

Among the Sooners who have achieved signal success in the academic world is Dr. John G. Hervey, '23as, '25law, one of the most brilliant graduates of recent years. Doctor Hervey is professor of law and assistant dean of the Temple university law school in Philadelphia. His scholarly contributions to the field of law are attracting widespread comment, his "The Effects of Recognition in International Law" being frequently cited



A Sooner law school dean

CONTROL of public utilities by state and federal agencies is now obviously one of the most immediate problems in our government and the growth of this phase of modern economic policy is having and will continue to have effects upon our daily life that takes its decisions immediately from the academic to the actual. This is easy to see now, but it was not so apparent in 1925 when John G. Hervey made one of many well-timed and logical decisions that have brought him eminence in the law.

John G. Hervey, '23as, '25 law, had several offers in fields ranging from the University of Oklahoma through Oklahoma's state government to Syracuse university and instead chose the Wharton School of Commerce and Finance, University of Pennsylvania, as instructor of political science. This he did because of his interest in the relations of government to business. Thus such authorities in that branch of the law as James T. Young, Dr. Clyde L. King (now chairman of the public service commission of Pennsylvania) and Hon. Roland S. Morris, one time ambassador to Japan (under Woodrow Wilson), became his professors. Under them he continued his studies in constitutional, administrative and international law, receiving his doctorate in 1928.

As a Ph.D. he was immediately promoted to an assistant professorship, with most of his teaching in international law. Two years later, in February, 1930, he was appointed associate dean and professor of law in Temple university of Philadelphia (renowned for its medical school with Jackson, first to achieve international and sensational success in

the extraction of foreign bodies from the lungs and bronchial tubes). This is the largest law school in the state of Pennsylvania, which has five.

Pennsylvania, densely populated, with great cities within and close outside its boundaries, highly industrialized, bristles in problems for government in business on a scale immensely larger than that in Oklahoma. Especially in public utilities, the growth of the holding company fungus on the operating companies, as he points out in a report of a radio talk over WFI in *The Philadelphia Record* April 21, 1933, has created new conditions with which the old laws are unable to cope. Doctor Hervey, in September, 1932, was made legal advisor to the special Senate Investigating committee, to study the public utilities law of Pennsylvania and draft remedial and corrective legislation. Says Doctor Hervey: "I was selected at the same time that chief counsel to the committee was selected; he has done the digging and I have framed the legislation to correct the conditions his digging disclosed. Ten bills which I prepared, one of them being on public utility holding companies, are now before the General Assembly for consideration. The investigation probably will continue for another year and additional recommendations will go to the legislature in 1933."

"Mrs Hervey was Hallie Jean Holloway of Marlow, Oklahoma; she attended the university in 1923-24. I have no hobbies unless it be my students. I get a kick out of helping students who are struggling to get along. Maybe this is because I had to work my way through O. U."

Like many students who have had to make their own way, Doctor Hervey found by that surprising but common legerdemain the time to get deeply involved in student affairs while in the university. Recent "old-timers" may recall that he was in 1925 treasurer both of the Oratorical Council and the Student Council, and was a member of that celebrated debating team which defeated Oxford university during its visit to America in 1925. The year Oklahoma was victorious in all debates except that with South Dakota, and Doctor Hervey was a member of the team which defeated two other schools. He is a member of Acacia.

In addition to his duties at Temple university, which include the teaching of agency, contracts, constitutional law, international law and public utilities, and the work for the Senate Investigating Committee, Doctor Hervey is revising the case book of Barnes & Milner on Constitutional Law, to come out this summer. In the next year or two he is contemplating writing texts on public utilities and on holding companies.

Lawyers especially will be interested in his writings on the law. A volume on the *Legal Effects of Recognition in International Law* was published by the University of Pennsylvania Press in November, 1928. It had an excellent reception, both in this country and abroad. It was cited with approval by the Court of Appeals of New York in 170 N. E. 479, in an opinion written by Cardozo prior to his elevation to the Supreme Court of the United States. Also, it was cited with approval by Federal Dis-

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inner shoreline eastward and crossing over at a point where the Cape is scarcely a mile across.

It is easy enough to give these simple geographical details. But when I attempt to describe the strange beauty of the place, or, what is far more elusive, the character of Cape Cod people, that is something beyond my powers.

Provincetown itself, I can go on to say, follows the curving shoreline for several miles. It really has only two streets, named Commercial and Bradford, but always spoken of here as the Front Street and the Back Street. Commercial, the front street, runs along the harbor's edge. Bradford Street parallels it along the edge of the dunes, in places commanding a high view of the harbor. These streets are connected at intervals by short lanes.

It is a village with a dignity and a quiet beauty that I have never seen in a Middle Western town. Its long shaded streets of neat Cape Cod houses, white with green shutters, its great trees, its fringes of dunes, its rambling, salt-bleached wharves, even its large gray fish-freezing plants, all seem perfectly fitted to its setting, and not at all a sore spot on nature as so many of our small towns out there are. Age, I have no doubt, has softened Provincetown's first harshness, but the men who built this town utilized its natural surroundings to the utmost. Whether by design or accident, consciously or unconsciously, I do not know.

