trees, the tops of carriages, and every eminence overlooking the course, were crowded; probably not less than ten thousand persons composed the assemblage, comprising not only several distinguished Senators, and nearly the entire Kentucky delegation in Congress, with their families, but of the elite of the beauty and fashion of the State.

"Among the earliest on the ground were the Hon. Judge Porter of Louisiana, the distinguished ex-Senator, and Mr. Clay. His colleague in the Senate, Mr. Crittenden, soon followed, with Gen. Atkinson, Maj. Stewart, and Capt. Alexander, of the army, Judge Woolley, Gov. Poindexter, Judge Rowan, the Hon. Messrs. Menifee, Allan, Letcher, Hardin, Graves, Hawes, etc.....

"Good breeding forbids an enumeration of the distinguished throng of belles..... The gentlemen were unmatched for variety; the Bar, the Bench, the Senate, and the Press, the Army and the Navy, and all the et cetera that pleasure or curiosity attracted, were here represented." ¹

Regular race meetings were held at the Oakland Course ² through June, 1847. The following year brought trotting ³ and pacing races on Saturdays only.

There is no Louisville newspaper available for the month of June, 1849; The Louisville Daily Journal of May and June, 1850 does not mention the Oakland Race Course. It is assumed that the track ceased to operate after the weekly meetings in 1848.

Through the combined efforts of central Kentucky breeders and local racing patrons, the Woodlawn Course was established in 1866. In a deed recorded in the Jefferson County Court House from Gray & c. to National Race Course, the Association purchased

".....land which lies on the north side of the Louisville and Frankfort Railroad..... situated on the muddy fork of Beargrass Creek....beginning at a stone in the middle of the Westport Road in the line of George Rudy near a small blue ash thence with said Rudy's line and passing one of the corners S. 39° 12' E. 119 6/10 poles to a beech tree

¹ Ibid., pp. 116-132

² Morning Courier, May 31, 1847, p. 2

³ Ibid., May 31, 1848, p. 2

marked as a corner & with the letters T.T. thence N 51° E. 63 poles to a stone thence S. 39° E. 108 5/10 poles to a stone thence N 49° 25' E. 124 4/10 poles to three beeches thence N 39° 8' W 111 8/10 poles with Herrs line to one of his corners, a stone near a small old Haw tree thence with another of the lines of said Herrs Corners near the South bank of the Muddy Fork of Beargrass Creek thence N 38° 30' West 20 6/10 poles to a stone in the middle of the Westport Road S 47° 50' W. 124 6/10 poles to the beginning. The Second Tract adjoins the above described land containing two acres more or less and lies on the north side of the Rail Road and is bounded as follows - Beginning at a stone corner to Smith and Phillips thence S. 51 1/10 W 41 6/10 poles to the middle of the Rail Road track thence with the middle of said Rail Road N. 75° E 24 poles still continuing in the middle of said Road thence N 39° W 8/10 poles to the beginning said two tracts of land containing in the aggregate two hundred and one acres....." 1

R. Atchison Alexander, owner of the famous stallion, Lexington, and a prominent breeder in the Bluegrass region, and Isaac Everett were named the Trustees for the Association to which Thomas H. Hurrt, Richard Atkinson, William B. Reynolds, Benj. I. Adams, James K. Duke, R.A. Alexander, A. Throckmorton, Thomas I. Martin, Gerard B. Bate, John Burks, James A. Grinstead, A. Buford, E. Eagle, Robert A. Bell, W.D.C. Whips and others were subscribed to the new racing organization.

1

Jefferson County Court Deed Book, n. 104, pp. 98-101. The complete deed can be found in the Appendix, p. 136

The Louisville Daily Journal of Saturday, September 5, 1868 published an account of races held at the Woodlawn Course. The story enthusiastically described the large¹ attendance and mentioned the pool method of wagering.

The last advertisement of the Course, which announced a six day meeting, appeared in the Courier Journal of May 24, 1870.²

Although the racing of thoroughbreds began in Louisville as early as in central Kentucky, the interest of the citizens was spasmodic in contrast to the continuous attention paid to the sport by the Bluegrass vicinity. Louisville, with its advantageous site on the Ohio river, developed into an agricultural community. With their favorable soil and rolling topography, Fayette, Woodford, Bourbon, Clark and surrounding counties naturally leaned toward the breeding and racing of horses.

This, no doubt, is the reason why the Kentucky Association Course found no difficulty in holding uninterrupted race meetings - even through the strife of civil war, whereas Louisville had no natural incentive to support a race track. With the close of the Woodlawn Course, the largest city in the state was without a racing oval for five years.

¹ The Louisville Daily Journal, September 5, 1868, p. 4

² The Courier Journal, May 24, 1870, p. 4

Col. M. Lewis Clark, a Louisville gentleman and sportsman, felt that, with the right leadership and the establishment of permanent stake races, a race course could be made a lasting institution in Louisville. It was through his untiring efforts that the Louisville Jockey Club and Driving Park Association came into existence.

Chapter III

Churchill Downs

1874 - 1894

Chapter III

1

The foundation for Churchill Downs, the home of the Kentucky Derby, was laid when the articles of incorporation of the Louisville Jockey Club and Driving Park Association were recorded by the clerk of the County Court of Jefferson County on the 20th day of June, 1874. The articles read as follows:

"The undersigned this 22n day of June, 1874 hereby constitute themselves their associates and successors a body corporate to be called the Louisville Jockey Club & Driving Park Association for the purpose of purchasing or leasing and improving (or leasing with privilege of buying) property in the vacinity of Louisville to be used as a driving park with the privilege of holding races over the same at such times as the directors & president may see fit.

"The capital stock of said Corporation shall be \$100,000 in shares of \$100 each payable in installments of \$25 each, \$25 cash & the balance in 1, 2 & 3 months for which the subscribers shall give their individual notes and upon failuer of any subscriber or stockholder to pay any of said notes at maturity the whole amount of stock of such member or members shall be sold on notice of ten days such notice to be published in one or more of the daily newspapers published in the City of Louisville.

1

For more than a decade the track was referred to merely as the "Louisville Jockey Club Course". In 1886, a writer for The Spirit of the Times, called it Churchill Downs. The name became immediately popular, and it was "Churchill Downs" thereafter. "Churchill", no doubt, came from the family who owned the ground and "Downs" from Epsom Downs in England. (Menke, Frank G., Churchill Downs and the Kentucky Derby since 1875, p. 15)

"The affairs of said corporation shall be managed by a President, 3 Vice Presidents & a directory consisting of 13 members and also a Secty and a Treasurer to be appointed by the board seven of whom will be a quorum.

"The indebtedness or liability of said corporation whether direct or contingent shall not at any time exceed \$20,000.

"For the purpose of raising money to defray the expenses of said corporation, its board of directors may from time to time at any meeting of which notice of the time and place shall have been given to each member of the board make assessments or calls upon the stock & shall thereupon cause notice in writing to be given to each stockholder of the amount assessed against him provided, however, the amounts which may be assessed do not exceed in the aggregate of 20 per centum on the amount of stock subscribed.

"No member or stockholder in the corporation shall be liable over and above the amount of stock subscribed & paid for by such member (all private property to be exempt.)

"When \$15,000 of stock shall have been subscribed & a President, Vice Presidents, Board of Directors (and an Executive Committee of the Directors appointed by themselves) shall have been elected, the Corporation shall have the right to either purchase or lease (with privilege of buying) a tract of land suitable for the purpose aforesaid & erect thereupon buildings & make such other improvements as the Presidents, Directors & Executive Committee may seem fit.

"Any purchaser buying a share of the

stock of the corporation shall not be a member of the Jockey Club or entitled to the privilege of the Club House or stand unless elected by the Board of Directors tho they will be entitled to the dividends from said stock but all stockholders owning an original share shall be fully entitled to all the privileges of the grounds & buildings thereupon.

"The President shall be a member of & shall preside over the Board of Directors.

E.H. Chase
M. Lewis Clark, Jr. 1
R.A. Newhouse
John E. Green
James Graves
A.V. DuPont
W.H. Henderson
Miller Stewart
A.A. Wheeler
F.S. Carrington
Isaac H. Tyler
R.A. Browniski
A.B. Schill" 2

With the exception of Mr. Browniski and Mr. Schill,
the gentlemen who signed their names to these articles of

1

Colonel Clark had just returned from Europe where he had studied racing conditions in England and in France. He was most impressed with the Epsom (English) Derby, the Epsom Oaks and the St. Leger Stakes and determined that these were to be patterns for classic races in Kentucky. The English or (Epsom) Derby became the Kentucky Derby, open to 3-year-olds (colts, geldings or fillies), at a mile and one-half; the Epsom Oaks became the Kentucky Oaks, limited to 3-year-old fillies, at a mile and one-half; the St. Leger became the Clark Stakes, distance two miles, for 3-year-olds. (Menke, op. cit. pp. 13 and 15)

2

Corporation Book, Jefferson County Court, n. 1, pp. 374-375

incorporation were all residents of Louisville.¹ They were men of sound financial standing and were well known in Louisville business circles.

They entered the undertaking of establishing a permanent race course in Louisville with a set determination that it would not end in bankruptcy as the two previous tracks, Oakland and Woodlawn, had done. They believed that Louisville, as the largest city in the state and one of the growing metropolis of the South, should be able to support such an enterprise.

It was with this intense eagerness and enthusiasm that the first meeting of the Louisville Jockey Club and Driving

1

E.H. Chase, (E.H. Chase & Co. whol. whiskies, 12 3d, nr Water), bds 102 Chestnut, nr 4th.

M. Lewis Clark, Jr., r 8 Broadway, ab 1st.

R.A. Newhouse, genl aft Ohio River and Kanawha Salt Co., 29 ed, nr. Main, and also (Alford, Thorp & Co.) r 611 Jefferson, nr 15th.

John E. Green, vice pres. Lou. Car Wheel Co., r 148 Broadway cor 4th.

James Graves, (Graves & Son), r Chestnut, se cor 26th.

A.V. DuPont, (A.V. and B. DuPont), proprs Central Park, bds Galt House.

W.H. Henderson, bds. 92 Broadway, nr Floyd.

Miller Stewart, manager Miller Stewart & Co., whol liquors, 21 Main, bet 1st and 2nd, r 477 2d near Breckenridge.

A.A. Wheeler, carriage mnfr. Main, sw cor 1st, r Broadway, se cor Highland av.

F.S. Carrington, livery and sale stable, 26 Main, nr 1st, r 278 Washington, nr Clay.

Isaac H. Tyler, aft Levi Tyler's estate, bds 460 6th nr Breckenridge.

(Caron, C.K., publisher, Directory of the City of Louisville for 1875, v. 5, pp. 150, 153, 424, 250, 248, 196, 277, 536, 589, 145 and 563)

Park Association was held at the Galt House on Monday, June 22, 1874. The Courier Journal carried a notice in the next morning's edition:

"Quite a number of gentlemen assembled at the Galt House to attend the call of the Jockey Club and Driving Park Association, and the articles of incorporation having been previously prepared, the members present, after full discussion, adopted and signed the same, and as soon as it can be prepared, a full text of it will appear for the requisite number of days in this paper... A portion of the stock, of which \$19,000 has already been subscribed, is reserved for the region around Lexington, Ky. and Nashville, Tenn., the committee for this subscription leaving the city to attend the sale at J.W.H. Reynolds and A.J. Alexander's, 23d and 24th inst., when all of the horse-loving community will be assembled.....It is intended to make this track an intersectional place of meeting and it is hoped that it will prove one of the most successful in the country." 1

Four days later the Courier Journal reported that the committee met with signal success in the Bluegrass section of the state.

".....and with such men as D. Swigert, A.J. Alexander, Gen. A. Buford, J.W. Hunt Reynolds, E.H. Taylor, Jr., H.C. McDowell, R.P. Pepper and others, both Frankfort and Lexington will be represented, and Louisville can take her place as the point where thousands of strangers can come to see Kentucky's finest horses contest the liberal purses to be offered by the association....." 2

1

The Courier Journal, June 23, 1874, p. 4

2

Ibid., June 27, 1874, p. 4

M. Lewis Clark, Jr., in behalf of the Jockey Club, leased some land adjoining the southern limits of the city from his two uncles, John and Henry Churchill, and work¹ began on the construction of the new race course. Probably due to a combination of adverse factors that included weather conditions, labor, building materials, etc., the racing oval did not near completion until the following spring.

In a Sunday feature column devoted entirely to "Turf Topics", The Daily Louisville Commercial fully described the the new project:

"The course is one of the finest and safest in the country. The turns and stretches are a quarter of a mile each, and are respectively sixty and eighty feet wide. On the inside of the rail is a training track, graded like the main track, and sixty feet wide all around. The soil is light and early, and the track is a near a water-level as can be, so the time made over it ought to be as good as that at Saratoga or Lexington.

"The stabling is new and after the most approved plans. Water is brought in pipes from the city supply, so there is no chance of it ever giving out unless the Ohio river dries up. Arrangements have been made to accommodate any number of horses, and the rules adopted to prevent diseased animals being smuggled into the stables are very stringent.

"The stands are to be open to the public, the club-house alone being

¹

Menke, op. cit., p. 78

reserved for members and their guests.... The grand stand, with all its fair proportions, looms up bigger than two meeting-houses, and will furnish accommodation for more than five thousand spectators. In addition a large field stand, to which admission will be free, is to be erected.

"The Nicholson pavement extends to within a mile of the course, with a macadamized road the rest of the way. In a few days the Fourth-street cars will be running to the entrance gate of the course. The track is already down as far out as the House of Refuge, and a large force of men is steadily at work grading and laying the track." 1

On May 9th the column reported that the new course was judged to be as fast, if not faster, than any in the country. Some of the horses in training had run trials over it that astonished their owners and made them think something must have been the matter with their watches. The track had also proved to be an early one and able to stay good under most unfavorable weather circumstances. This was proven when several horses, which were trained earlier in the spring, won in Nashville over horses trained much further South.²

The author of "Turf Topics" was not alone in his zealous comments regarding the Louisville Jockey Club and Driving Park Association; various bits of news concerning the

1

The Daily Louisville Commercial, April 18, 1875, p. 2
May 2, 1875, p. 2

2

Ibid., May 9, 1875, p. 2

enterprise were sprinkled throughout the paper during the weeks preceding the opening day of the Club.

The Paris Mutuels pool, a new and entirely mechanical device designed solely for the purpose of wagering bets, was placed on exhibition in the rotunda of the Galt House. Other than the fact that it superseded the old system of pool-selling and was very simple when once understood, the Louisville papers did not further comment on this important French¹ invention that was to later revolutionize horse racing.

Perhaps if the following observation had been reprinted at a later date from The Spirit of the Times, a weekly New York publication devoted entirely to sports and the theatre, the betting machine would have met with more success at the new race course.

"We will take this opportunity to say that after a French pool is opened, and a certain number of horses are indicated as started, such pool cannot be tampered with in any manner whatever. Above all, the name of no other horse can be injected into the pool after tickets are sold." ²

It was not until 1878 that the Paris Mutuel machine first operated at the Louisville course and continued its stay, at³ that time, for seven years.

¹ Ibid., May 1, 1875, p. 4

² The Spirit of the Times, May 15, 1875, p. 347

³ Menke, op. cit., p. 78

The Derby cup was displayed by Kitts & Werne, jewelers located at 120 Main Street. An elegant piece of silver exquisitely finished in every detail, it weighed 104 ounces, was seventeen inches high, and eight inches in diameter. In its pink satin case, the cup attracted all passersby.¹

The first advertisement of the Louisville Jockey Club races appeared in the amusement column of The Daily Louisville Commercial on May 5th. It held the select position at the top of page one.

"Louisville, Ky., Jockey Club
and
Driving Park Association

Organized June, 1874
Inaugural Meeting May 17,
18, 19, 20, 21 and 22, 1875

FIRST DAY, MONDAY, MAY 17 - First Race -
Association Purse of \$300; dash of one
and one quarter miles.

Second Race - The Kentucky Derby for
three-year-olds, \$50, pay or play,
Association to add \$1,000; second
horse to have \$200; dash of one and
one half miles; closed with 42
nominations.

Third Race - Association Purse of \$500;
second horse to have \$100; mile heats.

SECOND DAY, TUESDAY, MAY 18 - First Race -
The Alexander Stake, for two-year-old
colts, \$25, play or pay, Association to
add \$250; second horse to have \$100;
dash of a half-mile; closed with 24
nominations.

Second Race - Association Purse of \$800;
second horse to have \$200; two mile
heats.

1

The Daily Louisville Commercial, May 7, 1875, p. 4

Third Race - Association Purse of \$250;
dash of one and one eighth miles.

THIRD DAY, WEDNESDAY, MAY 19 - First Race -

The Kentucky Oaks, for three-year-old fillies; \$50 entrance, half forfeit; Association to add \$500; second horse to have \$100; dash of one and one half miles; closed with 27 nominations.

Second Race - Louisville Ladies' Stake for two-year-old fillies; \$25, play or pay; Association to add \$250; second horse to have \$100; dash of a half mile; closed with 19 nominations.

Third Race - Association Purse of \$500; second horse to have \$100; dash of two and one third miles.

FOURTH DAY, THURSDAY, MAY 20 - First Race -

Falls City Stake, for three-year-olds that have not appeared in public prior to January, 1875; \$50 entrance, half forfeit; Association to add \$400; second horse to have \$100; mile heats; closed with 28 nominations.

Second Race - The Louisville Cup, value \$1,000, for all ages; \$50; play or pay; dash of two and one quarter miles; closed with 22 nominations.

Third Race - Association Purse of \$500; mile heats, three in five.

FIFTH DAY, FRIDAY, MAY 21 - First Race -

The Tennessee Stake, for two-year-olds; \$25, play or pay (winners of the Louisville Ladies' or Alexander Stakes to carry five pounds extra); Association to add \$250; second horse to have \$100; dash of three quarters of a mile; closed with 30 nominations.

Second Race - The Gentleman's Cup, value \$250, members of this or any other club to ride; 150 lbs. minimum weight; dash of one and one third miles.

Third Race - Purse of \$300; hurdle race; welter weights; dash of two miles, over eight hurdles, 3 ft. 6 in. high, second to have \$50.

SIXTH DAY, SATURDAY, MAY 22 - First Race -
The Clark Stake, for three-year-olds;
\$50 entrance, half forfeit; Association
to add \$500; second to have \$100; dash
of two miles; closed with 29 nominations.
Second Race - Association Purse of \$800;
second horse to have \$100; winner of
Louisville Cup to carry 8 lbs. extra;
dash of three miles.
Third Race - Consolation Purse of \$400;
for beaten horses; once, allowed 7 lbs.;
twice, 12 lbs.; three times, 16 lbs.;
mile heats; second horse to have \$100;
third horse \$50.

"Address all communications to the
Secretary, or Galt House, Louisville, Ky.
M. LEWIS CLARK, JR., President
Wm. Murphy, Secretary" ¹

Although the Jockey Club published a small booklet
stating the rules and regulations of the association, a
few governing entrance requirements appeared with the
advertisements that were published in the local papers from
time to time in the week prior to the meeting. ²

Railroad and streetcar time tables appeared simultaneously
with these announcements. The Short-line Railroad and the
L&N ran special trains that connected the city with the racing
oval, while the Fourth Street mulecars traveled the newly
laid tracks to the entrance gate.

¹
Ibid., May 5, 1875, p. 1

²
The complete rules and regulations can be found in the
Appendix, p.139

Mule car

1883

"HO! FOR THE RACES
Special Trains
During the Races, commencing
Monday, May 17,
THE SHORT-LINE RAILROAD

will run Special Trains between Louisville and the Race Course Daily. Trains will start from Short-line Depot, corner Brook and Jefferson streets, at 12:30 and 1:30 p.m., returning immediately after the races.

"Round-trip Tickets for sale at Fourth and Jefferson, Fourth and Main and at Depot." 1

--

"TIME-TABLE
of the
FOURTH STREET CARS
to the
RACE COURSE

"For Saturday - Fare 25 cents
Leaving Fourth and Main Streets as follows:

7 a.m., 7:30 a.m., 8:25 a.m., 9:15 a.m.,
10:05 a.m., 10:55 a.m., 11:54 a.m., 12:35 p.m.,
1:25 p.m., 2:15 p.m., 3 p.m., 3:50 p.m.,
4:35 p.m., 5:25 p.m., 6:10 p.m., 7 p.m.

