

Riverpoint Justly Proud of Those From Its Midst Now Gaining Distinction

(July 31, 1937)

Governor Robert E. Quinn Heads List of Prominent Rhode Islanders Who Were Born in Pawtuxet Valley Villages.

For obvious reasons we are devoting this space to those men and women of our villages who have made good in activities outside our own confines, and who on that account are not in our every day life. We are very happy to be able to say a few words about these men and women who, by their ability and achievement, reflect credit on our community.

First among these, of course, is the present First Citizen of the State of Rhode Island, Governor Robert E. Quinn, whom we all know and of whom it would be superfluous to give a detailed account here. Unfortunately Bob Quinn will not be with us this year as if we are correctly informed, he is in France assisting in the dedication of a Memorial to those of our citizens who served in the Meuse Argonne in the World War.

Former Lieutenant Governor James M. Connolly, of Pawtucket, as a boy lived in Riverpoint, in the neighborhood of the junior high school. Col. Patrick H. Quinn, one time candidate for Governor of Rhode Island, prominent lawyer, manufacturer and civic leader.

William E. Reddy, former Speaker of the Rhode Island house of Representatives and at present Clerk of the United States District Court. Michael DeCiantis, former Asst. Attorney General of the State of Rhode Island, and now of the Utilities Board. Thomas C. Gregory, executive of the R. L. Greene Paper Co., in Providence, R. I. Thomas F. Brennan, an executive of the Livermore Knight Co., of Providence, R. I.

George Campbell Urquhart, foreign representative of the Universal Winding Co., travelling in China, Japan, India, etc. A native of the village. Miss Helen Smith, daughter of Dr. and Mrs. R. Morton Smith, teacher in Worcester College. Hugh Duffy, present scout of the Boston Red Sox and holder of the world's batting records in baseball. Edward G. McGuire whose skill as a magician is known throughout the civilized world.

William Holmes, executive with Union Warding Co., of Pawtucket. Seth Duerden, son of Mr. and Mrs. John Duerden in Yonkers, N. Y., vice president of Kay Furniture Co. Thomas McMahon, Chief of Labor Division of the State of Rhode

dence. Leo McGuinn, with General Fire. Thomas E. Harrop, R. I. Racing Commission.

Owen and Hugh Roarke, with optical company. Miss Nellie Flynn, N. E. Telephone and Telegraph Co. Leo and Joseph Carley, Standard Oil Co. John O'Brien, Jr., Standard Oil Co. Raymond Coogan, Supt. of Insurance, Fall River, Mass. James L. McGuire, Superintendent of Schools, North Providence. Miss Bessie Allen, educator, Providence, R. I. Walter Nicholas, electric business in Providence. Joseph Cournoyer, Suncook, New Hampshire. Miss Edith Walker, Secretary to Senator T. F. Greene, Washington, D. C. Miss Ethel Knight, Providence Real Estate & Mortgage Co. Francis Conlon, attorney. Henry Deering, Lieut. of Police in Providence. John Quinn, Deputy Warden, Tombs, N. Y. City. Antonio Matias, 3 time champion bugler of the American Legion. Miss Ethel Knight, Real Estate & Mortgage Ins. Co., Providence. Frank Mansfield, Supt. White Rock Mill. Walter Fitzpatrick, automobiles, Warwick. Ernest Wright, Detective Agency, Albany, N. Y. Leo McGinn, Gen. Fire Ex.

Island. Harry, John and William McCusker, prominent in textile activities in Massachusetts and New Hampshire. James and Ambrose Canavan, Willard Searle and Michael O'Neil all prominent at Cranston Print Works. Robert Wood, Edgeton Bloomer and many other local men at Pontiac Bleachery.

Thomas Bryant, John Shields, John Keating and Gus Ford all prominent in the Textile Business. Miss Sophie Kent, lawyer and educator in Washington, D. C. Howard S. Hopkins, prominent in lumber business, East Greenwich. Eugene O'Brien, editor Southern Power Journal, Atlanta, Georgia. Henry Coogan, manager Webster Finishing Co., Webster, Mass. Robert Eason, with Pacific Mfg. Co., Lawrence, Mass. James Foley, Textile Burners in Pennsylvania.

Henry Potter, with N. E. Telephone Co. Cornelius Donaghue, superintendent of various textile mills. James Lindsay, superintendent of Harris Mill. John Croft, engineer Federal Building, Washington, D. C. James Craig, mining engineer, California. David Pike, lumber executive in Oregon. Phillip Miller, solo-clarinettist in West

Text of Charges Against Racing Association

(1937)

The text of the charges preferred by the State Division of Horse Racing against the Narragansett Racing Association, Inc., last night follows:

"Narragansett Racing Ass'n, Inc.

"You are hereby notified and summoned to appear before the Division of Horse Racing for the State of Rhode Island and Providence Plantations at a hearing to be held in the office of said division in the State Office building, Providence, R. I., on Friday, the 10th day of September, A. D., 1937, at 1 o'clock p. m., daylight saving time, to show cause why the license heretofore issued to you to conduct a racing meeting in said State should not be suspended or revoked.

"The Division of Horse Racing charges:

"1. That the Narragansett Racing Association, Inc., through its duly authorized agent and agents, did unlawfully appropriate to its own use and did unlawfully use large sums of moneys belonging to the holders of winning tickets who had failed to cash the same.

