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YESTERDAY

Frank Flittner, Ex.Sp.

Scratched

My Pal, Long Sp.

To-day 10 to 1

7-1, 3rd

MOST PROBABLE WINNER.

St. Francis. First Race at Oakland.

\*Apprentice allowance claimed. Weather clear; track fast.

ay are: FIRST RACE, 5 furlongs, purse:

SIXTH RACE, 1 mile, selling:

Houston Card. HOUSTON, Nov. 16.—Entries for Tues-

Fractured Collar Bone for Ross-Astronomer Wins Feature

Race. OAKLAND, Nov. 16 .- The first acci-

dent of the Emeryville season occurred second race to-day, when three horses fell, causing injuries to the riders. When about three-eighths of a mile from When about three-eighths of a mile from the finish, Captain Kennedy, the favorite, stumbled and fell, throwing C. Ross with much force. Vandusen, on St. Avon, and W. P. Holmes on Fancy, were directly behind and they were unable to pull up in time to avoid falling. Ross sustained a slight concussion of the brain and a fractured collar bone. Vandusen was severely cut on the leg and Holmes suffered several lacerations. Astronomer scored a clever victory over Cadichon and Deutschland in the feature race. Summary:

Deutschand in the feature race, Sunnary:

1'IRST RACE, 5½ furlongs, selling:

1. Novgorod, 107 (Cross), 7 to 5.

2. Aunt Kit, 107 (Walsh), 9 to 5.

3. Miss Highland, 109 (Powers), 9 to 1.
Time 1.08. Harry Stanhope, Orlan Ormonde, Johnny White, Smiling Jack, Calera, Altamor, Jim Hanna, Aliness and Larry Milligan also ran.

SECOND RACE, 6 furlongs, selling:

1. Billy Myer, 109 (Archibald), 9 to 1.

2. Priceless Jewel, 109 (Walsh), 7 to 1.

3. Uncle Sam, 109 (King), 300 to 1.

Time 1.15 2-5. Captain Kennedy, St. Avon and Fancy fell at the % pole.

THIRD RACE, 1 mile and 70 yards, selling:

THIRD RACE, 1 mile and 70 yards, selling:

Col. Bronston, 114 (Kirschbaum), 3 to 2.

2. Merrill, 114 (Keogh), 7 to 5.

3. My Pal, 114 (Walsh), 11 to 2.

Time 1.46 2-5. Midmont, Bellmence, Retrou, Warden Yell, Elevation and Black Dress also ran.

FOURTH RACE, 1 1-16 miles, purse:

1. Astronomer, 100 (Upton), 9 to 10.

2. Cadichon, 95 (Kirschbaum), 9 to 2.

3. Deutschland, 109 (Powers), 9 to 5.

Time 1.45 4-5. Only three starters.

FIFTH RACE—5½ furlongs:

1. Sempreni, 110 (Walsh), 11 to 5.

2. Mosart, 116 (Archibeld), 9 to 1.

3. Figent, 109 (Powers), 9 to 5.

Time 1.07 3-5. Prudent, Ornate, Warden, Micaela, Carrie Fletcher also ran.

SIXTH RACE, 1 mile and 70 yards:

1. Billy Pullman, 109 (Powers), 2 to 1.

2. Charles Green, 114 (King), 10 to 1.

3. Mike Jordan, 114 (W. Miller), 3 to 1.

Time 1.45 2-5. Sir Brillar, Gargantua, Remember and Charley Paine also ran.

HOUSTON, Texas, Nov. 16.—To-day's races resulted as follows.
FIRST RACE, selling, 6½ furlongs:
1. Stoic, 119 (Molesworth), 6 to 5
2. Cheswardine, 114 (Fogg), 4 to 1.
3. Chian Eelle, 119 (Reese), 4 to 1.
Time 1.23 2-5. Katherine Murphy, Padrone, Too Blue and San Samon also ran.
SECOND RACE, selling, 5 furlongs:
1. Speight, 115 (Fogg), 9 to 5.
2. Shampoo, 115 (Young), 6 to 1.
3. Miss Prison, 115 (Haynes), 15 to 1.
Time 1.65 2-5. Glenart, Figgy Miller Miss Snack Anti Newman and Cuban Boy also ran. Teploen Also Ran.

