

## "Judge on the Bench"—Judge Harvey



Judge George Rogers Harvey came to the Philippines in 1901. He was, therefore, among the first Americans who came out on their own since he had no connection with the government. He and Mrs. Harvey have just left the islands, to go to California. It is on account of Mrs. Harvey's health, no longer robust in this climate;

and though Judge Harvey is on leave of absence, having five months' accrued leave, which might be extended in an emergency, there is also a possibility that he may resign at the end of his leave and not come back to the Philippine bench. He has honored it for a long period, thirteen years, having been appointed a judge of the court of first instance in 1914.

Judge Harvey embodies justice; there has always been the public feeling, and the feeling among litigants, that the law would be accorded to the ends of justice in his decisions if it lay within his power. For the law is not always just, it is more consistently so when administered by the judge who exacts justice and tempers it at times with mercy. Perhaps if there were jury trial in this territory, it would be in Judge Harvey's court more than in others that the privilege would be waived by both parties. Certainly he has been little harassed by litigants seeking favors; none has dared violate his sanctum. The government, too, has been kept as aloof as the plain citizen. Men have disagreed with Judge Harvey, and he, like other judges, has been reversed on occasion, but no reversal and no personal pique has ever impeached his honor.

If a tale may be told with sufficient delicacy, it may be told out of school. Judge Harvey took over the duties of a Manila on a Monday. The first business presented was a motion for dissolution of a receivership, which his predecessor had just granted without notice. The man whose business had been placed in the hands of a receiver was now in court asking dissolution of the receivership. Puzzled by the circumstances, Judge Harvey consulted the man who had granted the receivership.

"What shall I do?" he asked.

"Oh, if I were you I'd dissolve the thing. Blank told me himself he thought the other people would settle if they were threatened with a receivership!"

There was no way out of the nasty mess except to dissolve the receivership, but no one has ever attempted to utilize Judge Harvey's court as a bill collecting agency.

Harvey was born near Athens, Alabama, some years ago. His parents were both Virginia people, from old colonial families. The first Harvey encountered in Virginia's history is Sir John Harvey, who settled at Jamestown in 1637. Harvey attended public school at Ennis, Texas, and later attended Valparaiso University. He then returned to Texas, studied law at the University of Texas, was examined and admitted to practice in the state, and was elected county attorney of El Paso county. At the end of his term, two years, he went to Kansas City and was graduated there from the Kansas City School of Law and admitted to practice in Missouri.

Soon after this he came to Manila, opening law offices in the old Battle building on Calle Rosario which was torn down some years ago for the widening of calle Dasmarinas. (H. E. Heacock, beginning his jewelry business in the islands, had offices with Harvey.)

Friends of Harvey from El Paso came with him to Manila. He was their counsel. They planned to engage in banking and other lines of business here, feeling, like the honest border

men there, that under the American flag the development of the islands would be rapid and the opportunities for capital abundant. But they soon found that the then administration was not encouraging, that sort of thing; they got the cold shoulder, and they went back to Texas. Harvey decided to stay and stick it out. If the country thought it didn't need the business men, it might think better of lawyers; and the experience would be interesting in any case.

Besides, Harvey does stick things out: it's his way.

After a year of private practice, upon invitation from Judge Libbeus R. Wilfley, then the attorney general, Harvey took a post as an assistant attorney. In 1903 he was appointed assistant attorney general for constabulary matters and assigned to constabulary headquarters, and two years later, as assistant attorney general, he returned to the attorney general's office, where, in 1908, he was promoted to the post of solicitor general—the job Alexander Reyes has now. From this position, in which he was often acting attorney general, he went to the bench in 1914. His first appointment was to the 7th district, Tayabas, Batangas and Mindoro, but in June, 1914, he was appointed to the Manila district, where he has been ever since—longer than any other American judge in the history of the Manila court.

During the World War, Judge Harvey was

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Larratt, T. H. Jones, First Class Seaman Morris, Second Class Fireman Plumley, and C. N. Arnold. Two or three of these men, Morris and Plumley especially, are commended for their conspicuous conduct in Nanking, but every man stood true to his duty.