"2. That the Narragansett Racing Association, Inc., by and through its agents, has continuously, since Sept. 3, 1937, to date, neglected and failed to comply with the order of said Division of Horse Racing issued Sept. 3, 1937, to remove forthwith Walter E. O'Hara as an employe and official of said Narragansett Racing Association, Inc., and said Walter E. O'Hara, purporting and claiming to speak for the said Narragansett Racing Association, Inc., has openly defied said division and its said order.

"3. That the Narragansett Racing Association, Inc., by and through its agents, did, on, to wit, the fifth and sixth days of September, 1937, interfere with, prevent and hinder the duly authorized agents of the said division

from visiting, investigating and placing expert accountants in the office of the said association and seeing the books and documents showing receipts and disbursements of said association in violation of Section Seven of Chapter 2086 of the Public Laws of 1934.

"4. That the said Narragansett Racing Association, Inc., by and through its agents, did, on, to wit, the fourth day of September, 1937, on two separate occasions refuse admission to the secretary of said division to the office of the said association in violation of rule 15 of said division.

"5. That the Narragansett Racing Association, Inc., did, on, to wit, the 28th day of August, 1937, publicly state that he, the said Walter E. O'Hara, could buy the chief of the Division of Horse Racing for a dollar and a half (\$1.50), meaning and intending to convey the impression that the chief of said division was dishonest and corrupt.

"6. That the Narragansett Racing Association, Inc., by and through its agents, has encouraged and allowed at the track, trainers and stablemen who have created disturbances and public nuisances and Walter E. O'Hara, its former managing director, employs and keeps one Curran, a trainer, who continually engages in brawls and disturbances at the track and he, the said Walter E. O'Hara, with the said Curran, was involved in an altercation with one Roles on Sept. 4, 1937, at the Narragansett Race Track, and he, the said Walter E. O'Hara, ordered said Roles off said track without reason and forbade his return.

"Rhode Island Division of Horse Racing,

"Francis J. Kiernan, Chief of Division."

Point Military Academy. Thomas C. Kernan, president R. I. Mutual Insurance Co. William F. Farrell, Michigan Consolidated Power Co., Cleveland, Ohio. Edward Cunningham, dentist in Providence, R. I. Patrick V. Cunningham, Doctor of Medicine, Providence, R. I. Thomas Murphy, Doctor in Providence and Pawtucket. Thomas Mellen, operator of Trucking Business in Connecticut. Owen Cunningham, lawyer and manufacturer, N. Y.

Robert F. Afflick, operator of trucking business in Providence, R. I. Guy Knight, ranch owner in California. Edward Wood, Narragansett Electric Co. Francis and Ralph Greene, manufacturers in Massachusetts. Andrew Gregory, business with Whitehead Bros., in New York. Francis V. Reynolds, prominent attorney. Thomas Fitzsimons, electric engineer of Narragansett Brewing Co. Earl Budlong, manager J. & H. Electric Co., Providence, R. I. Frank Duffy, attorney, former president of Board of Alderman, Providence, R. I. John J. Hughes, with Shepard Co., Provi-

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At the Hearing On the Bristol Line

1931

Sept 14, 31



Representatives of East Providence, Bristol, Warren and Barrington appeared before the State Division of Public Utilities today to fight the petition of the New York, New Haven and Hartford railroad to eliminate passenger service on its Warren and Bristol line. At the top are the town solicitors in the hearing room. From the left they are William C. H. Brand of East Providence; Joseph A. Hammill of Bristol; William H. McSoley of Warren, and Lester S. Walling of Barrington. Below are the members of the board which heard the petition. In front is R. Roscoe Anderson, secretary, and, seated in the rear, from the left, are James G. Connolly, superintendent of the Bureau of Regulation; Michael De Ciantis, chief of the division, and Charles A. White, superintendent of the Bureau of Rates and Tariffs.

Sept. 22, 1937

Text of Petition

Full text of petition: PETITION FOR WRIT OF CERTIORARI

Narragansett Racing Association, Inc., a corporation duly organized under the laws of the State of Rhode Island, and having its principal place of business in the City of Pawtucket and County of Providence, in said State, and Walter E. O'Hara, of the City of Providence, County of Providence, in said State, petitioners in the above entitled cause, bring this their petition and application to this Honorable Supreme Court of the State of Rhode Island for a writ of certiorari directed to Francis J. Kiernan, of the Town of North Providence, County of Providence, State of Rhode Island, Chief of the Division of Horse Racing for the State of Rhode Island, James H. Hagan, Jr., of the Town of North Providence, County of Providence, State of Rhode Island, Superintendent of the Bureau of Licenses of said Division of Horse Racing for the State of Rhode Island, and Thomas F. Kane, of the Town of North Smithfield, County of Providence, State of Rhode Island, Superintendent of the Bureau of Inspection of the Division of Horse Racing for the State of Rhode Island, to review the action, decision and ruling of the Division of Horse Racing for the State of Rhode Island, on the 17th day of September, A. D. 1937, and in this their petition they respectfully show as follows:

CLASS A LICENSE

FIRST: That the petitioner, Narragansett Racing Association, Inc., is the holder of a Class A License, issued by the Division of Horse Racing for the State of Rhode Island under the provisions of Chapter No. 2086, of the Public Laws of Rhode Island for 1934, as amended by the provisions of Chapter 2188 of the public Laws of Rhode Island for 1933, and as further amended by the provisions of Chapter 2250 of the Public Laws of Rhode Island for 1935, which said license permits said Narragansett Racing Association, Inc., to conduct horse racing in the City of Pawtucket, in said County and State, the premises on which said Narragansett Racing Association, Inc., operates its business being known as Narragansett Park; and further said petitioners represent that Narragansett Racing Association, Inc., has enjoyed the benefits and privileges of such a license for a number of years past, to wit, from 1934, to the present date; and your said petitioners further represent that in the conduct of its business said Narragansett Racing Association, Inc., has invested large sums of money in the erection and maintenance of its said park, and that Walter E. O'Hara has devoted throughout said years practically his entire time, attention and energy in and about the business of said Narragansett Racing Association, Inc., with the result that today the plant and equipment of said Narragansett Racing Association, Inc., is of great value and the business of said Nar-

ragansett Racing Association, Inc., is highly successful and profitable.

FIVE-YEAR CONTRACT

SECOND: That the petitioner, Walter E. O'Hara, was elected by the stockholders of said Narragansett Racing Association, Inc., at the annual meeting of said stockholders, held in May, 1937, President and Managing Director of said Narragansett Racing Association, Inc., to hold said offices until the annual meeting of said stockholders to be held in May (A. D., 1938; and further said petitioners say that the said Narragansett Racing Association, Inc., and the said Walter E. O'Hara, on the first day of June, A. D., 1936, entered into a contract of employment whereby the said Walter E. O'Hara was engaged in the capacity of General Manager of the business conducted by said Narragansett Racing Association, Inc., for a period of five (5) years, said contract expiring on the first day of June, A. D., 1941; and further your petitioners represent that the said Narragansett Racing Assn., Inc., is obligated by contractual obligation to pay large sums of money to said Walter E. O'Hara for his services as Managing Director and General Manager of the business of said corporation; that said Walter E. O'Hara has occupied the position of Managing Director of said business since its inception in 1934, and has been entrusted with all the duties incident to the general management and control of the business of the corporation in accordance with the By-Laws of the Corporation throughout said period, subject to the control of the holders of the majority of the capital stock of the corporation and said By-Laws; that the services of the said Walter E. O'Hara are of great importance and vitally necessary to the welfare of said corporation; that the said Walter E. O'Hara is willing and able to carry out the terms of his contractual obligations with said Narragansett Racing Association, Inc.; that said Narragansett Racing Association, Inc., is on its part satisfied and anxious to carry out its undertakings and obligations with said Walter E. O'Hara, and avers that a continuation of his services in the capacities of President, Managing Director and General Manager of said Association is vital to its welfare.

STOCK WIDELY HELD

THIRD: That the shares of Common Capital Stock outstanding number 350,000; that said shares of stock are widely held throughout the United States and Canada by stockholders numbering from Thirteen Hundred and Fifty (1350) to Fourteen Hundred (1400); that said stock is listed on the Boston Stock Exchange and upon the Chicago Curb Exchange and is traded in daily on said Exchanges; that the stock of said corporation is registered with the Securities Exchange Commission for the United States of America and is subject to the rulings and regulations of said Commission.

FOURTH: That on the 9th day of September A. D., 1937, the petitioner, Narragansett Racing Asso-

ciation, Inc., was served with notice to appear before said Francis J. Kiernan, James H. Hagan, Jr., and Thomas F. Kane, (constituting the Division of Horse Racing for the State of Rhode Island) upon Friday, September 10th, 1937 at 1:00 o'clock P. M. (Daylight Saving Time) to show cause why the license of said Narragansett Racing Association, Inc., to conduct Horse Racing, should not be suspended or revoked upon charges preferred directly by the Division of Horse Racing and signed by said Francis J. Kiernan, Chief, (A copy of which is attached hereto, made a part hereof and marked "Exhibit A"); that upon motion made by the petitioner, Narragansett Racing Association, Inc., the hearing upon said charges was continued to Tuesday, September 14th, A. D., 1937 at 10:00 o'clock A. M. (Daylight Saving Time).

CHARGES BY QUINN

FIFTH: That thereafter, to wit, on the 11th day of September A. D., 1937, your petitioners were served with notice of the filing of additional charges by Robert E. Quinn, Governor of the State of Rhode Island, which notice directed your petitioners to appear before the said Francis J. Kiernan, James H. Hagan, Jr., and Thomas F. Kane (constituting the Division of Horse Racing) upon the 14th day of September A. D., 1937 at 10:00 o'clock A. M. (Daylight Saving Time) for a hearing upon said charges as preferred by the said Robert E. Quinn, Governor, (a copy of which is attached hereto, made a part hereof and included in "Exhibit A").

SIXTH: That on the 11th day of September, A. D. 1937, the petitioner, Narragansett Racing Association, Inc., filed with said Division of Horse Racing, a motion for a Bill of Particulars upon charges numbered 1 to 6, (a copy of which motion is attached hereto, made a part hereof and marked "Exhibit B"); that thereafter, to wit, on the said 11th day of September, A. D. 1937, the said Division of Horse Racing prepared and filed a Bill of Particulars (a copy of which is attached hereto, made a part hereof and marked "Exhibit C"); that except as specifically granted in the Bill of Particulars, all other requests contained in the motion for a Bill of Particulars were denied.

