

RECEIVED

JAN 7 1899

LONGMANS, GREEN & CO.

PUBLIC OPINION
A WEEKLY JOURNAL

NEW YORK, Jan 5 1899

Dear Sir :

The following of interest to you appears in this week's PUBLIC OPINION :

The Provincial Governor

The Provincial Governor in the English Colonies of North America. By EVARTS BONTELL GREENE. Cloth, pp. 292, \$1.50. New York: Longmans, Green & Co.

THIS is the seventh volume of the Harvard historical studies, and is an excellent example of the modern system of writing history. The smaller the field, the more scrupulously careful is the historian to leave no stone unturned which may disclose something having a bearing on his subject. Professor Greene is so firmly persuaded of the advantages of the small field, that, after a brief introduction on the beginnings of constitutional development, the field is still further restricted to the period between the revolution of 1688 and the close of the last French war. The complications of the troublous years which preceded our revolutionary war are thus avoided. Still closer is the restriction—for the examination is only of the thirteen American colonies—twelve for his purpose, as Delaware, although it had a separate legislature had a common executive with Pennsylvania.

As the provincial executive only gradually came under royal control, so its ultimate form, that of a single head checked by a nominated council, was also at first undetermined. The Andros commission for the government of New England was the last attempt to give the governor absolute powers in legislation, although in Georgia, Oglethorpe's government was for a time, certainly informal. It was not until 1751 that Georgia had a representative assembly. A chapter is given to the evolution of the provincial executive. One of the benefits of the new methods of historical research is that it serves to correct that opinion which has probably prevailed since the world was very young, which assumes that the morality of previous generations was always of a higher grade than the present. Professor McMaster, we remember, two or three years ago, wrote vigorously in reprobation of the belief that men were so much better in the brave days of old. Elisens Burgess sold his appointment as governor of Massachusetts and New Hampshire for the sum of £1,000. It cost Governor Wentworth £300 to get his commission through its various stages, and when Jonathan Belcher was appointed governor of New Jersey in 1747, there was great delay in the preparation of his instructions, whereupon he deposited £200, and "this unexpected Supply set the Wheels in Motion." The provincial governors seem to have been well paid if their incomes are compared with those of our present state governors; for instance, the estimated income of the royal governor of Massachusetts was £1,300, while the salary of the governor of that state was only \$5,000 until very recently. Much of the power vested in the governor was corruptly used. Maryland furnishes a glaring example of a regular traffic in offices, though for this practice the proprietor and not the governor was chiefly to blame. Says Professor Greene: "This traffic was largely carried on by Cecilius Calvert, secretary to the proprietor. With other friends of the proprietor, he was accustomed to levy certain charges upon persons appointed to office in the colony, requiring the judges of the colonial land office, for example, to remit to him a part of their profits." The indirect influence that the governor had upon the administration of justice through his control over the organization of the courts, was the cause of great abuse. In proof, the author cites the judicial murders in Berkeley's time and the trial of Nicholas Bayard.

The governor is discussed in the light of an agent of the home government, and in turn are taken up, his council, his executive powers, his relation to the judiciary, his power over the assembly, the power of the assembly over him, its encroachments upon him and his legal and political accountability. In his conclusion, Professor Greene says: "Throughout this study the conflict of opposing principles have been apparent. In the first place, there was the inevitable conflict between legislative and executive departments, marked by the almost universal tendency of the legislature first to check and finally to usurp executive powers. This issue was complicated by the conflicts between two other pairs of opposing principles. The governor, as the representative of the monarchical idea, stood over against the assembly, which represented the people. Finally the governor, as the agent of the crown and, therefore, the representative of imperial or perhaps more accurately, British interests, came in conflict with the assembly which embodied the local forces, the local interests of the province, and sometime at least broader colonial or American interests. In all these contests the governor stood for a losing cause."

The appendices consist of five representative commissions and instructions to royal and proprietary governors (De La Warr, Berkeley, Bernard, Hamilton and John Wentworth) and a list of the printed commissions and instructions to royal and proprietary governors, beginning with Lord De La Warr's in 1610 and ending with Lord Dunmore's in 1771. The list of cited authorities includes over a hundred titles. The index is a complete one.

