BOOK REVIEWS


This volume of the records of the court at Newcastle follows chronologically the volume of records of the same court for the period from 1676 to 1681, published by the Colonial Society in 1904. The present volume is based on manuscript extracts from the original court minutes made by the government of the Three Lower Counties, in 1770, of all items respecting land titles and probate proceedings. This limitation in the scope of the records is lamentable but unavoidable, inasmuch as the original full minutes have disappeared, and is aggravated somewhat by the fact that there are gaps even in the remnants. But with this publication the Colonial Society has made available for general use all of the seventeenth century court records of Newcastle that have survived.

A contrast of the volume at hand with the earlier minutes leaves us conscious of the valuable material that has been lost. These records reflect the activities of the court in but two phases of its activities—land and probate matters—so that we are without opportunity of observing the court as its officials moved to maintain the peace, as it supervised the morals of the community, as it punished wrongdoers and protected those unable to protect themselves—Negroes, Indians, servants, the poor and the insane—as it opened up highways, as it recorded cattle brands, as it performed the multitude of functions necessary to settle a new land in an orderly fashion.

However, these records do offer much of considerable interest to the genealogist and to the historian. They are not dull. Local feuds and family fights creep into the abstracts. Land is lost and land is gained. Nor are the records without charm. There is a quaint flavor and something of poetry in the phraseology—"considering the frailty of our lives and the certainty of death," "bequeath unto my dearly beloved wife and to my little daughter Margaret." The gradual penetration of the English can be observed following Penn's appearance before the court to advise them to "see and find out what vacant roome may be found for the accomodating and settling of new commers, traeders and handicrafts men." Through the pages one can trace the slow accumulation of lands, by purchase, foreclosure or inheritance, that was the beginning of many of the fortunes of today. The economic historian will be interested in the limited use of money and the attempted substitutes, in the establishment of market days, in the commodity prices revealed in the accounts settled and in the inventories brought before the court. The social historian will here be vouchsafed some idea of the chattels of the average seventeenth century farmer and will follow the distribution of lands, even to the Indian deed granting a great area of land for "twoo
halfe anckers of drinck, one blancket, one matscoate, twoo acxes, twoo knyves, two double handfulls of pouder, twoo barrs of lead and one kittle." The legal historian will find much revealing in these records of the earliest procedures in the administration, distribution and forfeiture of estates, in the form of wills and in the earliest bases for actions on the case, and of ejectment.

Unfortunately this wealth of material is lost to workers in these different fields unless they are willing to perform the painstaking task of examining each page of the volume, because the volume is indexed only for genealogists. A general index would not have been difficult. From the historian’s viewpoint this is a grievous fault in an otherwise splendid job of editing. The nature of the records made unnecessary the practice of such Victorian prudery as led the editors to print the first volume with several unindicated omissions, lest later generations discover their ancestors were not without sin.

Too much praise cannot be given the Colonial Society for the service it has done in making generally available the very significant material to be found in the court records it has published—the two volumes of Newcastle records and the Records of the Court of Chester, 1676–1681. Save for the records of the court at Upland (now Chester) 1676–1681, published by The Historical Society of Pennsylvania, it alone has made the convenient use of these early records possible. One might wish that instead of the publication of these fragments the Colonial Society had continued the publication of the full minutes of the court at Chester. Certainly in any long view of the printing of Pennsylvania records this ought to be considered. Pennsylvania has a magnificent opportunity in Chester, with the start the Colonial Society has already made, to be the first state to present to scholars the full pre-Revolutionary record of a county court in its intimate and socially very significant relationship with the people. The Chester minutes are almost complete and possess the special virtue of being of a representative county, in that it did not become predominately urban, as Philadelphia, nor markedly frontierish, as Cumberland. There is a new and enthusiastic national movement in this country pointed toward the close examination of local legal records. The publication of these records at this time would take advantage of this movement to develop an important phase of Pennsylvania history. The two national organizations publishing legal records dare not print the records of but one county lest they be charged with partiality. Local societies must perform the task.

