

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

1936

Proceedings of a Telephone Meeting of the New York State
Racing Commission held on Friday, January 3rd, 1936, at 11:30 A. M.

P R E S E N T:

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

Mr. Sloan communicated with Mr. Swope on the NARSC convention in Florida. Both agreed that someone should represent New York. Mr. Sloan doubted his ability to attend. It was tentatively agreed that Mr. Swope should represent New York at the Convention.

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

John F. Shevlin

Secretary.

Proceedings of a Telephone Meeting of the New York State
Racing Commission held on Monday, January 6th, 1936, at 1:00 P. M.

P R E S E N T:

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

The matter of supplemental tax was discussed. Mr. Shevlin prepared figures showing amount paid to the associations by the bookmakers.

The question was considered of imposing a high daily license fee to take the place of the supplemental tax. Mr. Sloan assented.

The Secretary was instructed to take the matter up with Mr. Mesnig, and the Chair volunteered to discuss it with Senator Dunnigan.

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

John G. Shwelin

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, March 11, 1936 at two o'clock, p.m.

PRESENT:

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

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

The reading of the minutes of the previous meeting were dispensed with.

The Chair announced that the budget as presented to the Director of the Budget, in the amount of \$78,937.50 had been reduced to \$67,397.50.

The Chair announced to the Commissioners assembled that department budget had been subjected to a further cut and a further levy would be assessed against the \$67,397.50, proportionately.

The Chair informed the meeting that the Commission had petitioned the Legislature for the return of \$7,540.00, bringing the budget up to \$74,937.50 minus its proportionate share, as yet unknown, of the departmental cut.

The Chair stated that apparently due to oversight there was not included in the rules and regulations of the National Association of State Racing Commissioners a rule that any punishments or rulings by one State should be reciprocally recognised by all the others. To correct this oversight, it was approved that the New York State Racing Commission inform the National Association of State Racing Commissioners immediately of any punishments or rulings whether imposed by the Stewards at the Meeting, Stewards of The Jockey Club or by the Racing Commission.

The Secretary was instructed to inform Major Algernon Daingerfield of The Jockey Club, of this decision.

The Chair then read a letter from The Jockey Club in answer to the Commission's request that that body include among its Rules of Racing a measure

preventing all persons suspended for longer than the duration of a meeting from attendance at the tracks at all times. The Jockey Club gave its opinion that too much power would be placed in the hands of the Stewards of the Meeting. The Commission assembled voted to request the Jockey Club to pass the rule in its original form at the Meeting of the Stewards of the Jockey Club to be held the following day, Thursday, March 12th, with a provision that such suspensions of privileges shall apply when the case of any individual has been referred to the Stewards of the Jockey Club or to the Racing Commission.

The Chair laid before the Meeting the racing dates as requested by the Associations for the 1936 racing season. The dates were unanimously approved. They are as follows:

	Days:	Sats:
Metropolitan Jockey Club, Jamaica: Wednesday, April 15 to Saturday, May 9, incl.	22	4
Westchester Racing Association, Belmont Park: Monday, May 11 to Saturday, June 6, incl. (Including Decoration Day)	24	4
Queens County Jockey Club, Aqueduct: Monday, June 8 to Thursday, July 2, incl.	22	3
Empire City Racing Association, Yonkers: Friday, July 3 to Tuesday, July 28, incl.	22	4
Saratoga Racing Association, Saratoga Springs: Wednesday, July 29 to Saturday, August 29, incl.	28	5
Queens County Jockey Club, Aqueduct: Monday, August 31 to Wednesday, September 16, incl. (including Labor Day)	15	2
Westchester Racing Association, Belmont Park: Thursday, September 17 to Saturday, October 3, incl.	15	3
Metropolitan Jockey Club, Jamaica: Monday, October 5 to Saturday, October 31, incl.	12	2
Empire City Racing Association, Yonkers: Monday, October 19 to Saturday, October 31, incl.	12	2

HUNTS MEETINGS

Rockaway Steeplechase	Cedarhurst	May 9
Rockaway Steeplechase	Cedarhurst	September 12
Fairfield & Westchester	Rye	May 30
Adjacent Hunts	Rye	September 7
Meadow Brook Steeplechase	Westbury	September 26
West Hills Racing Association	Huntington	October 12
United Hunts	Belmont	November 3

The Chair took notice that the Metropolitan Jockey Club in its order to the printer of its admission tickets, had imposed a service charge on complimentary tickets, which was not yet approved by the Commission. After discussion, the Commission moved that for experimental purposes, at the Jamaica meeting the service charge should be a flat 25 cent assessment on Grandstand tickets for men and women whether for daily complimentary or meeting badges. The service charge for the Clubhouse tickets, man or woman, daily or meeting, was set for 40 cents. The Commission voted that there should be no service charge on Press tickets but that the customary tax should be paid.

The Commission voted to impose as a licensing condition, the installation of the "Electric Eye", a type that shall be satisfactory to each track in New York State.

The following conditions were also voted by the Commission, unanimously:

"Electric annunciator to be installed at all the race tracks for the purpose of displaying the numbers of the winning horses at the conclusion of each race, the board to be operated from the Judges' Stand. The Commission was of the opinion that there should be two such annunciators in each Park, one at the lower Grandstand and one at the upper.

Jockeys' names and post positions shall be printed on the programs."

The Secretary was instructed to request the Associations to submit to the Commission a profit and loss statement, as well as their balance sheets, sworn to and attested by the Auditor of the Association, for the racing season of 1935.

The Commission, in session, ratified the following rules passed at the Florida Convention of the National Association of State Racing Commissioners.