OPINION.

5
6
7
8
9
20
1
2
3
4
5
6
7
8
9
30
1
2
3
4
5
6
7
8
9
9
40
1
2
3
4
5
6
7
8
9
50
1
2
3
4
5
6
7
8
9
60
1

inferiority of the latter. Finally, he compares, according to the same method, Chaucer's 'Troilus' with its Italian original, and shows how the characteristics of the genius of the two poets, and their difference of mental attitude towards their common material, are reflected in the results of numerical analysis as applied to their works. We do not deny that now and then some valuable illustration of a poet's bent of mind and the direction of his sympathies may be derived from the observation of quantitative relations like those which are analyzed in this book with such appalling minuteness of detail. But even assuming the accuracy of Prof. Fischer's figures (which is a pretty large assumption), we have no confidence whatever in the general validity of his method. It is certainly carried out with marvellous ingenuity, and there is serious reason to fear that its speciousness will tempt many young German philologists to waste time and energy on researches of this unfruitful kind. The volume forms part of the series of "Wiener Beiträge zur englischen Philologie," edited by Profs. Schipper, Luick, and Pogatscher. It is a pity that these distinguished scholars should have lent their countenance to a work which, whatever may be its merit in parts, is based on essentially unsound principles.

BOOKS ON THE COLONIES AND THE UNITED STATES.

The Provincial Governor in the English Colonies of North America, by Mr. E. Boutell Greene (Longmans & Co.), is the seventh volume of historical studies published out of the income of the Torrey Fund. Such a work might not have come before the public in other circumstances, as it is fitted for students rather than the book-buyers whose tastes publishers chiefly consult. The author is now Professor of History in the University of Illinois, and this work, which in its original form was an essay for his degree at Harvard as Doctor of Philosophy, demonstrates the soundness of his training. The names of the Governors of the American colonies are known, and their blunders have been recorded, yet the character of their respective offices has never been explained with such clearness as in this work. In the earlier days some of the Governors were but managing directors of trading corporations. In the later they represented the sovereign. Both in earlier and later days the Governors were frequently in conflict with the Assemblies of the colonies. The Governors were touchy about their prerogatives, while the Assemblies were determined to render the Governors puppets; and parallels could be found in the history of many colonies for the strife between Charles I. and Parliament. Lack of commonsense in kings or their representatives is the reason why one of the former lost his head and many of the others their offices. Prof. Greene writes justly when he states that the underlying cause of the conflicts between the colonies and the Governors was that the colonists desired change and the Governors wished to uphold the existing order of things. If the men themselves had been more tactful and able, they could have held their own with ease. Most of them were incompetent, if not worse, and Hutchinson, one of the best, did not have fair play.

The History of South Carolina under the Proprietary Government, 1670-1719 (Macmillan & Co.), by Mr. E. McCready, a member of the Charleston Bar, has been written at intervals during a busy professional life. Nothing is more curious than the Constitution which John Locke drafted for Carolina. Although Mr. Leslie Stephen writes in the 'Dictionary of National Biography' that this "piece of constitution-mongering never came into operation," Mr. McCready shows how much it affected the life and growth of the persons and the region for which it was prepared. He points out—what others have overlooked—that the Constitution

clashed with the Charter, inasmuch as the Charter left to the people the decision as to the form of government, and the proprietors got over the difficulty by framing "Temporary Laws" and "Agrarian Laws," which were to be operative till the Constitution was adopted. After thirty years of hard work the proprietors abandoned all hope of its adoption. Yet many officers acted under it and accepted titles, Locke being one. He was the first Landgrave. The greatest omission in Locke's Constitution relates to education, no provision being made for the establishment of schools. To have appointed schoolmasters would have benefited the settlers more than the nomination of Caciques and Landgraves. However, the colony prospered, and its inhabitants became zealous for education. They are now pious to a degree which is uncommon in North America. Mr. McCready says that but one case of divorce is reported in the books of the state, and that this occurred during the period of "reconstruction," which he styles infamous.

