

State House vs. Pent House (Book Review)

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the latter being a feature of Cheatham, Dowling and Goodrich. At that there are 1138 pages for the student to peruse leisurely through the school year. Suggestions for the omission of cases are indicated where the course runs only through one semester, embracing a half year.

This edition, as well as earlier editions of the book, treats the subject of divorce as a phase of family law. To this reviewer the subject of divorce might better be considered as part of the subject of jurisdiction. The advent of the Fourth Edition will make it difficult for teachers to decide on which casebook to use. In any event, it will be part of the teacher's library for reference use.

BENJAMIN HARROW.*

STATE HOUSE vs. PENT HOUSE. By Zechariah Chafee, Jr. Providence: The Book Shop, 1937, pp. x, 165.

The suggestion of contention in the above intriguing title is fully realized as the author describes in words and with pictures the "battle" between the Governor of Rhode Island and the Narragansett Racing Association, Inc., which culminated last fall in the invasion and the closing of the latter's race track by the National Guard. The realities of the case are centered in the clash of two high-powered human beings, one, Mr. Quinn, who happened to be Governor, and the other, Mr. O'Hara, who was the founder, builder and president of the corporation which owned and controlled the race track at Pawtucket, Rhode Island. From September 3 to Armistice Day the burghers of that state and elsewhere were bombarded by radio, and newspapers (one of them O'Hara's), bristling with news of the moves and counter-moves in the battle. The open warfare (mostly verbal) lasted until Armistice Day, ending in the closing of the track by the National Guard, called out by proclamation of the Governor.

While the newspapers were writing up the events, Professor Chafee was gathering and arranging his material for this book.

The pamphlet is divided into six parts. First, an introduction giving a statement of details and events which present the background and the foreground of the controversy; and valuable information as to horse racing, gambling and the laws thereof from 1777, when betting on horse races was made a crime in Rhode Island, to 1934, when horse racing was legalized by legislative enactment. The story of the lives and activities of the contending parties is written in a style that is pleasant to read and made attractive by touches of subtle humor. As one reads on, he realizes the artistry of the author is displayed by his use of the humor touch for a serious purpose. That purpose is disclosed in the clear-cut analysis of the four legal problems involved, which lead up to the issue as to the validity of the use of martial law. At times, one feels that the pamphlet is a brief for Mr. O'Hara, because if the troops were illegally called, the author points out, by numerous citations, that Governor Quinn and every officer and soldier in the National Guard who took part in

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the closing of the race track may be liable for heavy damages.¹ He also points out the remedies which are available, in both the state and federal courts, if the Governor exceeded his authority.

Among the Metropolitan writers, Westbrook Pegler's puissant pen was also employed. Of the book he writes:

"Professor Chafee's little writing goes into the cheap and gritty details of the political contest leading up to the declaration of martial law to suppress an imaginary state of insurrection at the horse yard, and altogether, his study reads like a brief for O'Hara and the gambling joints which aspired to run the state and almost did."²

But the book appeals to me as more than a mere dramatic protest against the summoning out of troops by an enraged Governor, and even though it might be used to advantage by the lawyer for either side in preparing a trial brief, the implication and purpose is more far-reaching. It is one of three pamphlets constituting a series of discussions and documents of Rhode Island affairs to the end that the organic law and government of Rhode Island should be reformed.

"The battle between Mr. Quinn and Mr. O'Hara is chiefly important, not for what happened, but for what it revealed. It is like the spectacular scene of a great play, which brings into consciousness on the stage, the tragic weaknesses of men and women. The appearance of the Ghost of Hamlet's father did not cause the rottenness in the State of Denmark, but it did disclose that rottenness and made it talked about by the rank and file like Marcellus. The people of the State of Rhode Island and Providence Plantations have had thrown vividly before their eyes, in the ten weeks between September 3 and Armistice Day, long standing and long suppressed infections that are far more dangerous to the common weal than Narragansett Park or the activities of two men. In the spectacular wrangling of the Governor and his adversary, the people have seen what already existed or was already rendered easy by ill-planned laws and an outworn constitution."³

In short, the author appears in the role of a pamphleteer whose true purpose is law reform. The entire story arranges and describes the events in such a manner as to focus attention on the need of independent courts and administrative bodies; laws that clearly define the rights, powers and duties of such courts. The need and method of achieving such an end are clearly pointed out. It should be widely read by all who are interested in good government.

JOHN P. MALONEY.*

¹ *Op. cit.* 71-76 and footnotes; Appendix *op.* 146-157.

² N. Y. World-Telegram, Dec. 23, 1937.

³ *Op. cit.* 79-80.

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