May we be forgiven for wishing that a good thing were better and that the volume under review were not printed as it is on a cheap grade of sulphite paper. The 1904 volume is already crumbling and time and chemical reaction will soon claim the present volume, though not, we hope, before it will have rendered its service. Paper is the least expensive item in the preparation of such a volume as this and a further slight expenditure on an edition of this limited number would have provided an enduring rag paper. The cost and small edition of this publication also presents a further limitation on the broadest use of these valuable records.

University of Pennsylvania                Herbert William Keith Fitzroy

That a large number of people should vigorously put forward a political philosophy based on the natural law hypothesis in this highly scientific and mechanized age is more than passing strange. The metaphysical—one might almost say mystical—character of such thinking, which found an adequate although not its ablest exposition in Mr. Herbert Hoover's A Challenge to Liberty, contrasts strangely with the advances which have been made since the eighteenth century in university laboratories and factory workshops, but it lends validity and contemporary significance to the thesis of Professor Charles Frederick Mullett in the thorough and scholarly study at hand. "Periods of political distress and crisis have at all times produced appeals to a fundamental law that is above and beyond all human positive law," he writes. The purpose of his book is to "analyze the idea of fundamental law as it was used by the American revolutionists." As such it is an important contribution to the literature dealing with the revolution, and it is a worthy successor to the group of exceedingly able and enlightening articles which have come from Dr. Mullett's pen since 1926, and to his distinguished although unfortunately almost inaccessible work on James Otis.

The chief interest of the study is in the treatment it makes of the American Revolution as an intellectual movement of profound effect both in and out of the erstwhile colonies. "Too often, perhaps," the author says in his preface, "the Revolution has been viewed from the standpoint of action and as unworthy of consideration from that of theory. Without intending to detract from the social and economic interpretations, with which the writer essentially concurs, it may be suggested that the imperial and legal ideas of the Revolution are of no less interest than the political action. What men do and why they do it is undoubtedly of much importance, but it is not the whole story. Of great importance, also, is their explanation and justification of what they are doing, which accounts for their political theory."

He finds that in explaining and justifying their break with England the American colonists gleaned from all the literatures of the western world defenses of the privilege of a man to control his own affairs as an individual without interference from the rapacious powers of government. This study of the past placed the revolution in the stream of European intellectual development. Professor Mullett spends his first thirty-two pages examining the continental, the next forty-six the English and colonial sources of fundamental law ideas. "It is not suggested that all or even very many colonial writers knew all the authors whose ideas are summarized in these first two chapters," he says; "there was only one John Adams, one John Dickinson, and one James Wilson." But it will come as a surprise to some, and a very healthy reminder to other readers, to find among the pages of the pamphleteers of 1765–1776 quotations from and references to the best works of statesmen, historians, philosophers and theologians of antiquity, medieval times, and the reformation. If they were nothing else, the revo-
utionists were students—at least those revolutionists whose work has meaning and value for us today.

As to the relative contributions of previous authorities to the cause of the colonists, Dr. Mullett's conclusions are significant. Only a few had appreciably great direct influence; Plato and Aristotle were not among these, although many Americans had apparently read them. Cicero and Tacitus were the most often quoted of all classics. Of the sixteenth, seventeenth and eighteenth-century writers, most of whom the colonists found apposite, Grotius, Pufendorf, Burlamaqui, Montesquieu and Vattel were cited frequently; *Junius Brutus*, Domat, and Rousseau were also attractive to the polemicists. Of the English writers, Dickinson, Adams, and Wilson were familiar with many of the pre-seventeenth century treatises, among which should be especially mentioned Fortescue, St. Germain, and Hooker. Bacon, Coke, Harrington, and Milton in the Stuart period, Locke, Sidney, *Cato's Letters*, Bolingbroke, Hoadley, and Robertson in the eighteenth century were well known in America. Blackstone came rather too late, though Adams declared that he and his preceptor at the bar, Jeremiah Gridley, read with avidity the first copy to reach these shores. It is an interesting point that the many colonial lawyers trained in England in the "tough" system of the common law came to identify the rules of that system with naturalism, or with ordination by divine hand, so that the rights of Englishmen guaranteed by common law assumed in some minds the inviolate character of the fundamental law.