"Quick line all day Sunday, from Fourth and Main, from 7 a.m. to 7 p.m." 2

--

"EXCURSION TRAINS
TO
THE RACES

"From Bridge and L&N Depots

¹
The Daily Louisville Commercial, May 14, 1875, p. 1

²
Ibid., May 15, 1875, p. 1

During the week trains will run as follows:

Leave Bridge Depot - 12:45, 1:45, 2:45,
3:45 p.m.

Leave Maple-street Depot - 1, 2, 3:05,
4:10 p.m.

Arrive at Race Ground - 1:15, 2:15, 3:20,
4:25 p.m.

Trains will stop for passengers at
Fourteenth and Walnut Streets.

Trains from New Albany and Jeffersonville
make close connection with Race-ground
trains.

Two trains will be in waiting to carry
passengers to the city as soon as the
races are over.

Fare Round Trip - From New Albany, 55¢;
Jeffersonville, 55¢; Bridge Depot, 35¢;

Fare Single Trip - New Albany, 35¢;
Jeffersonville, 35¢; Bridge Depot, 25¢;
Fourteenth and Walnut, 25¢; L&N Depot,
15¢.

When fare is collected on train 25¢ will
be charged each way from Bridge and L&N
Depot.

Tickets on sale at depot, offices in New
Albany, Jeffersonville, and Louisville,
and at corner Third and Main, Fourth
and Main, and Fourteenth and Walnut
streets." 1

Louisville publications naturally concentrated on the
importance of establishing a permanent race course in the
city and the dividends that were to be received, they hoped,
from it. It was pointed out that St. Louis had her fair,
Cincinnati her musical festival, New Orleans her Mardi Gras
and there was no reason why Louisville could not gain equal
fame for her races. The Louisville Jockey Club had

1

Ibid., May 16, 1875, p. 1

originated an enterprise that would be a source of wealth to the city. All that was needed was cooperation from the business men and the general public, and the Louisville region could hold her place among the great race courses in the country.¹

The New York scribes were interested in the Kentucky Derby only because of its relation to other three-year-old races of the year. The Spirit of the Times remarked:

"The Kentucky Derby....like its prototype, the English Derby, is one mile and a half, and no less than 42 three-year-olds, the flower of the American thoroughbreds, have been entered.....The interest attached to this race is very great among turfmen, for it is generally thought the result will throw considerable light on the subsequent great three-year-old races for the Withers, Belmont, Travers, and Kenner Stakes at Jerome Park and Saratoga....We trust that the Louisville Jockey Club will be favored with fine weather during the continuance of their meeting, in which event we confidently predict for them a brilliant and successful carnival of racing sport." 2

On the night before the opening day of the inaugural meeting, pool-selling was conducted on twelve horses entered in the Derby. At the Galt House and the Louisville Hotel, H.P. McGrath's entry, Chesapeake, was the favorite, Searcher and Verdigris selling next. In the first pool, Searcher was

1

Ibid., p. 4

2

The Spirit of the Times, May 15, 1875, p. 347

Reproduction
of the
first Kentucky Derby program

Programme—First Day, Monday, May 17, 1875.

NUMBERS MARKED (*) WILL PROBABLY START.

FIRST RACE—ASSOCIATION PURSE, \$300. Dash of 1½ miles.

NO.	OWNER.	NAME OF HORSE.	COLOR, AGE.	PEDIGREE.	WEIGHT.	DRESS OF RIDER.
1	Wm. Cottrill	Longventure	ch f. 4 yrs.	Harry of the West out of Maggie J	101	Red with White Sash.
2	A. Buford	Kilbuck	ch f. 4 yrs.	Kingmaster out of Ontario	101	Red, White Sash, Red, White Cap
3	R. H. Cheatham	Vanderbilt	bl c. 4 yrs.	Vandal out of Nelson	101	Orange, Red Sleeves & Red Cap.
4	S. P. Elliot	Orphan Girl	ch m. 4 yrs.	Muggins dam by Wagner	101	White, Blue and Red Cap.
5	L. J. Loyd	Cap. Hutchinson	b g. aged	Voucher, dam by Zoro	101	Green
6	A. B. Lewis & Co.	Bessie Lee	b m. 6 yrs.	Hunter's Lexington dam by Chorlmer	111	White Jacket and Lemon Cap.

SECOND RACE—The Kentucky Derby, for three year olds; \$500, play or pay; Association to add \$1000, second horse to have \$200 Dash of 1¼ miles and closed with the following entries.

1	Charles Pine	Planet	ch f.	Planet, out of Bessie	100	Red and red.
2	W. Hunt Reynolds	Anella	ch f.	Australian, out of La Grand Duchesse	97	Red, White Sleeves, Red and
3	Charles A. Lewis	Vertis	ch f.	Veratiles, out of Belle Brandon	100	Blue, with White Cap (white Cap
4	General A. Buford	McCreary	ch f.	Enquirer, out of Ontario	100	Red, White Sash, Red & White Cap
5	Stringfield & Clay	Enlist	gr o.	Enquirer, out of Crownlet	100	Blue, Yellow Sash, Blue, Vel. Cap
6	Stringfield & Clay	Orel	b o.	Enquirer, out of Charlie Walker	100	" " " " " " " "
7	Stringfield & Clay	Warrior	ch c.	War Dance, out of Sister of Caesar	100	" " " " " " " "
8	John W. Miller	Maggie Miller	ch f.	Lee Paul, dam by Saverio	97	White, with Blue Sash.
9	W. H. Bruce	Edna Moore	ch f.	Enquirer, dam by Bonnie Scotland	97	Orange, and Black Stripes.
10	B. Rhoads	Sardier	ch f.	War Dance, dam by Knight St. Geo.	101	Maroon.
11	Shawhen & Bowen	War Call	ch c.	Jack Malone, out of Violette	101	" " " " " " " "
12	General W. G. Harding	Camero	ch c.	Vandal, out of Caroline	100	Orange, with Red Cap.
13	H. P. Harner	Ponbrueck	b o.	Phaeton, out of Fanny Milton	100	Green, with Orange Belt.
14	H. P. McGrath	Chesapeake	b o.	Lexington, out of Roxana	100	" " " " " " " "
15	H. P. McGrath	Artides	ch c.	Lexington, out of Serong	100	Silver-gray, and White Stripes.
16	A. Hankins	Aramis	b o.	Phaeton, out of Nellie Gray	100	Orange, with Black Belt.
17	A. Keene Richards	Red Man	b o.	War Dance, dam by Solferino	97	Green, with Red Cap
18	Samuel J. Sayers	Bill Bruce	ch c.	Enquirer, out of Anora Baby	100	Black, with Red Belt
19	Samuel J. Sayers	Aggie Anderson	ch f.	Phaeton, out of Belle Anderson	97	White, with Blue Stripes.
20	James A. Grinstead	Chill	ch f.	Australian, out of Income	100	Orange, with Black Stripes.
21	James A. Grinstead	Phyllis	ch f.	Phaeton, out of Lena of Sidney	100	White, Lemon Cap.
22	William & Orange	Phyllis	ch f.	Planet, out of Full Cry	100	Blue, with White Belt and Cap
23	Allen Bamford	Rob Woolley	ch c.	Baywood, out of Lute	100	Orange, Red Sleeves and Red Cap
24	R. H. Lewis & Co.	Vagabond	b o.	Lexington, out of Item	100	" " " " " " " "
25	D. Swigert	Steinbok	ch c.	Vandal, out of Item	100	Australian, out of Bunnet
26	D. Swigert	King Alfonso	b o.	Phaeton, out of Capito	100	Planet, out of Willie Lewis
27	Las. & A. C. Franklin	Monians	b o.	Phaeton, out of Capito	100	Planet, out of Willie Lewis
28	Las. & A. C. Franklin	Manivoo	ch c.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
29	Archer Chestnut	Vindictors	b o.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
30	Geo. W. Darden	Valerian	ch f.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
31	Geo. W. Darden	Gry Sel	gr o.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
32	Jackson & Co.	Van Dorn	ch c.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
33	James Davis	Damon	ch c.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
34	H. H. Cheatham	Lady Hugo	ch f.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
35	H. H. Cheatham	Nechem	ch c.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
36	H. H. Cheatham	Von Molke	b o.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
37	W. H. Morgan	Duch	b o.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
38	W. H. Morgan	Volcano	ch f.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
39	John H. Stone	Pauline Sprague	ch f.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis
40	Wm. Cottrill	Arcton	ch f.	Planet, out of Willie Lewis	100	Planet, out of Willie Lewis

THIRD RACE—Association Purse, \$500; Second horse to have \$100, mile heats.

1	J. H. Murphy	War J. J.	b g 6 yrs.	War Dance, out of Dixie	111	Green & White
2	Wm. Cottrill	Harry Felter	b o 4 yrs.	Daniel Boone, out of Sigma	104	Red, with White Sash
3	Wm. & Orange	Sirplay	b o 4 yrs.	Virgil, out of Ornel	104	Black, with Red Belt
4	B. O. Thomas	Vickery	ch d 3 yrs.	Vandal, out of Bonnie	91	White, with Red Belt & Sash
5	L. J. Loyd	Mary Lee	ch & aged	Voucher, dam by Epitaph	111	Green (let Cap.)

bought as first choice for \$20, while McGrath's colt sold
for fifty-odd.¹

The optimistic enthusiasm of the press was not unfounded. The opening day of the Louisville Jockey Club was all that could have possibly been anticipated. Mr. R. Baude, who lives at 1436 Eastern Parkway, remembers attending the races on Monday afternoon, May 17, 1875. He left the corner of Brook and Jefferson Streets on the Short-line train and rode to within three or four blocks of the race course. He walked through a woods between the railroad and the track where a number of people were operating games of chance. He sat in grandstand which was on the east side of the track. Drinks were served but no food. Mr. Baude recalls that he attended the races alone that day as he was very anxious to see the new Kentucky course. He remarked that he was not disappointed!²

Another elderly Louisville citizen, who requested that her name remain anonymous, lived on Breckenridge Street between Second and Third during the year of the inaugural meeting of the Jockey Club. She drove to the racing oval in a carriage with a group of friends that included a young girl who was a guest of the governor of the State. Her outstanding reminiscence is that they all had a grand time and that the

¹ The Daily Louisville Commercial, May 16, 1875, p. 4

² This information was told to me in an interview with Mr. Baude in November, 1943.

occasion was one of the most gala that the city had ever
experienced.¹

Ed "Keggie" Jones, an old Negro who works at the mule barns at Churchill Downs, remembers walking from his home on Green Street to the track with a group of other youngsters. They found themselves a cool, comfortable spot under a shade tree and stayed there the entire afternoon. It was difficult to see the far side of the track because of the wagons, carriages and ox-carts that swarmed the centerfield. "Keggie" was greatly impressed with the exciting finish of the Derby and the fast time over the new, unharrowed track.

"It was a more excitin' and much purtier race den!" he
emphatically declared.²

The attendance was fully ten thousand people. The ladies were largely represented, not only in the stand but also in conveyances at the side of the track. Prominent merchants and business men dotted the crowd. The day could easily have been compared with the unforgettable afternoon when Grey Eagle and Wagner dueled at the Oakland Course thirty-six years before.

"We are confident", The Louisville Daily Commercial reported, "that from the auspicious opening of yesterday that

1

This information was told to me in an interview in November, 1943.

2

This information was told to me in an interview with Ed Jones in February, 1944.

Ed "Keggie" Jones

1944

it will be such as to give the Louisville races a prestige equal with any in the world. Louisville has a better opportunity now to make herself the great racing center of the country than ever before."¹

This reporter was so ardent in his zeal to impress upon the reading public the importance of maintaining a race course in Louisville that he treated the actual running of the races secondarily. Unfortunately, his account of the "event of the day" - the Kentucky Derby - had been clipped from the files of The Daily Louisville Commercial and the only available record is that which was published in the Weekly Courier Journal of May 26th:

"Colonel Johnson [Col. W.H. Johnson, president of the Nashville Blood Horse Association] got his cavalry marshaled in two ranks at the half-mile pole, and sent them away to a good start. Aristides, McCreery and Volcano seemed to get off in front, Chesapeake, who is a vicious starter, being one of the last away. McCreery got to the front before rounding the turn, and was first under the string, with Aristides second and Volcano third, the rest in a bunch close behind them. Before reaching the turn, McCreery retired.....

"Aristides went on with the lead after McCreery retired, with Ten Broeck, Volcano, Bob Wooley and Verdigris, who had begun to close up, not far in his rear; the others seemed to be outpaced, for Aristides was cutting out the running at an awful speed, getting back to the half mile pole in the

¹

The Daily Louisville Commercial, May 18, 1875, p. 4

Clubhouse
Churchill Downs

1875

(The dresses are sketched
from an
original Peterson print
dated
July 1877)

neighborhood of 1:43. Here Volcano dropped back, his rider, with good judgment, taking a pull on him. Lewis on Aristides, too, seemed to take a pull on his horse, expecting Chesapeake to come in and take up the running, but where, oh where, was Chesapeake - away back in the ruck and not able to do anything for his stable; fortunately for the favorites, McGrath was near the head of the stretch, and taking in the position of affairs at a glance, waved his hand for Lewis to go on with the good little red horse and win if he could all alone. Right gallantly did the game and speedy son of Leamington and Sarong answer the call on his forces, for he held his own all down the stretch in spite of most determined rushes on the part of Volcano and Verdigris, and dashed under the wire the winner of one of the fastest and hardest run races ever seen on a track. The time made, 2:37 $\frac{3}{4}$, is the best for the distance ever accomplished by a three year old with 100 lbs. up....The stake was worth \$3,100 to the winner.

SUMMARY

Aristides.....1
Volcano.....2
Verdigris.....3

Time 2:37 $\frac{3}{4}$ " 1

The Spirit of the Times adequately summarized the long-awaited events in saying:

"The Louisville Jockey Club is to be congratulated in the brilliant and enthusiastic success which has attended their inaugural meeting during the current week....." 2

¹
Weekly Courier Journal, May 26, 1875, p. 1

²
The Spirit of the Times, May 22, 1875, p. 377

Colonel Clark saw his dreams realized during the week of May 18, 1875. The Louisville Jockey Club and Driving Park Association had been enthusiastically received by the citizens of Louisville, a stake race had been run each day of the meeting, and the leading stables of the South had contested their horses.

For the following fifteen years the meetings of the Club were events of country-wide importance. The Kentucky Derby became the object of every turfman's ambition, and Parole, Vagrant, Luke Blackburn, Hindoo, Runnymede (by Billet), and other champions of the East were sent to contest¹ it.

However, with the beginning of the last decade of the 19th century, interest began to wane. Churchill Downs was overshadowed by the more fashionable tracks of the East. The Louisville Jockey Club continued to abide by rules and regulations that had been drawn up in 1874. And, as a result, very few owners felt it imperative to race their horses on a course where distances were too great and purses were too small.

So it is not surprising that the Louisville papers criticised the policies of the Club and found it necessary to warn that times had changed.

¹

Vosburgh, W.S., Racing in America, 1866-1921, p. 55

Chapter IV

Era of Commercialism

1894 - 1902

Chapter IV

"A CAKE WALK AND NOTHING MORE" ¹

These headlines, which appeared in The Louisville Commercial on the morning of May 16, 1894, adequately described the twentieth Kentucky Derby. The fervent writer continued his denunciations by saying that when the Kentucky Derby degenerates into a bench-show - a contest of dogs - it² is time to alter its conditions.

What had led to such uncomplimentary press notices when nineteen years before the same newspaper expressed nothing but glorious praise for the Louisville Jockey Club, its inaugural meeting and the initial running of the Kentucky Derby?

In order to answer this potent question and to comprehend fully the wrath of the journalist, one must first understand several facts so important to the racing of thoroughbreds. First, the distance of the three-year-old race was one mile and a half and it usually took place sometime within the first eighteen days of May. Most thoroughbreds are taken up, that is, go into regular training with a work-out every third day, about the first of February. In Kentucky, where a great

¹

The Louisville Commercial, May 16, 1894, p. 1

²

Ibid.

Watching the Derby
from the
Grandstand 1

1894

¹

The Courier Journal, May 16, 1894, p. 1

majority of racing stock was schooled, the weather is not always favorable during these early spring months and the training process was somewhat retarded. As a result it was almost an impossibility to have a colt fully ready for such a long distance so early in the racing season.

Secondly, the fact cannot be overlooked that gradually horses were being bred for shorter distances and greater speed. This is proven by the fact that heat races were being successfully succeeded by stake race, allowance races, claiming races and contests against time, all of which were¹ shorter in distance.

The writer vividly pointed out that racing was no longer a sport; it was a business. And with this conversion, the motto of the turf had changed. Men no longer raced for glory. Owners no longer entered good colts and trainers no longer raced them a mile and a half in early May for the money that the Louisville Jockey Club could afford to offer. The time had come for a change and that change was to cut the Derby² distance so that the contest could be kept above contempt.

No reflection was made upon the administration of the Club except excessive idealism. In fact, the writer commended Colonel Clark most highly:

1

This information was told to me in February, 1944 by Smith Buchanan, a Negro who has trained thoroughbreds for many years.

2

The Louisville Commercial, May 16, 1894, p. 1

"Above all other men of the West for years M. Lewis Clark has stood for what is good and honorable in racing. He has held the Kentucky Derby to the standard of the extreme test of courage and endurance as well as speed; a noble contest, in which no penalties are imposed and no favors asked; a race in which victory brings to horse, owner, trainer and jockey victory above all money value. But when ideals, however admirable, become impossible, it is time to abandon them.....The dollar is king and the Derby of a mile and a half is dead." ¹

Moreover, the financial stability of the Jockey Club itself was uncertain. Only one dividend of 10 per cent had declared since the inaugural meeting in 1875. Colonel Clark ² had turned all profits back into improvements of the track. This pecuniary instability came to a climax when there were 55 entries for the Derby in 1894 and only five horses started the race.

This unpromising spring meeting was the last to be held under the direction of Colonel Clark and the Louisville Jockey Club. The policies of the organization had been built upon the old school of thought of the Southern turf - the test of horse against horse for courage, endurance and speed above all else. But these standards were apparently obsolete. The directors were financially unable to cope with the new

¹

Ibid.

²

Menke, op. cit., p. 23

M. Lewis Clark 1

1895

¹
The Louisville Commercial, May 7, 1895, p. 1

philosophy of racing; the Louisville Jockey Club ceased to be an organization.

On November 26, 1894, the articles of incorporation of the New Louisville Jockey Club were filed in the County Clerk's office. The incorporators were Messrs. Emile Bourlier, Henry Wehmhoff and W.E. Applegate, each of whom held twenty shares valued at \$100 per share, W.F. Schulte and C.J. Bollinger, fifteen shares, and M.S. Simonton, ten shares.¹ The capital stock was fixed at \$10,000.

With the exception of Mr. Bollinger, who lived in Cincinnati, all of the directors of the New Louisville Jockey Club were residents of Louisville. Mr. Bourlier and Mr. Wehmhoff were the proprietors of the Turf Exchange, 243 Third, where auction pools on races were held. Mr. Applegate owned a whickey company at 130 Second Street and Mr. Schulte headed The Newmarket, 239 Third, a company also engaged in bookmaking. Mr. Bollinger was a clerk at the Turf Exchange before he moved to Ohio.²

The new directors had had experience at the Turf Exchange and at the Newmarket with a public that was more interested in the gold rather than in the glory that was connected with a

¹ The Courier Journal, November 27, 1894, p. 6. The complete articles of incorporation can be found in the Appendix, p. 153

² Caron, op. cit., for 1895, v. 25, pp. 102, 170, 971 and 1,140; for 1893, v. 23, p. 178; for 1894, v. 24, p. 180

horse race. The dollar reigned supreme and Messrs. Bourlier, Schulte and the other directors of the new organization were keenly aware of it. There was no procrastination in taking advantage of great possibilities!

The first step toward steadying and eventually increasing the monetary status of the Jockey Club was the erection of a new grandstand on the west side of the track. The cost was estimated to be around \$66,000. The building was 285 feet long, constructed mostly of brick, and had a seating capacity of about 1,500, but the wide stairways made it possible for some 2,000 persons to stand and view the entire course.¹ The two tall, tapering spires have since become a landmark.