The Chair noted several of the rules were already in practice in New York. These were: Encouragement of Graded Handicaps, Privacy in closing of entries and the taking of saliva test on every winner.

The rules as ratified are as follows:

"Any person who has been convicted of possession or use of narcotics by any court in the land, shall be denied a license or ruled off or both, as the state commission may decide."

"Be it resolved that all stakes be closed, payments made and forfeits declared on the 15th of each month unless the 15th comes on Sunday, when they shall be closed on the 16th."

"Be it resolved that it is the sense of this association that fillies should be given more opportunities, and not have to race against colts, and particularly fillies three years old and older."

"Be it resolved by the National Association of State Racing Commissioners that each racing commission and racing association encourage the running of as many graded handicaps as local conditions make practical in the respective states, and that where possible at least two graded handicaps be run each racing day."

"Be it resolved that each racing commission instruct the racing associations licensed by them to see that information concerning the entries of horses in races be not disclosed before the closing of the entries."

"Be it resolved that the following be inserted as Paragraph 7-a of the uniform rule concerning stimulation: 'That the saliva of the winner of each and every race be taken and from such other horses as the Stewards may direct'."

"That any person violating any of the provisions of the above rule, irrespective of the jurisdiction into which they or their horses may go to race, will be denied all further privileges at the tracks under the commission where the claim is made."

"In claiming races any horse is subjected 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.

"If a horse is claimed it shall not start in a claiming or selling 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. Nor shall it race elsewhere until after the close of the meeting at which it was claimed."

"Be it further resolved that the adoption by any state of any rule limiting the amount at which a horse may be entered in a claiming race shall not be deemed inconsistent with the foregoing rule."

"And be it further resolved that any person violating any of the conditions of the above rule, irrespective of the jurisdiction into which they or their horses may go to race, will be denied all further privileges at tracks under the commission where the claim is made."

No action was taken on the Apprentice Rule. Commissioner Sloan was appointed a Committee of one to study the Apprentice Rule and report to the Commission his findings.

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

Note: No meeting was scheduled but at Belmont Park on May 18, 1936, the Secretary presented each of the Commissioners and Steward Cassidy, with a copy of the budget for 1936-1937, which had been approved by the Legislature and is as follows:

<u>PERSONAL SERVICE</u>		
Secretary to Commission		\$4,000.00
Steward, at \$60 per day		10,500.00
Supervisor of saliva tests, @ 26.50 per day		4,637.50
Assistant to Racing Steward @ 20.00 per day		3,500.00
Supervising Racing Inspector		2,500.00
Inspectors, at not to exceed \$10.00 per day		14,560.00
Assistant Biochemist		2,500.00
Stenographer		1,600.00
Senior Messenger		1,200.00
Chauffeur		1,500.00
Temporary service		250.00
Less required savings		\$46,747.50
Net amount available		<u>752.70</u>
		<u>\$45,994.80</u>
<u>MAINTENANCE & OPERATION</u>		
Fuel, Light, Power & Water		750.00
Printing and advertising		450.00
Equipment, supplies & materials		4,325.00
Traveling expenses		2,500.00
Communication		2,640.00
Rent		1,200.00
For expenses of maintenance & operation including personal service (lump sum)		<u>4,500.00</u>
Total		<u>16,365.00</u>
		\$62,359.80
Supplementary Budget (subject to Governor's approval)		<u>5,000.00</u>
Grand Total		<u>\$67,359.80</u>

John S. Shelvin
Secretary.

Proceedings of a Meeting of the New York State Racing Commission,
held at the office of the Commission at the Empire City Race Course, Yonkers,
N. Y., on Friday, July 3rd, ¹⁹³⁰ at 1:00 o'clock P. M.

Present: Mr. Herbert Bayard Swope
 Mr. John Sloan
 Mr. Marshall Cassidy
 Mr. John F. Shevlin

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

Reading of the minutes of the previous meeting was dispensed with
and the minutes passed approved.

Discussion was held on racing in general.

Plans were made for the Commissioners to meet in the Stewards'
Stand at the Empire City Race Track on the following day, Saturday, July 4th.

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 Stewards' Stand at the Empire City Race Course, Yonkers, N. Y., on
Saturday, July 4th, at 3:30 o'clock P. M.

Present: Mr. Herbert Bayard Swope
 Mr. John Hay Whitney
 Mr. John Sloan
 Mr. Marshall Cassidy
 Mr. John F. Shevlin

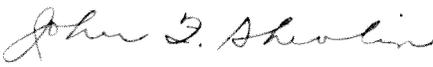
Mr. Herbert Bayard Swope, Chairman of the Commission, presided and
Mr. John F. Shevlin, its Secretary, kept the minutes.

The minutes of the previous meeting were approved without reading.

The Chair announced that a Joint Board consisting of the three
Racing Commissioners and two Stewards of the Jockey Club, would meet at the
office of the Commission, 155 Worth Street, New York City, on Monday, July 6th,
at 1:45 o'clock P. M., for the purpose of hearing the appeals of Charles
Cafarelli and Thomas R. Queen.

The Secretary was instructed to notify the Stewards of the Jockey
Club, Messrs. A. H. Morris and George H. Bull, of such meeting.

After a general discussion of racing matter, the meeting, on motion
duly seconded, adjourned.


Secretary.

Proceedings of a Joint Session of the New York State Racing Commission and two Stewards of the Jockey Club, for the purpose of hearing the appeals of Charles Cafarelli and Thomas R. Queen, held at the office of the Commission, 155 Worth Street, New York City, Monday, July 6th, 1936, at 1:45 o'clock P. M.