It would be impossible to overstate the importance and interest of this part of Professor Mullett's work. In dealing with the obligation of the colonists to continental and English writers he has penetrated far into those deeply recessed currents of thought which are largely hidden from the student today. They make up the most important part of the colonial mind, and for a complete understanding of the revolution they must be carefully and patiently ferreted out and examined. In studying the use the colonists made of fundamental law the author has divided his subject into three chapters, discussing in the first the struggle over taxation and personal rights; in the second the demand for home rule and exclusive control of internal legislation; in the last the movement toward independence. This organization may be criticized, for it tends to confuse somewhat the sequence of issues and the interactions of forces which operated simultaneously in different directions. By gratifyingly lucid writing, however, Dr. Mullett keeps the main threads of his story in clear outline. And whether or not the organization he employs describes a "strategic retreat" of the colonists (as there is grave reason to doubt) he has distinguished precedent for adopting it. In each step, he concludes, American writers appealed to the idea of a fundamental law in defence of their claims.

In this idea of a fundamental law above and limiting parliament three different elements were distinguishable. They were, the colonial charters, the English constitution (including the common law, the several statutes which had attained a sacrosanct character, and the vague but forceful concept of the "rights of Englishmen" founded on both), and the law of nature. The last of these
elements was variously described as the law of God, the law of reason, or generously denoted by the phrase, "rights of man." It was appealed to by all writers, the most moderate home-rulers and the most rabid radicals alike. It was the highest authority upon which the pamphleteer could rely.

"Natural law," the belief that "man is endowed by his Creator with certain inalienable rights," was much more than a legal theory; it was part of a philosophy of life and a way of living almost universal in the eighteenth century. It is inseparable from its era; it cannot be explained except in terms of that century; the century cannot be understood without a full knowledge of its meaning and implications. Too often it has achieved a loose, general inclusiveness; in the light of its frequent appearance today historians should be especially careful to use it wisely and accurately.

Professor Mullett's bibliography is heroic, his index energetic, his citations adequate. His footnotes are remarkable alike for patient enlightenment and for shrewd glances flung far afield to achieve a pleasing refinement of the points at issue.

State University of Iowa

J. H. Powell

Pennsylvania German Folklore Society. Volume One. (Allentown: Pennsylvania German Folklore Society, 1936. i, 137 p. Illustrated. $3.00.)

The first volume of the newly-formed Pennsylvania German Folklore Society is a fine bit of book-making: excellent binding, attractive and appropriate typography, and interesting contents. Bound in Irish linen that is decorated with a red Ephrata design, printed in a new type, and containing articles of lasting interest, it is a welcome addition to the growing list of materials on the Pennsylvania Germans. The dialect poetry of Charles Calvin Ziegler, hitherto available to only a few fortunate possessors of the rare first edition, is now generally accessible. Joseph Down's interesting articles on the Pennsylvania German exhibits in the Pennsylvania and Metropolitan Museums describe the Folk Arts of these people. Historically the list of emigrants from Zweibrücken to Pennsylvania between 1728 and 1749 is of importance because it supplements, within its limits, the information given by the immigrant lists in the Pennsylvania German Pioneers. The final section of the book is a catalogue of the Folk Art Exhibit held last May at Bethlehem in connection with the Bach Festival. This volume gives promise of good things to come.

John Joseph Stoudt


Professor Lawrence Henry Gipson of Lehigh University, a scholar distinguished in the field of colonial history, particularly with regard to Connecticut, presents in these three volumes a work which in a sense is complete in itself,
but which is also the first instalment of a larger undertaking. Within these three volumes, each of which is separately indexed, are comprised altogether more than a thousand pages. Both in the text and in the many footnotes appears every evidence of familiarity with the recent monographic literature in this field and with the sources, printed and manuscript, in many widely scattered repositories in this country and abroad.

