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Ed. Mack, Limited, 81 Yonge St., Toronto.

OAKLAND JOCKS INJURED WHEN THREE HORSES FELL

Fractured Collar Bone for Ross—Astronomer Wins Feature Race.

OAKLAND, Nov. 16.—The first accident of the Emeryville season occurred in the second race to-day, when three horses fell, causing injuries to the riders. 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 Fanny, 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:

FIRST RACE, 5 1/2 furlongs, selling: 1. Novogorod, 107 (Cross), 7 to 5. 2. Aunt Kitty, 107 (Walsh), 9 to 1. 3. Miss Highland, 106 (Powers), 9 to 1. Time 1:08. Harry Stanhope, Orlan Ormonde, Johnny White, Smiling Jack, Cal. Alamo, John Hanna, Aulness and Larry Milligan also ran.

SECOND RACE, 5 furlongs, selling: 1. Billy Meyer, 109 (Aulness), 9 to 1. 2. Priceless Jewel, 109 (Walsh), 7 to 1. 3. Uncle Sam, 109 (Kings), 9 to 1. Time 1:15. Captain Kennedy, St. Avon and Fanny fell at the pole. THIRD RACE, 1 mile and 70 yards, selling: 1. Col. Bronston, 114 (Kirschbaum), 3 to 1. 2. My Pal, 114 (Walsh), 11 to 2. Time 1:44. Midmont, Belleme, Reckless, Warden, Vol, Hines and Black Dress also ran.

FOURTH RACE, 1 1/4 miles, purse: 1. Astronomer, 106 (Cross), 9 to 1. 2. Cadichon, 106 (Kirschbaum), 9 to 2. 3. Deutschland, 106 (Powers), 9 to 5. Time 1:45. Captain Kennedy, St. Avon and Fanny fell at the pole.

FIFTH RACE, 5 1/2 furlongs: 1. Sempronius, 110 (Walsh), 11 to 5. 2. Mosart, 110 (Archibald), 9 to 1. 3. Fient, 109 (Powers), 9 to 1. Time 1:07. 3-5. Prudent, Warden, Micula, Carrie Fletcher also ran. SIXTH RACE, 1 mile and 70 yards: 1. Billy Pullman, 109 (Powers), 9 to 1. 2. Charles Green, 114 (Kings), 9 to 1. 3. Mike Jordan, 114 (W. Miller), 9 to 1. Time 1:45. 2-5. St. Avon, Rembrandt and Charley Pine also ran.

SEVENTH RACE, 5 furlongs, purse: 1. Doc Allen, 109 (Mr. Cartwright), even. 2. Myra, 109 (Mr. Williams), 4 to 1. 3. Jack Queen, 109 (McPhee), 4 to 1. Time 1:05. 2-5. Reside and Rubula also ran. EIGHTH RACE, 5 furlongs, purse: 1. Hancock, 109 (Harris), even. 2. Myra, 109 (Butwell), 4 to 1. 3. Bewitched, 114 (McClure), 4 to 1. Time 1:04. 2-5. Reside and Rubula also ran.

NINTH RACE, 5 furlongs: 1. Sister Olie, 106 (Henry), 8 to 5. 2. Lizzie, 106 (Henry), 8 to 5. 3. Gus Clinton, 106 (Harris), 6 to 1. Time 1:09. 2-5. Anna Marie, W. F. Wiler, Star Beam, Jim Eames, Taploca and Oliva also ran. TENTH RACE, 5 furlongs, purse: 1. Mary Candomas, 119 (Butwell), 2 to 1. 2. James V, 110 (Fogge), 4 to 1. 3. Malta, 110 (Vandusen), 4 to 1. Time 1:17. 2-5. Isabell, Abner, Retient, Bell Flower and B. J. Swanner also ran.

Hounds Meet To-day.—The hounds will meet at Oulick's Hotel, Fallington, at 2:30 to-day, weather permitting. For any information telephone Beach 17.

Tested Powder

The powder we put into Crown shells is black powder especially made by the Hamilton Powder Co. The primers are made with the greatest care and are more sensitive than any other black powder primer on the market. Our system of tests makes misfires and hang-fires extremely rare.