Present:	Mr. Herbert Bayard Swope Mr. John Hay Whitney Mr. John Sloan Mr. John F. Shevlin	For the Commission
	Mr. A. H. Morris Mr. George H. Bull	For the Jockey Club

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

The reading of the minutes of the previous meeting was dispensed with.

The Chair announced that it had before it the appeal for hearing from Charles Cafarelli.

After studying the evidence and questioning Mr. Cafarelli, who was present with his attorney, Frank Bambara, the Board unanimously voted that the applicant had not followed the proper procedure in having omitted to make formal application to the Licensing Committee of the Jockey Club in 1936.

The petitioner, Charles Cafarelli, was instructed by Chairman Swope that it was the unanimous opinion of the Board that he make such application immediately.

The Board, however, went on record as not having attempted to make any decision as to the ownership of the horse Black Forest.

Before the case of Thomas R. Queen was called, Steward A. H. Morris raised the question of jurisdiction on the appeal of Mr. Queen. Mr. Queen, ruled off by the Jockey Club, had not applied this year for a license to the Jockey Club nor, in view of the action taken, would such application be considered.

The Jockey Club, in the absence of any new evidence, had refused to grant Mr. Queen a rehearing.

After discussion, it was unanimously decided that the Joint Board, however, would assume that the failure to grant a rehearing is tantamount to a refusal of license and, therefore, the applicant is entitled to an appeal.

After studying the evidence before it and questioning Mr. Queen, it was unanimously voted by the Board that in the absence of any new evidence,

the petitioner had not shown cause why the decision of the Jockey Club to rule him off the turf should be reversed.

The applicant, however, was informed by the Board that if and when he was able to secure new evidence, he was entitled to avail himself of the promise made by the Assistant Secretary of the Jockey Club, Major Algernon Daingerfield, that he be granted a rehearing by the Stewards of the Jockey Club.

There being no further business before the Joint Board, Messrs. Bull and Morris left the session.

The Chair enunciated the policy of the Commission in granting or considering appeals.

"Any person may appeal and receive a hearing over the decision of the Stewards of The Jockey Club by-

First: The introduction of new evidence.

Second: The proof that an injustice has been done.

Third: That sufficient punishment has already been meted out and that another chance be granted the applicant."

The Chair instructed the Secretary to communicate with the Honorable Joseph M. Mesnig, Assistant Attorney-General, at Albany, N. Y., asking him to restate in writing, his opinion verbally given last year, that the right of appeal before a Joint Board of the three Racing Commissioners and two Stewards of the Jockey Club, be granted an individual who may be ruled off the turf by the Stewards of the Jockey Club but whose occupation does not require him to be licensed by that body, as in the case of a spectator, or in a person making his livelihood on the turf and yet not requiring a license.

On motion duly seconded, the Commissioners adjourned at 5:30 o'clock P. M.

John I. Shewlin
Secretary.

Proceedings of a meeting of the New York State Racing Commission, held at the Saratoga Race Course, Saratoga Springs, N. Y., on Thursday, August 20th, 1936, at 4:00 o'clock P. M.

Present: Mr. Herbert Bayard Swope
 Mr. John Sloan
 Mr. Marshall Cassidy
 Mr. John F. Shevlin

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

Reading of the minutes of the previous meeting was dispensed with.

The Secretary reported that the Commission Laboratory had declared two positive findings of the drug, coramine, in the saliva test of the horses, Shoeless Joe and Maeriel.

Shoeless Joe, the winner of the sixth race on Tuesday, August 18th, is owned by Connie Smythe and trained by Emerson Davis. Shoeless Joe opened at 8/1, was high at 10/1 and closed at 8/1.

Maeriel, the winner of the fifth race on Wednesday, August 19th, is owned by the Maemere Farm Stable, and trained by George Phillips. Maeriel opened at 30/1, was high at 50/1, and closed at 30/1.

The Steward reported that his records disclosed that Davis, the trainer of Shoeless Joe, had been suspended for twenty-one days in 1935 by the Canadian Racing Associations, Inc., for an offense against the saliva test.

The Chairman instructed Steward Cassidy to commence his investigation, and said that in his opinion, unless unusual circumstances were uncovered, he would vote for a sixty day suspension of Phillips as a first offender. The Chairman added that the Commission would take the case of Davis under advisement with a view of ruling him off for life because of his previous record in Canada.

Steward Cassidy said that he would conduct the investigation along the same lines as the method employed two years ago, that the horses in the

offender's barn would be permitted to start, and regardless of their finish, would be taken to the saliva barn.

The Secretary was instructed to inform Commissioner Whitney of the laboratory findings.

There being no further business before the Commission, the meeting, on motion duly seconded, adjourned, pending the result of the Steward's investigation.

John S. Shewlin
Secretary.

Proceedings of a meeting of the New York State Racing Commission, held at the Saratoga Race Course, Saratoga Springs, N. Y., on Friday, August 21st, at 3:30 o'clock P. M.

Present: Mr. Herbert Bayard Swope
 Mr. Marshall Cassidy
 Mr. John F. Shevlin

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

Reading of the minutes of the previous meeting was dispensed with.

Steward Cassidy reported that his investigation of the Phillips' case was well under way, and that he thought it would be completed in twenty-four hours. Mr. Cassidy expected to have a formal report of his findings in the hands of the Commission on Saturday.

Mr. Cassidy reported that unusual circumstances had arisen in his investigation of the interpretation of the drug used - its first appearance in New York, and probably in the United States. The Steward added that there had been no suspicious activity in the betting ring, and that all wagers had been small.

