

IS THE MILLER BILL ULTRA VIRES?

A Question For The Courts, But a Question Regarding Which Existing Conditions are Opposed to the Opinion of a Former Minister of Justice.

Would it surprise anybody if the Miller bill regarding racing were tested in court and found ultra vires? I have not consulted any lawyer, but I have in mind the opinion of a former minister of justice that the regulation of racing was a provincial matter. That being the case, the Dominion Parliament cannot say how short or how long racing meetings shall last. All the Dominion Parliament can do is to make criminal laws regarding not only racing but any other sport. The Dominion Parliament cannot even single out racing for special legislation regarding penalty-incurring offences.

Either Criminal or Not. Either betting, pool-selling, or wagering generally is a crime or it is not, and if the matter were taken to the supreme court or to the privy council this contention would have to be correct. No parliament has the right or privilege to single out one particular sport for legislation regarding crime. Crime is either crime or nothing. Betting, wagering or pool-selling is an offence under the common law or it is not. Exceptions cannot be made under that law or parliament is adding, abetting or condoning the breach not only of its own laws but laws that are common to the world over. If betting, wagering or pool-selling is a crime then neither the Dominion nor any other parliament can or should license it or regulate it, for regulation is license and condoning an offence. If it is not a crime, then it is peculiarly and particularly a matter for local regulation or ignoring. And I contend that is neither an offence under the common law nor a crime any more than stock speculation.

As To Stock Speculation. The stock exchanges of the world are the biggest gambling houses or gambling dens in the world. Their

exclusive patronage does not exclude them from that designation. It is a fact, and in their operations they have horse-betting beaten into an infinitesimal cocked hat. Here is something for the Rev. Messrs. Peckley and Finlay to rave and roar at to their hearts' content. But they won't. The chances are they are interested in the rise and fall of values, which are governed not alone by their earning capacity but also by their sureness and speculative demand. The men who wager their money on horse-racing may know little about horses, but they know a hang side more personally than they do about the earning capacity of the stocks they gamble in. What is more the game is open and they can at least see and, so far as the horse is concerned and their given ability, judge for themselves. As regards stocks they have a sort of guarantee they exist and no more. Wagering on horse-racing or any other form of sport is, therefore, fairer and not a matter of stock speculation. Demanding the one is compounding with the other. In other words, it is for legislators to say how long a race meeting shall last is for it to trespass upon the privileges and prerogatives of the province. And for that contention I have the opinion of a former minister of justice. If betting, wagering or pool-selling is an offence under the common law, then the Dominion Parliament cannot either limit its existence. To undertake to do so is making an un-

warranted unjust and altogether improper exception. As regards the limitation of the racing proper, it is altogether "ultra vires" for the Dominion Parliament to govern all mankind—civilization, the law of Christianity, the law of right or wrong, the law of the United States, the regulation of racing and racing conditions is a state matter. In Canada it is and should be a provincial matter. Q.E.D. POP.

UNITED STATES TO BREED ITS OWN HORSES

A Hundred Stallions, Half of Them Thoroughbred, to Be Bought for Army Purposes—An Example for Canada.

The problem of suitably remounting the cavalry and artillery of the United States army has been taken up by the department of agriculture and the war department at Washington. A plan has been evolved for the purchase of a hundred stallions, half of them thoroughbreds, and for their distribution at different points so as to produce 2400 mounts annually. The cost of the experiment has been estimated at \$250,000 for the first year and \$100,000 for each year thereafter. Experience has proved the necessity for some such action as this, remarks The Boston Transcript, unless the army is to be satisfied with inferior horses. A. D. Melvin, chief of the Bureau of Animal Industry, has prepared a bulletin which traces the deterioration of the American horse. Beginning in colonial days, when the standard deteriorated, and the automobiles have gradually lessened the demand for good saddle horses and have turned the attention of breeders to the draft horse. Likewise, the fencing in of the great plains of the west has practically caused the tough and hardy cow-horse to disappear, and even in Virginia, formerly noted for its hunters, only one-tenth as many are bred as formerly. In other words, as Mr. Melvin points out, the United States is travelling the same road as European nations, which long ago found it necessary to breed scientifically a good army horse.

