

the person at the bar is not the fugitive you seek) and assaults on the constitutionality of the Fugitive Slave Act. Lubet's analytical structure — focusing on a few principal cases rather than exhaustively researching them all — renders him incapable of providing a definitive analysis of how legal defenses were deployed and why.

Pointing out this book's limits should not blind us to its strengths. Lubet's engaging narrative brings us into the courtrooms of the 1850s, allowing us a glimpse of fundamental notions of procedural due process and how antebellum Americans wrangled with the constitutional duty to return runaways to slavery. He brings details to life that have often been ignored in scholarly treatments of the Fugitive Slave Act. That is itself an important contribution.

We Saw the Elephant: Overland Diaries from the Lander Trail, by Peter T. Harstad. Lakeville, MN: Jackpine Press, 2010. xii, 219 pp. Illustrations, maps, notes, appendix, index. \$20.00 paper.

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On July 13, 1859, an Oregon-bound wagon train from Brooklyn, Iowa, traversed the Sweetwater River. "Here we expected to cross the river," Charles J. Cummings recorded in his diary, "but we found there was a new Military Rode been opened, called Lander's Rout [*sic*], which saved 60 miles before striking the other rode at Fort Hall, a distance of 260 miles. We thought it best to take it" (41). Assigned by the Department of the Interior to build a wagon road, Frederick W. Lander had completed his project in 1858 and anticipated the initial travelers. "You must remember that this new road has been recently graded," he noted in his emigrant guide, "and is not yet trodden down" (18). But overlanders would avoid the desert and pay no tolls, face "fewer hard pulls and descents," and have access to grass, water, and wood (18).

Cummings was among 13,000 migrants who used the cut-off that first year, and his journal is among 45 collected by Peter T. Harstad to commemorate the Lander Trail's history from 1859 through 1864. Each diary provides insight into trail life, a description of the landscape, and a record of events — whether daily mileage or an Indian scare. The book includes drawings by Karyn E. Lukasek and two essays: Harstad's "The Lander Trail," reprinted from *Idaho Yesterdays* (1968), and Mont E. Faulkner's "Emigrant-Indian Confrontation in Southeastern Idaho, 1841–1863," from *Rendezvous: Idaho State University Journal of Arts and Letters* (1967). Trail buffs will welcome this study.