

RACING FIXTURES, 1920-21.

April 21, 22—Manawatu R.C.
 April 28, 29—Hawke's Bay J.C.
 May 4, 5—Marlborough R.C.
 May 6, 7—Ashburton County R.C.
 May 12, 13—Egmont R.C.
 May 13, 14—South Canterbury J.C.
 May 20, 21—North Otago J.C.
 May 20, 22—Wanganui J.C.
 June 1, 3, 5—Dunedin J.C.
 June 3, 4—Otaki Maori R.C.
 June 3, 5, 7—Auckland R.C.
 June 10, 12—Gisborne R.C.
 June 18, 19—Napier Park R.C.

EVENTS REQUIRING ATTENTION.

Wednesday, April 21.
 Weights second day Manawatu R.C. autumn, at about 7.45 p.m.
 Acceptances second day Manawatu R.C. autumn, at 9 p.m.

Thursday, April 22.
 Weights first day Marlborough R.C. autumn.

Friday, April 23.
 Nominations C.J.C. Royal race meeting, at 8 p.m.
 Nominations Egmont R.C. winter, at 8 p.m.
 Handicaps first day Hawke's Bay J.C. autumn.
 Nominations Dunedin J.C. winter, at 5 p.m.

Monday, April 26.
 Acceptances first day Hawke's Bay J.C. autumn, at 8 p.m.
 Handicaps second day Hawke's Bay J.C. autumn, by 8.30 p.m.
 Acceptances second day Hawke's Bay J.C. autumn, by 9.30 p.m.

Wednesday, April 28.
 Acceptances first day Marlborough R.C. autumn.
 Handicaps second day Hawke's Bay J.C. autumn, at 8.30 p.m.
 Acceptances second day Hawke's Bay J.C. autumn, by 9.30 p.m.

Saturday, May 1.
 Weights first day Egmont R.C. winter.

Monday, May 3.
 Handicaps C.J.C. Royal race meeting.

Tuesday, May 4.
 Weights second day Marlborough R.C. autumn, at 8 p.m.
 Acceptances second day Marlborough R.C. autumn, at 9 p.m.

SEQUEL TO ESTLAND'S DEATH.

OWNER CLAIMS £7000.

RACECOURSE FATALITY REVIVED.

A case of special interest to New Zealand turf followers was heard in the Banco Court, Sydney, the other day, before the Chief Justice (Sir William Cullen) and a jury of four, when Abraham Patrick Wade, of Randwick, racehorse owner, claimed £7000 from the Rosehill Racecourse Company, Limited, in respect of the loss of the racehorse Estland.

Mr. R. Windeyer, K.C., who appeared for the plaintiff, in explaining the case to the jury, said that the action arose out of an injury to the racehorse Estland. Mr. Wade, the owner of the horse, placed great value upon the animal, and looked forward to a highly profitable ownership. The horse, in consequence of the accident, was now dead. Estland was of high pedigree and breeding, and after his racing days were over would have been of enormous value to Mr. Wade as a sire. Estland met with the mishap during his training on the defendants' course—the course proper. The defendants had invited the owner of Estland to train on the course, and on the morning of the accident the animal, whilst being ridden in its work, put its hoof in a burrow, and, falling, broke its backbone and killed itself. The law was that the defendants, having invited the plaintiff to train Estland, should have had the course in a safe and proper condition for training and racing purposes. The fact of the burrow having been caused by a rabbit did not in any way relieve the defendants from their responsibility. It was their duty to see that the course was maintained in the best and the safest order.

Plaintiff, in his evidence, said that Estland was a well-bred horse—a stud book horse. Witness was an owner of racehorses, and had owned Estland about ten months before his death on September 10, 1919. Estland was an imported New Zealand horse, and witness had paid £3675 for him. He had been buying and dealing in racehorses all his life, and was prepared to give his estimate of the value of Estland. Mr. Shand objected to Mr. Wade's estimate, and the objection was upheld.

VALUED AT £7000.

Witness said that Estland had started at Moorefield on one occasion, and although not fit he ran as well as he expected. At the time of the death of Estland, witness valued him at £7000. He purchased Estland from Mr. T. H. Lowry, the well-known Hawke's Bay racehorse breeder, in November, 1918, and then handed him over to Mr. Hynes to train. On Estland meeting with the accident, Mr. Hynes rang witness up. Accompanied by Mr. Hynes, he inspected the course at a spot about 50 yards from the five-furlong post. He saw

a mark on the horse's forehead, and a mark on the post which it had struck. Both he and Mr. Hynes saw what appeared to be a rabbit burrow.

NEW ZEALAND PERFORMANCES.

