After a long struggle, which Anderson describes in great detail, Wiley won a major victory in 1906 when the pure foods law was enacted. But he soon became involved in an equally bitter fight over interpretation, application, and enforcement of the law. One is forcibly impressed by the fact that Wiley was in almost constant conflict with members of his department, with Roosevelt, and then with Taft. Wiley was blunt, generally uncompromising, at times ruthless, always jealous of his power, quick to resent criticism, and courageous, even in the presence of superiors more concerned with votes than with adulteration.

In the opinion of this reviewer, Professor Anderson makes two significant points: first, the fact of Wiley's tremendous popularity, a popularity carefully noted by Presidents Roosevelt, Taft, and Wilson; secondly, the claim, effectively presented, that in fighting for pure foods Wiley's first concern was for honesty in business. Wiley was a scientist, and he sincerely believed that morality, not health alone, should be the real goal of all science.

Professor Anderson has read much, both pro and con, on Wiley's long and active life, as well as making use of the Wiley papers in the Library of Congress and the records of various government agencies in the National Archives. Typographical errors are few. Notes have been placed at the rear of the book, to which some readers may object.

Anderson's treatment is fair. Though sure of Wiley's greatness, he points out the man's frailties, such as "a touch of vainglory" and "a tendency, brought forth by the heat of controversy and his lust for achievement, to give due recognition only to those facts which sustained his biases" (p. 278). But, as Anderson concludes, one who shocks a complacent people into action is not likely to be remembered for "consistently sweet reasonableness."

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Richard H. Gemmecke


This rather unpretentious looking monograph written by a former teacher, now a practicing lawyer, portrays in extremely readable style the history of railroads and the law in Wisconsin from 1847 to 1890. This study, made possible by a grant from the Rockefeller Foundation to the University of Wisconsin, while essentially a work in Wisconsin legal history, propels itself into a significant niche in the broader pageant of economic-constitutional history. It describes the role of various agencies of the law—legislature, courts, executive, and constitution—in attempting to deal with problems that were presented by the advent and growth of the railroad in Wisconsin.

After discussing briefly the internal improvement ventures prior to the issuance of the first railroad charter in 1847, the author launches into a discussion of the legislative scandal of 1856 involving the ill-starred La Crosse and Milwaukee Railroad and Byron Kilbourne, its prime mover, who bribed almost the entire governing body of the state. Hunt goes on to analyze why the legal structure broke down so
completely, shrewdly and correctly viewing the episode in the climate of its own time. According to the author, insufficient development of the state's economy and legal institutions made it impossible for Wisconsin successfully to meet newly created problems of railroad building.

The struggles of Eastern creditors against Western debtors is described in penetrating detail. Western farmers who had mortgaged their homesteads to help finance the railroads were in imminent danger of losing their farms. In attempting to preserve their property, the owners formed leagues to gain cooperatively what they could not hope to gain individually, and in so doing laid down a precedent for the Granger and Populist movements of a later period. Their combined efforts, while successful in the cases of the legislature and local officials, however, were thwarted by the State Supreme Court, which relied upon the precedents laid down by Marshall in *Fletcher v. Peck* and *Dartmouth v. Woodward*.

The dramatic struggle between the state and the railroad in the Granger period receives its just due. The ill-fated Potter Law and its savior, Chief Justice Edward George Ryan, are subjected to close scrutiny. The defects of this regulatory law—its crudeness, lack of enforcement machinery, and reliance upon individual suits, the work of the learned Chief Justice in upholding the statute based upon the state's police powers, and the successful railroad propaganda campaign which secured the law's repeal are skillfully related to the national as well as to the state socio-economic-political scheme.

The periods 1858-1874 and 1875-1890 are ably covered in two chapters in which the author channels his attention toward the formation of railroad law on a day by day basis. While generalized, many pages contain a penetrating and detailed analysis of the role of the courts in defining the railroad's relationship with strangers, its relationship with users of its services, its intercorporate affairs, its relationship with government, and its relationships with other contracting parties.

In his final chapter the author concludes that the railroads, while respectful of the courts who played the key lawmaking role, had the field more or less to themselves. In this period of railroad building and consolidation rarely if ever was there any attempt to redress the balance of power in this area of public concern. Wisconsin law continued to act as an umpire, but in an unmatched struggle, and inadequately recognized the change from an agricultural to a complex urbanized, industrialized society which was then taking place. Instead, the corporate community, in this era of the twilight of state control, lived apart from formal agencies of the law except when it found such agencies useful for its own objectives.

This scholarly study, crammed with primary references indicating an exhaustive amount of research, and containing an all-inclusive table of authorities coupled with a critical bibliography, is of interest not only to the historian and the political scientist but to the bench and the bar as well. For the people of Wisconsin, those of the Middle West, indeed those of the whole nation, this readable study is significant as a notable contribution to the legal-economic history of the United States.

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