

**Minutes of the  
New York State Racing Commission**

**1935**

Proceedings of a Luncheon Meeting of the New York State Racing Commission, held in Private Dining Room Four, 30 Rockefeller Plaza, New York City, Friday, January 11, 1935, at 12:30 o'clock, P. M.

PRESENT WERE:

Mr. Herbert Bayard Swope  
 Mr. John Hay Whitney  
 Mr. John Sloan  
 Mr. John F. Shevlin

Mr. Herbert Bayard Swope, Chairman of the Commission, called the meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

The Commission discussed, informally, the amendments to Chapter 310 of the Laws of 1934, which were introduced Thursday, January 9, 1935, in the Senate by Senator John J. Dunnigan.

Mr. Swope announced that he had been in consultation the previous evening with Vice-Chairman, Joseph E. Widener, of the Jockey Club, and Senator Dunnigan, on the proposed amendments and that Mr. Widener was desirous of meeting the Commission as a whole, and discussing the matter with them.

Commissioner Whitney was asked by the Chairman to communicate with Mr. William Woodward, Chairman of the Jockey Club, and Mr. Widener, and invite them to a meeting to be held on Saturday.

The Secretary was instructed by the Chair to invite Assistant Attorney-General, Joseph M. Mesnig and Senator Dunnigan, to the same meeting.

The Commission formally discussed betting. Each of the Commissioners agreed that since it is wholly legal, and since the Commission has no regard in any matters arising out of betting, which is solely a question for the local Stewards to settle, it is wholly permissible for the Commissioners to bet or not to bet as they choose. It was understood, of course, that if a Commissioner bet he would remain away from the Stewards' stand during the race.

There being no further business, on motion duly seconded, the meeting adjourned.

*John F. Shevlin*  
 Secretary

Proceedings of a Meeting of the New York State Racing Commission, held in Private Dining Room 2, 65th Floor, 30 Rockefeller Plaza, New York City, at 1:00 o'clock, P. M., on Saturday, January 12, 1935.

PRESENT:

Mr. Herbert Bayard Swope  
Mr. John Hay Whitney  
Mr. John Sloan  
Mr. John F. Shevlin

PRESENT BY INVITATION OF THE COMMISSION:

Mr. William Woodward  
Mr. Joseph E. Widener  
Senator John J. Dunnigan  
Hon. Joseph M. Mesnig, Assistant Attorney-General.

Mr. Herbert Bayard Swope, Chairman of the Commission, called the Meeting to order, and Mr. John F. Shevlin, its Secretary, kept the minutes.

Mr. Widener thanked the Commission for the opportunity afforded the Jockey Club to be represented at the Racing Commission meeting for discussion of the amendments.

After an amicable discussion and by unanimous consent, the amendments to Chapter 310 of the laws of 1934, were revised as follows:

"The Racing Commission agreed to drop its amendatory clause clarifying the right of the Commission to introduce new rules, on the proposal of the Jockey Club that Rule 221 of the Rules of Racing be amended in order to speed up new regulations."

"The Racing Commission agreed to waive its amendatory clause, giving three Stewards of the Jockey Club or the National Steeplechase and Hunt Association the right to comprise a joint board with the Racing Commission on hearings but without vote, to granting such Stewards the right to sit as a joint board but with two votes."

"The Racing Commission waived its amendatory clause providing that in case of disagreement among the Stewards, the matter be brought for settlement within three days before the Racing Commission."

The remainder of the meeting was spent in consultation on the problems of racing and plans for next year.

There being no further business, on motion duly seconded, the meeting adjourned at 5:00 o'clock, P. M.

*John F. Shevlin*

Secretary.

Proceedings of a Public Meeting of the New York State Racing Commission and representatives of the press, held at the offices of the Commission, 155 Worth Street, New York City, on Monday, January 14th, 1935, at 6:00 o'clock p. m.

Present:

Mr. Herbert Bayard Swope  
 Mr. John Hay Whitney  
 Mr. John Sloan  
 Mr. John F. Shevlin

Representatives of the Press were present by invitation of the Commission.

Mr. Herbert Bayard Swope, Chairman of the Commission, called the meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

The Secretary presented the applications for racing dates for the 1935 season. Racing dates passed without opposition are incorporated herein.

RACING DATES - 1935

April 20th through May 14th	Jamaica (21)
May 15th through June 8th	Belmont (22)
June 10th through July 4th	Aqueduct (22)
July 5th through July 27th	Empire (20)
July 29th through August 31st	Saratoga (30)
September 2nd through September 4th	Aqueduct (12)
September 16th through September 28th	Jamaica (12)
September 30th through October 12th	Belmont (12)
October 14th through October 30th	Empire (15)
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The Chair announced that it had before it a change in the claiming rule presented to the New York State Racing Commission by The Jockey Club for its approval. The change of rule was approved and is as follows:

Strike out Rule 167 and substitute the following:

RULE 167. Every horse except the winner may be claimed for its entered price by any one starting a horse at that meeting (such starter includes all horses that go to the post up to and including the race in which the claim is made) or by his authorized agent, but for the account only of the owner making the claim or for whom the claim was made by the agent, provided, however, that no person shall claim his own horse or cause his horse to be claimed directly or indirectly for his own account.

No horse shall be entered in a selling race for less than twice the value of the race to the winner, selling stakes closing at least

thirty days before the meeting excepted.

If a horse is claimed he shall not start in a selling or claiming race for a period of thirty days from the date of claim for less than 25% more than the amount for which he was claimed.

If more than one person should enter a claim for the same horse the disposition of the horse shall be decided by lot by the Stewards.

Strike out Rule 170 and substitute the following:

RULE 170. In claiming races any horse subject to claim for its entered price by any one starting a horse at that meeting (such starter includes all horses that go to the post up to and including the race in which the claim is made) or by his authorized agent, for the account only of the owner making the claim or for whom the claim was made by the agent, provided, however, that no person shall claim his own horse or cause his horse to be claimed directly or indirectly for his own account.

No horse shall be entered in a claiming race for less than twice the value of the race to the winner claiming stakes closing at least thirty days before the meeting excepted.

If a horse is claimed he shall not start in a claiming or selling race for a period of thirty days from date of claim for less than 25% more than the amount for which he was claimed.

The Chair announced that in the name of the Commission, he had written Thomas R. Underwood, Secretary of the National Association of State Racing Commissioners, now in convention at the Miami-Biltmore Hotel, Miami, Florida, announcing the inability of the New York State Racing Commission to send a representative at this time and defining the attitude of New York State towards the National Association of State Racing Commissioners. (Following is copy of letter)

Thomas R. Underwood, Esq.,  
Secretary-Treasurer,  
National Association of State Racing Commissioners,  
Miami-Biltmore Hotel,  
Miami Beach, Florida.

My dear Mr. Secretary:-

I am fearful that none of the members of the New York State Racing Commission, including Mr. Shevlin, the Secretary, will be able to reach Florida in time to participate in what promises to be the interesting program of the National Association of State Racing Commissioners. Our absence does not mean indifference. We are convinced that good may be obtained by common action, seeking common good.

I am sure that my fellow Commissioners here in New York are in agreement with me that there are a number of situations confronting the different States that can be clarified only through experience. We must learn how to walk before we try to run. I think we should keep in mind the fact that the National Association of State Racing

Commissioners is an extra legal body, which, lacking in central authority, must depend upon each State for the enforcement of its edicts. That fact makes it appear to me that it would be wise to make the principles which may be adopted as few in number and as simple in nature as possible.

The position of the various racing commissions is analogous to the various liquor boards under the several States. Certainly, it cannot be denied that New York has sharply differentiated conditions compared to other States. To mention only one proof: Every other State in the Union that races has a mutuel law or permits mutuels, whereas New York has no such law and permits no mutuels.

Some of the things on which I might suggest that common agreement can be reached are:

1. General use of the fundamental rules of racing as defined by The Jockey Club and approved by the New York State Racing Commission. (These, generally speaking, are in use throughout America and are similar to those obtaining throughout the world).
2. General agreement as to claiming rules.
3. General agreement as to apprentice rules.
4. Mutual recognition of rulings of different States.
5. General agreement as to a central authority (The Jockey Club) for naming, breeding, registration of colors, etc.
6. List of approved officials (somewhat similar to the national board that selects football officials, and which has kept that game free from scandal).
7. (And highly important) A General rule on drug tests, preventions and punishments.

In the assumption that our record here in New York may have value for others, I submit the following formula which we have adopted as our guiding policy in the discharge of our responsibilities:

1. To the public, which alone makes the sport possible.
2. To the State, which permits and licenses it.
3. To the horsemen and breeders who supply the raw material.
4. To the tracks, which stage it and are entitled to a reasonable profit for the hazards they take.

With respect to new tracks - a subject that troubles all of us - the New York State Racing Commission has been following these lines:

1. The community must express a real desire to have a track.
2. The proposed track must not be too much in competition with another in point of locality or dates.
3. The community must finance the track. (We do not wish to see racing made completely commercial and we do not like to see outside capital come into any locality for the purpose of reaping the profit.)
4. The character and ability of the promoters must be sound and the sort of sport they may be expected to provide must be high.

Messrs. Whitney, Sloan and I, would be shirking an important duty were I to close this letter without pointing to the growing common danger against which common action must be taken, in the form of poolrooms. They are the real menace to the sport. They are being encouraged by interests that have nothing in common with racing, except to employ it as a gambling operation, the reports of which they sell at an enormous profit. Those are the interests which deliberately seek to widen their field of action so as to include even the twenty-five-cent bettor. This is a point on which success or failure of the Association will rest. Its good faith will be demonstrated by the stand it takes; its ability will be shown by crushing the evil.

May I, through you, present the regards of the New York State Racing Commission to the members of the National Association of State Racing Commissioners and say that one of us, or the Secretary, will try to reach Florida before your sessions are concluded.

Faithfully,

Herbert Bayard Swope

CHAIRMAN

A formal discussion with the Press was then held on the following matters, which the Commission will at a later date recommend to the various racing associations:

- First: The use of public announcers at the races in New York State.
- Second: The installation of equipment for photographing the finishes of each race. This camera development has been so improved to make the photographs of the race available 1-3/4 minutes after the picture has been taken.
- Third: The establishment of a Board of Trainers to pass upon the qualifications of persons desiring a license to practice as trainers in the State of New York.