A bar, a lunch counter, the Secretary's office, the paddock and the betting stand were on the first floor. All were paved and drains were built so that any excess water might be carried away. Patrons were able to place bets regardless of the weather. Rooms for the ladies were on the top floor. Space was provided for the orchestra right under the roof so that everyone might hear the music.²

From the opposite side of the track, newly whitewashed stables and painted fences took the place of a glaring western sun that had shone upon those who had watched all previous

¹ Menke, op. cit., p. 24

² The Louisville Commercial, May 6, 1895, p. 2.

Derbies. The original grandstand remained standing but unused.

For the first Derby under the new management, there were twenty places for bookmakers. Choices for position in the large open structure just east of the bar and the lunch counter were made by the throw of dice. In addition to these, there was a foreign betting stand and a wire running into the track where results could be obtained after each race.¹

A season paddock badge, with all privileges, sold for \$15.00; daily paddock badge, with all privileges, \$1.50; daily admission, including grandstand, \$1.00; ladies' tickets, \$.50. Free admission to the infield was allowed as in all previous years.²

From all outward appearances, the Derby of 1895 gave promise of outshining those of other years. To anyone returning after an absence, the new grandstand with its imposing towers, the convenient betting facilities, the recently whitewashed stables all would have seemed alien and strange. The only remaining symbol of the day when Aristides led the field to win the first Kentucky Derby was the distance of the race itself. That had been untouched by the directors of the New Louisville Jockey Club.

¹
Ibid.

²
Ibid., May 5, 1895, p. 12

This, undoubtedly, was a grave mistake and was proven so on the sixth day of May when only four horses waited for Mr. C.H. Pettingill, the starter, to lower his red flag as a signal to go. The number was one less then the preceeding year.

Entries were necessary for the successful continuance of the Derby, and, in order to attract more horses to compete, it was imperative to shorten the distance. Finally, in 1896, two furlongs were clipped from the Derby, thus making the route one mile and a quarter. The length of the race has remained the same to date.

The results of this decision were immediate; 171 horses were entered and eight started the race.¹ This was a vast improvement over the two previous years. Owners could now enter their horses without feeling that intense early training would hinder their chances for later racing in the summer.

Another change took place that same year; there was no free field. This, indeed, was a blow to the many hundreds of persons, both white and Negro, who had spent happy hours within the inside of the racing oval watching the horses, drinking lemonade, chancing their luck at dice and the old shell game. To them, no free field prevented an annual holiday that had been enjoyed since the first day of the

¹

Menke, op. cit., p. 25

¹
inaugural meeting.

The directors of the New Louisville Jockey Club well knew that the public was anxious to spend its money and that horse racing, because of its gambling appeal, could be made popular with the multitude. This appeal, plus a new and pretentious grandstand with convenient betting facilities, attracted a group that was deeply concerned with the pleasure and excitement of betting. The social dignity that had adorned the gathering at the inaugural meeting of the Jockey Club had completely vanished during the 1890's. In its place stood the clamoring throng eager for tips on "sure things" and "long shots".

¹
This information was told to me in an interview with Ed Jones in February, 1944.

Chapter V
Rejuvenation
1902 - 1905

Chapter V

The gold over glory policy of the New Louisville Jockey Club was short lived. In 1898, four years after its organization, Mr. Bourlier died and Mr. Wehmhoff retired from the club. Messrs. Applegate, Bollinger and Schulte attempted to carry on the management of Churchill Downs, but each year showed a greater financial loss than the year before. By 1902, it seemed as though the gates of the racing oval would be permanently closed. The outlook for horse racing in Louisville was very dark.

A meeting of the stockholders and the directors was held on October 1st in the office of the Jockey Club, room 17 Courier Journal building. Rumors were circulating concerning the get-together. It was certain that the old officers would retire and that a new group of men would take over the reins in an effort to put the club at least on a paying basis. It had even been stated that Mr. Louis V. Bell, a wealthy New York horseman, had purchased a controlling interest in the Club. It was assumed that Mr. Charles F. Grainger, Mayor of Louisville, and Mr. Charles F. Price, an active member of the Jockey Club, would govern the destinies of the track.¹

These assumptions were gleaned from an interview with Mr. Applegate, who had just returned to Louisville after a

¹

The Courier Journal, October 1, 1902, p. 9

W. F. Schulte 1

1902

¹
Ibid.

lengthy business trip in the East. Mr. Applegate told reporters:

"I can't outline what will be done, but I am of the opinion that there will be a complete change in the directory of the Club, a complete change in the ownership and also a very considerable change among the officers.

"I believe that after the new directors have been elected they will elect Mayor Charles F. Grainger president, Charles F. Price secretary and Matt Winn vice president. I don't know who will be the new treasurer, but it may be some one whose name has not yet been mentioned.

"No, I am not at liberty to state who will be the new owners of the Jockey Club. In fact, this is a matter that I have not asked about in detail. I know the New Louisville Jockey Club has cost me a lot of money; that I own the controlling interest of the stock; and that I believe other people can make more out of it than I did. With a new deal all around I believe the New Louisville Jockey Club will prove a big success. I will be glad to see it. I will also be glad to get out of the Club." 1

Mr. Applegate's wish was granted; his connections with the Jockey Club came to an end with the reorganization meeting. Messrs. Bollinger, Schulte, Hamilton Applegate and D.F. Dressen also severed affiliations.

With the exception of Mr. Price, the new officers and the new Board of Directors were an entirely different group of men. Mr. Grainger was elected president; Mr. M.J. Winn,

1

Ibid.

Charles F. Price ¹

1895

¹

The Louisville Commercial, May 6, 1895, p. 1

vice president; Mr. Price, secretary and treasurer; Mr. J.C. Boardman, assistant treasurer. The Board of Directors was composed of Messrs. Price, Winn, Boardman, Grainger, Saunders¹ P. Jones, Walter E. Glover and Louis Seelbach.

Eighty-three per cent of the Jockey Club stock, which had been held by Mr. Applegate and Mr. Bollinger, had been transferred to Messrs. Price, Winn and Boardman, who would have an option on the purchase of the stock for seven years, the remaining number of years that the Club had a lease on Churchill Downs. These new stockholders, it seems, simply held the stock in trust, or as trustees, held an option on the stock for that length of time if they desired to buy it² during that period.

It was Mr. Grainger's ambition to place Churchill Downs once again on the high level of sporting competition and of social grace that had originally been Colonel Clark's aim. The home of the Kentucky Derby had undergone changes that had

1

Charles F. Price, r 1805 4th.
Martin J. Winn, tailor, 609 4th.
Jerome C. Boardman, mngr The Boston Co., saloon, 337 W. Mkt.
Charles F. Grainger, Mayor City of Louisville and pres.
Grainger & Co. proprs. Phoenix Foundry and Machine
Works, 129 to 141 10th.
Saunders P. Jones, (Paul Jones & Co., whiskies, 136 E. Main).
Walter E. Glover, dressmaker, Tyler bldg., 341 W. Jeff.
Louis Seelbach, pres. Seelbach Hotel Co. 600 W. Main.
(Caron, op. cit., for 1902, v. 32, pp. 1,028, 1,394, 189,
515, 688, 501 and 1,156)

2

The Courier Journal, October 2, 1902, p. 7

Grandstand
Churchill Downs

1902

been the result of an era of commercialism. And in doing so, it had lost a great amount of its prestige. Local enthusiasm had waned under the policies of the directors of the New Louisville Jockey Club; the whole organization was "down at the heels", so to speak.

With a new deal all around as Mr. Applegate had so amply phrased it, the first object in the change of management was to get the citizens of Louisville intensely interested in the undertaking. To that end additional stock would be issued to persons of well-known social standing and the money thus acquired would be spent in various improvements, chief among¹ which would be a clubhouse, a cafe and a summer garden.

However, it was realized by these new executives that this one goal would not be adequate to put Churchill Downs on a par with the great tracks of the country. It would be necessary to make the stakes and the purses attractive enough to interest the thoroughbred magnates of the country. In securing their entries, the track would be more than just a racing oval for mediocre horses drawn from the racing stables below the Mason and Dixon line.

The Whitneys, the Belmonts and the other millionaire owners raced their horses in the East and in Europe; they were not interested in the historical tradition that marked the

¹
Ibid.

only wealth that Churchill Downs possessed. As a result of this, the best thoroughbreds of the nation, a great percentage of which were bred in central Kentucky, never raced in this vicinity. And the standard of the contest naturally suffered from their absence.

Mr. Grainger well knew that the Jockey Club could not meet the big money of the East, but, at least, the Derby could be rehabilitated. This would be the beginning!

The spring of 1903 brought a change in the appearance of Churchill Downs. A new one-story frame clubhouse had been erected just beyond the finish line alongside the grandstand. The society page of The Louisville Times of May 1st declared that it would lend an additional interest and, with its broad verandas, would afford an opportunity for promenade and displaying of gowns. The verandas had been fitted with green chairs and settes; the dining-room was furnished in green and yellow, the club colors. The windows were hung in lace curtains and green draperies. The china was marked with a horse shoe and the club monogram. The tables seated parties of four and six. Potted plants were distributed about and the Flemish fireplace was filled with growing trees. The ladies' reception-room adjoined the dining-room and was attractively furnished in green. The bar was in the rear of the building and was provided with small tables, where men might entertain

¹
parties.

The clubhouse was not the only section of the track that displayed a gay and festive air. Over each stable floated the pennant of the owners of the horses that were bedded beneath. Their variegated colors added greatly to the scene as one looked across the centerfield from the stands.²

Tallyhos and light vehicles brought parties to the scene and a special train of cars carried city officials direct to the track, the City Hall having been closed at noon in order to allow the usual half holiday in honor of the Derby.³ The Mayor's party included Mayor David S. Rose, of Milwaukee, Mayor Julius Fleischmann, of Cincinnati, Mayor James M. Head, of Nashville, and Mr. Trigg Moss, an alderman of New Orleans, who was formerly a resident of Louisville.⁴

Admission to the Derby was one dollar for gentleman and fifty cents for ladies; boxes sold for five and eight dollars.⁵

The fourth race of the afternoon was the Kentucky Derby, valued at \$6,000 from which sum the winner netted \$4,850. Only six of the 140 nominations started the race. Early, the

¹
The Louisville Times, May 1, 1903, p. 6

²
The Courier Journal, May 2, 1903, p. 8

³
Ibid., and May 1, 1903, p. 7

⁴
Ibid.

⁵
The Evening Post, May 1, 1903, p. 8

Mayor Grainger
in the
Judges' Stand 1

1903

¹

The Louisville Times, May 2, 1903, p. 8

favorite, ran second to Judge Himes, on whom the bookmakers had laid odds of 10 to 1.¹

There was no doubt that one goal had been reached by the newly organized Jockey Club: local society had turned out for the 29th running of the Kentucky Derby and, moreover, had been greatly pleased over the rejuvenation of the track. And, as a result, Mr. Grainger hoped, additional stock in the Club would be issued. If this materialized, the other goal of the Club, the attraction of Eastern racing stables, could eventually be developed. The hope, however, seemed dark at that time.

A striking example of this was shown just before Derby Day. A short time before the meeting, Onatas, who would have been the favorite for the classic, was purchased for \$15,000 by E.R. Thomas, the latest millionaire addition to the turf ranks, and was immediately shipped East. Then Early became the favorite. Several days before the race this colt was purchased by big Chicago turfmen for \$12,000 and ordered shipped at once. Pat Dunne, the former owner, persuaded the new owners to allow the colt to remain for the race.²

It is true that Early only placed in the contest, but certainly his presence added to the competition. According to the bookmakers and the crowd that thronged the stands, he

¹ Menke, op. cit., pp. 56, 58 and 60

² The Louisville Times, May 4, 1903, p. 12

was by far the favorite in the race. Judge Himes, who was rarely mentioned in the pre-race newspaper reports, won only through a turn of fate.

Mr. Grainger made an effort to restore Churchill Downs to the social and sporting plane that had been set by Colonel Clark and his associates. In their seven months of administration, he and his confederates had accomplished a great deal in again interesting local society in Churchill Downs. The attraction of the leading stables of the country through an increase in purses would develop only after the finances of the Club became more steadfast.

Chapter VI

Reform

1905 - 1908

Chapter VI

After the reorganization of the New Louisville Jockey Club in 1902, the development of Churchill Downs was rapid and extensive.

The first step toward permanency was taken in the autumn of 1905. The land on which the course was built was purchased from the Churchill estate. The deed was recorded in the County Clerk's office on November 1st between The Fidelity Trust Company, executor and trustee, and Charles F. Grainger, trustee on behalf of Samuel S. Brown, William E. Applegate, Martin J. Winn and Andrew Vennie. The price paid for the 81¹ acres was \$135,000.

The following year an act was passed by the General Assembly of the Commonwealth of Kentucky to establish a State Racing Commission. It was approved on March 23, 1906. This Governor-appointed group was to regulate all racing of running horses in the state, to issue license to corporations desiring to hold race meetings as well as to trainers and jockeys, to revoke such licenses, if necessary, and to subject² the hearing to the courts of the state.

The importance in the founding of this commission was

¹ Jefferson County Court Deed Book, n. 631, pp. 341-343. The complete deed can be found in the Appendix, p. 156

² Acts of the General Assembly of the Commonwealth of Kentucky, 1906, pp. 466-469. The complete act can be found in the Appendix, p. 160

Kentucky State Racing Commission

C.-J. Photo.

COMBS HEADS RACING COMMISSION—The newly appointed Kentucky State Racing Commission held its first organization meeting Monday afternoon at Churchill Downs and elected Leslie Combs II of Lexington chairman and Vertner Smith of Louisville vice-chairman. Shown seated are Mr. Combs, Mrs. Edward Shinnick, secretary, of Lexington, and Mr. Smith. Standing are A. B. Gay of Spring Station and C. P. Lebus of Cynthiana. Harry Reed of Louisville was unable to attend because of a war work conference.

laid in the fact that racing in Kentucky was at last recognized as a permanent institution; one that required supervision and set rules. Pioneers had begun matching their horses as early as 1780 on the race paths bordering the forests. From that time the sport was continued in small groups of two, in three-day race meets, in organized corporations that made their own rules and regulations. With the formation of the State Racing Commission, all running races were governed by this body of five men; set standards and rules were made for the entire state. And as a result, a man could enter his horse at any track in the Commonwealth and would know that the conditions would be the same at all places.

The year 1906 also marked the beginning of running races at the trotting oval of the Douglas Park Jockey Club, which was located about two miles south of Churchill Downs. This meeting occurred at the same time as that of the New Louisville Jockey Club, thus creating an undesirable situation for both tracks.

An agreement was reached whereby the two clubs would not compete again, and, to insure harmonious conditions, the two corporations formed the Louisville Racing Association in February, 1907. The Association had supervision, so far as dates for race meetings were concerned, over both tracks, but each organization retained its separate corporate identity.¹

¹

Menke, op. cit., p. 28

The last race meeting to be held at Douglas Park was in the fall of 1918. Since that time it has been used as a supplementary training track to Churchill Downs.

A wave of reform had been sweeping the country since the turn of the century and horse racing was mainly the object of all criticism. Breeders, owners, jockeys and corporated race tracks were greatly concerned. If legalized horse racing was voted out by state legislatures, an immense and prosperous business would meet its death. However, when the New York legislature defeated a bill to abolish racing in that state in April, 1908, the people who were so greatly concerned felt as though the nation would follow this example set by the Empire state.

The threat, though, had its effect. And the New Louisville Jockey Club was able to see the handwriting on the wall. Bookmakers were ruled off the course, and, in their place, the pari-mutuel system of betting was again established, having made its appearance for the last time in 1889.

This method of wagering was conceded to be the fairest ever known on the turf. It is a form of sweepstakes in which each investor puts an equal amount into the pool, and the winner takes it all. There is no bookmaker to get his 20 to 40 per cent with his additional advantages of stable information, his expert handicapping, his knowledge of horses and of men who controlled them. It is the public, that is,

the bettors as a whole and not the bookmakers, that makes the odds. The entire amount of money that is received in all of the pari-mutuel machines goes into a general pool from which the winning tickets are paid. As the term "pari-mutuel" indicates, it is an equal or reciprocal participation by all alike. The words are French, "pari" meaning equal and "mutuel" and interchange, division or¹ participation.

The public had to become educated to this new and strange form of wagering. Anticipating this, Mr. Price wrote a booklet entitled "Pari-mutuels - How Calculated"; it was distributed among the spectators at the Downs during the spring of 1908. The explanation was simple and straight to the point so that it could be easily understood by everyone.

"There will be eleven pari-mutuel machines in operation, seven of them being devoted to straight betting, two of them for the place (1-2) and two of them for "show" betting (1-2-3). The tickets issued from them are marked respectively "straight", "second", and "third", so that there can be no mistake in determining their denominations. All the machines are placed in a row on one side of the betting ring, the seven "straight" ones being grouped together and plainly designated by a large sign overhead; then follow the two "place" machines, coupled or side by side; then the two "third" (or "show") machines also coupled.

¹

The Courier Journal, April 5, 1908, s. 4, p. 10

Original pari-mutuel machines
Churchill Downs

1908

"Each form of betting - straight, second and third - is a separate system of its own, independent of the other two. The seven straight machines are practically one, so far as the result is concerned. Each of them has its own totalisator, showing the number of tickets sold in that machine on all the horses in the race about to be run, but all seven of them are automatically connected or controlled by a grand totalisator which indicates the number of all the straight tickets wherever sold. This totalisator is placed conspicuously so that anyone can see at a glance the aggregate number of tickets that have been sold at any time during the progress of the betting. It matters nothing, therefore, in which one of the straight machines a ticket is purchased; the \$5 paid for it goes into a common pool of all the moneys received from the seven machines, from which pool the winning tickets are paid.

"The two second or "place" machines are also considered a unit, the amount of money bet in both being combined or lumped into a single amount, from which the winning tickets from those two machines only are paid. The same applies to the third or "show" machines. These two also make a unit that is separate and distinct from the straight and place betting.

"Each pari-mutuel machine has ten small compartments or boxes, showing on its face. Each of these compartments bears the name of a horse in the race to be run, and each name so displayed has a number, from 1 to 10, corresponding with the ticket purchased thereon. If there be more than ten horses in the race, nine of them are listed separately - one each to nine of the compartments - and the others grouped in the "field", the latter embracing such horses as are commonly considered to have little chance to win.

Each of these compartments contains a set of figures, controlled automatically by a small lever or crank showing the number of tickets sold on that particular horse. As each ticket is sold, it is recorded by the operator in view of all. 1

"Let it be presumed that a race in which there are twelve horses is about to be run, and the following diagram represents the number of tickets sold against one horse:

STRAIGHT	
Horse	Tickets sold
1. Hindoo.....	285
2. Checkmate.....	215
3. Parole.....	168
4. Thora.....	94
5. Luke Blackburn.....	113
6. Bancroft.....	102
7. Fellowplay.....	60
8. Lelex.....	52
9. Liatunah.....	26
10. Field (three Horses).....	17
Total	1,132

"Let it be presumed that Parole won. Fellowplay was second and Hindoo third. This calculation, however, only concerns the first horse, or winner.

Number of straight tickets	
sold on the race.....	1,132
Multiply by 5 to obtain	
amount in dollars.....	5
Total amount in pool.....	\$5,660
Deduct 5 per cent commission	
for expenses.....	283 2
Balance.....	\$5,377

¹
Ibid.

²
In 1944, 10 per cent commission plus breakage on the dime was deducted for expenses. (Ibid., June 23, 1944, s. 2, p. 9)

Divide \$5,377 by 168, which is the number
of tickets sold on Parole:

$$\begin{array}{r} 168 \overline{) 5377} (32 \\ \underline{504} \\ 337 \\ \underline{336} \\ 1 \end{array}$$

Parole therefore pays \$32.00 for each
straight ticket, or nearly $5\frac{1}{2}$ for 1.