SEVENTH: That the hearing upon said alleged charges referred to in Paragraphs Fourth and Fifth hereof, was held upon September 14th, 15th and 16th, A. D., 1937; that at said hearing upon motion made by the Attorney-General, and over objection of the petitioners, the charges as filed by the Division of Horse Racing and by the said Robert E. Quinn, Governor, were consolidated, the charges preferred by the Governor being numbered by the Board as charges No. 7 and 8.

MOTION TO DISQUALIFY

EIGHTH: That in the course of

said hearing, the petitioners filed a motion to disqualify the said Francis J. Kiernan, Chief of the Division of Horse Racing, from sitting as a member of said Division at the hearing to be held on said charges; (a copy of which motion is attached hereto, made a part hereof and marked "Exhibit D"); that said Division of Horse Racing refused to allow your petitioners to introduce evidence in support of its said motion to disqualify, and further, said Board refused to allow your petitioners to make an offer of proof for the record in connection with said motion; that thereafter the Board denied the motion of the petitioners to disqualify the said Francis J. Kiernan, and the said Francis J. Kiernan, Chief, voted upon said motion, and voted to deny the motion of the petitioners.

NINTH: That thereafter, to wit, on the 17th day of September A. D., 1937, the said Division of Horse Racing, in a finding, decision and ruling based upon said hearing, (a copy of which ruling is attached hereto, made a part hereof and marked "Exhibit E," declared:

"Wherefore this Division finds the said O'Hara guilty of the charge as alleged and for the above stated cause requires that the Narragansett Racing Association, Inc. on or before the 30th day of September 1937 take the necessary steps to remove the said respondent as an employee or official of the Narragansett Racing Association Inc."

and further in said finding, decision and ruling, the said Division of Horse Racing declared:

"Wherefore: The Division finds the Association guilty of the charges stated and hereby suspends the license of the Narragansett Racing Association, Inc. said suspension to become effective as of 7 P. M. Saturday, September 18, 1937. Said suspension to remain in full force and effect from and after that date until such time as said Division of Horse Racing takes further action in regard to the same; the decision of said Division being unanimous."

PROVISIONS OF BY-LAWS

TENTH: That the By-Laws of the said Narragansett Racing Association, Inc., provide for the office of Managing Director and further provide for the election of said Managing Director at the annual meeting of the stockholders; that said Managing Director shall hold his office until the next annual stockholders' meeting and until his successor is elected and qualified, further, the By-Laws of said Narragansett Racing Association, Inc., provide that said Managing Director may be subject to removal at any time by the affirmative vote of the majority of the holders of the Capital Stock of the corporation provided that notice of such contemplated action be given in the notice of such meeting of the stockholders; that the said Walter E. O'Hara, Managing Director, is not subject to removal by the stockholders and a successor to his office cannot be elected until a special meeting of the Stockholders, specially called for the purpose, can be held in accordance with the By-Laws of the corporation; that under the By-Laws of said corporation, notice of the time and place of such meeting must be given by mailing written or printed notice of the same at least ten (10) days and not more than fifty (50) days prior to the meeting, to each stockholder of record of the corporation entitled to vote at such

meeting; the Board of Directors may set in advance a date not exceeding fifty (50) days preceding the date of any meeting of stockholders as the date for the determination of the identity of the stockholders entitled to notice of and to vote at such meeting; that the actual determination of the names of the stockholders entitled to notice of and to vote at such meeting can be determined only by application to the transfer agent of the corporation's stock for information as to the names of the stockholders entitled to such notice and such vote; that the form of proxy to be used at such stockholders' meeting must first be approved by the Boston Stock Exchange and the Chicago Curb Exchange; that it is impossible for said petitioner, Narragansett Racing Association, Inc., to comply with the order of the Division of Horse Racing on or before the 30th day of September A. D., 1937.

DATES AWARDED

ELEVENTH: That said petitioner Narragansett Racing Association, Inc. has hitherto been awarded dates, in accordance with its license, for the conduct of a Fall Meet of Horse Racing, so called, said Meet to be held beginning on the 18th day of October and ending on the 11th day of November A. D., 1937; that said petitioners have in large measure completed plans for the holding of said Fall Meet, so called, and are now engaged in further preparations looking to the holding of said Meet.

TWELFTH: That the said finding, decision and ruling of the Division of Horse Racing, insofar as it refers to the order directed to Narragansett Racing Association, Inc., to remove the said petitioner, Walter E. O'Hara as an employee or official of the said Narragansett Racing Association, Inc., purports to be based upon the provisions of Section 7 of Chapter 2086 of the Public Laws of Rhode Island for 1934, as amended by Chapter 2188 of the Public Laws of 1935 and by Chapter 2250 of the Public Laws of 1935, which provide that the commission (Division of Horse Racing) may at any time for cause require the removal of any employee or official employed by any licensee; that the said finding, decision and ruling of the Division of Horse Racing, insofar as it refers to the suspension of the license of the petitioner, Narragansett Racing Association, Inc., purports to be based upon the provisions of Section 11 of Chapter 2086 of the Public Laws of Rhode Island for 1934, as amended by Chapter 2188 of the Public Laws of 1935 and by Chapter 2250 of the Public Laws of 1935, which provide that any license granted under the provisions of said Chapter 2086 of the Public Laws shall be subject to suspension or revocation for any cause which the commission shall deem sufficient, after giving the licensee a reasonable opportunity for a hearing at which said licensee shall have the right to be represented by counsel, the commission (Division of Horse Racing) to state the reasons for any such suspension or revocation and to cause an entry of such reasons to be made on the record books of said Division.

