

## McKinstry vs. *Brooklyn Daily Times*: An 1862 Baseball Rules Dispute

By Steve Sisto

As large and detailed as the baseball rulebook is, the game is ultimately a subjective one, requiring an umpire to make split-second judgment calls. Given this, it is only natural that not everyone will agree with an umpire's ruling. In fact, the history of baseball rule disputes dates back almost 150 years ago. This article will examine one of the earliest recorded ruling controversies, between an umpire and a Brooklyn newspaper, from 1862.

"Go to see the match this afternoon between the Constellation club and the Atlantic club of Jamaica. It will be worth seeing," wrote *The Brooklyn Daily Times* on July 30, 1862. The paper continued, imploring fans to pay the admission for entry: "Don't stand in the back, but pay your ten cents like men, and go inside. If a game is interesting enough to keep a crowd standing outside in the broiling sun for hours, it is worth the paying of ten cents to go inside and sit down in the shade like a Christian. Go in and shell out."

The two teams had played earlier in the month, on July 4, in the Atlantics' territory of Jamaica, Queens. The Atlantics were victorious, 35 to 23. The game on July 31 was to be played on the Union Grounds in the Williamsburg neighborhood of Brooklyn. Ed McKinstry of the Eckford Club was selected as umpire.

*The Brooklyn Daily Eagle* reported the score of the game as 24-15 in favor of the Constellations, writing that "the playing throughout was rather mediocre" (Eagle, August 1). The box score published by *The Daily Eagle* was as follows:

	1	2	3	4	5	6	7	8	9	Total
<b>Constellations</b>	9	0	0	4	1	3	3	3	1	24
<b>Atlantics</b>	0	5	1	0	0	2	3	1	3	15

*The Brooklyn Daily Times*, however, scored the game 23-15, arguing that one of the Constellation's runs in the 8th inning should not have counted. According to *The Daily Times*:

It occurred thus: Thomas was on the third base, and Smith was striker. Thomas started to run home before the pitcher had delivered the ball, but the latter seeing his movement, pitched the ball, and Smith hit it, sending it over to shortstop, who fielded the ball over to the first base in time to put Smith out. Mr. McKinstry decided that Thomas had made his run, because he reached the home base before Smith was out. We contend that he did not make his run, and copy the following from the rules and regulations of the National Association to prove our assertion. It must be recollected that Smith was the third hand out.

"Sec. 24. If two hands are already out, no player turning home at the time the ball is struck, can make an ace if the striker is put out."

This will put that matter straight.

This was *The Daily Times*'s box score:

	1	2	3	4	5	6	7	8	9	Total
<b>Constellations</b>	9	0	0	4	1	3	3	2	1	23
<b>Atlantics</b>	0	5	1	0	0	2	3	1	3	15

McKinstry must have read *The Daily Times's* article, because he wrote a letter to the paper, which it published the next day on August 1:

While finding no fault with the spirit which dictated the assumed correction, I nevertheless beg to differ with your reporter, and for the following reason: 'Mr. McKinstry' did *not* decide 'that Mr. Thomas had made his run because he reached the home base before Smith was out,' but because, in the opinion of the umpire, Thomas had reached the home base before Mr. Smith hit the ball. The point was a close one, Mr. Thomas arriving at the base at the same moment the ball was hit, in fact touching, or rather coming in contact with Mr. Smith as he started for the first base. This was the state of facts upon which the decision was based, and although several old players in the base ball arena disagree with me as to the correctness of the decision, (they taking the ground that it made no difference whether he arrived at the home base prior to the ball being struck or not, inasmuch as he run on the ball which was struck by the third hand out). I still contend that Mr. Thomas should score his run which was recorded...

I remain, yours very respectfully,  
E. McKinstry

The paper, in introducing the letter, defended its initial opinion, writing: "We are of the same opinion now as we were then, and think the majority of base ball players lean the same way. If Mr. Thomas had reached the base a few seconds before the ball, Smith never could have hit it, as he would have had to get out of the way of Thomas, and never could have recovered himself in time to hit the ball as he did — it was impossible."

In the opinion of this writer, *The Daily Times* was correct and McKinstry was wrong. This writer's interpretation of the rules is that a run cannot be scored during a play in which the third out is made, even if the runner touches home plate before the pitch is thrown, as unlikely as that may be. Of course, vigorous debate over the rules of baseball is healthy, and differing views on this circumstance are more than welcome.

Regardless of one's view of the play in question, the mere fact that a dispute of this nature between umpire and newspaper played out all the way back in 1862 is nothing short of fascinating. Anyone who comes across similar disputes, whether before or after this one, is encouraged to share them for further examination and discussion.