It was nearly 10 in the morning, Thursday, when Phelps learned that the British Consulate had been looted, the guard overcome and the Consul General killed. Word came next of the general looting of the Christian missions and the wanton murder of an American, Dr. Williams. It was then and there decided to get the remaining Americans out of the city, come what might.

Phelps was at the American Consulate with his handful of men, and refugees had joined them there. Among them was Mrs. John K. Davis and her two children, the wife and children of the U. S. Consul, John K. Davis, who remained on duty and gave sound counsel and cool assistance. There was a long trek over the hills to the Socony house. Undergoing desultory fire from ambush all the way, Mrs. Davis and the children bore up with the men and reached temporary safety. Phelps had given various parts of a machine he had smuggled through the gate, to different men among the refugees to carry; but they hurried so that they threw these away! When the

commissioned a major judge advocate in the judge advocate general's department of the Army. He served for a time as judge advocate of the Philippine department; he was also in Washington for a year, on assignment at the judge advocate general's office.

Judge Harvey married Miss Ray Virginia Hoyt in St. Paul, Minnesota, in 1894. They have two sons, Stanley and Charles, who were brought up in Manila until they went off to school and college in the United States. Charles, the younger, is now living at Long Beach, California, where he is employed in business. The Harveys are going there from Manila. Stanley, employed by Ulen and Company, engineers, is at Athens, Greece, where his company is building the new waterworks system. (Major J. F. Case, builder of the Montalban waterworks system for Manila, is associated with Ulen and Company.) Stanley is married, there is a baby, and the most important business of life for Judge Harvey now is to get that baby into his arms. Maybe he will be able to do this while away from Manila. All right, let him visit Athens and carry the finest grandchild in the world up to the Acropolis, if he wants to, but only on his way back to Manila, via Europe.

For the thing his neighbors and friends want him to do is to come back to Manila. Why, he and Mrs. Harvey are part of the old town. What will Masonry, for instance, do without Judge Harvey? He has always been active in Masonry, master of his own lodge, Corregidor No. 3, worthy patron of Mayon Chapter, O. E. S., and Grand Master of the Grand Lodge of the Philippine Islands in 1915. He has been honored with the 33rd degree.

*Au revoir, Judge Harvey, and Mrs. Harvey; but only au revoir, and bon voyage.*

Socony house was reached the machine gun could not be set up.

Men stood at the Socony house exposed to irregular fire while keeping signal communication with the *Noa* and the *Preston*, and the men answering them aboardship were constantly under fire from shore. (At such times the navy's patience is sorely tried, these are really the fatal moments, when there could be either war or peace.) Attack after attack was made on the refuge house by armed looters. These aggressions grew so alarming that at last Phelps asked that the boats in the river give fire protection.

Fire! A salvo was the response, from the *Preston*, then the *Noa*. Shells dropped just over the house, and to the side of the house, but never a one on the house; and while the looting Cantonese were thus kept back, the Americans made cables of the bedclothing and other materials at hand in the house and lowered themselves down over the wall, and made their way, carefully guarding the women and children, down to the river landing and the belching ships. Not a life was lost, not a person was wounded; and when all noses were counted, the Nanking affair became a matter of prolonged parleys among the diplomats. The navy had done its entire duty. It had rescued all Americans save the murdered Dr. Williams, and saved the Cantonese of the Nanking forces of occupation from their own folly as much as was humanly possible.

## Bidding the Carabao Good-by to the Paddies

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In the article of Mr. Hill in the August number of the *American Chamber of Commerce Journal*, he says: "The main agricultural motive power in the Philippines is, and will be, the carabao, suited to work in partly submerged fields and adapted to the intensive methods of cultivation followed in the Orient."

If by the word, and will be he refers to the new law year, he is, no doubt, correct, but since he does not so qualify the meaning of his statement as to the future, I wish to express the contrary belief that, before many years, the

Filipino will be forced, as the Japanese rice producer is today, to study and copy the American method of producing rice by mechanical power for plowing, planting, harvesting, and threshing.

When Japan saw that America by its use of modern agricultural machinery operated with high priced labor was able to reverse the flow of rice and duty, it had reserved all Americans save the murdered Dr. Williams, and saved the Cantonese of the Nanking forces of occupation from their own folly as much as was humanly possible.