THIRTEENTH: And your petitioners further represent that the said respondents and each of them did not undertake the duty of examining said charges with an open mind, and in passing upon the same did not act impartially; that said members of the Division of Horse Racing by their conduct in the course of said hearing both by their actions and rulings upon the motions made in behalf of the petition-

ers and by their actions and rulings upon the admissibility of evidence and admitted in support of each and every charge as made, incompetent, immaterial and irrelevant evidence, and admitted in support of each and every charge the grossest kind of hearsay evidence; that the said Division of Horse Racing preferred directly the charges numbered one to six in Exhibit A in pursuance of an announced intention to drive the petitioner, O'Hara, out of the State of Rhode Island and in pursuance of the expressed determination of said Francis J. Kiernan, Chief, never to cease the fight against the petitioner, Walter E. O'Hara, personally; that the decision of said Division of Horse Racing was written, voted upon and issued in pursuance of a studied purpose to compel the removal of said Walter E. O'Hara as an employee and official of the Narragansett Racing Association and to suspend the license of said Narragansett Racing Association without reference to the local adequacy or sufficiency of the evidence to support such action; and said ruling and decision were issued by said Board on Friday, September 17th, A. D. 1937, before the transcript of evidence ordered by said Division of Horse Racing for its use in perusing the testimony introduced at said hearing had been completed; that the manner in which said Division of Horse Racing conducted said hearing shows that the ruling and decision referred to were reached as a result of hostility to and bias against the petitioner, Walter E. O'Hara, principal executive officer of the petitioner Narragansett Racing Association, Inc.; that said proceedings were conducted throughout in a manner repugnant to the spirit of Law, a fundamental principle of which is that no one shall be deprived of life, liberty or property without due process of law; that the manner in which the Division conducted said hearing and reached its conclusions demonstrates clearly the disqualification of the members of the Division, both in law and in fact, to give the petitioners a fair and impartial hearing.

FOURTEENTH: And the petitioners further represent that the records of the Division of Horse Racing will show that the findings of the Commission, with respect to charges numbered One, Three, Four, Seven, and Eight, and each of them, are not based upon any legally competent or adequate evidence; that, therefore, the order of removal and the order of suspension based thereon are not supported by legally competent evidence.

FIFTEENTH: And your petitioners aver that the said Walter E. O'Hara is not an official and employee of Narragansett Racing Association, Inc., whose removal can be ordered by the Division of Horse Racing under the provisions of Section 7 of Chapter 2086, of the Public Laws of the State of R. I. for 1934.

HOLDS RULING ARBITRARY

SIXTEENTH: And your petitioners aver that they are aggrieved by the decision of said Division of Horse Racing, and the ruling referred to in Paragraph Ninth hereof, and that said decision and ruling is arbitrary, summary and contrary to law in that the said decision and ruling of said Division is not an equitable, proper or legal exercise of the discretion vested in said board under and by virtue of the Laws of the State of Rhode Island; that by issuing such a de-

cision and ruling the said Division of Horse Racing has arbitrarily, inequitably, illegally and unjustly exercised the powers vested in it.

SEVENTEENTH: That the Fourteenth Amendment to the Constitution of the United States specifically forbids the depriving of any person of his property without due process of law; that the decision and ruling of the Division of Horse Racing, violates the above provision of the Constitution of the United States in this that it unlawfully and illegally deprives said Narragansett Racing Association, Inc., and its stockholders of the services of its President, Managing Director and General Manager at such time and in such circumstances, and without regard to the loss or hardship which will of necessity be suffered by said Narragansett Racing Association, Inc., as to amount to a taking of property without due process of law; also in this, that if said Narragansett Racing Association, Inc., is forced to comply with said ruling and decision, the said Walter E. O'Hara would thereby be unlawfully and illegally deprived of the advantage of his contractual and property rights without due process of law, at a time when in the absence of such ruling and decision the said Narragansett Racing Association, Inc., would be willing and anxious to carry out the terms of its contract with him, and to permit him to fulfill the duties of the offices to which he has been duly elected; also in this that if said Narragansett Racing Association, Inc., acted in accordance with said ruling and decision the said Walter E. O'Hara would be unlawfully and illegally deprived of his livelihood at a time when in the absence of such ruling and decision he would otherwise be able to follow his usual calling and occupation.

SEEN NOT REASONABLE

EIGHTEENTH: That the decision of said Division of Horse Racing is not a reasonable or proper exercise of the powers conferred upon it by virtue of the laws of the State of Rhode Island, and that the action of said Division is not reasonably consistent with the proper discretion reposed in said Division; and that said Division did not legitimately exercise the powers conferred upon it, but has acted unjustly, and in violation of the rights of the petitioners; that the decision of the Division of Horse Racing in making the ruling has no foundation in reason and is a mere arbitrary, unwarranted and illegal exercise of power having no foundation of fact in view of the evidence in said cause, and depriving the petitioners of their property without due process of law and violating the provisions of Chapter 2086 of the Public Laws of the State of Rhode Island.

