

CATTLE CAPITALISTS: THE XIT EMPIRE IN TEXAS AND MONTANA

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The Texas Constitution of 1876 set aside three million acres of Texas public land in exchange for construction of the monumental red granite Capitol that continues to house Texas state government today. The Capitol project and the land went to an Illinois syndicate led by men influential in business and politics. Austin's statehouse is a recognizable symbol of Texas around the world. So too, the massive Panhandle tract given in exchange -- what became the "fabulous" XIT Ranch -- has come to, for many, symbolize Texas and its role in the nineteenth century cattle boom. After finding sales prospects for the land, known as the Capitol Reservation, weak at the time, backed by British capital, the Illinois group, often called the Capitol Syndicate, turned their efforts to cattle ranching to satisfy investors until demand for the land increased. The operation included a satellite ranch in Montana to which two-year-old steers from Texas were sent for fattening, often "over the trail" on a route increasingly blocked by people and settlement. Rather than a study focused on ranching operations on the ground -- the roundups, the cattle drives, the cowboys -- this instead uncovers the business and political side of the Syndicate's ranching operation, headquartered in Chicago. The operation of the XIT Ranch looked more like other Gilded Age businesses employing armies of clerks, bookkeepers, and secretaries instead of how great western ranches have been portrayed for years in popular literature and media. The XIT Ranch existed from 1885 to 1912, yet from Texas to Montana the operation left a deep imprint on community culture and historical memory.

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Michael M. Miller

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PREFACE

Arguably, modern America is a result of the actions and events of the Gilded Age. Most associated with the teeming metropolises of the northeast and Midwest, belching smoke from their coal-powered forges and factories, Americans often forget that feeding the industrial might emerging from those forges and factories were the minerals, forests, and pasturelands of the relatively recently settled American West. A hallmark of the story of the American West begins with the cattle trails that wound north out of Texas beginning in the late 1860s. What is less well known is how the largest ranch in the Lone Star State, the almost mythical XIT, also, for a time, dominated the landscape of the Rocky Mountain front range. Operating much like the more familiar factories and financial organizations of the Gilded Age, the XIT Ranch for a brief time became one of the most productive cattle operations in the West. It thus established a legend that further obscures the true story of how the backup plan for a group of Chicago land developers, with the support of an international cartel of investors, grew into a cattle ranch sprawling from Texas to Montana.

Most of what we think we know about cattle ranching in the Old West is probably wrong. Well, maybe not completely wrong. The memories people often have of the American West after the Civil War are of rugged individuals who, against all odds, brought civilization to the untamed country. Those memories have been shaped over many decades by books, films, and television shows that imprinted the heroic image of cowboys and cattle ranching in the American West. This dissertation is about one of the most well-known cattle ranches – the XIT Ranch. Roundups, range fires, stampedes, and long days in the saddle, though, are not its focus. As Richard White has written, the wild days of rounding-up a bunch of maverick longhorns and driving them to railheads in dusty Kansas cow towns passed quickly. By 1880 the western cattle industry was

dominated by “large-scale and sometimes corporate organizations, absentee owners, professional management, mechanization, and specialized production.” Legendary cattlemen like Charles Goodnight and Granville Stuart project the romance and legend of the period, but they were part of its reality, too. Both Goodnight and Stuart, pioneers of the western cattle business, became middlemen for larger interests. The XIT Ranch and similar ranches were often simply an arm of those interests. Capitalist actors in the east or even in Europe invested in a resource promising spectacular rewards at little cost. The reality was much different. This dissertation is about the “business” of cattle ranching.¹

Goodnight and Stuart understood at the time that making money in the cattle business of the West meant controlling a lot of land. Men like them found that, in the interim time between the federal government nominally acquiring the vastness of the interior west and the government actually controlling the land, they could fill the public range with cattle while they also limited competition who did not get there fast enough. It took money, however, to make money – even when the land was “free.” The owners of the land that became the XIT Ranch – the “Syndicate” – found themselves legally in control of a vast amount of land that, at the time, seemed most useful for raising cattle. But even three million acres could not sustain the thousands of cattle they hoped would bring great wealth.²

The classic period of the range cattle business, 1865 to 1885, when cattlemen held almost uncontested custody of the Great Plains, ended quickly with failed prices, overstocked ranges, difficult weather, and the control of meat production in Chicago and a handful of midwestern

¹ Richard White, *‘It’s your misfortune and none of my own’*: *A History of the American West* (Norman: University of Oklahoma Press, 1991), 270-271.

² J. Evetts Haley, *Charles Goodnight: Cowman and Plainsman* (Norman: University of Oklahoma Press, 1949), 325; Ernest Staples Osgood, *The Day of the Cattleman* (1929; reprint, Chicago: University of Chicago Press, 1957), 182-185, 188-190.

railroad hubs. The gilded finish of the “beef bonanza” had worn quite thin by the time the XIT Ranch sold its first cattle. Production shifted to match market demands and the maintenance of large herds of open range cattle was found to be financially and environmentally unsustainable. Both the marketplace and government policy discouraged the large-scale ranching predominant in the waning days of the nineteenth century American West. Rapid settlement encouraged by government and the railroads wrestled back control of the great swaths of what cattlemen called “the northern ranges,” thus limiting the largest ranches’ use. Entering the twentieth century, the cattle industry was dependent on a triad of railroads, stockyards, and packers. A small number of gigantic corporations dominated the national economy’s major sectors of banking, manufacturing, meat packing, oil refining, railroads, and steel. The XIT Ranch, however, like a few other great ranches, managed to, if not flourish, project a powerful image of success in the 1890s and into the 1900s that continues to mark American imaginations. But the men responsible for the XIT Ranch were not, for the most part, rugged, adventurous individualists; they were shrewd capitalists and astute businessmen not so much interested in what they were doing for the nation as what they were doing for their own fortune and legacy.³

Mark Twain in 1873 co-authored, with Charles Dudley Warner, a novel whose title, *The Gilded Age*, became the label applied to the last third of the nineteenth century. The Gilded Age refers to the fact that gilded objects are not really made of gold but are cheaper metal or wood covered with a thin layer of gold or even gold paint. Twain meant that the United States on its surface was doing very well financially, but underneath was political and social corruption. One

³ D. MacMillan, “The Gilded Age and Montana’s DHS Ranch,” *Montana: The Magazine of Western History* (Spring 1970): 52; C. E. Ball, “Historical Overview of Beef Production and Beef Organization in the United States,” *Proceedings of the Western Section, American Society of Animal Science*, 2000 (2001), 3; James S. Brisbin, *The Beef Bonanza; or How to Get Rich on the Plains* (1881; Norman: University of Oklahoma Press, 1959), passim.

of his *Gilded Age* characters, Colonel Sellers, perhaps best exhibits the attitude prevalent among many that succeeded and many more who failed in the period:

Now there's an operation in corn that looks well. Some New York men are trying to get me to go into it – buy up all the growing crops and just boss the market when they mature – ah, I tell you it's a great thing. And it only costs a trifle; two millions or two and a half will do it. I haven't exactly promised yet – there's no hurry – the more indifferent I seem, you know, the more anxious those fellows will get.⁴

Abundant natural resources, new technology (including a coast-to-coast network of transport and communication), ample capital for investment, and a large labor force that would work for low wages created the potential for astronomical growth. Success, of course, was not guaranteed, as a long string of depressions and business failures proved. But the financial bonanzas of that era, however, were not reserved to eastern capitalists like John D. Rockefeller and Andrew Carnegie. Many, many lesser “robber barons” found paths toward exploiting the nation's untamed regions. Hides, mining, and timber initially fueled an explosion in western investment. And then came cattle. Entrepreneurs, amateurs and professional, filled the Great Plains and inter-mountain west, mostly able to take advantage of weak government regulation to reap the reward of producing raw materials which could be sent to eastern consumers at little or no expense to them. The adventurers and pioneers, though, were seldom benefactors of the great wealth extracted from the west. Wealth accumulates to power, and power went to the wealthy.⁵

Once government administration and law began to catch up with the practices of Gilded Age industrial and financial leaders, their excesses were more tightly contained and extra-legal actions more regulated. The large industries of the Gilded Age continued despite the limitations

⁴ Mark Twain and Charles Dudley Warner, *The Gilded Age: A Tale of Today* (Hartford: American Publishing Company, 1874), 84.