Rhode Island and the Formation of the Union is a valuable addition to the studies in history which the Macmillan Company publish for Columbia University. The author, Mr. F. Greene Bates, is both painstaking in research and luminous in exposition. Though the state is one of the smallest in the Union, yet its official title is the longest, being "The State of Rhode Island and Providence Plantations." Roger Williams, its founder, desired to exercise the liberty of conscience which was obnoxious to the Puritans of Massachusetts, but those who followed him in order to enjoy similar freedom were not always patterns of brotherly love. In an Act which disappeared from the statute book in 1783 the toleration which other men enjoyed in Rhode Island was denied to Roman Catholics; but Mr. Bates maintains that the measure was informal, and he alleges that no Roman Catholic was ever subjected to a disability on account of his religion. At any rate, the Quakers were treated for a time with a consideration which had no parallel, being exempted from service in the local militia. On p. 45 the introduction of the Stamp Bill is erroneously attributed to "Lord" instead of to George Grenville; but the resistance to it of the Rhode Islanders is clearly set forth, as well as their active sympathy with their brethren in other colonies when the struggle with the motherland began. They were more enthusiastic about their rights than about independence. Mr. Bates candidly admits that the cry for separation was not unanimous, and he cites John Adams as his authority for saying that one-third of the American colonists opposed the Revolution, and that the minority was superior to the majority in wealth, intelligence, and social position. It is amusing to read how the Rhode Islanders were taken aback, after peace had been signed, to learn that, as independent Americans, they had lost some of the privileges of British subjects, and that they could not trade with the West Indies on the old footing. Mr. Cabot Lodge contends in his history of the Revolution that Great Britain blundered in treating the United States as a foreign country and enforcing the trade and navigation laws against it. Yet the United States acted in like manner towards Great Britain, and, even when the newer commercial policy of throwing trade and commerce open to the world was adopted by Great Britain, the statesmen of America set their faces against reciprocity, and do so still. The most interesting chapter of the volume before us treats of "The Paper Money Era": a lively picture of the Rhode Islanders trying to create money by means of legislation and a printing press. They were puzzled to find that, no matter how heavy the penalties, a printed piece of paper was not accepted as equivalent to the amount in gold and silver represented by the figures upon it. Their delusion lasted long, and they had to suffer for it. Their reluctance to accept the present Constitution

of the United States is nearly as curious as the craze about paper money.

An illustrated volume, *The Development of Cyprus, and Rambles in the Island*, by Col. Fyler, reaches us from Messrs. Lund, Humphries & Co. The author advises the fortification of Famagusta, and thinks that it would encourage the investment of capital by proving that the island would not again become Turkish. There is not, and never has been, any chance of the island reverting to Turkey. There is always the chance that it may one day be handed over to Greece; and the enormous British expenditure on fortification at Corfu did not prevent Lord Palmerston from handing the Ionian Islands to Greece when he thought the step advantageous to British policy and wished for by the majority of the population.

British Possessions and Colonies. By William Balfour Irvine. (Relfe Brothers.)—We have some fault to find with this book. To say that Cyprus was "ceded" by Turkey rather veils the curious international position of that island. Province Wellesley in several of the maps is coloured as though not British, while in one of them the name is printed too far inland. Barbadoes is included under "Crown colonies," and the Bahamas (a phrase no longer used) are styled "a Crown colony." "The Bermudas" (a phrase which is also out of use) are classed, like the colonies possessing responsible institutions, as "a self-governing colony." On the other hand, by an extraordinary blunder, Newfoundland is twice called a Crown colony. We should have thought that Sir William White-way's Privy Councillorship as one of the eleven "colonial Premiers" at the Jubilee would have been fresh in the author's mind. It is misleading to schoolboys to colour Antarctica as a vast British possession and to swell the size of the Dominion by including Grant Land and other Arctic islands.

The Government Printer at Melbourne publishes an *Abstract of the Statistics of Victoria, 1893 to 1898*. The figures are unfavourable. A steady decrease of male inhabitants in the six years included in the survey, a heavy decrease in the birth-rate and a heavy increase in the death-rate, a diminution of the excess of births over deaths from above 20,000 in 1893 to 11,504 in 1898, and an increase of debt, are circumstances which it is not pleasant to find united.

