

Barbed Wire Fencing---A Prairie Invention

Its Rise and Influence in the Western States

by

Earl W. Hayter

Editor's Note: Dr. Hayter has good claim to being authoritative about his subject. He grew up on a prairie homestead in North Dakota so that he has a personal appreciation of agricultural problems. He earned his bachelors degree at the University of Nebraska, his M.A. at the University of North Dakota, his doctorate at Northwestern University, and since 1936 has been professor of history at Northern Illinois University. Besides his personal understanding, then, he has also professional training for his special field--agricultural history from 1850 to 1890. Dr. Hayter has published a number of articles in state and regional historical journals in the past quarter of a century, and one of his most interesting studies has dealt with fences--"Barbed Wire Fencing--A Prairie Invention."

THE enclosing of land with some form of fencing material dates far back into history. Out of the desire for ownership, independence, and safety from intrusion, many different types of enclosures have been developed. The hedgerow, the stone wall, and the rail fence are expressions of these psychological and economic desires. Hence, when the early colonists--bearing with them the inheritances of the past--came to the New World, they began to build enclosures. The nature of these early fences was conditioned largely by the kinds of materials available. In New England, they were built largely of stones, while in the South, they were constructed of rails. These two types of fence construction predominated until the western movement reached the prairies where the supply of stone and timber was insufficient.

This situation resulted in experimentation with a number of other materials. Hedgerows were gradually developed, and a few homesteaders even resorted to mud and ditch enclosures. Timber was brought from neighboring states, but its cost was generally too great for those who lived on the frontier where the increased increment of their land was none too certain. As the line of settlement pushed farther west, the problem of fencing became even more acute. The small farmer found that the cost of fencing increased while the total income from his land diminished. The seriousness of the problem attracted the attention of the Federal Government, and in 1871, an elaborate report was issued by the Department of Agriculture. This report revealed that fencing, even in the most timbered areas, was very costly and that it was almost prohibitive to those who lived

on the marginal lands of the western prairies. As a result, the Great Plains were largely left unsettled until certain inventions became available.

In their attempts to find an economical fencing material many of the homesteaders turned to smooth wire which had been developed in the East during the early part of the nineteenth century. Although it was superior and generally cheaper than other materials, it did not meet all the demands of a prairie fence. The iron wire of that day was affected adversely by extreme temperatures; it snapped in cold weather and sagged in hot. Furthermore, it had no terror for the livestock of the open range; they loosened the posts and broke the wire by constantly rubbing against it. Finally, with the hope that animals could be satisfactorily confined within wire fences, men in the West turned to the problem of improving them. . . .

[Barbed wire was invented and developed.] There were a large number of manufacturers, and "moonshine" wire was, as one salesman put it, "as free as water." The infringement of patents was a common practice, for many of the concerns found it necessary to pattern their fencing after a few of the better patents in order to get a share of the business. This made it difficult for certain well-established firms, who were licensed and had regular agents, to sell their wire. Not having to pay royalty fees, the unlicensed manufacturer and dealer had considerable advantage. Those who purchased the wire were likewise under constant surveillance by detectives, and by competing dealers who threatened them with suits, for, under the patent laws, the innocent user was just as liable as the vendor. This situation caused many consumers to look with suspicion on barbed wire merchants. The companies, in order to overcome this apprehension, promised to "defend any and all suits brought against their customers," but this did not allay the fears, and in a few places the tension became so great that the farmers banded themselves together into protective societies

The cattlemen and the small property owners were by no means in full agreement on the wisdom of fencing the range country. They knew from sad experiences what a barbed wire fence could do to herds during storms, and the Colorado Cattle Growers Association went on record in 1884 as being averse to fencing the range. Barbed wire was denounced by many as cruel, and, to crystallize this sentiment, anti-barbed-wire groups were formed to combat its use and to bring pressure on legislators to enact laws making those who built wire fences responsible for damages. In some states many years elapsed before this type of fencing was legal; in others, the courts, even after it was legalized, held the owners responsible for all damages "unless constructed with planks in connection with the wire."

In spite of competition and opposition, the sales of barbed wire increased steadily. Agricultural journals and newspapers, cognizant of their circulation and advertising, were generally in favor of this type of fencing, for they were well aware that it was less expensive and more effective, and

that it facilitated western settlement. The manufacturers aided their own cause by developing "more merciful barbs and shorter prongs"; the farmers alleviated much of the injury to stock by placing boards on the wire so as to give it greater visibility; and the livestock became adjusted to it. Soon several of the States had regulations requiring farmers to fence if they expected to recover damages from roving stock. Farms were becoming smaller in size as the population increased, and this in turn increased the demand for wire; for, as the size of the enclosure decreased, the number of rods of fence per acre increased.

The railways were also large consumers of barbed wire, as most of the states required them to fence their right-of-ways if they expected to escape responsibility for damages. . . .

The sales of barbed wire were further stimulated by the gradual decrease in prices. When the manufacture of this fencing material first began in 1874, the prices ran as high as 20 cents per pound; the following year they dropped to 18 cents; and during the succeeding years continued to fall until, by 1893, some concerns quoted for as low as 2 cents.

Meanwhile, in the western states where most of the barbed wire was being used, changes were taking place as a result of its influences. In describing these changes it should be noted at the outset that barbed wire was not the only factor involved. Barbed wire fencing encouraged the further settlement and exploitation of the Great Plains. For a time during the early seventies, settlement of this region was slowed down considerably, partly because of the high cost of fencing materials. If the homesteader wished to safeguard his crops, he had to have fences, and yet their cost was prohibitive. Barbed wire helped to solve this problem at a cost within the range of the small farmer. On the level prairies, a settler could enclose a field with a 3-wire fence at an average cost of about \$150 per mile, while with board, stone, or rail, he could not approach that figure. Board and picket fences often ran as high as \$300 per mile. With wire-fencing materials selling at the above prices, homesteaders flowed into the Great Plains. Around their small farms they built enclosures, and as a result the neighboring stockmen were gradually pushed back where grass was still free and settlers scarce. In 1883, the cattlemen of Texas were forced into the dry, free range of the Panhandle. In the following year the small agriculturists of New Mexico were bringing pressure on what one observer called "the grandest interest of the country," and the *Cheyenne Live Stock Journal* reported that the thirty eastern counties of Nebraska were under fence and that the stockmen had to move westward for free range. By 1885, many of the cattlemen in Montana were grazing their stock on the "high altitudes," and by 1886, word came from Dodge City that the "large stock ranges of Kansas have all been settled up by the hardy sons of toil, and the ranchman was obliged to move Westward to some other country which was yet unsought for by the immigrant of the East." Finally, in

1887, from the last remaining range country, came word from the Territorial Governor of Washington that "the plow is turning down the bunch grass and the fence is driving out the stockman."