The Horses Required. It will take about 2500 horses annually to remount adequately the present small standing army of the United States. This number would be a drop in the bucket in time of war. In the fiscal year 1884, when the Civil War was at its height, the federal government bought and sold nearly 210,000 horses. The army required about 500 new horses every day. Formerly the United States government was forced by congress to purchase horses by advertisement in the open market, from the lowest bidder. The specifications were necessarily lax, and as the price of horse-flesh went up, the standard deteriorated. In recent years that government has paid from \$100 to \$150 for a horse, only about half of which represented horse-flesh, and the balance the profits and expenses of the contractor. The latest contract price for cavalry horses, as a result of the policy of the U. S. war dept. to better the grade of its horses, has been \$182.75 for cavalry horses, and \$212.75 for artillery horses. The average useful tenure of the army horse under the old system was 3.4 years. Under the new system it is 10 years.

Into Breeding Districts. It is now proposed to buy 100 stallions, divide the standard determined, and assign these breeding districts, and assign these stallions as follows:

New England district, vicinity of Maine and New Hampshire, 10 Morgans. Central district, Virginia, West Virginia, Kentucky and Tennessee, with perhaps certain sections of Indiana and Ohio, 10 standard-breds and 10 saddlers. Southwestern district, vicinity of Missouri or Texas, with perhaps certain sections of Iowa, five thoroughbreds, five saddlers, five standard-breds. Northwestern district, Montana, Washington, Oregon, and California, 15 thoroughbreds, 10 standard-breds. It is estimated that this distribution will produce the following foals in each district annually:

New England district, 240 half-Morgans. Central district, 720 half-breds, 240 half-standard-breds, 240 saddlers. Southwestern district, 120 half-breds, 120 saddlers, 120 half-standard-breds. Northwestern district, 360 half-breds, 240 half-standard-breds. A considerable number of the horses sired by the Morgan and standard-bred stallions would be suitable for cavalry remounts, but a much larger number would be preferable to the field artillery. There are now about 22,000 horses in the United States, a large proportion of which are wholly unsuited for army use, and many more so high in price as to be unavailable. It is proposed to be as particular in the selection of mares as of stallions, in order that the scientifically developed horse may be as good as possible.

About Kel O'R. London Sporting Life: "Kel O'R, who hails from Canada, and is a son of Kelston and Drowsy, was one of the seven competitors in the Club Open Welter Plate, and is trained by Mr. Peckley, who rode him in the race. It was soon apparent that his chance yesterday was held in no esteem, for over the ring one could hear offers to lay against him, and he started among the 10 to 1 odds division. His market position was reflected in the running, for when the barrier ascended he was the last to get away, and held the rear-most berth all the way. He is only a yearling, and his performance suggests that he would be in place among platers than in a Derby field."

INTERNATIONAL HORSE SHOW AT OLYMPIA

Largest Number of Entries Yet Recorded—An Army of British and Foreign Officers.

The entries for the International Horse Show at Olympia, to be held from June 12 to June 24, constitute a record, a total of 2500 having been reached. In the military classes there are to be 130 British and 80 foreign officers competing. Entries have been received from practically every cavalry depot in England and Ireland. From Addenhot one regiment alone (the 9th Hussars) has entered 15 horses in the jumping classes. Only three countries (Great Britain, France and Belgium) last year entered for the King Edward Cup. This year there will be teams in addition from Germany, Russia, Italy, the United States, Canada, and, it is hoped, Sweden. The French officers who will number 15, will include Captain Crousse and Lieutenant Broudehoux, who were in the winning team in 1909, and Captain Meyer and Lieutenant Hornum, who were in last year's cup team. The Belgian team will include Lieutenant Leon Ripet and Lieutenant Landrain, who helped win the cup for their country last year. For the first time in the history of an English show Germany will be officially represented by 15 officers, who will be on hand with 25 horses and 20 soldier grooms. Italy is sending six officers. Nine Russian officers at least will be present. The United States party will consist of five officers with 10 horses. Four officers will form Canada's team for the King Edward Cup. The horse show authorities have allocated \$8000 towards the cost of providing for the comfort of the foreign officers during their stay, and quarters have been reserved for them at some of the principal hotels. In the open jumping classes there is an average entry of 200 per class. In the competition for teams of two jumping the fence abreast there are 100 couples entered, while in each of the competitions for high jumping there is an average of 150 entries.