There being no further business, on motion, duly seconded, the meeting adjourned.

*John S. Shewlin*

Secretary.

Proceedings of a Meeting of the New York State Racing Commission held at the office of the Chairman, Herbert Bayard Swope, RKO Building, 1270 Sixth Avenue, New York City, at 3:30 P.M., Wednesday, March 20th, 1935.

Present:

Hon. Herbert Bayard Swope, Chairman  
Mr. John Sloan  
Mr. John F. Shevlin

Mr. Herbert Bayard Swope, Chairman of the Commission, called the Meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

The Chairman announced that he had been visited by John Cowdin, President of the Metropolitan Jockey Club; George H. Bull, President of the Saratoga Association, and James Butler, President of the Empire City Racing Association, who requested that the admission prices for the coming season be raised. The Chairman declared that in the absence of Commissioner John Hay Whitney in Europe, he and Commissioner Sloan could not give a decision for the Commission, but, stated that he personally was opposed to such an increase.

The Chairman further announced that he had seen John Cavanaugh and requested him to draw up a statement of the betting figures for 1934. Chairman Swope and Commissioner Sloan agree that Mr. Cavanaugh, as ring master, should be responsible to a degree to the Commission.

After consultation, it was decided to set a tentative date on either April 8th, 9th or 10th for the Commission as a whole, to meet with the Association heads on the subject.

Chairman Swope informed the Commission that he had seen in operation at the Santa Anita track in California, the electric camera to record the finishes. The film in this camera is developed in slightly over one minute. The possibility of introducing the electric camera to



record finishes in New York State was set aside for further consideration.

The Chair announced that he had heard in California, as in Illinois, radio for the public announcers. Commissioner Sloan and Chairman Swope agreed, as turf enthusiasts over a period of time, such announcers were unnecessary but that it might be desirable for installation as an aid to the new racing public that is making its appearance at the New York tracks. The matter was set aside to be taken up at a conference with the Turf Writers, leaving them to gage public reaction.

In response to a question, it was

RESOLVED that the New York State Racing Commission has the right of refusal of entry to all tracks in New York State of undesirable characters.

The resolution was adopted and confirmed.

Commissioner Sloan suggested that the question of an examination for trainers be revived. The Chair suggested that trainers such as A. J. Joyner, Max Hirsch, James Fitzsimmons, Hirsch Jacobs, be approached to consider this position. The Chair suggested that the trainers as a whole, should elect such an examining board.

The applications of the Rockaway Steeplechase Association and the West Hills Racing Association were placed before the Commission for approval.

The dates approved were:

Rockaway Steeplechase Association - May 11th and September 14th  
at Cedarhurst, L. I.

West Hills Racing Association - May 18th at Huntington, L. I.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John S. Shewlin*

Secretary.

Proceedings of a Luncheon Meeting of the New York State Racing  
Commission held in Private Dining Room One, 65th Floor, 30 Rockefeller Plaza,  
New York City, Wednesday, April 3rd, 1935, at 1:00 P.M.

Present:

Hon. Herbert Bayard Swope, Chairman  
Commissioner John Sloan  
Mr. John F. Shevlin

Mr. Herbert Bayard Swope, Chairman of the Commission, called the  
meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

Commissioner Sloan laid before the meeting a copy of the claiming  
rule which is to be passed by The Jockey Club at its meeting April 11th.  
After consideration, and upon vote taken, the new rule was unanimously adopted.

The rule reads as follows:

"167. Every horse except the winner may be claimed for its entered  
price by anyone starting a horse at that meeting (such starter  
includes all horses that go to the post up to and including the  
race in which the claim is made) or by his authorized agent, but  
for the account only of the owner making the claim or for whom the  
claim was made by the agent, provided, however, that no person shall  
claim his own horse or cause his horse to be claimed directly or  
indirectly for his own account.

No horse shall be entered in a selling race for less than twice the  
value of the race to the winner, selling stakes closing at least 30  
days before the meeting excepted.

If a horse is claimed he shall not start in a selling or claiming  
race for a period of 30 days from the date of claim for less than 25%  
more than the amount for which he was claimed.

If more than one person should enter a claim for the same horse the  
disposition of the horse shall be decided by lot by the Stewards.

Strike out Rule 170 and substitute the following:

"170. In claiming races any horse is subject to claim for its entered  
price by anyone starting a horse at that meeting (such starter  
includes all horses that go to the post up to and including the race  
in which the claim is made) or by his authorized agent, but for the  
account only of the owner making the claim, or for whom the claim was  
made by the agent, provided, however, that no person shall claim his  
own horse or cause his horse to be claimed directly or indirectly for  
his own account.

No horse shall be entered in a claiming race for less than twice the  
value of the race to the winner, claiming stakes closing at least  
30 days before the meeting excepted.

If a horse is claimed he shall not start in a claiming or selling race  
for a period of 30 days from date of claim for less than 25% more  
than the amount for which he was claimed."

On motion made, it was approved that Colonel Frederick Stuart Greene, be named Acting Steward to officiate at all Hunts Meetings in the State of New York.

The applications of the United Hunts Racing Association and the Fairfield and Westchester Hounds, Inc., were placed before the Commission for approval. The dates approved were:

United Hunts Racing Association - May 24th at Roslyn, L. I.

Fairfield & Westchester Hounds, Inc. - May 30th at Rye, N. Y.

The application of the Adjacent Hunts Racing Association was placed before the Commission for approval. The date approved was: September 7th at Rye, N. Y.

The Chair announced that he had been in receipt of an application from the Racing Associations to raise the price of the general admission for the Spring Meeting from \$2.00 for men to \$2.50 inclusive of taxes, and a reduction in the general admission price for ladies from \$2.00 to \$1.75 including taxes.

After a study of the attendance figures for 1934 broken down to a daily basis, the Commission agreed to the new scale of admission prices.

The Secretary announced that he had been in receipt of a request from the Westchester Racing Association to reduce its clubhouse admission for ladies from \$3.50 to \$3.00 inclusive of taxes; the clubhouse price for men to remain the same, \$5.00. The request was granted.

The Chair announced that there had been considerable discussion during the year about the rumored ownership of horses by bookmakers.

RESOLVED that no horse or horses may be owned and/or raced in the interest or part interest of any one having an interest whether in whole or in part in making books, whether local or foreign.

The Commission suggested that the Racing Associations be advised of its recommendation to have installed for use at New York tracks public announcers, electric cameras for finishes and electric timing devices.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John F. Shevlin*  
Secretary.

Proceedings of a Joint Meeting of the New York State Racing Commission and a Delegation of Bookmakers, held at 1270 Sixth Avenue, New York City, on Thursday, April 4th, 1935, at 3:00 o'clock P. M.

PRESENT:

Hon. Herbert Bayard Swope  
Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. John F. Shevlin  
Mr. Roach Lewis  
Mr. John Rogan  
Mr. Tim Mara  
Mr. Peter Blong  
Mr. Max Kalik

Hon. Herbert Bayard Swope, Chairman of the Commission, called the Meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

The delegation of bookmakers complained that the Racing Associations had not given them proper consideration insofar as convenience and efficiency were concerned. The Commission agreed that there need be no fear entertained by the Associations as to the legality of Chapter 233.

The bookmakers requested the privilege of using larger slates and stationary stands for the slates.

The Chairman advised the Committee that he had already been in communication with the Westchester Racing Association and that the Westchester authorities would have a model of a betting stand erected for the approval of the Commission, Mr. Cavenagh and the bookmakers, on Friday, April 5th. At that time there will also be put on display various types of stationary slates.

The Committee also protested the presence of unauthorized books in the clubhouse and grandstand. Such men, operating for themselves only, usually on

Saturday, and diverting the patronage of the public from the books in the ring who had operated during the lean years of racing.

The Chairman thereupon drew up a set of rules to govern the personnel of the ring, clubhouse representation and grandstand.

First: Each bookmaker must pass scrutiny as to his solvency by Mr. John G. Cavanagh.

Second: No bookmaker may have a representative in the grandstand who had not been operating in the ring in 1933.

The representative may have the right of discretion in accepting a bet up to \$100 without conferring with his principal in the ring.

Third: Remove all grandstand messengers from appointment by the Associations and the Pinkertons and replace them with messengers hired and responsible to the bookmakers operating in the ring.

The messengers must wear a large badge on their coat lapel with a number and with the name of the man they may represent. Each messenger may have the discretion of accepting a bet up to \$50 without consulting his principal in the ring.

The Commission favors drawing for positions in the ring.

There being no further business before the Commission, on motion, duly seconded, the Meeting adjourned.

*John J. Shewlin*

Secretary.

Proceedings of a Special Meeting of the New York State Racing Commission held at the office of the Chairman, Herbert Bayard Swope, 1270 Sixth Avenue, New York City, Friday, April 19th, 1935, at 2:00 o'clock P. M.

PRESENT:

Hon. Herbert Bayard Swope  
Commissioner John Hay Whitney  
Mr. Marshall Cassidy  
Mr. John F. Shevlin

Hon. Herbert Bayard Swope, Chairman of the Commission, called the Meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

Commissioner Whitney, in discussing the public announcer system, suggested that as an eventuality it be restricted to the grandstand thus satisfying public demand while eliminating the objection that the clubhouse patrons oppose this system as poor sportsmanship.

The Chair suggested that the New York State Racing Commission work, through the National Association of State Racing Commissioners, on the standardization of racing colors, the registration of such colors to be entered through The Jockey Club.

The Chair further suggested that the Secretary draw up an estimate of the cost of the saliva test with a view of prorating this expense among the racing associations in New York, as it is done in other states.

Chairman Swope suggested that thought be given to the creation of a collection of instruments used to interfere with the honest running of a horse race, into a museum of horrors.

At the suggestion of Mr. Cassidy, Steward for the Commission, it was RESOLVED that the various racing associations in New York State instruct the track veterinarians to make a daily report of the plating and bandaging of each horse as it enters the paddock before the race. Such report is to be passed on to the associations and the Steward of

the Racing Commission.

After discussion, it was further

RESOLVED that the winner of every race, as well as such others as the Stewards may decide, shall be taken to the saliva barn for a saliva test. At the end of each day two specimens will be selected by lot for analysis, as well as any which may have incurred the suspicion of the racing authorities.

