

APPENDIX No. 6

Q. And were not originated for the purpose of evading the law of the neighbouring State?—A. No, sir, there was no such law to evade in New York.

Q. Are you quite sure about that?—A. Quite sure.

Q. We will see about that. When was the Fort Erie track started?—A. In 1896.

Q. Do you remember the amendment to the New York constitution in 1894?—
A. The Percy Grey law?

Q. No, before that, the amendment to the New York Constitution?—A. No, sir.

Q. You never heard of that, is that so?—A. Unless you are more specific I cannot say that I do.

Q. I find that in 1894 at the State Convention, this section was added to the constitution of the State of New York, section 10—

Mr. COUNSELL.—I am going to take exception to Mr. Raney making these statements verbally and orally as he has been in the habit of doing, putting a certain case to a witness as a fact and never substantiating that fact afterwards, but getting the witness' reply upon it. If he is going to substantiate it later on, well and good, but if he is not it should not go in.

Mr. RANEY.—Section No. 10—

Mr. COUNSELL.—I am going to ask for a ruling on this point, Mr. Chairman, I may have made myself absurd, but I have not yet attempted to deceive the committee in any way. Mr. Raney has put questions to a witness containing statements of alleged facts which he has undertaken to substantiate afterwards but which he has never substantiated, and I object to him repeating that practice.

The CHAIRMAN.—Go on, Mr. Raney, please.

Mr. RANEY.—Section No. 10 of the Constitution of New York as amended in 1894 is as follows: 'No law shall be passed abridging the right and title of the people peaceably to assemble and to petition the government, or any department thereof—nor shall any lottery, or the sale of lottery tickets, pool selling, bookmaking or any other kind of gambling be hereafter authorized or allowed within this State, and the Legislature shall pass appropriate laws to prevent offences against any of the provisions of this section,' you did not know of that?—A. That is not a law.

Q. You do not know that amendment to the Constitution of New York?—A. I do not know what you refer to because there are probably a great many amendments.

Q. Did you know of that amendment to the New York Constitution when you gave evidence before the adjournment?—A. Yes.

Q. You did not mention it?—A. I did not.

Q. It did not occur to you that this amendment to the New York Constitution might cause the race track people to get beyond the reach of the laws of the State of New York?—A. It did not occur to me because I knew there was no necessity to get beyond the reach of the law.

Q. You knew that the people of New York did not intend to implement this section?—A. I cannot say as to their intention, but I know that betting went on, there was a race course in Buffalo at that time where betting went on.

Q. Are you prepared to say that the institution of the track at Fort Erie was not in consequence of the dissatisfaction with this amendment to the New York Constitution?—A. Yes.

Q. You are prepared to go a long way?—A. If there was a law prohibiting betting in the State of New York at that time there was no attempt made to enforce it.

Q. Are you interested in any race track financially?—A. No, I am interested simply as a citizen who is, I hope, as desirous of the welfare of his fellow citizens as any other people are and who seeks to preserve his own liberty.

Q. You are absolutely independent?—A. Absolutely, I have no interest in any racing property in Canada.

Q. Being entirely disinterested you can see no connection between the establishment of this track at Fort Erie and the amendment to the New York Constitution?—
A. I am convinced it had nothing to do with it for the very reason that at the time the Fort Erie track was built there was a race track and public betting in Buffalo.