

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

**1944**

Proceedings of a special meeting of the New York State Racing Commission held at No. 745 Fifth Avenue on Saturday, February 5, 1944.

Present: Herbert Bayard Swope, Chairman  
Ashley T. Cole, Commissioner  
John F. Shevlin, Secretary

This meeting was called to consider and pass on the dates for meetings in 1944 submitted by the five New York racing associations.

After a study of the schedules proposed it was moved by the Chairman that the dates be adopted as offered and, the motion being carried without opposition they were so adopted, subject however to a change in locus by the Empire City Association if racing on its own course at Yonkers may not be practicable in 1944, and a change in locus also by the Saratoga Association if the same shall be proposed or directed by Governor Dewey.

The dates as adopted do not include dates heretofore applied for by the United Hunts Racing Associations, which application is still pending, nor dates for a possible victory meeting in 1944, such as was held at the conclusion of the racing seasons of 1942 and 1943 and of which the proceeds were donated to New York war charities.

The dates as adopted were:

Spring & Summer

JAMAICA	Sat., Apr.	8 through Sat., May 6	25 days
BELMONT	Mon., May	8 through Sat., June 3	24 days
AQUEDUCT	Mon., June	5 through Sat., July 1	24 days
EMPIRE	Mon., July	3 through Sat., July 29	24 days
SARATOGA	Mon., July	31 through Sat., Sept. 2	30 days

Fall

AQUEDUCT	Mon., Sept.	4 through Sat., Sept. 16	12 days
BELMONT	Mon., Sept.	18 through Sat., Oct. 7	18 days
JAMAICA	Mon., Oct.	9 through Sat., Oct. 21	12 days
EMPIRE	Mon., Oct.	23 through Sat., Nov. 4	<u>12 days</u>
			181 days

After adoption of the racing dates the meeting then considered the resignation of John F. Shevlin, Secretary to the Commission, whose service with it has been continuous since its creation in May 1934. Mr. Shevlin gave as his reason

for offering his resignation that he had been offered the post of general manager of the Jamaica and Aqueduct race tracks.

The resignation was accepted but only after the following resolution was ordered spread upon the minutes on motion of the Chairman:

WHEREAS, Mr. John F. Shevlin, Secretary to the State Racing Commission has held his present post since May 1934, and has discharged his duties with exceptional intelligence, loyalty and efficiency, and has offered his resignation in order to accept the position of General Manager with the Metropolitan and Queens County Jockey Clubs, which said position will be not only one of great responsibility but of greater personal remuneration to Mr. Shevlin; it is therefore

RESOLVED, that Mr. Shevlin's resignation be accepted to be effective March 15th, but that this Commission hereby expresses its sincere regret at being deprived of his services and at the same time assures him of its high appreciation of his services of nearly ten years and of his high personal character.

On motion of the Chairman, seconded by Commissioner Cole, the name of Eugene Campbell, one of the Commissioner's inspectors, was proposed as acting secretary to succeed Mr. Shevlin, and he was duly appointed.

There being no further business before the meeting, it was then adjourned.

*John F. Shevlin*  
Secretary.

Proceedings of a special meeting of the New York State Racing Commission held at No. 745 Fifth Avenue, on Saturday, February 5, 1944.

Present: Herbert Bayard Swope, Chairman  
Ashley T. Cole, Commissioner  
John F. Shevlin, Secretary

This was a special meeting called to consider certain proposed changes in the racing strip at Aqueduct race course, as previously ordered by the Commission.

The changes ordered have been under contemplation for two years, or ever since the Queens County Jockey Club, operating Aqueduct, reduced the distance of the course from a mile and a quarter to a mile, and follow complaints made to the Commission by numerous horsemen objecting to the sharpness of the present turns, particularly the clubhouse and stretch turns and the insufficient width of the track at the two turns.

In attendance at the meeting on behalf of the Queens County Jockey Club there were its president, Theodore Knapp, its counsel, Cyrus S. Jullien and its engineer, George B. Martin, Jr. There were present also, at the invitation of the Commission, Messrs. Joseph J. Darcy and Arthur D. Greenman, of the engineers' staff of the State Department of Public Works, as advisers to the Commission.

After a discussion at length, in which the engineers present were heard with special attention, a set of plans was adopted and changes ordered which call for a widening of the racing strip to eighty feet at each of its turns along with an easing, or blunting, of the angles of the clubhouse and stretch turns with a scientific banking and gradual gradient at both of them to be prolonged for about 2,000 feet at each. The present width of the turns which are to be improved is about sixty-six feet. The changes were ordered to be put in process immediately and to be complete by the opening of

racing at Aqueduct on June 5th.

At the same time the race distances at the course were ordered re-surveyed to conform to the changes ordered and the outside of the course backed with trees and shrubbery, where necessary, to increase the visibility of races to the public.

On motion of the Chairman, after consideration of the changes to be made at Aqueduct were concluded, it was ordered that a similar survey for accuracy in race distance and pole positions be made at Jamaica, and that drinking fountains, in sufficient number for public convenience, be installed at all tracks.

There being no further business before the Commission it was then adjourned on motion of Commissioner Cole.

*John G. Shulin*  
Secretary.

Proceedings of a Special Meeting of the New York State Racing Commission, held at the offices of the Commission, 745 Fifth Avenue, New York City, on Friday, February 25, 1944.

Present: Mr. Herbert Bayard Swope  
Mr. Ashley Trimble Cole  
Mr. William Woodward  
Mr. Marshall Cassidy  
Mr. John F. Shevlin  
Mr. R. E. Crowley

The Secretary reported on daily telephone and personal conferences with the Chairman on routine and administration business.

The Chairman, Mr. Herbert Bayard Swope, informed the meeting that applications had been received from the five racing associations for a change in the type of camera used at the races from the Jones Camera to the Photochart Camera, during the present racing season.

Mr. R. E. Crowley, representing the ownership of the Photochart Camera, explained the workings of the camera and the differences between it and the one now in use, submitted photographs of finishes, and otherwise went into the merits of the Photochart Camera.

The principal objection to his explanation was made by Commissioner Cole, who said that, in his opinion, the camera might not be feasible since it does not show on the negative the finish line of the track and, therefore, there might be some criticism by the public.

Recommendations that the camera be tried were then made by Mr. Woodward and Mr. Cassidy, and after some further discussion, it was decided to experiment with the camera during the opening meeting at Jamaica, April 8 through May 6. Pending this trial, the Commission is to write to all the racing associations throughout the country where the camera has been in use and ask their opinion.

The following newspaper announcement was drawn up and sent out.

"FOR RELEASE FRIDAY, MARCH 3RD

It was announced yesterday by Herbert Bayard Swope, Chairman of the New York State Racing Commission, that upon the application of The Jockey Club and the five New York racing associations, permission has been given for a change from the present photo finish camera to what is considered to be a more modern Photo Chart Camera during the inaugural meeting of the season of 1944 at Jamaica.

The approval of the camera is only tentative and has been given subject to demonstration and public reaction during the twenty five days of racing beginning April 9th. The Racing Commission in the meantime has asked racing associations of the country at whose tracks the chart camera is already installed for reports of their various personal and clinical experience with it."