PLACE CALCULATION

"In the same race, presuming that the
following number of tickets were sold, the
calculation would be:

Horse	Tickets sold
1. Hindoo.....	210
2. Checkmate.....	183
3. Parole.....	112
4. Thora.....	91
5. Luke Blackburn.....	102
6. Bancroft.....	83
7. Fellowplay.....	58
8. Lelex.....	45
9. Liatunah.....	22
10. Field.....	<u>18</u>
Total	924

Number of tickets sold..... 924
Which, at \$5 each, would make...\$4,620
Deduct 5 per cent commission.... 231
Leaving a balance of.....\$4,389
Add together number of tickets
sold on the two horses that
ran 1-2, viz:

Parole.....112
Fellowplay.. 58
170

Reduce to dollars.....5
\$850

Deduct this sum from the
\$4,389 in pool.....850
\$3,539

Divide this \$3,539 in halves, which makes
\$1,769. 50 each.

Divide \$1,769.50 by 112, which is the number of tickets sold on Parole, and also by 58, which is the number sold on Fellowplay:

PAROLE

FELLOWPLAY

112)1769.50(15.70
 112
 649
 560
 895
 784
 110

58)1769.50(30.50
 174
 295
 290
 50

To each of the above results (\$15.70 and \$30.50) must be added the original investment money of \$5 each, which was deducted in the first instance so that Parole pays \$20.70 (or about 3 to 1) and Fellowplay \$35.50 for each place ticket.

THIRD OR "SHOW" CALCULATION

"The calculation for the third place tickets is similar to the foregoing, the only difference being that, in making it, provision must be made for three sets of window tickets in the pool, instead of two, as in the place betting. The sums received by both of the third-place machines are combined, and after making the necessary deductions (in like manner as shown above), the remainder of the pool is divided into three parts, one-third being apportioned to the "show" tickets on Parole, one-third to the show tickets on Fellowplay, and the remaining one-third to the show tickets on Hindoo. 1

"In the event that two horses run a dead heat for first place, the money in the straight mutuels is divided in the same manner as in the division of the place money in the Parole-Fellowplay case.

"When two horses run a dead heat for second place, the division is made as follows:

Pari-mutuel tickets

1943

The winner receives his full share of one-half the place money, and the two dead-heaters receive one-half each of the balance, or one-fourth each of the whole.

"If a horse should win a race upon which no ticket has been sold (a very remote possibility), such horse is eliminated entirely from the calculations, the straight money going to the horse which comes in second; the place money is divided between the second and third horses, and the third money among the horses which finished second, third and fourth.

"If, while the betting is in progress, a horse should be excused by the judges because of disability or other cause, the pooling is not affected thereby, and all mutuel bets stand. The tickets purchased on the horses that have been declared are redeemed at \$5 each, such amount being subtracted from the pool.

"To avoid any possibility of collusion or fraud in the operation of the pari-mutuel machines, they will be locked from the judges' stand when the horses reach the post. Each machine has a contrivance which is controlled by electricity, so that when a button is pressed in the judges' stand, all of the machines are locked simultaneously. It will thus be impossible to ring up additional tickets on the winner after or while the race is being run." 1

In the matter of percentage alone, there was a saving to the bettor of from 10 to 30 per cent when he wagered through the mutuel machines instead of a bookmaker. An average case - not an extreme or an exaggerated one - shows the bookmakers' odds and percentage:

1

Ibid.

Horse	Odds	Pr. Ct.
Hyperion.....	9-5	35.71
Hasty Agnes.....	4-1	20.00
Colloquy.....	8-5	38.46
Blagg.....	7-1	12.50
Grimaldi.....	5-1	16.67
Faust.....	50-1	1.96
Batsman.....	60-1	1.64
Total		126.94

Here was a percentage in the bookmakers' favor of 26.94 - lacking but a fraction of 27. Where there was keen competition and the betting was light, the bookmaker would be content with 10 or 12 per cent; otherwise, he would force the bettor to accept anywhere from 20 to 40 per cent.¹

In the mutuels the public, and not the bookmaker, makes its own odds and its own favorites. There is no percentage other than the small one taken out by the association for expenses.²

Mr. Winn told the Courier Journal early in April that the innovation in betting was causing comment all over the country, notably in New York. "This method", he declared, "will prove the salvation of racing and will be the popular form of wagering on all race courses with a few years."³

When Mr. Edward Corrigan, one of the nation's leading turfman, arrived in Louisville after a winter in New Orleans,

¹
Ibid.

²
Ibid.

³
Ibid., April 14, 1908, p. 10

he, no doubt, referred to the new system of wagering when he said, "I am pleased to see turf conditions improving everywhere. The turf, in my opinion, will thrive more in the immediate future than it has in a long time. Why? The public in general is reaching a sane stage. Everybody likes personal liberty and they will not be denied."¹

The bookmakers, it seems, were the only group of men who disapproved of the pari-mutuel machines. This was considered by the officials of the New Louisville Jockey Club, however, as a tribute, which was impressive under the circumstances.²

The pari-mutuel machines were ready for their test, the floral horseshoe that was to grace the Derby winner was being designed, Merry Widow hats headed the fashion promenade, the "Great Race" was the talk of the town --- when, suddenly, the possibility of not having a Kentucky Derby during the month of May, 1908, struck the New Louisville Jockey Club completely unaware!

This momentarily grave situation can be best described in Mr. Grainger's report to the Courier Journal on the day preceding the Derby:

"Several week ago I asked the Mayor
Mayor James F. Grinstead if he thought
the Board of Safety would send a detail

¹
Ibid., April 20, 1908, p. 6

²
Ibid., May 2, 1908, p. 9

of police to the track to act during our spring meeting. He agreed with me that at gatherings such as would be likely to attend the races at Churchill Downs, it would be necessary to have suitable police protection and that he would bring the question of sending the police to the track before the board at once and endeavor to make arrangements to that end.....

"On Saturday last I met Mayor Grinstead at a meeting of the Water Board and.....I asked him what action had been taken with reference to the arrangements for policing Churchill Downs. He replied that the City Attorney was to give an opinion that day..... When I reached my home about 6:45 o'clock, the Mayor called me to the telephone and said: 'Mr. Grainger, we have decided to send the police to the track as requested.'

"I expressed my thanks and then asked if I should see Chief Haager to make arrangements for the detail. Mayor Grinstead replied, 'We will attend to that. I will send you a letter.'" 1

That letter from Mayor Grinstead to Mr. Grainger was a complete contradiction to the attitude that the Mayor had verbally shown toward the New Louisville Jockey Club.

"May 2, 1908 - Charles F. Grainger, Esq., Louisville, Ky. - Dear Sir: In response to your verbal request that I should furnish a detail of police at the New Jockey Club grounds during the coming race meeting, I beg to advise you that, being in some doubt as to our right to use the city police for any purpose outside of the city limits, I referred your request to the Hon. A. E. Richards, City Attorney.

"The City Attorney gives it as his opinion that the police may be sent outside of the city limits 'to either prevent a violation of the State laws or to arrest offenders'.

"I will, therefore, accede to your request and will direct the Board of Safety to send a sufficient detail of police to attend the coming race meeting at the New Louisville Jockey Club for the purpose of protecting the public and preventing any violation of the State laws and to arrest offenders.

"I understand from the newspaper reports of the coming race meeting that there will be installed there what are known as French pools, or pari-mutuels, and that it is expected to operate them and sell pools on the races at the racetrack. I am advised that the operation of such machines or the selling of such pools at the racetrack is in violation of Section 1977 of the Kentucky Statutes, which reads as follows:

"If any person or persons shall engage in any hazard or game on which money or property is bet, won or lost such person or persons shall be subject to a fine of not less than \$20 nor more than \$100."

"I, therefore, deem it proper to notify you that I will instruct the Board of Safety to issue such orders to the police as will prevent the violation of the above section of the statute by the operation of what is known as pari-mutuels, or the selling of pools at the racetrack or by any other form of betting on the races. Very truly yours,

J.F. GRINSTEAD, Mayor." 1

¹
Ibid.

Mr. Grainger continued his comments in saying:

"It seems to me that the unexpected action of the Mayor, coming as it did after he had practically agreed that the Louisville Jockey Club and its patrons are entitled to police protection, is ill advised. It has been the custom for the past thirty-four years to police the racetrack during the meetings there. That the work has been efficiently done is attested by the fact that the daily gatherings at Churchill Downs have been of the highest class and at all times orderly.

"We are willing to provide a test case. This offer has been refused by Mayor Grinstead and the chairman of the Board of Safety.

"A meeting of the directors of the Jockey Club will be held to-morrow morning, and I can assure you now that our meeting will be held in its entirety as announced." 1

Late Derby Eve afternoon a temporary restraining order was granted by Judge Samuel B. Kirby in favor of the New Louisville Jockey Club, thus tying the hands of the city administration for at least ten days. Betting on the races at Churchill Downs could not be interfered with during that length of time. The law gave the Judge ten days before he would be required to act upon a petition for a temporary injunction. Had Judge Kirby granted a temporary injunction instead of a temporary restraining order, it would have been possible for the city administration to have gone immediately

1

Ibid.

before one of the Judges of the Court of Appeals at Frankfort and to have entered a plea for the dissolving of the temporary injunction, but the temporary restraining order¹ prevented this.

No uniformed police were sent to the immediate scene of the Derby; they stayed at the entrance gates and within the vicinity of the track.²

The mutuel machines operated throughout the afternoon. There was confusion as any new undertaking is bound to bring; confusion among those in charge of the cashiers' windows as well as among the bettors. However, before the running of the last race, the whole process began to work more smoothly. As Mr. Fred Cook, a noted bookmaker, remarked, "People would have to wait and see if the system would be successful."³

There was probably little doubt, though, as to the future of the pari-mutuels. For every \$5 winning ticket wagered on Stonestreet, the winner of the Derby, \$123.60 was received by the bettor. This was just one example of the possibilities of a "long shot", and the spectators liked it!

Little time was lost in straightening out the matter that almost stopped speculation on the thirty-fourth running of the Kentucky Derby. The rights of the New Louisville Jockey Club

¹ Ibid., May 5, 1908, p. 1

² Ibid., May 6, 1908, p. 7

³ Ibid., pp. 7 and 8

to sell combination pools or to accept wagers through the pari-mutuel machines was fully sustained on May 7th by the Court of Appeals, the entire court, with the exception of Judge O'Rear, sitting. It was decided that the Legislature had intended, by exempting from the provisions of the gambling act of 1893 combinations or French pools, to allow betting by such methods.

This settled for all time the right of the racetrack to operate the pari-mutuel machines, and established that system as legal, so that the civil authorities have no right to interfere with it.

Judge Hobson explained the decision in one sentence after the court had adjourned, "We decided that they can sell pools and use the pari-mutuel machines."¹

¹

Ibid., May 7, 1908, p. 1

Chapter VII

Development

1913 - 1944

Chapter VII

Three consecutive Kentucky Derbies in 1913, 1914 and 1915 focused the national sporting spotlight on Churchill¹ Downs.

In 1913, a number of eastern turfmen of national reputation journeyed to Louisville for the Derby. Among them were Messrs. August Belmont, chairman of the New York Jockey Club, F. R. Hitchcock, Phil Dwyer, H.K. Knapp, J.G. Follanshee, M.H. Sanford, James Butler, S. Street, B. Cochran and William Bird. This was Mr. Belmont's first visit to the² home of the New Louisville Jockey Club.

This attendance of such outstanding turf notables meant that the Kentucky Derby was gaining in national racing importance. Mr. Grainger was at last realizing his wish that the Derby be patronized by the well known eastern breeders.

The race itself that year was one of great surprise to the pari-mutuel wagers; Doneraill, the winner, paid \$184.90 for every two dollar straight ticket held on him. The colt was ridden by Roscoe Goose, a Louisville jockey.

Mr. Grainger, speaking as president of the Jockey Club, must have been exceedingly pleased with the results of the afternoon when he told the press:

¹

This information was told to me in an interview with Mr. M.J. Winn in October, 1943.

²

The Courier Journal, May 10, 1913, p. 11

"It was a great Derby, a brilliant racing day from every standpoint, and as grand a race as I ever saw run off.

"I don't think I ever saw a race assemblage that outlooked the crowd that saw to-day's sports decided at Churchill Downs. In numbers it was the record 30,000 for a day's racing in Kentucky, and in class it could not be excelled.

"The greatest American turfmen were present to see Doneraill win the classic, and the gathering was represented socially....." ¹

The following year the Derby was again viewed by the Eastern delegation of turfmen. They saw Old Rosebud, the gelding owned by H.C. Applegate and Company, Louisville, break the Derby and track record at Churchill Downs for the distance of one mile and a quarter. The time was 2:03 2-5; ² a record that was held for seventeen years. And the track was said to have been more than a second slow! The gross value of the race was \$12,575 with a net sum of \$9,125 ³ too the winner.

In 1915, Mr. Harry Payne Whitney brought his filly, Regret, to Louisville in hopes of winning the Derby and also of bettering the time of Old Rosebud. This was the first time that the colors of the famous Whitney stable had ever started the three-year-old race.

¹ Ibid., May 11, 1913, s. 4, p. 1

² The mile and a quarter record of 2:01 2-5 at Churchill Downs is held by Whirlaway, the winner of the 1941 Derby.

³ The Courier Journal, May 10, 1914, s. 3, p. 2

Regret easily led the field of sixteen horses and won the race easing up - the only filly ever to achieve this distinction. Her time, however, was short of the record by two seconds. The net value of the race to the winner was \$11,450.¹ Legend says that Mr. Whitney completely forgot the check and that it stayed in the South Louisville Savings and Deposit Bank for a year.

These three remarkable years gave a new prestige to the Kentucky Derby and to Churchill Downs. The Eastern turfmen at last had been attracted to the ever-growing wealth of the three-year-old classic. The best thoroughbred blood in the wealthiest stables of the nation had competed on the Louisville course. Now the future of the Derby seemed assured!

Each succeeding year brought improvements over the year before. In 1917, the gross value of the Derby was \$15,000. The sum remained the same until 1919 when it was raised to \$20,000.

The same year marked a reorganization of the New Louisville Jockey Club. On February 21st, the articles of incorporation were filed in the County Clerk's office by the Kentucky Jockey Club, which was to take over Latonia, Douglas Park, the Kentucky Association and Churchill Downs, the four racetracks in the state. The papers were signed by Messrs.

¹
Ibid., May 9, 1915, s. 3, p. 9

Lawrence Jones, P.J. Hanlon and A.J. Carroll.¹ Each of them held at least \$3,000 of the capital stock, which was placed at \$3,000,000. Of this sum, \$1,000,000 was preferred, bearing interest at the rate of 7 per cent. per annum, while there was \$2,000,000 of common stock. While the greater portion of the stock was underwritten by the syndicate, over \$1,000,000 was placed in the hands of brokers, most of which² was purchased by owners and breeders.

With such a financial set-up plus increasing attendance, the Derby purse jumped to \$50,000 in 1921. It remained at this figure until 1934 when it was reduced to \$30,000. The next year brought it up to \$40,000, to \$50,000 in 1937 and to \$75,000 in 1940. This sum added to the nominating and starting fees makes the Derby the richest three-year-old³ stake race in the world.

Under present conditions, it costs only \$25 to nominate a horse for the Kentucky Derby. The deadline for receiving entries is usually February 15th, the race being run in May. All entered horses are named through the entry box the day

¹ Lawrence Jones, pres. Paul Jones & Co, distillers, 118-122 E. Main, r Glenview.

Patrick J. Hanlon, office 613 The Paul Jones, r 1390 S 3d.
Anthony J. Carroll, 40 Weissinger-Gaulbert Apts.
(Caron, op. cit., for 1919, v. 49, pp. 762, 611 and 286)

² The Courier Journal, February 22, 1919, p. 7. The complete articles of incorporation can be found in the Appendix, p. 163

³ Menke, op. cit., p. 91

before the race and are eligible to start in the Derby until 45 minutes before post time on Derby Day. Owners of horses which start in the race must pay \$500 additional for the privilege, thus making the gross cost to them \$525.

For example, there were 150 nominations for the 1942 Kentucky Derby at \$25 each (\$3,750) and fifteen starters at \$500 each (\$7,500), making a total stakes of \$11,250. The owner of the winning horse received all of the stakes money plus a \$53,500 share of the \$75,000 added by Churchill Downs. This made a gross of \$64,750 for the winner. The net winning totaled \$64,225 after having deducted his nominating fee of \$25 and his starting fee of \$500. In addition, the owner received a gold cup valued at \$5,000.

The remaining money was distributed thusly:

- \$8,000 for second horse,
- \$3,000 for third horse,
- \$1,000 for fourth horse,

- \$6,000 for successful trainers, divided:
 - \$3,000 for trainer of winner,
 - \$2,000 for trainer of second horse,
 - \$1,000 for trainer of third horse,

- \$3,500 for successful breeders, divided:
 - \$2,000 for breeder of winner,
 - \$1,000 for breeder of second horse,
 - \$ 500 for breeder of third horse. 1

The swelling attendance necessitated an enlargement of the seating capacity. Yearly additions were made to both

¹

Ibid.

sides of the old, steepled grandstand so that there is now, almost solidly, an expansion of seats from the quarter pole to the first turn, a distance of approximately three-eighths of a mile.

In 1938, a tunnel was cut under the track in order to connect the terraced infield with the grandstand. This enabled some 15,000 people to view the race from the once free infield. Refreshment stands and betting booths were installed thus making the area completely independent.

The following year a terraced section was built bordering the northeastern end of the track. The fifty cents admission price and the dollar betting machines favored those who could not afford a seat at the finish line.

Estimates of the crowd on Derby Day during recent years have varied. Considering the great number of employees, the many complimentary tickets and passes that are given away each season, and the throngs who come either through or over the fence with no ticket of admission at all, it is extremely difficult to state an accurate attendance figure. It is believed, however, that the 1942 Derby was witnessed by 85,000 to 90,000 people. This is the largest attendance on record.¹

The parimutuel betting machine has, in comparison,

1

This information was told to me by the General Office, Churchill Downs, Inc.

Churchill Downs
Derby Day

1942

paralleled the Derby crowds. From the meager beginning in 1908 with eleven machines, the number on Derby Day in 1944 had grown to 350 sellers and 334 cashiers. Tickets sold for \$2, \$5, \$10, and \$50 on straight, place or show choices.¹ A total of \$2,144,620 passed through the machines for the nine races, \$655,372 on the Derby alone. The record for one race at Churchill Downs was set in 1926 when \$694,870 was² wagered on the three-year-old event.

It is possible that post-war plans will include the installation of a totalizator, an electrical machine which prints and serves the ticket when the vendor pushes a button opposite the name of the horse requested. The totalizator records the bet electrically, flashes it on a bulletin board, showing the number of wagers on each entry, and, in addition, flashes the odds against each horse as the betting makes and³ changes them.

It is said that the great number of windows necessary for Derby Day makes the totalizator impractical. However, several members of the Racing Commission have expressed a⁴ desire to go more thoroughly into the question.

Churchill Downs, Inc. was incorporated in 1928 and took

¹
Ibid.

²
The Courier Journal, May 7, 1944, s. 1, p. 1

³
Farmer, Charles B., For Gold and Glory, p. 177

⁴
The Courier Journal, June 23, 1944, s. 2, p. 9

the place of the Kentucky Jockey Club.¹

Mr. M.J. Winn, president of the American Turf Association of which Churchill Downs, Inc. is a subsidiary, and Mr. William H. Shelley, racing secretary, are the only two members of the present administrative forces who were active in the restoration of Churchill Downs in 1902. They have been with the organization for forty-two years and, during that time, have seen the Kentucky Derby grow into a news event of world-wide interest - the oldest consecutively run race in America today!²

¹ The complete articles of incorporation can be found in the Appendix, p. 167

² The Derby shares this honor with its companion races, the Kentucky Oaks and the Clark Handicap, which were also inaugurated in 1875.

M. J. Winn

1944

Ticket Stub
Derby Day

CHURCHILL DOWNS 1944 SPRING MEETING 1944

DERBY DAY **STADIUM**
Box Seat
Saturday, May 6

Special Notice—Holder of this ticket leaving the Stadium must secure Return Check in passing out

Estab. Price.....	\$2.00	BOX 8 STADIUM
Box Seat.....	8.00	
Gov't Tax.....	2.00	
State Tax.....	.15	
TOTAL.....	\$12.15	

1944

Chapter VIII

Conclusion

Chapter VIII

In concluding this history of racing in central Kentucky and Jefferson county, it is well to summarize some of the outstanding features of its development. The pioneers who settled central Kentucky relied wholly on the horse for their means of transportation, communications, and, in some instances, livelihood. The favorable soil for raising horses coupled with their inherited love for racing immediately led to the¹ contesting of thoroughbreds. The first recorded races in the land that was to become Kentucky were held in October, 1789, although there were race paths on the edge of the forest dating back as early as 1780.

