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that he afterward long enjoyed, Thomas A. Street.

Street's contention was that most major litigation pertained to Manila, that the court library was here, and that the court was better accommodated in Manila.

The court, yes, but what of the people?

If the Islands had a circuit court of appeals—and perhaps no other country of 14 million inhabitants in a territory of 115,000 square miles lacks such courts, or courts similar—wherever they sat there would be a courthouse symbolizing justice, that of the Commonwealth; and here would accumulate good reference libraries enabling provincial lawyers to look up and brief their cases better than they now do, for trial or for appeal. At such capitals a provincial press would develop, and justice in its first and intermediate stages would be news, because litigants, lawyers, and judges would be known in the community.

Newspapers would have revenue from court notices printed, besides news for their pages that in Manila never reaches the press because Manila is not interested in 1 case in 10 running through its tribunals. Best of all, trial judges would witness their acts reviewed by higher authority either immediately in their own jurisdictions or nearby. This would make them much more careful than they now are; they know now that hardly any of their cases will come to public attention, a situation that everyone knows permits misfits and incompetents to encumber the bench for years without the public being the wiser—even the public in their own districts.

So a supreme court in Manila alone, and an appeals court too in Manila alone, is lawyer-made stuff. Because the public ought to know as much, we point it out. There is feeling prevailing too widely in the Islands that public office is for the convenience of the holder thereof, not for the primary advantage of the public; and experience teaches us that nowhere is this feeling stronger than on the bench, well supported by the bar associations, all centered in Manila. Thus the present arrangement is effected, more costly and cumbersome than the arrangement it succeeds: more advantageous to bench and bar, in Manila, less advantageous to the public.

Now to the American justices, dropped from the supreme court so hastily. One and all, they have been well remunerated.

George A. Malcolm had been on the court since 1916. His settlement with the Commonwealth was about \$60,000. He goes at good salary as legal adviser to the High Commissioner.

James C. Vickers had been on the court about 3 years, with brief former service in the court of first instance. His settlement with the Commonwealth was about \$50,000.

John A. Hull, major general retired, had been on the court about 3 years. His settlement with the Commonwealth was about \$30,000.

George C. Butte had been on the court about 3 years. His settlement with the Commonwealth was about \$25,000.

Leonard S. Goddard had been on the court about 2 years, with brief prior service in the court of first instance. His settlement with the Commonwealth was about \$22,000.

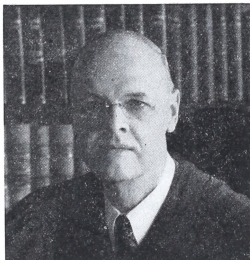
So we conclude, treatment of the American justices retired from the supreme court by the Commonwealth was generous; and so, we believe, they themselves feel. But the public was served left-handedly when they were let go with a bogged docket still to be cleared. It is time the public interest were put first in such matters. Justice Vickers who qualified for the bar by a course at the University of the Philippines, had proved himself an able lawyer before going to the bench. No doubt he will resume practice here. After travel abroad, Justice Butte, recently married here, will return here to live, possibly to practice law. Justice and Mrs. Leonard S. Goddard and their children have left Manila for the United States, Justice Goddard planning to look up a newspaper connection—preferably as owner.

CHANGES IN THE HIGHER PHILIPPINE COURTS

Creating an appeals court of 11 members and cutting the supreme court to 7 members, the Commonwealth seems to have served the bench and bar well enough; but in our judgment, the public poorly. It would seem unavoidable that the course of litigation will be somewhat longer, somewhat more costly. The appeals court sitting in Manila only, justice is not brought closer to the people; primary and secondary appeals coming from the 49 provinces to removed more remotely from the people. Manila, justice is the task of filling

Retirement from the supreme court of the 5 American members was unduly hurried. The docket is jammed, and a smaller and less experienced court struggles with it, while 6 months from now, the American justices keeping on for that time, the docket could have been cleared.