Boy also ran.
THIRD RACE, purse, 7 furlongs:
1. Golf Ball, 106 (Butwell), 4 to 1.
2. King Wilda, 104 (Young) 8 to 1.
3. Miss Delancy, 106 (Henry), 7 to 5.
Time 1.32 3-5. Chief Hayes and Cooney

K. also ran.
FOURTH RACE, purse, gentlemen rid-10 O'RTH RACE, purse, gentlemen riders, 5 furlongs:
1. Doc Allen 150 (Mr. Cawthern), even.
2. Moyea, 150 (Mr. Williams), 4 to 1.
3. Jack's Queen, 150 (Mr. Founey).
Craig Darroch, Miss Breeze, Queen of Lowland and Rifle Range also ran.
Filth RACE, selling, 7 furlongs:
1. Hancock, 109 (Henry), even.
2. Miss Topsy; 109 (Butwell), 4 to 1.
3. Bewitched, 104 (McCullough), 4 to 1.
Time 1.34 2-5. Reside and Rubiola also

ran.
SIXTH RACE, purse, 6 furlongs:
1. Sister Ollie, 105 (Henry), 8 to 5.
2. Lizzle, 105 (Henry), 4 to 1.
3. Gus Cuniot 105 (Ploss), 6 to 1.
Time 1.19 2-5. Anna Marie, W. F. Wiley, Star Beam, Jim Eanes, Taploca and Oliva also ran.

SEVENTH RACE, selling, 6½ furlongs:

1. Mary Candlemas, 119 (Butwell), 2 to 1.

2. James V. 110 (Fogg), 4 to 1.

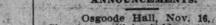
3. Malta, 119 (Vandusen), 4 to 1.

Time 1.27 2-5, Isabel Aintree, Reticent,
Bell Flower and B. J. Swanner also ran.

Hounds Meet To-Day.
The hounds will meet at Oulcett's Hotel,
Eglinton at 2.30 to-day, weather permitting. For any information telephone
Beach 17.

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ier Co. The primers are nade with the greatest care and are more sensitive than any other black powder Dur system of tests makes



ANNOUNCEMENTS.

IN THE LAW COURTS

Osgoode Hall, Nov. 16, 1908. Chambers will be held at 11 a.m. Peremptory list for divisional court for Tuesday, 17th inst., at 11 a.m.:

1. Re Hill and Telford.

2. Atkinson v. Ferland.

3. Woods-Norris v. Cobalt.

4. McLeod v. C.N.O. Railway.

5. Re Dewey and O'Heir, Limited.

6. Dewey v. Dewey.

Peremptory list for court of appeal for Tuesday, 17th inst., at 11 a.m.: 1. Cockburn v. Clarkson (to be continued). 2. Toronto v. Ward.

8. Rex v. Lamothe. 4. Sutherland v. G. T. R.

Sittings of the court of appeal for 1909 were fixed by order of Nov. 16, 1908, First sitting to commence Monday, Jan. 18.

Sept. 20.
Fourth sitting to commence Monday,

Master's Chambers.

Before Cartwright, Master.

O'Brien v. M.C.R.—Motion by defendants to strike case off the list and stay ants to strike case off the list and stay proceedings perpetually on ground of settlement. E. C. Cattanach for defendants; T. N. Phelan for plaintiff. Judgment (G). Plaintiff alleges that the release was obtained from him without his having legal advice, and denies that he intended it to be, or understood it to be, a release of his whole cause of action. Under these circumstances the only order that can be made is to dismiss this met on with costs in the cause, without prejudice to any application which defendants may be advised to make, and with leave to them to counter-claim for return of

be advised to make, and with leave to them to counter-claim for return of the \$300 paid to plaintiff, and otherwise to amend their statement of defence as they may see fit to do.

Forth v. Forth-Motion for interimalimony and dibursement. T. N. Phelan for plaintiff; A. R. Hassard for defendant. Judgment (G.). Order for \$20 interim disbursements and \$3 a week from Nov. 1 for interimalimony. There is no reason why, if defendant There is no reason why, if deferdant so desires, the action should not be tried during the present non-jury sit-A good one for to-day, boys, that will cut loose for the money and get it, so don't let this one slip you or you will be sorry. My guaranteed special is a cinch. 3-horse wire and all specials \$2

Speight, 3-1, Won

Speight, 3-1, Won

was the special at Houston. Don't fail to get my wire to-day as it will make you win a big bunch of money. One good bet a day from Houston and Oakland. The result of my Best Bet not known when this ad was written.

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Bowman v. City of Toronto—Motion by defendants to strike out certain paragraphs of the statement of claim in an action brought by a ratepayer on behalf of himself and all other rate-payers of the city to have a declaration that the defendants have not properly assessed the full cost of a local improvement on the property benefited, and that the difference has been improperly thrown on the general funds of the city. F. R. Mackelcan for the defendants; W. G. Thurston, K.C., for plaintiff, contra. Judgment (G.). The sixth clause of the claim should be limited to the materials paid for or owned by the defendants and alleged to have been misapplied by them to the dam-Bowman v. City of Toronto-Motion

original action also. D. Urquhart for plaintiff; J. B. Holden, contra. Re-

St. Franciz.

First Race at Oakland.

Oakland Program.