In desperation and as a final resort, the cattleman built barbed wire fences to hold the land that remained. Miles upon miles of "bristling barbs" were strung across the short-grass prairies to keep the nesters out. With this cheap material, fences were thrown up promiscuously, and the public domain was illegally fenced, enclosing the water holes and securing great pastures by fraudulent entries. A disappointed home-seeker from Brent County, Colorado, described this situation when he wrote his Government that "the honest tiller of the Soil and Small Stockman are entirely debarred from the use of their lands belonging to the Government—many of their lands would be taken up by Homesteaders if they were open for Settlement." Barbed wire not only aided the small farmer to gain a foothold in the Great Plains; it enabled the cattleman as well to secure and hold range land for his herds.

The barbed wire fence made better farming possible. . . . Fences not only protected the growing crops from livestock, but also gave the farmer an opportunity to use the fields as pasture after harvest. In the western country, fences also compelled travelers to follow the roads rather than cross fields, which was a common practice on the frontier. The wire fence did not occupy as much space, nor did it shade the crops or harbor weeds, insects, and small animals like the other fencing materials.

Along with improved farming came an improved grade of livestock. Fences confined the animals to restricted areas, and they no longer had to rustle far and wide for feed and water. As a result, hay and inside ranges were used during the winter months, and by 1889, many of the western stockmen were feeding corn and alfalfa hay. Thus, a higher grade of beef cattle was produced. The president of the American cattle trust summed up this matter very nicely when he remarked: "A hay stack is better than a snow drift. A pasture with a moderate herd of well-bred cattle, with feed and shelter for winter, is worth more than a myriad of half-starved brutes roaming over the plains." When farmers and stockmen resorted to enclosures, the animals increased in number and weight as well as value. . . .

Barbed wire fences were instrumental in helping to break up the cattle drives from the southern to the northern ranges, and this in turn brought about radical changes in the methods of fattening and transporting livestock. For years the cattlemen had driven their stock over the long trails to railroad stations or northern ranges, but with the influx of homesteaders who fenced the trails and water holes, the drives were forced farther to the west and ultimately had to be abandoned altogether in favor of the railroads. By diverting or stopping this practice the farmers no longer had to suffer the crime and disorder as well as destruction of crops

that accompanied a great drive. Moreover, by closing these trails much of the stock disease that tormented the western farmers for nearly a decade was greatly reduced, and the lawsuits, killings, and quarantines which often accompanied a herd of infected cattle were reduced to a minimum. The abandoning of the drive also made for better beeves as well as better prices. Instead of marketing cattle by "a long, weary drive" they could, with pastures, be held off the market and fattened and only part of the herd shipped at a time.

Enclosures did much to reduce the number of strays and stolen animals, for on the unfenced ranges horses and cattle wandered away from their owners by the thousands. . . . With wire fences, stock stealing became more difficult. The expense of combating this curse had been high, since the range men were compelled to hire detectives, and in some places it had reached such proportions that the cattlemen mobilized themselves into protective associations "to look out for, and catch if possible, horse or cattle thieves." The losses from stampedes were also greatly reduced, for stock under fence was less wild and more easily handled; the shutting off of swamps, marshes, and boggy spots by wire fences also helped to cut down the death toll. Before the era of the wire fence, a large number of horses followed the wild mustangs and were lost. . . .

The time-worn custom of branding and counter branding was a perplexing problem for the westerner. The number of brands had increased so rapidly that it became difficult to originate a new one. . . . Besides the complexities of the system, branding had certain definite limitations that were becoming noticeable. The Tanners Association of America at its convention in 1886 devoted a whole series of discussions to the effect of branding on the value of hides, and it was estimated at that time that it caused a loss of \$15,000,000 a year to the stockmen of the plains. The *Laramie Boomerang* estimated that a cow branded on the side was worth \$2 less, while the *Colorado Live-Stock Record* went so far as to say that a branding-iron mark would lessen the value of a good horse by \$50. With the introduction of enclosed pastures, branding became less common, since stock no longer were allowed to roam and mix with other livestock of the range.

The constant fear of Indian raids on the cattle herds was also somewhat lessened when fencing came into vogue on the plains. When cattle were moved over the trails, the Indians often swooped down upon the herders and tenders, killing and stealing. The situation became so desperate in some parts of the country that stockmen equipped their trail men with sufficient guns and ammunition to repulse any marauding party. . . .

This new fencing material was not always beneficial to stockmen. Animals were killed in rather sizeable numbers by lightning that struck the fence wires; many died of the "screw worm" as an aftermath of wire injuries; and the death rate from drifting during blizzards was always high.

In the heavy snow storms barbed wire prevented the cattle from moving about freely, and as a consequence they huddled together along the fence lines and "shivered to death." Prairie fires that so often swept over the grass lands of the West occasionally left the livestock to perish from starvation as the fences held them within the burnt pastures. Fencing was also a factor in depleting much of the valuable timber on the western plains. The cattlemen and small farmers alike cut down acre after acre of logs to be used for fences, landing chutes, and buildings. It also caused some curtailment of the hide and bone industries that had flourished on the western ranges, for the animals no longer perished in such great numbers.