The *Trinidad Reviewer* for 1899, compiled by Mr. Fitz-Evan Eversley, and published by the Robinson Printing Company, Limited, of London, is an excellent handbook to the official life of the West Indian colony in question. It does not give that view of the general national life nor those full statistics to which we are beginning to be accustomed in colonial handbooks; but it doubtless will improve in future issues.

The 1899 edition of the excellent *Handbook of Jamaica*, compiled by Messrs. Roxburgh and Ford, has reached us from Mr. Stanford. It is brimful of information which will be most valuable to the New York papers when they take over the government of the colony.

M. Félix Alean has sent us *Psychologie de la Colonisation Française dans ses Rapports avec les Sociétés Indigènes*, by M. Léopold de Saussure. Although the author takes the British in India (and the Romans in Gaul) as examples of sound treatment of native modes of thought, and addresses himself to the task of attacking the colonial system of his own country for its monotonous and ignorant uniformity, yet there is much in the book which ought to make us think. Think upon such subjects we never do, although, as M. de Saussure says, we often act soundly enough. The imposition upon India of a single penal code and the attempt to govern Uganda without a trained civil service are, however, examples of action by ourselves on the lines which M. de Saussure condemns in the French. Our treat

ment of Uganda is on a par with the French treatment of Annam. The differences among the peoples of India are, as M. de Saussure shows, infinitely greater than those which separate a Russian of Kamskatka from a Spaniard of Cadiz at opposite ends of the Old World. Our author discusses with ability and insight the question whether Japan is an exception to his principle of non-assimilation, and decides in the negative. The Japanese have adopted the Chinese arts and the military methods of Europe, but hate equally European and Chinese modes of thought.

OUR LIBRARY TABLE.

It is exceedingly difficult to criticize fairly a book with the merits and faults to be found in *Hunts and Hobbies of an Indian Official*, by Mark Thornhill (Murray). Its author, now a veteran, belonged to the Bengal Civil Service, and went to India nearly sixty years ago, so he knew that country before the Mutiny. During that crisis he was magistrate of Muttra, whence he escaped to Agra, and he continued to serve till 1872. During the latter part of his residence in India he kept a diary, devoted chiefly to observations on men and animals. He brought it home with him, and after many years had passed he read it and

"found it interesting, sufficiently so to warrant the hope that if expanded and arranged in the form of a narrative, it might prove a volume of entertaining reading."

Undoubtedly the book merits this description. The author tells his stories, some of which are rather remarkable, in a pleasant way, and he manages to extract amusement even from surroundings the reverse of agreeable. Of those destructive pests white ants he says:—

"Small, soft, and feeble as the white ants are, yet by their numbers and powers of destruction they have influenced to some extent both the architecture and also the civilization of the country. To their ravages, which prevent much the use of timber, is in a great measure due the massive solidity of the grander Indian edifices, and by their devouring of papers and documents they have restricted the cultivation of literature; they have rendered the preservation of books difficult; they have continuously destroyed the records that would have thrown light on the history of the past."

So long as Mr. Thornhill is interesting only we have little but commendation to offer; when he becomes instructive he falls into many errors. And most of them seem gratuitous; for in the case of derivations of words—a dangerous thing to meddle with—Yule's 'Glossary,' and in matters of history the 'Imperial Gazetteer of India,' are available for reference. In describing a short tour in Dehra Dūn, that beautiful valley between the Siwālik Hills and the Himalaya, bounded on the east by the Ganges and on the west by the Jumna, a few miles north of Rūrki and Sahāranpur, he quotes, apparently with approval, a popular, though fanciful derivation of "the term Shewalic" from two words *sewa* and *lac*, which mean one and a quarter and one hundred thousand; and he translates Himalaya as "Necklace of Snow," instead of "Abode of Snow." Again, he translates "Dehra Doon" "Valley of the Tent," whereas it is simply the *dūn* of Dehra, *dūn* being the local name for the valley, Dehra its chief town, founded, we learn from the 'Imperial Gazetteer,' by Gurú Rām Rái, who settled in the Dūn at the end of the seventeenth century. Yet Mr. Thornhill, who had official connexion with the town and locality, devotes several pages to impress on his readers that Dehra was founded by the great and first Sikh Gurú, Nának, "when, over two centuries ago, he sought refuge in the valley from the persecutions of the Mahomedans of the Punjab." His tomb, surrounded by those of his four wives, is minutely described. Now Gurú Bába Nának died at a village on the Ráví in 1539, more than a century and a half before Dehra was founded. In the mode of spelling native words much licence is allowed,