Witness said that he had had experience with rabbits, and was of the opinion that the Rosehill course was not rabbit-proof. He saw rabbit tracks on the occasion of the accident to Estland. Estland had won a number of races in New Zealand, and witness was prepared to state the amount. Mr. Shand objected, and the objection was sustained.

Mr. Windeyer (to the plaintiff): Had Estland, up to the time of its death, a reputation of having won in New Zealand races up to £10,000? The Chief Justice ruled the question as inadmissible. "A man," commented Sir William Cullen, "does not give £3765 for a horse unless he knows all about its performances."

Witness said that at the time of the death of Estland he was just five years old, and a horse of that character was likely to race up to ten years.

Mr. Windeyer (to witness): Had Estland a chance of being as great a performer as Artilleryman? Mr. Shand objected. "Why not as great a performer as Carbine?" he said.

Witness said that Mr. Lowry placed such a high estimate upon Estland that he would not sell him to plaintiff unless he was given the first offer of repurchase. After his racing days were over Estland would have gone to the stud at 50 guineas a mare—about 40 mares in the year—and on his reputation increasing as a sire, 250 guineas a mare might be expected. There was a racing sire in Melbourne at the present time whose fee per mare was 250 guineas.

Mr. Windeyer (to plaintiff): Do you know what Patron's age was when he won the Melbourne Cup?—I can't say what age.

Witness said that the name of the caretaker of the Rosehill racecourse was Tom Thorman, and in a conversation with him concerning the death of Estland, Thorman remarked that he was sorry about the accident, but there was not any discussion about the rabbit burrow. Among some of the more important races won by Estland in New Zealand were the Great Northern Derby, of 1000 sovs, and the Canterbury Plate, of 525sovs. In reply to a juror, witness said that he considered that the price he paid for Estland was cheap. At the time of the horse's death he was doing excellent work on the track.

Michael Joseph Hynes, horse trainer, said that among the horses he trained for Mr. Wade was Estland—a beautiful horse, with fine prospects. Estland might have won any race in Australia. He had trained Estland from November 26, 1918, up to the time of the animal's death, and it was doing good work. He worked Estland, Finmark, and Colugo on the course proper because of the payment of special fees.

JOCKEY AND HORSE DISAPPEAR.

Witness said that on the morning of the accident he was standing on the tan track and watching the work of Estland. A jockey named Thomas John Buckley was riding Estland. He was a capable rider, and had been in witness' employ about 10 months. The horse was being schooled at slow half-pace. When Estland got to about the five-furlong post both horse and jockey seemed to disappear. Witness waited for a little while, and then, getting his pony,

won the Randwick Plate, and in the same year ran third in the Craven Plate. After Estland's performances at Randwick and in Victoria, witness advised Mr. Wade to buy the horse. Estland was a brilliant horse and a stayer.

A JOCKEY'S EVIDENCE.

Bernard Mahoney, a jockey, 17 years of age, said that on the morning of the accident to Estland witness was riding work. Estland was ridden that morning by a jockey named Buckley, who was a friend of witness. After witness had worked his horse he waited for Buckley, who failed to come in sight. Witness then went in the direction of the five-furlong post. He there saw Buckley endeavouring to get up, and the horse Estland dead. Witness saw a round hole in which Estland had put his hoof, and he also saw where the horse had blundered, and then tried to regain its feet. Witness had been riding work on the Rosehill course for about four years. He had seen rabbits near the mile post. Estland was a quiet and good-tempered horse.

Charles James Steele, a veterinary surgeon, said that he had treated Estland for soreness, consequent upon solid preparation for racing. He considered that after the treatment, Estland was perfectly sound, and a better horse than previously. He regarded Estland as a fine stamp of a horse.

Alfred Donald Playfair, horse breeder, said that he had plenty of experience with rabbits on his property at Richmond. He had visited the spot where Estland was killed, and saw the hole in which Estland had put its hoof. He saw signs of rabbits, and, later on, set rabbit traps outside the course, in a line with the five-furlong post. One rabbit was trapped.

THE DEFENCE.

For the defence, Thomas Thorne, caretaker of the Rosehill course, said that he had held that position for seven years and a-half. Trainers used the track on Tuesdays and Thursdays, but on the other week days special permission had to be asked. The course, owing to the rain, was not open on the Tuesday prior to the accident. If horses were permitted to work on the course when it was wet weather the track would be cut up. On the morning of the accident, Mr. Hynes, the trainer of Estland, asked for permission for Teal to be given one gallop, but he did not give Mr. Hynes permission to work Estland that morning, and the first time he was aware that Estland had been worked was when he heard of the accident. He examined the hole in which Estland had put his hoof, and formed the opinion that it had been caused by the wet weather.