⁵ S. Mintz, and S. McNeil, “The Gilded Age,” *Digital History*, <http://www.digitalhistory.uh.edu/era.cfm?eraID=9&smtid=2> (accessed July 4, 2017); H. W. Brands, *American Colossus: The Triumph of Capitalism, 1865-1890* (New York: Anchor Books, 2010), 212-213.

placed upon them by society and government. Big cattle would survive as well, but the largest ranches, for the most part, could not survive. In the case of the large ranches, land policy in the United States ran counter to the imperial ranch's grazing practices. A factory or even a mine did not require a lot of space. Those operations also employed a relatively large number of people compared to the space used. Ranching worked the other way. Certainly, many of the great cattle baronies took advantage of large-tract land sales by railroads, particularly after the turn of the century. Both federal and state governments offered generous leasing terms, particularly in less desirable locations, but the limitations of the Homestead Act and its successor federal actions did finally close the so-called "free" range. Although the range cattle business continued – continues – to exist, the focus of cattle buyers shifted to feedlots, which also became localized as railroad networks expanded. Range operations shifted from steer production to cow-calf operations supplying feeder operators. Stock raisers efforts to "breed-up" their herds indicated a preference of buyers for quality over quantity. They no longer looked for the seasoned four-year-old steer either, instead preferring to slaughter one- and two-year-old cattle. Herd size shrunk, reducing overall costs while allowing more individual attention to the livestock.⁶

The Capitol Syndicate, the operators of the XIT Ranch, extended its financial resources over long distances to exert control of its extensive land holdings and to influence the control and exploitation of resources in the regions. The Syndicate practiced exclusionary tactics to impose company sovereignty on the places their cattle roamed, and the members later determined who and for what purpose their land reserves were to be used. The traits of the Syndicate and the operation of the XIT paralleled the practices of other Gilded Age industries just then in their

⁶ Brands, *American Colossus*, 589-621; Jimmy M. Skaggs, *Prime Cut: Livestock Raising and Meatpacking in the United States, 1607-1983* (College Station: Texas A&M University Press, 1986), 68-73; William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W. W. Norton and Company, 1991), 224.

formative stages and evolving into a modern global exchange of raw materials, products and components, and the services necessary to pursue the effort.⁷

Most people are surprised to learn that the “fabulous” XIT Ranch operated for less than thirty years. The descendants of the original Syndicate men had no interest in the cattle business. They were happy to sell the iconic outfit’s last cattle in 1912, happy to reap the income of the sales from their still substantial Texas holdings. The XIT Ranch certainly left its mark in the places where it operated. The great operation continues to stir the imaginations of people from Texas to Montana and most of the places in between. There are celebrations, museums, roads, and businesses named for the XIT. The ranch brought towns and people to the Texas Panhandle and helped establish a culture in eastern Montana that continues in many ways to uphold some of the same principles held when Texas longhorns covered its hills and prairies.

I am happy to acknowledge the contributions the following people and organizations have made toward not simply this dissertation, but to this milestone in my life and career. Thanks to my favorite history professor ever, Dr. Paul Gordon Lauren, who always demonstrated the absolute love he had for his craft in his precise and enlivened lectures and furrowed-brow attention to the meandering unlearned dialogue of a fumbling student. It has been many years, but I owe him a fishing trip. Dr. F. Todd Smith should come along. I would be remiss in not recognizing the great wizard, Dr. Larry Osborne, who once recommended I come back to Honolulu, sit on the beach, and write my dissertation. I tried to maintain the idea in my imagination while I wrote this in a much less attractive setting.

⁷ Paul A. Kramer, “Power and Connection: Imperial Histories of the United States in the World,” *American Historical Review* 116 (December 2011): 1349-1350, 1359-1361

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CHAPTER 1

INTRODUCTION

From 1885 to 1912, the three-million-acre XIT Ranch of Texas reigned as “truly a nation in itself, an empire.” At its height, the XIT controlled as many as 140,000 cattle in at least five states. It accounted for the production of hundreds of thousands of cattle sold for millions of dollars in revenue. Its network of ownership relied on \$10,000,000 in British investment and the managerial skills of a small syndicate of Illinois capitalists. Their ambassadors – legislators, congressmen, senators, members of Parliament, and other officials – in Washington, London, and Austin looked out for the group’s interests in those places. An office building in downtown Chicago represented the empire’s capitol. To the men there, the cattle business was a scheme to keep their finances moving forward until they could collect on the true goal of their investment – land sales. As Karl Marx pointed out, “the original meaning of the word capital is cattle.” Cattle represented money, literally, on the hoof, and the men in charge of the project’s success aimed to keep their investment growing. Words like “pecuniary” and “peculiar” originated from similar old English words that meant both finance and cattle. The ranch’s history certainly lends many opportunities to apply both of those terms.¹

Historian Paul Kramer suggested historians of the United States consider “the imperial” as a useful mode of analysis for positioning American history within a broader global landscape. He offered this as an alternative for Americans’ reluctance to associate the United States with a

¹ Mari Sandoz, *The Cattlemen: From the Rio Grande Across the Far Marias* (Lincoln: University of Nebraska Press, 1978), 300; Richard Graham, “The Investment Boom in British-Texan Cattle Companies, 1880-1885,” *Business History Review* 34 (Winter 1960): 421-445 (442); Karl Marx, *Pre-Capitalist Economic Formations* (New York: International Publishers, 1965), 119; Aaron Bobrow-Strain, “Logics of Cattle-Capital,” *Geoforum* 40 (2009): 778. See also *Oxford English Dictionary Online*, <http://www.oed.com/> (accessed January 23, 2017). Portions of this dissertation, particularly chapter 5, *Invasion*, have appeared in an earlier form as the published essay, Michael M. Miller, “Cowboys and Capitalists: The XIT Ranch in Texas and Montana, 1885-1912,” *Montana: The Magazine of Western History* 65 (Winter 2015): 3-28.

narrowly defined concept of “empire” that implied foreign territorial conquest and subjugation of local people as its key attribute. Kramer suggested that a belief in American exceptionalism reinforced this aversion in many studies, resulting in a separation of the national history of the United States from its international history. For Kramer and others, too much focus on national policy rather than the factors guiding that policy hinder a wider appreciation of the role capitalism has played in motivating the United States to achieve greater market advantages, particularly since the end of the nineteenth century. Kramer observed that the American West offered a good testing ground for analyzing “the imperial” and an opportunity to free this region’s history from the psychological hold that Frederick Jackson Turner’s praise for democracy’s virtues continues to command over the historical imagination. In his essay, Kramer described “the imperial” as “a dimension of power in which asymmetries in the scale of political action, regimes of spatial ordering, and modes of exceptionalizing differences enable and produce relations of hierarchy, discipline, dispossession, extraction, and exploitation.” Viewed through that imperial lens, Texas’s XIT Ranch exemplifies many hallmarks of empire. Its operation highlights the “growing appetite of American capitalism,” as H. W. Brands has written. The cattle business on the American Plains, he wrote, “was a business . . . driven by the same imperatives that governed the oil business and the steel business.” From the boardroom to the bunkhouse, this dissertation uncovers the actions and effects a group of Illinois capitalists initiated in their quest to make money by raising cattle in the American West.²

² Paul A. Kramer, “Power and Connection: Imperial Histories of the United States in the World,” *American Historical Review* 116 (December 2011): 1349-1350, 1359-1361; Frederick Jackson Turner, *The Frontier in American History* (1920; Reprint, New York: Barnes & Noble, Inc. 2009), 24, 197; H. W. Brands, *American Colossus: The Triumph of Capitalism, 1865-1890* (New York: Anchor Books, 2010), 201.

The XIT Ranch in Texas fenced in the Capitol Reservation, the huge Panhandle land grant set aside by the Texas Constitution and legislature to pay for a new statehouse in Austin. The state certainly received one of the finest capitols of the United States. From the outset of the project in 1882, however, for the Capitol Syndicate, as the ownership group came to be called, controversy followed controversy. Contractual disputes permeated the building's construction timeline. The nature of and source for materials for the Capitol and the title status of the three million acres in the Reservation dominated those conflicts. Political winds in Texas buffeted the Syndicate continuously. It was often a populist wind that brought storms of questions, criticism, and resentment of an outsider's ownership of so much land. Internally, ownership of the huge tract twisted and evolved, burdened by corporate entanglement and lawsuit upon lawsuit. Completed by Abner Taylor, Syndicate member and the designated contractor, in 1888, the Capitol continues to stand today as both a monument to Texas and a model for many small government, low regulation ideals sweeping the statehouses of the country today.³

Construction costs for the Capitol swelled to about \$3,250,000, more than doubling the original estimates. The state of Texas provided an extra half million to put the building's final construction cost at around \$3,750,000. At the same time, the Syndicate quickly discovered that three million acres of land in the Texas Panhandle may not have been the bargain for which they hoped. Although small tracts for town lots and railroad use were sold over the next decade, the first large land sales did not come until the early years of the twentieth century. These first sales brought the operation from \$2.40 to \$2.50 per acre, less than expected. But during the last decade of the nineteenth century, ranching operations in the Reservation returned nearly \$5,000,000 to

³ *News-Globe* (Amarillo, TX), August 14, 1938 [Section E, page14]; Lewis Nordyke, *Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT* (New York: William Morrow and Co., 1949), 74-77, 188-192.