but the measure is exceeded in the present volume; "lac," turned by the printer to "lae," is not readily recognized as "lakh"=100,000; "Goshines" has a comic appearance substituted for "Gosain," one who has renounced the world; while "Mahowt" may almost be called incorrect spelling of a word adopted into our language, and "Ibn Batutu" is not the ordinary spelling of the traveller's name. In spite of these defects the book is very readable, and to those who know the localities many scenes will be agreeably recalled. It is attractively turned out, but the binding is rather insecure.

In his preface to *China and its Future, in the Light of the Antecedents of the Empire, its People, and their Institutions* (Stock), Mr. James Johnston supplies the key-note to its pages. He is indignant at the idea that any of the European nations should propose to civilize a people with so ancient a history as the Chinese, and holds up Frenchmen, Germans, and Russians to reprobation for deeds done in the course of their records. At the same time, he is bound to admit that these same European nations are infinitely in advance of the people whose cause he champions. And, indeed, throughout the whole work he is constantly in antagonism with himself. On one page the Chinese are a pattern to the world, and on the next they are immoral, dishonest, and untrustworthy. It is the same with their religions. Mr. Johnston becomes quite rapturous over the doctrines of Confucius, Buddha, and Lao-Tzū; but being at the same time a devout Christian, he is obliged to admit that all their excellences are nothing worth. If it were not for a sentence in his preface, we should have been tempted to believe that Mr. Johnston had never been in China at all. His whole view of the position is from the outside. He has read the native classics in translations, and has found them full of high-sounding moralities and righteous platitudes, and he glories in the idea that some sayings similar to those found in the Bible were uttered by Confucius and others before the Christian era. He seems entirely to have forgotten that all these dicta mean nothing to the people. One of the first sentences of the sayings of Confucius contains the phrase, "Is it not pleasant to have friends coming from distant quarters?" and the practical application of this excellent saying is found in the way in which foreigners have been, and still are, treated by those lovers of "friends from a distance." As a matter of fact these well-rounded sentences are nothing more to the Chinaman than the parables were to the American schoolboy—"heavenly stories with no earthly meaning." It is a pity that Mr. Johnston should be living so much in the clouds; and so profound is his admiration for everything Chinese that, in defiance of their history, which he so much extols, he declares that China has never been conquered. We should have thought that the victories of Kublai Khan over the whole empire, and the later conquests of the Manchus, who now occupy the throne, would have been sufficient to refute this assertion. But Mr. Johnston is above all such considerations, and his contempt for the "upstart nations of Europe" is so deep that his sense of perspective is entirely lost. It is a pity that, at a time when trustworthy books on China are much wanted, this volume, which contains some useful information, should be disfigured by distorted imaginings.

THE inventor of the Berthon boat, the Rev. E. L. Berthon, has been persuaded by his family to publish his recollections under the title of *A Retrospect of Eight Decades* (Bell & Sons). His has been a varied life, since he studied medicine before he took holy orders, and he has been present at some historic scenes, notably at Fieschi's attempt on Louis Philippe. But some of his stories are very, very old (Stephenson and the "coo"), and his discursiveness would have been all the better for severe

editing. As Lord Palmerston's parson (he has restored Romsey Abbey, and with a vengeance too) Mr. Berthon has—we cannot help saying it—missed his anecdotal opportunity. As an inventor he lets the Admiralty and the War Office know what he thinks of them with a vigour that should make a permanent Under-Secretary blush, if such a sign of grace is conceivable. About that side of his career, however, his own honest advice may be taken as a confession and partial explanation of departmental disregard: "Try to rivet your attention to one, or at most two things. It is better to do one thing well than to dabble in half a dozen, and 'having too many irons in the fire to see them burn.'" Mr. Berthon the retrospective may be pronounced quite readable with a little skipping, for his quaintnesses make one forgive his prolixities.