There being no further business before the meeting, it was then adjourned.

*John G. Shevlin*

Secretary.

Minutes of a Meeting of the New York State Racing Commission held at the offices of the Commission, 745 Fifth Avenue, New York City, on Saturday, March 4, 1944, at 4:00 P.M.

Present: Mr. Herbert Bayard Swope, Chairman  
Mr. Ashley Trimble Cole, Commissioner.

On motion of Mr. Cole, seconded by Mr. Swope, the following resolution was unanimously adopted:

RESOLVED, that the Commission does hereby approve in all respects amendments to the Rules of Racing submitted by The Jockey Club with respect to Rules 90,99 and 216, said amendments reading as follows:

Rule 90 (a). Add the following:  
All such names are subject to the approval or disapproval of the Stewards of The Jockey Club.

The new rule to read:

Rule 90 (a). A person wishing to race under an assumed name may do so by registering annually and by paying annually a fee of \$100.00, and such a registration is effective only during one calendar year. All such names are subject to the approval or disapproval of the Stewards of The Jockey Club.

Rule 99. Strike out the words "within 90 days."

The new rule to read:

Rule 99. Subscriptions and all entries or rights of entry under them become void on the death of a subscriber, except in case of duly registered partnerships, or except, subject to the sanction of the Stewards of The Jockey Club, when the nominated representative of an Estate in any last will or testament, or the principal next of kin or heirs at law, in case of intestacy, shall, in writing, request that the benefits of such entries accrue to the Estate of the decedent, for the privileges of transfer, and shall agree to assume any and all obligations incident to the original entries.

Rule 216. Strike out sections (a), (b), (c), (d), (e) and (f)

and substitute the following:

Rule 216 (a). If any person give, offer or promise, directly or indirectly, any bribe in any form to any person having official duties in relation to any race or race-horse, or to any trainer, jockey or agent, or to any other person having charge of, or access to, any race horse: or

(b) If any person having official duties in relation to any race-track, race or race-horse, or if any trainer, jockey, agent or other person having charge of, or access to, any race-horse, solicit, accept, or offer to accept any bribe in any form; or



(c) If any person wilfully enter, or cause or permit to be entered, or to start, in any race a horse which he knows or believes to be disqualified; or

(d) If any person shall have in his possession in or about any race-track, or shall use, appliances, electrical or mechanical, other than the ordinary equipment, for the purpose of affecting the speed or racing condition of a horse; or

(e) If any person be guilty of any improper, corrupt or fraudulent act or practice in relation to racing in this or in any other country or shall conspire with any other person to commit, or shall assist in the commission of, any such act or practice;

any such person so offending in the judgment of the Stewards of The Jockey Club, may be fined, ruled off or otherwise punished, at the discretion of such Stewards; and if the Stewards of the Meeting shall find that there has been a violation of Rule 216 (a), (b), (c), (d) or (e), they shall proceed as they may deem proper under any of the Rules of Racing.

(f) If the Stewards of the Meeting shall find that any improper medication or drug has been administered, internally or externally, which affects the racing condition of a horse in a race, such Stewards shall impose such penalty and take such other action as they may deem proper under any of the Rules of Racing against every person found by them to have administered or to have caused to be administered, or to have conspired with another person to administer such medication or drug and shall immediately refer the same to the Stewards of The Jockey Club; and such person or persons so offending shall have his or their licenses, if any, suspended or revoked and/or be otherwise punished in the discretion of said Stewards of The Jockey Club.

Although the trainer or groom of such horse, or any other person having charge of or access to such horse, may not be shown to have known of or participated in such act or administration he may be punished as if he had known or participated therein.

The owner or owners of such horse shall be denied, or shall promptly return any portion of the purse or sweepstakes and any trophy in such race, and the same shall be distributed as in the case of a disqualification. If a horse shall be disqualified in a race because of the infraction of this Rule 216 (f), the eligibility of other horses which ran in such race and which have started in a subsequent race before announcement of such disqualification, shall not be in any way affected.

There being no further business before the Commission it was adjourned on motion of Commissioner Cole.

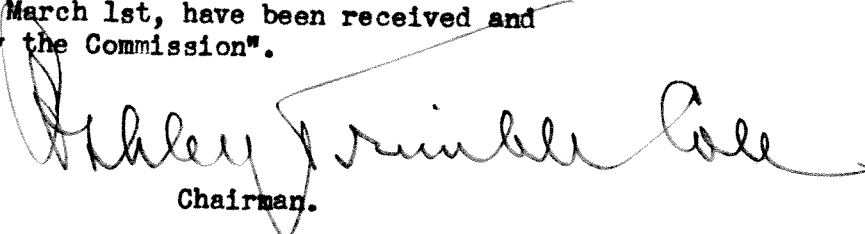


Acting Secretary.

NOTE - It was not discovered until January, 1946, that no Minutes had

been made of this meeting. As Commissioner Cole had taken an active part in the preparation of the amendments to the Rules of Racing which were acted upon at that time, he dictated the foregoing Minutes on January 5, 1946. The date was fixed by a letter written by Acting Secretary Campbell to Assistant Secretary Cassidy of The Jockey Club dated March 4, 1944, reading as follows:

"At the direction of the Commission, I beg to advise you that the Amendments to Rules 90, 99 and 216 sent by you on March 1st, have been received and are approved by the Commission".

  
Chairman.

Proceedings of a meeting of the New York State Racing Commission held at the offices of the Commission, 745 Fifth Avenue, New York City, on Monday, March 13, 1944:

Present: Mr. Herbert Bayard Swope  
 Mr. Ashley Trimble Cole  
 Mr. Edmund H. H. Caddy  
 Mr. Eugene Campbell

The Acting Secretary reported on daily telephone and personal conferences with the Chairman on routine and administration business.

This meeting was called to discuss the decision of the Appellate Division in the case of Robert Merritt, jockey, whose license for 1943 was denied by the Joint Board of the Commission and the Jockey Club last August.

Before taking up discussion of the Merritt case, the Acting Secretary reported that he had received letters favorable to the Photochart Camera from the managements of the following tracks, at all of which it had been in use for some time. The tracks are:

Agua Caliente  
 Hipodromo De Las Americas (Mexico)  
 Del Mar Turf Club  
 Hollywood Turf Club  
 Gables Racing Association, Inc.  
 Washington Jockey Club (Longacres)  
 Maryland Jockey Club (Pimlico)  
 West Virginia Jockey Club  
 Garden State Racing Association  
 Maryland State Fair (Laurel)  
 Harford Fair Association (Md)  
 Cumberland Fair Association (Md)  
 Maryland State Fair and Agricultural Society  
 Southern Maryland Agricultural Fair Ass'n, Inc.