British investors and paid over \$20,000 per year in property taxes. The Syndicate's climb to profitability, and the state's recovery of its costs on the Capitol, was long and slow, and it started with the sale of cattle, not real estate.⁴

Although the Capitol continues to serve Texas, the ranch that developed on the land that the state gave to pay for it is long gone. The cattle business was challenging, and the fast money the Syndicate initially envisioned coming from land sales proved unrealistic until much later. According to one observer of the XIT, the principal ranch owners later offered that if they had it to do again, they would have passed on the deal. Charles Farwell, another Syndicate member, a one-time United States congressman and senator, offered to, at one point, sell the whole thing back to Texas.⁵ An Austin newspaper set an early tone for the long-running debate over whether Texas or the Capitol's builders got the best of the bargain:

We Texans are proud of our state house and think we have good value for the \$3,000,000 it cost us – at least that we believe was the value of the land we gave in exchange for it. It will come as a surprise to some that our capitol building cost us \$20,000,000. Such is at least the statement of one of the contractors, ex-Senator Farwell of Chicago, who is booming his property . . . [i]t would be interesting to know on [what] valuation Farwell & Co. pay taxes. This is a matter that Panhandle assessors should look into.⁶

Did Texas get fleeced by slick Yankee businessmen, tricked into trading valuable and dwindling state land for a single building, as beautiful as the building might be? Or, did Texas get the best of the illustrious Capitol's builders in a bargain for marginal land that would not be profitable for

⁴ J. Evetts Haley, *The XIT Ranch of Texas and the Early Days of the Llano Estacado* (Norman: University of Oklahoma Press, 1953), 52-55; Nordyke, *Cattle Empire*, 190; State of Texas, *Third Biennial Report of the Capitol Building Commission Comprising the Reports of the Commissioners, Superintendent, and the Secretary, to the Governor of Texas*, (Austin: Triplett & Hutchings, State Printers, 1886), 195-205. The figure for the building's comparative cost today lies somewhere between \$91 million and \$4 billion. See, Samuel H. Williamson, "Seven Ways to Compute the Relative Value of a U.S. Dollar Amount, 1774 to present," *MeasuringWorth*, 2017, <https://www.measuringworth.com/uscompare/> (accessed June 6, 2017)

⁵ Dr. William Green, conversation with Author, March 12, 2014; *Weekly Statesman* (Austin, TX), April 6, 1893; Nordyke, *Cattle Empire*, 220.

⁶ *Weekly Statesman* (Austin, TX), April 23, 1891.

decades? Or, maybe everyone got what they deserved? Does it even matter? Probably these are unanswerable questions, but these questions continue to be part of the XIT Ranch's story.

This study of the XIT pursues the thesis that the origin, organization, and operation of the XIT Ranch, indeed the entire idea of a Western cattle kingdom, were a typical Gilded Age fiscal operation. In an era of evolving American capitalism, the XIT was conceived and managed like many other businesses, with an eye to producing a product and making a profit. The principal XIT owners were good Republicans that believed government could best serve Americans by serving American business. This work intends to examine the “fundamental and transforming influence of capitalism” on the western livestock business.⁷ David Igler's *Industrial Cowboys*, about the great California ranch operation, Miller and Lux, describes the shift of America's traditional agriculture model from the family farm into an industrial enterprise. Igler “juxtaposes the nineteenth century's most powerful transformation with the individualistic ethos of our mythic creation, the American cowboy.” Igler's book is a model for examining the XIT as a “western variant of American business enterprise . . . whose activities ultimately fostered enduring contradictions between . . . the natural and social landscape.”⁸

None of the principals of the XIT thought of themselves as a great “cattle baron,” although few of those stationed among the latter could boast of a larger commitment to the beef industry. The men of the Syndicate simply were capitalists that sought money and influence. Each, throughout their career, had been flexible in their lines of interests and business. For the time being, they found ranching to be just another way of making money – or at least keeping

⁷ William G. Robbins, *Colony and Empire: The Capitalist Transformation of the American West* (Lawrence: University Press of Kansas, 1994), 9.

⁸ David Igler, *Industrial Cowboys: Miller & Lux and the Transformation of the Far West, 1850-1920* (Berkeley: University of California Press, 2001), 5.

money on the move. Undoubtedly, there was some further reward for owners, perhaps the cachet claimed from owning a Texas cattle ranch.⁹ But that was not their ultimate goal. Throughout much of its operation the XIT Ranch bore the antipathy and antagonism of neighbors, competitors, Texas politicians, and even its partners and stockholders. Yet, today the XIT Ranch, for those even slightly aware of its one-time existence, is viewed with near reverence.¹⁰

The ranch has long been part of Old West lore. Three classic accounts of the XIT exist, providing authoritative accounts of the ranch's operation and general history. Each of these have contributed significantly to the present effort. Yet, this is not a rewrite of J. Evett Haley's tribute to the Farwell family, expertly wrapped in a survey of the nineteenth century Texas Panhandle cattle business. It is not Lewis Nordyke's counter-point to Haley, a rich documentary of the ranch's operation or the Joe Frantz-edited Cordelia Sloan Duke memoir. Frantz, the famed University of Texas professor and Texas historian, said of he and Duke's *6,000 Miles* that "in no sense . . . does it purport to be a history of the XIT," deferring to the stories already told "far too

⁹ Capitalism fed and prospered on the exploitable land and people of the west. Resented at the time for the often-heavy handed tactics of gargantuan operations of any sort in the American West – cattle, mining, agriculture, timber – over time, the memories of participants, passed down, exaggerated, and romanticized became the story of the west. The actions of the exploiters were recast with that of the exploited, iconizing the fearless miner, the brawny lumberjack, and the rugged cowboy and masking the entrenchment of the global marketplace into those places from which it draws its raw materials. Ironically, both exploited and exploiter are enriched by a mythical west; the capitalist, economically, the miner, cowboy, and lumberjack, culturally. An introduction to the idea of "cultural capital" can be found in Pierre Bourdieu, "The Forms of Capital," *Handbook of Theory and Research for the Sociology of Education* (Westport, CT: Greenwood Press, 1986), 241-258.

¹⁰ Haley, *XIT Ranch*, 80, 214-216; Nordyke, *Cattle Empire*, 188-192, 209-224; On the reputation of the XIT today, see, for example, Ivan Cates, *The XIT Ranch: A Texas Legacy* (Channing, TX: Hafabanana Press and Ivan Cates, 2008). Extensive information on the principals of the Capitol Syndicate is hard to come by and generally gleaned from an array of resources. See, for instance, Abby Farwell Ferry, *Reminiscences of John V. Farwell* (Chicago: Ralph Fletcher Seymour, 1928); John Villiers Farwell Jr., *Some Recollections of John V. Farwell: A Brief Description of His Early Life and Business Reminiscences* (Chicago: R.R. Donnelley and Sons, 1911); Jessica Raynor, "John V. Farwell," *Globe-News*, (Amarillo, TX), May 19, 2000; *Chicago Tribune*, September 9, 1894; *Daily Tribune* (New York, NY), September 24, 1903; Arthur H. Miller, "Charles B. Farwell," Lake Forest College Library Archives and Special Collections, 2010; "Amos Charles Babcock," *Cook County, Illinois, Death Index, 1878-1922* (Provo, UT: Ancestry.com, 2011); Alfred Theodore Andreas, *History of Chicago*, Vol. 2 (New York: Arno Press, 1975), 497 [see Special Index, v.2, v.3 for extensive listings on Taylor and the Farwell brothers].

well” by both Haley and Nordyke. Duke was married to the last ranch manager at the XIT, R. L. “Bob” Duke.¹¹