Barbed wire also brought about some interesting social changes. The fencing of the land enabled the farmers and stockmen to reduce their costs of employment, as they were able to reduce the number of herders, line-riders, and cowhands in general. This was no small item with the westerner, for under local herd laws of many of the counties the farmers as well as the stockmen were compelled to look after their own livestock. Roundups, too, were expensive, and the fenced pastures aided the owner in eliminating the necessity of sending cowboys to all the adjacent roundups to identify his cattle. Moreover, the reduction in the number of cowhands had a decided influence on the moral and ethical standard of the community. For years lawless cowpunchers had toted six-shooters, frequently causing distress and perturbation to those whom they met. At times their lawlessness reached such high proportions as to make it necessary to employ troops to repress them. A reporter from Kansas City stated that eighty indictments were returned against the Texas cowboys who made pilgrimages there in droves. In time sentiment was developed against this lawless group. In 1882, some of the more prominent stockmen went on record as agreeing that the "day of the six-shooter cowboy is passed, and that class should not be employed on the range." By 1885, practically all of the cattlemen were united in a movement to outlaw the practice of carrying a gun by their employees, since the need for such a weapon was no longer necessary.

The fence also made changes in certain aspects of urban life in the West. It was not an unusual practice for cowhands to drive their wild herds directly through the towns and villages when moving over the trails or from one range to the next. In 1882, seven herds passed through the little Texas town of Bandera, and in 1884, Cheyenne reported that "it may be alright to make the thoroughfares of Cheyenne a cow pasture but it certainly isn't calculated to give strangers an exalted opinion of the City to see a lot of forlorn bovines wandering aimlessly about the streets after nightfall." Cattle herds were not only troublesome to the farmer's crops, but with their long horns they often hooked and tore down the sod shanties.

Along with permanent settlers in the West came commerce and industry. Railways were given added impetus when stock trails were broken up; slaughter and packing houses were erected in some of the western cities; boards of trade, banks, hotels, and loan companies sprang up, and by 1889, many of the communities in the Panhandle had built small creameries. Irrigation entered the scheme of prairie life in the late eighties, and with the fencing of the water holes, many ranchers had to drill wells and erect windmills. Barbed wire fences caused the value of land to increase, especially where the stockmen strove desperately to get hold of it for their range. Land in Texas, that once sold for a few cents per acre, increased more than 100 per cent in value with the introduction of fences.

Fencing of the western plains by the large cattle companies sometimes retarded for a time the building of churches and schools. . . . In certain communities the delivery of mail was delayed and obstructed by the wire fences that stretched for miles across the plains irrespective of roads or trails, and settlers often had to drive miles out of their way to get to the post offices. The building of roads was retarded, and even the main highways were occasionally reduced to third-rate trails, since the fences compelled the traveler to open and close gates.

Business conditions in several of the western towns were made uncertain by the enclosing of lands and trails. Owing to the difficulties of driving stock through certain parts of the western country, the livestock markets for handling Texas cattle were transitory. In 1870, they were located somewhere near the village of Newton, Kansas; later they were moved to Great Bend, then to Ellsworth, and finally, in 1885, to Dodge City and Hays. Such a migratory movement of business interests was certainly not conducive to stable urban life.

During the heyday of barbed wire fencing many parts of the West experienced an era of unprecedented violence, crime, and public immorality. The intense struggle between the "free grasser" and the "fencer" to gain possession of the range and water holes brought on much of this conflict. Commissioner Sparks of the General Land Office, in commenting on this situation, stated that it "is doubtful if the world has ever witnessed such criminal prodigality. . . . Whole counties have been fenced in by the cattle companies, native and foreign, and the frauds that have been carried on by individuals on a small scale are simply innumerable." The Texas Land Office reported that over one hundred thousand square miles of land in the state were held by occupants who were "there in violation of law" and the "appeal to the local civil authorities" in that unorganized territory was useless.

As a result of this tense situation people became violent and destructive. A fence-cutting war which started in Texas extended even as far north as Montana before it subsided. People were killed, property was destroyed, business was crippled, and peaceful people were alienated against

one another. A special report from Las Vegas, New Mexico, described the extent of organization of the fence cutters in that area. Mounted and placed in squads of convenient number, they would ride up to the fence, a man would drop off at a corner and cut half a mile or more to where the next man had begun, then jump into his saddle and rush to the head of the line again, after the fashion of school boys playing leap frog.

A number of reasons have been given for this unusual destruction, but a series of letters in the *Galveston News* throws some interesting light on the social and economic theories that actuated many of the cutters. Apparently the motives behind much of this disturbance were diverse, for small farmers as well as large stockmen experienced the nippers alike. One writer stated that the fence cutting was incited by the theories of communism; another said it was greenbackism; while another remarked that it was agrarianism. In this case agrarianism probably meant big pastures with their attendant monopolistic control, while communism involved a free and open range. Those who favored the big pastures argued that the free and open ranges had been "the parent of crime in Texas. It has been the educator of the mavericker, the brand blotcher, cattle-thief and the fence-cutter."

These barbed wire fences affected many groups and, as a consequence, many classes were directly or indirectly involved. The building of pastures tended to throw cowboys out of work, and small stock owners claimed that the large owners fenced them away from water, roads, and business centers. Sheepmen as a rule opposed the closing of the free range, and to the rustler the barbed wire fence was a natural detective. Thus, the cutting of fences was not opposed by many groups of people. A quotation from one of the contemporaries of that day shows how universal its acceptance actually was. "Fence cutting never would have become so great and destructive if it had not met with such popular sentiment. Men of influence gave expression of favor. Many good men 'winked' at it until it had gone from the highest to the lowest. It found its way to the fireside of every home, and the grievances [*sic*] of the lawless element of the communistic fence-cutters were held up in glowing colors."