The Chairman advised, that due to the lack of knowledge concerning the effect of the drug on horses, and pending the return of Chemist Charles Morgan from the Detroit convention, no immediate action be taken. The Chair further advised that it would be well to postpone action temporarily for fear that coramine might develop into another pilocarpine scare. As in pilocarpine, this new drug had appeared suddenly and on successive days.

The Secretary was instructed to telephone Mr. Morgan in Detroit, to learn from him any knowledge of the stimulating value of the drug on horses.

The Secretary was also instructed to wire Commissioner Sloan, who was attending the convention at Detroit, of the primary findings of the meeting, Commissioner Whitney being on his way up, and a report to him made in person.

The telegram to Commissioner Sloan is as follows:

"Hon. John Sloan
Hotel Leland
Detroit, Mich.

Confidential. Case seems on all fours with pilocarpine two years ago. Chemists reports show stuff to be publicly sold at drug stores and in use commonly for babies and children. No betting uncovered in M case. C's investigation not yet concluded. There is no authority to show stimulating effect except as counter-irritant. SWOPE".

The owner of the Maemere Farm, DeWitt Page, appeared before the meeting, and declared his faith in the honesty of his trainer, Phillips. Mr. Swope informed Mr. Page that the Commission would hear anything he had to say but, of course, action would be determined by facts.

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 Saratoga Race Course, Saratoga Springs, N. Y., on Saturday, August 22nd, 1936, at 4:00 o'clock P. M.

Present: Mr. Herbert Bayard Swope
 Mr. John Hay Whitney
 Mr. Marshall Cassidy
 Mr. John F. Shevlin

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

The minutes of the previous meeting were passed approved.

Inasmuch as the memorandum sent to Commissioner Whitney by the Secretary had not reached his hands, the Phillips' case was reviewed for his benefit and the telegram sent to Commissioner Sloan shown to him.

Steward Cassidy reported that the investigation was reaching its final form. Mr. Cassidy suggested that the precedent of permitting the horses to run until the investigation was completed, as laid down in the Buxton case last year, be continued. It was understood, of course, that each such horse have a saliva test taken. The Commission was informed that there was no mention of the drug, coramine, in the pharmacopaeia.

The Secretary placed before the meeting a telegram received from Chemist Charles E. Morgan, announcing his arrival at Saratoga with Commissioner Sloan by air.

Commissioner Whitney informed the meeting that pressing business made it imperative that he leave for New York immediately and asked that no hearing be held until his return on Monday, August 24th.

The time of the hearing was tentatively set for after the last race on Monday in the Directors' Room of the Saratoga Association.

Steward Cassidy informed the meeting that there had been an apparently hurried departure of the Smith-David outfit for some unknown point in Canada. This came just as the investigation was centering on the Shoeless Joe

case. The Steward was instructed by the Chairman to wire or send special delivery letters to Smythe and Davis, addressing them to all points where they may be in Canada, asking that a telegraphic reply be made and demanding that they appear for a hearing on Tuesday, August 25th, failing which, summary action would be taken.

The wire follows:

"You are instructed to appear at a hearing of the New York State Racing Commission to be held Tuesday, August 25, 1936, at twelve o'clock noon in the Directors' Room of the Saratoga Association in connection with the investigation being made of the running of your horse, Shoeless Joe, on August 18, at Saratoga. Please acknowledge by wire.

(Signed) Marshall Cassidy
Steward, N.Y. State Racing Commission."

On motion, duly seconded, the meeting adjourned.

John F. Shewlin
Secretary.

Proceedings of a meeting of the New York State Racing Commission, held in the Directors' Room of the Saratoga Association, at the Saratoga Race Course, Saratoga Springs, N. Y., Monday August 24th, 1936, at 6:00 o'clock P. M.

Present: Mr. Herbert Bayard Swope
Mr. John Hay Whitney
Mr. John Sloan
Mr. John F. Shevlin
Mr. Marshall Cassidy
Dr. J. G. Catlett
Mr. Charles E. Morgan

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

The minutes of the preceding meeting were approved without reading.

The Chair announced that the investigation on the case of George Phillips had not been completed until eleven p. m., Sunday evening. The hearing granted Mr. Phillips was scheduled late in the day in order to allow sufficient time for Commissioner Whitney, who came from New York expressly for this purpose, to attend.

The Chairman suggested that before the Commission consider the Phillips' case, it act on the motion to have a receiving barn erected after the Aqueduct meeting commencing Monday, August 31st. It was proposed that each horse entered in the day's program be required to be stabled in the receiving barn at least an hour and a half before the race in which it was entered. It was further proposed that Steward Cassidy draw up particulars for presentation to the commissioners. The motion was unanimously passed and the Steward instructed to draw up such a plan.

Mr. Charles E. Morgan, Chief Chemist of the Commission, was questioned as to his knowledge of the drug coramine, and of his findings in saliva report #5205. Mr. Morgan reported that he had found coramine definitely in the sample mentioned and that there was no doubt in his mind that the drug was a definite cardiac and respiratory stimulant. Mr. Morgan denied that any physiological change in the horse's chemistry would produce in its saliva test any crystals whatsoever, and repeated that the crystals found in his examination were definitely those of coramine.

Dr. J. G. Catlett was questioned as to his knowledge of the stimulating effect of coramine, and in his statement explained that he had often used the drug in his small animal hospital as a cardiac stimulant post-operatively.

The Commission approved the testimony of the witnesses and accepted their statements that the drug was actually found in the saliva of the horse, and that the drug was a stimulant.