Haley, who “makes no pretense of telling the whole story,” successfully battled several libel claims regarding publication of his 1929 family-commissioned *XIT Ranch*. He may have resented Nordyke’s publication of *Cattle Empire*. Haley’s book was republished in 1953, he, twenty-five years earlier, having obtained for the Panhandle-Plains Museum in Canyon, Texas, a substantial portion of Syndicate records – the XIT Papers. Haley completed his original take on the ranch without having yet obtained the company’s papers and did not substantially alter his sources for the 1953 edition. Nordyke clearly spent hours among those papers, although he, a journalist by vocation, did not document his sources closely. The basic accounts of the writers do not substantially diverge. In fact, the two complement each other. Their main dispute seems to revolve around the actions of the XIT’s first manager, B. H. “Barbecue” Campbell (see chapter 4, *Changes in the Wind*). Nordyke provides a much more sympathetic account of Campbell’s management of and departure from the XIT. Duke’s account, with expert input from Frantz, should not be overlooked as it delves much deeper into daily life on the XIT in both Texas and Montana. Their approach is much more personal, including an entire chapter on horses and an appendix indexing the names of equine partners mentioned.¹²

This dissertation reaches beyond the naturally Texas-centric foundation of their offerings to dig deeper into the business psychology of the ranch, the men, the events, and the international

¹¹ Haley, *XIT Ranch of Texas*, viii; Nordyke, *Cattle Empire*, ix-xi; Cordelia Sloan Duke and Joe B. Frantz, *6,000 Miles of Fence: Life on the XIT Ranch of Texas* (Austin: University of Texas Press, 1961), xii, xv-xix.

¹² Haley, *XIT Ranch of Texas*, viii, 90-95; Nordyke, *Cattle Empire*, ix-xi, 194-208; Duke and Frantz, *6,000 Miles*, 117-138, 219-220; Green, conversation with Author, March 12, 2014; Herbert O. Brayer, “Review of *Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT* by Lewis Nordyke,” *Pacific Historical Review* 19 (August 1950): 299-300.

network that shaped the decisions guiding the ranch's business. The history of the XIT ripples far beyond Texas. Mostly overlooked by previous writers, though each of the above devoted a chapter to the venture, is the economic lifeline the satellite XIT operation in Montana represented. Clearly, the centrality of the Texas operation cannot be underestimated. Yet, for much of the period between 1890 to 1910, market beeves shipped from the Montana ranch provided substantial income to the Syndicate at little cost.¹³

While it is iconic in Texas's Panhandle, the ranch is also nearly so in eastern Montana, fourteen hundred miles to the north. One can find XIT artifacts in museums and attractions from Texas to Montana. There is The XIT Museum in Dalhart, Texas where, each year, one of the region's largest celebrations, XIT Days, takes place. But the outfit's trail herds can be studied in a merchant's record book at the West Texas Trail Museum in Moorcroft, Wyoming. In Montana, XIT Road north of Terry winds through the rough hills where XIT-branded steers once roamed and, in Miles City, the Range Riders Museum displays the photographs of former XIT cowboys on its walls. One reason for creating a new history of the XIT is to highlight the relationship of ranch operations in Texas and Montana, as well as those locations' relationship with owners in Chicago and Great Britain. The XIT, with its operation spread from south to north, provides an ideal example by which to examine the western cattle business. The point of this work is not to compare Texas to the other cattle regions, but to connect them together as representative of an industry not dissimilar from or less important than the rising mining, timber, and manufacturing industries of the country.¹⁴

¹³ Haley, *XIT Ranch of Texas*, viii, 127-144; Nordyke, *Cattle Empire*, ix-xi, 194-208; Duke and Frantz, *6,000 Miles of Fence*, xii, 139-153.

¹⁴ William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W. W. Norton and Company, 1991), 218-224.

The XIT is fully enshrined in western literature, lore, and legend. Mental images of rustlers, range wars, lawmen, outlaws, and cattle barons gazing out over their great herds of long-horned cattle still dominate people's imaginations. All of those things are part of the XIT story. But collective memories, shaped by the continued grip of Frederick Jackson Turner's frontier theory, what historian William G. Robbins called the "exceptionalist tendency," should not blind people to "the fundamental and transforming influence of capitalism" on the American West.¹⁵ The XIT emerged after a west remembered most for a cattle business built on local, individual enterprise transformed into a "corporate enterprise capitalized from alien sources."¹⁶ No cattle bore the famous XIT brand before 1885. Nearly all of the cattle initially purchased by the ranch were lost in the first two years when drought, fire, fences, and fierce winter storms created a fatal combination for the outfit's unprepared cattle. The XIT was just getting its start when the Old West that modern people revere was ending.¹⁷

The West many people think they know continues to be somewhat a "fictional world . . . set in a mythical distant past before corporations took over the people and the land."¹⁸ Despite popular memories of the period, the cattle trail era depicted in old movies featuring bar fights and gunplay wound down quickly after the displacement of Indians and bison from the best regions of the country's vast grassland. Americans cling to a rural sense of their own history.¹⁹

¹⁵ Turner, *The Frontier in American History*, 24, 197; Brands, *American Colossus*, 555-556; Robbins, *Colony and Empire*, 4, 9. For an in-depth analysis of the idea of the frontier as it bears on the consciousness of people today, see Kerwin Lee Klein, *Frontiers of Historical Imagination: Narrating the European Conquest of Native America, 1890-1990* (Berkeley: University of California Press, 1999).

¹⁶ Frederick W. Rathjen, *The Texas Panhandle Frontier* (Austin: University of Texas Press, 1973), 241-242.

¹⁷ Haley, *XIT Ranch*, 80-81.

¹⁸ Jack Weston, "The Cowboy Western and the Utopian Impulse," *Monthly Review* 53 (March 2002): 51-55 (quote on p. 54).

¹⁹ Robbins, *Colony and Empire*, 182.

Americans stylize the Old West to include a quaint image of a rustic cabin on a luscious plain alongside a bright, gurgling stream and beneath the shade of a mighty tree. Shadowed from rainfall by the Rocky Mountains, the Great Plains, until cattle displaced bison, was a place perhaps high on the travelogue list of European elites, but not somewhere most people hoped would afford them an affluent future. Most of the first men that brought cattle to these vacated ranges could not have afforded it and took advantage of government's inability to expand faster than the people being governed. The pioneers of the range cattle business, like Texas's Charles Goodnight and Montana's Granville Stuart, realized the only way to really make money in the range cattle business at the time was to control a lot of land and own a lot of cattle.²⁰

Conventional wisdom says that the cattle trail and free-range cattle ranching ended in the mid-1880s with the advent of barbed wire, railroads, and an incredibly bad winter. While in Texas that was mostly the case, in the cattle-raising areas of the northern Great Plains – in the western Dakotas and in eastern Montana and Wyoming – both these hallmarks of the classical cattle trail period continued as a factor in large-scale cattle ranching into the twentieth century. The XIT, among many Southwestern ranches, trailed thousands of cattle from Texas to Montana from 1889 to 1897, several years after many now believe those trails had closed. The term “free” before range had always been something of a misnomer. It took time for government to take charge of places most recently the domain of Indians and bison. The “northern range,” as

²⁰ Paul Kens, “Wide Open Spaces? The Texas Supreme Court and the Scramble for the State's Public Domain,” *Western Legal History* 16 (Summer/Fall 2003): 177-179. For more on the role of the United States Army in opening the cattle ranges of the west, see, Ronald V. Rockwell, *The U.S. Army in Frontier Montana* (Helena, MT: Sweetgrass Books, 2009) and Thomas T. Smith, *The U.S. Army and the Texas Frontier Economy, 1845-1900* (College Station: Texas A & M University Press, 1999).

livestock operators knew the region, was not so much free as it was available to those with the strongest connections to deep pockets and political wherewithal.²¹

The “Big Die-up” during the winter of 1886-1887 is often remembered as the last gasp of the open range. That winter was terrible for livestock growers throughout the Great Plains. Hundreds of thousands of animals died. It struck particularly hard in Montana, the Dakotas, and Wyoming. Many stock growers, large and small, were ruined. Challenging winters, though, did not surprise those experienced in the vagaries of Great Plains winters. Summers there do not always bring much relief, either. The winter of 1886-1887 was not the first and would not be the last killing snowstorm. The western range cattle business developed where it did precisely because of the Great Plains’ limitations and hazards. The men that drove cattle herds into places like the Texas Panhandle and the eastern sections of Montana and Wyoming on the heels of the United States Army hoped that the wildness and obstacles of those territories would reduce their competition – at least for the time being.²² The infamous winter meant change and an end to the cattle business for some. It meant opportunity for others. The cattle business worked that way. Just the year before winter storms brought similar devastation across the South Plains, including to the XIT. The ranch saw its best years after the Big Die-up, or perhaps because of it. Another terrible winter twenty years later, in 1906-1907, signaled the beginning of the end for the ranch, though.²³

²¹ Dee Brown, *Trail Driving Days* (New York: Charles Scribner’s Sons, 1952), 183.