Fencing helped to eliminate some of the difficulties connected with tax collecting. Where cattle were allowed to roam over the range, the owners were able to escape taxation, for it was difficult to ascertain exact numbers. This situation militated against fencing the ranges, since many of the stockmen wanted to be able to drive from one county to another in order to avoid tax collectors. In some areas this procedure became such a common practice that collectors sought to tax all cattle in their jurisdictions, even if they belonged to stockmen in adjoining counties. In some parts of the West such conditions brought on strained relations between the cattlemen and the permanent properties class. A letter from a settler in Harper County, Kansas, expressed the situation as follows: "In the

name of God, I ask, is this a republican form of government, when the poor man, with barely enough to keep soul and body together and pay for his 160 acres of land, must pay the taxes of the country and the cattle kings go free? If so, I was a big fool to spend three years of my life to defend such a country." [See complete letter, pages 20 and 21.]

Barbed wire also entered the political arena. Large cattlemen were influential with governors and legislators, and through powerful livestock associations, often brought pressure to bear not only upon them but on presidents as well. In 1884, the Governor of Texas was compelled to call a special session of the Legislature to cope with fence-cutting problems. The same year the cattlemen of Wyoming and Colorado sent a memorial to their Congressmen stating that they did "not advocate, in theory or practice, the system of enclosing with fence large bodies of public land." Lobbyists employed by the stockmen were common at the seats of government where they fought desperately to protect their rights and to nullify "all attempts to break up the cattle interests." In 1888, a reporter from Wyoming remarked that the Legislature had been "favorable to the range interests" for years. . . . Small farmers likewise entered politics in order to protect their interests. They filed countless petitions of redress and opposition with their Congressmen, and also retained legal talent. . . .

Barbed wire manufacturers were also prominent in political circles. They contributed freely to campaign chests in both state and national elections, and at times were able to even elect some of their own group to high office. . . . A number of legislators in the western states capitalized on the rural vote by introducing measures against the patent system which was stimulated largely by the influence of the drive-well and barbed wire patents. This agitation was so strong among the farmers that the Iowa Legislature passed a resolution, requesting the President of the United States to have his Attorney General bring suit against the barbed wire trust in order to set aside all their patents. Two years later, this same body passed by a two-thirds vote an appropriation of \$5,000 to aid the farmers in fighting the barbed wire monopoly. The rebellion of the farmers in the West against these patents was so vigorous that it stirred the inventors throughout the nation to organize an association to look after their interests. In 1879, even Thomas A. Edison was drawn into the squabble. . . . The inventors held a national convention with delegates from every section of the land to stem the tide of agitation against the patent system, and a delegation was dispatched to the platform committee of the Democratic Party to seek their support.

Finally, barbed wire fences aided in the downfall of the cattle companies as well as the "cow culture" that had developed on the Western Plains during the seventies and eighties. When trail driving disappeared—largely because of the fences—this cultural pattern began to decline, and in its place came, with the influx of the grangers, an economic and social

structure that was built, in part at least, on an agricultural system of corn, wheat, and cotton.

The failure of many of the large cattle companies was due to a large extent to the financial burden incurred in the fencing of large tracts of land. The profits in the business were not adequate to support a debt structure such as many of them contracted during the boom days, and as a result the crash came, ruining many of the best companies. Even as early as 1883, the western press gave forewarnings to the rapidly expanding industry. The *Texas Live Stock Journal* reported that the "million-acre ranch will soon have to submit to the dissecting knife," which will inevitably bring an "end to the cattle business on these plains"; the Mobeetie (Texas) *Panhandle*, September 3, 1887, said that "since the advent of the fencing feature on the ranges, we have been expecting that stockmen might become possessed of too much live property for their own good. Land and fences are a heavy expense added where before was none, with no present visible income for the sums invested; and the temptation to add a few more head [of cattle] to increase the profits must cause a man's natural desire for gain to place a constant strain on his judgment."

By 1888, most of the leading livestock journals had rung down the curtain on the large pastures with their "bristling barbs." The following comment in the *El Paso Tribune* reflects the attitude of many Westerners: "When one has to lease land in Texas, buy water fronts. . . and build fences, his fate is sealed." Another commentator wrote that the cattle industry "once held in such high esteem by capitalists, is in a very crippled condition. Every man who has money in it is anxious to leave the ship." The industry had overexpanded, small farmers with their better breeds of cattle, better management, better grass, and smaller herds had come to stay. Barbed wire fencing had played its part in bringing about this transition.

Free Range and Fencing

On February 14, 1884, the United States Senate directed the Secretary of the Interior to report to the Senate any information on file in the Department of the Interior relative to unauthorized fencing of the public lands of the United States. The following report from the Commissioner of the General Land Office, Department of the Interior, was submitted to the Senate on March 14, 1884.

To Hon. H. M. Teller,
Secretary of the Interior.
Sir:

I have the honor to acknowledge the receipt . . . of the resolution of the Senate, dated February 14, 1884, directing you to report to the Senate any information now on file in this Department relative to unauthorized fencing of the public lands of the United States.

In reply I transmit copies of the principal reports and correspondence of this office which convey such information upon the subject as is at present in my possession.

The correspondence is of a voluntary character, and consists only of such letters as individuals have seen proper to address to this Department. The limited number of special agents, and their employment in other fields of duty, have enabled investigations to be made only in a few instances, but, so far as made, the investigations have fully confirmed the statements previously presented, the facts having generally been found in excess of the representations.

The information serves to show the general fact of the existence, upon a large scale, and to an unknown extent, of unauthorized fencing of public lands; the manner in which it is done, and the purpose and effect of the inclosures. The reports of special agents also show that fraudulent entries of public land within the inclosures are extensively made by the procurement and in the interest of stockmen, largely for the purpose of controlling the sources of water supply. . . .

[The specific states involved were Kansas, Nebraska, Dakota, Idaho, Wyoming, Nevada, California, Montana, Utah, New Mexico, and Colorado.]