The first volume bears the sub-title, “Great Britain and Ireland in the Middle of the Eighteenth Century.” Three of its eight chapters are devoted to a description of England and the social and anti-social forces therein, to an analysis of the political management of Henry Pelham and of his brother, the Duke of Newcastle, and to a brief essay on the English polity as “a government of laws.” In the latter part are found an interesting picture of Scotland and a very informing presentation of the situation of Ireland in both its Roman Catholic and Protestant phases. The second volume, “The Southern Plantations,” begins with a consideration of Virginia, Maryland and the region of the Chesapeake; then considers tobacco in agriculture, in manufacture and in commerce; and passes on to North Carolina, South Carolina and Georgia, in order. Professor Gipson does not stop, however, with the continental colonies, but devotes one separate chapter to Jamaica and another to Barbados, the Leeward Islands, the Bermudas and the Bahamas. After these, a general chapter on sugar furnishes an analogue to that upon tobacco. The volume closes with an examination of the rise and progress of the African slave trade within the Empire. In the third volume, “The Northern Plantations,” one finds chapters upon Massachusetts Bay, New Hampshire, Rhode Island, Connecticut, New York, the Jerseys [sic] and Pennsylvania; but Nova Scotia receives no separate treatment. Like the essays already cited which have to do with tobacco and with sugar are those in this volume which treat of the “iron men”; of Hudson Bay and the fur trade; and of Newfoundland, the fisheries, and the attempt of the Calvert family to revive their old claims to Avalon.

If this attempt to sketch briefly but inclusively the scope of Professor Gipson’s book has been at all successful, the reader will be ready to agree that we have here an imposing oeuvre. But the impressiveness and uniqueness thereof is more fully realized when one learns that in these thousand pages Professor Gipson has not written the history of Britain and the Dominions over a long period of time, in the manner of W. E. H. Lecky, J. A. Doyle, and H. L. Osgood. On the contrary, as Professor Gipson himself explains, “To get a view of the old Empire in a state of tranquillity and equilibrium for the last time in its history one must indeed turn to the brief period between the end of the War of the Austrian Succession and the outbreak of hostilities between the English and French in North America that led to the great Seven Years’ War. To describe broadly the civilization of the Empire during this interim by means of a cross section survey and especially to emphasize certain significant interrelations of its constituent parts is the aim of the present volume.”

If, then, one uses a figure of speech, it may be said that the distinguishing feature of this book is that the approach is on vertical rather than horizontal
lines. For the period as to which Professor Gipson undertakes to describe the British Empire is the very short one of less than a decade. To these self-imposed limits he does not, indeed, consistently hold, and the deviations sometimes puzzle the reader: but the general purpose is clearly expressed in his phrase, "a cross section survey."

Although in his preface he specifically denies any purpose to "institutionalize the old British Empire," Professor Gipson nearly does this very thing in his first chapter and in his last. For he describes the governmental forms, not only of the colonies but of England, and the functioning of Parliament, the Privy Council, the Board of Trade, and the colonial governors and legislatures and agents. Throughout the work, however, the greater emphasis indeed lies in the economic field. In this and other respects his work reveals the influence not only of Osgood and of George L. Beer, but, in particular, that of Charles McLean Andrews. Like Professor Andrews, Professor Gipson holds the modern view of the American Revolution as a movement the responsibility for which is not only to be laid at the door of the British ministry but is also to be found in the "altered outlook on the part of colonials themselves, especially after the Peace of 1763."

Any attempt to form a critical estimate of the results of Professor Gipson's labors is rendered peculiarly difficult by the fact that what we now have, extensive as it is, represents, as we said above, only part of a larger scheme; and one fears that the pointing out of omissions may prove to be captious when the topics not now included may be found in volumes that are to appear later. For in his preface and elsewhere Professor Gipson promises a volume upon bibliography, another with reference to British commercial relations and covering the period from 1764 to 1774, and another which will consider "Zones of International Friction, 1748 to 1754," including under this head the problems of Nova Scotia, the Indians, and the frontier. The diplomacy of the period also is reserved for another volume. If to these Professor Gipson intends to add others which shall continue the international history of the several colonies down to the Revolutionary War, the magnitude of the task which he has set for himself becomes indeed appalling.