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IN THE LAW COURTS

ANNOUNCEMENTS.

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. Hill v. Hill. 2. Atkinson v. Ferland. 3. Woods-Norris v. Cobalt. 4. McLeod v. C.N.O. Railway. 5. Re Dewey, plaintiff, and others. 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. 3. Rex v. Lamotte. 4. Sutherland v. G. T. R.

Sittings of the court of appeal for 1908 were fixed by order of Nov. 16, 1908, as follows:

First sitting to commence Monday, Jan. 12. Second sitting to commence Monday, April 19. Third sitting to commence Monday, Sept. 20. Fourth sitting to commence Monday, Nov. 15.

Master's Chambers.

Before Cartwright, Master. O'Brien v. M.C.R.—Motion by defendant to strike case off the list and stay proceedings perpetually on ground of settlement. E. C. Cattamach for defendant; T. N. Phelan for plaintiff. Judgment (G.) for defendant. 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 motion with costs in the cause, and to allow the plaintiff to amend his statement of defence as he may see fit to do.

Forth v. Forth—Motion for interim alimony and disbursement of costs. Plaintiff for plaintiff; A. R. Hassard for defendant. Judgment (G.) for plaintiff. Order for \$20 interim disbursements and \$3 a week from Nov. 1 for interim alimony. There is no reason why, if defendant so desires, the action should not be tried during the present non-jury sittings.

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 ratepayers of the city to have a declaration made 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. Maclean for the defendants; W. G. Thurston, K.C., for plaintiff, contra. Judgment (G.). The sixth clause of the claim should be limited to the material part of the claim, and by 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 recital that the order is made in answer to the motion of the defendants against the Warren-Bitault Company.

Re Bruce Infants—M. H. Ludwig, for petitioners, moved for an order for sale of infants' real estate. F. W. Hart, K.C., for infants. Order made.

Collis v. Rotkin—W. A. Proudfoot, for defendants, moved to dismiss action for default in making production. N. G. Heyd, for plaintiff, contra. Motion referred to trial judge.

Pigeon River v. McGowan, K.C., for defendant, moved to require plaintiff to elect on which cause of action against defendant he will proceed. F. Aylesworth for plaintiff. Reserved.

Armstrong v. Crawford—S. R. Clarke, for plaintiff, by cross action, moved to add one McCullough as defendant. Motion allowed. Commission returned on 26th, to be settled between the parties on or before Monday next.

Re Onychyatekha, estate of—T. Hunter, for the Union Trust Co., executors of William A. H. Onychyatekha, moved for payment out of fund. R. McKeown, for L. J. Joseph, asked for enlargement to complete material. H. J. Martin for Natalie C. Onychyatekha, enlarged for two weeks, any affidavits to be used by the Josephs on or before the 26th, to be settled between the parties on or before Monday next.

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OPEN EVENINGS

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was the only one argued on this motion. McGregor Young for lessors; J. R. Meredith for infants. Judgment (G.). So far as the ground now under consideration is concerned the application will be dismissed—If the appellant desires to press any other ground I shall hear the parties in my chambers on Saturday, Nov. 21, at 10 a.m. If there be no further argument, the motion will be dismissed with costs, and in any case the applicant will pay the costs of this part of the motion.

Before Riddell, J. Union Trust Co. v. Bensley—M. Malone (Hamilton), for plaintiff, W. Bell, K.C., and W. E. Middleton, K.C., for defendant. Judgment (G.). The order of the surrogate court having been set out of the way, and finally as there is no appeal from the divisional court, there is nothing now in the way of res adjudicata in the surrogate court to prevent my giving judgment upon the merits, and whether I am bound by the judgment of the divisional court or not, I give judgment dismissing this action. There will be no variation in the order already indicated in 12 W.R. p. 538 as to the costs before the adjournment by the divisional court. These costs will be paid by the defendants, but they will be added to the subsequent costs. Including the costs of counsel speaking to the question of costs, with a set off so far as pract