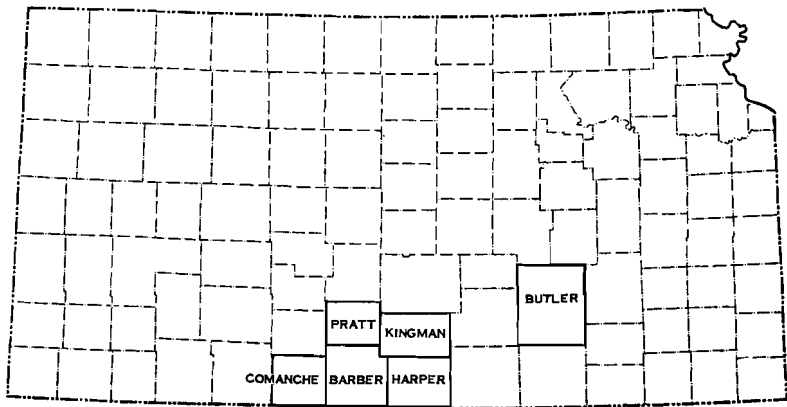
In Kansas, entire counties are reported as fenced. In Wyoming one hundred and twenty-five large cattle companies are reported having fencing on the public lands. . . . Several companies and persons in Montana and elsewhere are mentioned as having inclosures with no data.

A large number of cases in the several States and Territories west of the 100th meridian are reported where the inclosures range from 1,000 acres to 25,000 acres and upwards.

The cases mentioned in the reports and correspondence herewith submitted are to be regarded merely as indicative of the situation. I am satisfied from the information received that the practice of illegally inclosing the public lands is extensive throughout the grazing regions, and that many millions of acres are thus inclosed and are now being so inclosed to the exclusion of the stock of all others than the fence owners, and to the prevention of settlements and the obstruction of public travel and intercourse.

Very respectfully,
L. HARRISON
Acting Commissioner.

Out of nearly eighty letters and petitions submitted by the Department of the Interior to the Senate, fifteen were from Kansans. To show the extent and seriousness of this unauthorized fencing in Kansas, the letters are reprinted below.



To the Commissioner of Public Lands,
Department of the Interior, Washington, D.C.:
Your petitioners, the undersigned residents of Kingman County, Kansas, in the Wichita land district, respectfully repre-

sent to your honor that large tracts of land belonging to the United States Government, lying in the south and southwestern part of said county, are being fenced with posts and wire fences by syndicates and individuals engaged in the stock business for the purposes of pastures, thereby preventing the said public lands from being settled upon and pre-empted by actual settlers under the provisions of the pre-emption law, and obstructing public thoroughfares and roads, to the detriment of the public generally, and of the people of said county and of individuals desiring to avail themselves of the benefit of the pre-emption laws. [Signed by thirty-six farmers, merchants, and craftsmen.]

Cleveland, Kingman County, Kansas

April 18, 1883.

Dear Sir: You will observe this petition simply sets forth facts and makes no requests or suggestions. The drawer understands from your action that it is only necessary for you to know of the existence of these frauds. The sentiment here expressed would be heartily indorsed by nearly every citizen in our county. Only two I approached failed to sign, and they gave as a reason that it would probably injure their sales (they are merchants).

If you desire a fuller expression of the people of this county, I will gladly furnish it.

I am, sir, very respectfully,

M. ALBRIGHT.

To the Secretary of the Interior,
Washington, D.C.:

We the undersigned would respectfully represent that certain parties in Pratt and Barber Counties, in the State of Kansas, have fenced in large tracts of the public domain in Pratt County, Kansas. That said fence in many instances runs so near the lands owned or occupied by actual settlers, that it interferes with said settlement to such an extent that in the opinion of your petitioners it will seriously interfere with the further settlement of the public domain in the immediate vicinity of such fences. And your petitioners would further state that the county is now so poorly settled that the present settlements are unable to enjoy church and school privileges, and unless the county settles, which your petitioners claim would soon be the case were the public domain left free and open for settlement, your petitioners would be compelled to abandon their homes or raise their families without the cheering influences of the church and school. Your petitioners would therefore ask that such steps may be taken as in your wisdom may seem best to abate the evils and

restore the public domain to the use designed—actual settlement. For which your petitioners will ever pray. [Signed by seven settlers, and notarized.]

Cleveland, Kansas,
January 6, 1883.

To Hon. N. C. McFarland,
Commissioner General Land Office.

Sir: . . . Men with large herds and with extended means are fencing in large tracts of Government land, thereby excluding and preventing the settlers with small herds or with only a few milk cows from having the benefit of the public domain to graze them upon.

All Government land (the public domain) is as much one man's as another's, and I don't think it is right for one man because he has more money than another to be allowed to have the exclusive use of said lands because of being able to fence the same. This fencing of the Government land is getting to be, and soon will be, a great grievance to the poor settler. And now I ask you cannot it be stopped?

. . . Myself and four sons have settled in this county on a little spring branch 4 miles north of the Chicaskia River. But very little of the land down the spring branch between here and the river bottom is worth anything for cultivation, it being rough and too sandy. We have pioneered to a considerable extent, and suffered a great many privations from settling in a new country poor, but with a wish to gradually work ourselves into a stock of cattle, of which we have a few, and our only grazing ground is down said spring branch, between us and the river, all Government land, but which is likely to be taken from us by a company fencing the whole thing, which we don't like, you may bet.

If you consider the subject worthy of your attention and can do anything in the premises, please do, and oblige myself and many others.

Yours truly,
JOHN WILLITS & SONS,
Kingman County, Kansas.

Harper, Harper County, Kansas.

To N. C. McFarland.

Dear Uncle: Having seen some of your communications in the papers, I have concluded to write you some facts in reference to the pre-emption law, land monopolies, and cattle kings of the

country. In the first place, I find it a very difficult matter for actual settlers to get their claims proved up without going to unnecessary expenses on account of the cattle men, who use every means in their power to deter and prevent the country from being settled. I saw a man setting fence-posts yesterday in the southwest corner of Harper County for a man by the name of Hale. I inquired of him how much they intended to fence. He informed me that they only intended fencing four sections at present. The fact is, he hires men to work for him and prove up for him by putting up a 10 by 12 shanty and never living in it. They break from 1 to 3 acres on each quarter-section. Is this filling the intent of the law?