It must be this intent to postpone which leads to a singular restraint upon the part of an historian who lives in Pennsylvania, when, in his account of this colony, Professor Gipson's single sentence: "Here Benjamin Franklin, editor of the Pennsylvania Gazette, was attracting attention with his electrical experiments and with his suggestions as to their significance," constitutes the sole reference to the publisher of Poor Richard and the author of the Albany Plan of Union. That Plan of Union does not appear in the work, although it falls within the narrow period which is covered. Of course the explanation must be that this topic will be taken up in one of the later volumes.

In general the format is pleasing and the style inviting to the reader. Here and there a participle floats, a comma is missing, a spelling is doubtful; but the rarity of such flaws only impresses one with the general carefulness of the author as to these matters. Professor Gipson is to be congratulated on his accomplish-
ment and his future volumes will be the more eagerly awaited by virtue of the success which he has attained in the writing of those which we have undertaken to review.

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*ST. GEORGE L. SIOUSSAT*

**General Benjamin Franklin the Military Career of a Philosopher.** By J. BENNETT NOLAN. (Philadelphia: The University of Pennsylvania Press, 1936. vi, 101 p. Illustrated. $1.50.)

Perhaps there is nothing so interesting as the sight of a well known figure in a new and apparently incongruous setting. How will he behave? Will he dominate the situation or be dominated by it? In other words will events force him out of his normal groove, bring out latent and unsuspected qualities, and change him for a little while into an entirely different being? These and other questions inevitably arise in the mind of the reader as he takes up *General Benjamin Franklin.* Poor Richard in military dress? Ridiculous. But ridiculous or not, there he is and thanks to Mr. Nolan the reader has the opportunity of judging for himself how well the habiliments of a soldier were suited to the portly figure of the Postmaster General.

After Braddock's defeat, the Pennsylvania frontiers were attacked not only by the Indian allies of the French but by hysteria as well. In November, 1755, a small army of men and women from the German settlements, tired of petitioning in vain for effective measures of defense, marched to Philadelphia "singing hymns and carrying gruesome testimonials of Indian attack" hoping in this fashion to secure action. Several weeks later, the massacre at Gnädenhutten put an unforgettable period to their demands. As a result Governor Morris commissioned Franklin, who was head of the Committee of Defense, to go to Bethlehem, Easton, and Reading to see that they were properly garrisoned. Subsequently his commission was extended to enable him to undertake the fortification of the gap in the Lehigh mountains. From December 18, 1755, to February 5, 1756, Mr. Nolan follows Franklin from Philadelphia to Bethlehem and home again. He shows the learned Doctor as he appears in the light of his letters to his wife, in the reminiscent glow of the *Autobiography,* and as he seemed to the Moravian diarist. He shows him in council, on the march, talking, eating and sleeping; and always it is the same Franklin interested in everything about him from the Moravian custom of arranging marriages by lot to the devising of a means of helping Mr. Beatty the "zealous Presbyterian minister" to a better congregation.

In spite of the title, *General Benjamin Franklin,* Mr. Nolan's book is an account not so much of the military activities of Franklin as a description of the state of the Moravian settlements in the winter of 1755-1756. Franklin is, indeed, the central figure of this chronicle, but he rarely appears in the light of a military man. This reader, at least, was left with the impression that although Franklin issued the orders and in that sense may be said to have directed the campaign, his real function was not to plan the strategy but to persuade the discontented Germans to lend their aid to the expedition, to soothe wounded vanities,
to arrange for the needed supplies, and to reconcile opposing interests and temperaments. Tact, good sense, and an ability to make things run smoothly were the qualities supplied by Franklin. Captain de Haes, Captain Jacob Arndt and Captain Isaac Wayne could be trusted to take care of the tactics. But whether or not he accepts the author's estimate of Franklin, the soldier, the reader must be grateful to Mr. Nolan for this pleasant little book on the "military career of a philosopher," a book illuminated and vitalized by the author's intimate knowledge of the topography of the district, of the roads, inns and ferries, as well as of the personalities involved.