With a brace of appeals courts, the Islands still lack the court they most need; namely, a circuit court of appeals. Taft made the supreme court a circuit bench, but it always managed to evade this obligation to sessions in the provinces, and in 1916 the circuit provision was left out of the administrative code by a man expecting a career on the supreme bench,



JUSTICE GEORGE MALCOLM

Justice Thomas A. Street, retired from

the court a few months ago, went on the court with Justice Malcolm and will have got from the government about what was paid Justice Malcolm. Ill health causing him to leave the court when he did, he will not be back in the Islands. All the American justices, even the latest of them, had excellent records. Such indeed is the record of the court as

a whole, attested by the very few reverses it has had at Washington.

It argues something for the future to note that the record of reversals of Filipino justices is as low as that of their American associates. But this does not make the court close to the people, nor create an appeals court that is.

TO READ THIS MONTH

What's new in the book marts means something that's a best-seller, and then something else again far from the public gaze but worth a fling. Here are words on both, variety for a full month: *Honey In The Horn, In Japan—Without Clock or Calendar, Yankee Arms Maker, The Boom Begins, Steel-Dictator, and Saved! Caesar.*

Pungent with idiom, stuffed and dressed and spiced of truth without garments, naked as the border of which it tells a romping story raw as a quirt and tough as claps, *Honey in the Horn*, as H. L. Davis' maiden novel picks you up from Dreiserian and Hemingwayian gloom, takes you for a swash-buckling ride in camp wagons on the Oregon Trail as it really was and with the folk who made its reality with their untutored courage, reinforced by their rifles and pistols and muzzle-loading shotguns belching buckshot and belligerence.

Paragraphs of Davis tell all:

"Another woman-sent member of the settlement was Mae Hofsford, though he was hardly entitled to hold any grudge against the sex for his being there. He had been a professional axman, made good money falling trees for a lumber outfit, and made a habit every year of blowing in his year's savings on street carnivals.

He couldn't tell why he did it. The monotony, he said, used to almost kill him, and it must have affected the carnival people the same way because one day a woman game-tender locked up her game, led him to a justice of the peace, and married him, explaining that she was tired of watching him make a fool of himself. To break him of it, she decided to take him out of reach of temptation, and she picked out the Coast mountains as being the last place on earth where a street carnival would be likely to get to.

"Her reform was a success, but about the time it began to take hold she ran across a hide-out bank-cashier on the beach who had tried to play a stick-and-mooresin gambling game with the Indians and had got cheated at it. Not only his money, but his clothes, gun and fishing-tackle had all gone out on the tide. He was living on chains, enveloping his nakedness in a piece of old sail, and trapping a few mink-pelts to buck the stick-and-mooresin tantalizer some more. His foolishness made Hofsford's wife indignant, and she decided to take him out of reach of temptation to break him of it. So she went away with him and joined a street carnival as being the last place on earth where stick-and-mooresin was ever likely to flourish." So the pioneers.

(Clay and Luce, young and miscelaneity, met, took pot luck together.

"You can leave me," she said. "I left you, so it would make us even. But first there's some things you don't know, and I want to tell you about them. I want you to know that my father didn't kill anybody. I did."

"You got up and left me because you felt afraid he'd spend the money you'd stole?"

It was his old habit of quarrelsomeness that made him throw that at her, and he felt sorry the minute it was out. But her leaving him was something he had to find out about.

"Tell me something I wasn't afraid of on that divide," she said. She went and knelt over the dead stallion and drew her fingers through his long mane. Once enough of them had taken to the road all at once, and they had conquered half the continent."

Too very few of the foreigners in the Orient quaff the atmosphere of lands visited; but this has been charmingly done, in an amply-pictured book, by Emma Sarepta Yule with her *In Japan: Without Clock or Calendar*. The third of her books recounting many visits to Nippon, this further places Miss Yule far in the front ranks of those Orient residents who can write well.

Facing the astonished stares of night school English classes—due to her wearing bracelets, when obviously she could sell the gold and retire to a lifetime of meditation, as one youngster told her frankly—Miss Yule tried (and succeeded

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