I am credibly informed that there are men living along the southern line of our State owning from 5,000 to 10,000 cattle that never have paid one cent of taxes to the State, neither have they paid to the Indian agents.

In the name of God, I ask, is this a republican form of government, when the poor man, with barely enough to keep soul and body together and pay for his 160 acres of land, must pay the taxes of the country and the cattle kings go free? If so, I was a big fool to spend three years of my life to defend such a country. . . .

With great respect, your nephew,
J. McFARLAND.

Leon, Butler County, Kansas,
May 1, 1883.

To The Secretary of the Interior.

Sir: My object in writing to you is in regard to the Government land. During the last year there has been hundreds of acres in this part of this county put under wire fence that has never been lived on a week; there are men who have entered 160 that will hire young men to enter a quarter section, paying \$25 for the trouble and furnishing money for filing and pre-emption, then claiming to buy out the young man.

The most of these men who are getting these lands into pasture are stockmen, who work on borrowed capital, so eventually all these lands will pass into speculators' hands, when, if such could be prevented, Butler County would in a few years be one of the greatest farming counties of the State. There is a great deal of fraud used to obtain this land. As I am a farmer I feel deeply interested in the farming interests of this county, and hope you will not throw this aside until you read it carefully. It would be of great advantage to the farmers out here in the West

if the Government officers would investigate this matter, and take an action to prevent these lands from being taken only by actual settlers for homes.

Respectfully,
J. M. HAMPTON.

Farnsworth, Kansas,
November 16, 1883.

To Hon. Henry M. Teller,
Secretary of the Interior.

Sir: Will you inform me in what way to proceed to prevent a cattle monopoly from fencing the public lands for ranges, as I am located near and inside of fence where the Smoky Hill Cattle Pool are fencing some twenty townships of land, which shuts out trade from my place and also throws thousands of cattle upon my homestead; will close all roads, two of these being United States mail routes, by gates. As there are at present but few settlers owning homesteads or pre-emptions inside of their inclosure, and none of the members of said pool are actual settlers, I trust they will not be permitted to fence the country up.

Please answer and oblige,
Your obedient servant,

P. W. HEY.

Farnsworth, Kans.,
November 26, 1883.

To Hon. Henry M. Teller.

Sir: Inclosed I send you clipping from the Western Central Kansas Cow-Boy, written by W.A.S. (which is William A. Sternberg), superintendent of the Rochester Cattle Company, of Rochester, N.Y. He is also one of the board of directors of the Smoky Hill Cattle Pool, a dangerous monopoly. The same pool I asked your advice how to proceed against, to prevent them from fencing me in their pastures a few days ago. If you will spend time to read the same, you cannot fail to see the false position he puts this country in in regard to crop raising, especially gardening. I can send you the affidavit of a farmer who raised the past summer 780 cabbage upon two rods of ground. Of course this was irrigated with the same water they (the cattle monopoly) expect by fencing to prevent any settlers from occupying. Your honor, I was told but yesterday by a prominent member of said pool that if I did not like their fencing me in I could move outside, for sooner or later I would be compelled to, and if the arguments in said article was carried out I certainly

should have to leave my home, which I trust a Government as republican as ours will never in the least allow. Trusting your honor will do me the favor to read the article inclosed, I am, sir,

Your obedient servant,
PETER W. HEY.

Ashdon, Kingman County, Kansas,
January 16, 1883.

To Hon. N. C. McFarland,

Commissioner General Land Office.

Dear Sir: I see by the newspapers that you are making an effort to prevent or suppress the frauds upon the public lands in this county. I wish to call your attention to a class of men who are preventing actual settlers from occupying the public lands and making homes for themselves and families. The men I refer to are stock owners from the older counties, who drive their stock to this county in the spring to graze, and bring a number of young men with them as herders, who will each take a claim, and file on it, and when men who would take the land and comply with the requirements of the law find the land thus occupied, for fear of having to contest their claim, refuse to take the land.

The stock is driven out of the county in the fall, and in the following spring is driven in again, and the same mode pursued as in the year previous. This has been done for two or three years.

Then there are another class of stockmen who drive their stock and bring their herders, who will take claims and perhaps do a small amount of plowing, and dig a hole in the ground and cover it with a few boards and call it a house; and under the present law allowing a claimant to make final proof in six months, they will prove up and transfer the land to the owner of the stock, who will secure a loan upon the land as security and pay the interest for a few years to have a range for their stock, and when they need the range no longer they stop paying the interest, and the mortgage is foreclosed and the land becomes the property of the mortgagee; consequently remains unsettled and held by speculators to the detriment of the actual settlers. There are several sections of land in this vicinity that were used the past summer as a range that will undoubtedly be proved up in the manner just mentioned from present indications, unless a change in the law should prevent it. I would suggest that the law be amended making eighteen months' or two years' residence upon the land necessary to secure it, or at least one-third or one-half to be put under cultivation and other improvements to a sufficient amount, so that the claimant would not be likely

to abandon his land after making final proof. I would suggest that it be made a trespass for stockmen to use the public lands as ranges for their stock.

Please give this matter your attention, and call the attention of our member of Congress to the matter also.

Very respectfully, yours,

PETER WILLHOUR.

Topeka, Kans.,

January 9, 1883.

To Hon. N. C. McFarland,

Commissioner of the General Land Office.

My Dear Judge: Information has from time to time reached me from the Wichita and Larned land districts regarding entry of large tracts by parties claiming the right of pre-emption or entry under the various acts providing for the sale of Osage trust and diminished reserve lands, but who, in reality, are not actual settlers upon the lands.

There is a class of cases that it seems it is utterly impossible for the local land-officers to detect, whether there is fraud in or not, unless they should be personally acquainted with the land sought to be entered, in which event they could, of course, suspend the entry.