The Historical Society of Pennsylvania

Margaret Lee Bailey


This monograph is a fine piece of research, skilfully presented. Its theme is the emigration of the Palatines through England to America in 1708–10, described in the sub-title as "a British government redemptioner project to manufacture naval stores." Sanford H. Cobb discussed this subject in his *Story of the Palatines*, and others have touched upon it in various articles, but Dr. Knittle is the first to apply to it the techniques of historical scholarship and to pursue it to its furthest sources. Though telling the story of a racial group, he avoids the temptation to overestimate its influence. Treating the subject with scholarly objectivity, he makes no extravagant claims. A valuable contribution to the study of American social origins, his monograph is likely to endure as a definitive treatment of the subject.

The story is told primarily from the viewpoint of the British government, under whose auspices the emigration was carried out. This migration to America was in effect an attempt at planned production combined with a charitable resettlement of Germans who had drifted to English shores in embarrassingly large numbers. A small number of Palatines arrived in England in 1708 under the leadership of Joshua Kocherthal, were aided by the government, and were sent to New York along with Governor Lovelace. Meanwhile some 13,500 other Palatines, dissatisfied with conditions at home and encouraged by the attitude of the British government, arrived in England in 1709. Many of these had been transferred from Holland in government transports, and all appeared to believe that the government wanted them and would take care of them. More than 3000 of them, being Catholics, were sent back to the Continent. Camped outside London, the remainder were almost entirely dependent on government support to keep from starvation. They presented to the government the problem of what to do with them. Many died from exposure and bad sanitary conditions, some found employment in England, some were sent to Ireland and to North Carolina, and the remainder, numbering about 3000, were sent to New York to produce naval stores. It is with this last group that we are chiefly concerned.
The British government, confronted with the problem of securing an adequate supply of naval stores and with the further problem of the disposal of the Palatines, decided to "kill two birds with one stone" by sending a large contingent of Palatines to New York to manufacture naval stores. It was also thought that this measure would serve to strengthen the weakest part of the colonial frontier and to provide a staple commodity of trade comparable to that of tobacco in Virginia. It was a government enterprise and took the form of an indenture in which the Palatines worked as indentured servants until they had repaid the government. The government was to transport and settle the Palatines in New York at its own expense, and they in turn were to make naval stores to reimburse the government for the money expended in their behalf. Governor Hunter, being authorized to select the place of settlement, located the Palatines on Livingston Manor adjacent to the Hudson. The traditional account of the gift of Schoharie by sympathetic Indian chiefs is exploded; it is a pretty story, but has no foundation in fact. The expedition, consisting of ten ships with 2814 Palatines on board, sailed in April, 1710. Many died on the way, and only about 2500 arrived in New York.

The project, after costing the government a large sum of money, proved a complete failure. Government subsistence for the Palatines ceased in September, 1712, and dispersion followed. About 500 were scattered among various planters along the Hudson, while some 500 others removed to the Schoharie Valley. In 1723 fifteen families of the Palatines removed to the Tulpehocken district in Pennsylvania. Thus they form part of the larger story of the American colonial frontier.

The format of the book is excellent, its style is clear, and it is free from typographical errors. It has a good index and an elaborate bibliography. A special feature is the listing of 12,000 names of Palatines composing the migrations of 1708–10, including 6000 names not hitherto published. This should prove of exceptional interest to the German-American genealogist.

The author is apparently unacquainted with Hull's *William Penn and the Dutch Quaker Migration to Pennsylvania*, and falls into the error (p. 33) of crediting the Germans with the founding of Germantown, whereas Dr. Hull has shown conclusively that this borough was founded by a group consisting chiefly of Dutch Quakers. This error is so common, however, that the rest of us are hardly in a position to throw stones at Dr. Knittle. The fact that it is so difficult to catch him in an error is sufficient proof of the uncanny accuracy of his book. He is to be commended heartily for a work of exceptional merit.

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