

to pass to the car, which was made by two scantlings in the door of the car, other ends extending to the platform of the cart, on which the horses were standing at the end, which were covered with boards or planks, and across from one to the other. Major Bacon, at this arrangement, pronounced it unsafe, explained to the company's agent that the horses were racers and very valuable, and told him that the mare Australia was worth at least \$1,000. The agent pronounced the platform unsafe and ordered the horses put on the cars. He tried to put Australia on, but she refused to go. They then tried the other horses, and they passed over the platform in safety, and it was then supposed Australia would follow; but she again refused. The agent then ordered the men in the service of the company to take possession of Australia, and back her over the platform on to the car. Major Bacon objected to this, but the men took the horse and proceeded to do as ordered. Major Bacon seized the horse and urged them to desist. He was rebuffed, however, and the mare was backed on to the platform. When near the car stepped her hind foot off, and in her effort to get back she took the hind leg, which rested on the platform, and became permanently useless from the injury for the turf. It appeared in proof on the part of the depot of the company at Washington there is a piece prepared and used by the company to load horses on the cars, and that it was not used on the occasion, but was in a prominent part of the depot from the one temporarily adopted, and was so constructed that a similar accident could not have resulted had it been used on this occasion.

Governor Bowie failing to obtain a settlement from the company, procured the services of Messrs. Bernard Carter, of Baltimore, and R. T. Erick, of Washington, as his attorneys, and brought suit for damages in the Supreme Court of the District of Columbia, where the injury occurred, March 4, 1870. The case was twice tried; the first time a verdict for \$8,000 was entered in favor of the plaintiff. This was subsequently set aside, and a new trial awarded on account of misdirection by the Court in charging the jury. On June 2, 1874, the case was again tried, when a verdict was obtained for \$10,000, upon which the Court proceeded to render judgment and from which the railroad company prosecuted a writ of error to the Supreme Court of the United States. The case came on for hearing at the present term, when that Court affirmed the judgment, which, with interest, amounted to \$12,554.

This case is interesting in more than one of its aspects. After the injury Australia was sent to Gov. Bowie's place, near Baltimore, and was found to be permanently injured. Her life was set, and in due course of time she so far recovered that she was put into the stud. In 1870 she was bred to imp. Leamington, and produced to him a bay filly in 1871. In 1872 and 1873 she produced two colts, each by Eugene; in 1875 the colt Harry Phillips, by Dickens; in 1877 a colt by Vauxhall, and was bred to Geoby.

From these facts it will be seen that the measure of damages between Australia as a racehorse injured, and her value after the injury which inflicted her for the turf had been inflicted. The principal question, however, was not one as to the proper measure of damages, but the agent of Gov. Bowie having made a special contract for transportation of the horses as racehorses, and their value as such being fully understood by the agent of the railroad company, it became his duty to exercise the necessary prudence to care in their shipment to prevent any ordinary accident or injury. Of course, if either of the horses had been injured from natural causes while in transitu, or from causes which were not properly chargeable to the company, no liability could have attached to it. But the Court holds in this case that it was the duty of the company to provide the necessary cars, that they should be constructed as to make safe transportation reasonably certain; that proper arrangements should be made for the loading of the horses, and that its agents were required to exercise both care and skill necessary to put them on the cars without injury.

The prevalence of this unwise policy, and, therefore, when juries take the reins in their hands, and visit punishment on these companies by rendering excessive verdicts against them, the courts are slow to interpose their power to set aside such action, or even to revise them.—*Spirit of the Times.*