The hole was not a rabbit burrow, nor was it on the morning suggested that it had been caused by a rabbit. No discussion took place about rabbits. Witness saw the tracks of a horse under the rail. Those tracks were there to-day. He had formed the opinion that the hole was caused through the land at the particular spot being somewhat low lying and rain soaking through, but there was no hole under the depression. In his experience at the course he had not known a horse at work going so close to the fence as Estland had. He filled the depression up with a bit of dirt, about 4lb., on the afternoon of the accident. That afternoon he had a thorough look round, and could not see any signs of rabbit burrows, and he had never heard it suggested that there were rabbits or rabbit burrows on the course. Witness was given instructions by the directors of the course to dig the hole out, and see what it really was. He was accompanied by a man named McKew, and the latter dug a trench in the direction of the embankment, but could find no sign whatever of a rabbit burrow. Witness had made a thorough search of the Rosehill racecourse, accompanied by three other men, and no trace of rabbit burrows was found.

A cable from Sydney at the end of last week stated that Mr. A. P. Wade was awarded £3675 against the Rosehill Racecourse Company, Limited.

Man o' War, "the Tetratema of America," won nine races as a juvenile and stakes amounting to £16,537, reckoning the dollar at its normal value. No two-year-old since Colin has made so big an impression, and when Mr. Montfort Jones offered Mr. S. D. Riddle £20,000 for him there was nothing doing. Man o' War's dam, Mahubah, is a daughter of the Derby winner, Rock Sand, and sister to Sandmole, a familiar performer in England.



A big surprise in the A.J.C. St. Leger (1½ miles) on the opening day of the autumn carnival at Randwick.—MILLIEME (K. Bracken) defeats a red-hot favourite in ARTILLERYMAN (R. Lewis).

FINMARK AT 5000 GUINEAS.

Witness had purchased Finmark—a full brother to Estland—about a fortnight after he bought Estland. He gave 5000 guineas for Finmark. At the time of Estland's death the animal was in a forward condition for racing, and among his entries were the Melbourne Cup, the Caulfield Cup, Randwick, and Rosehill. Witness valued Estland for stud purposes at at least 5000 guineas.

In reply to Mr. Shand, the plaintiff said that he was aware of certain racing stallions who had successfully raced up to 10 years of age. Witness did not keep a stud. He only raced horses. If witnesses' recollection did not fail him, Cremorne, a stallion, won the Caulfield Cup, over 20 years ago, at 10 years of age. He would not declare positively that Cremorne was not a gelding. Estland's weight in the Melbourne Cup for which he was entered was 9.1.

A BEAUTIFUL HORSE.

Mr. Wade said that Estland was a beautiful looking horse, and had excellent movements. The animal was good tempered—a big factor in racing. Replying to Mr. Shand, Mr. Wade said that during a conversation with the caretaker of the Rosehill racecourse, after the death of Estland, he did not say: "It was an accident, and it can't be helped; it's all in the game!" He could not say if he discussed anything about rabbit burrows with the caretaker. Witness saw one rabbit burrow, but did not take out the filling which had been placed in the hole. He did not know that the course was closed to horses on the day of the accident to Estland, and he was not aware that it had been raining heavily for several days before Estland's death. Hynes was the only person who accompanied witness to inspect the hole in which Estland had put his hoof.

cantered over to the five-furlong post. Buckley was on the ground, and was just getting up. He did not seem to be much hurt. Estland was lying dead outside the rail. Witness walked back, and found the hole in the ground on the track. It was a horse's foothole. The hole was 7in. to 9in. in depth, and was just the size of a horse's foot. Buckley was taken to the hospital. The accident happened at 7.30 a.m. Witness, later, made a more careful examination of the hole, and found from where it led. From the scratches it appeared to witness to be a rabbit burrow. It would not be correct to suggest that Estland's accident was caused through the animal striking the rail and not by putting its foot in the hole.

Kenneth T. Austin (of the firm of Chisholm and Co.) said that Estland had been put into the hands of the firm after the conclusion of the A.J.C. meeting in 1918. Witness was acquainted with Mr. Wade, the plaintiff, and also Mr. Lowry, who had owned Estland. He was a well-known New Zealand breeder and racehorse owner. Witness was of the opinion that Estland was a first-class horse, and particularly well bred. The animal had good stud prospects. He had known local sires to bring from 30 guineas to 50 guineas per mare—about 50 mares in the season—but local sires did not command the fees of imported sires. Carbine was a New Zealand-bred sire.

Estland was sold for £3500, and Mr. Lowry stipulated that in the event of the horse breaking down he should have the first offer of buying him back. Witness thought that the outbreak of the influenza and the consequent disorganisation of shipping possibly induced Mr. Lowry to sell Estland. At the time of the sale, Estland was a four-year-old. The purchase of Estland was for cash. Witness said that Estland, in 1918,