Holland and the Hollanders, by Mr. D. S. Meldrum, is of Transatlantic manufacture, although Messrs. Blackwood & Sons have put their name on the title-page, and the author is, we believe, a Scotsman, although he speaks of "the melancholy services of the Reformed faith" on Sundays in Dutch churches. The book is a careful, and, so far as we have remarked, accurate account of the political and social institutions of Holland, the aspect of the country, and the chief features of the towns. The observations on education are good, especially the remark that Holland "is not so much a highly educated country as it is a country of highly educated people." Nothing is said about the army or the navy. The latter is usually supposed to be indifferent, but Mr. Meldrum is silent. The illustrations are good, but the publishers should be ashamed of issuing this useful volume without an index.

THOUGH the fact is not stated in terms in the volume, *The Drones must Die*, by Max Nordau (Heinemann), is a translation of Dr. Nordau's 'Drohenschlacht,' published in Berlin in two volumes in 1897. The book is in form a novel, and exhibits most of the well-known characteristics of the writer. As a story it is long and singularly interesting, though much of it is unsuited to the palate of those unaccustomed to continental models of fiction. The translation is free, but reads well, and only two foot-notes are rendered necessary to assist the reader. The subject of the story is connected with the German colony in Paris, and the date of the events is recent.

A TRANSLATION by Mr. C. De Kay of M. Léon Daudet's interesting memoir of his father, *Alphonse Daudet*, has been issued by Messrs. Sampson Low & Co.; it is quite worth perusing.

LADY STEPNEY'S *Memoirs of Lady Russell and Lady Herbert* (Black) is one of those little books that go somewhat unregarded in the rush of the publishing season, but it deserves to be read for all that. They were a pair of noble dames indeed, and the common view that the adherents of the Stewarts were a rabble of reckless libertines meets with a flat contradiction in their pure and elevated lives. The Lady Russell in question was the wife and widow of the honest, but not too intelligent man who became entangled in the Rye House Plot, and thus gained the posthumous honours of Whig martyrdom. Her letters, written for the most part after his execution, are touching examples of genuine religious sentiment under the stress of a crushing misfortune. Pious, but never pietistic, Lady Russell gradually recovered her peace of mind, and brought her sagacious judgment to bear upon family affairs. Tillotson valued her advice, and the arguments by which she persuaded him to accept the Archbishopric of Canterbury were those of stately sincerity. She was less successful with her friend Dr. Fitzwilliam, and it must be confessed that her efforts to win over that tenacious Nonjuror have a smack of unconscious casuistry about them. The close of her long life found Lady Russell

2800

Annals of Am. Acady.
Phil., 9/99

PROVINCIAL GOVERNOR IN ENGLISH COLONIES. 85

Of especial value are the chapters which present the historical summary of modification and growth in our institutions. These are full of historic data and references which make the book of great value to the student. This abundant material is supplemented, furthermore, by an appendix containing the Corrupt Practices Acts of Great Britain and Massachusetts; the Tramways Act of Great Britain, and the Wisconsin Act to Regulate the Granting of Municipal Franchises; Statistics and Tabular Statements of Laws Concerning Capital and Labor, Debtor and Creditor, Taxation, etc.

The original material is of considerable value and in presenting it the author has saved the student a vast amount of labor. In the arrangement and analysis of the material, the book is faulty. It is a strange admixture of history, political science, economics, law, sociology, etc. There is frequently a confusion of technical terminologies, while to the specialist it must often appear quite elliptical. The historian would criticise the chapter devoted to colonial government while the general reader will find it difficult to obtain a clear idea of the forces which evolved our system. The growth of the unwritten constitution is effectively presented and its importance thoroughly appreciated.

The modifications of private and public law as a result of popular co-operation, the numerous provisions against the arbitrary use of legislative power, the legislation relative to Capital and Labor, and Debtor and Creditor, are all summarized in a way which shows an enormous amount of detailed study. The results will prove of greatest service to speakers and students who may not have time to consult the original sources. The limits of the work do not permit of an exhaustive or even a fair treatment of such problems as taxation, control of corporations, etc., and it is but natural that the treatment given should misrepresent the author's general attitude with reference to such serious problems.

