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**N.Z. SPORTING REVIEW**

**RACING CALENDAR**

NEW ZEALAND.

FIXTURES—1904

December 10 and 16—Christchurch R.C. Summer  
December 26 and 27—Thames Jockey Club Summer  
December 26 and 27—Northern Wairoa R.C. Summer  
December 26 and 27—Taranaki J.C. Summer  
December 26 and 27—Manawatu R.C. Summer  
December 26 and 27—Dunedin J.C. Summer  
December 28, 29, January 2 and 3—Auckland R.C.  
Summer

December 31 and January 2—Greymouth J.C. Summer  
January 2 and 3—Rangitikei R.C. Summer  
January 2 and 3—Hawke's Bay J.C. Summer  
January 2 and 3—Wairarapa R.C. Summer  
January 3 and 4—Southland R.C. Summer  
January 4 and 5—Westland R.C. Summer  
January 21 and 24—Foxton R.C. Annual  
February 9 and 11—Canterbury J.C. Summer  
February 9 and 10—Gisborne R.C. Summer

NOMINATIONS.

December 9—Auckland R.C. Summer, general entries  
WEIGHTS DECLARED.

December 13—A.R.C. Summer

ACCEPTANCES.

December 9—Thames J.C. Summer  
December 16—A.R.C. Summer

**REMINDERS TO OWNERS.**

Nominations for the various events to  
be run at the Summer Meeting of the  
Auckland Racing Club are due with Mr  
Percival on Friday, December 9, at  
9 p.m.

Handicaps for the first day's events of  
the A.R.C. Summer Meeting are due to  
appear on Tuesday, December 13.

Acceptances for the first day's events of  
the approaching meeting of the Auckland  
Racing Club must be made on or before  
Friday, December 16, at 9 p.m.

Nominations for the Great Northern  
Foal Stakes, to be run at the Summer  
Meeting of the A.R.C., 1906-7, close on  
Friday, January 6, at 9 p.m., at which  
time entries for foals for the 12th Royal  
Stakes are also due.

Acceptances for the first day's events of  
the Thames J.C. Summer Meeting must  
be made on or before Friday, December  
9, at 8 p.m.

**Sporting and Dramatic**

REVIEW

AND

Licensed Victuallers' Gazette.

With which is incorporated the Weekly Standard

THURSDAY, DECEMBER 8, 1904.

**THE RULES OF RACING.**

A VERY great deal has been heard of the  
Rules of Racing lately and the manner  
in which they have been drawn up. It  
is of course much easier to destroy than  
to build up, but at the same time there  
is not the slightest doubt that it is high  
time the rules which govern our chief  
sport should be worded in such clear  
language that the meaning of each rule  
be unmistakable. During the last few  
months we have been surfeited with pro-  
tests, judgments, and appeals until now  
racing men are in the unenviable position  
of not knowing where they are. The  
latest has been the Petrovna-Baggipes  
appeal, and the full text of the judges'  
award was given in our last issue. In  
the latest number of the "Weekly  
Press" Messrs G. G. Stead and Beau-  
champ Lane, the sub-committee appointed

by the Canterbury Jockey Club to reply  
to the original appeal, criticise at length  
the final award of Messrs O. Samuel, E.  
Mitchelson and E. W. Alison, whose  
verdict is sweepingly, but in our opinion  
quite erroneously, condemned. We have  
all along been very strongly of the  
opinion that both the Wellington Racing  
Club and Canterbury Jockey Club were  
correct in their rulings in the Gladstone  
and Baggipes cases, and that the allowing  
of the appeals by the judges was certainly  
contrary to equity, and was very doubt-  
ful racing law. But the ruling of the  
judges admitted of no appeal and was  
final and conclusive, and has to be  
accepted as such.

Appended to the criticism of the most  
recent decision are the opinions of two  
barristers, Messrs G. Harper and T. W.  
Stringer. The latter gentleman writes  
as follows:—"This judgment appears to  
me to be inconsistent with the judgment  
of the same tribunal in the Baggipes  
case. In this latter case, it was held  
that Rule 143 (1), which provides that  
'only holders of jockeys' and apprentices'  
licenses should be qualified to ride' was  
imperative, and, therefore, that Baggipes  
was disqualified, not having been ridden  
by a licensed rider. If that decision was  
sound—and it must, of course, be ac-  
cepted as such by all racing tribunals—  
it seems to me that Rules 40 and 48 are  
also mandatory. Nothing could be more  
emphatic than the language of these  
rules. 'A horse shall not be qualified  
to run for any race unless duly entered for  
the same' (Rule 40); 'No entry shall be  
valid unless it gives the name,' etc. (Rule  
48). If a horse which has been validly  
entered for a race can be disqualified for  
the sole reason that it was ridden by an  
unlicensed jockey, surely, a fortiori, a  
horse not validly entered, and which, by  
the express words of the rule, was never  
qualified to run at all, must be incapable  
of winning the race. The Conference  
judges regard the absolute and peremptory  
language of Rule 48 as modified, and to  
some extent controlled, by Rules 50 and  
51. I do not think this is sound. Rule  
48 I take to be the governing rule, and  
is applicable to all entries. Rule 50 is a  
special rule, dealing with entries made  
for the first time, in which case certain  
specified details are required, in addition  
to those mentioned in Rule 48. Rule 51  
is merely complementary to Rule 50, as is  
plainly indicated by its language, and,  
in my opinion, does not, and was not  
intended to, modify the express pro-  
visions of Rule 48."