The only eyesore in town, as far as I am concerned, is the Pilgrim Monument, erected some years ago to commemorate the spot where the Pilgrims first landed on American soil. This purposeless tower of gray stone is a replica of the Mangia Torre del Siena. Why an imitation of an Italian Renaissance tower should have been set up as a monument to the landing of these English Protestants is a mystery. I can readily believe that the original tower in Tuscany is a beautiful structure, but here in Provincetown nothing could be more out of place. It spoils one of the loveliest hills in town.

To complete the irony, this Pilgrim Monument is surrounded on three sides by a solid Portuguese settlement. Back in the days when this was a great whaling port, the whalers used to sail with skeleton crews until they reached the Azores. There they would take on Portuguese hands, paying a dollar a head for the long, arduous voyage. When the voyage ended in some Cape port, these Portuguese would be set ashore and the process of getting cheap labor would be repeated. The residue here on the Cape multiplied. Meanwhile the original English stock was petering out. Nowadays the Portuguese control town elections and run the place to suit themselves. The grocery clerks speak Portuguese and the local movie even shows Portuguese talking pictures.

You asked if there were not some celebrities living in Provincetown. I should answer no. They would not be celebrities in Provincetown. They'd just be Summer people—Summer people if they have lived here the year 'round for twenty years. All strangers and outsiders, whether they be vacationists, antique-collectors, artists, or writers, are Summer people to the old residents. Their attitude toward Summer people is illustrated by a story that Mary Vorse tells about an old fellow who owned a second-hand store here. All summer the sign over his place of business read: "Antique Shoppe." But promptly at the end of the season (the last of the vacation crowds depart early in September, after one grand spree on Labor Day) he would go out and reverse the sign over his door, displaying on its other side: "Old Junk for Sale."

The only novelists we know here are Mary Vorse and John Dos Passos. Eugene O'Neill has not lived here for several years and his house out at Piquot Hill has been washed into the sea by storms. Traces of the tradition set by the old Provincetown Theatre are still to be found, but the playwrights all seem too light in the poop to make much headway in carrying it on.

Now that I think of it, our closest companions here this winter have been Jack and Bud Beauchamp, two brothers from Montana.¹ Jack is a painter of great promise and Bud, at twenty five, has had several short stories published in the *Saturday Evening Post*. We were not attracted to them by their achievements, however. Our bond to them has been a warmer, deeper feeling than anything based on mere accomplishment could be. We fell on their necks when we heard that they were from Montana. Montana seemed so close to home.

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trict Judge Goddard in 33 Federal (2) 202 where he quoted almost verbatim the concluding paragraph of Chapter Seven. Dr. Manley O. Hudson, Harvard Law School, cites this work in his volume of cases on International Law on page 64 as supplementary reading on the problem of recognition. On page 546 in the same volume he refers the reader to an article of Doctor Hervey's in *Michigan Law Review*, volume 27, page 751. Professor Ernst H. Feilchenfeld of the Harvard Law School, in reviewing this work, in the *Harvard Law Review* for January, 1929, states that the conclusion "shows common sense and displays a progressive spirit."

In January, 1930, Doctor Hervey edited the *Annals of the American Academy of Political and Social Science* on

the "Anti-Trust Laws of the United States," and wrote some parts of it. This was used by the late Professor Seagers of Columbia university for a time as the text in his course on the anti-trust laws. His opinion: "One of the best compilations which have appeared on the subject."

Space prevents printing in full the interesting excerpts from his radio talk over WFI printed in the *Philadelphia Record*. He gives names and cases of the holding companies which have so complicated the picture of the public utilities, overburdening them with capital and supervision which are passed on in higher rates to the public. This sort of comment four years ago was confined to *The Nation* and *The New Republic*; it is a sign of a changing attitude, in which men like Doctor Hervey will become at least as important as men like Insull, that such frank testimony is common in the newspapers today.

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THE STATUS OF COLLEGE ENTRANCE TESTS

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better, then others are considerably worse if such conditions can be conceived. This chart pictures the conditions under which the small high schools of the state, and in a slightly less degree, the larger high schools, prepare a finished product which by law must be received by the colleges without question of fitness.

That the selective influences determining who is to go to college are not influences coming out of achievement or standards of preparation is indicated by the college freshman test in English, which has been given to large numbers of Oklahoma college freshmen during the last five years. The reading test, which is a part of this college freshman English test, shows conclusively that the same wide range in reading ability found in all grade levels from the second to the twelfth are carried right on over into the college level.

The accompanying table gives some estimate of the wide range of reading ability of college freshmen in Oklahoma.¹ This table reveals the fact that some freshmen with reading ability as low as fourth grade level present themselves for entrance into Oklahoma colleges from Oklahoma accredited high schools. The table further reveals, in the percentile column, that more than 14 per cent of the college freshmen have reading ability below the seventh grade; that more than thirty five per cent have reading ability below the ninth grade level; and that more than half of the college freshmen in Oklahoma read below the tenth grade level.

¹See *University of Oklahoma Bulletin*, New Series No. 463, "Report of the Oklahoma College Freshman Test—Results," by J. W. Shepherd.