The Steward was instructed to inform the racing associations of the rule passed at this meeting by the Racing Commission - that flood lights should be installed on the grounds of each track where necessary, illuminating the area of the stables at night.

The Chair read a letter from Preston Burch, asking that the New York State Racing Commission cooperate with the newly formed Trainers' Association, to have the badge issued by that organization honored at the race tracks in New York. The Racing Commission declared itself in sympathy with the motives of the Trainers' Association, but declared in its minutes that at no time would it approve or countenance any strike organized by any group of horsemen.

The Chair announced that he had written letters to the various racing associations recommending the appointment of a press-agent to act for all tracks. Mr. Swope, after consulting his associates, suggested a few names that might be considered by the racing associations, if the advice of the Commission was solicited. They are - Murray Field, John I. Day, Clem McCarthy, George Daley, Henry V. King.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John S. Shubin*

Secretary.

Proceedings of a Meeting of the New York State Racing Commission held at the Belmont Park Race Track, Elmont, L. I., Saturday, May 25th, 1935, at 1:00 P.M.

Present:

Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. John F. Shevlin  
Mr. Marshall Cassidy

Present by invitation of the Commission

Mr. Jack Campbell

Commissioner John Hay Whitney called the Meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

The Commission, after discussion, went on record as favoring a revival of the selling handicaps for experimental purposes. Handicapper Jack Campbell, promised his assistance on this score.

It was moved and carried that the Racing Commission take up the question of added starters with The Jockey Club, to eliminate The Jockey Club rule allowing entry up to forty-five minutes, thus barring added starters, which are unpopular with the public and with the horsemen.

The Fall dates for the United Hunts Racing Association for Saturday, November 2nd and Election Day, November 5th, were approved.

Commissioner Whitney introduced the subject of insurance for jockeys as a protection to jockeys who have not connected with a contract owner and who themselves will be responsible for any bills incurred during any accident or illness.

This measure was approved by the Commission and deferred for future action to be taken in conjunction with The Jockey Club, perhaps inaugurating a Board of Relief.



Steward Cassidy suggested that a uniform rule be devised on apprentice allowances. This question was also deferred pending a joint session with The Jockey Club.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John S. Shevlin*  
Secretary.

Proceedings of a Telephone Meeting of the New York State Racing Commission held on June 12th, 1935, at 4:00 P. M.

Present: Hon. Herbert Bayard Swope, Chairman  
Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. John F. Shevlin

The Secretary, Mr. John F. Shevlin, informed the Chairman that he had received notification from the New York State Racing Commission Laboratory that saliva test number 203 was found to contain cocaine.

Decoding serial number 203, it was found that the horse was Cantine Lass, 4 year old Bay Filly, owner F. A. Carreaud, Trainer, F. C. Travis; winner of the fourth race at Belmont Park Race Track on Friday, June 7th, 1935.

The Chairman instructed the Secretary to communicate with Commissioners Whitney and Sloan and receive their instructions as to what action to take.

Chairman Swope stated that he was in favor of immediate suspension and a quick hearing to be held on Trainer Travis, as well as extending an invitation to F. A. Carreaud to attend this hearing. Commissioners Whitney and Sloan agreed that immediate suspension should be meted out to Trainer Travis.

The Chair instructed the Secretary to wire F. A. Carreaud, the owner; F. C. Travis, trainer, and Ralph H. George, Chairman of the New Hampshire Racing Commission, where the horses were then stabled, informing each that Travis and all the horses under his care are suspended pending a hearing.

The Secretary was also instructed to telegraph Commissioner H. J. Anslinger, Head of the Bureau of Narcotics, Division of the Federal Government, Washington, D. C., in accordance with an agreement existing between him and the New York State Racing Commission, that his division be notified

immediately when drugs were found to be used.

The hearing was set for Saturday, June 15th, 1935, at 1:00 P. M.,  
at the Aqueduct Race Track, Queens, New York.

There being no further business, on motion, duly seconded, the  
meeting adjourned.

*John S. Shwelin*  
Secretary.

Proceedings of a Meeting of the New York State Racing Commission held at the Aqueduct Race Track, Queens, L. I., Saturday, June 15th, 1935, at 1:30 P. M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. John F. Shevlin  
Mr. Marshall Cassidy  
Dr. James G. Catlett  
Mr. Charles E. Morgan.

Mr. Herbert Bayard Swope, Chairman of the Commission, called the Meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

The Steward, Marshall Cassidy, was instructed to confer with Jack Campbell, to draw up rules to eliminate added starters. Mr. Cassidy was also instructed to devise some rule to do away with the forfeit system.

Mr. Cassidy suggested that it might be possible to withhold the purse of any winning horse discovered to have been stimulated; the purse in turn being presented to the owner of the second horse. If the stimulation should be discovered after the close of a meeting and the check already delivered, then the owner of the winning stimulated horse shall be placed on the forfeit list for the amount of the purse.

The Chair instructed the Secretary to obtain a legal opinion from Assistant Attorney-General Joseph M. Mesnig.

The Chair announced the presence of F. A. Carreaud and F. C. Travis, owner and trainer, respectively, of the filly Cantine Lass, which was discovered to have been stimulated with cocaine in her winning race at Belmont Park on June 7th, 1935. Mr. Carreaud was summoned before the meeting.

After lengthy questioning, Mr. Carreaud was dismissed, and the Secretary instructed to bring Mr. Travis before the session.

Mr. Travis was dismissed after thorough interrogation.

It was the decision of the Commission that the suspension on Travis and on all the horses in the Carreaud Stable, be continued until investigations now in progress were completed.

The Secretary was instructed to wire Herman Walkenhorst, groom, and Frank Bevillard, night watchman of the Carreaud Stable, to appear before Steward Cassidy on Monday, June 17th, at 12:00 o'clock noon.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John F. Shevlin*

Secretary.

Proceedings of a Telephone Meeting of the New York State Racing Commission held on Thursday, June 20th, 1935, at 3:30 P. M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
 Commissioner John Sloan  
 Mr. John F. Shevlin, Secretary

The Secretary informed the Commission of a telephone call received from Mr. James C. Thornton, Chairman of the Rhode Island Horse Racing Commission. Mr. Thornton was desirous of learning if the Carreaud horses might run at the Narragansett meeting provided that he licensed Mr. Joe Notter as trainer.

The Secretary informed Mr. Thornton that no action would be taken on the suspension already imposed until after the investigations now in progress were completed, after which time the Commission would inform Mr. Thornton and Mr. Carreaud of any further decision it might make.

Commissioner Sloan suggested that the Secretary write to Mr. Thornton confirming the opinion as above stated. Commissioner Sloan also suggested

that a similar message be sent to Mr. Carreaud.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John S. Shevlin*

Secretary.

Proceedings of a Meeting of the New York State Racing Commission held at the Commission office, Aqueduct Race Track, Queens, L. I., Saturday, June 22nd, 1935, at 1:30 P. M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
Commissioner John Sloan  
Mr. John F. Shevlin  
Mr. Marshall Cassidy

Mr. Herbert Bayard Swope, Chairman of the Commission, called the meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

The Secretary was instructed by the Chairman to wire Mr. F. A. Carreaud at Providence, R. I., requesting him to appear before a meeting of the Commission on Wednesday, June 26th, 1935, to clear up several discrepancies in his testimony as against that of Trainer F. C. Travis.

The Secretary was instructed to inform George H. Bull, President of the Saratoga Association, that his request to retain the admission price for the clubhouse at \$6.00 was granted.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John S. Shevlin*

Secretary.

Proceedings of a Telephone Meeting of the New York State Racing  
Commission held Wednesday, June 26th, 1935, at 10:30 A. M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
Mr. John F. Shevlin, Secretary  
Mr. Marshall Cassidy, Steward for the Commission

The meeting scheduled for this date was postponed on account of  
the death of Richard Sloan, brother of Commissioner John Sloan.

The Steward was instructed to conduct the investigation of  
F. A. Carreaud.

*John F. Shevlin*

Secretary.

Proceedings of a Telephone Meeting of the New York State Racing  
Commission held on Thursday, June 27th, 1935, at 3:00 P. M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. John F. Shevlin  
Mr. Marshall Cassidy

The Chair recommended that the horses owned by F. A. Carreaud, now  
at Narragansett Park, Pawtucket, R. I., be reinstated as of June 28th.

Steward Cassidy's report on the interrogation of Mr. Carreaud was  
read and as a result, it was

MOVED AND APPROVED that Herman Walkenhorst, the groom in charge of  
Cantine Lass on Friday, June 7th, 1935, be suspended, inasmuch as he was  
the only person with the horse in the period of time that cocaine could  
have been administered. The suspension of F. C. Travis, trainer, was  
continued.

The Secretary was instructed to send the following telegram to F. A. Carreaud, and to inform James C. Thornton, Chairman of the Rhode Island Racing Commission, and Thomas R. Underwood, Secretary of the National Association of State Racing Commissioners, of the action of the Commission.

"F. A. Carreaud, Esq.,  
Wayland Manor,  
Providence, R. I.

Although certain factors in Cantine Lass case not yet completely clarified, in an effort to avoid possibility of injustice, your horses have been reinstated by the New York State Racing Commission as of June 28th, upon their passing into the hands of another trainer as approved by the Commission. Suspension of Travis continues indefinitely. Herman Walkenhorst is suspended immediately for indefinite period and is to be denied any association with your stable.

BY ORDER OF THE NEW YORK STATE RACING  
COMMISSION

Herbert Bayard Swope, Chairman  
John F. Shevlin, Secretary."

The Secretary informed the meeting that an unidentifiable alkaloid had been found in the saliva analysis of the Geneseo Stable's horse - Billowy Wave - taken after winning the seventh race at the Aqueduct Race Track on Saturday, June 22nd, 1935.

Chief Chemist Morgan's official report on the case was read and is included herein.

"Sample contained an alkaloid or alkaloid-like drug which has not been identified. The substance was present in larger quantity than in any saliva sample in my experience, experimental or official. Efforts to identify the substance will be continued although it is my recommendation that action be taken on the basis of this report without waiting for the identification which is problematical."