After full discussion by Chairman Swope and Mr. Caddy of the matter of the Merritt case, it was decided to make a statement for the newspapers and, on the suggestion of the Chairman, that the statement be issued by the Attorney General, confirming to the procedural rules as indicated by the Appellate Division of the Supreme Court. The release to be subject to the filing of a court order

embodying the Court's decision. It was later, at the request of the Attorney General, put out by the Commission. The announcement follows:

"FOR RELEASE IN MONDAY MORNING  
PAPERS, MARCH 20, 1944

FROM THE NEW YORK STATE RACING COMMISSION

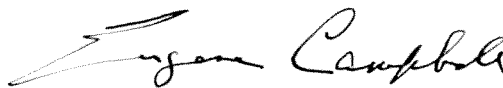
Further action in the case of Jockey Merritt awaits the completion of certain legal formalities now under way. These details have to do with the text of the Appellate Division order, which did not reinstate Merritt, but granted him a new hearing. After these details have been attended to a date will be set for Merritt's appeal from the decision of the Jockey Club denying him a jockey license in 1943. The Commission has notified the Jockey Club and Merritt to this effect.

In the meantime it is understood Merritt's application to the License Committee of the Jockey Club for a new license probably will be held in abeyance by that body, since the issues involved are those that will be tried in connection with the 1943 application. The matter of licenses is entirely in the hands of the Jockey Club.

Edmund H. H. Caddy, Assistant Attorney General in charge, represents the Racing Commission, and Davies, Auerbach, Cornell and Hardy are counsel for the Jockey Club. Merritt is represented by William Seligson.

The Chairman of the Racing Commission, Herbert Bayard Swope, who sits as Chairman of the Joint Board, announces that he intends to rule that the hearing is to be public, although the order of the Appellate Division does not require that."

There being no further business before the meeting, it was then adjourned.



Acting Secretary.

Minutes of a Special Meeting of the New York State Racing Commission  
held at 745 Fifth Avenue, New York City, on Tuesday, March 14, 1944.

Present: Mr. Herbert Bayard Swope, Chairman  
Mr. Eugene Campbell, Acting Secretary

Mr. John J. Coakley  
and

Mr. John F. Shevlin  
Representing the Tracks

Mr. Coakley applied for a new schedule of prices. Acting for himself and Commissioner Cole, the Chairman approved the outline. The tracks are willing to absorb part of the extra cost, the Federal tax having been doubled.

The new schedule is as follows:

"The list of prices of admission as proposed by the Metropolitan Jockey Club in your letter of March 10th has been approved by the Commission. It is understood that the tracks will absorb part of the new taxes, about 2 cents, on the grandstand and clubhouse tickets. The schedule, as submitted, is as follows:

	<u>Grandstand</u>	<u>Clubhouse</u>	<u>Exchange Ticket</u>
Association	\$1.1826	\$3.1826	\$2.00
Federal Tax	.24	.64	.40
State Tax	<u>.1774</u>	<u>.4774</u>	<u>.30</u>
Total	\$1.60	\$4.30	\$2.70

We think it would be better if, on the complimentary tickets, the term "Service Cost" were substituted for "Partial Admission Fee," and the fee be reduced to \$.0326 instead of \$.0826, as is now suggested. In this type of admission the printing should read:

	<u>Grandstand Tax Ticket</u>	<u>Clubhouse Tax Ticket</u>
Federal Tax	\$ .24	\$ .64
State Tax	.1774	.4774
Service Cost	<u>.0326</u>	<u>.0326</u>
Total	\$ .45	\$1.15

Faithfully,

Chairman. "

The foregoing letter was sent to the five race tracks.

Also, there was a discussion of Charity Day, about which reports had caused alarm to various prominent citizens associated with charities, who had been told that only the Red Cross was to benefit. It was pointed out that each track could do as it pleased. The Commission added that it would be unlikely that the tracks would restrict their benefactions to the Red Cross. Victory Week, which is still being projected, would include such organizations as the National War Fund, local charities, Catholic, Protestant and Jewish charities.

There being no further business before the meeting, it was then adjourned.

A handwritten signature in cursive script, reading "Eugene Campbell". The signature is written in dark ink and is positioned above the typed name.

Acting Secretary.

Proceedings of a Meeting of the New York State Racing Commission, held on Friday, March 24, 1944, at the offices of the Commission, 745 Fifth Avenue, New York.

Present: Mr. Herbert Bayard Swope, Chairman  
Mr. Eugene Campbell, Acting Secretary.

The Secretary reported daily telephone and personal conferences with the Chairman on routine and administration business.

The Secretary informed the Chairman that the Metropolitan Jockey Club (Jamaica) had written asking for permission to make Post Time for the first race at 1:45 P. M. for its Spring meeting from April 8th through May 6th.

The Chairman, acting for himself and Commissioner Cole, who is at present out of the city, unanimously approved the 1:45 P. M. Post Time and the Metropolitan Jockey Club was so informed.

On motion duly seconded, the meeting adjourned.



Acting Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission, held on Friday, March 31, 1944, at the offices of the Commission, 745 Fifth Avenue, New York City.

The Secretary informed the Chairman of the receipt of a letter from the various racing associations asking for permission to change the text that will appear on the badges and complimentary tickets issued by the associations.

The new tickets to read as follows:

Grandstand: "Adm. \$1.20; Fed. Tax \$.24; State Tax \$.18  
(Patron pays \$.16; Track pays \$.02) Total \$1.60."

Clubhouse: "Adm. \$3.20; Fed. Tax \$.64; State Tax \$.48  
(Patron pays \$.46; Track pays \$.02) Total \$4.30."

The change was approved by the Commission and the Secretary was instructed to write the following letter to the associations:

"Answering your letter of March 30th, I have been instructed by the Chairman to inform you that the emergency change in the text that will appear on the badges and complimentary tickets has been authorized by the Commission.

BY ORDER OF THE COMMISSION

(Sgd.) Eugene Campbell  
Acting Secretary. "

On motion duly seconded, the meeting adjourned.

Acting Secretary.



Proceedings of a Meeting of the New York State Racing Commission held on Friday, April 7, 1944, at the offices of the Commission, 745 Fifth Avenue, New York City.

Present: Herbert Bayard Swope, Chairman  
Ashley Trimble Cole, Commissioner  
Eugene Campbell, Acting Secretary

Chairman Herbert Bayard Swope and Commissioner Ashley T. Cole discussed, at length, the new Photo Chart Camera. After discussion the Secretary was instructed to write the following letter to the Metropolitan Jockey Club (Jamaica).

"Dear Mr. Shevlin;

In connection with the new camera:

See that a spinner is put in at the finish line.

Have a licensed surveyor fix the camera and issue a certificate as to the scientific accuracy of its emplacement. This certificate is to be hung in the camera house.

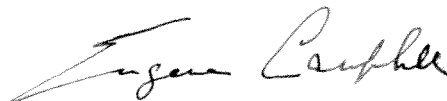
This last suggestion comes from Mr. Cole and, in my opinion, is a good one.

This is an order from the Commission.

Faithfully,

(Sgd.) Herbert Bayard Swope  
Chairman."

On motion duly seconded, the meeting adjourned.



Acting Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission, held on Monday, April 10, 1944, at the offices of the Commission, 745 Fifth Avenue, New York.

This meeting was held in connection with the strike of the grooms at the Jamaica racetrack.