²² *New York Times*, February 22, 1881. See J. Evetts Haley, *Charles Goodnight: Cowman and Plainsman* (Norman: University of Oklahoma Press, 1949), 383-385, for a sense of the stock raisers’ thoughts about small farmers and ranchers.

²³ Duke and Frantz, *6,000 Miles*, 151; *News-Globe*, August 14, 1938; Joseph Kinsey Howard, *Montana: High, Wide, and Handsome* (New Haven: Yale University, 1943), 164-165; Percy Wollaston, *Homesteading: A Montana Family Album* (New York: Penguin Books, 1997), 63; “History of Custer County [Winter of 1906-1907],” U. S. Work Projects Administration, Montana Writers Program Records, 1939-1941, Montana Historical Society, Helena, MT [henceforth MHS] (Microfilm 250, Reel 18); Joseph M. Hartmann, “Our Snow Covered Trail: A

The XIT symbolizes the imperial ranch, the product of the great “beef bonanza” that swept the western plains in the last decades of the nineteenth century. Operations like it, often financed by deep-pocketed, mostly absentee owners, began aggrandizing land in the west during the late 1870s, taking advantage of federal, state, and railroad authorities’ inability to bring civil administration to the parts of the country most recently occupied by buffalo and Indians. Usually guided by someone experienced in the western cattle trade, the larger operations pushed out smaller cattle and sheep raisers and restricted access to their “range” based on an idea of first or “prior” claim to an area. In the Texas Panhandle, the coming of the XIT changed that, ending the “free grass” era throughout Texas. Surveyors and speculators, in league with cattle interests, began identifying all the best tracts of the region almost before disruptive Indians there had been driven out and on to Indian Territory reservations. News of the state’s intention to survey and sell a large section of northwest Texas for the Capitol project intensified those efforts. Texas also enacted exploitable land ownership and leasing policies. Conditions at the time already insured that other powerful ranching interests dominated parts of the region. The open range in Texas ended the day that XIT workers set the first post of a fence that ultimately enclosed nearly 4,700 square miles.²⁴

On the northern Great Plains, as frontier territories sought their path to statehood, it would still be sometime before the surveyor caught up with the land. Powerful livestock

Montana Freighter Recalls the Hard Winter of 1906–1907,” *Montana Magazine of Western History* 61 (Winter 2011): 34-54, 94 [henceforth cited as *MMWH*].

²⁴ Jimmy M. Skaggs, *Prime Cut: Livestock Raising and Meatpacking in the United States, 1607-1983* (College Station: Texas A&M University Press, 1986), 58-62; Haley, *XIT Ranch*, 5-6, 38-48; Ernest Staples Osgood, *The Day of the Cattleman* (1929; reprint, Chicago: University of Chicago Press, 1957), 182-183; James S. Brisbin, *The Beef Bonanza; or How to Get Rich on the Plains* (1881; reprint, Norman: University of Oklahoma Press, 1959). Brisbin’s work is a classic account of the western cattle investment boom of the 1880s. He had been a Union officer and led black “buffalo” soldiers against nomadic plains Indians before ranching in Idaho.

associations in the grazing regions in the meantime exerted heavy influence upon territorial and state authorities. Stockmen were governors in those territories and became governors, senators and representatives when they became states. In the case of Wyoming, large cattle interests governed the state and in the case of Montana, officials were too busy trying to regulate mining and timber interests in the state's western half. The imperial ranch ruled the western range cattle business from 1880 to 1910.²⁵

A network of finance and politics created a virtual empire of meat across the country during the 1880s and 1890s. An oligarchy of the largest livestock growers created the foundation for a beef trust whose operations affected Americans, arguably, more intimately and broadly than any other notable industrial activity of the late nineteenth century. The meat on the table, the oleo spread on one's bread, the lard in the pantry, and the shoes on American feet all demonstrated the pervasiveness of the livestock industry in everyday life. In the "Golden West," those people who sought a garden spot of their own on the prairies stretching to the Rocky Mountain foothills found the reality of their dream stifled, not simply by an unforgiving climate, but by powerful networks and organizations that preceded them.²⁶

²⁵ John Clay, *My Life on the Range* (1924; reprint, New York: Antiquarian Press, 1961), 334-355; Skaggs, *Prime Cut*, 62-65; Department of Interior *Report from the Acting Commissioner of the General Land Office, in Response to a Resolution of the House Calling for Information Relative to the Use of Public Lands by Cattle Graziers*. 50th Cong., 1st sess., 1888, H. Exec. Doc. 232.

²⁶ Cronon, *Nature's Metropolis*, 252; Hamlin Garland, *Jason Edwards: An Average Man* (Boston: Arena Publishing Co, 1892), 61, 142; Robbins, *Colony and Empire*, 21. The concept of an "American Dream" was not formalized until James Thurlow Adams's *The Epic of America* in 1931, but the ingredients of it have long been part of the "origins" story Americans and others believe, if not in their head, at least in their heart. See Jonas Clark, "In Search of the American Dream," *The Atlantic* (June 2007), <https://www.theatlantic.com/magazine/archive/2007/06/in-search-of-the-american-dream/305921/> (accessed December 20, 2016); see also James Truslow Adams, *The Epic of America* (Boston: Little, Brown, and Co., 1931) and James Truslow Adams and Howard Schneiderman, *The Epic of America* (New Brunswick, NJ: Transaction Publishers, 2012), ix-xviii; see also Jim Cullen, *The American Dream: A Short History of an Idea That Shaped a Nation* (New York: Oxford University Press, 2003) and Allan Nevins, *James Truslow Adams: Historian of the American Dream* (Urbana: University of Illinois Press, 1968).

William Cronon's *Nature's Metropolis* sketched the spokes of capitalism that emanated to and from the geographically and environmentally well-positioned city of Chicago. It grew into an anchor for an evolving consumption-oriented society increasingly supplied by the American West. Its geography situated Chicago such that it could regulate the consumer habits of the more populous east, for which Cronon used demand for lumber, grain, and meat as his examples. Richard Belich's *Replenishing the Earth*, rather than a neo-Turnerian model of nation-building, instead compares the American absorption of its internal regions to similar patterns of settlement in Canada, Australia, and New Zealand. Belich found in these "settling societies" that desirable contested regions were best overcome by vast injections of capital and all the better if that capital was someone else's. His argument is clearly relative to emergence of the imperial ranches of the 1890s and 1900s. Democracy, for writers like Cronon and Belich, was not what emerged from the frontier crucible. It was modern American capitalism.²⁷

Although Texas has long been identified as the cattle capital, this dissertation presents an argument not disputing that claim, but expanding upon it to provide a national and international context. Chicago sat atop the cattle kingdom and drew its greatest resources from the farms of the emerging "corn belt" and from the nutritious grass growing across the prairies of the northern Great Plains. While a native cattle herd developed on the northern ranges, these places and Midwestern farmer-feeders relied on "pilgrim" cattle bred and born in the relatively mild southwest climate, primarily in Texas.²⁸

²⁷ Cronon, *Nature's Metropolis*, 46-47; James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo World, 1783-1939* (New York: Oxford University Press, 2009), 8, 57-59, 337-339. For an earlier interpretation of the global aspects of the relationship to capitalism implied by studies of these settler societies, see Donald Denoon, *Settler Capitalism: The Dynamics of Dependent Development in the Southern Hemisphere* (New York: Oxford University Press, 1983), 211-212.

²⁸ Cronon, *Nature's Metropolis*, 222-223; Belich, *Replenishing the Earth*, 338; Skaggs, *Prime Cut*, 69-70.

