

"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

NANKING: From Page Nine

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

W. A. MCKELLAR

Manager, Machinery Department, Macleod and Company

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.

preparations to copy them in order to save their own rice industry. It is hard to tell just how soon this same situation will have to be met here, but it is strange to hear anyone today, and especially an American familiar with what machinery has accomplished for American agriculture, make the broad statement that the Filipino farm worker will always be enslaved by the present back-breaking and inefficient methods used in this country.

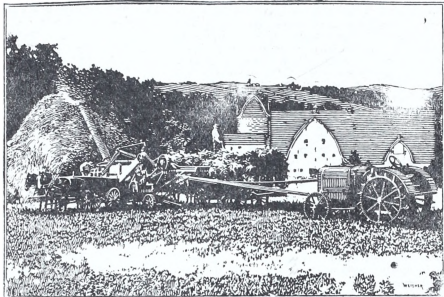
Great progress has already been made in the use of machinery for threshing and hulling palay (rice). Probably, 90% of the rice produced in the Central Luzon valley, with center at Cabanatuan, is now threshed by machine, and yet when threshers were first brought in, they were met with much opposition and criticism and many said the machines could not compete successfully with the old method which required no

cash outlay for machinery, fuel, and repairs. The same was true of the rice mills, both large and small. Not so many years ago, the rice was pounded out of its hull by hand with the stone bowl and mallet which were so familiar a sight at every doorstep. Critics said the Filipino would not pay 20 to 30 centavos to have a cavan of palay hulled and polished by machine, when he could let his wife do it at home for nothing, but they did not know the Filipino.

We have found the Filipino very progressive as to the use of machinery. You do not have to sell him the mechanical idea. The only obstacles to the universal use of machinery here are first, a lack of capital, and second, the large land holdings and the tenantry system.

Large land holdings would ordinarily favor the introduction of machinery, but the tenants whose fathers and fore-fathers have cultivated certain small plots for a hundred years or more, have a well recognized social, if not legal, right to remain on their land as long as they give the

landlord his share of the crop. The universal use of machinery would make it possible to operate these large haciendas with only a small part of the present farm labor. There is plenty of idle land in the Philippines where the labor of the others could be utilized to increase production and thereby further improve the standard of living of the whole country, but this would mean immigration from the home communities



Machinery Is Cheaper Than the Cheapest Hand Labor.

to distant places. The family and home ties are so powerful in the character and customs of the Filipino people, that it will require great economic pressure to bring about this social revolution in the distribution of farm labor.

I believe it will come eventually and, when it does, it will solve many of the serious problems which now face the Filipino people. It will populate the waste places, put the idle land to work, increase the production per capita and thereby raise the standard of living and it would make the Filipino people, one people with common interests instead of a group of communities where the majority are born, live and die with little contact with or knowledge of their fellow citizens in other provinces.

When it comes, it will mean more happiness and prosperity for the Filipino people and thereby more prosperity for those of us who make our living by serving their commercial needs, so let us not think or say that things 'will be' always as they are today.

sugar review was only of short duration, since on the third day of the month under review the market gradually sagged and prices for Cubas declined from 2 3/4 cents c. and f. (4.52 cents l. t.) to 2 5/8 cents c. and f. (4.40 cents l. t.). The depression in the market continued throughout the middle part of the month, buyers showing little interest with no disposition to buy. Cuban holders, on the other hand, were firm and refused



George H. Fairchild.

to sell, believing the depression was only temporary. During the third week the market showed a better tone and prices advanced until at the close of the week there were buyers of Cubas on the basis of 2-3/4 cents c. and f. (4.52 cents l. t.). The market continued active and firm throughout the latter part of August, with prices advancing gradually. At the close of the month, there were reported sales of

Cubas for present shipment at 2-31/32 cents c. and f. (4.74 cents l. t.).

The statistical position continued to improve. The visible stocks at the end of the month under review were 2,235,000 tons as compared with 2,552,000 tons at the same time last year and 1,859,000 tons at the same time in 1925.

The eminent European statistician, Dr. Gustav Mikusch, has recently issued an estimate of the European beet crop for this year of 8,100,000 tons. This compares with the production last year of 8,321,216 tons, or a decrease of approximately 220,000 tons.

With the continued improvement in the statistical position and the exhaustion of sugar supplies from insular possessions to meet the demand in the United States, it seems that the Cuban holders have a favorable opportunity for influencing the course of the market in the next few months.

(Futures): The quotations in the New York Exchange showed a marked improvement in sympathy with the spot market. The following shows their fluctuations during the month under review:

	High	Low	Latest
September.....	2.89	2.63	2.89
December.....	2.98	2.74	2.98
January.....	2.96	2.73	2.96
March.....	2.87	2.69	2.86
May.....	2.93	2.77	2.92
July.....	3.01	2.85	3.01

(Philippine Sales): During the month under review sales of Philippine centrifugals in New York, alofts, near arrivals and for future deliveries, aggregated 40,000 long tons, at prices ranging from 4.40 cents to 4.77 cents landed terms, duty paid. This brings the total sales of Philippine centrifugals of the 1926-1927 crop up to date to 435,000 long tons, segregated as follows:

	Tons
Sales at the Atlantic Coast.....	380,000
Sales at the Pacific Coast.....	55,000
Total sales.....	435,000

Local Market: There has been considerable activity in the local market for centrifugals during the month of August, and the small

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AUGUST SUGAR REVIEW

By GEORGE H. FAIRCHILD

New York Market (Spot): The improvement in the American sugar market at the close of the previous month referred to in my previous

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