The Appeal Board in their judgment  
attached great weight as to what has  
been the custom in such cases as that  
under discussion. Mr Harper points out  
that custom, however prevalent, is never  
allowed by Courts of Law to be availed  
of by persons infringing specific and  
plain rules or the provisions of any statute.  
With a view of verifying what is really  
the custom concerning entries, the Appeal  
Board requested the C.J.C. to supply  
them with all entries received for the  
recent Cup meeting, but this was not  
complied with, the reason for the refusal  
being that as the entries numbered over  
five hundred, "the Club might well be  
excused from complying with a request  
so absurd." To the man in the street  
the absurdity of the request was not  
obvious, and from the fact that the  
entries were not provided the inference  
is that many of them were also not in  
accord with Rule 48. The fact is that  
this rule has always been more honoured  
in the breach than the observance, and  
in this connection it might be pertinent  
to enquire were all Mr Friedlander's or  
Mr Stead's entries, we will say, at the  
last A.J.C. Summer Meeting also in  
strict conformity with the letter of the  
law? It would be highly interesting if  
this important fact were made public.

It might perhaps be well to point out  
to Petrovna dissent from the ruling in  
the Petrovna case, and these can be but  
few in number, that if the appeal had  
not been upheld it would have brought  
about a state of chaos in racing matters  
unparalleled in the turf history of the  
colony. This is no exaggeration what-  
ever, but will be readily recognised when  
one comes to total up the number of  
horses which have won races since the  
rules came into force, which horses were  
never entered in accordance with Rule  
48. We have no sympathy whatever  
with owners who protest on trifling  
technical points which have no effect  
whatever on the racing itself, but greatly

prefer sportsmen of the class of Mr  
Bradley, who the other day refused to  
accept money won by a quibble of law  
and not by the merits of his horse. That  
Mr Friedlander acted on the "win, tie,  
or wrangle" principle we do not for a  
moment wish to assert, and prefer to  
believe that he was actuated by an  
honest desire to find out whether the  
actual letter of the rules should be ob-  
served or not.

The whole incident, and the series of  
similar ones which have preceded it,  
direct attention to the fact that a com-  
plete revision of the Rules of Racing is a  
very urgent necessity, for at present  
when even the very secretary to the  
Conference is unable to correctly interpret  
that body's own regulations it is impos-  
sible to see how an ordinary racing man  
should be able to do so. It is satisfactory  
to know that a sub-committee is at work  
on the rules, and we can but trust that  
the gentlemen who are engaged in the  
rather thankless task will be able to  
frame each rule in such a lucid manner  
that there can be no possible chance of a  
mistake as to the meaning, and by so  
doing will do away with the necessity  
for such constant protests.

**THE BIG SUMMER HANDICAPS.**

WHEN the handicaps for the Auckland  
Cup were first made public and were re-  
viewed in these columns the prediction  
was hazarded that the acceptances would  
be very small, and the opinion has been  
amply verified, for the list has been  
reduced from forty to ten, with a con-  
siderable probability of not even that  
number seeing the post. This is a result  
which cannot be considered other than  
extremely disappointing by the Auckland  
Racing Club, whose effort to encourage  
stamina in horses, by offering a big  
stake to be competed for over two miles,  
meets with such poor acknowledgment.  
The same tale was told of the last New  
Zealand Cup, and the conclusion is thus  
reluctantly forced upon us that races  
over a distance are not desired by owners,  
partly no doubt because there are so many  
goodly stakes to be won in races over much  
shorter distances, but also because we  
have such a great number of animals  
who are only fit to scamper over five  
furlongs or so, and who could no more  
gallop two miles at a racing pace than  
they could fly. Even of the ten horses  
still remaining in the Cup barely half as  
yet have given any indication of their  
ability to stay out the journey. The  
defection of Achilles occasioned no sur-  
prise, for, although some writers  
professed to think he was well treated,  
it was far from being the case. It was  
also anticipated in this paper that all Mr  
Stead's horses, except Cruciform would  
be scratched, for there is no gainsaying  
the fact that they had been most harshly  
dealt with by the handicapper. A  
number of horses were entered which  
had no pretensions to Cup form, and the  
bulk of them have dropped out. When  
selecting the best-treated horses in the  
race just after Mr Evett had issued his  
adjustments we sorted out Cruciform,  
Mahutonga Romeo and Starshoot, and  
as these have been paid up for there does  
not seem much need to alter the list.

The Railway Handicap has been re-  
duced from forty-eight to seventeen,  
sufficient material being left for an  
interesting encounter. Machine Gun's  
name has disappeared, but Mr Stead  
still has Rubia and Savoury, and it may  
be expected that the latter will start a  
very warm favourite if all goes well with  
him in the meantime. Of our original  
selections those accepted for are Bohoro,  
Kremlin, Savoury, Ailsa and Lady Annie,  
a quintette which should prove extremely  
dangerous. With such a light-weight  
as 7st 6lb Avalanche should run well,  
while on his most recent showing Black  
and Gold must have more than an outside  
chance. The event shows promise of  
giving rise to a great race.

The field for the Auckland Steeplechase  
will also be a small one, but whether as  
a protest against holding cross-country  
events in the middle of summer or on  
account of the dearth of good jumpers it  
is difficult to say. On recent form Up-  
to-Date, Princess of Thule and Catherine  
Gordon are most likely to fill the place.  
Taking everything into consideration,  
however, there is every probability of a  
highly successful meeting at Christmas  
for the senior Club.]