The Capitol Syndicate originally imagined their reserve covered by small farms and towns of industrious settlers. As costs on the Capitol project ran over budget and land sales prospects began to look distant, “pending the arrival of the farming settler,” a cattle ranching scheme seemed the best solution to address the cash flow problems of the group.²⁹ With American investors leery of western opportunities, the Syndicate sought them out in Great Britain. The British investment boom of the early 1880s had subsided, but many there continued to be enamored of a mythological West based on travelogues, popular literature, and over-the-top prospectuses from eager, if not always honest, fiscal suitors. Established in London in June 1885, Capitol Freehold Land and Investment Company, Limited drew immediate funds to the operation through its new stakeholders. This infusion of capital helped facilitate improvements on the Panhandle property, particularly the task of drilling water wells and fencing the vast acreage. By the end of that summer, thousands of mongrel cattle brought in bunches from other parts of Texas or from Indian Territory stocked what a few in its early days called the Capitol Ranch.³⁰

As noted earlier, the western ranching landscape actually had been changing long before the weather catastrophes of the mid-1880s, during which the Syndicate was trying to make money from its Reservation in the Panhandle. The market for cattle, particularly Texas cattle, collapsed at the beginning of 1885. The trail industry--as a distinct business made obsolete by railroads, livestock quarantines, and settlement--fell into the hands of larger ranches, generally financed by non-local entities. A few of the once independent drovers that took millions of cattle to Kansas railheads became the owners or, more likely, ranch managers for absentee owners and

²⁹ Haley, *XIT Ranch*, 5.

³⁰ Lawrence M. Woods, *British Gentlemen in the Wild West: The Era of the Intensely English Cowboy* (London: The Free Press, 2003), 119; Lewis Atherton, *The Cattle Kings* (Bloomington: Indiana University Press, 1961), 214-215; Herbert O. Brayer, “The Influence of British Capitol on the Western Range Cattle Business,” *Journal of Economic History* 9 (1949): 85-98.

hundreds of thousands of cattle by then ranging throughout the west.³¹ All of these shaped early decisions by the Syndicate members concerning their millions of acres in the Panhandle.

The rise of the XIT also occurred within the context of the settling of the last frontiers in the contiguous United States. The American West's range cattle era straddles the transformation of the great American "Sahara" into the "Great American Breadbasket." The Great Plains were the last obstacle in the way of expanding America's population into every portion of the country. The great ranches that reached from Texas to Montana, exemplify what Elliott West called "The recent and the older folded neatly into the new."³² Cattle ranching on the Great Plains created an economic relationship along a north-south axis that guided the influx of settlers to the last great tracts of public lands left for them. In eastern Montana, most of the triangle of ground lying between the confluences of the Missouri and Yellowstone rivers, Texans' northern range, was either federal, state, or railroad land. Land ownership and management there was complicated as the federal territories were adopted as states. Most official surveys were completed by 1910 and thousands of acres opened for homesteading under several federal acts. The national government did not withdraw from the land sale business, however, and the states and railroads were eager to sell their land as well. In Texas, where there was no federal land, and where people could own as much as three million acres, and where railroad companies also controlled great amounts of land, land owners and the railroads worked closely to bring settlers to the Panhandle. Texline, Dalhart,

³¹ Jimmy Skaggs, *The Cattle-Trailing Industry: Between Supply and Demand, 1866-1890* (Lawrence: University Press of Kansas, 1973), 100; Atherton, *Cattle Kings*, 230-240; Susan B. Carter, et al., "Table Da968-982: Cattle, hogs, sheep, horses, and mules - number on farms: 1868-2000 [Annual]," *Historical Statistics of the United States Millennial Edition* (New York: Cambridge University Press, 2006).

³² Elliot West, *The Contested Plains: Indians, Goldseekers, and the Rush to Colorado* (Lawrence: The University Press of Kansas, 1998), 325.

Channing, Friona, Hereford, and Farwell are among the several towns obliged to count the XIT as a prime contributor to their existence.³³

The story of the XIT is also one of fierce economic competition. The Oregon country, Utah territory, and the northern territories of Montana, Wyoming, and the Dakotas challenged Texas's claim as the country's prime cattle production region. Quarantines, farmers, railroads, better breeding, and more competition after 1885 limited demand for Texas cattle on northern ranches and at Midwestern and Chicago slaughterhouses. Government action to bar leasing of Indian lands to grazing greatly affected Texas livestock owners. The successive extreme winters and dry summers throughout the Great Plains added high cattle losses to the already huge market losses caused by the collapse in beef prices. By then, too, livestock associations enforced selective access and use in western cattle regions. Many operations embraced barbed wire, hay cultivation, and winter-feeding. In the Texas Panhandle, beyond the area restricted by northern quarantines, owners with the deepest pockets consolidated their operations, and as an added hedge against a market preference for northern beef, nearly every major southwestern ranch sought stock range in Wyoming, the Dakotas, Montana, and even in Canada. Vast tracts of government and railroad land remained available for leasing there, or just used until someone said it no longer could be.³⁴

By 1888, the British stockholders of Capitol Freehold were demanding some evidence of value in their investment. The initial losses in the first two winters, disputes with state officials

³³ West, *Contested Plains*, 244-249, 325-337. On the region of the "northern" ranges, see, Robert Kelley Schneiders, *Big Sky Rivers: The Yellowstone and Upper Missouri* (Lawrence: University Press of Kansas, 2003).

³⁴ Clay, *My Life*, 328-329; Cronon, *Nature's Metropolis*, 218-224; Haley, *XIT Ranch*, 84-97; Skaggs, *Prime Cut*, 65. See also, Sarah Carter, S. M. Evans, and Bill Yeo, *Cowboys, Ranchers and the Cattle Business Cross-Border Perspectives on Ranching History* (Calgary: University of Calgary Press, 1999) and Maxwell Foran, *Trails and Trials: Market Land Use in Alberta Beef Cattle Industry* (Calgary: University of Calgary Press, 2003).

regarding the land titles, and questionable practices by the ranch's first manager forced changes. A new management team feverishly pursued measures to maintain the flow of European money as well as the reputations of the Illinois members of the Capitol Syndicate. At a time when many of the large ranch businesses disappeared, XIT owners took advantage of the situation to invest even more toward expanding their ranching operation. Despite the bad winters, a surplus of Texas cattle, along with other factors, kept prices for them depressed. An influx of settlers into the near southwest, however, encouraged Capitol Freehold stockholders and managers to believe that demand for their Texas land would soon increase.³⁵

In the Midwest, farmers who also were seeing lower prices for their products solicited Texas cattle operators, offering their agricultural surplus as livestock feed. "Finishing" farmer-feeder operations throughout Kansas, Nebraska, and Iowa provided Texas cattlemen with better market opportunities and fatter beeves upon delivery to those markets. In Montana, quite a few cattle operations made it through the Big Die-Up with only slight losses, but plenty found themselves with a shack, a few out buildings and corrals along a creek or river, no stock, and no money. If you fit that category, membership in the Montana Stockgrowers' Association helped. The Montana range still offered plenty of "free" grass, and trains ran regularly from nearby rail stops to Omaha, St. Paul, and, best of all, Chicago, where demand and prices for northern-raised

³⁵ Haley, *XIT Ranch*, 71-75, 203-213; Nordyke, *Cattle Empire*, 173-175, 194-202; Marquess of Tweeddale, *The Capitol Freehold Land and Investment Company Limited Proceedings of the Fourth Annual General Meeting of Shareholders* (London: Privately printed, March 12, 1889), 4-11, XIT Papers, Panhandle-Plains Historical Museum Research Center, Canyon, TX [henceforth PPHM]. See also "Balance Sheet for 31 October 1888" after p. 21. For another aspect of the Capitol Syndicate's rocky relationship with Texas officials, see Abner Taylor to William C. Walsh, Texas Commissioner of the General Land Office, September 28, 1885, XIT Papers, PPHM. Annual reports identify Tweeddale as both Marquis and Marquess. I have standardized his title to Marquess.

cattle far outstripped prices offered for Texas-raised stock. Frozen-out Montana ranches were plentiful if you knew the right people.³⁶

For Capitol Freehold, choosing one option or the other freed marginal Texas grazing land for sales to settlers and town builders as, eventually, those opportunities became more viable. Experimenting with the northern range in 1889, ranch management launched a whole-scale invasion of eastern Montana in 1890. Mostly a vast, broken steppe bounded on east, north, and south by the Missouri and Yellowstone rivers and on the west by the Musselshell River winding out of the Rocky Mountain foothills, the region offered the cattle company access to about nine million acres of still-open range. Owners claimed to control two million acres there, two-thirds of their Texas holdings. The XIT northern range served the ranch operation for some nineteen years, three quarters of the twenty-six years the legendary outfit actually engaged directly in the cattle business. Although a few of its competitors then – most notably, The Matador Land and Cattle Company -- continue to exist, the XIT is among the most remembered, even if some of those memories are not quite the way things happened. The period from 1890 to 1910 was the peak of the range cattle business in the United States and the XIT was among its top suppliers.³⁷

³⁶ Cronon, *Nature's Metropolis*, 222-223; Skaggs, *Prime Cut*, 66.

