

For business men and practicing lawyers, for teachers and students of law, political science, economics, and business this book will provide a genuinely serviceable and clearly drawn panoramic view of the recent extension of relationships between government and business. Good bibliographies, excellent problem questions at the end of each chapter, and references to over 300 court cases add substantially to the value of *Government and Business* for text and reference use.

WALTER F. GAST.†

---

STATE HOUSE VERSUS PENT HOUSE: LEGAL PROBLEMS OF THE RHODE ISLAND RACE-TRACK ROW. By Zechariah Chafee, Jr. Providence: The Bookshop, 1937. Pp. xxii, 165.

This discussion of the politico-legal implications involved in last autumn's quarrel between the Governor of Rhode Island and the manager of the Narragansett Race Track is not in strictness a law book, or at least a lawyer's book, at all; the internal evidence afforded by such items as note 9 on page 93, note 20 on page 104, and elsewhere makes manifest Professor Chafee's concern with a larger and non-professional audience. It may in part be viewed as a *res gestae* utterance of humiliated patriotism worthy the attention of those who believe that state pride has completely vanished from the citizenry; but it is more than that. In essence what the author has given us is a twentieth century descendant of the eighteenth century political pamphlet from which there has been subtracted the partisanship characteristic of the earlier type of work and to which there has been added a thorough documentation, journalistic and legalistic, of extracts useful in getting the whole *mise en scene* of the dispute.

It would be a mistake, as the discussion points out, to dismiss the problems as merely local. The Rhode Island of these pages is as full of lessons of general application as was Long's Louisiana and as is Aberhart's Alberta. Observers of government from de Tocqueville to Holmes have pointed out the benefits to be gained in a federal state by the opportunity afforded each of the member states to profit from the experiences of the other members without ever having to suffer them directly. The woes of Little Rhode Island should serve as a warning to all her sister states which are willing to learn from them.

The strictly legal discussion involves several phases of the involved issues. The stress is laid upon the problem of the functioning of administrative agencies, as illustrated by the behavior of the Horse Racing Division in cancelling the license of the Narragansett Racing Association and ordering the discharge of Mr. O'Hara as manager. In this matter the reviewer finds himself not in entire agreement with the rather sharp dichotomy between administrative and judicial bodies, as fair and competent tribunals, which the author suggests. It is to be noted that both Governor Quinn and Chief Kiernan of the Horse Racing Division had the formal legal education which constitutes the special qualification for the judiciary. True, they had

---

† Associate Professor of Marketing, St. Louis University.

not been steeped in the habit and tradition of judicial approach which, as Professor Chafee suggests, comes from long service on the bench, but neither have newly-chosen judges—such as the very Rhode Island Supreme Court which disapproved the administrative actions of the Racing Division—and yet they are assumed to act judicially. There seems to be no danger of partiality from either judicial or administrative adjudication where the personal interests, prejudices, or sympathies of the adjudicators are not affected; and it is submitted with due respect to the courts that such danger does arise whenever personal interests are affected, regardless of whether the determination is by court or commission. There is without doubt a centuries-old tradition of fairness, of decent and responsible behavior, attached to court action which cannot fail but impress itself on those chosen as judges and with which the weakest or the most passionate are unconsciously led to conform. Because of the recency of their growth, no such a tradition has as yet clearly attached to administrative bodies. Its lack should cause the governor or other appointing officer to be extra careful in choosing the administrative personnel and in refraining from interference with impartial discharge of their judicial duties by those appointed. It should also lead the people to demand of the appointing official the high degree of caution indicated. To the reviewer it seems that the whole Rhode Island mess bears not so much on the proper place and structure of administrative agencies in the general governmental set-up as on the important and difficult problem of selecting the administrative personnel.

The provocative question of how to force the chief law-enforcement officer to act lawfully is also touched on briefly. Andrew Jackson raised the same problem in suggesting that John Marshall could enforce his own judgments in the Cherokee disputes, but at least he did have the good grace not to bellyache that the decisions were based on "technicalities." One cannot help feeling that Old Hickory would have been rather impatient with such an attempt to vilify the law; instead he was content to violate it without apology and Governor Quinn might profit by his example. In the last analysis the whole problem of the recalcitrant chief executive seems to defy legal solutions and to yield only to political correctives.

The book is written in Professor Chafee's characteristically urbane and witty style. It amuses while it amazes. The layman may well read it to be enlightened, the lawyer to be enlivened.

ALBERT S. ABEL.†

---

AMERICAN FAMILY LAW, VOLUME V. By Chester G. Vernier. Palo Alto: Stanford University Press, 1938. Pp. xxxiii, 707.

In 1927 Professor Vernier began work on a projected series of five volumes on American family law. The first, dealing with Marriage, appeared in 1931. This was followed by a volume each on Divorce, Husband and Wife, Parent and Child. Now the series is complete except for a supplement which will bring the contents of all the volumes up to date as of January 1, 1938.

---

† Assistant Professor of Law, Washington University.