These frauds have been carried to such an extent that I am satisfied in my own mind that large tracts of land in Kingman, Harper, Barbour, and Comanche Counties have been inclosed and fenced by parties for stock ranches, the real parties in interest securing the entry by individuals of single quarter sections adjoining each other, and the entries being made under fictitious names.

And in Harper County a large number of fraudulent entries have been made in a manner similar to the Sumner County frauds, which you are aware of and the prosecution of which are now pending.

As before stated, the local land-officers are powerless to arrest and check this thing, and, as it seems to assume growing proportions, I would suggest as a probably effective method that the Department send some shrewd, skillful detective to report to the officer or to the local land-offices (probably it would be better to report to the local officers), whose duty it shall be to investigate the whole matter, collect the evidence in shape, and report to this office, so that I can institute prosecution against the offenders so soon as they are detected.

I shall be obliged if you will give the matter your prompt attention.

J. R. HALLOWELL,
United States Attorney.

Sun City, Barbour County, Kansas
September 1, 1882.

To Hon. C. A. Morris,
Register, &c.

Sir: I would like to know if there is any way of preventing the monopoly of United States public lands by private individuals.

Parties near me are fencing large tracts, to which they have no title and upon which they have made no "settlement" legally. This prevents its settlement by parties who would buy it of the Government and injures those who have purchased homes.

If you can tell me how to proceed, I will take steps to have the matter decided.

M. H. CLEMENTS.

Medicine Lodge, Kansas.,
September 6, 1882.

. . . Parties in Comanche County, Kansas, have inclosed the entire county with a fence, and but very little of the land has been entered. A person traveling through the country must either go a great ways around, or tear down the fences, and thereby perhaps cause litigation and trouble.

It deters settlement from entering within the inclosures. It is not only in Comanche County, but there are large inclosures in this (Barbour) county within which is Government land . . .

H. PARDEE.

Anthony, Kans.,
December 24, 1882.

. . . The Commissioner's letter to Lockwood in regard to the proving-up of claims fraudulently has got up quite a furor among a few of the real-estate men here, who were getting rich off their ill-gotten gains. If something is not done in regard to this business the cattle men will own all the south part of Harper County and have it wired in. Treadwell has 3,000 acres fenced north of this place, and several other large tracts are now fenced in. The late letter has called a halt in this direction for a while, but if some action is not taken they will go ahead as before. . . .

J. P. HORTON.

Sun City, Kans.,

September 16, 1882.

. . . This part of the country is fast being fenced up by cattle men to the injury of the settlement. There are men who manage to get a few hundred acres of deeded land where water is running and then fence in their deeded land together with large quantities of Government land, using the whole for stock ranges, and if outside parties do not keep their stock from off the fenced land it is put out. There are hundreds of acres of Government land fenced in Barbour County, and many more being fenced fast. . . .

J. N. BIBB.

Sun City, Kans.,

October 30, 1883.

To Commissioner General Land Office.

Sir: Parties are still fencing the public domain in large quantities for their exclusive benefit and to keep settlers from taking it. Many passing through looking for locations are frightened out and pass on.

They claim to have bought up the Secretary of the Interior, Hon. Henry M. Teller, and defy anybody to interfere with them.

Let us know if any action is to be taken, and that, too, soon.

Yours, respectfully,

M. H. CLEMENTS.

Medicine Lodge, Kans.,

July 6, 1883.

To Hon. H. M. Teller,

Secretary of the Interior.

Sir: Some parties have fenced in section 16, township 32, range 10, in this county, and forbid settlers from going in and living upon and cultivating the land on that section.

Is this a violation of the laws of the United States? If so, what is the remedy?

Yours, respectfully,

J. W. M. NEAL.

Well, the remedy ultimately was the decision of the federal land commissioners in 1885 that all wire and posts had to be removed from Government land. Eventually this came about, slowly in some areas, more quickly in others. All during his term in office (1901-1909), Teddy Roosevelt was fighting illegal fencing by "cattle kings" in Nebraska, the

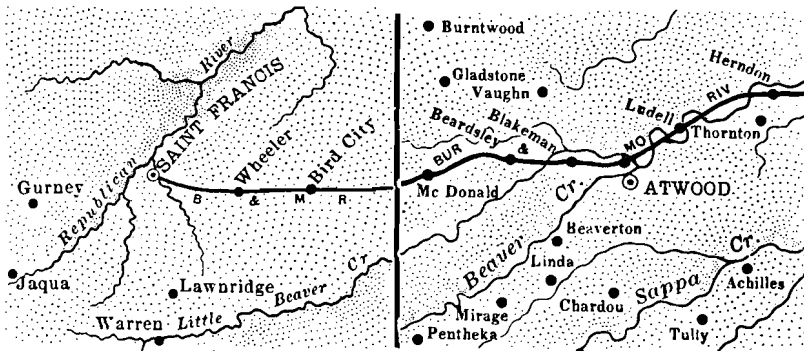
Dakotas, Wyoming, Texas, New Mexico. At last, however, in 1910, the Government had won its long battle against illegal enclosures.

Items from The Annals of Kansas, 1886-1925 indicate what was occurring in this state during the first decade of the twentieth century:

April 11, 1901—The Federal Land Department ordered all fences on government land in western Kansas removed. A special agent for the Santa Fe said 64,480 acres of public land had been fenced in Finney county, 57,160 in Kearny county and 9,196 in Seward county in violation of the fencing act of February 25, 1885. It was objected that enforcement would “injure cattlemen.” One, on the Cimarron river, had fenced a pasture 75 miles long and 20 miles wide. The government had refused to lease the land.

May 13, 1901—Cattlemen were evading the order to remove fences by having cowboys file on the land. One attorney declared: “The southwest Kansas counties are one big cattle ranch, and no government order will ever make them anything else.” Wallace county cattlemen were ignoring the order. “More fencing was going on than ever before.”

April 12, 1904—C. P. Dewey and Chauncey Dewey were fined \$150 and a day in jail in the U.S. District Court at Topeka when they pleaded guilty to fencing government land in Rawlins and adjacent counties.



