

that, it is alleged, she was rendered worthless for road purposes. Mr. Duryea's mare ran away, and so injured herself that she was sold for a nominal sum. Mr. White brought suit against Mr. Duryea for damages, and Mr. Duryea put in a counter-claim for damages. The issues came on for trial before Judge Pratt, in the city of Brooklyn, May 17, 1878. Among the witnesses was Charles Dickerman, who testified that the only used by Mr. White in the race was damaged to the extent of \$75. It was proved by other witnesses that Mr. White's mare was nervous, and showed a disposition to run away every time she was driven on the road after June 5, the day of the race. The plaintiff also introduced evidence to show that the injury was caused by the negligence of the defendant's driver. The witnesses of Mr. Duryea made plain the fact that there was room between the inner rail and Mr. White's sulky for the defendant's mare to pass, and that the collision was caused by the swerving of the plaintiff's mare at the critical moment of passing. For instance, John T. Jarvis, trainer and driver, swore: "Mr. White's mare made a break, and when she breaks she is rank—that is, she takes hold, and a man has got to catch her right away if he wants to catch her at all. If he does not catch her then she takes more and more running, in which she loses; most all horses trot faster if they go without running; that is customary with all horses in trotting, and very few horses you can catch by driving them straight; and Mr. White's man that was driving (Mr. Thompson), when the mare broke, of course he was close to the fence, and he had to pull her to the right in order to catch her, or to the left, one or the other; and he pulled her to the right to catch her and then to the left; when he cannot catch her on one rein he has got to catch her on the other; if a man handles a horse all the time he gets used to her, and he can soon form a system in catching her; and when he pulled the mare to the left Mr. Duryea's mare came up and his wheel caught the inside of Mr. White's wheel, which of course turned both sideways, bottom side up, which necessarily threw both drivers out. Mr. White's man held on to his mare, but Mr. Duryea's mare got away and ran up the track and was caught there." In his charge to the jury, Judge Pratt said: "When the law says that a party shall have compensatory damages in case of accidents through the negligence or fault of any party, it means precisely this: That under the peculiar circumstances of the case the party did something which a prudent man, under the circumstances, would not have done, omitted to take some precaution which would have prevented the accident, and which a prudent man would have taken under the circumstances." After deliberation, the jury brought in a verdict for plaintiff, assessing the damages at \$250. Mr. Duryea appealed the case to the General Term of the Circuit Court, Second Judicial District, and again the decision was against him. It is an unusual thing for an owner of a horse to engage in a race and then go to the civil courts of the land for redress of a grievance. These questions almost invariably are settled by the courts of the turf. If the practice of Mr. White in this respect is to prevail, drivers will be forced to exercise the greatest care to prevent collisions; and what the judges of a race may regard as an unavoidable collision, the intelligent jury, ignorant of the governing principles of the track, may decide to have been the result of carelessness, and so assess one of the parties heavy damages. After a careful perusal of the evidence of the case under review, we have formed the opinion that Mr. Duryea was no more to blame for the collision than Mr. White. He was damaged by the collision, and yet the court decided that he should pay damages to Mr. White. The defendant could have had the case dismissed in the beginning by putting in the plea that at the time of the collision the mare was trotting for a wager, but he preferred to have it tried on its merits, and now judgment is against him. His experience, if we mistake not, will cause other owners and drivers, when sued under like circumstances, to attempt to stop the prosecution by pleading the illegality of the pastime. As the turf has assumed so much importance in this country, and as it is growing in strength every year, it is to be hoped that the time is not far distant when it will cease to be an outlawed sport. If it was made legal to trot or run horses for premiums the obligations of the course would be more generally respected than now, and the transgressor would, with greater promptness, be brought face to face with justice.—Turf.

The two-year-old English colt Falmouth has been purchased by Mr. F. Greston for 6,000 guineas and contingencies. He is thought well of for the Derby.

violent departure. He has kept his horses exclusively for pleasure, never using one of them in a manner to bring him a dollar's recompense. His stable has cost him hundreds of thousands of dollars, and were he so disposed he could enter a campaign and sweep everything before him. But he is not so inclined. He conscientiously opposed to trotting for money or a wager of any kind, and he will accept nothing for the exhibitions contemplated. As a matter of course, the managers of rival tracks will use all their art to persuade him to honor them, and we cherish the hope that he will strain a point to oblige as many of those belonging to the Grand Circuit as possible. That which would please Harford would prove equally gratifying to Cleveland. There is another thing we should like to see done, and that is the re-introduction of Dexter to the public in connection with Edwin Forrest. The white-legged gelding which was king of trotters ten years ago is a well-preserved horse, and he has been in retirement so long that the people would cheer him to the echo were he simply led on the track in front of the grand stand. And what memories would come to him—how the eyes would flash with the excitement of the old days as the applause of the multitude struck upon his ear! Of all the names in Mr. Bonner's wonderful stable there is not one more potent, more idolized than that of Dexter.—Turf.