#### FORM IN THE TROTTER.

Form is of more importance than mere action. The cart-horse is able to fold the knees, but you cannot train him to get over the ground rapidly or to last through a race of broken heats. He bends the knee, but cannot reach and gather quickly, is overtopped with weight, and therefore fails in a trial which is decided by speed and courage; and the cause of his failure is lack of form. One of the best writers on the horse has furnished us with rules for the selection of a thoroughbred. We are advised to choose an animal with "a deep and wide back and loin," with a chest to "afford sufficient room for the heart and lungs," but not too wide, for "an open bosom is regarded as a sure sign of want of pace." "The back ribs should be long, or as such a formation is generally called, 'deep,' so as not only to give protection to the contents of the belly, but to afford a strong attachment to the muscles which connect the chest of the hips." "The ribs must be set wide apart and not huddled up together." "For fast roadwork, where the failure of the legs is generally the limit to the amount of work, a very heavy carcass is an objection, as it increases the weight upon them; and an over-topped horse—that is one with a body too big for his legs—is a most worthless brute;" a projecting neck, moderately long and proportionately thin, wide jaws and intelligent head, broad above the eyes, thin nostrils, which should open under exercise and show the red lining membrane; shoulders obliquely placed and broad blade, well-clothed with muscles; long thighs approaching almost to the proportions of the greyhound; hooks full-size and clean, and all the points in proportion to one another. The authority from which we have condensed these points is "Stonehenge." The fastest trotter in the world to-day, Edwin Forrest, comes up to the standard named by the English critic. He has none of the characteristics of the cart-horse, and all the points of the substantial thoroughbred. Maud S., the great four-year-old also has the form of a thoroughbred. The prevalent blood in both is that of the running horse. Without form neither could have shown so much speed as to attract public attention. The trotting elements in the pedigree of each have, with the assistance of toe-weights, simply given a new impulse to speed. They have influenced the motion, the folding of the knee and the action of the stifle, and thus enabled the two to startle the country with their deeds. If a sire of cart-like form and excessive knee-action is so strongly prepotent as to stamp both his form and his action upon his progeny, you may keep breeding him from now until doomsday without getting a trotter of more than average merit. Admit that he simply reproduces himself and you allow no margin for improvement. Edwin Forrest, like Maud S., is wonderfully speedy as a trotter, because he has the speedy formation of the thoroughbred, without which formation he would be merely common-place, in spite of the trotting elements in his ancestral tree. Toe-weights, with brains behind them have, in recent years, played an important part in the development of the trotting-horse. Take an animal in which the thorough-blood triumphs over the "Cannuck" at the rate of seven to two and put him into the hands of a Gliddon who understands the use of weights and he will make a trotter of him, not able merely to go the distance, but to do his miles in the quickest time. The horses which win the majority of hard fought races in these days of progress possess not only the form, but a large percentage of the blood of the English racer.—*Turf.*

CURLING.—At a meeting of the stockholders of the Peterboro' Curling Bank Company, Mr. J. F. Dennistoun was elected President, and Messrs. R. N. Roddy, R. S. Davidson, W. G. Ferguson, and Wm. Manson, Directors.

On July 4, 1876, it has been said by Archie Campbell, at Irvine, Scotland he stands 15 hands 2 in., and is rising nine years old. Jack is the same height as his opponent, and eight years old, and was prepared by Harry Giddings at Crow Knowl Farm, Tollerross, Udderstone, near Glasgow. Mr. Hardy, having won the toss, stated that the start should be a flying one, but before Mr. John Henry Cooper, who acted as starter could be apprised of this he fired the pistol and sent the horses on their journey. Bobby, who had the inside berth, commenced badly, and before Campbell could get him down Jack had obtained a lead of about eighty yards. On getting under weigh, however, the former gradually drew on the Sheffield representative, who was driven in a light sulky by Harry Giddings, but again rising on rounding the bend for home, Jack once more went away with a commanding lead. The race was now virtually over, for the driver of Jack was able to take it easy, and maintaining the lead to the finish, the Sheffield horse won cleverly by a couple of lengths. After the race Mr. Hardy, on learning that the horses were not despatched to a flying start, laid an objection on those grounds, and after an investigation into the matter, Mr. John Cooper of Sheffield, who filled the double office of stakeholder and referee, decided that it was no race. The owner of Jack, however, would not agree to another meeting, and as no agreement could be arrived at the affair remains in abeyance. It is to be regretted that such a mistake as regards the mode of starting should be made, and it is impossible to say what the upset will be. The time could not be taken owing to the horses not being visible until nearing home.