NINETEENTH: And your petitioners aver that the records of the Division of Horse Racing will show conclusively an utter lack of legally competent and adequate evidence to substantiate any cause sufficient in law to require the removal of said Walter E. O'Hara as President and Managing Director and General Manager of said Narragansett Racing Association, Inc.; and that said records will show conclusively an utter lack of legally competent and adequate evidence to substantiate any cause sufficient in law to permit the suspension of the license of the petitioner, Narragansett Racing Association, Inc.; and that said records will further show a complete lack of relation between the act re-

ferred upon as cause for removal and the drastic order requiring the removal of the President, General Manager and Managing Director of Narragansett Racing Association, Inc.

TWENTIETH: And your petitioners further represent that, under the provisions of Chapter 2086 of the Public Laws of Rhode Island for 1934, as amended by Chapter 2188 of the Public Laws of 1935 and by Chapter 2250 of the Public Laws of 1935, they are without the right of appeal from said ruling, decision and finding of said Division of Horse Racing referred to in Paragraph Ninth hereof; that they are without any adequate or complete remedy at law in the premises; that said Division of Horse Racing has declared its intention to enforce said ruling and order, and in endeavoring so to do, thereby causing imminent and irreparable harm and damage to these petitioners in the pursuit of their lawful business.

WRIT ASKED

WHEREFORE your petitioners respectfully pray that a writ of certiorari may be issued out of and under the Seal of this Honorable Court directed to the said Francis J. Kiernan, Chief of the Division of Horse Racing, James H. Hagan, Jr., Superintendent of the Bureau of Licenses of said Division of Horse Racing, and Thomas F. Kane, Superintendent of the Bureau of Inspection of the Division of Horse Racing, constituting the Division of Horse Racing for the State of Rhode Island, and requiring them to certify and send to this Court on a day certain to be therein designated, a full and complete transcript of the record (including the transcript of evidence) and all papers constituting the record, upon which said Division of Horse Racing entered its findings, decision and ruling, referred to in Paragraph Ninth hereof, to the end that said findings, decision and ruling may be reviewed and reversed by this Honorable Court and the records of the said proceedings of the Division of Horse racing may be quashed.

And your petitioners further pray that in the meantime, and until further order of this Court, because of the imminent, great and irreparable loss and damage which will be suffered by the petitioners as a result of the enforcement of said decision and order, the said Francis J. Kiernan, Chief of the Division of Horse Racing, James H. Hagan, Jr., Superintendent of the Bureau of Licenses of said Division of Horse Racing, and Thomas F. Kane, Superintendent of the Bureau of Inspection of the Division of Horse Racing, constituting the Division of Horse Racing for the State of Rhode Island, and each of them forthwith be restrained and enjoined from enforcing or attempting to enforce said decision or order referred to in Paragraph Ninth hereof, and that your petitioners may have such other and further relief as to this Court in the premises may seem meet and proper.

And so your petitioners will ever pray.

Signed:
NARRAGANSETT RACING ASSOCIATION, INC.,

By WALTER E. O'HARA,
President, Managing Director and General Manager.

WALTER E. O'HARA,
STATE OF RHODE ISLAND
PROVIDENCE, Sc.

I, Walter E. O'Hara, of the City of Providence, Rhode Island, on

oath, depose and say that I am President, Managing Director and General Manager of Narragansett Racing Association, Inc., and as such am authorized by said corporation to file said petition; that I have read the foregoing petition and the facts alleged are true, except as to those matters alleged upon information and belief, and such matters are true to the best of my knowledge, information and belief.

WALTER E. O'HARA.

President, Managing Director and General Manager.

SUBSCRIBED AND SWORN TO at Providence, Rhode Island, this 21st day of September, A. D., 1937, before me,

RAYMOND J. M'MAHON.

Notary Public.

STATE OF RHODE ISLAND
PROVIDENCE, Sc.

I, Walter E. O'Hara, of the City of Providence, County of Providence, and State of Rhode Island, on oath, depose and say that I am one of the petitioners in the above entitled cause; that I have read the foregoing petition and that the facts alleged therein are true, except as to



FREDERICK A. YOUNG
 MICHAEL DECIANTIS
 CHIEF OF DIVISION

Cummings Says Campaign Book Sale Was Legal

Rules on 4-Month Study of Roosevelt-Autographed Documents Sold for \$250

Answers Snell Charges

Finds Criminal Prosecution Would Not Be Warranted

From the Herald Tribune Bureau

WASHINGTON, Dec. 23.—The sale to corporations of blocks of the \$250 edition of the Democratic convention book of 1936, autographed by President Roosevelt, by which the Democratic National Committee raised several hundred thousand dollars to apply on the Presidential campaign deficit, does not constitute a violation of the corrupt practices act of 1925.

Such is the conclusion of Attorney General Homer S. Cummings, reached after the Department of Justice had made a four-months' study of the "laws and the facts" to find that "criminal prosecution would not be warranted."