It was moved and passed that telegrams be sent to W. Payne, owner of the Geneseo Stable and Trainer A. F. Dayton, requesting them to appear before a meeting of the Commission to be held Saturday afternoon, June 29th, 1935, at the office of the Commission, Aqueduct Race Track, Queens, L. I.



Because of the fact that the drug was not identified, it was decided to postpone the suspension of the trainer and the horses under his care until after the meeting on Saturday.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John F. Shevlin*

Secretary.

Proceedings of a Meeting of the New York State Racing Commission held Saturday, June 29th, 1935, at the Aqueduct Race Track, Queens, L. I., at 3:00 P. M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
 Commissioner John Hay Whitney  
 Commissioner John Sloan  
 Mr. John F. Shevlin  
 Mr. Marshall Cassidy  
 Dr. James G. Catlett  
 Mr. Charles E. Morgan

Mr. Herbert Bayard Swope, Chairman of the Commission, called the meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

✓ The Chair announced that it had before it the case of the Geneseo Stable owned by W. T. Payne, and its trainer, A. F. Dayton.

✓ The Chair directed the Steward to issue orders that the horse Billowy Wave, entered for the fifth race at Aqueduct on this date, be scratched.

The Chair directed that an expression of sympathy to Commissioner John Sloan on the death of his brother, be read and entered in the minutes.

"The New York State Racing Commission at a meeting held on June 29th, causes the sad event of the death of Richard Sloan, to be recorded in its minutes."

"The New York State Racing Commission wishes to record its great sorrow and to extend its sincere sympathy to Commissioner John Sloan on the death of his beloved brother."

On vote taken, it was

MOVED AND APPROVED that the Racing Commission eliminate added starters.

At the suggestion of the Steward - because the rule was a local one - it was approved that Mr. Cassidy inform the racing associations upon this point in order that conditions of their races may be drawn up accordingly.

Commissioner Sloan moved that owners of stables should be entitled to receive badges marked "Owner-Trainer" without the payment of tax, inasmuch as it was necessary for the owner to be present on the grounds of the track, not only to instruct his trainer but to judge the quality of possible future opposition for his horse in the race.

The suggestion was adopted and the Secretary instructed to write the racing associations in the State of New York to that effect.

The Steward moved that Claiming Rule 170 and Selling Rule 167 in the Rules of Racing, shall be amended as follows:

"170. In claiming races any horse is subject to claim for its entered price by anyone registered in good faith for racing at that meeting and also starting a horse at that meeting (such starter includes all horses that go to the post up to and including the race in which the claim is made), or by his authorized agent, but for the account only of the owner making the claim, or for whom the claim was made by the agent, provided, however, that no person shall claim his own horse or cause his horse to be claimed directly or indirectly for his own account. No horse shall be entered in a claiming race for less than twice the value of the race to the winner, claiming stakes closing at least 30 days before the meeting excepted.

If a horse is claimed it shall not start in a claiming or selling race for a period of 30 days from date of claim for less than 25% more than the amount for which it was claimed.

Any horse so claimed shall not be sold or transferred, wholly or in part thereof, to anyone for thirty (30) days thereafter, except in another claiming race, nor shall it remain in the same barn or under the control or management of its former owner for a like period, unless reclaimed."

"167. Every horse except the winner may be claimed for its entered price by anyone registered in good faith for racing at that meeting and also starting a horse at that meeting (such starter includes all horses that go to the post up to and including the race in which the claim is made) or by his authorized agent, but for the account only of the owner making the claim or for whom the claim was made by the agent, provided, however, that no person shall claim his own horse or cause his horse to be claimed directly or indirectly for his own account. No horse shall be entered in a selling race for less than twice the value of the race to the winner, selling stakes closing at least thirty (30) days before the meeting excepted. If a horse is claimed it shall not start in a selling or claiming race for a period of 30 days from the date of claim for less than 25% more than the amount for which it was claimed.

Any horse so claimed shall not be sold or transferred, wholly or in part thereof, to anyone for thirty (30) days thereafter, except in another claiming race, nor shall it remain in the same barn or under the control or management of its former owner for a like period, unless reclaimed."

(Underlined portion new material)

The Chair declared that he had been visited at his office, 1270 Sixth Avenue, New York City, on Thursday, June 27th, by Deputy Commissioner, Frank S. Harris, of the Division of Taxation and Finance, when the Chair had made plain to Commissioner Harris its method of treating the question of the supplementary tax paid by the racing associations. This tax, by advice of the Attorney-General, is to read merely "supplemental tax" with no analysis necessary.

The Chair also announced its agreement with Commissioner Harris to supply the Secretary with a copy of the tax return as paid by the associations, in order that the Secretary might check such return against his records.

The Chair recognized the presence of W. T. Payne, owner of the Geneseo Stable, the saliva test of whose horse Billowy Wave showed the presence of an unidentifiable alkaloid. After a hearing, Mr. Payne was informed that the Secretary would write him at a later date as to the disposition of the horses in his stable.

Trainer A. F. Dayton was next called before the meeting. Mr. Dayton informed the Commission that Chris Miller, the man who had galloped the horse to the paddock and later was active in saddling the horse, was in Narragansett as a spectator. The Secretary was instructed to wire the Narragansett Race Track to inform Mr. Miller to appear before the Steward, at the Aqueduct Race Track on Tuesday, July 2nd. Mr. Dayton was dismissed with the advice that the Secretary would communicate with him as to the disposition of his case at a later date.

The groom, B. Devlin, was next summoned before the meeting and after a hearing was dismissed. The Secretary was instructed to wire W. W. Crocker, Burlingame, California, for information concerning Devlin, whose employer he had been from two to three years ago.

The Chair announced that positions were open to be filled by vote of the Commission. Names presented were - Mr. Charles Lynch, 33 Mount Hope Place, Bronx, N. Y.; Mr. Joseph J. Tobin, 431 Beach 138th Street, Belle Harbor, N. Y., and Mr. John I. Day, Hotel Empire, New York City.

There being no further business, on motion, duly made and seconded, the meeting adjourned.



Secretary.

Proceedings of a Joint Meeting of the New York State Racing Commission and two Stewards of The Jockey Club, held at the office of the Chairman, 1270 Sixth Avenue, New York City, on Friday, July 12th, 1935, at 11:00 A. M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
 Commissioner John Hay Whitney  
 Commissioner John Sloan  
 Mr. John F. Shevlin  
 Mr. Marshall Cassidy

Representing The Jockey Club  
 Mr. A. H. Morris  
 Mr. Howard Maxwell

By invitation of the Commission

Hon. Joseph M. Mesnig, Assistant Attorney-General  
 of New York State.

Mr. Herbert Bayard Swope, Chairman of the Commission, called the meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

The Chair announced that it had before it the question of an appeal on George W. Ogle.

The Chair read an affidavit from George W. Ogle - copy of which is attached hereto.

At the suggestion of Assistant Attorney-General Mesnig, an actual transcript of the hearing was taken by Miss H. A. Millar - copy of which is attached hereto.

At the conclusion of the testimony, the Secretary was instructed to direct Mr. Eugene Campbell, Inspector, to travel to Philadelphia to interview Jockey Frank McManus and his family, in order to clear up several discrepancies and contradictions in McManus's statements.

Mr. Charles E. Morgan, Chief Chemist for the New York State Racing Commission entered the meeting.

The Chair announced that it had before it as the next order of business, the case of Matt Colford, in whose horse Dancing Lady, Atropine

had been found, after she ran fourth in the third race at the Empire City Race Track on July 5th, 1935. It was brought out in the questioning that Mr. Colford was in the habit of injecting into the horse a douche daily from a private prescription given by Harold M. Lewis, 40 Webster Street, Nashua, N. H., who is, according to Mr. Colford, the track veterinarian of Rockingham Park.

John Colford, brother of the trainer, and groom, was next questioned, and repeated substantially what was said by Matt Colford, as did Ed Fredericson.

Decision was postponed until after analysis of the medicine.

The addition to the claiming rule and the rule on added starters were turned over to Marshall Cassidy, Steward, to discuss with A. H. Morris, Steward for The Jockey Club.

The Chair discussed the question of the electric camera for finishes and the Secretary was instructed to discover the cost of the camera without the timing system.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John D. Shelton*  
Secretary.

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Proceedings of a Joint Meeting of the New York State Racing Commission and two Stewards of The Jockey Club, held at the offices of the Chairman, 1270 Sixth Avenue, New York City, on Tuesday, July 16th, 1935, at 2:30 P. M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. John F. Shevlin  
Mr. Marshall Cassidy

Representing The Jockey Club

Mr. A. H. Morris  
Mr. Howard Maxwell

By invitation of the Commission

Hon. Joseph M. Mesnig, Assistant-Attorney  
General of New York State.

Frank McManus, Jr., on his own behalf  
Frank McManus, Sr., on behalf of Frank McManus, Jr.

George W. Ogle  
Raymond J. McMahan, Attorney, on behalf of George  
W. Ogle.

Mr. Herbert Bayard Swope, Chairman of the Commission, called the meeting to order and Mr. John F. Shevlin, its Secretary, kept the minutes.

The Chair announced that it had before it the case of Jockey Frank McManus, Jr.

Attached hereto is a transcript of the stenotype report of the proceedings of said Hearing.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John F. Shevlin*

Secretary.

Proceedings of a Telephone Meeting of the New York State Racing  
Commission, held on Friday, July 19th, 1935, at 11:30 A.M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
Commissioner John Sloan  
Mr. John F. Shevlin, Secretary.

The Chair requested the opinion of the Commissioners about the use of the electric eye in New York State. The Chair added that there was great dissatisfaction shown by the public and press over the judging of close finishes.

The Chair also announced that he had seen the completely successful use of the electric eye in operation in California.

Commissioner Sloan concurred in the opinion held by Chairman Swope and moved that the Associations be requested to install the electric eye by September 30th, 1935.

The Chair then read a telegram from Commissioner Whitney which follows:

"Hon. Herbert Bayard Swope  
RKO Building  
New York City

After observing performance of the electric eye during the recent racing season, Chairman Carelton Burke of California Racing Board considers this innovation an unqualified practical success. I therefore agree with you that we should sponsor installation of this devise at New York tracks. Regards

Whitney."