The Commission, under the ruling which holds the trainer responsible at all times for the condition of his horse, gave as its tentative decision, to be verified after Mr. Phillips was heard, that George E. Phillips be suspended as a first offender for sixty days, and that, as a double penalty invoked by the Commission for the first time, in line with the resolution as adopted last Fall, he be denied access to the racetracks under the jurisdiction of the Commission during the period of his suspension.

The Chairman reviewed the formula adopted unanimously by the Commission in 1935, that originally the penalty passed on a first offender, except in narcotics, was thirty days. This ruling was later amended, increasing the suspension to sixty days. The Commission in 1936, passed a rule that all such suspensions carry with it the barring of the suspended person from the racetracks under its jurisdiction at all times during the period of his sentence.

The Chair informed the meeting that DeWitt Page, owner of the Maemere Farm for which Phillips trained, was present and wished to be heard. Mr. Page declared his faith in the innocence of his trainer. Mr. Page was assured that any action that might be taken against his trainer would in no wise be construed as a black mark against himself personally. He was informed of the rule of racing which held the trainer responsible for the condition of his horse.

William R. Winans, groom of Maeriel, was summoned from the outer office and questioned. Winans admitted having left his horse unattended for about a half hour while he watched the progress of another race. Winans was questioned on other matters pertaining to stable routine, and dismissed.

George Phillips was summoned before the meeting and questioned at length. Phillips was not aware that Winans had left the barn to watch another race, but admitted carelessness, in that such a procedure was of common occurrence.

It was the unanimous decision of the Commission that George E. Phillips be suspended indefinitely and that he be barred from the racetrack until completion of his sentence which would be set after the new angles had been thoroughly investigated.

It was the unanimous vote of the Commission that the same penalty of indefinite suspension be placed on W. R. Winans, until the Steward completed his investigations.

The Secretary was instructed to attach a copy of the investigation already completed by Steward Cassidy, to the minutes.

There being no further business before the Commission, on motion, duly seconded, the meeting adjourned at 8:45 o'clock P. M.

John I. Shwlin
Secretary.

Proceedings of three meetings of the New York State Racing Commission, held in the Directors' Room of the Saratoga Association, Saratoga Racetrack, Saratoga Springs, N. Y., Tuesday, August 25th, 1936, from 2:00 o'clock P. M. on.

Present at the first meeting: Mr. Herbert Bayard Swope
Mr. John Hay Whitney
Mr. Marshall Cassidy
Dr. J. G. Catlett
Mr. C. E. Morgan
Mr. John F. Shevlin

Present at the second meeting: Mr. Herbert Bayard Swope
Mr. John Sloan
Mr. Marshall Cassidy
Dr. J. G. Catlett
Mr. John F. Shevlin

Present at the third meeting: Mr. Herbert Bayard Swope
Mr. Marshall Cassidy
Dr. J. G. Catlett
Mr. John F. Shevlin

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

The minutes of the preceding meeting were approved without reading.

The following business was transacted:

Steward Cassidy was instructed to continue a rigid investigation into the Phillips' case, centering on Winans, the groom; Connors, the night-watchman and Cross the foreman.

The Steward's approval of the application of DeWitt Page, owner of the Maemere Farm, to install Jack Whyte as trainer to succeed G. E. Phillips under suspension, was accepted by the Commission.

Steward Cassidy informed the meeting that Winans, the groom for Maeriel, had a statement to make. The Commission heard Winans, who charged that he had been approached by Cross, the foreman, to "take the rap" for Phillips. Winans presented no corroboratory evidence, but the Commission directed the Steward to make a special investigation into the circumstances.

The resolution previously discussed was adopted, under which the Commission is to make it a practice of granting a hearing on all drug charges previous to punishment or exculpation, it being understood that there be no unnecessary delay between the report and final ruling; that horses starting in the name of the trainer under suspicion shall suffer no prejudice except that the saliva shall be tested and special analyses made, regardless of their finish in the race.

Connie Smythe, owner of the horse Shoeless Joe, appeared before the Commission. Smythe was heard at some length and spoke on behalf of his trainer, Emerson Davis, but had no information to give.

Emerson Davis was heard formally. The trainer of Shoeless Joe had no excuses to offer, admitting that he had been in constant charge of his horse for four to five hours preceding the race. Davis was also questioned on the occurrence in Hamilton, Ontario, in 1935, in which he offered the explanation that the strychnine found in the horse had come there through the use of medicine. The horse was the same in both cases.

It was the judgment of the Commission that Davis be suspended indefinitely, pending further investigation, and that he be denied access to all racecourses under the jurisdiction of this Commission and of those other states which have reciprocal recognition of rulings. ✓

There being no further business before the Commission, on motion, duly seconded, the last meeting adjourned at 7:30 o'clock P. M.

John D. Shewlin
Secretary

Proceedings of a Telephone Meeting of the New York State Racing Commission, held at the Commission Office, Saratoga Racetrack, Saratoga Springs, N. Y., Saturday, August 29th, 1936, at 3:30 o'clock P. M.

Present: Mr. Herbert Bayard Swope, Chairman
Commissioner John Sloan
Steward Marshall Cassidy
Secretary John F. Shevlin

Steward Cassidy reported that the Stewards of the Meeting had granted a temporary license to William R. Furst, to train for the stable in his wife's name. The horses in this barn were formerly trained by George Phillips.

The Steward informed the Commission that he had voted with his Associates in the affirmative.

The Commission reported that it had no objections to the granting of this license.

There being no further business, the meeting adjourned at 4:00 o'clock P. M.