The Attorney General's opinion was disclosed in a letter made public today by Representative Bertrand H. Snell, Republican, of New York, who last summer sought an investigation of the procedure in the House Rules Committee. At the time Mr. Snell cited Section 313 of the corrupt practices act, which specifically prohibits political committees from accepting campaign contributions from corporations, "directly or indirectly," and makes the committee equally culpable with donor or contributor. Subsequently, on July 30, the information furnished by Mr. Snell was turned over to the Department of Justice.

The Attorney General's letter, which said that legislation "to broaden the scope of the act" to make it more effective was being prepared for Congress, was made public by Mr. Snell without comment, as follows:

November 20, 1937.

Hon. Bertrand H. Snell, House of Representatives, Washington, D. C.

My dear Mr. Congressman:

By letter of July 27, you inquired whether the Department of Justice had instituted an investigation to determine whether Section 313 of the Federal corrupt practices act of 1925 had been violated by certain sales of books by the Democratic National Committee. In reply, I informed you on July 30 that this department had undertaken an inquiry with respect to the matter, and suggested that you transmit for its consideration such evidence as you might have in your possession which you deemed indicative of a violation of the act.

Later you supplied me with certain data.

A comprehensive study of the law and the facts has now been completed, and the conclusion has been reached that a criminal prosecution would not be warranted.

The case is unlike that involving the Narragansett Racing Association, William Shawcross, Chairman of the Democratic State Committee of the State of Rhode Island, and James A. Kennerly, former chairman of the Democratic State Committee of Rhode Island, in which the government sought and secured an indictment.

My study of the general subject leads me to the conclusion that it is desirable to amend the statute, with a view to broadening its scope and rendering it more effective in important particulars. To this end, I shall, in the near future, submit to the Congress proposed amendatory legislation.

With kind personal regards,

Faithfully yours,
 HOMER CUMMINGS.

Attorney General.

At the time the resolution for investigation was being urged in the House, Representative Snell said:

"Several thousand copies of this volume have been sold to corporations at the fabulous price of \$250 each in a carefully plotted scheme by the Democratic National Committee to evade the Federal corrupt practices act of 1925. The public record of Democratic National Committee on file with the Clerk of the House of Representatives shows that up to June 1, 1937, revenue from the sales of and the advertising in the Democratic book of 1936 and the Democratic register, 1937, aggregated something more than \$1,000,000. About 900 corporations have availed themselves of this device to purchase or attempt to purchase the good will and cordial influence of the committee."

JES G. CONNOLLY
 Supt. Bureau of Regulation
 RLES A. WHITE, SR.
 Bureau of Rates & Tariffs

x10

WALTER E. O'HARA SAYS THE CONSTITUTION IS BEING VIOLATED

GOVERNOR, ENRAGED BY EXPENSE ON CHECK, TRIES TO JAIL TRACKMAN IN CIVIL SUIT

O'Hara Says 'Fee' Of \$20,000 Killed Attack On Track

Gansett Head Tells Radio Audience How Col. Quinn Guaranteed Nothing Would Be Said in Governor's Inaugural Speech If Track Director 'Retained' Him

Attacks on horse racing were deleted from the draft of Governor Robert E. Quinn's inaugural address after his uncle and then law associate, Col. Patrick H. Quinn, had received a \$20,000 pay-off from the Narragansett Racing Association, it was stated in a radio address last night by Walter E. O'Hara, president and managing director of the association.

PHONE, WIRE PRAISE POUR IN TO O'HARA

Track Director Flooded With Messages After Radio Talk

A veritable deluge of telephone calls, telegrams and personal messages descended upon Walter E. O'Hara following his radio address last night in which he unmasked the political conspiracy against him, personally, and against the State-Tribune.

- EVERY RESIDENT HIT
In addition to telling the details of the \$20,000 pay-off to Colonel Quinn with Check No. 1 on an account in the Provident Trust Co. of Boston, rather than on any Rhode Island bank, O'Hara made these points, in order:
1. That the Governor, in illegal and unconstitutional use of marital law, has struck at every man and woman in the State.
2. That the reputation of the State has been dragged down by Governor Quinn, as proved by newspaper editorials from outside.

STATE AFL HEAD BACKS TRACKMEN

President Connolly Disputes McMahon's Right to Investigate

HAS NATIONAL OK

Gansett Employs Roar Approval of O'Hara Radio Speech

More than 900 members of the Narragansett Track Employers Association, at a meeting last night in Knights of Columbus Hall, Pawtucket, roared their approval of the address of Walter E. O'Hara, president and managing director of the track.

Not satisfied with the governor's offer to place them on relief, the men unanimously passed a resolution condemning the chief executive and praising Walter E. O'Hara at his benefactor and friend.

The meeting, presided over by Daniel J. Norton, president of the employes union, heard John A. Kennedy, AFL organizer, refute the statement issued by State Director of Labor Thomas F. McMahon, that the association was not recognized by the national body of the Federation.

FLEDGES SUPPORT
Kennedy told the union members that an original charter given to the local association had been returned by Connolly because it covered only one group of track employes, whereas Connolly desired a charter which included all track employes.

Joseph Prior, president of the Truck Drivers' Union, Local 213, affiliated with the AFL, also pledged the support of that group to the association. Prior announced that a resolution condemning the governor's action is being prepared.