³⁷ Mark H. Brown and W. R. Felton, *Before Barbed Wire: L. A. Huffman, Photographer on Horseback* (New York: Henry Holt and Co., 1956), 15; Skaggs, *Prime Cut*, 59, 68-70, 138, 173; Nordyke, *Cattle Empire*, 202; Marquess of Tweeddale, "Report of the Hon. John V. Farwell," *The Capitol Freehold Land and Investment Company Limited Proceedings at the Seventh Annual General Meeting of Shareholders* (London: Privately printed, July 29, 1892), 21, XIT Papers, PPHM. See also William M. Pearce, *The Matador Land and Cattle Company* (Norman: University of Oklahoma Press, 1964). The Matador Cattle Company was formed from the remnants of the older ranch by Fred Koch in 1952. Now owned by Koch Industries, the company operates at least three separate ranches in the United States, including the original Texas headquarters. "Matador Cattle Company," <http://www.matadorcattle.com> (accessed April 16, 2017); Nordyke, *Cattle Empire*, 202. Although the ownership path diverged, the Nature Conservancy now operates the Matador Ranch in central Montana, where the Texas company grazed cattle and sheep during the first half of the twentieth century. The Koch company ranch is in southwestern Montana.

The XIT Ranch reached its zenith in the 1890s. Managers in Chicago juggled a gigantic operation that pastured XIT cattle in as many as five different states. In Illinois, Missouri, and Kansas company associates produced bulls for enhancing the bloodlines. Herd improvement, “breeding up,” as cattle raisers called it, had become a primary goal for every imperial ranch. A finicky marketplace paid top dollar for the best-looking beeves. The company sent thousands of young steers to graze the fertile plains of the Dakotas and Montana and hundreds more to farmer-feeders in the corn belt. In Texas, the company battled persistent drought, freezing winters, range fires, and rustlers to maintain and upgrade their foundational herd. Other fights raged in the even less hospitable environment of politics. Besides the cattle, management continued to seek innovative enhancements to the land itself, hoping to entice the longed-for settlers. They investigated every potential crop at experimental farms around the great ranch. They even sought viticulture professionals around the country to evaluate the ranch’s potential for wine grape production. The company established two towns during the decade. They approved agents to solicit the land at the Columbia Exposition of 1893 in Chicago. The Capitol Syndicate began the new century by making several substantial land sales to neighboring ranch syndicates. Although the Syndicate still controlled massive numbers of cattle, that end of the business began winding down. Principals aged, old debts were paid, more land was sold, and the younger generation lost interest in the cattle business. When XIT ranch operations ended in 1912, a long, deep wake of cultural, political, economic, and environmental effects linking distant and diverse geographies remained behind to mark the beef empire’s once-notable presence there.³⁸

³⁸ George Findlay, “Famous XIT Range Classic of Angus Cattle,” *Aberdeen-Angus Journal* II (Webster City, IA, December 13, 27, 1920; January 10, 1921): 7, 48-49, 3, 21-23; 3, 25-27. These articles originally appeared in *Breeder’s Gazette* 39 (1901). See also George Findlay, “The Aberdeen-Angus on the Range,” *Thirteenth Biennial Report of the Kansas State Board of Agriculture to the Legislature of the State* (Topeka: Kansas Department of Agriculture, 1902), 334-345; Haley, *XIT Ranch*, 187-193, 218-224.

The beef bonanza expanded the market economy in the American West. It carried with it, however, capitalism's propensity to destroy as it creates. Writing nearly fifty years ago, Alfred Crosby, in his seminal *The Columbian Exchange*, contemplated the arrival of Europeans in the New World in the late fifteenth century. Lacking much optimism, Crosby wrote that, "We, all the life of this planet, are the less for Columbus." Crosby concluded that the introduction of horses, cattle, and pigs to the Americas brought "wild oscillation of the balance of nature." Far from a benevolent gift to aboriginal people, Crosby saw cattle as the champion of conquest. "The frontier of European civilization," Crosby wrote, "advancing in the interior of the Americas has been that of the cattle industry," and this resulted in "the squandering of riches" from erosion, overgrazing, and predator management. Crosby's outlook seems not to deter modern Americans, however, as recent news reports suggest that overall meat consumption in the United States is rising to unprecedented levels.³⁹

The introduction of horses to Great Plains Indian tribes by the early eighteenth century and the commoditization of bison later in the century remade the culture and landscape of the interior North American West. Both developments forced indigenous Americans to begin to develop methods for range management not unlike those practiced in early cattle ranching. More concentrated use resulted in more rapid resource depletion. Shrinking resources creates conflict among resource users. Rather than a great gift to the Indian, the horse arguably became a curse. Most pre-Columbian tribes on the Great Plains were sedentary or semi-nomadic. They became nomadic not simply to follow the buffalo, but to support what quickly became the universal

³⁹ Robbins, *Colony & Empire*, xii; Alfred W. Crosby, Jr., *The Columbian Exchange: Biological and Cultural Consequences of 1492* (Westport, CT: Greenwood Press, 1972), 219, 113, 109; Eliza Barclay, "Americans should eat less meat, but they're eating more and more," <http://www.vox.com/2016/8/18/12248226/eat-less-meat-campaign-fail> (accessed August 21, 2016).

symbol of wealth among Plains people, their horses. Staggering numbers of horses ate staggering amounts of grass, thus competing directly with the Indians' actual source of wealth and sustenance, the bison.⁴⁰

Like the Indians, the cattlemen were masters of the Plains for a moment in time. Flourishing, they thought they could raise more cattle. They soon found out that too many cattle and too few resources are a recipe for disaster. Other people arrived wanting some of what the cattlemen had. Even today, only an uneasy truce exists among the myriad land users across the Great Plains. Although, the XIT owners helped to create a foundation of cooperation among the various users of the Capitol Reservation over time, they also overestimated the area's resource potential and encouraged land use practices sustainable only through large capital expenditures. "No one ever prospered in that country without learning to rank resources and to control the most vital ones," Elliott West wrote while examining the impact white settlement, ranching, and farming had on the Cheyenne people who lived primarily at the vortex of American expansion onto the Great Plains. XIT trail bosses watered their northbound cattle at Big Sandy Creek and often overnights at the 1864 "battle" site. Did the cowboys imagine themselves with the same needs and desires as the Cheyenne people that died there three decades earlier?⁴¹

The ranch operation left a mark on local law enforcement, politics, ranching and farming, and, of course on the environment that supported its thousands of cattle. Towns and cities in the

⁴⁰ Andrew C. Isenberg, *The Destruction of the Bison: An Environmental History, 1750-1920* (New York: Cambridge University Press, 2000), 6-7, 11, 26, 40-45; Pekka Hämäläinen, "The Rise and Fall of Plains Indian Horse Cultures," *Journal of American History* 90 (December 2003): 834.

⁴¹ West, *Contested Plains*, 247; Ab. Owings, XIT trail boss to George Findlay, Chicago, May 24, 1891, XIT Papers, PPHM. The site of what can only be described as a massacre of innocent, hungry, and defenseless people was originally misidentified, but the name persisted. The Sand Creek Massacre took place along Big Sandy Creek southeast of Kit Carson, Colorado. The cattle trail here followed a series of water courses and crossed the South Platte River near Brush and edged along the Pawnee Hills before entering Wyoming near Pine Bluffs.

Texas Panhandle, from Dalhart to Lubbock, are all in some way linked to the presence and success of the XIT. The role the XIT played in Montana is certainly acknowledged in Miles City, Terry, Fallon, and Glendive. The XIT was no hip-pocket operation. It was one aspect of a global professional organization employing -- along with cowboys -- clerks, accountants, lawyers, and managers overseen by officers and a board of accomplished international capitalists. Its many associates, owners, and employees engaged, at times, in every level of government service, from county offices like commissioner and sheriff, regional surveyors, and stock inspectors to state legislative seats, and even the United States Congress and the British Parliament. The Capitol Syndicate, from start to finish, extended its financial resources over long distances to exert control of its territorial holdings and to influence the control and exploitation of resources in the regions. The ranch practiced exclusionary tactics to impose company sovereignty on the places their cattle roamed and later determined who and for what purpose their land reserves were to be used. These are all important factors highlighted in studies by scholars on the nature and forms of imperialism.⁴²

The XIT Ranch operation ushered in the end of the northern open-range as it had escorted out Texas's open range era. The modern meat industry emerged in exactly the same era during which the XIT reigned as, arguably, the most recognized and among the most powerful cattle operations in the world. The XIT joined other Panhandle cattle raisers in becoming the first western ranches making extensive use of barbed wire. The XIT built windmills, at least three hundred, on their Texas lands. They created experimental farm plots and cultivated hay and grain for feed. They worked meticulously to improve their herds, introducing Shorthorn, Hereford, and

⁴² *Gazette* (Fort Worth, TX) [henceforth cited as *FWG*], March 12, 1890; Richard Slatta, *Cowboys of the Americas* (New Haven: Yale University Press, 1990).187-188.