John F. Shevlin

Secretary.

Proceedings of a Meeting of the New York State Racing Commission, held in the Directors' Room of the Belmont Park Racecourse, Elmont, L. I., Friday, September 18th, 1936, at 6:00 o'clock P. M.

Present: Chairman Herbert Bayard Swope
 Commissioner John Hay Whitney
 Commissioner John Sloan
 Steward Marshall Cassidy
 Secretary John F. Shevlin.

Chairman Herbert Bayard Swope presided and Secretary Shevlin kept the minutes of the meeting.

The minutes of the previous meeting were passed approved.

The granting of a license by the Stewards of the Meeting to William H. Furst, substituting for George E. Phillips, to train the horses owned by his wife, was approved unanimously by the Commission.

The Chair informed the meeting that Jack Whyte, to whom permission had been granted to act as trainer for the Maemere Farms in place of George E. Phillips, had been recalled by Willis Sharpe Kilmer. Mr. DeWitt Page, owner of the Maemere Farms Stable, requested that his selection of W. A. Bridges as trainer for his horses, be approved.

The Chair informed the meeting that the appointment of W. A. Bridges to act as trainer for the Maemere Farms Stable, had been approved by the Stewards of the Meeting. Accordingly the Commission voted approval.

On motion duly made, the suspension of William R. Winans, groom for the horse Maeriel, was lifted as of September 5th, 1936, inasmuch as he had presented evidence tending toward proving his innocence.

On vote taken, it was decided that the suspension of George E. Phillips should be lifted on Sunday, October 4th, the day after the closing of the Belmont meeting.

The suspension of Emerson Davis, trainer of the horse Shoeless Joe, was continued inasmuch as this was his second offense.

The Chairman gave as his opinion that the Commission should informally instruct John G. Cavanagh, Stationer, that the full value of the odds posted should be paid to the successful bettor instead of breaking to a dollar, as had been the custom in the grandstand. Individual bettors had complained that they were able to receive only even money when wagers had been made at 6-5, 7-5, 8-5 or 9-5.

The Secretary was instructed to place on the agenda for the winter meeting, the general supervising of the system now employed in the grandstand, with a view of gaining better protection for the public.

The Chair introduced for discussion the subject that the Commission pass a rule suspending the horse as well as the trainer in an offense against the saliva test. After discussion, the subject was tabled for later consideration.

The question of the receiving barn was tabled pending a written report from Charles E. Morgan and Dr. J. G. Catlett, answering the following questions:

"1: What drugs have a stimulating value of more than one and a half hours?

2: Are any of these drugs non-detectable in a saliva test?"

Mr. Morgan was further advised to communicate with the College of Physicians and Surgeons to discover what final test would be necessary to detect nitro-glycerin in the blood.

The starting rule devised by Steward Cassidy was read before the meeting. The rule is as follows:

"The Starter is instructed to place unruly horses which delay the Start of a race by more than three minutes, on the outside of the stall gate, and at least one length behind the field. Any horse causing such delay shall be suspended automatically from racing for a period of ten days thereafter. A second offense will result in more drastic punishment."

The Secretary was instructed to call a meeting for Saturday, September 19th, after the last race, in the Directors' Room of the Belmont Park Racecourse, to confer with several trainers on the rule. The trainers invited were: Preston Burch, Thomas J. Healey, Max Hirsch, James Fitzsimmons, Sr., and Hirsch Jacobs.

The Commission voted that the Starter be directed that hereafter there should be no vacant stalls between horses at the start. The rule was already in effect during racing on this day (Friday, September 18th).

The question of guaranteed stakes was discussed, and it was the opinion of the Commission that the Saratoga Association, the only Association in New York still maintaining this type of stake, be requested to eliminate them as soon as practicable. The Secretary was instructed, in the name of the Commission, to address the following letter to the Honorable George H. Bull, President of the Saratoga Association.

"Dear Sir:-

The New York State Racing Commission deems it wise to recommend to the Saratoga Association that all remaining guaranteed stakes be abolished in favor of added money events.

Will you please let us know the attitude of your Association, as we have no desire to inflict a hardship."

Two letters containing recommendations from Colonel Frederick Stuart Greene, Steward for the Racing Commission at Hunts Meetings, were read. The suggestions contained therein were: First: That there should be four feet allowed for each horse competing in a jumping race at the first jump and, that if there should be a preponderance of entries to reduce this space allowance with regard to the number of horses entered as compared with the width of the first jump, that the race should be split. Second: It has been the practice

to treat as separate entries two horses owned by the same interests and trained by the same trainer, or two horses trained by the same trainer but having separate ownership. Colonel Greene recommended that the common practice prevailing in New York recognizing these horses as one entry rather than two separate entities, be followed at the Hunts meetings.

The Secretary was instructed to write the following letter to the National Steeplechase and Hunt Association, and to the Presidents of the various Hunts Associations:

"Gentlemen:-

The New York State Racing Commission voted that at all Hunts Meetings in New York under the jurisdiction of this body, all horses owned by the same stable or by different interests but trained by the same trainer, shall be coupled on the program and shall be treated as an entity in all other ways."

The question of the number of horses in a steeplechase was referred to Steward Cassidy.

It was moved by the Chairman and approved by the Meeting, that commencing with the opening of the 1937 racing season, there shall be given an eye test to all placing judges and patrol judges. This test shall include distance and colors. It was similarly voted that there shall be a physical examination for all jockeys riding in New York State.

The Chair reported that he had received word from good authority that the pari-mutuel bill would pass its first reading during the coming session of the legislature.