With such a beginning, it is not difficult to understand why the vicinity has patronized a race course since 1826. Over² a period of 118 years, there was only a lapse of three years when there were no running races in Fayette county. In 1933, the Kentucky Association Course disbanded; on October 15, 1936, the Keeneland Race Course began its inaugural meeting.

The attitude of the citizens of Louisville, prior to 1875, was somewhat different from that in central Kentucky. The

¹ The earliest Jockey Club in the world appears to have been founded at Charleston, Virginia in 1734. (Adams, James Truslow, Provincial Society, 1690-1763, p. 214, A History of American Life, v. 3)

² Due to the war restrictions on transportation, the 1943 and 1944 spring meetings of the Keeneland Association were held at Churchill Downs. There were no fall meetings.

people liked horses, enjoyed seeing them run and received pleasure from the wagering that every horse race stimulated, but their interest was not as keen as in central Kentucky, where horse breeding was a leading industry. The Oakland Race Course had survived from 1831 to 1848 and the Woodlawn Course from 1866 to 1870; both had ended in bankruptcy.

Col. M. Lewis Clark and a circle of friends thought that racing in Louisville might be revived if it were placed under competent leadership. Colonel Clark journeyed to England and to France for the purpose of studying racing conditions and returned with new ideas which he immediately put into action. Permanent stake races, of which the Kentucky Derby was one, were to be the main feature of the newly formed Louisville Jockey Club and Driving Park Association. The opening day was May 18, 1875.

The meeting was a success. Those interested in the races predicted that the Kentucky Derby would become a classic event by which outstanding three-year-olds of the country would be judged; the ladies, whom the Club had made a special effort to attract having taken a hint from the success of Jerome Park in New York, ¹ were jubilant over the social advantages offered; the merchants and the hotels were in favor of the many out-of-town visitors whose sojourn in Louisville increased the asset side of the ledger.

¹

Vosburgh, op. cit., p. 55

This intense interest in Louisville racing continued for fifteen years and then, gradually, the enthusiasm decreased. The people, however, were eager to chance their newly acquired money on the racing of thoroughbreds, but the more important owners were not willing to race their horses for the meager purses offered by a Jockey Club whose rules had remained the same since its beginning. It was necessary to make a change.

In 1894, the New Louisville Jockey Club was formed by a group of men who had previously dealt in bookmaking and in auction pools with a public that desperately wanted to spend money. Every change that was made on the racing oval held this thought above all other considerations. A new grandstand was erected that provided twenty stalls for bookmakers. In addition to these there was a foreign betting stand and a wire running into the track where results could be obtained after each race. The people wanted to brandish their money; here was an unequalled opportunity!

This, however, did not increase the number of horses that started the Derby. It was not until the distance was reduced from a mile and a half to a mile and a quarter in 1896 that more horses contested.

The same year marked the discontinuance of the free center field which, in turn, eliminated an annual holiday for many hundreds of people who could not afford a seat in

the grandstand.

This gold over glory policy of the New Louisville Jockey Club came to an end in 1902 when Mr. Charles F. Grainger took over the leadership of the organization. His ambition for Churchill Downs was to place the club once again on the high level of sporting competition and social grace that had originally been Colonel Clark's aim.

By building a clubhouse that provided space for promenades, dining rooms and verandas, by extending invitations to the mayors of neighboring cities, by giving the club the "right" publicity, it was not difficult to place Churchill Downs again in the social limelight. To increase the purses and thus entice the leading stables of the country to participate depended upon the financial steadiness of the club.

Racing at the century's turn was an urban sport, making its appeal primarily to metropolitan masses. The country fellow who, a century ago, would have bought a colt sired by Diomed, now hitched his trotter to a sulky and drove to the county fair. As a class he did not approve of running races.¹ His Calvinistic heritage did not favor gambling as that is what the turf had become: a gigantic gambling machine for the masses. Jockey Club members might breed and race thoroughbreds, but it was the crowds from the streets which kept the courses

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Parmer, op. cit., p. 140

open. With the cities jammed with people, parks few and playgrounds virtually unknown, the masses seldom could participate in sport; they had to be spectators. Racing offered a half-day's escape from the choking collar of mediocrity.¹

Fraud and the evils of betting that accompanied the majority of running races were throwing a black light on the sport throughout the country. In the South, where "the sport of kings" had been a hobby and a recreation as well as a leading industry² since colonial days, a race meet seldom lasted more than two weeks, New Orleans excepted. After 1900, these fortnights of racing brought hordes of flashy gamblers and tipsters from the North into communities that had previously enjoyed the sport and the wagering as a gentleman's activities. There was no pretense of gentility by these invaders, but merely the arrogant boasting of how the game was played in New York and Chicago!

In vain, the Southern turfmen objected to this influx of the gambling fraternity. The people, however, soon took up the matter, and the politicians, quick to sense public opinion, coupled the slogan "Down with Racing" with the fervent "Down with the Saloon" that had become a growing

¹
Ibid., p. 141

²
Tennessee along with Kentucky was the locale of extensive horse farms.

plank in their platforms.

In 1906, the last horse race was run in Tennessee; Georgia and Alabama soon followed the example set by their¹ neighbor.

The preceding year marked legislation against racetrack² betting in Missouri and Illinois and three years later New York attempted to discontinue racing in that state. Many owners either sold their horses or transferred their activities to Europe; pessimism seized racing enthusiasts.

The New Louisville Jockey Club was able to foresee its end if bookmakers continued on the tracks; horse racing might be outlawed in Kentucky. Action to avert this threat was taken immediately; pari-mutuel machines were installed at Churchill Downs in 1908. They have been in operation since that date.

Racing revived and continued to thrive throughout the country. It was reported in 1912 that nearly 1,600 meetings were held in the U.S. in which about 15,000 horses participated³ and six million dollars in purses and stakes were distributed.

Churchill Downs profited from this increased national interest in having more horses to attend each meeting along

¹ Parmer, op. cit., p. 163

² Faulkner, Harold Underwood, The Quest for Social Justice, 1898-1914, p. 288, A History of American Life, v. 11

³ Ibid., p. 289

with greater crowds and larger purses. Mr. Grainger's goal was reached in 1915 when Mr. H.P. Whitney brought his outstanding filly, Regret, to contest the Derby. The East had once again recognized the Kentucky Derby to be as important a race for three-year-olds as the Preakness in Maryland and the Belmont Stakes in New York.

Since that year the success of Churchill Downs under the tutelage of Mr. M.J. Winn has progressed by the proverbial leaps and bounds. The Derby purse, the Derby attendance and the seating capacity increased yearly.

As in the minds of a few men, the histories of some countries are a series of biographies of outstanding rulers, so also in the minds of many men, racing is associated with outstanding events such as the Kentucky Derby, the Preakness, the Withers, the Belmont Stakes. The Kentucky Derby was but one race out of 345 run in Louisville during the fall of 1943 and the spring of 1944. While 344 of these races have been forgotten, the 345th, which was broadcasted all over the world, will live forever in the annals of turf history.

Appendix

Hanson to Warfield, etc. Deed

This indenture, made the 15 day of July in the year of our Lord one thousand eight hundred and twenty eight between William Hanson and Alley his wife of the County of Shelby and State of Kentucky of the one part, and Elisha Warfield, John Postlethwait, Thomas Smith, James Shelby, Richard Downing, David Migonan and Elisha J. Winter Trustees of the Kentucky Association for Improving the Breed of Horses of the County of Fayette and State aforesaid of the other part, that the said William Hanson and wife for and in consideration of the Sum of one hundred and sixty dollars to them in hand paid, the receipt whereof they do hereby acknowledge, have granted, bargained, sold, aliened and conformed, and by these present, do grant, bargain, sell, alien and confirm to the said part of the Second part and their Successors and assigns, a certain tract or parcel of land situate, lying and being in the County of Fayette on the Waters of the Town fork of Elkhorn containing four acres and one hundred and twenty eight poles and bounded as follows: to wit: Beginning at a stake in the South Side of Pasture Street, Corner to lot No. 17 running thence with said Street N 42° E. Twenty poles to a stake in the line of Lot. No. 19 thence with said line S. 59. E. 40. poles to a stake in Orchard Street, thence with S'd Street S 42° W 20 poles to a stake corner to lot No. 17 thence with a line thereof N. 59. W 40 poles to the beginning, Being lot known and designated in the plot of John Fowler by its No. 18 and conveyed to said Hanson by George Clarke and wife by deed bearing date 13 day of March 1824. Together with all and singular the premises there unto belonging on in any wise appertaining: To have and to hold the said tract or parcel of Land with all and singular its appertences to the said Trustees and their successors and assigns forever, to them and their only proper use and behalf - And the said William Hanson and wife for themselves and their heirs, the said Tract or parcel of Land, with its appertences to the said Trustees and Successors and assigns, against the claim of every person whatsoever do and will warrant and forever defend by these present. In witness whereof the said William Hanson and wife have hereto set their hands and seals the date afore written.

William Hanson (seal)
(seal) 1

1

Fayette County Deed Book, n. 4, p. 181

Rules and Regulations
of the
Kentucky Association

1. There shall be one meeting in each year, to commence the first Wednesday in October.
2. There shall be a President and Recording Secretary, to be appointed by ballot.
3. It shall be the duty of the President to preside in all meetings of the Club, to act as Judge in each day's race, appoint his assistant Judges for each day's race, report the result of each day's race, and stand as Judge in all sweepstakes.
4. It shall be the duty of the Recording Secretary to attend the Judges in each day's race, assist them with his counsel, keep a book in which he shall record the members' names, rules of the Club, and add to them any resolution which may change the character of either; also, record the proceedings of each meeting, and entries of horses, in which shall be set forth the names of the respective owners, the colour, name and age, and name of sire and dam of each horse, description of the rider's dress, and an account of each day's race, including the time of running each heat.
5. There shall be three Judges in the starting stand, the President and two assistant Judges, and the timers. The Judges shall keep the stand clear of any intrusion during the pendency of a heat, and also see that the riders are dressed in Jockey style.
6. There shall be two distance Judges and three patrol Judges, who shall repair to the Judges' stand after each heat and report the nags that are distanced and foul riding, if there be any.
7. All disputes shall be decided by the Judges of the day, from whose decision there shall be no appeal, unless at the Judges' discretion, and no evidence shall be received of foul riding, except from the Judges and patrols.

8. All Sweepstakes advertised to be run over the course, shall be under the cognizance of this Club, and no change of entries once made, shall be allowed after the closing, unless by consent of all the parties.
9. The distance stand shall be sixty yards from the Judge's stand for mile heats, and sixty additional yards for every mile in a heat, unless it be the best three in five, when ninety yards to a mile shall be the distance.
10. The time between heats shall be thirty minutes; thirty for two mile heats; forty for three mile heats; and forty-five for four mile heats. Some signal shall be sounded from the Judges' stand five minutes before the period of starting, after the lapse of which time, the Judges shall give the word, as, "Are you ready?" but should any horse be restive in saddling, the Judges may delay the starting word a short interval, at their own discretion.
11. No persons shall enter a horse for any purse under the control of this Club, other than a member, and producing satisfactory evidence of his horse's age; nor shall any member start a horse, if his entrance and subscription be not paid before starting.
12. All entries of horses to run, shall be made in open Club, on the evening preceding each day's race by 9 o'clock, or during the sitting of the Club; and the owner or person then present shall give his name, colour, age and sex, and name of sire and dam of the horse, if known, with the dress of the rider, in writing, which shall be placed in a box and not opened until the time of entry expires; this does not preclude any person from entering his horse openly; and no entry made after the time has expired shall be allowed. Provided, if there be no meeting of the Club, then with the Secretary or President, by 9 o'clock.
13. No two riders from the stable shall be allowed to ride in the same race; nor shall two horses trained in the same stable be allowed to start in the same race, for any purse of this club.

14. Riders shall not be permitted to ride, unless well dressed in Jockey style, to wit: Jockey cap and silk jacket.
15. Riders, after a heat is ended, must repair to the Judges' stand and not dismount till ordered by the Judges and the horses uncovered, and then with their saddles, repair to the scales to be weighed, under penalty of being considered distanced.
16. The horses which won the preceding heat will be entitled to half the track, and the others placed in the order in which they came in. The leading horse shall be entitled to half the track. A horse shall not, when locked by another horse, occupy more than half the track, nor press his adversary to the outside, doing which will be deemed foul riding. A rider may take the track on the inside, but he must do it at his own peril. Should he be poled in making the attempt, it will not be considered foul. Should any rider cross, jostle or strike an adversary or his horse, or run on his heels intentionally, or do anything else that may impede the progress of his adversary, he will be deemed distanced though he may come to ahead, and the purse be given to the next best nag and any rider offending against this rule shall never be permitted to ride again or attend any horse on this course.
17. If a nag shall run on the inside of any pole, it will be deemed distanced, although it may come out ahead, and the purse be awarded to the next best nag, unless it be turned around again entered on the course at the point from whence it swerved.
18. A nag that does not win a heat out of three, shall not be entitled to start for a fourth, although he may have saved his distance, except in a race the best three in five - then, a horse not winning one in five shall not start again.
19. No combination or agreement between any two persons starting horses, or their agents or grooms, not to oppose each other upon a promised division of the purse, shall be permitted or allowed, and no

person shall run their nags in conjunction, that is, with a determination to oppose jointly, any other horse or horses which they may run against. In either case upon satisfactory evidence, produced before the Judges, the purse shall be awarded to the next best nag, and the person so offending shall never again be permitted to start a horse on this course.

20. All members and their families shall pass the gate free, and all who are not members shall pay the following tolls, viz:

For every four-wheel Carriage.....75cts.
For every Gig or two-wheeled Carriage....50cts.
For every man on horseback.....25cts.

21. The age of horses shall take date from the first day of May in the year in which they were foaled, viz: a horse foaled in 1830 shall be considered a yearling until the first of May in the year 1831, and so on.

22. The following weights shall be carried, viz:

Two years old.....A feather
Three years old..... 80 lbs.
Four years old..... 94 lbs.
Five years old.....106 lbs.
Six years old.....114 lbs.
Seven years old and upwards.....120 lbs.

A proposition to alter these weights must lie over one year. An allowance of three pounds to mares and geldings. The Judges shall see that each rider has his proper weight before he starts - two pounds allowed at coming in.

23. New members can be admitted only upon nomination, there being not less than seven members present, including the President of the Club; and two black balls will exclude the person nominated. Seven members shall constitute a quorum for business, but no alteration shall be made in the established rules and regulations of the Club, except in open session and the number of members present not less than fifteen.
24. In betting, when both parties are present either party has a right to demand that the money be staked

before the horses start, and if one refuse, the other may declare the bet void at his option. If either party be absent on the day of the race, the party present may declare the bet void in the presence of the Judges before the race commences, but if any person present offers to stake for the absentee, it is a confirmed bet.

25. A bet made on a heat to be run is no bet unless the horses bet on run in said heat to come.
26. If one horse be taken against the field, the withdrawal of one horse from the field shall not void the bet.
27. A bet made during the heat is not determined until the race is finally decided, unless the heat be particularly mentioned.
28. If an entered horse dies, or a member entering him dies, no forfeit shall be required.
29. A premium given to another to make a bet shall not be refunded, although the bet is not run for.
30. All bets made between horses that are distanced the same heat, are considered drawn, and when between two horses throughout a race and neither of them wins it, the horse that is best at the termination of the race wins the bet.
31. When a dead heat be run, they may all start again, except the dead heat between two horses that if either had been winner the race would have been over, in which case they two only shall start again, to decide which shall be entitled to the purse. Such horses as are prevented by this rule from starting again, shall be drawn and not distanced.
32. When two horses are bet against each other for the purse, if each win a heat and neither is distanced, they are equal, but if one win a heat and the other does not, the winner of the heat is best, unless he afterwards be distanced, in which case, the other if he shall save his distance, shall be considered best, and when both are distance they shall be considered equal.

33. Judges may postpone a race, but only in case of rain or bad weather - no fresh entry of horses will be permitted.
34. No gambling shall be permitted on the grounds under the control of the Club, and a committee shall be designated by the President for the time being, with authority to employ police officers to aid them to arrest and bring to punishment, all persons attempting to violate this rule.
35. A meeting of the Club can be at any time called by the President, or at the instance of any three members, the notice of said meeting to be given by the Recording Secretary one month previous thereto, in a public newspaper printed in Lexington.
36. Entrance fee for a horse shall be $7\frac{1}{2}$ per cent on the amount of the purse for members, and for other than members of the Club, 10 per cent on the purse to be run for. 1

An Act

To Incorporate the Kentucky Association for the Improvement
of the Breeds of Stock

WHEREAS, it is represented to the General Assembly that an Association has been formed, of fifty shareholders, for the improvement of the various breeds of stock, and for their purposes have purchased a tract of land near Lexington, Kentucky, which has been conveyed to Trustees chosen by said Association, as will appear by various deeds of record in the Clerk's Office of the Fayette County Court, and, also, have acquired a small amount of personal property; but that owing to the death of some of the Trustees, the title to their property has become embarrassed, and from the number of persons interested, it is difficult to remedy inconveniences and embarrassments as they arise, and, therefore, they desire perpetual succession - which is deemed reasonable - therefore,

SECTION 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky: That the said fifty shareholders of said Association be incorporated, and they are hereby created a body politic and corporate, by the name and style of "THE KENTUCKY ASSOCIATION FOR THE IMPROVEMENT OF THE BREEDS OF STOCK", and by that name shall have perpetual succession, with the powers incident to corporations for limited purposes.

SECTION 2. That all the property purchased by said Association, and conveyed to the Trustees thereof, shall be, and is hereby vested in said Corporation; and that said Corporation shall be authorized to purchase, acquire and hold real estate; provided the same, at no one time, exceeds two hundred acres; and to receive and hold personal estate, provided the same, at no one time, exceeds twenty thousand dollars in value; and said real and personal estate may sell, alien and convey.

SECTION 3. That the shareholders of said Corporation shall have power to elect such Officers as may seem to them necessary for the management of their concerns; and by their rules and by-laws prescribe the duties of said Officers and the regulation of their concerns.

SECTION 4. That the shares in said Corporation shall be deemed personal estate, and transferable in such manner

as said Corporation shall, by its rules and by-laws, prescribe.

APPROVED February 1, 1838. 1

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Acts of the General Assembly of the Commonwealth of Kentucky,
1838, p. 144

Rules and Regulations
of the
Louisville Association

1. There shall be one Meeting in each year, at such time as the Trustees may think proper to appoint.
2. It shall be the duty of the President to preside in all meetings of the Club, to act as Judge in each day's Race, appoint his Assistant Judges for each day's Race, and stand as Judge in all Sweepstakes.
3. It shall be the duty of the Recording Secretary to attend the Judges in each day's Race, assist them with his counsel, keep a book in which he shall record the members' names, Rules of the Club, and add to them any resolution which may change the character of either; also, record the proceedings of each meeting, and entries of Horses, in which shall be set forth the names of the respective owners, the color, name and age, and name of Sire and Dam of each Horse, description of Rider's dress, and an account of each day's Race, including the time of running each Heat.
4. There shall be three Judges in the starting stand, the President and two Assistant Judges, and the timers. The Judges shall keep the stand clear of any intrusion during a Heat, and also see that the Riders are dressed in Jockey style.
5. There shall be two Distance Judges and at least four Patrol Judges, who shall repair to the Judges' stand after each heat and report the nags that are distanced, and foul riding, if there be any.
6. All disputes shall be decided by the Judges of the day, from whose decision there shall be no appeal, unless at the Judges' discretion, and no evidence shall be received of foul riding, except from the Judges and Patrols.
7. All Sweepstakes advertised to be run over the Course shall be under the cognizance of this Club, and no change of entries once made shall be allowed after closing, unless by consent of all the parties.