#### PACIFIC COAST BLOOD-HORSE ASSOCIATION.

A meeting of the members of this Association was held at San Francisco, Cal., on the 30th ult., for the purpose of adopting rules for the government of the club and completing its organization. Mr. J. Cairn Simpson, Secretary, reported a series of racing rules, corresponding in the main, with those of the American Jockey Club, except as regards weight and manner of starting horses, which were adopted. The weights, as adopted by the Pacific Coast Blood Horse Association, are as follows: Two-year olds to carry 100 lbs. and three-year olds 105 lbs. These are the only changes in the old scale of weights as enforced by the Pacific Jockey Club. Promptitude in starting is to be obtained by making it compulsory for horses to start within twenty minutes after the order is given to mount. The starter is to take the horses forty yards from the starting point, they are not allowed to go more than one hundred yards back of that point, and the starter is to be the judge as to the exact time for ordering the start within the prescribed twenty minutes. The Secretary was authorized to have the rules and by-laws of the society printed, also to address a circular letter to parties interested in turf matters, asking their co-operation in the objects of the Association. The opinion was expressed that a large membership would be obtained by the 1st of January next, which would enable the Association to inaugurate an active racing season for 1879. The meeting adjourned until the 31st of December, when a programme will doubtless be agreed upon.

#### ENGLISH CRICKETERS COMING TO AMERICA.

The Lacelles Hall Cricket Club propose a visit to the States and Canada during the coming summer. They will be under the captaincy of Mr. A. Eastwood, for many years professional for the Boston Cricket Club, and a member of the old Atlantic nine. They will play base-ball and cricket alternately. The greatest players of the North of England are graduates of this club, and we may expect some excellent playing from them. This season they played and acquired American base-ball, and are quite proficient already. At cricket their club plays eleven men both in county and all-England matches.

#### THE CENTRAL VETERINARY ASSOCIATION MEETING.

The third meeting of the Central Canada Veterinary Medical Association, took place at the Victoria Hall, Brockville, on the 12th inst., the President, A. O. F. Coleman, V. S., of Ottawa, in the chair. The meeting having been called to order, the President, after a few introductory remarks, introduced Mr. T. A. Allen, V. S., of Brockville, who read a very carefully prepared, and highly instructive paper, on Anasarca, at the conclusion of which Dr. Vaux made a few remarks of a very complimentary character to Mr. Allen and the Association, stating how much pleasure it had given him to be present at this gathering.

Mr. Hutching, V. S., of Watertown, N. Y., briefly criticized the paper and paid a well-deserved tribute to the writer, strongly eulogizing the writings of Prof. Williams upon this subject.

The President then summed up, speaking highly of Mr. Allen as a practitioner, stating how briefly and carefully he had gone over the subject of the essay on Anasarca, which name suggested so much thought and discussion, and offered so many labyrinths in which to wander. Upon the motion of Mr. Hutching, seconded by Dr. Vaux, a vote of thanks was passed to Mr. Allen for his valuable communication.

The next meeting of the Association will take place at Ottawa, at the commencing of the ensuing year. Before breaking up, Mr. Allen was asked by the President, in behalf of the Association, to tender to the Mayor and Corporation its sincere thanks for their kindness in granting the use of the hall for the meeting.

#### The Ring.

##### DWYER-ELLIOTT PRIZE FIGHT.

###### ARTICLES OF AGREEMENT.

Articles of agreement entered into this 9th day of December, 1878, between John J. Dwyer and James Elliott. The said John J. Dwyer and James Elliott hereby agree to fight a fair stand-up fight, according to the new rules of the prize ring, by which the said John J. Dwyer and James Elliott hereby mutually agree to be bound. The said fight shall be for the championship of America and the sum of \$1,000 a side, and shall take place on the second Thursday in May, 1879, in Canada, at a place to be named by James Elliott at the time of posting the last deposit. The men shall be in the ring between the hours of 10 a. m. and 2 p. m., or the man absent to forfeit the battle-money. The expense of the ropes and stakes shall be borne mutually, share and share alike. In pursuance of this agreement the sum of \$500 a side is now deposited in the hands of Frank Queen, who shall be temporary stakeholder. The remaining deposits shall be made as follows: The second, of \$250 a side, on the sixth day of January, 1879, at the N. Y. Clipper office; the third and last of \$500 a side, on Saturday, April 12, 1879, at the same place. The final stakeholder to be chosen at the time of posting the second deposit, Jan. 6, 1879, at the Clipper office. The said deposits must be put up not later than five o'clock p. m. on the days aforesaid, and either party failing to make good the amounts due at the time and place named shall forfeit the money down. The referee to be chosen on the ground. In case of magisterial interference, the referee if appointed, or the stakeholder if not, shall name the next time and place of meeting, if possible on the same day or in the same week, and either party failing to appear at the time and place specified by that official to lose the battle-money. The stakes not to be given up unless by mutual consent, or until fairly won or lost by a fight, and due notice shall be given to both parties of the time and place for giving the money up. In case of magisterial interference before the referee is chosen, if the stakeholder is not present, the principals shall mutually agree upon the next place of meeting. In pursuance of this agreement we herewith attach our names. (Signed)