On the unanimous motion of the Commission, it was

RESOLVED that in consideration of the public demand and in view of the complete success and incontrovertible results of the electric eye, the Associations operating under the jurisdiction of the New York State Racing Commission, are hereby requested to install on its various tracks by September 30th, 1935, the machine commonly known as the electric eye, to judge automatically the finishes of races and their time.

There being no further business, on motion, duly seconded, the meeting adjourned.

*John F. Shevlin*



Proceedings of a Telephone Meeting of the New York State Racing Commission held on Wednesday, July 24th, 1935, at 11:00 A.M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
 Commissioner John Hay Whitney, by proxy  
 Commissioner John Sloan  
 Mr. John F. Shevlin, Secretary  
 Mr. Marshall Cassidy, Steward for the Commission.

The Chair announced that it had before it as unfinished business the case of Matthew Colford, the chemical analysis of whose horse, Dancing Lady, had shown the presence of Atropine, after the third race on July 5th, 1935, in which he finished fourth.

The Secretary informed the Commission that Chemist Morgan had been unable to find any trace of Atropine in the douche used by Mr. Colford.

Because of the innocuousness of the drug, Chairman Swope voted a thirty day suspension and cast Mr. Whitney's proxy for a like period and Commissioner Sloan thereupon concurred. The following notification was sent to Mr. Colford:

"Matt Colford, Esq.,  
 Empire City Race Track,  
 Yonkers, N. Y.

Dear Sir:-

The New York State Racing Commission has made the following finding in your case:

You are the trainer of the horse Dancing Lady, a starter in the third race, on July 5th, 1935, in which she finished fourth. A chemical analysis shows a drug had been administered to the horse.

The Commission orders that you be suspended for thirty days from July 12th, 1935, and that the horses in your care be suspended from racing until transferred to a trainer satisfactory to the Racing Commission, and that, you be warned that in the event of your being guilty of a further offense against the rules of racing, your license will be subject to instant revocation.

BY ORDER OF THE COMMISSION  
 John F. Shevlin  
 Secretary."

The Steward, Marshall Cassidy, was instructed to investigate the qualifications of any substitute who might be advanced as trainer for the Colford horses, and if that trainer was in good stand and licensed by The Jockey Club, Mr. Cassidy might act for the Commission.

There being no further business, on motion, duly seconded, the meeting adjourned.

*John E. Shulin*

Secretary.

Proceedings of a Telephone Meeting of the New York State  
Racing Commission, held on Friday, July 26th, 1935, at 11:30 A. M.

PRESENT:

Hon. Herbert Bayard Swope, Chairman  
Commissioner John Hay Whitney, by proxy  
Commissioner John Sloan  
Mr. John F. Shevlin, Secretary  
Mr. Marshall Cassidy, Steward for the Commission

Steward Cassidy reported that the name of R. W. Johnson had been advanced to act as trainer for the horses belonging to Mrs. Matthew Colford.

The Steward informed the Commission that he had investigated the status of Mr. Johnson and had found him to be in good standing and to have been licensed by The Jockey Club.

The Commission then approved the selection of R. W. Johnson as trainer for the horses belonging to Mrs. Matthew Colford, and the Chairman instructed Mr. Cassidy to inform Mrs. Colford to that effect.

There being no further business, on motion, duly made and seconded, the meeting adjourned.

*John F. Shevlin*

Secretary.

Proceedings of a Meeting of the New York State Racing Commission  
held at the Saratoga Race Track, Saratoga Springs, N. Y., Wednesday,  
August 21st, 1935, at 2:00 P. M.

PRESENT:

Hon. Herbert Bayard Swope  
Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. John F. Shevlin  
Mr. Marshall Cassidy  
Dr. J. G. Catlett  
Mr. Stephen J. Ceparano of the Federal  
Bureau of Narcotics

Hon. Herbert Bayard Swope, Chairman of the Commission, called the Meeting to order, and Mr. John F. Shevlin, its Secretary, kept the minutes.

Steward Cassidy reported in detail the result of his investigations on the case of Ernest Sietas, trainer of the horse Fluffy Lee, owned by Mrs. C. W. Williams of Baltimore, Maryland, in whose saliva heroin had been discovered after her winning race at the Saratoga Race Track on August 13th.

A copy of the Cassidy investigation is attached hereto.

The Steward further reported that he had instructed Mr. Stephen J. Ceparano of the Federal Bureau of Narcotics, who had been sent to Saratoga by Commissioner H. J. Anslinger, Chief of the Bureau of Narcotics, on the report of the violation of the narcotic law, to proceed to the Williams barn and take samples of every medicine he might find therein.

Mr. Ceparano informed the meeting that he had sent twenty-two samples to the New York State Racing Commission Laboratory at 155 Worth Street, New York City, for analysis.

The Secretary reported that Charles E. Morgan, Chief Chemist of the Commission Laboratory, had discovered the presence of morphine in official sample No. 15, which corresponded to colic mixture No. 56 prescribed by J. E. Masterson, D. V. S.

Mr. Ceparano advised the Commission that he had been instructed by Mr. Igoe, in charge of the New York Bureau of Narcotics, to arrest Ernest Sietas and Joseph Doherty, on the findings of the Laboratory, such instructions emanating from Commissioner H. J. Anslinger.

The Chair declared that it was opposed to such a step in view of the fact that the analysis of the patent medicine had shown the strong presence (approximately 1 grain to the fluid ounce) of morphine and that Sietas' connection might prove to be wholly innocent.

The Steward announced that he had obtained a sample of the same medicine unopened from the barn of J. J. Fitzsimmons. This sample was sent to New York to Mr. Charles E. Morgan, by train, for immediate analysis. No further action was taken pending receipt of Mr. Morgan's findings.

There being no further business before the Commission, on motion, duly seconded, the meeting adjourned.

*John S. Shewlin*

Secretary.

Proceedings of a Meeting of the New York State Racing Commission held in the Directors' Room at the Saratoga Race Track, Saratoga Springs, N. Y., on Friday, August 23rd, 1935, at 5:30 P. M.

## PRESENT:

Hon. Herbert Bayard Swope  
Commissioner John Hay Whitney  
Mr. Marshall Cassidy  
Mr. John F. Shevlin

The meeting was called to order by Hon. Herbert Bayard Swope, Chairman of the Commission, and John F. Shevlin, its Secretary, kept the minutes.

The minutes of the last meeting, held on August 21st, were approved without reading.

Chairman Swope summarized for Commissioner Whitney the results of the investigation taken in the Fluffy Lee case.

Commissioner Whitney moved that Ernest Sietas be suspended indefinitely; that Fluffy Lee be suspended for sixty days, and that all horses trained by Sietas be suspended thirty days.

The Secretary was instructed to notify Mr. Sietas, Mrs. C. W. Williams, the owner of Fluffy Lee, Mr. John Campbell, Racing Secretary, and The National Association of State Racing Commissioners.

Steward Cassidy informed the meeting that Sietas had been arrested and removed to Albany where he was being held for \$1,000 bail.

The Steward further informed the Commission that in agreement with Mr. Frank L. Igoe, in charge of the New York Bureau of Narcotics, and Stephen J. Ceparano of the Federal Bureau of Narcotics, he would instruct all trainers to turn over, at one concentration point, all samples of J. E. Masterson's Colic Mixture No. 57, which would then be turned over to the Federal authorities.

There being no further business before the Commission, on motion, duly seconded, the meeting adjourned.

*John F. Shevlin*

Secretary.

Proceedings of a Meeting of the New York State Racing Commission  
held in the Directors' Room at the Saratoga Race Track, Saratoga Springs,  
N. Y., on Saturday, August 31st, 1935, at 2:00 P. M.

PRESENT:

Hon. Herbert Bayard Swope  
Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. John F. Shevlin  
Mr. Marshall Cassidy

Hon. Herbert Bayard Swope, Chairman of the Commission, called the meeting to order, and Mr. John F. Shevlin, its Secretary, kept the minutes.

The Chair announced that it had under consideration as a general assistant to J. G. Catlett, Supervisor of Saliva Tests, the name of Dr. Michael Donohue, Veterinary Surgeon.

The appointment of Dr. Donohue was approved by the Commission.

The Chair announced that it had as the next order of business the case of Clarence Buxton, trainer of the horse Clarksdale, owned by Mrs. P. Kendell, in whose saliva morphine had been found after its winning race at the Saratoga Race Track on August 19th.

The Commission reviewed the investigations undertaken by Steward Marshall Cassidy, copy of which is attached hereto.

Mr. Buxton was summoned before the Commission and questioned.

The judgment of the Commission was that Clarence Buxton be suspended indefinitely pending further investigation; the same punishment being meted out to the horse Clarksdale.

The Steward announced that he had received a request that the horses owned by Mrs. Marian Cassidy, and formerly trained by Clarence Buxton, be transferred into the care of Stephen Kerrigan. On the assurance that Mr. Kerrigan was a licensed trainer in good standing in New York, permission was granted for Mr. Kerrigan to take over Mrs. Cassidy's horses.

The Steward further reported that a request had been received from Mr. J. H. Louchheim, to transfer his horses from Clarence Buxton to J. Simon Healey. The request was granted.

The Secretary was instructed to inform John Campbell, Racing Secretary, Thomas R. Underwood, Secretary of the National Association of State Racing Commissioners, as well as Clarence Buxton, of the findings of the Commission in the Clarksdale case.

The application of the Meadowbrook Steeplechase Association to hold a race meeting at Westbury, Long Island, on Saturday, September 28th, was approved.

Commissioner Whitney suggested that a joint meeting with the National Steeplechase and Hunt Association, to discuss steeplechase racing generally, should be held at an early date.

Chairman Swope asked that a rule be passed necessitating the approval of the New York State Racing Commission of any devices used on the race tracks. The rule was passed unanimously.

The Chairman also requested that a luncheon meeting be held, probably during the Belmont Park Meeting, with the trainers, to discuss, primarily, the apprentice rule. The motion was passed unanimously.

There being no further business before the Commission, on motion, duly seconded, the meeting adjourned.

*John S. Shelton*

Secretary.



Proceedings of a Joint Meeting of the New York State Racing Commission and a Committee of Bookmakers, held at the Turf & Gridiron Club, 20 West 46th Street, New York City, on Monday, September 9th, 1935, at 1:00 P. M.