8. The Distance Stand shall be sixty yards from the Judges' Stand for mile Heats, and sixty additional yards for every mile in a Heat, unless it be the best three in five, when ninety yards to a mile shall be the distance.
9. The time between Heats shall be thirty minutes for mile Heats; thirty for two mile Heats; forty for three mile Heats; forty-five for four mile Heats. Some signal shall be sounded from the Judges' Stand, ten minutes before the period of starting, after the lapse of which time the Judges shall give the word as "are you ready"; but should any Horse be restive in saddling, the Judges may delay the starting word a short interval, at their own discretion.
10. All entries of Horses to run shall be made in open Club, on the evening preceding each day's Race, by nine o'clock, and the owner or person then present shall give his name, color, age and size, and name of Sire and Dam of the Horse, if known, with the dress of the Rider, in writing; which shall be placed in a box and not opened until the time of entry expires. This does not preclude any person from entering his Horse openly; and no entry made after the time has expired shall be allowed. Provided: If there be no meeting of the Club, then with Sec'y. or President, by nine o'clock.
11. No two Riders from the same Stable shall be allowed to ride in the same race; nor shall two Horses trained in the same Stable be allowed to start in the same race, for any Purse of this Club.
12. Riders shall not be permitted to ride, unless well dressed in Jockey style, to wit: Jockey Cap and Silk Jacket.
13. Riders, after a Heat is ended, must repair to the Judges' Stand and not dismount till ordered by the Judges, and the Horses uncovered, and then with their saddles, repair to the Scales to be weighed, under penalty of being considered distanced.
14. The Horse which won the preceding Heat will be entitled to half the track, and the others placed in the order they come in. The leading horse shall be

entitled to half the track. A Horse shall not, when locked by another Horse, occupy more than half the track, nor press his adversary to the outside; doing which, will be deemed foul riding. A rider may take the track on the outside, but he must do it at his own peril.. Should he be poled in making the attempt, it will not be considered foul. Should any rider cross, jostle or strike an adversary or his Horse, or run on his heels intentionally, or do anything else that may impede the progress of his adversary, he will be deemed distanced, though he may come out ahead, and the purse be given to the next best nag; and any rider offending against this rule shall never be permitted to ride again or attend any Horse on this course.

15. If a nag shall run on the inside of any pole, it will be deemed distanced, although it may come out ahead, and the purse awarded to the next best nag, unless it be turned around and again entered on the course at the point from whence it swerved.
16. A nag that does not win a Heat out of three shall not be entitled to start for a fourth, although he may have saved his distance, except in a race the best three in five; then a Horse not winning one in five shall not start again.
17. No combination or agreement between any two persons starting Horses, or their agents or grooms, not to oppose each other, upon a promised division of the purse, shall be permitted or allowed; and no persons shall run their nags in conjunction, that is, with a determination to oppose jointly, any other Horse or Horses which they may run against. In either case, upon satisfactory evidence produced before the Judges, the purse shall be awarded to the next best nag, and the persons so offending shall never again be permitted to start a Horse on this course.
18. All Members and their Families shall pass the Gate free, and all who are not members shall pay the following tolls:

Every foot passenger.....12 $\frac{1}{2}$ Cents
do. person on Horseback.....25 "
For every two wheel'd Carriage.....50 "
" every four wheel'd Carriage.....\$1.00

19. The age of Horses shall take date from the first day of May in the year in which they were foaled, viz: a Horse foaled in 1830 shall be considered a yearling until the first of May, in the year 1831, and so on.
20. The President of the Club shall have the right to demand satisfactory evidence of the age of every Horse entered for the purse of the Association and to exclude such as may not have such evidence with regard to them when required.
21. The following weights shall be carried, viz:
Two years old,.....	A Feather
Three years old,.....	80 lbs.
Four years old,.....	94 "
Five years old,.....	106 "
Six years old,.....	114 "
Seven years old and upwards,.....	120 "
- A proposition to alter these weights must lie over 1 year. An allowance of three pounds to Mares and Geldings. The Judges shall see that each Rider has his proper weight before he starts. Two pounds at coming in.
22. New Members, until the number of Stockholders be completed to seventy-five, can be admitted by the Trustees, the whole number and the President being present, and two Black Balls shall exclude the person nominated.
23. Seven Members shall constitute a quorum for business, but no alterations shall be made in the established Rules and Regulations of the Club, except in open session, and the number of Members present not less than fifteen.
24. A bet made on a Heat to be run is no bet unless the Horses bet on run in said heat to come.

25. If one Horse be taken against the field, the withdrawal of one Horse from the field shall not void the bet.
26. A bet made during a Heat is not determined until the race is finally decided, unless the Heat be particularly mentioned.
27. If an entered Horse dies, or a Member entering him dies, no forfeit shall be required.
28. A premium given to another to make a bet shall not be refunded, although the bet is not run for.
29. All bets made between Horses that are distanced the same heat are considered drawn, and when between two Horses throughout a race, and neither of them wins it, the Horse that is best at the termination of the race wins the bet.
30. When a dead Heat be run, they may all start again, except the dead heat between two horses, that if either had been winner the race would have been over, in which case they two only shall start again to decide which shall be entitled to the Purse. Such Horses as are prevented by this Rule from starting again shall be drawn and not distanced.
31. When two Horses are bet against each other for the Purse, if each win a heat and neither is distanced, they are equal, but if one win a heat and the other does not, the winner of the heat is best, unless he afterwards be distanced, in which case the other if he shall saved his distance shall be considered best, and when both are distanced, they shall be considered equal.
32. Judges may postpone a race, but only in case of rain or bad weather. No fresh entry of Horses will be permitted.
33. No gambling shall be permitted on the grounds under the control of the Club, and a committee shall be designated by the President for the time being, with authority to employ Police Officers to aid them to arrest and bring to punishment all persons attempting to violate this Rule.

34. A meeting of the Club can be called at any time by the President at the request of any three members, the notice of said meeting to be given by the Secretary, one week previously, in a city newspaper.
35. Entrance for a horse shall be ten per cent on the amount of the purse to be run for.
36. No race shall be run on the Association track without permission of the President and Trustees, and under their direction. The Judges to be members of the Club, and the riders to be dressed in true Jockey style. Match races to be entered in the book of the Secretary stating the hour of starting, and Horses' ages, Sire and Dam when known, and riders' dress. 1

Churchills
to
Trustees for Improvement of Race Horses

This indenture made this day of one thousand eight hundred and thirty two, by Samuel Churchill and Abigail his wife of the one part and Henry Churchill and Catharine his wife of the second part and John M. Talbot, Bowes R. McIlivaine, John O'Beirne, James Anderson, Alfred Tarlton and Garnett Duncan of the third part witnesseth that the said parties of the first part and the second part for and in consideration of the sum of fifty dollars for each and every acre of land hereafter mentioned the receipt whereof is hereby acknowledged have granted bargained and sold and do hereby bargain and sell grant and convey to the parties of the third part, a certain parcel of land south of Louisville and west of the Salt River Road containing fifty one acres 282/1000 and founded as follows, to wit - Beginning at Henry Churchill's land near the land of Pray & Sneads heirs at a tree marked H. C. which is a corner of Henry Churchill and also of Samuel Churchill west of the Salt River Road and running thence N. 24 1/3° E. sixty seven and 7/10 poles to an old tree at McConnell's corner East of the road thence north 88° 24' W. one hundred and ten poles to a stake north of the fence thence south 16° 30' E. one hundred and twenty eight poles to a stake near a pond thence north 79° 53' East thirty poles to the beginning - To have and to hold the said parcel of land together with the appurtenance thereto belonging to them the said parties of the third part and to the survivors of them, and to the survivor of such survivors and to heirs of such survivor forever. Provided however as a condition and reservation of this conveyance that a perpetual right of way is granted to Henry Churchill his heirs and assigns for himself and themselves and for their servants agents and friends upon the northern twenty feet of said parcel of land, to wit - upon a road twenty feet wide bounded on the north by said line from the old tree at McConnells corner East of the said stake on the north side of the fence. And the said Henry Churchill covenants for himself his heirs etc., to warrant and defend to the said Grantees forever the title of eleven and 935/1000 acres of said parcel of land against all claims whatever which part so warranted is bounded as follows: Beginning at the stake north of the fence and running thence S. 16° 30' E. one hundred and twenty eight poles thence N. 79° 53' E. thirty poles to the said tree marked H.C. thence N. 29° 16'

1

This deed was recorded in the Jefferson County Clerk's Office May 10, 1838. The original deed was delivered to Garnett Duncan May 22, 1838.

W. one hundred and thirty four & 7/10 poles to said stake north of the fence and the said Samuel Churchill for himself his heirs exrs. & admors. covenants to warrant and defend to said Grantees the title of the residue of said fifty one & 282/1000 acres against all claims whatever. All the said parties of the third part do hereby acknowledge that they have made this purchase with the funds and for the benefit of The Louisville Association for the Improvement of the Breed of Horses which association is not now but expects to be hereafter incorporated making the shares personal estate and transferrable as such without the right on the part of any shareholder to demand a disposition and division or the right of selling without the consent of the managers - and in the event of any act of Incorporation for said association the title of said parcel of land is to be conveyed to the corporation and it is further provided that until such charter shall be procured the parties of the third part, and their survivors and assigns shall hold said parcel of land as Trustees subject to the rules and by laws of said association.

In testimony thereof the parties aforesaid have hereto signed and set their hands and seals on the day and year first above written.

Samuel Churchill
Abigail Churchill
Henry Churchill
Catharine Churchill
John M. Talbot
Garnett Duncan (seal)
J. Anderson
John O'Beirne
B. R. McIlvaine
Alfred Tarlton 1

¹ Jefferson County Court Deed Book, n. 51, pp. 31-33

Gray & c.
to
National Race Course

Whereas George E. H. Gray is the owner of the following described tracts or parcels of land lying & being in the county of Jefferson and State of Kentucky situated on the muddy fork of Beargrass Creek & bounded as follows to-wit: The First Tract beginning at a stone in the middle of the Westport Road in the line of George Rudy near a small blue ash, thence with said Rudy's line and passing one of the corners S. 39° 12' E. 119 6/10 poles to a beech tree marked as a corner & with the letters T. T. thence N 51° E. 63 poles to a stone thence S. 39° E. 108 5/10 poles to a stone thence N. 49° 25' E. 124 4/10 poles to three beeches thence N. 39 8' W. 111 8/10 poles with Herrs line to one of his corners, a stone near a small old Haw tree thence with another of the lines of said Herrs corners near the South bank of the Muddy Fork of Beargrass Creek thence N. 38° 30' West 20 6/10 poles to a stone in the middle of the Westport Road S 47° 50' W. 124 6/10 poles to the beginning. The Second Tract adjoins the above described land containing two acres more or less & lies on the north side of the Rail Road & is bounded as follows - Beginning at a stone corner to Smith & Phillips, thence S. 51 1/10 W. 41 6/10 poles to the Middle of the Rail Road track thence with the middle of said Rail Road N. 75° E. 24 poles still continuing in the middle of said Road thence N 39° W. 8/10 poles to the beginning said two tracts of land containing in the aggregate two hundred & one acres be the same more or less - and whereas the said George E. H. Gray by deed dated the 5 of March 1857 and lodged for record in the County Court Clerk's Office of Jefferson County on the 21st day of March 1857 conveyed and assigned said tract of land with other property to A. Harris in trust to pay the creditors of Gray & Co., and the individual creditors of Geo. E. H. Gray and whereas Speed and Beatty and other creditors of Gray & Co., attached said land to pay their debts and there are now pending divers suits in the Louisville Chancery Court, wherein said Speed & Beatty and other attaching creditors and the assignee Alfred Harris are contending as to whether the deed of assignment or attachments have priority - And whereas the National Race Course association are desirous of purchasing all that part of said tracts of land which lies on the north side of the Louisville and Frankfort Rail Road supposed to contain one hundred and fifty acres be the same more or less at and for the sum of twenty one thousand dollars, one fifth cash and the balance in three equal instalments at one, two and three years with interest from date and all the parties interested to-wit: Geo. E. H. Gray and wife, A. Harris, assignee of

said Geo. E. H. Gray and all the attaching creditors are willing that said sale be made upon the terms above named and whereas all said parties have consented to said sale, and in conformity with said consent an order has been made by the Chancellor in the case of Speed & Beatty vs. Gray & Co., and appointing Alfred Harris a commissioner to make upon the terms above set forth - Now therefore this indenture made and entered into this 12 day of April 1859 by and between Geo. E. H. Gray and Lucy Ann Gray his wife and Alfred Harris as assignee of Geo. E. H. Gray and as commissioner appointed by order made in said case of Speed & Beatty vs. Gray & Co., to sell and convey said land all of the County of Jefferson and State of Kentucky of the first part, and R. Atchison Alexander and Isaac Everett, Trustees for National Race Course association, the former of Fayette and the latter of Jefferson County Kentucky parties of the Second part, witnesseth that the said Gray and wife and Harris as assignee of Geo. E. H. Gray and also as commissioner appointed in the above named suit of Speed & Beatty vs. Gray & Co., for and in consideration of the Sum of four thousand two hundred dollars cash in hand paid to Harris Commissioner afs. and three bites of the said Alexander and Everett at one, two and three years for five thousand six hundred dollars each of even date herewith, and bearing interest from date executed to said Harris Commissioner afs. knowledged have this day bargained and sold and now by these present do bargain and sold alien convey and confirm unto the said R. Atchison Alexander and Isaac Everett, Trustees for the National Race Course association to which Thomas Hurrt, Richard Atkinson, William B. Reynolds, Benj. I. Adams, James K. Duke, R. A. Alexander, A. Throckmartin, Thomas I. Martin, Gerard B. Bate, John Burks, James A. Grinstead, A. Buford, E. Eagle, Robert A. Bell, W. D. C. Whips and others are subscribed, all that pertain of the above described tracts of land which lies north of the Louisville & Frankfort Rail Road supposed to contain one hundred and fifty acres be the same mor or less and all the estate right, title, interest and fee of them the parties of the first part of in and to the same - a lien is hereby retained to secure the payments of said notes - To have and to hold said tracts of land to the said R. Atchison Alexander and Isaac Everett, Trustees aforesaid, or to the survivors of them and his heirs in trust for the use and benefit of all who are now or may hereafter become members of the National Race Course association and to be by them or the Survivor convey to such other trustees or such company should one hereafter be incorporated by Act of Legislature as they may be instructed by a majority of the

members of said association. The said Geo. E. H. Gray hereby covenants to warrant and defend the title to said tract or parcel of land against the claims of all person whatever - In witness whereof Geo. E. H. Gray and Lucy Ann Gray his wife who joins for the purpose of relinquishing her right of dower in and to the land hereby conveyed and Alfred Harris an assignee of Gray and as Commissioner aforesaid who assists in this deed for the purpose of conveying such title as he is authorized by the deed of assignment and as commissioner aforesaid to sell and convey have hereto set their hand the day and date first above written.

Geo. E. H. Gray

Lucy A. Gray

A. Harris, assignee of
Geo. E. H. Gray &
Commissioner l

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Jefferson County Court Deed Book, n. 104, pp. 98-101

Rules and Regulations
of the
Louisville Jockey Club

RULE 1. Members

No person shall be admitted as a member of this association unless nominated by a member of and admitted by a vote of the Executive Committee. In voting upon the admission of a member one black ball shall exclude the applicant. Said applicant must own one or more shares of stock in this association.

RULE 2. Regular Meetings

Regular meetings of the members of the association for the election of directors shall be held on the first Monday in January of each year, at such hour and place as the President may direct. Regular meetings of the Board of Directors shall be held on the fourth Friday of each month for the transaction of business.

RULE 3. Called Meetings

A members' meeting may at any time be called by the President, by publication in some newspaper published in Louisville, signed by the President or the Executive Committee. The object of the meeting shall be stated in the publication.

RULE 4. Quorum

A majority of the stock subscribed, including the President or one of the Vice-presidents, shall constitute a quorum for the election of directors at the regular meeting of members in January, or at any called meeting of this association. At a meeting of the directory no alteration of the rules shall be made, or any new rule adopted, unless the same be offered as the report of the Executive Committee.

RULE 5. Transfer of Stock

No transfer of stock shall be authorized until the certificate of stock is surrendered and a transfer thereof made on the transferbook, but the owner or his attorney, to the purchaser, when a new certificate shall be issued, sealed with the seal of the corporation, attested by the President and Secretary.

RULE 6. Officers of the Association

The officers of this association shall be a President, three Vice-presidents, and a directory consisting of thirteen members; also a Secretary and Treasurer to be appointed by the board, seven of whom will be a quorum.

RULE 7. Executive Committee

There shall be elected at the first regular meeting of the Board of Directors in each year an Executive Committee, consisting of five members of the board, who with the President shall have exclusive control of the management of the grounds of this association, issue and enforce such orders for its proper management as they may deem fit, and institute such rules as they may deem fit for the best interests of the club.

RULE 8. Elections

All elections shall be by ballot. Elections for directors shall be held at the meeting of the members on the first Monday in January, and elections by the directory shall be held at the first regular meeting after their election, when a majority of the votes shall elect. At stockholders' meeting each share of stock shall be entitled to one vote.

RULE 9. Vacancies

In case of the death, removal, or resignation of the President, his duties shall be performed by the senior Vice-president until the first regular meeting of the directory in January. When a vacancy shall occur in any other office it shall be the duty of the President, or Vice-president in the absence of the President, to provide for the discharge of the duties until the next regular meeting of the directory.

RULE 10. President's Duties

The President shall preside at all meetings of the directory or association; decide all questions which may arise, being governed in his decisions by the general rules of parliamentary law; shall act as judge of all races run over its course, or appoint a judge of the day, and shall appoint assistant judges and timers. The judge of the day shall declare the result of each race. The President shall have power to give such orders as shall be, in his judgment, useful or necessary for the preservation of good order and decorum on the course and grounds; and shall, with the Executive Committee, decide all matters relating thereto.

He shall also have power to appoint a Ladies' Committee and such number of Stewards as he may think proper, and change or remove the same at will and appoint others, and to fill vacancies from death, removal, or resignation. In the absence of the President his duties shall be discharged by the senior Vice-president present. The President shall be a member of the Executive Committee of five.

RULE 11. Secretary's Duties

It shall be the duty of the Secretary to attend the judges in each day's race; record the names of the members, the rules of the association, the proceedings of each meeting (which shall be signed by the President and Secretary within twentyfour hours after the meeting, except the proceedings of the last day of each regular meeting, which shall be reduced to writing and signed within one week); the color, name, age, sire, and dam of each horse, with a description of each rider's dress; attend to weighing the riders and seeing that they are dressed in jockey style. He shall also record an account of each day's racing and the time of each heat; and after the races are over he shall publish the result, with a description and pedigree of the winner. It shall also be his duty to keep the seal and transferbook, register all transfer of stocks, counter sign all stock-certificates, and cancel all surrendered. He shall receive all entrance and forfeit money, pay the same to the Treasurer, and report in writing to the directory the amounts received and the names of the persons from whom received at the succeeding meeting of the board.

RULE 12. Treasurer's Duties

The Treasurer shall receive and disburse all the funds of the association, shall keep an account thereof, and have the same always subject to the inspection of the officers. He shall give bond with good security, to be approved by the President, in such sum as he shall require, for the faithful performance of his duties. At the first regular meeting of the directory after each spring and fall race meeting he shall present in writing a statement of his receipts and expenditures since his last report, approved by the Executive Committee.

RULE 13. Stewards

The Stewards shall attend on the course, preserve order, clear the track, keep the crowd from the horses when approaching the stand, and exercise vigilance to prevent disorder, detect foul riding and other misconduct, and perform such other duties as the President may assign to them.

RULE 14. Superintendent

The Superintendent shall, under the direction of the President, exercise a general supervision and control over the grounds, stables, and other buildings of the association, and shall have the outside track put in condition for trial-runs two weeks before each race meeting, and his compensation shall be fixed by the Executive Committee. He shall prevent diseased animals from coming or remaining on the grounds, and his failure to enforce the rule shall subject him to a fine of fifty dollars in each case. Persons wishing to train horses upon the grounds of the association, and use stables thereon, shall make application to the Superintendent to do so, who may, subject to the control of the President, grant such permission and assign to such person stables to be used and occupied by him; but shall not have the power to place such applicant in a private stable; and no person shall occupy such stables without the written permission of the owners, unless all the stables belonging to the association shall be completely filled; in the event the stables of private persons may be used after assignment by the Superintendent.