The Chairman, Herbert Bayard Swope, and Commissioner Ashley T. Cole, discussed the merits of a system worked out by the tracks, under which the amount of all purses will be lifted \$100. This is to take care of certain changes involved in bringing the horses to the paddock before the races.

After discussion, the Commission approved the adoption of the formula and the Secretary was instructed to issue the following release:

"FOR IMMEDIATE RELEASE

The Racing Commission is in approval of a system worked out by the tracks, under which the amount of all purses will be lifted \$100. This is to take care of certain charges involved in bringing the horses to the paddock before the races.

The Commission has nothing to do with the amount of wages that are paid to the various types of workers, and it is taking no position in such matters. However, charges of this nature should be made against the stables, and the grooms were out of line in putting pressure on the tracks and discommoding the public, without which there would be no racing.

The formula adopted will, in the opinion of the Commission, solve the problem. The Commission has authorized the increase to become effective at once."

On motion duly seconded, the meeting adjourned.

  
Acting Secretary.

Proceedings of a Meeting of the New York State Racing Commission, held on Saturday, April 15, 1944, at the Jamaica Race Track, Jamaica, New York.

Present: Chairman Herbert Bayard Swope, Commissioner Ashley T. Cole and Commissioner David Dows, who had just been appointed to the Commission by Governor Thomas E. Dewey.

The Chairman explained that all matters of major policy would be put into execution only after each of the Commissioners had a full chance to express an opinion on the subject, either directly, by telephone or by letter.

The Chairman brought out the action of the Jamaica Race Track - which, the Commission had been informed, was to be carried through by the other tracks unless notified to the contrary. This action was the discontinuing of the practice of cashing the checks of its patrons. The Commission regards this as a disservice to the public, since the records show that something like \$12,000,000 worth of checks had been cashed in the last year.

With the approval of the Commission, the Chairman was to write a letter to the track inquiring into the circumstances of this discontinuance, and to point out that it was in the nature of a public convenience as well as a method of protecting the interests of the State.

Commissioner Cole - then and later - referred to the question of posting the racetrack grounds with warnings against violations of the law in accordance with Section 986 of the Penal Laws.

The matter of giving the United Hunts a date was discussed and it was decided to do so if a proper and convenient date could be arranged.

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



Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission, held on Friday, April 21, 1944, at 745 Fifth Avenue, New York City.

The Secretary was instructed to write to the various racing associations under the jurisdiction of the Commission, directing their attention to Chapter 669 of the Laws of 1944, which provides that all pari-mutuel tickets must be cashed within 90 days of their issuance.

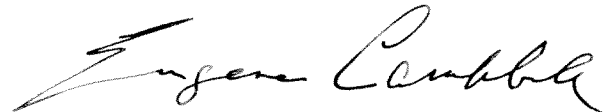
The following letter was forwarded to the associations:

"Gentlemen:

This Commission directs your attention to Chapter 669 of the Laws of 1944, in which it is provided that all pari-mutuel tickets must be cashed within ninety days of their issuance.

It would be a real service to the public, and a prevention of error, were notices to be printed and posted at various pari-mutuel windows directing public attention to the law."

On motion duly seconded, the meeting adjourned.

  
Secretary.

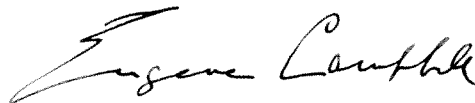
Proceedings of a Telephonic Meeting of the New York State Racing Commission, held on Saturday, April 22, 1944, at 745 Fifth Avenue, New York City.

The Secretary informed the Commission of the receipt of a letter from the Westchester Racing Association, asking approval to start the first race at Belmont Park at 1:30 P. M. and the closing of the daily double at 1:15 P. M.

The track also asked approval for the enlargement of the enclosure section, primarily to handle war bond purchasers.

The Commission unanimously voted to approve these requests and directed the Secretary to write the Westchester Racing Association to that effect.

On motion duly seconded, the meeting adjourned.



Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission, held on Friday, May 19, 1944.

The Secretary informed the Commission of the receipt of a letter from the Westchester Racing Association, asking approval to turn over the profits on Memorial Day, May 30, 1944, to charitable relief activities.

The Commission unanimously approved this request and directed the Secretary to write to the Westchester Racing Association to that effect.

A handwritten signature in cursive script, appearing to read "Eugene Connelly".

Secretary.

Proceedings of a Meeting of the State Racing Commission, held at the offices of the Commission, 745 Fifth Avenue, New York City, on Friday, May 12, 1944, at 3:30 p. m.

Present: Mr. Herbert Bayard Swope  
Mr. Ashley Trimble Cole  
Mr. David Dows  
Mr. Eugene Campbell, Secretary.

Presiding: Mr. Herbert Bayard Swope

The Secretary reported on daily telephone and personal conferences with the Chairman on routine and administration business.

This meeting was called to take up especially such matters as have presented themselves in connection with racing following the year's inaugural meeting at Jamaica.

The Chairman then made a verbal report on a conference he had several days previously - May 8th - with Governor Dewey, in which the Governor expressed himself as wholly satisfied with the Commission's and the Chairman's administration of racing in the State, and its results in public confidence and revenue. The Governor particularly, the Chairman said, had inquired if there was surreptitious bookmaking going on at the tracks; and if it was anticipated that the Saratoga and Empire City associations would apply for licenses at their own courses. Mr. Swope had informed Mr. Dewey that the two associations had not yet done so, and that it was his personal belief that, due to rubber and transportation shortages, the two associations would probably race at Belmont and Jamaica this year, as they did in 1943.

The Chairman's report was supplemented by a confirming report by Commissioner Dows, who had spoken with the Governor to the same general effect by telephone within a few hours preceding the meeting.

The meeting then took up the question of check cashing at the tracks; an accommodation which has found great public favor in preceding years. -

\$12,000,000 last year - and has been of particular service to race patrons of means who like to wager in substantial sums, but naturally, dislike carrying cash to the tracks in corresponding amounts.

The accommodation was discontinued summarily at Jamaica this spring, presumably at the instance of Dr. Edward Kilroe, president of the track, and it has been understood that the other tracks had agreed to discontinue the accommodation also. Certainly the accommodation has not yet been made re-available at Belmont Park. It is understood, however, that a meeting of all track heads is to be held at Belmont on May 16th, and the whole matter re-opened for discussion, and that Mr. Theodore Knapp, president of Aqueduct, is in favor of re-establishing the accommodation. All three of the commissioners at this meeting told of complaints that patrons could no longer cash their personal checks at the tracks, though their financial credit was undoubted and themselves and their signatures well known, and that, undoubtedly, racing was losing revenue because they were restricting their wagers accordingly.

It was finally moved by Commissioner Cole and seconded by Commissioner Dows, and

Resolved: that the Commission await the decision of the track presidents at their meeting next Tuesday, and if, at that meeting, they still decline to re-open the check cashing facilities, to write them in the Commission's name requesting the re-establishment of the facilities as a valid public service.

Discussion was next had as to the insufficient number of uniformed messengers taking wagers from patrons at the tracks, and the secretary was instructed to write to Mr. L. H. Walger, urging the appointment of more messengers.