PRESENT:

Hon. Herbert Bayard Swope  
Commissioner John Hay Whitney  
Mr. Roach Lewis  
Mr. Tim Mara  
Mr. T. J. Shaw

Hon. Herbert Bayard Swope, Chairman of the Commission, presided.

Plans were made to form a Committee of Bookmakers to represent their Associates before the Commission whenever the need might arise.

The Commission is informed that at various times during the current racing season there were offenses against the rule that grandstand messengers should be representatives of books in the ring.

The Chair advised the Committee that steps would be taken to exclude unauthorized persons from making books at the race tracks.

*John S. Shuler.*

Secretary.

Proceedings of a Meeting of the New York State Racing Commission  
held at the Aqueduct Race Track, Queens, L. I., on Tuesday, September 10th, 1935,  
at 2:00 P. M.

## PRESENT:

Hon. Herbert Bayard Swope  
Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. Marshall Cassidy  
Mr. John F. Shevlin

Hon. Herbert Bayard Swope, Chairman of the Commission, called the Meeting to order, and Mr. John F. Shevlin, its Secretary, kept the minutes.

The Chair announced that it had before it the question of the indefinite suspension of Trainer Clarence Buxton, as well as the horse Clarksdale, in whose saliva morphine was found after his winning race on August 19th, at the Saratoga Race Track.

On vote taken, the Commission declared that the suspension of the horse Clarksdale be set for sixty days and a similar period of suspension be placed against Mr. Buxton. The Secretary was instructed to release a statement to the press to that effect. The statement is as follows:

"September 10th, 1935

"After an investigation which has continued since an official report showed morphine in the saliva of the two-year-old Clarksdale, winner of the first race on August 19th at Saratoga, the New York State Racing Commission announced to-day its ruling:

The colt, which is the property of Mrs. P. Kendell, and which was trained in the public stable of Clarence Buxton, has been barred from racing for sixty days.

Certain features of the investigation are being continued."

There being no further business before the Commission, on motion, duly seconded, the meeting adjourned.

The Chair informed the Commission that the drug found in the saliva sample taken from the horse Billowy Wave after its winning race on June 22, 1935, had been identified as Novocaine.

*John S. Shevlin*  
Secretary.

Proceedings of a Meeting of the New York State Racing Commission and a Delegation of Layers, held at the office of the Chairman, 1270 Sixth Avenue, New York City, Thursday, September 26th, 1935, at 11:30 A. M.

PRESENT:

Mr. Herbert Bayard Swope  
 Mr. John F. Shevlin  
 Mr. T. J. Shaw  
 Mr. Peter Blong  
 Mr. Tim Mara  
 Mr. Max Kalik  
 Mr. B. Davis

Mr. Herbert Bayard Swope, Chairman of the Commission, presided and Mr. John F. Shevlin, its Secretary, kept the minutes.

The gentlemen present protested against the presence of unauthorized persons in the grandstand as well as the efforts of another person, not complying with the provisions drawn up at the meeting of April 4th, 1935, to conduct business in the clubhouse.

The Chair restated the provisions as laid down, which are as follows:

"First: Each layer must pass scrutiny as to his solvency by Mr. John G. Cavanagh.

Second: No layer may have a representative in the grandstand who had not been operating in the ring in 1933.

Third: Remove all grandstand messengers from appointment by the Associations and the Pinkertons and replace them with messengers hired and responsible to the layers operating in the ring.  
 The messengers must wear a large badge on their coat lapel with a number and with the name of the man they may represent. Each messenger may have the discretion of accepting a bet up to \$50 without consulting his principal in the ring.  
 The Commission favors drawing for positions in the ring."

The Chair informed the gentlemen that it favored the establishment of a Layers' Committee to confer with the Commission with respect to the conduct in the ring.

The Chair likewise informed the gentlemen present that it would send

word to Mr. Cavanagh to investigate the present unauthorized persons in the grandstand, and, with instructions that no unauthorized person may operate in the clubhouse unless he conforms with the agreement of April 4th.

There being no further business, on motion, duly seconded, the meeting adjourned.

*John F. Shevlin*  
Secretary.

Proceedings of a Meeting of the New York State Racing Commission held at the office of the Chairman, 1270 Sixth Avenue, New York City, on Friday, September 27th, 1935, at 11:00 A. M.

PRESENT:

Mr. Herbert Bayard Swope  
Mr. John F. Shevlin  
Mr. Joseph Auerbach

Chairman Swope informed Mr. Auerbach that he had received at his office on September 26th, a Committee of Layers, who protested against various abuses at the race tracks.

Chairman Swope thereupon drew up the agreement as arrived at on April 4th, 1935, and confirmed the following day.

Mr. Auerbach, as attorney for The Jockey Club and the Racing Associations, approved the provisions.

There being no further business, on motion, duly seconded, the meeting adjourned.

*John F. Shevlin*  
Secretary.

Proceedings of a Meeting held at the Nassau County District Attorney's Office, Nassau County Court House, Mineola, L. I., on Saturday, September 28th, 1935, from 11:30 A. M. to 6:00 P. M.

The meeting was attended by Mr. Herbert Bayard Swope, Chairman of the New York State Racing Commission, throughout and by Mr. John Hay Whitney for several hours in the afternoon; by District Attorney Martin Littleton and by Assistant District Attorney Albert De Meo.

Efforts were made to dissuade District Attorney Littleton from making an arrest in the betting ring at the Belmont Park Race Track and thus making a test case of New York Betting Laws.

Mr. Swope and Mr. Whitney persuaded Mr. Littleton to take no action until he had seen the full situation himself. Mr. Littleton agreed and was invited to attend the opening day at Belmont Park as a guest of the Commission.

Later, from his home, Mr. Swope communicated with Attorney-General John J. Bennett, Jr., at his home in Brooklyn, with Charles Poletti, Special Counsel to the Governor and with the Governor.



Secretary.

Proceedings of a Meeting of the New York State Racing Commission  
held at the Belmont Park Race Track, Elmont, L. I., on Monday, September  
30th, 1935, at 1:30 P. M.

P R E S E N T:

Hon. Herbert Bayard Swope  
Commissioner John Hay Whitney  
District Attorney Martin Littleton  
Assistant District Attorney, Albert De Meo  
Mr. John E Shevlin

Mr. Littleton informed the Racing Commission that he had, with  
Assistant District Attorney, Albert De Meo, and the Secretary of the Commission,  
Mr. John F. Shevlin, made a thorough inspection of the betting ring at Belmont  
Park and could find no violation of the betting laws.

Mr. Littleton asked the Commission to release, through its sources,  
the following news item which he had made public from his own office at  
Mineola in the morning:

"Sept. 30, 1935. Statement by MARTIN LITTLETON, District Attorney, Nassau County.

On Friday and Saturday of last week, I had several conversations and  
conferences with representatives of the Westchester Racing Association and the  
New York State Racing Commission, with respect to the conduct and control of  
gambling at Belmont Park Race Track during the Fall Meet this year.

It is generally known that the Legislature, in its session of 1934,  
enacted a special statute relating to gambling upon horse tracks, by the terms  
of which all betting or gambling at or upon horse race tracks was taken out of  
the Penal Law, and for which no criminal penalty was provided. This I regard as  
a highly discriminatory piece of legislation which clearly is designed to operate  
in favor of a special class or group, but at the same time it must be borne in  
mind that I do not make the laws nor do I have any voice or vote in their creation -  
my duty is simply to enforce them. In the discharge of this duty I intend, however,  
to see that the law is complied with, regardless of whom it may affect.

With this thought in mind, I advised the officials of the Westchester  
Racing Association and the New York State Racing Commission, that in conducting  
their operations pursuant to this special statute enacted by the Legislature,  
that their conduct must conform strictly to the rule and that any violation on  
their part which would give me the opportunity to prosecute, would be seized upon.

Upon Saturday of last week I had an extended conference with John Hay  
Whitney and Mr. Herbert Bayard Swope, Chairman of the Racing Commission, to whom  
I very directly and definitely made plain my views upon the subject. These  
gentlemen, representing the Westchester Racing Association and the New York State

Racing Commission, acquiesced wholeheartedly in my views with respect to abiding by the law and conforming with the rules and gave me their heartiest assurance that they would see to it that the law was complied with in every respect, insofar as the operations at Belmont Park were concerned. They evinced a very definite and clear purpose of staying within the law and advised me that they were most concerned that the laws should be complied with and that they would co-operate with this office to that extent.

The Racing Commission was very co-operative in the spirit that they manifested and invited me to make an inspection of the premises and the method of conducting their operations at the track, stating that if there was anything that in anywise violated the letter and spirit of the law, that they would be glad to make whatever changes were necessary in order that the law might be complied with.

I think the matter is thoroughly understood, and with the expression of cooperation on the part of the racing officials, I am confident that the laws will not be violated.

Signed:

Martin Littleton,

District Attorney."

Mr. Littleton also requested the Commission to announce that he could see no violation of the betting laws.

There being no further business before the Commission, on motion, duly seconded, the meeting adjourned.

*John J. Shushin*  
Secretary.



Proceedings of a Meeting of the New York State Racing Commission  
held at the Belmont Park Race Course, Elmont, L. I., on Friday, October 4th,  
1935, at 1:30 P. M.

P R E S E N T:

Chairman Herbert Bayard Swope  
Commissioner John Sloan  
Mr. John F. Shevlin

Mr. Herbert Bayard Swope, Chairman of the Commission, presided.

The Chair announced that no date could be set for the Rowan hearing until the return of Commissioner Whitney from California.

Commissioner Sloan suggested that at the same time the case of Steve O'Donnell be continued, no action having been taken at the earlier hearing on October 9th, 1934.

Commissioner Sloan was appointed a committee of one by the Chairman to investigate the measured distances at the race tracks and report any recommendations.

There being no further business before the Commission, on motion, duly seconded, the meeting adjourned.

*John F. Shevlin*  
Secretary.

Proceedings of a Joint Meeting of the New York State Racing Commission and two Stewards of The Jockey Club, held at the office of the Commission, 155 Worth Street, New York City, on Monday, November 4th, 1935, at 2:30 P. M.

P R E S E N T:

Chairman Herbert Bayard Swope  
 Commissioner John Hay Whitney  
 Commissioner John Sloan  
 Mr. Marshall Cassidy  
 Mr. John F. Shevlin

For the Commission:

Mr. John E. Cowdin  
 Mr. A. E. Morris

For the Jockey Club

Mr. Herbert Bayard Swope, Chairman of the Commission, presided and Mr. John F. Shevlin, its Secretary, kept the minutes.