RULE 15. Forfeiture of Membership

Any member who shall transfer his ticket of membership, or violate any of the rules of this association, or be guilty of any ungentlemanly conduct on the grounds of the association, shall forfeit his membership to the same, and be entitled to be readmitted.

RULE 16.

"Members' tickets" or "subscribers' tickets" are not transferable, and must be presented only by the one in whose name they are issued, on penalty of forfeiture.

RULE 17. Judges and Timers

No person shall be admitted to the judges' stand during the pendency of a heat except the President or judge of the day and his assistants. The timers shall occupy a separate stand, from which in like manner all other persons shall be excluded during the running of a heat. The timers of the day shall report the time made in all miles run in any races; and the time thus reported shall be, and is, in the opinion of this club, an official record.

RULE 18. Disputes Decided

The judges shall decide all disputes that may arise, and

no appeal shall be allowed without their consent. In all questions relating to the race, and not provided for by these rules, the judges will decide according to their best judgment and the usages of the turf in like cases. No one interested in the result of a race, either because of ownership of any horse, bets, or otherwise, shall act as judge or starter therein.

RULE 19. Postponing a Race

The judges for the day may postpone all races on account of weather, but for no other cause; and when postponed the entries then made in purse races shall be considered void, and the race reopened the day previous to its being run. For the information of the public, when the races have been postponed notice shall be given at the principal hotels and at the club grounds.

RULE 20. Entries - When to be Made

All entries to purse races shall be in writing, and deposited in the Secretary's box at the track within thirty minutes after the close of the last race of the day preceding. When the thirty minutes shall have expired the Secretary, in the presence of a member of the Executive Committee, shall proceed to open the entries and make out a list of them, to be posted and published. The name, color, age, and pedigree (sire and dam) of horse, mare, or gelding entered must be given with entry.

RULE 21. Per Cent

Entrance to all purses shall be free unless otherwise stipulated.

RULE 22. Walk Over

In any case of walk over only one half the purse shall be given.

RULE 23. Purse Entries - By Whom Made

Every entry for purses shall be in the name of the owner or controller of the horse, mare, or gelding entered.

RULE 24. Defaulters

No persons shall be permitted to start in any race over this course who shall have failed to pay all forfeits due by him on account of stakes run over this or any other organized course. Nor shall any horse be permitted to run over this

course in the name of any person whatever so long as forfeits incurred by the horse remain unpaid. No defaulter shall be permitted to make a nomination in any stake to be run over this course. Nor shall a nomination be made by another person of a horse in which a defaulter has an interest; and all such nominations are hereby declared void. After each day's race the Secretary shall make and record on the books of the association a list of the defaulters, and give orders for amounts due the winners of stakes against the delinquents.

RULE 25. Nominations

Nominations to stakes must give the name, color, age, and pedigree of the animal entered and mailed or delivered to the President or Secretary on or before the day on which such events close, otherwise such entry will be void.

No person shall be permitted to nominate in any stake to be run over this course any horse of which he is not the owner, unless by written permission of the owner, to be filed with the Secretary; but by such permission of the owner shall not incur any liability for the forfeit, the liability and penalties for which shall attach only to the person nominating and to the horse. Five or more entries required to fill each stake.

RULE 26.

Owners must declare starters in stakes thirty minutes before the race.

Owners entering in purse races, by paying ten per cent of the purse, can withdraw the declaration to be made by 10 o'clock of the morning of the race, to the Secretary, and the money to accompany the declaration.

RULE 27. Fixed Events

The Kentucky Derby, for three-year-olds; The Alexander Stake, for two-year-old colts; the Kentucky Oaks, for three-year-old fillies; the Louisville Ladies' Stake, for two-year-old fillies; the Tobacco Stake, for green three-year-olds; The Louisville Cup, for all ages; the Tennessee Stake, for two-year-olds; and the Clark Stake, for three-year-olds, shall be fixed events of this association, to be run during the Spring Meeting of each year.

RULE 28. Sale of Entered Horses

Persons making several nominations in the same stake may by bona fide sales of any one or more of the horses confer

the right upon the purchaser to run in the stake, and may also start himself from the reserved entry or entries. The original subscriber shall be responsible for all forfeits.

RULE 29. Death of Entered Horse

If any horse nominated in a stake dies, or the person nominating him dies before the race, no forfeit shall be required, including play-or-pay races, unless such entry has been transferred by bona fide sale.

RULE 30. Joint Nominations - Death

In joint nominations, if one of the persons nominating dies, the survivor shall be liable for the forfeit, and entitled to the benefit of the nomination.

RULE 31. One Horse to Start - Exceptions

No two riders from the same stable shall be allowed to ride in the same race except by special permission of the judges. Nor shall more than one horse from any stable be allowed to start in the same race unless it be a dash. Nor shall two or more horses owned in whole or part by the same person be allowed to start in the same race unless it be a dash.

RULE 32. Jockey Dress

Every owner or controller, before starting horses in races over the association course, shall be required to report to the Secretary the colors in which his jockey will ride; but no one shall adopt the same combination of colors previously selected and reported by another. Persons making entries in stakes to be run over this course shall be required to report to the Secretary, at least ten days before the races, the colors in which their jockeys will ride. The declaration that a rider's dress will be fancy is not a proper designation of colors. Jockeys' caps and jackets shall be made of silk, satin, merino, or velvet; the pants white, of linen, cords, flannel, or buckskin; and fair-top boots. For any violation of this rule a penalty of ten dollars shall be assessed by the judges, and the amount added to the racing purse of the association.

RULE 33. Horse's Age

A horse's age shall be reckoned from the 1st of January; that is to say, a horse foaled at any time in 1858 shall be as one year old on the 1st of January, 1859.

RULE 34. Weights to be Carried

The following weights shall be carried in all races:

	Spring	Fall
Two-year-olds.....	80	85
Three-year-olds.....	102	107
Four-year-olds.....	117	117
Five-year-olds and upward.....	121	121
In races exclusively for two-year-olds.....	105	105
In races exclusively for three-year-olds.....	110	110
Mares allowed.....	5	3
Geldings allowed.....	3	3

No horse shall carry more than five pounds over-weight unless by permission of the judges.

RULE 35. Feather-weights

Feather-weights shall be considered 75 pounds.

RULE 36. Welter-weights

Welter-weights shall be 28 pounds added to weight for age.

RULE 37. Mode of Starting

In every race over this course the mode of starting shall be this: The judge of the day shall have the horses taken back at least thirty yards from the stand, under the care of the stewards, behind a line drawn across the course. And when the horses shall be in proper position the judge of the day will tap the drum, which shall be the signal for a start, and no recall after the drum is tapped. Should a false start be made, the horses shall be taken beyond the line again, and brought up by the riders and stewards in a similar manner as above. The judge may give the signal for a start at any time when he finds them in position behind the string. Should any rider, while the start is being made, intentionally let his horse break away, causing a false start, or in any way refuse to obey the orders of the judge or the stewards, the judge may punish him by a fine of five dollars for each offense, or even rule him off for any period he may deem proper; the fine to be paid before the next race, and to go to the treasury of the association. In case of a false start the ringing of the bell shall be the signal for a recall. The stewards shall report to the judge any misconduct on the part of the riders. Unruly and vicious horses may be assigned any position at the start deemed necessary by the judge for the safety of the other horses and riders. The judge may have the power to call

an assistant to start an unruly horse. If any accident happens to a horse or rider at the start, the judges may grant as much delay as they may think necessary.

RULE 38. Weighing

The Secretary shall see that each rider has his proper weight before the start, and that he has within two pounds of it after each heat. Weight shall not be made by wetting the blankets placed on or under the saddle. At the close of each heat every rider must repair with his horse to the judges' stand and await their order to dismount; and no groom or other person shall be permitted to touch or cover any horse (unless to lead back a refractory horse, or the rider is disabled) until the rider shall have been dismounted by the judges. The rider shall then repair to the scales, with his saddle, to be weighed. For any violation of this rule the horse involved shall be declared distanced. A rider thrown or taken by force from his horse after passing the winning post shall not be considered as having dismounted without permission of the judges, and if disabled shall be taken to the judges' stand to be weighed.

RULE 39. Placing

The position of all horses starting for stakes or club purses shall be determined by lot by the judges of the day. The winner of a heat shall at the next start have the inside position; the others shall take their positions on his right in the order in which they came out in the previous heat. In dash-races the judges shall only place three horses at the outcome.

RULE 40. Time between Heats

The time between heats shall be twenty minutes for mile heats, thirty minutes for two miles, forty minutes for three-mile heats, and forty-five minutes for four-mile heats.

RULE 41. Foul Riding

If a horse or rider shall cross, jostle, or strike another horse or rider, or do any thing that impedes another horse, accidentally or not, it is foul riding, and the horse that impedes the other shall be adjudged distanced. And if the judges are satisfied that the riding was intentionally foul, or that the rider was instructed so to ride, the party or parties so offending shall not be allowed to race, enter, or attend a horse over this course in any race under the control

of the association. Although a leading horse is entitled to any part of the track, if he crosses from the right to the left, or from the inner to the outer side of the track, when a horse is so near him that in changing his position he compels the horse behind him to shorten his stride, it is foul riding. And if in passing a leading horse the track is taken so soon after getting the lead as to cause the horse passed to shorten his stride, it is foul riding. All complaints of foul riding must be made before the horses start in another heat; and if it happens in the last heat, then before the judges leave the stand.

RULE 42. Bolting

If any horse shall run from the track into the field, he will be declared distanced, although he may come out ahead, unless he return and again enter the course at the point from which he swerved.

RULE 43. Of Aids

No person other than the rider shall be permitted to strike a horse, or attempt by shouting or otherwise to assist a horse in getting a start, or increase his speed in running any race. Nor shall any person stand in the track to point out a path for the rider, under a penalty of exclusion from the course for either offense; and if such person shall be the owner, trainer, or rubber of such horse, or instigated to act by either of the said persons, such horse shall be declared distanced.

RULE 44. Horses to Run a Fair Race

Every horse started shall run a bona fide race. If any horse shall run to lose, the owner or trainer so offending shall be ruled off. No compromise or agreement between any two persons starting horses, or their agents or grooms, not to oppose each other, upon a promised division of the purse, shall be permitted; and no person shall run their horses with a determination to oppose jointly any other horse in the race. In either case, upon satisfactory proof of such agreement, the judges shall award the purse to the next best horse, and the persons offending shall be ruled off.

RULE 45. Winners and Dead Heats

In the race best two in three, a horse that wins two heats or distances the field wins the race. In the race best three in five, the horse that wins three heats or

distances the field wins the race. In a three-in-five race, any horse losing three heats after winning a heat shall not be entitled to start again in the race. In heats best two in three, a horse not winning one of the two first heats shall not be allowed to start for a third heat; and in best three in five, a horse not winning one heat in the first three shall not be entitled to start for a fourth heat. When thus prohibited from starting a horse shall not be deemed distance, and all bets on his being distanced shall be void. A dead heat shall be considered a heat, except as against horses that make it. In case of a dead heat in a dash race the owners of the horses making the dead heat shall decide in ten minutes whether they will run it over or divide the purse. In a dead heat between two or more horses the winning of the heat by any of them would have terminated the race, they only shall start for the next heat.

RULE 46. Persons Ruled Off

Any person ruled off by any organized racing association shall be considered ruled off by this association, and if reinstated by that association shall be reinstated by this; and it shall be the duty of the Secretary of this association to notify the secretaries of all organized associations of any one ruled off. All persons ruled off shall be excluded from the grounds and from any anticipation in races run over the course. They shall be disqualified from making any entry or nomination, and no horse owned in whole or in part by a person ruled off shall run in any race over the course.

RULE 47. Drawing

No person shall be permitted to draw or sell his horse during the race, except by permission of the judges, under the penalty of being excluded from the club and course, and not being allowed any participation in its racing hereafter. A drawn horse shall be considered distanced. All horses entered for a purse-race shall be under the control of the judges from the time they are entered; for a stake, from the time the riders are weighed. In both cases till the close of the race.

RULE 48. Distance

There shall be two distance judges appointed by the President, who shall repair to the judges' stand after each heat, and report the distanced horses, and any foul riding, if any have been observed by them. A horse whose head reaches the distance as soon as the winner reaches the winning-post shall not be considered distanced. A horse who fails to bring in his proper weight or is ruled off for foul riding is to be deemed distanced. The distance in a mile shall be fifty yards;

the distance in two miles shall be sixty yards; the distance in three miles shall be eighty yards; the distance in four miles shall be one hundred yards. In match races there shall be a distance unless the contrary be expressly stipulated by the parties.

RULE 49. Doubtful Age, Ownership, etc.

On the suggestion of any doubts as to age, ownership, etc., of any horse entered for a race, it shall be the duty of the judges to inquire into the facts, and if satisfied that any rule of the association is about to be violated, to exclude such horse from the race; and if the horse is permitted to run, from a doubt not being sustained, and any doubt remains on the minds of the judges, the purse, if won by such horse, shall be withheld until the doubt is confirmed or done away with. On being eventually sustained, the purse shall be awarded and paid to the next best horse in the race.

RULE 50. Fraud

If any fraud shall be discovered, by which the winner shall have been improperly paid the purse, such as a deception as to weight, age, ownership, partnership, etc., the judges shall demand its restoration, and it shall be paid over to the owner of the next best horse. If not restored, the illegal holder of the purse, if a member, shall be expelled from the club, and he shall not be allowed to hold any connection with it. If not a member, no horse which has been trained by him, or in which he may be interested, shall be allowed to start on this course.

RULE 51. Matches

In match-races the rules of this association shall govern, unless the contrary be expressly stipulated.

RULE 52. Certificates of Membership

In case of loss a new certificate may be issued upon application, accompanied by affidavit by the owner of the circumstances of the loss, and a bond with good security, to indemnify the association against loss from such issue, with notice by one month's advertisement in a Louisville newspaper of the intended application. In case of the death of a member of the association, the power to transfer his stock may be exercised by his personal representative in the manner provided by the rules; but he shall not be entitled to exercise any other privilege of a member till admitted as such by the association.

RULE 53. Sweepstakes

All sweepstakes advertised to be run over this course shall be subject to the cognizance of this association, and no change of the nomination once made shall be allowed after closing unless by consent of all the parties. The Secretary shall receive all forfeits, and enforce the rules against all defaulters.

RULE 54. Quarter-stretch

None but the stewards shall be allowed on the quarter-stretch during a heat till the horses come out, and none but the owners and attendants of the horses after they come out till the riders are weighed and the judges order the reopening of the gates. No horse shall be sponged out on the course. Sponging shall in all cases be done on the cooling grounds.

RULE 55. Club-house

The use of the club-house shall be exclusively for the members of this association, the lady members of their families, and ladies attended by members of the association. Officers of the club may introduce strangers, and extend to them the privileges of the club-house, after obtaining from the Secretary a complimentary badge.

RULE 56. Decorum

If any owner, trainer, jockey, or attendant of a horse use improper language to the officers of the club or judges, he shall be ruled off the course.

RULE 57. Gambling

No gambling shall be permitted on the grounds of this association, and the officers shall see that this rule is regarded.

RULE 58. Escort of Females

No female shall be admitted within the course or upon the stands unless she be under the escort of a gentleman.

RULE 59. Stables

Two weeks before the opening of the running meetings to be held on this course in the spring and fall of each year

all stables occupied by trotting horses shall be vacated for the benefit of the running horses; and no training of trotting horses shall be done on this course, on the inside track, until after said running meetings are over. Persons renting stables for the year are subject to this rule.

RULE 60. For the Protection of Owners
and Trainers

No owner or trainer who employs a rider, rubber, or helper from another stable without a written discharge from his last employer, or other satisfactory evidence of such discharge, shall be allowed to enter, start, or manage any horse, mare, or gelding for any stake or purse to be run for on this course; nor shall any rider, rubber, or helper who leaves his employer before the expiration of his term of service be allowed in any capacity whatever on or about the grounds of this association for and during the space of six months from the time he or they so left their employer. The President, on receiving a complaint in writing from any owner or trainer claiming to be aggrieved by an infringement of this rule, may, in his discretion, notify the person so complained against, in writing, of the matter of complaint, and stating his liabilities under this rule; and such person shall remain subject to the above penalty until the President shall be satisfied that he is no longer liable to the same, and shall notify him to that effect in writing; provided, the complainant shall furnish satisfactory evidence that he has paid the employe according to agreement; and further, that the employe has not been cruelly or improperly treated. 1

1

Morton, John P. & Co., printers, Rules and Regulations of the Louisville Jockey Club (Book), pp. 7-37

Articles of Incorporation
of
New Louisville Jockey Club

Know All Men By These Present, That the undersigned Emile Bourlier, Henry Wehmhoff and W. E. Applegate have associated ourselves and become incorporated and for ourselves, our associates and successors, under the provisions of Chapter 32 of the Statutes of the State of Kentucky, do hereby form a corporation and adopted the following Articles of Incorporation:

1. The name of the corporation is New Louisville Jockey Club.
2. The principal place of business of the corporation shall be in the County of Jefferson, State of Kentucky, near the City of Louisville. The corporation will also have an office in the City of Louisville, County of Jefferson, State of Kentucky.
3. The business to be transacted by the corporation is that of conducting and carrying on, for profit, and according to law, a race-course near said city of Louisville on the land heretofore known as the course and grounds of the Louisville Jockey Club.
4. The amount of the capital stock of the corporation is \$10,000 divided into shares of \$100.00 each.
5. The names and places of residence of each of the stockholders of the corporation and the number of shares subscribed by each are as follows, to-wit: -

Emile Bourlier	Louisville, Ky.	20 shares
Henry Wehmhoff	Louisville, Ky.	20 shares
W.E. Applegate	Louisville, Ky.	20 shares
W.F. Schulte	Louisville, Ky.	15 shares
M.S. Simonton	Cincinnati, O.	10 shares
C.J. Bollinger	Louisville, Ky.	15 shares

Said stock has been all subscribed for and has been paid by the sale and delivery to the corporation now formed of the Improvements upon the said race-

course which belonged to the Louisville Jockey Club, and which were purchased from the assignee of said Club by said Emile Bourlier, W. E. Applegate and Henry Wehmhoff, and by the assignment to the corporation by said three least named parties of a lease from John Churchill to them of the lands upon which the said improvements are situated.

6. The said Corporation is to commence on the 26th day of November, 1894, and is to continue for fifty years unless it shall be sooner dissolved by a vote of the majority of its stock at a regular annual meeting of the stockholders.
7. The affairs of the Corporation shall be conducted by a Board of five Directors, and Emile Bourlier, Henry Wehmhoff, W.E. Applegate, W.F. Schulte and C.J. Bollinger will constitute the first Board of Directors to serve until their successors are elected and qualified. The annual meeting of the stockholders of the Corporation shall be held on the first Monday in December of each year, beginning with the year 1895, or as soon thereafter as practicable, at which an election for directors shall be held. All meetings of the stockholders shall be held in the State of Kentucky. The meetings shall be held at the office of the corporation in Louisville unless otherwise provided by the action of the Board of Directors. The Board of Directors shall elect one of their number, the President of the corporation, and one of their number Vice President. They shall also elect a Secretary and a Treasurer and may require bond of the Secretary and the Treasurer. The Board shall have power to appoint such officers and agents for the corporation as may be deemed necessary for the transaction of its business. All officers of the corporation shall hold office at the pleasure of the majority of the Board of Directors. The Directors shall continue in office until their successors are elected and qualified. The Directors shall be deemed to have qualified by appearing and taking their seats at a meeting of the Board.
8. The highest amount of indebtedness or liability which the corporation may at any time incur is the sum of \$10,000.00.

9. The private property of stockholders of the corporation not subject by the provisions of the law under which it is organized shall not be subject to the payment of corporate debts.