Discussion was then taken up as to the propriety of personal betting by racing commissioners - the discussion being opened by Commissioner Dows who stated that, as the most recently appointed member of the commission, he would



like to have illumination on the subject.

His question was answered in turn by Chairman Swope pointing out that there could be no question of propriety, since in this commission its members have only appellate jurisdiction over disciplinary action in racing and that racing in New York is especially endowed with the privilege of betting by law. It was agreed that there should be no interdiction of the practice. Reference was made by the Chairman to a letter he had written to the Dayton Herald on May 11th on this subject.

Discussion next followed as to how horsemen could participate to a greater degree in present prosperity; whether the best method was to increase purses or to abolish starting fees, permitting free entry and choosing runners by lot. It was decided that the Chairman and Secretary send out inquiries to various sources on this point.

Commissioner Dows then suggested that The Jockey Club make a formal practice of licensing all owners and requiring from each an affidavit as to ownership of horses. The Secretary was instructed to consult with the Assistant Secretary of The Jockey Club on this subject.

Discussion as to the method of discovering how much original capital is involved in each day's handle was had. The Secretary was instructed to see what arithmetical process could be used to cover this point.

The Chairman reported on the City's imposition of the "use tax" and it was decided that the Attorney General should be asked to intervene if there should be any court action on this matter.

Discussion of the United Hunts dates was had, and a tentative agreement reached that one day of the Victory Meeting was to be placed under the jurisdiction of the United Hunts, with the understanding that all the profits were to be turned over to the General Fund. Further, the United Hunts was

to be told that it could have at least two open jumping dates (while Jamaica and Empire are running) at which the totalizator need not be employed, assuming that there will be difficulty in getting that mechanism.

The Chairman thought a suggestion should be made to the five associations to have one made to contact for all five tracks, instead of having to repeat each matter five times. The Chairman asked the Secretary to take this matter up with Mr. Cassidy, who would be acceptable to the Commission if he is empowered to act by the tracks.

The Secretary was further instructed to see that the change on the program rules is made showing that the Daily Double is not required to go through the totalizator.

The Secretary was instructed to make an inspection as to how far the rule against bookmaking is posted at the various tracks. That is to be made the subject of a report every 60 days. Also posting the sign about 90 day limit on winning pari-mutuel tickets.

The Secretary was asked to inform the Commission Steward to take up with the Starter the question of handling horses within the stalls; suggestion being made that the Racing Secretary post a notice to the effect that any owner or trainer wishing his horses not so handled would have to write to so inform the Starter, who will act on it.

The Chairman reported on his assignment of Mr. Cassidy to examine into alterations to the racing strip at Aqueduct, and Mr. Cassidy's letter of May 8th, was accepted as sufficient reason why the strip cannot be changed materially during the racing season. The builder of Keeneland track is to be consulted in this matter in case any problems arise.

There was a discussion of courtesy cards, and the Chairman informed the meeting of the position of the Attorney General, who has questioned the legality of such cards. Commissioner Cole suggested that, under the law, cards

might be issued to Commissioners of other states and public officials, and agreed to submit specimen cards to the Attorney General's office.

The Chairman reported that the Commission rule against local stewards "warning off" alleged offenders who have not been given a trial, would be observed; the Stewards of The Jockey Club consider it unwise to incorporate this in a rule, but there is a general agreement that the idea is sound and will be acted on.

There was a discussion of furnishings and eventual changes in the layout of the Commission offices, and the secretary was instructed to procure and submit a plan drawn to scale.

The Chairman suggested that if formal notice was given of the invasion of the Continent of Europe - that Racing be abandoned for that day. The Secretary was instructed to learn whether or not this would interfere with stake dates - and even if it did, an effort is to be made to gain postponement. It was agreed the action would have a highly effective influence on public opinion.

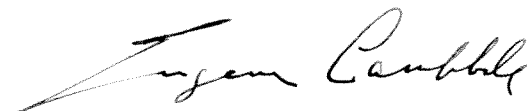
The Public Address system is to carry an announcement of the invasion if it comes during the daytime, that Racing has been abandoned for the day, and that gate money will be refunded, and that patrons are free to go home or to churches to pray for the success of our men and arms.

It was agreed, at this time, that it would be unwise to put in permanent form the Rules got together by Commissioner Cole, which include Racing Commission regulations, the Jockey Club rules and the laws bearing on the sport. It was complimented as an able effort, but was not regarded as expedient to be published at this time. Commissioner Cole agreed that it was still in tentative form. It will be taken up later.

The Secretary was instructed to take up with Mr. Caddy, the question of tips, which was once crusaded against by the Attorney General's office, but which have slowly crept back into publicity. The Journal American and the

Daily Mirror are the only two papers, according to an inquiry that has been made, that accept these ads. It is said that they take them at a high price.

On motion, duly seconded, the meeting adjourned.

A handwritten signature in cursive script, appearing to read "Eugene Cabbell".

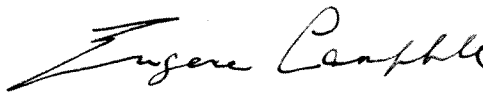
Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission held May 24, 1944, at 745 Fifth Avenue, New York City.

The Chairman informed the Commission of the receipt of a letter from the Empire City Racing Association, asking approval to shift its 1944 meetings from Yonkers to the Jamaica Race Track, Jamaica, L. I.

The Commission unanimously approved this request and the Secretary was instructed to write to the Empire City Racing Association to that effect.

On motion duly seconded, the meeting adjourned.

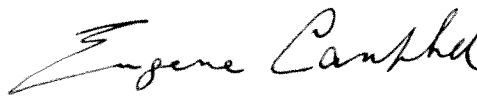
  
Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission, held May 25, 1944.

The Chairman informed the Commission of the receipt of a letter from the Saratoga Association, asking approval to shift its 1944 meeting from Saratoga Springs, N. Y., to the Belmont Park Race Track, Elmont, L. I.

The Chairman unanimously approved this request and the Secretary was instructed to write to the Saratoga Association to that effect.


On motion duly seconded, the meeting adjourned.

  
Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission, held Friday, June 9, 1944.

The Chairman informed the Commission of the receipt of a letter from the Empire City Racing Association, asking approval to start the first race for the Summer Meeting of the Empire City Association, July 3rd to July 29th, at 1:30 P. M., at the Jamaica Race Track, Jamaica, L. I.


The Commission unanimously voted to approve this request and directed the Secretary to write the Empire City Racing Association to that effect.

  
Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission, held on Friday, June 16, 1944.

The Secretary informed the Commission of the receipt of a letter from the Empire City Racing Association, asking approval to turn over the profits on July 4th, to the National War Fund and the American Red Cross as a contribution to war relief activities.

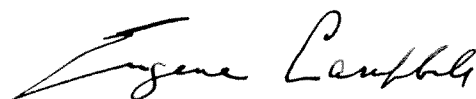
The Commission unanimously approved this request and the Secretary was directed to write to the Empire City Racing Association to that effect.

  
Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission, held Friday, July 7, 1944.

The Chairman informed the Commission of the receipt of a letter from the Saratoga Association, asking permission to start the first race for their Summer Meeting (which is being held at the Belmont Park Race Track) from July 31 to September 2nd, at 1:15 P. M.