The meeting began in the form of a discussion about the punishment of drug offenders.

It was voted to recommend to The Jockey Club that licenses be refused to those convicted by the Narcotic Bureau.

The Secretary was instructed to communicate with Assistant Attorney-General Joseph M. Mesnig, asking him to draw up a resolution along the following lines:

"Any person convicted by the Federal or any State Government, under Federal or State Narcotic Laws, for use or possession of illegal drugs, be refused a license to compete on New York tracks, in conformity with the practice of The Jockey Club in denying licenses to those convicted of any crime."

The Chair announced that it had before it the case of Joseph Rowan whose license had been revoked in 1932. A discussion of the case was held on the basis of reports furnished the Joint Board.

Mr. Rowan was summoned from the outer office and submitted to further questioning. He was informed that the Secretary would communicate with

him as to the decision of the Joint Board and was excused from the meeting.

On motion seconded, the Secretary was instructed to write Mr. Rowan, informing him that it was the decision of the Joint Board that he be given another chance, on evidence of exemplary conduct on his part, to resume his career as trainer, provided he could show evidence to Marshall Cassidy, Steward for the Commission, that a horse or horses had been submitted to his care and that the connections he gains thereby meet with the approval of the Board. Mr. Rowan was to be informed further that he is renewing his profession without prejudice and that only he, by his future actions, could reverse the opinion and judgment of the Board.

At the conclusion of the Rowan case, Messrs. Cowdin and Morris, Stewards representing The Jockey Club, left the meeting.

The Chair announced that it had before it the application for reinstatement of Ernest Sietas, trainer of record of the mare, Fluffy Lee, in whose saliva morphine was found after her winning race at Saratoga on August 13, 1935.

On vote taken, it was decided to postpone action on the Sietas case until after his trial in the Federal Court for possession of narcotics, for which he had been arrested on August 23, 1935, at the Saratoga Race Course. He stands indefinitely suspended.

On vote taken, it was unanimously passed that admission to race courses in the State of New York be refused to any person under suspension either by the Racing Commission, the Stewards of The Jockey Club or the Stewards of the Meeting.

Accordingly, the Secretary was instructed to request Assistant Attorney-General Mesnig, to draw up a resolution to include the following points:

"In case of any penalties taking form of suspensions inflicted by the Racing Commission or by the Stewards of The Jockey Club, or in those cases in which the Stewards of the Meeting have referred the occasion to a higher body for further action, the person so ruled against shall be denied admission to all courses operating in the State whether or not races are actually being run on these courses at the time."

There being no further business before the Commission, on motion, duly seconded, the meeting adjourned.

*John O. Shulin*  
Secretary.

Proceedings of a Meeting of the New York State Racing Commission held at the office of the Commission, 155 Worth Street, New York City, on Wednesday, November 20th, 1935, at 2:00 P. M.

P R E S E N T:

Chairman Herbert Bayard Swope  
Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. John F. Shevlin

The Chairman, Mr. Herbert Bayard Swope, presided, and Mr. John F. Shevlin, Secretary, kept the minutes.

The Chair suggested a revision of the pass list of the Racing Commission.

The Secretary was instructed to communicate with Hon. Joseph M. Mesnig, Assistant Attorney-General at Albany, and invite him to attend the next meeting of the Racing Commission, to be held Monday, November 25th, at 1:00 P. M. at 30 Rockefeller Plaza, New York City, for the purpose of assisting in drawing up various resolutions. The resolutions for Mr. Mesnig's consideration are to include the following points:

A: The following resolution was unanimously passed by the Commission at this time to incorporate these points:

- 1: There shall be, as before, the cooperation and unqualified adherence of the Racing Associations to such tickets as may be issued upon the initiative of the Racing Commission jointly for itself and the Racing Associations except in the case of purely individual tickets, about which more will be said.
- 2: The change of the ticket text from "and party" to "and one".

(Note: In covering letter sent to a select list of the recipients, it shall be explained that as many as they desire to bring will be given admission provided they notify the Association in advance.)

3: Those names on the "official list" shall be approved by the Commission as a body. The so-called "official list" of last year may be used as a basis for next season's consideration.

To each member of the Commission, for purely individual use, there shall be granted twenty-five badges. These shall be exclusive of the courtesy badges issued to the staff and family of the Commission.

The method and distribution of badges issued by the Race Tracks, which now clears through the Secretary, shall continue as at present.

- B: Preparation of a resolution to be passed by the Racing Commission that those under suspension be denied all privileges of the track and access thereto. Mr. Mesnig is to differentiate between a jockey being set down and the regular suspension.
- C: Mr. Mesnig is to advise the Commission as to the right of that body to bar spectators with records of conviction from the race tracks in New York State.

Chairman Swope announced that he had been approached by Walter Donovan, President of the National Association of State Racing Commissioners, to accept the Chairmanship of a Poolroom Committee. Mr. Swope asked the advice of his fellow Commissioners on this invitation. In view of the fact that the State of New York is, on the whole, free from poolrooms, it was decided that Mr. Swope would not accept the Chairmanship of this Committee.

Mr. Swope advised that he considered the most practical way of investigating the poolroom problem would be to recommend to the Federal Communication Commission to discuss this matter as one of the important side-lights of the F. C. C.'s investigation of American Telephone and Telegraph.

The Secretary was instructed to carry on the agenda for the next meeting the question of vocational licenses at the race tracks, poolrooms, the survey of physical conditions of race tracks, the introduction of amplifiers into New York, recommendation for the adoption of the electric eye at the finish, enlargement of the result board, the question of forfeits with the synopsis thereon by Marshall Cassidy, final report and recommendations made to the Commission by Charles E. Morgan; arranging a meeting with the National Steeplechase and Hunt Association and the arranging of a meeting with the Association Presidents.

The Secretary announced that Messrs. James Altemus, Charles W. Williams and George Sullivan were in the outer office waiting on the pleasure of the Commission. The gentlemen were conducted into the meeting where they presented to the Commission results of a plan to institute in New York a form of insurance on Jockeys, which question they had been at various times in communication with the Commissioners individually.

The Commission approved the new plan and advised the petitioners to contact the Racing Associations themselves. It was stressed by the Commission that it could not recommend to the tracks that this system of insurance be taken from the three petitioners and any approach made to the Associations would necessarily have to be personal. The Commission, however, repeated its approval of a system of Jockeys' insurance.

There being no further business before the Commission, on motion, duly seconded, the meeting adjourned.

*John S. Shulin*  
Secretary.

Proceedings of a Meeting of the New York State Racing Commission  
held at Radio City Luncheon Club, 30 Rockefeller Plaza, New York City, on  
Monday, November 25th, 1935, at 1:00 o'clock, P. M.

P R E S E N T:

Chairman Herbert Bayard Swope  
Commissioner John Hay Whitney  
Commissioner John Sloan  
Mr. John F. Shevlin

Present by invitation of the Commission:

Hon. Joseph M. Mesnig  
Assistant Attorney-General.

Chairman Herbert Bayard Swope presided.

The minutes of the previous meeting were approved.

The Chair announced that a line item in the present budget, under which the Commission was operating for the 1935-1936 fiscal year, had been segregated for the purchase of a car for the Commission, and suggested that the Commission take advantage of this allowance by the purchase of an automobile. The motion was approved.

The Chair opened a discussion on the proposed Commission rule denying access to all tracks to those under suspension. It was moved to interpret this rule as applying to those whose suspension was longer than a week and in those cases in which action has been deferred to the Stewards of the Jockey Club or the Racing Commission. In all cases of disciplinary action in which sentence of suspension is imposed, there shall be complete denial of all rights including access to the tracks except in those lesser cases where penalties are inflicted by the Starters or the Stewards of the Meeting without referring the case to the Jockey Club or the Racing Commission for final action. The illustration of this rule in a theoretical case, applies to a jockey who gallops horses for his contract employer and who has been set down under the lesser punishment. He is permitted to workout in the morning but not to ride, whereas, all others are barred from the

tracks at all times.

Commissioner Sloan moved that a discussion be opened on the question of barring undesirables from the race tracks. After a discussion with Assistant Attorney-General, Joseph M. Mesnig, it was voted that this question was properly within the province of the racing associations only. However, the Commission felt that the associations be advised that it was the wish of the Commission that undesirables be denied admission to the New York race tracks. To this end, Mr. Mesnig was requested by the Commission to draw up a letter to be sent to the presidents of the associations, stating the views of the Commission on the subject and presenting to them the recommendations of the Commission.

The Secretary was instructed to carry over on the agenda for a meeting with the associations, the questions of physical survey of the race tracks, comfort and convenience of spectators, amplifiers, electric eye, result board and jockeys' insurance.

The Secretary was also instructed to place on the agenda for a dinner with the Jockey Club, the subject of forfeits.

The Chair announced that it had received a letter from Joseph A. Byrne, attorney for Ernest Sietas, under suspension as trainer of record of the mare Fluffy Lee, in whose saliva morphine was found after her winning race at Saratoga on August 13, 1935; which had been forwarded to Commissioner Sloan, who had referred the letter to the Commission. In view of the fact that the trial against Sietas in the Federal Court, for possession of narcotics, was dismissed by the Grand Jury, the Secretary was instructed to communicate with Marshall Cassidy, Steward for the Commission, and get from him his recommendation as to the question of the suspension of Ernest Sietas.

The Secretary was instructed to write to the Rockaway Steeplechase Association as well as the United Hunts Racing Association, to inform them that no action on their applications for racing dates would be taken until the Commission had been formally notified of the approval of the National Steeplechase and Hunt Association.

*John S. Alford*



Proceedings of a Meeting of the New York State Racing Commission held at Radio City Luncheon Club, 30 Rockefeller Plaza, New York City, on Wednesday, December 11th, 1935, at 1:00 o'clock, P. M.

P R E S E N T:

Mr. Herbert Bayard Swope  
 Mr. John Hay Whitney  
 Mr. John Sloan  
 Mr. John F. Shevlin

Mr. Herbert Bayard Swope, Chairman of the Commission, presided.

The minutes of the previous meeting were approved.