DEATH OF MAJOR J. G. WHYTE-MELVILLE.

(From the Sporting Gazette, Dec. 7.)

A thrill of sorrow ran through thousands of homes on Thursday when the sad news reached them that the gallant soldier, good sportsman, and able writer was no more. Who amongst us has not read his soul-stirring verses, and enjoyed the truthfulness with which the life amongst which he moved was portrayed in his novels? As a friend and relation of his once said to us, "Other novelists describe society as they fancy it is; Whyte-Melville describes it as he has seen it." And now many who had never seen the man will sorrow to think that his last lines have been penned and his wit shall charm them no more.

The cold touch of death overtook him in the pursuit he loved so well, and he may literally and truly be said to have died in harness, for he had met the Vale of White Horse Hounds at Big Elm in his usual health and spirits, and with every prospect of being able to ride to hounds for many years to come, for he was born in 1821, and consequently could certainly not be said to be more than verging on old age. As far as we are able to learn, as he was galloping across a ploughed field near Malmesbury his horse fell (probably unable to get his fore legs out). His rider came down heavily, dislocated his neck, and the gallant soldier and fine sportsman was no more. Thus die, as consummate a horseman as ever sat in pigskin. Not as a rule mounted on such expensive or perfect horses as most men in his position strive to get, we have seen him going across the pastures of Leicestershire and Northamptonshire in that quiet, determined way he himself has so well described, in as good a place as those far more expensively mounted. He seemed, like many other good men, to rather enjoy making a young horse, or riding a quarter-tempered one, than not, and no matter what they were, he was always in his place, and it would have been impossible for a stranger to detect from their style of going that he was not on a finished hunter. Equally at home was he amongst the heath, rocks, and bogs of Exmoor, where we have seen him apparently as much at his ease as in the grass grounds of the Midlands. No one liked better than he did to see the wild deer roused and brought to bay amidst the lovely hills and coombs of Devon and Somerset. But if he liked wild deer hunting (and like it he did, for once seeing a stag, roused at Ashway Ham, as it went away he turned to us and said, "I have often been deer-stalking in the Highlands, but after this I can never pull trigger on a stag again.") he by no means despised a gallop after one from the cart, and no race was better known or more welcome than his in the Vale of Aylesbury with the Baron's, while with Lord Wolverton's bloodhounds in the Blackmoor Vale, he was equally well known, usually spending more time with his lordship as each season came round. Right well did he love the notes of the deep-toned hounds, and all must regret that he has not in his works told us more about them, for assuredly none could have done it so well.

No man was a cheerier companion, and a long ride home on a tired horse seemed to lose half its distance to anyone who had the good luck to have him as a fellow-traveler. Though none went

his first novella, "Digby Grand" and "Tilbury No-go," at once established his reputation in the world of literature where he held a position entirely his own as the one man, and the only one, who could introduce sport and sports men into his work without making them ridiculous and displaying ignorance of the subject. "Market Harborough" and the sketches "Inside the Bar" are unrivalled in their way, as is the description of wild stag hunting in "Katerfelto," and the character of Rud Kabe, the harborer, could have come from no pen but his own. "Satanella," again, has portraits of men, women, and horses that we all seem to recognize at once; but Whyte-Melville succeeded in a different style from any of these, as the "Gladiators" and "Sarabedon" testify, not to mention "Holmby House" and the "Queen's Marias."

His hunting songs stand so far alone that nothing in the language can be compared to them, and the verse is like the stride of a free-going thoroughbred by the side of a scrambling half-bred one when such an attempt is made. "The Lord of the Valley," "The Galloping Squire," "The King of the Kennel," "The Clipper that stands in the stall at the top," and "The Good Grey Mare," all stirring one's blood like the sound of a trumpet. In some of his other poetry there is, however, a vein of sadness which seems to tell us that the bold horseman and brave soldier owned a heart feeling and tender as that of a woman, and that the sorrows of "Eero" or "Griselda" roused its sympathies as truly as trumpet blast or note of hound. Alas! that it beats no more, for long will it be before we shall look upon his like again.

Veterinary.

ONTARIO VETERINARY COLLEGE.