A Treat For the Colonials. Arrangements have been made for the whole of the colonial troops who are taking part in the coronation, to the number of 2000 to witness a special performance at the International Horse Show on the morning of June 13. They will reach Olympia from the Duke of York's School, and the Indian contingent will be brought by special train from Hampton Court, where it is to be stationed. The premier will attend the show, and arrangements have been made whereby all the official delegations attending the coronation will participate at one or other of the performances at Olympia. It has been arranged that the Crown Prince of Germany and Prince Henry of Prussia will also be present during their stay in England.

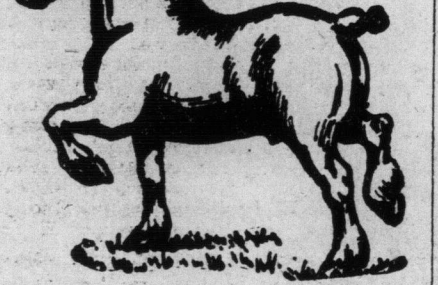
In Australia it is a common practice for horses without shoes or plates. Tips are often used on the forefeet to prevent slipping, but many horses run barefooted. One advantage is that the danger of cutting by overreaching is minimized. Another advantage to the public is that loaded shoes are eliminated.

W. Stanton Elliott, who disappeared from New York rather suddenly last year is now a riding master at Samuel Hammer's riding school, in Portland, Ore.

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J. HERBERT SMITH, Manager.

BREITMAN RACE MEETING AT MONTREAL

The O. J. C. Will Have to Look to Its Laurels if It Is to Continue Leading in Racing Matters.

The most successful race meeting Montreal has ever known has just been brought to a conclusion. Fine weather materially helped—more materially than it would have done at Toronto, for the road to Blue Bonnets is a veritable quagmire in wet weather. The fields were altogether larger than at the Woodbine. "Sam" Hildreth did not create the news that he inspired at Toronto, but still he was distinctly successful. R. F. Carman's and other horses that came on direct to Montreal from the States, improved things materially. After this meeting if the O. J. C. wishes to retain its supremacy it is apparent it will have to reorganize its program and change some of the war-worn conditions. It is nice to boast of ancient fixtures, but racing like everything else is progressive and the O. J. C. cannot afford to stand still. The O. J. C. must get busy.

The Racing. On the opening day at Montreal the Windsor Hotel Cup was only a gaudy for Mr. Hildreth's good colt Zeus, who scared out serious opposition. Mr. Hildreth was again to the fore in the two-year-old race, running first with Little Pat and third with his recently acquired Puggins. Mr. Belmont's Vestibule getting in between. Martin Doyle was well backed in the race won by Lord of Langden, but still the old fellow ran gamely, youth once more told.

Something startling occurred on the second day. August Belmont's good three-year-old, Whist, by Singleton, who did nothing at the Woodbine, covering himself with glory by reducing the mile record for Canada, made over the same track last year by Mrs. Livingston's Lovette, from 1:33 1-5 to 1:33 flat. This was Mr. Belmont's first win in Canada, but he repeated in the next race with Priscilla. Hampton Court, owned by Hildreth, was the runner up to Whist! On the third day, Mr. Belmont's Waterville, by Mr. Watson, who ran disappointingly in Toronto, came out of his shell and won a nine furlong handicap from Olambaba, very nicely. The latter also revealed himself a bit of a "horse for courses" and it looks as if Mr. Belmont's lot were of that description. There was no record beating, but it was a rarely good day of racing.

The Mile Record—1:37 4-5. On the fourth day the most noticeable incident was the defeat of Mr. Hildreth's crack three-year-old Zeus, by R. T. Wilson's somewhat uncertain performer, Naushon, who on the second day finished behind Mr. Belmont's Priscilla after making the pace for five of the six furlongs. This day he ran true for the whole mile and further reduced the record in doing so, which now stands at 1:37 4-5. Mr. Hildreth twice suffered defeat, in the first case by Mr. Belmont's Vestibule and in the second by King Avondale, his Rose Queen not only running second but being claimed for \$85 after being entered for \$500. This was the first exercise of the new rule which allows anybody of good standing to claim a horse out of a selling race.