The Commission unanimously voted to approve this request and directed the Secretary to write the Saratoga Association to that effect.



Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission held on August 1, 1944.

The Chairman informed the Commission of the receipt of a letter from the Queens County Jockey Club, asking approval to turn over the profits of September 4th (Labor Day), to charitable and relief purposes.

The Commission unanimously approved this request and the Secretary was directed to write to the Queens County Jockey Club informing them that Labor Day was a very good selection as it is certain to increase greatly the charitable contributions from Racing.

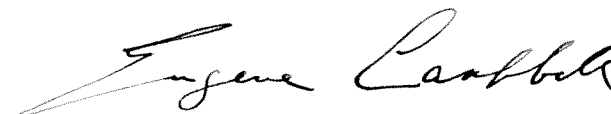


Secretary.

Proceedings of a Telephonic Meeting of the New York State  
Racing Commission, held August 25, 1944.

The Secretary informed the Commission of the receipt  
of a letter from the Queens County Jockey Club, asking permission  
to start the first race for their Fall Meeting at Aqueduct,  
which runs from September 4th through September 16th, at 1:15 o'clock p. m.

The Commission unanimously voted to approve this request and  
directed the Secretary to write the Queens County Jockey Club to that  
effect.

A handwritten signature in cursive script, reading "Eugene Carroll". The signature is written in dark ink and is positioned above the typed name "Secretary".

Secretary.



Wednesday, September 27, 1944

WHEREAS, this Commission has learned with profound regret of the death of Mrs. Payne Whitney, on September 24th, and

WHEREAS, her famous Greentree Stable, under her immediate and affectionate management, has been for many years a symbol of the highest traditions of sportsmanship and the welfare of the American turf, now therefore, it is

RESOLVED that her death is a deep loss to racing and its finest ideals and that this Commission spread upon its minutes this expression of its sorrow and sense of bereavement.

Proceedings of a Meeting of the State Racing Commission, held at the offices of the Commission, 745 Fifth Avenue, New York City, on Wednesday, September 27, 1944, at 3:30 p. m.

Present: Mr. Herbert Bayard Swope  
Mr. Ashley Trimble Cole  
Mr. David Dows  
Mr. Eugene Campbell, Secretary.

The Secretary reported on daily telephone and personal conferences with the Chairman on routine and administration business.

The meeting was opened with a report by Commissioner Dows of a talk he had had with a Mr. Ward of the New York Board of Fire Underwriters as to construction of stabling at race tracks, during which Mr. Ward explained both that fireproof construction is given a much lower rate of insurance than frame construction and that full plans of the physical structures at all New York racetracks are on file at the board offices. The chairman said he had asked for and received a special report from the Long Island Park Department as to hollow tile construction which the report said, did not retain moisture as much as frame. He pointed out that racing and breeding construction were always of stone, brick or tile in England, France, Germany, Australia and other racing countries, an indication that we should follow suit.

Commissioner Cole praised the action of the Chairman in directing the tracks to increase their fire protection, the step being taken previous to the recent Belmont fire.

The Secretary was then instructed to arrange for a meeting with Mr. Ward at the offices and report further to the Commission.

Commissioner Cole offered to consult with the Attorney-General or one of his deputies and request an official opinion as to powers of the Commission to order specific types of construction. The Commission then entered into a general discussion of the Commission's powers, both as at

present set forth in the statutes and with a view especially to future legislation broadening them. It was agreed that the following powers are desirable, and if not latent in the present laws should be given specifically by future legislation:

Power to fix the number of races daily;  
 Power to fix the minimum amounts of purses;  
 Power to assess fines against racing associations for disobedience of Commission orders, and  
 Power to direct hollow tile construction of stabling.

Mr. Cole then proposed that he draw a tentative draft of such amendments to the present laws as are desired, and submit them to the next meeting of the Commission, for submission ultimately to the next session of the legislature.

There was a short discussion, after this, as to the Commission's power to direct a uniform system of accounting by the New York racing associations, and it was pointed out by the Chairman that the Commission already has such power. The Secretary was instructed to write to the associations directing them to make their annual reports under a uniform system and to have such a form prepared by the Commission accountant.

The Secretary was instructed, further, to write to the associations inquiring as to how great a burden was being put upon horsemen by the imposition of the city use tax; and whether there have been any protests or suits.

The following matters were next considered in order and by motion made and adopted put over for consideration until after the end of the present racing season.

Eight races at Jamaica and Empire;  
 Sanitary and landscaping improvements at the tracks;  
 Improvement of the far and stretch turns at Aqueduct;  
 Installation of the teletimer at all tracks, it having proved its value at Belmont;  
 The refund rule.

There was also discussed but put over to a later meeting - for adoption at that meeting for next year - the matter of the allocation of stalls and stabling at the tracks which is at present unsatisfactory to horsemen. It was agreed that the present allotting of stalls is virtually in control of Mr. Marshall Cassidy, assistant Secretary of the Jockey Club, and that his exercise of such control is too arbitrary. Mr. Cole, at the conclusion of the discussion, proposed that he draw a stall rule for ultimate adoption by the Commission, which shall make the stall situation both impersonal and equitable all around, and submit it at a later meeting. It will provide the right of appeal to the Joint Board of the Racing Commission and the Jockey Club. The Secretary was instructed to write to The Jockey Club asking for its report on the whole stall situation.

The Chairman then directed consideration to the present assessments of 1% and 2% on the winning owner's share of stakes and purses by The Jockey Club from which the club draws an annual aggregate of around \$50,000. The Chairman's view was accepted as the sense of the meeting that these assessments should be borne by the track associations rather than the winning horsemen. The Commission will consider at a later meeting whether to adopt a commission rule on the subject. The Chairman is to consult the Attorney General as to the Jockey Club's rights in the matter.

Commissioner Cole reported that he was going to have a meeting on Commission rules with officials of the Jockey Club and their counsel. It was understood, however, that the meeting is to be wholly unofficial and that no commitments will be made.

The Commission then took up the matter of the recent resignation of Jo Grossman, assistant to the steward, and the appointment of his successor, George Ryall. Mr. Cole raised, as a point of authority, the question of whether the Chairman could make appointments to the staff without consultation with the other Commissioners and gave it as his opinion that he could not. Mr. Swope

assured him that the appointment was only temporary until the end of the racing season and only made because the state officials in charge of the commission budget might consider the position unnecessary if not filled immediately, and showed Commissioner Cole his letter to Ryall making the appointment temporary. The Secretary was then instructed to prepare a list of all applicants or possible candidates for the position and submit it to Mr. Cole.

The meeting closed with a brief discussion as to a letter written by the National Association of State Racing Commissioners as to the feeling of state racing bodies on off-course betting, and the question was raised as to whether any member of this Commission had replied to the letter committing the Commission for or against it. Mr. Swope then read a letter which he had sent in September since stating that he, personally, was in favor of off-course betting under certain conditions but that both of his fellow Commissioners, again personally, were opposed to it and that the Commission had taken no action as a body.