RESOLVED, That this organization be on record as repudiating Governor Quinn and Lieutenant Governor Jordan for their illegal violation of one Federal Constitution, the State Constitution and the laws of the State, and that

Free Speech Denied Him



WALTER E. O'HARA

Read Our Constitution

Governor Robert E. Quinn, it turns out, is going through the Bill of Rights in the Constitution of the United States, flouting each article as fast as he can think up new ways of attack.

The Governor has already violated Article I by his furious campaign against freedom of the press. Instigating the arrest of Walter E. O'Hara following O'Hara's radio speech, the Governor went back to Article I to take a crack at the constitutional guarantee of freedom of speech.

Article II sees a "well-regulated militia" as necessary to the security of a free state, and guarantees to the people the right to keep and bear arms. Quinn's militia, far from being well-regulated, is now engaged at his orders in an illegal, unconstitutional invasion of private property.

Article III prescribes that no soldier shall, in time of peace, be quartered in any house, without the consent of the owner. Walter E. O'Hara's residence at Narragansett Park has been made into a headquarters for the illegal army of occupation.

Article IV tells us Americans that "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

Article VI guarantees that in all criminal prosecutions the accused shall "enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law."

MAYORS HIT STATE CUT IN REVENUE

Speakers Call Closing of Track Arbitrary Use of Power

BURDEN IS HEAVY

Representatives of Cities and Towns Meet in Providence

Mayors of five cities and 40 official representatives of towns throughout the State visualized gloomy relief conditions in the near future as a result of the steady curtailment and what was termed inefficient handling of funds by the State administration at the second of a series of conferences held last night in the Narragansett Hotel called by Mayor Albert P. Ruzar of Warwick.

Direct reference was made several times to the closing of the Narragansett Park race track by the Governor as one of the arbitrary uses of executive power that is gradually making the burdens on the cities and towns unbearable.

1-That the STR was unfair in its dealings with cities and towns in its administration of relief jobs and projects.
2-That the STR is deliberately feigning the expense of maintaining "unemployables" in State institutions at an exorbitant cost to the cities and towns.

3-That both the State and the Federal Government should increase their share of the burden, not decrease it.
4-That the State administration is squandering too much money on useless duplication which could be used for relief purposes.

5-That politics play too great a part in the administration of relief.
6-That all the cities and towns in the State must organize a committee for protection against further curtailments and to bring influence to bear on the Legislature.

7-That the State administration's policy must inevitably result in increased taxes for all the municipalities.
8-That the State should use its broader powers of taxation to make possible an equitable distribution of the tax burden to provide more revenue.

9-That in shifting the burden to the municipalities the State is dodging its proper responsibility.
10-That unless should not be dropped from WPA and SER jobs. Mayor Ruzar opened the meeting, which was conducted more or less informally throughout, after dinner was served.

Prisoner Is Held In Hotel; Court Blocks Removal

Governor Institutes Civil Writ Alleging Libel, Asking Half-Million Dollar Damages; Sheriff Baird Given Papers in Kent County Where He Has No Jurisdiction.

The dictatorship which Walter E. O'Hara charged Gov. Robert E. Quinn was establishing in Rhode Island came to pass during the night, because O'Hara exercised his right of freedom of speech.

Carrying out a plot carefully conceived, Governor Quinn ordered O'Hara's arrest and immediate commitment to Providence County Jail, but this order collapsed temporarily when Judge Charles A. Walsh ordered O'Hara to be kept in custody in the Biltmore Hotel, rather than in jail.

O'Hara was taken from his hotel suite, after his exposures over the radio and kept under guard of sheriffs.

O'Hara was arrested on a civil writ alleging libel and claiming damages of \$500,000 under a law which compels O'Hara to put up \$500,000 in bail to keep himself out of jail.

The constitution prohibits a demand for excessive bail, but Governor Quinn, realizing the magnitude of the persecution plot, were unable to obtain co-operation from court clerks to initiate counter suits, and to pave the way for a petition for a writ of habeas corpus to block consummation of Quinn's attempt to jail O'Hara.

MAKES MOVE IN KENT
O'Hara was subjected to this latest persecution in the first step of the dictatorship because he exposed the machinations of the Quinn administration.

Quinn made all his moves in his home county of Kent, where his uncle Col. Patrick Henry Quinn successfully defended Cameron O'Connor, called the "overlord in the gambling racket" by Atty. Gen. John P. Hartigan's department. The department also warned such gambling rackets frequently lead to murder.

Called Higher-Ups
Hartigan's aides, at the time said: "You must give us credit in this case; we are not shooting at any little understrappers in the racket; we are shooting right at headquarters."

O'Connor had been accused of operating a crime syndicate hooked up with bookies and allied evils. The attorney general's office revealed a cable across Pawtucket core had supplied information for the underworld operations.

The dirty work of executing the incensed over O'Hara's decision. Turn to Page Three, Col. Three

In a Free Country!
It is difficult to remain calm in the face of Governor Robert E. Quinn's dictatorship.

Walter E. O'Hara, during his radio address, raised the question, amply supported by the leading editorial opinion of the nation, that Quinn was saturated with dictatorship ideas.

(Turn to Page Two, Col. One)

Turn to Page Seven, Col. Four

Turn to Page Seven, Col. Two

Turn to Page Seven, Col. One

Turn to Page Three, Col. One