OAKLAND, NOV. 10.—Oanland entries for to-morrow are:

FIRST RACE—Selling, 6 furlongs:

FIRST RACE—Selling, 6 furlongs:

112 poyal Rep. 112

Long W. Willes.

FOURTH RACE—Clay Handres, furlongs:

Smiley Corbett. 117 Restigouche 110
Fitzherbert. 106 Pajaroita 105
Jeanne d'Arc. 102 Sugar Maid 110
Booger Red. 98 Rose Queen 93
Burning Bush 97 Cloudlight 97
Native Son. 92 Little Jane 84
FIFTH RACE—Selling, 1 mile:
Ed Ball. 109 Huapala 109
Kermit. 109 Phalanx 107
Kmilitary Man. 107 Von Tromp 107
Military Man. 107 Carmelina 104
St. Avon. 107 Carmelina 104
Corphon 104

Smile Stubbins, for a declaration that the son, i.e., the deceased testator, and father of the applicants, was at the time of his death the owner of certain land subject to the payment of \$200 to the heirs of a brother of his. order declaring that one son became entitled to the lot subject to the payment to the heirs of him who has d.s-appeared, as alleged, the sum of \$200, and declaring that the last mentioned person is dead. I do not think I can grant such an order. The pro er course is to grant an order for the administration of the estate, real and personal, of the deceased, with a re-ference to the master at Goderich. All 106 the rights of all the parties may be 102 worked out in the administration, and the estate, in addition to any costs which may be awarded by the master.

spoken to."
The King v. James Campbell—J. A. MacIntosh, for the defendant, moved to quash the conviction of his client, made by the police magistrate at Ha-leybury for unlawfully frequenting disorderly house, and to set aside the sentence of six months' imprisonment in the Central Prison, imposed by the magistrate. Of the five grounds set out in notice of motion, to only one urged was that defendant a... not plead guilty was that defendant d... not plead guilty
104 as alleged, and, therefore, should not
104 have been convicted without taking of
104 evidence. J. R. Cartwright, K.C. for
105 the crown, contra. Ju'ament (G.). "In
106 view of the fact that this ground is
107 not by two affidavits and the mag's—
108 tree's notes. I cannot accept this story.





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PANTRACK TO-DAY WE SELL, the defendants and alleged to have been misapplied by them to the damage of the general ratepayers. The defendants to have ten days further time to plead. Costs of motion to be in the cause. The order will contain a result of the cause. The order will not be activitied by them to the defendant and alleged to have the defendant of the cause of the order of the cause. The cause of the cause. The order will not be activitied by them to the defendant and alleged to have the cause of the cause. The cause of the cause. The order will not the cause of the cause. The order will not be activitied by them to the defendant and a

Before Meredith, C. J. Re Oronhyatekha estate—A. T. Hunter, for the Union Trust Co., executors of William A. H. Oronhyatekha, moy-

SUPREME

AMONG

al court or not, I give judgment dis-missing this action. There will be no variation in the order already indicated in 120.W.R., p.339 as to the costs before the adjudication by the of William A. H. Orohnyatekha, moyed for payment over of fund. R. Mc-Kay, for L. and I. J. Joseph, asked enlargement to complete material. H. J. Martin, for Natalie C. Oronhyatekha. Enlarged for two weeks, any affidavits to be used by the Josephs to be filed and served not later than Monday next.

next.

Beardmore v. City of Toronto—J.
Fullerton, K.C., for the city, on motion to strike out statement of claim on the ground that it discloses no reasonable cause of action. R. McKay, for plaintiff. By arrangement between counsel, made subject to approval of the court, motion enlarged one week.

Before Riddell, J.
Re Denison and Foster—R. McKay, for William Watson, the present lessee, moved by way of appeal from the report or award of James S. Cartwright, an official referee, to set aside his award on the grounds that there was no jurisdiction in the said referee to make the said award, that the said referee erred in the amount allowed being an increased amount to that reserved by the original lease, and that he erred in allowing rental on the speculative value of the said land on a lease not permanently renewable, but the first ground as to jurisdiction

Before the Chancellor, Magee J.; Latchford, J.

Re Finn estate—Dunn v. Finn and Dunn v. Finn—An appeal in the first case by plaintiff from order-in-chambers of Anglin, J. of Oct. 30, 1908. J. T. Loftus, for the matters in question is now being considered and asked that the mottons be struck out of the list to be reinstated by either party if settlement not consummated. Order accordingly.

Taplin v. Rlordan—Appeal by plaintiff from index to be either the speculative value of the said land on a lease not permanently renewable, but the first ground as to jurisdiction

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ESTATE NOTICES.

Matter of Wesley R. Henders of the City of Port Arthur, in the District of Thunder Bay, Province of Ontario, Stationer and Fancy Goods, Inscirent.

inscirent.