The annual meeting of the Ontario Veterinary Medical Association was held in the Museum of the Ontario Veterinary College on the 20th. There was a large attendance of members from all parts of the Province. In the address of Professor Smith, the President, he gave a description of his visit to Europe, and an account of the Veterinary Colleges of Great Britain and the Continent. He was most courteously received by the professors and leading veterinarians of the old world, which he acknowledged in warm terms. The most important business was the question of incorporation. It was finally resolved, after a good deal of discussion, that the measures necessary for procuring the Act should be proceeded with at once. The following gentlemen were placed on the committee in connection therewith. Messrs. Smith, Cassar, Duncan, Sweetapple, Bond, Cowan and Wilson. Communications having been read and other business transacted, the following officers for the ensuing year were elected:—Prof. Smith, President; J. H. Wilson, 1st Vice-President; J. T. Duncan, 2nd Vice-President; C. H. Sweetapple, Secretary; W. Cowan, Treasurer; C. Elliott, J. Bond, D. Hamilton, J. S. Cassar, A. O. F. Coleman, J. O. Neil, M. Standish, and E. A. A. Grange, directors. The meeting then adjourned.

RINGWORM IN CATTLE.

An English farmer says: "I have at different times suggested as a simple, inexpensive, speedy, and effectual cure, and much preferable to corrosive and greasy applications, the following: The Liquor Calcis cum Sulphure of the druggists—literally, Solution of Lime with Sulphur, but it has no familiarly known English name. Being liquid (of a brown color, and not the solid sulphuret of lime), it is simply and easily applied by a small brush daily for a few times; the part soon dries up, withers, and scales, a healthy surface remaining. It is equally applicable in all varieties of the disease, and fatal to all parasites, and probably curative of many diseases dependent thereon, as a diluted wash or otherwise. Should it in any case be found too stimulating, or in any way irritating, it could be diluted with glycerine or water. The parts affected may often be beneficially washed with soap and water to commence, and conclude local treatment. In all such affections good feeding, with warm mashes and dry quarters, suggest themselves as rational and valuable auxiliaries where the general health seems to call for particular regard."—J. R. GREENWAY, M. D. (Tunbridge Wells, Nov. 19.)

Miss Roberts, of Rockland, N.B., is twelve years old and weighs 217 pounds.

Marine and Fisheries at Ottawa. The subject is an important one, and justly demands the attention of the Montreal society. It is to be hoped that interested game protective societies in the State of New York will take suitable action for seconding the Canadians in their efforts to preserve the young fish of the St. Lawrence. The petition reads as follows:—

MONTREAL, December, 1878.

To the Hon. the Minister of Marine and Fisheries

We, the undersigned, dealers, sportsmen, citizens, and members of the Fish and Game Protection Club of the Province of Quebec, having noticed that the food supply, in the form of black bass, dore and maskinonge, furnished by the St. Lawrence and Ottawa Rivers, has year by year been diminishing in quantity at an alarming rate, and believing that if certain measures be at once instituted and scrupulously carried out the rivers alluded to will, in a few years' time, yield as much as they have done in the past, hereby respectfully submit our views, and pray that you will take them into your consideration:

1. To your petitioners proof does not seem wanting that the laws affecting the taking of these species of fish, at present on the Statute Book, are but little observed; the fish being caught at prohibited times, and, in some instances, kept alive in boxes or pounds to evade the laws until the season opens.
2. It appears to your petitioners that the most destructive practice of all is the capture of fish by means of nets during the spawning season in and contiguous to the entrance of certain small streams which may be termed breeding rivers; and should this practice be persisted in your petitioners feel convinced but one inevitable result will follow, viz: our large rivers will speedily and completely be depopulated of the fish named.

Your petitioners would also humbly suggest that the following rivers be preserved as "breeding rivers," and absolutely closed against all netting, not only in the streams themselves, but within three-quarters of a mile of the entrance thereto, viz.: the Chateauguy, Beaudette, Salmon River and North River; and, also that such steps be taken to enforce the laws as will effectually put a stop to the netting of fish during the breeding season, in or near to the other tributaries of the St. Lawrence and Ottawa rivers, notable among which are the River St. Louis, Riviere Rouge and the Rigaud.

That to enable your Department, as well as the members of the Club to have a more perfect knowledge and supervision of the net fishers, it is desirable the law be so further amended that a list of all licenses granted for nets to be used in the Province of Quebec, be forwarded to the Secretary of the Fish and Game Protection Club at Montreal.

Your petitioners now, therefore, humbly pray that—as these species of fish ordinarily spawn so nearly about the same time, as they swim in the same waters and can be caught by baits almost identical in their character—the laws regulating their capture be the same for all; and would recommend that the close season for rod and line fishing commence April 1 and terminate May 25, and for net fishing to commence April 1 and terminate June 15.