Every day was a great day at Montreal and the fifth was one of the best. It was notable for the fact that Harry Giddings' great colt St. Bass covered himself with the greatest glory yet by running against foreign-bred and beating them. It is true he only carried 105 pounds to Stanley Fay's 122 pounds, but the latter has two years the best in age. St. Bass' gameness was most apparent, for he had to fight all the way, only winning by a head from the Great-footed Light-weight Gangeuse, who in turn was but a nose in front of Stanley Fay. The mile was run by St. Bass in 1:40, which was a record. The time was not phenomenal. In the third race Mr. Hildreth's Shannon beat the track record for 5 1/4 furlongs, covering the distance in 1:05 4-5. Mr. Hildreth had to pay \$605 over the selling price of \$800 to keep Montgomery, winner of the seventh race, for beating Mr. Gal. The governor-general honored the meeting on four occasions and on Saturday Montreal's banner race gathering came to a close with everybody in good spirits. The executive, stewards, judges and popular secretary, W. Northey, came in for high eulogium at a dinner in the evening.

As To Amherite. In last Sunday's World it was suggested that Charlie Crew's Amberite "put out for an airing." In other words, was just given the race to make her wise, in the two-year-old event won by Mr. Giddings' Ondramon. Mr. Crew assures me that not only was the filly meant but that he backed her each way, one, two, and three. He was disappointed in getting the jockey he wanted and at the last moment sent to pay Giddings to ride her. He fully credited but hardly with the persistence and judgment that might have landed her first. Mr. Crew says it is true that he has now determined to keep the smart filly over for the next King's Plate, but he has never done anything else than run his horses to win. He agrees that two-year-olds might be allowed to race and he penalized for the Plate if they won. He has been offered three thousand dollars for Amberite but his ambition is to be enrolled among owners of winners of the Royal Guineas.

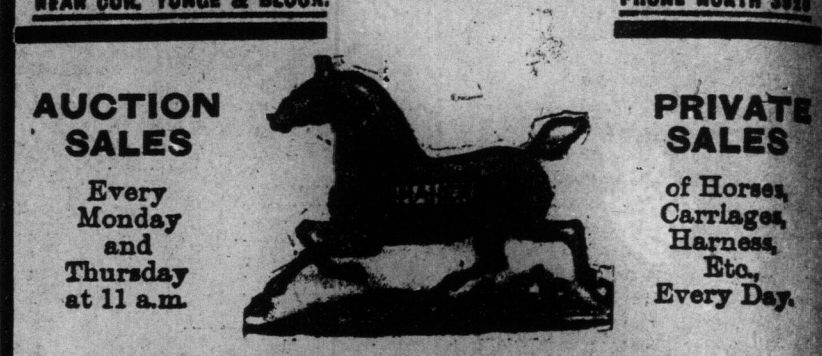
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Our stock for next week will include some of the finest horses that can be purchased in the Province, especially in the Heavy Draught Class, though we shall have some extra fine Expresses and Drivers.

AND EVERY MONDAY AND THURSDAY WE SHALL SELL a number of serviceable sound workers and drivers, consigned to us by city people who have no further use for them.

WE SELL STRICTLY ON COMMISSION

COMMISSION—7 1/2 per cent. on all horses, vehicles, harness, etc., whether sold by auction or by private sale. No horse sold for less than \$3.00 commission. \$2.00 will be charged for offering every horse withdrawn or bought in on reserve bid. No buggy, carriage or other article will be sold for less than \$2.00 commission, or \$2.00 for offering, if not sold.

ALL HORSES sold with a warranty are returnable by noon the day following day of sale, if not as represented.

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EDWARD SEVENTH AS A SPORTSMAN

The Late King's Devotion to Hunting and the Turf—His Stable Always Paid.