Notice is hereby given that the above named insolvent has made an assignment to me of all his estate and effects, for the general benefit of his creditors, under R.S.O., 1887, Chap. 124, and Amending Acts thereto, and a meeting of creditors will be held at my office, 23 Scott-street, Toronto, on Thursday, the 12th day of November, at 3 o'clock p.m., for the purpose of receiving a statement of affairs, appointing inspectors and fixing their remuneration and for the ordering of the affairs of the estate generally.

Creditors are requested to file their claims with me, duly proven by affidavit, on or before the day of meeting, and after the 10th day of December, 1908, I shall proceed to distribute the assets of the estate, having regard only to the claims of which I shall then have received notice.

RICHARD TEW, Assignee

Before Moss, C. J.; Usier, J.; Garrow, J.; Maclaren, J.; Meredith, J. Canadian Fairbanks Co. v. London Machine Tool Co.—W./N. Tilley and R. H. Parmenter, for plaintiff, appellant. G. T. Blackstock, K.C., and T. Hobson (Hamilton), for defendants, respondents. spondents. Argument of appeal re-sumed from Friday. Judgment re-

Rex. v. Cook-H. H. Dewart, K.C. for the prisoner, who was convicted for unlawfully operating on a woman with intent to procure a miscarriage moved on a reserve case submitted by the senior county judge to set aside the conviction. J. R. Cartwright K.C., for the crown, contra. Reserv-

Rex v. Murphy—H. H. Dewart, K.C., for defendant. J. R. Cartwright, K.C., for the crown. Motion for leave to appeal. Judgment, cral. There is not sufficient on the depositions to sustain the conviction, and leave to appeal to

Coburn v. Clarkson.—This action was brought by the plaintiff, a manufacturer, to compel defendant to take \$5000 worth of capital stock of the Canadian Oil Company, off his hands, pursuant to an alleged promise of the defendant so to do, which promise was denied by the defendant, who further pleaded that if any such promise was made, it was without consideration made. sideration, and that the benefit there-of was not claimed by the plaintiff in a reasonable time from the making of a reasonable time from the making of the promise, as he was bound to do. The action was tried on April 27, 1908, when judgment was given for the plaintiff for \$5000. From this judgment defendant appealed to a divisional court, which dismissed his appeal with costs. Defendant now appeals to this court. W. E. Middleton, K.C., for defendant. E. D. Armaur. K.C., and J. H. Denton, for plaintiff. Not corcluded.

To-Morrow at Dufferin Park.

The Dufferin Driving Club are giving a matinee to-morrow at the park. The special race is mile heats. Following are the entries:
First race-Class B, special, mile heats: Hester Schuyler, J. W. Curren; Sparkle, R. Scott; Stonewall, W. W. Dundas; Belmont Wilkes, J. Mead; William C. J. McDowell; Lady Belmont, J. T. Hutson; Gussle Hal, R. J. McBride; Houest Biblie F. Russell; Wallace W., T. Rodda; Gussie Scott, J. Nesbitt.
Second race-Class B, half-mile heats: Harry Lee, C. Farrell; Billie Dolan, P. J. Dolan; Mechanic, F. J. Ryan; Madge W., N. Vedden; Lou Belle, I. Bates; Trinket, W. Marshall; Paymaster, O. B. Sheppard.

Third race-Class C, half-mile heats.

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Third race—Class C. half-mile heats: Brian Boru, A. Kerr; King Ree, R. J. McBride; Capt. Stubbs; P. Kelley; Elste R. W. Hunter; Sam Keswick A. W. Green; Tommy S., C. Fairell; J. Williamson's entry; Angus McLeod, J. McDowell: Shaun Rhue, J. O'Halloran; General Bell, F. Dunn; Lord Bryson, A. W. Holman, C. W. Holman

ell: Shaun Rhue, J. O'Halloran; General Bell, F. Dunn; Lord Bryson, A. W. Holman.

Judges—C. Woods, R. J. Patterson, Jas. O'Halloran: Timers—George May. George Clarke. Starter—Geo. Bedingfield. Clerk—W. A. McCullough.

Toronto Whist Club.

Toronto Whist Club.

The weekly open Toronto Whist Club game, to which ail whist players are invited, resulted in a tie for first place between Beharriell and Connolly and Hand and Goodwin, each scoring plue 4½.

Sinclair and Galloway and Kidd and Sinclair specified for second place with plus 2½. Leonard and Verrall plus 2½. Leonard and

717 662 1 2222 3 T'1. 144— 476 144— 450 185— 496 156— 487 170— 483 799 2402 3 T'1. 164—469 184—555 222—545 166—540 155—453 826

3 T'1. 195—605 158—442 ...—148 211—400 159—454 174—486 182 164- 470

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