The matter of compulsory jockey insurance is to be taken up with the Attorney-General to learn the Commission's authority.

There being no further business before the Commission, on motion, duly seconded, the meeting adjourned at 8:00 o'clock P. M.

John S. Shewlin
Secretary.

Proceedings of a Meeting of the New York State Racing Commission, held in the Directors' Room of the Belmont Park Racecourse, Elmont, L. I., on Saturday, September 19th, 1936, at 6:00 o'clock P. M.

Present: Mr. Herbert Bayard Swope
Mr. John Sloan
Mr. Marshall Cassidy
Mr. John F. Shevlin

Present by invitation:

Mr. Preston Burch
Mr. Thomas J. Healey
Mr. Max Hirsch

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

The reading of the minutes of the previous meeting was dispensed with.

The Chairman announced that due to absence from town, Hirsch Jacobs, was unable to be present, and James Fitzsimmons, Sr., was forced to return to Aqueduct after the day's racing and would be unable to return to Belmont Park in time for the meeting.

The starting rule was read and discussed with the trainers and the following amendments made:

"A horse which delays the start for more than three minutes shall be placed on the outside of the stall gate, and at least two lengths back. He shall be placed on the schooling list and suspended from starting, except in stakes, for ten days. The second offense shall draw the same penalty, and the third offense shall draw indefinite suspension."

The rule was ordered to be placed before the Jockey Club for action.

The Australian gate was discussed and the trainers present were invited to present their opinions to the Commission, after watching the operation of the gate in Florida this winter.

The Secretary reported daily telephone communications with the Chairman on routine matters and other calls to the Commissioners, when necessary.

There being no further business, on motion, duly seconded, the meeting adjourned at 6:45 o'clock P. M.

John F. Shevlin

Proceedings of a Meeting of the New York State Racing Commission held at the Jamaica Racetrack, Jamaica, L. I., on Friday, October 9, 1936, at 5:30 o'clock in the afternoon.

Present: Mr. Herbert Bayard Swope
Mr. John Sloan
Mr. Marshall Cassidy
Mr. John F. Shevlin

By invitation:

Mr. George H. Bull
Mr. John A. Morris

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

The reading of the minutes of the previous meeting was dispensed with.

The Chairman informed Mr. Bull and Mr. Morris of the criticism received against guaranteed stakes. Mr. Bull answered that if the Saratoga Association were compelled to discontinue these guaranteed stakes, the Association could not afford to add money instead, and that the featured stakes of this kind would have to be discontinued entirely.

Chairman Swope suggested that the Association donate \$500.00 to the trainer of the winning horse in each of these guaranteed stakes and that \$100.00 be donated to the breeder of the winning horse in all stakes in order that the Association might demonstrate to the horsemen its willingness to increase the value of these stakes

Mr. Bull and Mr. Morris stated that they believed the idea was a splendid one and assured the Commission of its adoption. Mr. Bull further announced to the Commission that at Saratoga next year, the placing judges' stand would be taken down entirely, leaving an unobstructed view of the finish to the public. Mr. Bull also stated that electric annunciators would be operating at the Saratoga meeting next year. He further informed the Commission that the betting ring would be moved from its present position to a point under the grandstand, and that an annex would be constructed so that the new betting ring would extend a short distance into the paddock. The Secretary was instructed to place these items in the annual report of the Commission to the Legislature.

Messrs. Bull and Morris left the meeting.

The Chairman informed the meeting that the Commission had been in receipt of a letter from Major Daingerfield of the Jockey Club, explaining his oversight in neglecting to inform the Commission officially of the adoption by the Jockey Club of the Australian gate for starting two-year-olds in 1937. While charged by law to approve of all contrivances used on the race tracks, it was unanimously voted that the approval by the Commission of the Australian gate be deferred,

pending the outcome of this experiment at Hialeah. The Chairman suggested that each Commissioner and the Steward might report formally to the Commission on the success or failure of the gate.

Without taking formal cognizance of the situation, the Chairman informed the meeting that instructions have been given to protect the public in the grandstand where formerly the break had been to the dollar.

The Steward informed the meeting that during the winter in Florida, experiments would be made on the farm owned by Carl G. Pose, Chairman of the Florida Racing Commission, to determine, among other things, the length of the stimulating time to a horse of drugs used in violation of the saliva rules. On this information no final action was taken on the receiving barn, deferring action until the Steward shall have made a formal report to the Commission prior to March 1, 1937.

The Chairman reported that in investigating the full powers of the Commission over recalcitrant associations, he had been informed by Assistant Attorney-General, Joseph M. Mesnig, that in case of a severe disciplinary action, the Commission was entitled to withhold from any association the license to operate.

The question of stable rent was discussed and the Steward instructed to prepare in the form of a rule, his suggestion, that when a horse starts in a meeting no stable rent shall be charged against his account. This credit applies only to the horse which starts and does not cancel the obligation against any other horse in the same ownership.

The Chairman instructed the Steward to have an Inspector stationed in the paddock to report the presence of any bookmakers' runner talking with a trainer.

Steward Cassidy suggested that instead of the phrase "foul claimed" being displayed, the word "objection" be illuminated on the annunciator, covering those cases where the Stewards, on their own initiative, discuss the disqualification of a horse.

The Chairman suggested that the associations be requested that whenever possible on the annunciator, a symbol be posted informing the public against which horse the foul was claimed.

At the suggestion of the Chairman, the Commission requested the Steward to inform his confreres in the stand, that regardless of how palpable a foul may be, the Stewards go through the form of listening to the boy against whom the foul was claimed.