At Mr. Cole's suggestion then, the following resolutions were proposed and adopted by a vote of two to one.

RESOLVED, that the Racing Commission of the State of New York is opposed to off-course betting on horse races, whether through pool-rooms owned and operated by the State of New York or legalized and licensed by the State for operation by others, including licensed Racing Associations, or in any other manner; and

BE IT FURTHER RESOLVED, that a copy of these resolutions, duly certified by the Secretary of the Commission, be filed forthwith with the National Association of State Racing Commissioners and the Thoroughbred Racing Associations of the United States, Inc.

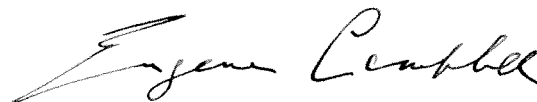
On motion duly seconded, the meeting adjourned.

Secretary.

Proceedings of a Telephonic Meeting of the New York State Racing Commission, held on Monday, October 2nd, 1944.

The Secretary informed the Commission of the receipt of a letter from the Metropolitan Jockey Club, asking permission to make post time for the first race at the Jamaica Fall Meeting, which runs from October 9th through October 21st, at 1:45 o'clock P. M.

The Commission unanimously voted to approve this request and directed the Secretary to write to the Metropolitan Jockey Club to that effect.

A handwritten signature in cursive script, reading "Eugene Campbell". The signature is written in dark ink and is positioned above the typed name "Secretary".

Secretary.

Proceedings of a Special Meeting of the New York State Racing Commission, held at the offices of the Commission, 745 Fifth Avenue, New York City, on Tuesday, October 31, 1944, at 5 P. M.

Present: Herbert Bayard Swope, Chairman  
Ashley Trimble Cole, Commissioner  
The Hon. William McNulty, Assistant  
Attorney General  
The Hon. John Powers, Assistant  
Attorney General  
Eugene Campbell, Secretary.

This meeting was called, as a special meeting, at the request of the Attorney General, for a general discussion between the Racing Commission and the Assistant Attorneys General, representing the Attorney General, looking to such amendments in the racing laws as should, in their opinion, be recommended for passage at the next session of the Legislature.

Before proceeding to the business of the meeting the minutes of the Commission meeting of September 27th were read and adopted.

The business of this meeting was begun by a statement by the Chairman, for the information of the Assistant Attorneys General, explaining that ever since the creation of the Racing Commission in 1934 there has been an attitude of inhospitality on the part of the five New York racing associations and the Jockey Club toward the Commission, as to the extent of the Commission's authority under the law. That therefore the present sense of the Commission is that certain amendments in the law might be of help in future dealings with the associations and the Jockey Club, by clarifying specifically certain powers of the Commission which, although implicit enough in the Commission's broad powers as now vested in it under the law, are still continuously in controversy between the Commission and the racing bodies. The present sections, he said, if not made more explicit and certain by legislative amendment, may lead to court proceedings for their clarification with the expense and loss of time inevitably incident thereto.

What the Commission would like to have, the Chairman explained, was an omnibus, or general, amending section in the law which would leave no doubt as to the Commission's power in certain respects which were then outlined by him and Commissioner Cole, and of which the following were the most important:

That the Commission should have clear power to order eight races, or whatever number of races it considered for the best interests of racing, at all New York tracks.

That it should have power to fix the minimum purse amount for which races should be run.

That it should have power to fine racing associations for disobedience to its orders, and should, if necessary, have power to refuse licenses to race to associations disregarding its orders.

That it should have power to order a uniform system of accounting for racing associations and power to direct what financial matters they must include in annual reports to the Commission.

That it have clear power, also with power to fine or withhold licenses, to direct what sanitary and public accommodation arrangements must be installed at New York race tracks.

That it be clothed with power to direct, specifically, physical improvements and changes in and to racing strips; seating accommodations; mechanical devices and equipment at tracks with, again, power to fine for disobedience.

That it have power to direct the manner in which stabling accommodations shall be maintained, and in which new stabling shall be built, and the order in which stabling shall be granted to horsemen and, if possible, what prices shall be charged for stabling, and if it can direct that no rental for stabling at all be charged during race meetings.

It was explained further than the Commission found question in the



present system under which the Jockey Club collects a percentage of winning purses from all races run under its jurisdiction (at present amounting to about \$50,000 a year). The Commissioners suggested that the percentages, at present collected, be made a charge on the several racing associations instead of the owners of winning horses. As at present charged by the Jockey Club, the levy is not even upon all horsemen winning parts of purses or stakes but only on the winning horsemen.

The Chairman and Commissioner Cole then gave their views about racing as at present conducted, in a general way, as illumination of their desire that the Commission's power be strengthened by specific laws, and Mr. Cole produced and gave to Mr. McNulty for his general guidance, a number of tentative changes which he himself had drawn, and explained to Mr. McNulty that they were solely for the assistance of all present at the meeting and that he would welcome any improvements Mr. McNulty or others might make in them.

Mr. McNulty then made a brief explanation of the part his office would fulfill in the matter. He could only, he explained, draft such amendments as might be considered necessary after another discussion, or discussions, between himself and the members of the Commission and submit them to the proper legislative authorities, such as the various law and judicial committees, for consideration before they could be offered for general legislative consideration.

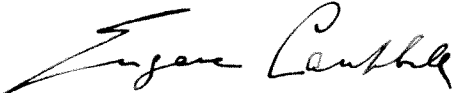
He stated, further, that all the proposed amendments would have to be given careful study so as not to restrict, instead of increasing, the Commission's present powers, in view of the rule of court interpretation by which narrow and specific powers are always held to restrict general power in the event that there is any ambiguity in the legislative language. He agreed with the Chairman that it would be wise to avoid particularization.

He would, however, he said, give the changes in the law which the Commission had in mind his earliest consideration and would confer with the

Commission at a subsequent meeting, bringing to it a full draft of the amendments as he considered they should be drafted and most likely to pass. He would follow the Chairman's suggestions, he said, and try to incorporate Commissioner Cole's amendment into the new proposals.

In the meantime he would keep in touch with the Commissioners, from time to time, and advise and consult with them.

There being no further business before the meeting, on motion duly seconded, it was then adjourned.

  
Secretary.

Minutes of a Meeting of the New York State Racing Commission held at  
745 Fifth Avenue, New York City, on Thursday, December 7, 1944.

Present: Messrs. Herbert Bayard Swope  
Ashley Trimble Cole  
Eugene Campbell

William F. McNulty)Assistant Attorneys  
John Powers )General

This meeting was held to consider proposals of new legislation to be presented to the next session of the Legislature, specifically clarifying the powers of the Commission. It followed general conferences and discussions, by mail and in person, of this subject.

Upon the meeting being called to order, Mr. McNulty offered for approval the text of an amendment he had drawn to the present Section 7513 of the Unconsolidated Laws, the amended section to read as follows:

§7513. Notice to be posted upon grounds.