The special value of the book lies in the objective presentation of our early institutional development by means of original material.

W. H. ALLEN.

Philadelphia.

The Provincial Governor in the English Colonies of North America.

By EVARTS B. GREENE, Professor of History in the University of Illinois. (Harvard Historical Studies, Vol. VII.) Pp. x, 292. Price, \$1.50. New York: Longmans, Green & Co., 1898.

All students of American colonial history will welcome this thorough and scientific study of one of the most important subjects in the field of the British colonial administration prior to 1763. The



author has intentionally limited himself to a comparative study of the office of governor of the so-called provincial governments, "a term including proprietary as well as royal governments," as distinguished from the office of the elective executive in the corporate colonies. In the corporate colonies, such as Massachusetts prior to 1684, Connecticut and Rhode Island, the executive stood on an essentially different footing. In a brief but comprehensive introductory chapter, devoted to the evolution of the provincial government, the gradual tendency of the royal province to supplant all other forms of colonial government is clearly shown; thus, after 1729, eight of the colonies which later became a part of the United States, had been brought into direct relation with the crown. This was accomplished only after many trials, experiments and controversies, and the repeated efforts of the Board of Trade. The second chapter deals with the evolution of the provincial executive through its various forms, from the collegiate to its ultimate type, the single executive, appointed by the crown and assisted and checked by a council appointed by the same power, but to a large degree dependent upon the governor. In nine succeeding chapters the author presents, in detail, a discussion of the position, functions and prerogatives of the governor, both as agent of the home government, and in his relations with the other organs of government in the colonies, namely, the council, the judiciary and the assembly. In these chapters may be found careful and impartial answers to such important questions as: What were the qualifications of a provincial governor? What sort of men were appointed? What kind of service were they expected to render directly to the crown and indirectly to the colonists? How were their actions guided and controlled by the home government, or checked and thwarted by the colonists?

The method by which appointments, in some instances, were secured "were similar to those employed in the other departments of the British public service in the days of the Whig ascendancy." Thus we find the Board of Trade, which formally recommended appointments to the king in council, stating in 1715 that "governments have bin sometimes given as a reward for services done to the crown and with design that such persons should thereby make their fortunes. But they are generally obtained by the favour of great men to some of their dependants or relations, and they have bin sometimes given to persons who were obliged to divide the profit of them with those by whose means they were procured. The qualifications of such persons for government being seldom considered." This severe but just indictment seems to have led to little change in

28⁰

Post Mall
March 8/99

"The Provincial Governor in the English Colonies of North America," by Professor Evarts Boutell Greene, of Illinois University (Longmans: New York and London), is one of the admirable "Harvard Historical Studies." It gives evidence of the most patient research, a thorough knowledge of English Constitutional law, and a just perception of the natural tendencies of the various forms of democratic government. It is written in clear, vigorous, and well-balanced language, and every affirmation of fact is supported by citations of the author's authorities. For the historical students of Mr. Greene's own land it is, of course, mainly intended; but it has its lessons for those of all countries. One lesson is unmistakable: that is, the constant impulse of popular representative assemblies to encroach upon the functions of the executive; not merely to prescribe the general principles which are to guide the administration, but to supervise and control every detail, and even to exercise authority in the military field.

With Mess^{rs} Longmans & Co's

Compliments.

39, Paternoster Row,

London, E.C.

130 1 2 3 4 5 6 7 8 9 140 1 2 3 4 5 6 7 8 9

280
E

"THE SPEAKER,"

115, FLEET STREET,

LONDON, E.C.

March 11 1899

With Compliments.

THE PROVINCIAL GOVERNOR IN THE ENGLISH COLONIES OF NORTH AMERICA. By Evarts Boutell Greene. (Harvard Historical Studies.) New York, London, and Bombay: Longmans, Green & Co.

There have come to hand other books, which here at least may be lightly dismissed. "The Provincial Governor" proves to be a new volume of the Harvard Historical Studies. It discusses with real but never paraded learning the evolution of the chief executive in old Colonial days. Professor Greene shows that in 1763 the twelve English Colonies which then existed in North America were, broadly speaking, ruled on three different principles. He traces the growth of new constitutional methods and gives the text of a number of historic State papers which range in date from the days of James I. to the last year of George II.'s reign. The book is a luminous and, in the strict usage of the word, scholarly interpretation of the functions of government in the North American Colonies.