Witness our hands the day and year first above written -

Emile Bourlier
Henry Wehmhoff
W.E. Applegate 1

Fidelity Trust Company, Trustee
to
Charles F. Grainger, Trustee

This deed between the Fidelity Trust Company, Trustee under the will of John Churchill, of the first part (said will being dated May 31st, 1892 and recorded in Will Book 21 page 186 in the office of the Clerk of the County Court of Jefferson County, Kentucky), The Fidelity Trust Company, Executor and Trustee under the will of Emma Nicholas Churchill, of the second part (said will being dated June 7th, 1902 and recorded in Will Book 25 page 139 in said office, and Charles F. Grainger, Trustee, of the third part; WITNESSETH, that in consideration of the sum of One Hundred and Thirty-five Thousand Dollars (\$135,000), of which there has this day been paid in cash the sum of Thirty-three thousand and Seven Hundred and fifty (\$33,750) Dollars and for the residue said Charles F. Grainger, Trustee on behalf of himself individually and of Samuel S. Brown, William E. Applegate, Martin J. Winn and Andrew Vennie, have executed to the party of the first part his ten promissory notes of even date herewith, each for the sum of Five Thousand and Sixty Two and 50/100 (\$5,062.50) Dollars bearing interest from date at the rate of four and one half ($4\frac{1}{2}$) per cent. per annum, payable semi-annually, said notes maturing in one (1) to ten (10) years, respectively, after date, and has also executed to the party of the second part his ten promissory notes of even date herewith, each for the sum of Five Thousand and Sixty-two and 50/100 (\$5,062.50) Dollars, bearing interest from date at the rate of four and one-half ($4\frac{1}{2}$) per cent. per annum, said notes being payable from one (1) to ten (10) years respectively after date, to secure the payment of all of which notes a lien is retained in favor of the parties of the first and second parts as to the notes payable to said parties, respectively, on the land hereinafter conveyed. The party of the first part in exercise of the power conferred on it by the will of John Churchill aforesaid, hereby conveys to the party of the third part, in fee simple, with covenant of General Warranty, an undivided one-half interest, and the party of the second part in execution of the power conferred on it by the will of Emma Nicholas Churchill aforesaid, and for the purpose of reinvesting the proceeds as directed in said will, hereby conveys to the party of the third part, in fee simple, with covenant of General Warranty, the other undivided one half interest in the following tract of land in Jefferson County,

Kentucky, adjoining the southern limits of the City of Louisville: "Beginning on the south side of "P" Street one hundred and forty (140) feet west of Fourth St. at the intersection of "P" Street with the western line of an alley fifteen (15) feet wide, mentioned in a deed from the Fidelity Trust Company, Trustee, and others, to the South Louisville Savings and Deposit Bank, recorded in Deed Book 614, Page 92, in said office, which alley extends from "P" Street southwardly and parallel with Fourth St. sixty (60) feet, and is hereby established as a way for the use of the land hereby conveyed and the land conveyed as aforesaid to the South Louisville Savings and Deposit Bank; thence along the south side of "P" Street north 82 degrees 30 minutes west sixteen hundred and nine (1609) feet to its intersection with the eastern line of the right of way of the Louisville Railway Company thence with the eastern line of said right of way South 21 degrees 38 minutes west eight hundred and seventy-six (876) feet and ten (10) inches, south 24 degrees 34 minutes west one hundred and eighty-five one hundredths (100 85/100) feet, south 32 degrees 45 minutes west one hundred and two one-hundredths (100 2/100) feet, south 36 degrees 21 minutes west one hundred and one and thirty-two one hundredths (101 32/100) feet, south 36 degrees 21 minutes west one hundred and one and thirty-two one hundredths (101 32/100) feet, south 42 degrees 6 minutes west one hundred and one and fifty-seven one hundredths (101 57/100) feet, south 48 degrees west one hundred and one and sixteen one-hundredths (101 16/100) feet, south 51 degrees west sixty-nine and sixty-seven one hundredths (69 67/100) feet; thence, leaving said right of way, south $\frac{3}{4}$ degrees east four hundred and ninety-eight and nine-tenths (498 $\frac{9}{10}$) feet, thence north eighty-nine and one fourth (89 $\frac{1}{4}$) degrees east twenty-two hundred and forty-two (2242) feet to the west line of Fourth St. on the plat of South Louisville, if said lines were extended; and also along said line laid off on the plat aforesaid fifteen hundred and forty-six (1546) feet; thence west and parallel with "P" St. one hundred and forty (140) feet to the west line of the alley herein mentioned; thence north along the west line of said alley and parallel with Fourth St. sixty (60) feet to the beginning, containing about eighty one and five hundred and two one-thousandths (81 502/1000) acres."

TO HAVE AND TO HOLD the same unto the said Charles F. Grainger in trust for the joint and equal benefit, in fee simple, of himself, Samuel S. Brown, William E. Applegate, Martin J. Winn

and Andrew Vennie, as follows:

The said Trustee shall, within the period of fifteen years from the date hereof, hold, control, manage, and in his discretion, lease said land, or any part or parts thereof, and after payment of taxes, repairs and other expenses incident to the management of the property shall pay annually or semi-annually, as he may elect, the net income therefrom to said Charles F. Grainger, and the other cestuis qui trust in equal proportions during said period of fifteen years said Trustee shall have the right to sell or otherwise dispose of said land, or any part or parts thereof, on such terms and with such warranty or other covenants of title as he may think fit, and the net proceeds of any such sale or sales, or other dispositions of said land, shall be paid equally to said Charles F. Grainger and the other cestuis qui trust herein named; but no purchaser shall be liable for the application of the purchase money, and any such warranty or other covenant of title shall bind the cestuis qui trust as fully though made by them in person.

PROVIDED, however, that no such sale or sales, or other disposition of said land, or any part or parts thereof, shall be valid unless made with the approval in writing of a majority of such of the said cestuis qui trust other than said Charles F. Grainger, as shall then be living. If only two of said other cestuis qui trust are then living, then the written approval of one alone shall be necessary; if but only one of said other cestuis qui trust shall then be living, the written approval of such one shall be sufficient.

At the expiration of said fifteen years, then the title to said land, or any portion thereof which may not have been sold or otherwise disposed of, shall remain in the five cestuis qui trust herein named, free from any trust and without a conveyance or relinquishment of the legal title thereto from the Trustee named.

The parties of the first and second parts hereby covenant, each for itself and as to the estate conveyed by each of them respectively, that they are seized of such estate, that they have full power and right to convey the same, and that the same is free from any encumbrance.

PROVIDED, however, that from the foregoing warranty and covenants there are expected taxes of the Commonwealth of Kentucky and of Jefferson County, Kentucky, for the year 1906,

the least of the land hereby conveyed from John Churchill to Emile Boulrier and others, dated August 9, 1894, and recorded in Deed Book 437, Page 321, in the office aforesaid, the extension of said leave by Emma N. Churchill, Executrix, to the New Louisville Jockey Club, dated April 30th, 1902 and recorded in Deed Book 577 Page 113 in said office, and any right, title or interest of those claiming under said lease, or extension thereof, to any improvements on the land hereby conveyed.

PROVIDED, further that the warranties and covenants of title herein contained are made by the parties of the first and second parts in their respective fiduciary capacities as herein expressed, and not individually, and shall bind each of said parties to the extent only of assets of its trust estate in its hands at the time of notice to it of the breach of such warranty or covenant. Should default be made for the period of ninety days in the payment of any note or instalment of interest therein mentioned, the holder of the note or notes as to which such default occurs, may, at his option, declare all of the notes herein mentioned to be payable and may proceed to enforce the lien herein retained.

IN TESTIMONY WHEREOF, the parties of the first and second parts have hereto set their names and affixed their corporate seals this 1st day of November, 1905.

Fidelity Trust Company,
Trustee under the will
of John Churchill,
by Jno. W. Barr Jr., Pres..

Fidelity Trust Company,
Executor and Trustee
under the will of
Emma Nicholas Churchill,
by Jno. W. Barr Jr., Pres. 1

An Act

To regulate the racing of running horses in the Commonwealth of Kentucky and to establish a State Racing Commission, and prescribing its powers and duties

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any corporation formed for the purpose of racing and breeding or improving the breed of horses and conducting races and contests of speed, shall have the power and right, subject to the provisions of this act, to hold one or more running race meetings in a year, and to hold, maintain and conduct running races at such meetings. At such meetings the corporation or the owners of the horses engaged in such races, or others who are not participants in the racing, may contribute purses, prizes, premiums or stakes to be contested for; but no person or persons other than the owner or owners of a horse or horses contesting in a race shall have any pecuniary interest in a purse, prize, premium or stake contested for in such race, or be entitled to, or receive any portion thereof after such race shall have been finished; and the whole of such purse, prize, premium or stake shall be allotted in accordance with the terms and conditions of such race. Such meetings shall not be held except during the period extending from the first day of April to the first day of December, inclusive, in each year. No running races are authorized or shall be permitted except during the period aforesaid, nor except between sunrise and sunset.
2. A State Racing Commission is hereby established, to consist of five persons to be appointed by the Governor, three of whom shall be breeders and raisers of thoroughbred stock and no two of whom shall be members of the same racing association. The members of said commission shall hold their offices for a term of four years, and the first commission shall be appointed within twenty days after this act shall go into effect. Such commission shall appoint a secretary, who shall

serve during its pleasure, whose duty it shall be to keep a full and faithful record of its proceedings and preserve at its general office all books, maps, documents and papers entrusted to its care, and perform such other duties as the commission may prescribe. He shall be paid a salary, to be fixed by the commission, at a rate not exceeding twelve hundred dollars per annum, which shall be paid by the several racing corporations or associations, the amounts to be paid by each to be appointed by the commission, which shall, on or before the first day of December in each year, assess upon each of said corporations or associations its just proportion of such salary. The commission shall biennially make a full report to the General Assembly of its proceedings for the two-year period ending with the first day of December preceding the meeting of the General Assembly, and shall embody therein such suggestions and recommendations as it shall deem desirable.

3. Said Commission shall have the power to prescribe the rules, regulations and conditions under which running races shall be conducted in this State, and no such races shall be conducted except by a corporation or association duly licensed by said commission, as herein provided. Any corporation or association desiring to conduct such racing may annually apply to the State Racing Commission for a license so to do. If, in the judgment of the commission, a proper case for the issuance of such license is shown, it may grant the same for a term of one year, and every such license shall contain a condition that all races or race meetings conducted thereunder shall be subject to the rules, regulations and conditions from time to time prescribed by the commission for any violation thereof, or whenever the continuance of such license shall be deemed by the commission not conducive to the interest of legitimate racing. But if said license is refused or revoked, said commission shall publicly state its reasons for so doing, and said reasons shall be written in full in the minute book of said commission, which shall at all times be subject to inspection upon application of any one desiring so to do, said finding of said commission shall be subject to the

review of a court of competent jurisdiction;
Provided: That a refusal of the commission to grant to any racing association a license, or to assign any racing association at least forty days in each year, if desired, for racing at such association, and the decision of such commission revoking any license of any association shall be subject to review of the courts of the State.

4. Every running race meeting at which racing shall be permitted for any stake, purse or reward, except as allowed by this act, is hereby declared to be a public nuisance, and every person acting or aiding therein shall be deemed not less than five hundred dollars nor more than one thousand dollars for each day of such meeting of racing; and, in addition, thereto, in a suit brought for the purpose by the State Racing Commission in the circuit court of the county where it may be proposed to conduct such unauthorized racing, an injunction may be obtained against the same.
5. This act shall no apply to trotting meetings or races, nor to racing conducted by any State, county or other fair association holding not more than one meeting annually, and for a period not exceeding six days for such meeting.
6. Inasmuch as there is no general law regulating racing in this Commonwealth, and it is desirable that one should be in operation as soon as possible, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage.

Approved March 23, 1906 1

Articles of Incorporation
of
Kentucky Jockey Club

The undersigned hereby associate themselves together for the purpose of forming a corporation under the law of Kentucky and declare as follows:

1.

The name of the corporation shall be Kentucky Jockey Club.

2.

Its principal office and place of business shall be located in the City of Louisville, Jefferson County, Kentucky.

3.

The nature of the business to be carried on and the objects and purposes of the corporation shall be the improvement of live stock, particularly thoroughbred horses, by giving exhibits of contests of speed and races between horses for premiums, purses, or other awards; to establish, maintain, purchase or otherwise acquire suitable race tracks located in the State of Kentucky, with all necessary buildings and improvements, or land for the purpose of establishing race tracks, and to give or conduct on said race tracks public exhibitions of speed or races between horses for premiums, purses or other awards, made up from fees or otherwise, and to charge the public for admission thereto and to said race tracks; to engage in the registering of bets on exhibitions of speed or races at said race tracks and premises in such manner as may be provided or permitted by the laws of Kentucky; to conduct restaurants, cafes, lunch counters or stands for the sale of food or other refreshments to persons on said premises; to purchase and hold the title to such real estate situated in the State of Kentucky as shall or may be necessary to fully carry out the several purposes for which the corporation is formed and the corporation shall have the right to acquire by purchase or otherwise the property, assets and franchises of any or all corporations owning race tracks in the State of Kentucky; the corporation shall have the right to do and perform all other acts necessary to fully accomplish the purposes herein enumerated.

4.

The capital stock of the corporation shall be Three Million (\$3,000,000) Dollars divided into ten thousand (10,000) shares of preferred stock and twenty thousand (20,000) shares of common stock, each share of both classes being of the par value of One Hundred (\$100) Dollars. The preferred stock shall have no voting power and the holders of the preferred stock shall be entitled to receive, when and as declared, from the surplus or net profits of the corporation, dividends at the rate of, but never exceeding, seven per cent per annum which dividend shall be payable either annually or semi-annually as may be fixed by the by-laws of the corporation and on such dates as may be fixed by such by-laws. The dividends on the preferred stock shall be accumulative at the above specified rate and all such dividends shall be payable before any dividend shall be paid or set apart on the common stock. Whenever all accumulated dividends on the preferred stock for all previous years and for the current year shall have been declared and paid, the Board of Directors may declare dividends on the common stock payable then or thereafter out of the remaining surplus or net profits. In case of liquidation, dissolution or winding up, whether voluntary or involuntary, of the corporation, the holders of the preferred stock shall be entitled to be paid in full, both the par amount of their shares and all unpaid accumulated dividends thereon at the rate herein before set out before any amount shall be paid to the holders of the common stock, and after such payment to the holders of the preferred stock they shall have no further interest in the assets of the corporation and the remaining assets and funds shall be divided between and paid to the holders of the common stock according to their respective shares. On the first day of July, 1920, the corporation shall retire fifteen (15%) per cent of all shares of said preferred stock, issued and outstanding, and shall each year thereafter, on the first day of July, retire fifteen per cent of all shares of said preferred stock issued and outstanding, until all of said shares have been retired. The corporation shall pay to the owners of said preferred shares so retired the sum of One Hundred & Five (\$105) Dollars for each share, together with all accumulated dividends thereon. The shares of preferred stock to be retired each year shall be determined by lot. Said stock shall be retired by the mailing of a notice at least thirty days before the date of retirement to the owners of the shares to be retired, and thereupon all interest of such stockholders, to the amount of such stock, in the

corporation shall cease and they shall be entitled to be paid only on demand, on or after the date fixed for the retirement of said stock the amount payable to them for such stock as herein before provided, without interest. The corporation expressly reserved and is given the right to retire and cancel on any dividend period, as and when the Board of Directors may determine, all or any portion of the preferred stock then outstanding by paying to the holders thereof One Hundred & Five (\$105) Dollars per share and the amount of all unpaid accumulated dividends thereon at the rate herein before set out. Should the corporation determine to retire and cancel all or any portion of said stock, as herein provided, a notice stating such fact shall be mailed at least thirty days before the date of redemption to each holder of said stock, and thereupon all interest of such stockholders, to the amount of such stock, in the corporation shall cease, and they shall be entitled only to be paid upon demand on or after the date fixed for the retirement of said stock the amount payable to them as herein before provided, without interest. In case the corporation shall decide to so retire a less number than the whole of said shares the particular shares to be retired shall be determined by lot. The corporation shall have not power to place any lien or encumbrance on its property which will be superior to the preferred stock without the assent, in writing, of the holders of at least 75% of the outstanding preferred stock and no increase of the amount of preferred stock shall be made without the assent, in writing, of the holders of at least 75% of the outstanding preferred stock.

5.

The names and places of residence of the stockholders are as follows:

P. J. Hanlon	Louisville, Ky.	10 shares
Lawrence Jones	Louisville, Ky.	10 shares
A.J. Carroll	Louisville, Ky.	10 shares

6.

The corporation shall commence business upon the filing of these Articles and continue for a period of twenty-five years.

7.

The affairs of the Corporation shall be conducted by a

Board of not less than five nor more than seven Directors, the number to be fixed by the Corporation, who shall be elected at each annual meeting of the stockholders, which meeting shall be held at the principal place of business of the corporation on the third Monday in January of each year. The Directors shall annually elect from among their number a President, Vice-President, Secretary and Treasurer, and the officers of the Secretary and Treasurer may be held by the same person. The Directors shall have power to elect or appoint such other officers or agents, as may be deemed necessary, and shall adopt such by-laws for the government of the corporation as may be necessary.

8.

The highest amount of indebtedness or liability which the Corporation may incur at any time shall not exceed the sum of One Million (\$1,000,000) Dollars.

9.

The private property of the stockholders shall be exempt from the payment of corporate debts.

IN TESTIMONY WHEREOF we have hereunto set our hands this the 20 day of February, 1919.

P. J. Hanlon
Lawrence Jones
A. J. Carroll 1

State of Kentucky SS:
County of Jefferson

Articles of Incorporation
of
Churchill Downs

The undersigned hereby associate themselves together for the purpose of forming a corporation under the laws of Kentucky and declare as follows:

1. The name of the corporation shall be Churchill Downs.
2. Its principal place of business shall be located in the City of Louisville, Jefferson County, Kentucky.
3. The nature of the business to be carried on and the objects and purposes of the corporation shall be the improvement of livestock, particularly thoroughbred horses, by giving exhibits of contest of speed and races between horses for premiums, purses or other awards; to establish, maintain, purchase or otherwise acquire suitable race tracks located in the State of Kentucky, with all necessary buildings and improvements, or land for the purpose of establishing race tracks, and to give or conduct on said race tracks public exhibition of speed or races between horses for premiums, purses or other awards, made up from fees or otherwise, and to charge the public for admission thereto and to said race tracks; to engage in the registering of bets on exhibitions of speed or races at said race tracks and premises in such manner as may be provided or permitted by the laws of Kentucky to conduct restaurants, cafes, lunch counters or stands for the sale of food or other refreshments to persons on said premises; to purchase and hold the title to such real estate situated in the state of Kentucky as shall or may be necessary to fully carry out the several purposes for which the corporation is formed; the corporation shall have the right to do and perform all other acts necessary to fully accomplish the purposes hereto enumerated.
4. The capital stock of the corporation shall be Twenty-five Thousand (25,000) shares of common stock each share being without nominal or par value. Such stock may be issued from time to time for such

consideration as may be fixed from time to time by the Board of Directors.

5. The corporation shall commence business on the filing of these Articles and continue for a period of fifty years.

6. The names and places of resident of the stockholders are as follows:

James B. Brown	Louisville, Ky.	3 shares
Lawrence Jones	Louisville, Ky.	3 shares
Henning Chambers	Louisville, Ky.	3 shares

7. The affairs of the corporation shall be conducted by a Board of not less than three nor more than fifteen Directors, the number to be fixed by the corporation, who shall be elected at each annual meeting of the stockholders, which meeting shall be held at the principal place of business of the corporation on the second Tuesday in January of each year. The Directors shall annually elect from among their number a President and Vice-President, and shall also elect a Secretary and Treasurer, who may or may not be members of the Board of Directors, and the offices of Secretary and Treasurer may be held by the same person. The Directors shall have power to elect or appoint such other officers or agents as may be deemed necessary and shall adopt by-laws for the government of the corporation.

8. The highest amount of indebtedness or liability which the corporation may incur at any time shall not exceed the sum of Two Hundred & Fifty Thousand (\$250,000) Dollars.

9. The private property of stockholders shall be exempt from the payment of corporated debts.

IN TESTIMONY WHEREOF, we have here unto set our hands this the 18th day of January 1928.

James B. Brown
Lawrence Jones
Henning Chambers 1

State of Kentucky SS:
County of Jefferson

1

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