JAMES ELLIOTT.  
JOHN J. DWYER.

Witness: M. HENRY.

Burlingame 100 13 51 10 0 1 1 0 1 1 1 1  
160 0 0 1 1 1 1 2 1 2 3 3 5 3 3 0 0 0 1 1  
—100—

Phelan—11 1 0 0 1 1 1 1 1 1 1 1 1 1 1  
8 0 4 0 0 3 0 1 5 2 0 0 1 0 4 6 0 —82

At the conclusion of the game Burleigh gave a number of fancy shots, which were loudly applauded by all present.

#### BILLIARDS IN MONTREAL.

A match between Mr. Masse, of the Club St. Pierre, and Mr. Lavigne, of the Club St. Jacques, came off at the Richelieu Hotel, Montreal, on the evening of the 18th. The match was for 200 points, and was closely contested throughout. A number of brilliant shots were made. At the beginning of the game the odds were in favor of Lavigne, who, when the first half was concluded, stood 111 points to his antagonist's 81. Ten minutes was allowed, after which play recommenced. Both contestants were excited all through, but Lavigne became more nervous as the game approached the end, and lost several chances, Masse gaining steadily and winning by ten points. The members of the two clubs, of which these gentlemen are the champion players, and a number of other amateurs were present, and at intervals as the match progressed, the excitement became intense.

GUELPH.—Burleigh gave an exhibition of his skill in Lindsay's billiard rooms, Guelph, on Friday evening. He averaged 88 points with 21 runs, making a total of 693. While he was scoring this number Mr. A. Sharpe scored 72. Afterwards Burleigh made over 500 points in one run. An exhibition of fancy shots was also given by Burleigh. There was a large attendance of spectators.

#### A SHARP BETTING TRANSACTION.

We clip the following from the Sporting Times—On the last day of the Houghton Meeting, at Newmarket, a well-known Manchester book-maker conceived the idea that he should like to "take a rise" out of the Newmarket knowledge. Consequently he walked into the shop of A—, the butcher, and asked the price of legs of mutton per pound, and was told tenpence "lepence"; he said in pretended surprise "Why, ma, I can get them at B—'s at six pence." "Lay yer bet to run yer don't," said the butcher, with the usual Newmarket accent. "Say, laud, maak it ten pound lega o' mutton to com and I'll tak thee." A— making sure of his bet, was 'on in a moment "Let soon woea coom wi me to B—'s, laud t'proof it." An umpire was soon found, who accompanied M. Manchester to B—'s. On entering the shop of B—, Mr. M. said to him "I understand you're a very dear butcher, and I'm ready to bet ye are ten-pound lega o' mutton to woen ye can't sell me a leg as cheap as a neighbor A— by foorpence a pound." B— reflected a moment, and concluded that if he sold one leg of mutton, even at half price, viz. at fivepence, he should win five legs, so he accepted the bet, and offered one at fivepence. Mr. M— asked for the bill, and then paid it; then offered to bet him a level sov. that he could offer him five legs from A—'s shop under fivepence, and get a good profit. B— thinking himself safe, readily took the bet and accompanied the other to the shop of A—." "Thee says Manchester, 's the bill for Fourpence-hand over the ten legs, laud! Then turning to B—, said, 'Thee's your five which I lost we ye, and now I'll trouble ye for a sov. as I offer ye the other five at foorpence, which amount I'll also trouble the to hand over.' So he managed to clear one sov. and 8s. 4d. each on five legs a 'very good 'budge'—and gave a hearty laugh at 'they tew butchers.'