There being no further business before the Commission, on motion duly seconded, the meeting adjourned at 6:30 o'clock P. M.

John S. Shulin

Secretary.

Proceedings of a Meeting of the New York State Racing Commission, held Monday, November 9, 1936, at the office of the Chairman, Herbert Bayard Swope, 30 Rockefeller Plaza, New York City, at 3:45 o'clock, P. M.

Present:

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

Chairman Herbert Bayard Swope presided and Secretary Shevlin kept the minutes.

Minutes of the last meeting were approved without reading.

Note was made of the daily telephone conferences between the Chairman and the Secretary.

Steward Marshall Cassidy presented his annual report to the Commission. The report was accepted and approved.

The Chairman moved that, due to the great financial loss suffered by jockeys (constituting excessive punishment) when barred from competing in stake engagements because of suspension, consideration be given by the Commission, to except from the period of suspension any stake engagements to which a jockey may be committed. It was pointed out that the greatest sufferer from the rule which prevents a jockey from riding at any time during his suspension, is the contract owner. Commissioner Whitney moved that the rule be considered with the Jockey Club and then with the National Association of State Racing Commissioners at its convention in Florida, in an attempt to make uniform a rule such as this throughout the United States.

The Steward was instructed to make comparison with other state rules on the subject of a jockey riding during his suspension.

Commissioner Sloan moved that the apprentice rule, as introduced by him in Detroit and after discussion with Steward Cassidy, be reopened. Final action had been postponed to the Florida meeting.

It was suggested that the Commission might have a meeting in Baltimore with several of the leading trainers to hear their views on the rule or to have the Steward report the different views.

The Australian gate was discussed, but action was postponed, pending the report of its practicability at the Hialeah racetrack.

The Chairman pointed out that the United States, unlike foreign countries, particularly England, did not permit the racing of half breeds. It is the view of the Commission that such horses be permitted to race without prejudice in the United States although no attempt would be made to include them in the Stud Book. The

Chairman stressed the point that by half breeds he did not accept the term at its face value but rather interpreted it in the English sense whereby a cold strain however remote in the ancestry of a horse automatically classifies such a horse as a half breed. The Chairman pointed out the example of Quashed and Thankerton as an illustration. Commissioner Whitney suggested that such a rule would have to be phrased along the lines that any horse eligible to compete in any country maintaining a stud book would be eligible to start in races in the United States. Commissioner Whitney believes that the racing of such "half breeds" and the results of their competing with American thoroughbreds would have a salutary effect on those interested in improving the breed of horses in this country.

The Secretary was instructed to place this on the list of subjects to be considered at the NASRC convention.

The Commission accepted the report of Dr. I. C. Gardner, Chief of the Division of Optics in the Bureau of Standards, on the camera used at the Saratoga racetrack. The Secretary was instructed to file a copy of the report with the NASRC.

The letter of opinion from Assistant Attorney-General Joseph A. McLaughlin, on the subject of jockeys' insurance, was considered by the Commission. The Commission was unanimous in the thought that there should be jockeys' insurance in New York for the next racing season.

The Secretary was instructed to confer with Assistant Attorney-General Joseph M. Mesnig, to discover in what form the Commission should present this innovation to the Associations - whether by recommendation or by direction.

The Chair moved and it was unanimously accepted, that this Commission should make further recommendation for the programming of longer races. The Secretary was instructed to place this point on the agenda for the meeting of the NASRC in Florida.

The Commission acted on various recommendations made in the annual report submitted by Marshall Cassidy, Steward.

First: That the Associations be requested that the minimum purse to be given in any race in New York State next year should not be less than \$1,000.

Second: It was also approved and passed unanimously, that the Associations be requested to improve the sanitary conditions in the jockeys' rooms at the tracks in New York State. This would include the purchase of a sterilizer to sterilize all saddle cloths immediately after one race and before use in another.

Third: Jockeys' Agents. No action was taken on the proposal to eliminate jockeys' agents, pending a report on the efficiency of appointing an Association Jockey Agent, which will be tried out in Florida this year.

Fourth: Stall Rent. After consideration, the following resolution was passed:

"WHEREAS, competition in neighboring states is keen and these states make inducements to trainers competing in New York, to ship from New York to localities where greater consideration will be given them in connection with rental of stalls, be it

RESOLVED, That every owner starting a horse at a meeting shall have free stall rent for that horse for the duration of the meeting, provided, however, that the owner is not the lessee, on an annual basis, of accommodation at the track in operation."

Fifth: Occupational licenses for all persons making their livelihood on the racetrack. It was approved that each groom, exercise boy, etc., be required to apply for and receive a license before he may work at the racetrack.

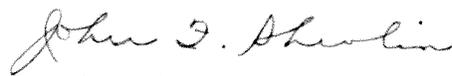
For further consideration:

Classification of layers. Each layer shall be graded according to his ability to pay off bets of different denominations. The layers who can receive and pay off on an unlimited bet, shall receive the first classification, and so on. The Secretary was instructed to place this on the list for a meeting with the layers.

The question of layers giving a token as a form of receipt to the bettor, was further considered by the Commission. The Secretary was instructed to communicate with Assistant Attorney-General Mesnig, to discover whether at this time the issuance of such a token would be permitted.

The rule requiring placing and patrol judges to pass an eye test with relation to distance and color, was broadened to include the same test being given to all the regular Stewards who serve during each meeting. The Secretary was instructed to place this rule on the agenda for the NASRC meeting this winter.

There being no further business before the Commission, on motion duly seconded, the meeting adjourned at 7:00 o'clock, P. M.


Secretary.