Research by Alfaretta Courtright of Rawlins County reveals that the Dewey holdings were of “stupendous dimensions” in 1903. The Dewey “West End” holdings alone included considerable land along the Beaver in Rawlins County, and in Cheyenne County, all the land south of the Burlington Railroad and as far west as Bird City. Building materials and three carloads of wire were reported to have been freighted from the Burlington to the Dewey headquarters at Pentheka. “Hemmed in and fenced

out here and there" was a quarter of land. The fences were drift fences with free range (alleged) between. The Grace Post Office in Cheyenne County and two Rawlins County Post Offices, Pentheka and Beaverton, were taken in. At that time, there were 6000 head of cattle, 150 fine Hereford bulls, 2000 head of Hereford cows, 2000 western cows, and the balance calves. There were 100 employees, many of them the tenderfoot variety, but some real gun-totin' cowboys.

On April 26, 1906, according to the Annals, the U.S. District Attorney announced that cases against Kansas ranchers charged with maintaining fences around government land would be dismissed if the fences were removed within sixty days.

With the fencing of the West, despite the many troubles that accompanied it, there eventually came a newer, more stable way of life. The great open ranges gave way to legally enclosed farms and ranches. The grangers took over and began to cultivate the soil and irrigate and improve their farming techniques. The cattlemen began to develop smaller ranches, better feed, better techniques, better breeds of cattle.—And the barbed wire fence had played its part in bringing about these changes.

Sometimes people accepted the changes in stride, with understanding and sympathy both for the old ways and for the new ways. A good example of this kind of acceptance is Carrie Omeara's account of life in Harper County in the late 1800's. This native Kansan has no regrets for the past nor of the future:

My father was one of the first three men in northwest Harper County to stake a claim in the beautiful bunch grass country. His claim was bordered on the west by the Barber County line, and on the north by the Kingman County line.

The first fences dating back to the early '70's were very few and far between as the first homesteaders settled in the western half of Kansas, then a splendid wilderness. The first fences were of course sod—or at least as I myself saw in my early life on my father's homestead. I remember there were sod fences in nearby Barber County and over into Kingman and Pratt counties. All this area was a vast free cattle range.

The very first wire to be obtained there was soaked in a black tar and had a few very sharp barbs now and then. The early settlers in this area took the wire and stretched it around the enclosures twice, leaving a space of about three feet unprotected. They filled this space with silage—anything they could obtain such as hay packed firmly or fodder from the sod corn. Then they had ofttimes a wall of sod on the outside, which made a fine windbreak and a safe protection from the terrible blizzards that swept the prairies. These fences were also a protection against varmints—grey wolves—the worst hazard that Kansas ever had. The wolves were so de-

structive to cattle raising, and to the poor pioneers trying desperately to live by raising pigs, chickens, and young calves.

Gradually great Western Kansas became the area of several immense cattle ranches. These were usually owned by some very rich eastern corporations or millionaire industrialists. The ranches were run by reliable managers or overseers. As many as twenty to a hundred good riders, or cowboys, were hired to ride the range to give an account of every animal.

Great credit is due to the humble cowboys of bygone days, for they helped in the very upbuilding of the prosperity and the culture we now enjoy. Most of the poor cowboys were from honest Christian families. They were trying to make their honest living to support themselves and often to help their pioneer parents to hold down their claims. The cowboys were usually young single men that could face the privations, the dangers, and the hardships of the free range cattle country. They often carried a brace of six-shooters and belt—a necessity in those days as protection from Indians, and worse yet, the gangs of cattle thieves which infested the open free range. The cowboy's bed was often the bare ground. His food was wild game, mostly rabbits. The life of the typical old-time cowboy was hard, but he never forsook his duty. He helped build the western part of the state into the prosperous stock raising country it became. I myself remember seeing the old-time cowboys and the big ranches in my childhood.

The first type of free range cattle was the longhorn, which had migrated from Texas over the cattle trails across the Panhandle of the once "no man's land" of Oklahoma Territory. The longhorns were the sturdy pioneers that roamed the western free range. They were the predecessors to the better class of beef cattle which stockmen began to raise, and which eventually crowded the longhorns out. A word of praise, however, should be said for the old reliable breed of longhorns. Their horns were sometimes five or six feet across, and they certainly knew how to use them to their own advantage.

In the first herd of cattle that my father purchased, there was one especially wise old longhorn cow. She was from Texas on the Rio Grande. She had a powerful tan body, long legs, and swift small eyes. She was hostile—contrary to the belief that the longhorn cattle were never savage except when they were attacked by wolves.

Old Texas, as she was called, was the boss, and also the heroine, of the whole herd. Her leadership and aggressiveness was especially valuable when she foresaw danger and gave the alarm one moonlit evening in the autumn of 1884. My father heard a great commotion. The cattle were bellowing and stampeding in a ravine nearby. Calling his dogs, he took an old muzzle-loading shotgun, a relic of Civil War times, and followed the noise. What did he see? Old Texas was standing amid a circle of some twelve grey wolves. As they closed in around her, she fought desperately.

She was almost exhausted, but she managed to run her long horns through the body of a wolf and carried him triumphantly on her horns for a little distance. With the timely help of my father, she saved the herd, including many young calves.



The hides of the longhorns were much valued for durable home-made boots and coats, and they were even sometimes used as coverings for the dugouts so common on the prairies in those days. For every good quality, however, the longhorns had disadvantageous qualities, so they were gradually replaced by shorthorn breeds. The shorthorns were a good dairy cattle in addition to being easily fattened for beef, and they were more suited to domestication because they were a more gentle breed.

Yes, the days of the cowboys, the open ranges, the longhorns passed, but they made a great contribution to our state.

Truly those days have passed, never to return. But the heritage of the vast ranges and the small homesteads, of the powerful cattlemen and the pioneer settlers, of the rugged longhorns and the domesticated shorthorns, of the fences, both illegal and lawful—all this is our heritage, the heritage of Kansas.

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