Racing and hunting are allied pastimes and the late King Edward VII. was keen on both. His success on the turf can be judged by the figures supplied by A. E. T. Watson in his recently published book, "Edward the Seventh As a Sportsman." When Lord Marcus Beresford was entrusted with the management of his racing establishment, the then Prince of Wales handed him a cheque for a thousand pounds to open an account with Messrs Weatherly. "The royal owner was never called upon for another shilling, and drew large sums on several occasions. At one time close on \$300,000 was standing to his credit." Between the years 1886 and 1910 his horses won stakes \$163,444. His 14th and between 1887 and 1909 the fees earned by the stallions, Persimmon, Florizel II., and Diamond Jubilee, came to a grand total of \$28,485. Diamond Jubilee was sold for \$20,000. These figures, being rightly interpreted, reflect much credit on the management of the stable, especially on Lord Marcus Beresford and his trainer. The steeplechasing career of the Prince began with Leonidas, the first to carry the royal colours over the fence. This occurred at the Alder shot meeting on April 14, 1880. Leonidas won easily, but His Royal Highness was not particularly pleased with the horse, and after thanking Mr. Hopes, Johnstone for riding him and winning, asked him if he would like to buy the winner. "He's too good for me, sir," was the reply. The last horse to carry His Majesty's colors in a steeplechase was Bahadur, on the occasion of his second attempt for the Grand Military Gold Cup in 1910.

It has been said that Lou Dillon, 2:01, has travelled more miles than any other horse ever foaled. She was shipped across the continent five times before going to Europe, in 1909, when she journeyed to Hamburg, St. Petersburg and Vienna. By boat and rail she has probably covered 9000 miles. Goldsmith, Maid, 2:14, whose turf career covered eleven busy years, doubtless matched this remarkable record, however.

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475 HORSES OF ALL CLASSES. BEGINNING EACH DAY AT 11 A.M. UPWARDS OF 475 HORSES EVERY TUESDAY AND FRIDAY. PRIVATE SALES EVERY DAY.

TUESDAY JUNE 13 300 HORSES

Sale commencing at 11 a.m. sharp.

We have advice of a good many consignments for the next week. Our shippers advise us every Thursday when they are coming in for the following Tuesday's sale, and this week we have information that a lot of horses will be on hand for our Tuesday and Friday sales of next week. If you want a horse of any kind you will have plenty to choose from next week.

WE WILL HAVE THE BEST SELECTIONS OF ALL CLASSES. Heavy Draught, General Purpose, Express, Delivery, Farm Chunks, Workers, Wagon Horses, Drivers and Carriage Horses.

One of our shippers has for special mention: A PAIR OF BLACKS, 4 and 5 years, 16 1/2 hands, and a beautifully matched pair. Would be suitable for harness use. ALSO A SPOTTED PAIR, which would be just the thing for advertising purposes. These will be sold on Tuesday, the 13th inst.

For Tuesday, June 13:

A CHESTNUT GELDING, 7 years, 16 hands, 1200 lbs., has splendid action and is good in all respects. This horse would make a splendid heavy hunter. This is an animal of extra quality and is being consigned by a gentleman in Niagara Falls.

A PAIR OF PONIES, cream geldings, are being consigned by a gentleman in the city and are to be sold. These are a fine young pair and were bred on the Valley Farm at Hamilton. So that speaks for their quality. To be sold on Tuesday.

HEAVY HORSES—We will have again next week a few special consignments of Heavy Horses.

FRIDAY JUNE 16 175 HORSES

Commencing at 11 a.m. sharp.

THE BEST SELECTIONS OF ALL CLASSES.

ON TUESDAY, JUNE 20TH, we are selling for one of the leading Carriage Manufacturers of the province two carriages of Second Hand Vehicles. These consist of Phaetons, Mikados and Buggies, and they are in good shape, many of them having been newly varnished. There are 51 of these vehicles, so you have plenty from which to choose. They will be sold on Tuesday, the 20th, for whatever they bring, so this is a chance of the year to get a vehicle of your own choice at practically your own price.

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We keep everything from a Mane Comb to a Brougham. Write us if you're a horseman and need anything in our line. Gilted Grand Circuit Hopples now selling at \$11.75 per set. All sorts and kinds of Home Boot Carriages. We are Sole Canadian Agents for Reducine. Price \$4 per tin, cash with order. This is one of the greatest remedies made for Cuts, Splints, Bog Spavins, Thoroughpins and such. Send for Illustrated Booklet.

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