280
F

realized that the imperial policy, the organs of colonial administration and the institutional and organic connection between the various parts of the empire, must be taken into consideration before we can hope adequately to understand the history of the period.

HERMAN V. AMES.

University of Pennsylvania.

Lectures on the Fourteenth Article of Amendment to the Constitution of the United States. By WILLIAM D. GUTHRIE. Pp. xxviii, 265. Price, \$2.00. Boston: Little, Brown & Co., 1898.

The most interesting constitutional questions which now come before the United States Supreme Court are those connected with the interpretation of the Fourteenth Amendment. No term passes in which the court is not called upon to construe the sweeping phrases in which the statesmen of the Reconstruction Period attempted to embody the results of the Civil War. At a single term (October Term, 1896), the Amendment was discussed in twenty-one cases, fifteen of which turned upon its interpretation. At the following term a most important decision was made. The opening clause defining citizenship was applied to the case of a child born in the United States of Chinese parents, and the child was held to be a citizen even though his parents cannot be naturalized. (*United States v. Wong Kim Ark*, 169 U. S. 649.) The other parts of the Amendment, particularly those relating to due process of law and the equal protection of the laws, are less capable of definitive interpretation and may be expected to occupy the attention of the court for a long time to come.

It is altogether too early to expect any elaborate and well-rounded treatise upon this the newest branch of our constitutional law. The decisions are numerous and many of them conflicting. But in the meantime discussions of decisions rendered and of the principles underlying them will form an important part of our legal literature.

Such a work is Mr. Guthrie's volume. It is made up of lectures which were delivered before the Dwight Alumni Association of New York. The lectures are five in number. The first relates to the history of the Amendment, and in refutation of the views as to its scope set forth by Mr. Justice Miller in the Slaughter House Cases, extracts from the debates in Congress upon the adoption of the Amendment are given. A considerable part of the chapter is devoted to a eulogy of our judicial system which has no apparent bearing upon the subject under discussion. The second lecture is entitled



practice, and the result of this policy might well serve as a warning to nations of the present day about to enter upon colonial enterprises. "The main clue to a correct understanding of the powers of the provincial governor," writes the author, "is to be found in the vice-regal character of his office. He was the agent, the representative of the crown."

As such, the governor's position was far more complex than is the case with the modern executive of an American Commonwealth. In fact it required the entire colonial period to differentiate the government into its several departments. Thus the colonial governor, in addition to his purely executive functions, held close and important relations to the judiciary and the legislature, either through his being an integral part of the same or owing to the fact that these departments depended so largely upon him for their existence. His power over the legislative branch, however, was in large measure counteracted and checked by the power over the purse to which the Assembly in the several colonies tenaciously clung. Three chapters are devoted to a discussion of the relations between the executive and the legislative departments; full as this is, we could wish that it had been extended to a more elaborate consideration of the contests between the two departments. The provincial governor had a difficult and delicate position to fill.

The governor and the assembly represented opposing principles and interests. The governor, as the agent of the imperial government and representative of the king, stood for the monarchical principle and British interests, while the assembly, as the representative of the people, stood for democracy,—toward which frontier communities naturally tend,—and for what they regarded as "the rights of Englishmen." Thus it is seen that the conflict was inevitable, and must continue until either the executive or the assembly was definitely master. The executive, in the long run, proved to be the weaker and the assembly issued from the struggle victorious.

Although the work is based upon a study of the printed sources only, fortunately these were both sufficiently numerous and typical to enable the author to present a picture of the office of provisional governor, which, in all its essential features, appears to be life-like and accurate. It is not too high praise to say that Professor Greene's monograph is an excellent example, both in its general character and in the methods employed, of the new historical school, and is deserving of its place in the Harvard Historical Series.

American scholars, until recent years, have regarded the history of the colonial period too exclusively from the colonial point of view, and too little from the British or imperial side. It is now being

980
989

Press Notices
of the
"Provincial Governor"