The Secretary was instructed to write to The Jockey Club informing the Stewards of that body of the wishes of the Commission forbidding access of suspended persons. The letter follows:

December 11, 1935

"The Stewards of The Jockey Club,  
 250 Park Avenue,  
 New York City.

Gentlemen:

It is the recommendation of the New York State Racing Commission that the Stewards of The Jockey Club formulate a rule to take effect on the opening of the coming racing season, forbidding access to New York State tracks at any time of a suspended person whose case has been referred by the J. C. or the R. C. In all such cases of disciplinary action, there shall be complete denial of all rights including access to the tracks. Such ruling would apply to a jockey galloping horses for his contract employer, but would not apply when the ruling extends only for the period of a meeting without further action.

Faithfully,  
 John F. Shevlin  
 Secretary."

As this measure falls within the province of disciplinary action, the Jockey Club will be asked to incorporate the decision into a rule of racing.

A rough summary of the 1936-1937 budget was approved.

The Commission discussed the lack of available knowledge of racing information as disseminated from the track to its eventual point of destination. The Commission believes it essential that it be fully informed on all questions of racing in New York State, and consequently, voted that probably in the Spring,

a man with the working knowledge of wires, as well as a knowledge of newspapers, and trained as an investigator, be hired to assume this duty. The Chair suggested that John Wheeler, President of the North American Newspaper Alliance, serving the fifty leading papers throughout the country, would be in a position to recommend a man.

The Chair introduced the proposed letter to the track associations, written by Assistant Attorney-General Joseph M. Mesnig, on the barring of undesirables from the racetracks.

On vote, it was moved that the situation first be discussed with the associations and the wishes of the Commission take the form of a personal communication followed by a letter.

The Chair introduced the question of the Commission official pass list for the 1936 racing season. Because of the death of the Honorable Bernard S. Deutsch, the name of Timothy J. Sullivan, his successor, was substituted. The additions to the list were - Russell Sprague, Kenneth S. Simpson, Leonard Hall, Melvin C. Eaton, George R. Fearon, Vincent Dailey, E. L. James, Grafton Wilcox, E. D. Coblentz, Stanley Kahn, J. M. Patterson, Walter Howey, Lee Wood, Keats Speed, William Curley, J. David Stern, Dr. Arthur Leonard, Commissioner Lewis J. Valentine, Commissioner John J. McElligott, George U. Harvey, Frank C. Keller, Robert F. Wagner, John J. Dunnigan, John N. Garner, Dennis M. Morrissey and James Armstrong.

On the special restricted list, which would enable the holder to be admitted to the racetrack "with party", the names submitted were - Honorable Franklin D. Roosevelt, Honorable Fiorello LaGuardia, Honorable John J. Dunnigan, Honorable John J. Bennett, Jr., and Honorable Edward J. Flynn.

These lists will be increased slightly after further consultation of the Commissioners.

The Chair suggested that the Commission discuss the subjects on the agenda for the next meeting with the associations.

1. Survey of physical conditions of the racing strip.
2. Electric eye.
3. Result board.
4. Jockey board.
5. Jockeys' names and post positions on programs
6. Amplifiers.
7. Jockeys' insurance.

After discussion, it was voted to reserve the survey of physical conditions of the racing strip until a later date, in view of the expense to which the associations would be subjected on the other recommendations of the Commission.

The Commission decided to withhold definite instructions to the associations on installing the electric eye and the amplifier, but, would discuss the subject thoroughly with the Presidents of the Associations at the proposed Luncheon Meeting.

Commissioner Whitney was appointed a committee of one, to report on these two projects in California.

Commissioner Sloan was similarly appointed to report on the same subjects in Florida.

The Chair noted that no supplemental report had been received from the Saratoga Association for its summer meeting of 1935 and from the Empire City Racing Association for its fall meeting of 1935. The Secretary was instructed to inquire of the associations when payment might be expected.

The Chairman announced that he was working on the annual report, and would submit it to the Secretary of State on its completion.

On vote duly taken, it was unanimously decided to invite the Presidents of the various associations under the jurisdiction of the Commission, to confer with the full membership of the Commission, at a Luncheon and Afternoon Session to be held at Radio City Luncheon Club, 30 Rockefeller Plaza, New York City, Thursday, December 19th, at 1:00 o'clock P. M.

The Secretary was instructed to telegraph Mr. Joseph E. Widener, Mr. James Butler, Dr. E. E. Kilroe, Mr. John Cowdin and Mr. George H. Bull, inviting them to attend or to appoint a nominee with the power to act for the association.

The suspension of Ernest Sietas, who was set down on August 23rd, 1935, as trainer of record of the mare Fluffy Lee, in whose saliva morphine was found after her winning race at Saratoga on August 13th, is to continue until January 1st, 1936.

There being no further business before the Commission, on motion duly seconded, the meeting adjourned.

*John S. Shulin*  
Secretary.

Proceedings of a Meeting of the New York State Racing Commission and the Association Presidents, held at the Radio City Luncheon Club, 30 Rockefeller Plaza, New York City, on Thursday, December 19th, 1935, at 1:00 o'clock, P. M.

P R E S E N T:

Mr. Herbert Bayard Swope

Mr. John Hay Whitney

Mr. John Sloan

Mr. John F. Shevlin

For the Commission

Mr. Joseph E. Widener

Mr. George H. Bull

Mr. John E. Cowdin

Dr. E. P. Kilroe

Mr. James Butler

For the Associations

Hon. Joseph M. Mesnig

Assistant Attorney-General

By invitation

The Chairman of the Commission, Mr. Herbert Bayard Swope, presided.

The Chair opened the meeting with a discussion of the proposal to bar undesirables from the race tracks. On advice from Assistant Attorney-General Mesnig, the Chair declared that the actual method of barring such persons who may be undesirable from the courses could not rest in the hands of the Racing Commission.

Mr. Widener suggested that a meeting be held on this subject with those present and with Robert A. Pinkerton and Captain Edward Grogan, in charge of the Pinkerton force at the race tracks.

The Chair advised the Associations for the time being to do whatever is in their power to bar such undesirables from the race courses in New York State, and informed the Association Presidents that if the Racing Commission devised a formula to this end, it would communicate at once with the Associations.

Commissioner Sloan recommended that the Associations consider improving the physical conditions at the various race tracks in New York State with particular emphasis on Jamaica and Aqueduct, for the better convenience and comfort of the public.

Mr. Cowdin declared that over the winter months various improvements were in force at the Aqueduct race track.

The Secretary was instructed to place on his agenda for the next meeting of the Commission, the survey of the New York race tracks undertaken by Edward T. Kronish, an Inspector of the Commission, at the direction of Commissioner John Sloan. The Chairman asked, for the purpose of information, that the Associations hereafter inform the Commission of any improvements contemplated.

The Chair inquired of the Association Presidents whether there was any revenue flowing into the Association Treasury from racing information purveyed to the poolrooms. Each President declared that there was no such revenue accruing to the tracks.

The Chair recommended that the electric eye be studied with a view to its installation at the finishes at New York tracks. Mr. Widener informed the Commission that Marshall Cassidy had been placed in charge of the installation of a device of this type at Hialeah Park.

The Chairman recommended that the Associations seriously consider the installation of electric amplifiers to call the progress of the race only, on New York tracks.

Commissioner Whitney was appointed a Committee of one to report on these two devices at the Santa Anita race track. Commissioner Sloan was appointed a Committee of one to report on the same as used at the Florida race courses.

The Chair recommended that the Associations install an electric result board.

Mr. Widener advised the Commission that he contemplated assessing a service charge against all complimentary tickets used in the future at the Belmont Park race course. Mr. George H. Bull had a similar project for the Saratoga Association. The scale of prices as tentatively advanced by Mr. Widener is as follows:

"SERVICE CHARGE AND TAXES ON BADGES

Gents Grand Stand Badge		
Federal Tax		20 cents
State "		30 "
Service charge		50 "
Total		<u>\$1.00</u>
Press Badge SAME as above		

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Ladies Grand Stand Badge		
Federal Tax		14 cents
State "		21 "
Service Charge		<u>15 "</u>
Total		50 "

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Gents Club House		
Federal Tax		40 cents
State "		60 "
Service Charge		<u>1.00</u>
Total		<u>\$2.00</u>

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Ladies Club House		
Federal Tax		24 cents
State "		36 "
Service charge		<u>40 "</u>
Total		<u>\$1.00</u> "

The Commission assembled believed that the service charge for various tickets was placed too high. A revised list of service charges will be submitted to the Commission at a later date.

The Chair moved that the Associations consider removing the tax from press complimentary cards, pointing out that these tickets were intended for the greater part for the use of the Editors and Publishers, the superiors of the turf writers, and the directors of the policy of the paper.

The Chair announced that the Commission cards used for admission to the race tracks in 1936 be limited to the bearer "and one" instead of "and party", with the exception of the following names - Hon. Franklin D. Roosevelt, Hon. Fiorella LaGuardia, Hon. John J. Dunnigan, Hon. James J. Bennett, Jr., Hon. Edward J. Flynn, Hon. James A. Farley, Hon. George R. Fearon and Hon. Herbert H. Lehman.

The Chair then read the attached list of names which were approved by the Association Presidents. The Secretary was instructed to forward a copy of this list to the Associations. The Chair advised that from time to time there would be

additional names placed on this list with the unanimous consent of the Commission, which names would be forwarded to the associations.

The Chair also announced that the personal issue of the Commission would be limited to twenty-five and that there would be other cards issued to the families of the employees. The Chair asked whether this list should also be submitted to the associations. Mr. Butler declared that this would not be necessary, which action was seconded by the other association presidents.

The subject of the tax on owners' badges was next discussed. Mr. Butler informed the meeting that in Maryland the practice was to issue owner-trainer badges on which no tax was exacted. It was summarized that the owners of horses were as integral a part in the training of these horses as trainers themselves. It was noted that the owners spend considerable time at the stables during the actual training period, that they themselves direct the entry of horses in various stakes and that even as spectators on the days when their horses are not running, they were observing the competition which they at another day would meet.

It was moved and approved that the New York Associations hereafter issue the owner-trainer badge with no tax.

There being no further business, on motion duly seconded, the meeting adjourned.

*John J. Shulin*  
Secretary.