Every corporation or association (to be) organized under this act or which shall be entitled to exercise any of the powers conferred (Section 3) by this act or by the pari-mutuel revenue law, shall cause to be properly posted in conspicuous positions upon the grounds whereon such races are held, printed notices or placards in large and legible type, which notices or placards shall be to the effect that all disorderly conduct, poll-selling, bookmaking or any other kind of gambling is prohibited, except pari-mutuel betting conducted by such corporation or association pursuant to law, and such notices or placards shall contain a copy of Section 986 of the Penal Law.

Mr. McNulty's draft was approved as read, and the meeting then turned to a discussion of the Commission's power to order a fixed number of races per day.

As to this, Mr. McNulty proposed that the present Section 7507 of the racing law be amended after language of the present section therein which provides that the Commission shall have power to fix the minimum and maximum

charge for admission to read "and shall have power to fix the number of races to be run daily at any of the tracks under its jurisdiction" and "to advocate and enforce such other rules and regulations as shall in its judgment be for the best interests and benefit of racing".

Mr. McNulty explained that he would have a complete draft of the amendment ready for the next meeting of the Commission, and further consideration of it was therefore put over until then, each of the Commissioners saying he would give it his careful consideration in the meantime.


Mr. McNulty then said that he was at work on a draft of still another amendment, to be a new section in the law, and to be known as Section 7515A, which would give the Commission power to enforce its orders to racing associations. His rough draft, he explained, provided that enforcement be made by action brought by the Attorney General with a penalty provided of "not more than \$5,000".

Chairman Swope objected both to the necessity of bringing an action, as outlined, and to the amount of penalty as too indefinite, saying that in his opinion the amendment should provide a fixed penalty and that, moreover, the penalty should accrue per diem, at, as Commissioner Cole had suggested, \$500 a day for each day of non-compliance. There was considerable discussion as to the general reluctance which the racing associations have shown to submit to Commission orders and it was agreed, especially, that any amendment to be offered should differ specifically from the law which now empowers the Boxing Commission to enforce its orders, in that the racing associations have fixed locations and valuable properties, and can so be held to accountability.

The proposed amendment was then passed for the meeting, with the agreement both by Messrs. Swope and Cole, and by Messrs. McNulty and Powers, to give the matter further study pending a later meeting.

Before adjournment was taken Commissioner Cole proposed that the Commission make careful check, both during the present season of no racing, and again after racing begins next year, as to sleeping, eating, sanitary and recreational accommodations for employees of racing stables at the tracks. Mr. Swope directed the Secretary to assign one of the Commission inspectors to make an inspection at an early date at the three tracks at which racing has been held during the last two years; to wit - Aqueduct, Jamaica and Belmont.

There being no further business, the meeting adjourned.

  
Secretary.

Minutes of a Meeting of the New York State Racing Commission held at the Commission Office, 745 Fifth Avenue, New York City, on Friday, December 15, 1944.

Present: Messrs. Herbert Bayard Swope  
Ashley Trimble Cole  
David Dows  
Eugene Campbell, Secretary  
John Powers, Assistant  
Attorney-General

This meeting, like the meeting last preceding it on December 7th, was held to consider proposals of new legislation to be presented to the next session of the legislature, parts of which had been made subjects of inquiry and report by Mr. Cole.

Upon the meeting being called to order, Mr. Powers offered for its consideration drafts of amendments to three sections of the present racing law and one new amendment to be offered as a new section, the four drafts being the same as he agreed to prepare at the preceding meeting. The drafts as he offered them are attached to these minutes.

The first of the proposed amendments to be considered by the meeting was the amendment to Section 7568 concerning breakage.

This amendment provides for breakage to one cent and has long been advocated by the Commission and by the Chairman. After discussion, it was agreed to defer its presentation until there could be no doubt that it could be enforced if passed, the legislature having shown no support to the plan. It was agreed, however, to make mention again of the Commission's advocacy of breakage to one cent in the Commission's annual report for 1944.

Section 7513, as to anti-bookmaking notices to be posted at race tracks, was next considered. As to this section, which had already been adopted at the preceding meeting, it was stated by Commissioner Cole, that perhaps if it were pressed too actively before the various legislative

committees which must pass on legislation before passage, it might get in the way of more important amendments. It was agreed that Mr. Cole communicate with the Law Revision Committee of the Legislature before the Racing Commission decides whether or not to present a bill covering the matter.

New Section 7515-a, as to penalties to be imposed by the Racing Commission for disregard of its orders, was considered next. This has to do with putting teeth in the basic authority of the Commission. This section was also passed over pro tem on Commissioner Cole's suggestion that, after all, it was of less importance than amended Section 7507, drawn to enlarge the Commission's general powers by giving it authority, including the right to fix the number of races per day and the minimum amounts of purses.

This section, Mr. Cole urged, was the essential section, and without its adoption the other proposed sections were inconsequential.

It was thereupon agreed that the section be also passed for the meeting, and immediate consideration be given the amendment to Section 7507.

As to this section, Commissioner Cole, supported by Mr. Dows, said he had undergone a change of mind. He now thought that it might not be necessary, after all, in view of the Commission's already broad powers under the section as unamended. Commissioner Cole then said that he did not know whether it would be wise to have the amendment passed, as he had talked to racing officials and members of the Jockey Club about the matter and they had argued against the idea. Mr. Swope pointed out that it was not to be expected that those affected would like to see Commission authority increased.

Commissioner Cole suggested that none of the proposed amendments be offered to the Legislature at this time. The Chairman proposed that, if possible, the Governor be consulted in the circumstances, as the subject had to do with giving the Commission power that might be needed. This plan was

agreed upon as a compromise between immediate action and no action at all.

At this point Mr. Powers, his advice as an Assistant Attorney General being no longer necessary, asked to be excused from further attendance and withdrew.

The annual report was considered in detail and approved with certain changes. The Chairman said that a summary would be prepared which is to be used as a lead-all in consonance with the usual method that has been employed by the Chairman in drawing up the annual report.

The Chairman then asked if there was any further business to be considered by the meeting and Commissioner Dows replied that there was; that he and Commissioner Cole wanted an election held for the chairmanship.

The Chairman asked for what reason and purpose, and Mr. Dows replied that in his and Mr. Cole's opinion they had the legal right to elect a new chairman; also that they believed the Commission has been for too long under the administration of one chairman; and that the other Commissioners, in the order of their seniority, should have an opportunity to occupy the office.

The Chairman then stated that if the desire for a change was personal as to him, that is, that was to say, it was a reflection on his administration of the chairmanship for more than ten years, he would resign from the Commission forthwith. He demanded an immediate vote.

Commissioner Cole then interrupted to say that the proposal was not made as a personal criticism, and that in his opinion there should not be, necessarily, an abrupt change, but a rotation of the chairmanship and that each Commissioner should hold it for two or three years and be ineligible immediately to succeed himself. He said he had drawn up a tentative resolution to such an effect, but would not offer it until the Commissioners,

no  
M.T.E.



individually, had considered the matter further. He suggested that the Chairman be empowered to draw such a resolution.

The Chairman replied that since he was assured there was no reflection intended, he felt free to carry out the plan of resigning as Chairman, and would consider the idea that he continue as a Commissioner, action to be taken by February 1, 1945.

There being no further business before the meeting it was then adjourned.

Secretary.