THE EEL'S EGGS.

The long vexed question of the eel's mode of reproduction has now been set at rest. Mr. Fred Mather has reduced the evidence to the form of a "mathematical certainty," by actually counting the eggs in a specimen. Happening to be in Mr. Blackford's office a short time ago when a six pound eel with spawn was brought for examination, Mr. Mather proposed a computation of the eggs. He took the ovary home. Under the microscope the eggs appear to be of an octagonal form, but this is due wholly to their pressing upon one another; when separated they assume the globular form. The use of the micrometer failed to give satisfactory results because the eggs varied greatly in size. Mr. Mather therefore placed a number in line, measured and counted them and found them to average 80 to the inch. Then he took the whole mass of eggs, halved, quartered, and further divided, seven times in all, until the section small enough to count represented 1-181,072 of the total number. The count showed 68 eggs, or 8,912,896 in the whole. A second computation in the same way showed 77 eggs in the counted mass, or 10,

a few days ago.

TALL SHOOTING IN TEXAS.—Wm. Erwin, a few days ago, at Crow Creek, Texas, accomplished the feat of shooting dead in their tracks 101 Texas stags at 101 consecutive shots with a Winchester rifle, all for a bet of a box of cigars. The carcasses were made into Indian beef.

THE WIMBLETON TEAM.—Col. Stuart, Secretary of the Dominion Rifle Association, writes as follows. "My attention having been called to the communication from your Ottawa correspondent in your issue of the 17th instant, giving the names of the Wimbleton Team for 1879. I am directed to state that although the names mentioned in that communication appear as those of the competitors making the 'twenty' highest scores in the various provinces, no official selection of the Team by the Council of the Dominion of Canada Rifle Association has as yet been made."

NATURAL HISTORY SOCIETY OF TORONTO.

A special meeting of this Society was convened in Shattsbury Hall on Monday evening, Mr. Henry Montgomery, M.A., Vice-President, in the chair. The reports of the Council and officers showed the Society to be in a thriving condition. The membership consists of twenty-eight ordinary members and one honorary member. During the year several donations have been made to the library, one by Prof. Croft of upwards of sixty rare and valuable volumes. The museum consists of more than two thousand species; and the Society has no liabilities. After the disposal of business, Mr. Wm. Brodie read a paper on *Pissodis strobis*, the white pine weevil, one of the few Canadian beetles the larvae of which feed on living wood. After remarking on the injury done to young pines in the vicinity of Toronto during last summer, it was held that this beetle is double-brooded, the first brood of larvae feeding in young pines—usually in the terminal shoots—and the second brood feeding under the bark of recently dead mature trees. It was also shown that the increase of *Pissodis strobis* is checked by ichneumons, by severe frosts, and by conditions generally prevailing in Ontario.

THE TROTTING-HORSE BREEDERS.

The Executive Committee of the National Association of Trotting Horse Breeders met at the Everett House, New York, last week, and decided as far as possible on its programme for next year. There were present H. F. Mall, of New York, President; W. H. Wilson, of Kentucky; W. F. Osborn of Connecticut; J. W. Gray of Vermont; F. D. Norris, of Brooklyn; J. D. Willis, of Orange County, N.Y., and L. D. Packard, of Brooklyn; Secretary. The trotting meeting will be held at Hartford, Conn., early in September, probably between the 5th and 10th, and is to last three or four days. In addition to the two stakes that have already closed for three-year-olds, of which one has twenty-nine and the other thirty-one entries, there will be stakes for stallions that have never beaten 2:20, 2:26, and 2:40. The entrance for the 2:20 class will be \$500, half forfeit with \$500 added. To the 2:26 and 2:40 classes the entrance will be \$250 each, half forfeit. There will also be a stake for five-year-olds or under, which will probably be called the Vanderbilt Stake to which the entrance will be \$500. In addition there will be a stake for foals of 1874, 1875, and 1876, to be trotted for on the same conditions as a similar stake was trotted for last year, to which President Mall adds \$500. It will be called, in honor of the President, the Mall Stakes.

The committee has also decided to open several other stakes, among which is one for trotting sires, similar in every respect to the American Stallion Stakes at Louisville, to be trotted in 1892. The entrance for sires will be the amount of one subscription for their season, but is not to be less than \$20. Another stake is to be opened for foals of 1877 and 1878, to trot three-year-olds, to be called the American Nursery Stakes. Entries for both of the above stakes will close next May.

We understand that Davis & Co., of Virginia, have bought the running qualities of the *Hardest* and *steepchaser Derby*, by Eugene out of *Kato Sovereign*. Kanny will also be put to work over the sticks.