

had been a good party man in local politics and had early supported Jackson in his fight against the Bank. But the supreme test had come with the Force Bill, which was put forward to enable the President to crush the nullification movement in South Carolina. Wayne, although a southerner, had given this bill unqualified support, and Jackson was not the man to ignore such a manifestation of friendship. For this reason alone, a man who had made no great stir in local office and less in Congress was elevated to the highest judicial body in the land.

On the bench Wayne's contribution was modest. In two fields his opinions were positive and consistent. He always held that the power granted the central government over foreign and domestic commerce was absolute and left no residuum to the States, and he was inclined to defend the rights of corporations against state interference. He also won some approval for his knowledge of admiralty law but lacked the judicial craftsmanship in presenting opinions necessary for distinction. He was ever conscientious and hard-working but never brilliant or profound. He was plodding enough to consider his efforts in behalf of Myra Clark Gaines the most important of his career.

Wayne always held that slavery was recognized and protected by the Constitution. He used white servants in Washington but kept his Georgia slaves. In the Dred Scott Case he was one of the judges who insisted that the abstract question of the citizenship of a free African negro was before the Court, and it was gossip, at the time, that he was the person who persuaded Chief Justice Taney that it was the Court's duty to pass on the merits of the case in order to settle the slavery question once and for all. At any rate he stood with the majority and helped to create the impression that a pro-slavery interest had been back of it all.

When Civil War came he kept his place on the Court and supported all the decisions which helped to forward the Union cause. His course was consistent enough to win northern approval and to enable him to escape any great amount of southern hatred. Yet his influence was slight. He had been away from the South too long to affect the course of events there and his part in the Dred Scott Case had weakened him in the North. He was, therefore, in the war period and afterward, viewed largely as a figure left over from an era now ended—a gentleman of the old school who could be respected but granted little of honor.

It is refreshing to find an author who can say that such a man was neither "an original nor profound thinker"; who admits that his hero "does not belong in the foremost ranks of men of his time"; but who, on the other hand, can recognize the value of honesty, good manners, and fine living as exemplified by James Moore Wayne.

AVERY CRAVEN*

Land Tenure in Process. By Leonard A. Salter, Jr., Research Bulletin 146, Agricultural Experiment Station of the University of Wisconsin, Madison. 1943.

The subtitle of this monograph is "A Study of Farm Ownership and Tenancy in a Lafayette County (Wisconsin) Township." It is well written, but the statistics seem slightly overclassified. The area covered is good farm land in the Corn Belt. Long ownership of land has been the rule, and about half the farms are now operated by tenants. Settlement occurred seventy to ninety years ago. Tenancy was not common

* Professor of History, University of Chicago.

in the 1880's, but since that time it has gradually been extended through the operation of factors that until recent years were considered perfectly normal. Owner-operators have died from time to time, at different ages, and have left many or few children, male and female, or no children at all, with consequent varying effects upon the ownership and the operation of the properties involved; land has become dearer in money and work; there has been more selling, mortgaging, and renting in boom times, more renting but less selling and mortgaging in hard times; foreclosure has been a minor factor in the increase of tenancy. It is probable that tenancy will continue to increase, and fewer farmers will achieve ownership, still fewer the enviable position of unencumbered ownership. But there appears to be no certain correlation between classes of owners and types of operation and the condition of the farm properties.

Three subjects in which the author thinks practical studies and suggestions may be made are: (1) landlord and tenant relations; (2) mortgagor-mortgagee relations; and (3) succession. The author is most interested in the third subject and suggests, but not in detail, the possibility of financial and legal devices to assist the transfer of family land from father to son. It may be doubted whether the preconditions for the success of such devices exist in this country, because the persons concerned do not know or care much about the transmission of farms as such from one generation to the next over a long period of time. There is inequality of treatment when one son receives the old homestead, even if he has to pay to his brothers and sisters their shares of its supposed money value. Our egalitarian feeling about succession will be modified, if at all, only at an historical rate of speed and, we may suspect, by the pressure of hard circumstance rather than by legislation.

ROBERT DILLER*

* Member of the Chicago Bar.