Angus varieties to improve on the rangy longhorns – “to get fat cattle.” They engaged eagerly in “finishing” feeder cattle, utilizing both grazing and grain/ensilage feeding in efforts to deliver the preferred class and character of cattle to Chicago and other regional market centers. The XIT pioneered the evolution of the mixed farm/ranch operations that have proved most successful and sustainable on the Great Plains. As is the case in other exercises of long distance power, the scale of consequences swings wildly for the XIT. The ranch’s story provides an excellent framework on which to investigate the path of American capitalism as it threaded its way into the fabric of modern society -- through American stomachs and imaginations.⁴³

This work seeks not to decry the evils of capitalism, but instead to free the history of the XIT Ranch from the romance of popular memory and place it more firmly within the context of the expansion of American business capitalism during the Gilded Age. The American West plays a very prominent role in the origin story of the United States as many, both Americans and others around the world, envision it. Stories like this can have villains as well as heroes. It is intended to make a point, but purposely leaves room for interpretation and judgment. Over the years, reading the letters and records left behind by people featured in this story, one gets to know something about them, to begin to understand what kind of people they were, to perhaps even care for them. For the most part, the men featured here approached life no differently than anyone else might have during the late nineteenth century. Nearly all of the individuals discussed here came from humble backgrounds and imbue that “self-made” persona so permeate of American images of its citizens. This is especially true concerning their attitudes toward Indians. The developers of the XIT came into their majority at a special time in America’s history. The final pieces of a coast-

⁴³ George Findlay to Henry A. Blair, Chicago, April 3, 1890, XIT Papers, PPHM; Cronon, *Nature’s Metropolis*, 222-223, 254-259.

to-coast empire were being secured at the same time that a great barrier to that goal was being toppled by the United States Army on battlefields in Virginia and Tennessee. With the long, anguishing question of slavery resolved, attention again turned on the indigenes that still held sway over perhaps a quarter of the nation's interior.⁴⁴

The end of the Civil War signaled a restart to national goals of expansion first envisioned by Thomas Jefferson in his draft of the Ordinance of 1784, who looked to the West to deliver to the American people "a chosen country, with room enough for our descendants to the thousandth and thousandth generation" on which an American empire of strength, unity, and republicanism would be built. It is unlikely that Jefferson foresaw quite what transpired rapidly after the Civil War. The Pacific Railroad Act and Homestead Act, enacted at the height of the ideological rebellion, formalized the legitimacy of the conquest of the wildest parts of the Wild West. An army left in the field to police the country's formerly rebellious southern states was soon found to be more useful in ridding the booming country's interior of intransigent Indian groups that refused to acknowledge the end of their way of life. And the men of the Capitol Syndicate profited from that process.⁴⁵

As noted earlier, the "big three" of J. Evetts Haley, Lewis Nordyke, and Cordelia Duke remain the definitive historians of the XIT Ranch. With the exception of a handful of theses and dissertations, no other books exist with any more than an acknowledgement and brief overview of the XIT's basic history. A few, despite their general brevity, such as Lawrence M. Woods' *British Gentlemen in the Wild West*, have provided welcome insights. The historiography of

⁴⁴ Jeffery Ostler, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee* (New York: Cambridge University Press, 2004), 46; Richard White, "It's Your Misfortune and None of My Own": *A History of the American West* (Norman: University of Oklahoma Press, 1991), 94-117.

⁴⁵ Edward Dumbauld, ed., *The Political Writings of Thomas Jefferson: Representative Selections* (Indianapolis: Bobbs-Merrill Company, Inc., 1955, 1976), 43.

ranching is remarkably bereft of recent, comprehensive, analytical studies of western imperial ranch operations. Dulcie Sullivan's *The LS Brand* has furthered such study, as have William T. Hagan's *Charles Goodnight* and Clyde A. Milner's *As Big as the West*. Too often, what has been done on Texas ranches and others in the west reinforces a mythical narrative that has been hard to shake – sometimes because there has been a great deal of truth to be found in them. The work of two other historians – among the many contributing to this story – offer rich and enlightened insights into Texas's role in the western beef bonanza. Jimmy M. Skaggs and Thomas Lloyd Miller, in *The Cattle-Trail Industry* and *The Public Lands of Texas*, respectively, provided some deeper perspectives on the critical actions, events, and people that helped provide the framework on which the imperial ranch and the modern beef industry were built.⁴⁶

As promised on the cover of Ernest Staples Osgood's fascinating and prescient 1929 study, *The Day of the Cattleman*, this dissertation contemplates "The legend of the wild west viewed against the truth of history." Earlier resources on the Old West cattle business demand reconsideration, not just of their exposition of facts, but of their writers' perspectives. Texas historian Ty Cashion suggested that New West historians should pay closer attention to earlier historians' work in suggesting a revival of Turner's "concept of a westering people reinventing their society." The work of Edward Dale, Louis Atherton, J. Frank Dobie, and many other fine writers of Western history from the past proved foundational for the material presented here. Among those many voices of the past, including many providing their published eye witness

⁴⁶ Woods, *British Gentlemen*, 119-122; Dulcie Sullivan, *The LS Brand* (Austin: University of Texas Press, 1968); William T. Hagan, *Charles Goodnight* (Norman: University of Oklahoma Press, 2007); Clyde A. Milner and Carol A. O'Connor, *As Big as the West: The Pioneer Life of Granville Stuart* (New York: Oxford University Press, 2009); Skaggs, *The Cattle-Trailing Industry*; Thomas Lloyd Miller, *The Public Lands of Texas, 1519-1970* (Norman: University of Oklahoma Press, 1972).

accounts, perhaps none exceed the insight of the emperor of the beef dominion, John C. Clay Jr. in his detailed and fascinating memoir, *My Life on the Range*.⁴⁷

Perhaps no single author had a better understanding of the western cattle business of the period or depicted the web of influence it depended on than Clay. The man vividly offered, with seeming candor, his sixty-plus years of experience in a memoir first published in 1924. The book has not been often cited, although it was reissued in 1961 and 1962. Clay's work personalized the many influential people encountered in the business dealings of the XIT. Part of his unpopularity might originate with the dislike Teddy Blue Abbott expressed for him in his popular autobiography. An associate of Clay's who encountered Abbott at a stockmen's meeting in Calgary wrote Abbott a friendly letter defending Clay, assuring Teddy Blue that Clay looked upon "cow boys . . . [as] the salt of the earth."⁴⁸

Any study of a Great Plains ranching empire must give homage to Walter Prescott Webb and his *magnum opus*, *The Great Plains*. Considered an early model for modern environmental history, the work has continued to be relevant. Incredibly, in just over 500 pages, Webb managed to be succinct and clear while explaining thousands of years of Great Plains evolution through the arrival of American farmers. The "Plains proper," Webb wrote, had three defining

⁴⁷ Ernest Staples Osgood, *The Day of the Cattleman* (1929; reprint, Chicago: University of Chicago Press, 1957); Glen Sample Ely, *Where the West Begins* (Lubbock: Texas Tech University Press, 2011), 6; Ty Cashion, "What's the Matter with Texas?" *MMWH* 55 (Winter 2005): 2-15 (quote, p. 8); Edward E. Dale, *The Range Cattle Industry: Ranching on the Great Plains from 1865 to 1965* (Norman: University of Oklahoma, 1960); Edward E. Dale, *Cattle-Raising on the Plains of North America* (Norman: University of Oklahoma Press, 1964); Louis Atherton, *The Cattle Kings* (Bloomington: Indiana University Press, 1961); J. Frank Dobie, *Cow People* (Boston: Little Brown, 1964), Tom Lea, *The Longhorns* (Austin: University of Texas Press, 1990); Woods, *British Gentlemen*, 100; Clay, *My Life*, passim .

⁴⁸ E. C Abbott and Helena Huntington Smith, *We Pointed Them North: Recollections of a Cowpuncher* (Norman: University of Oklahoma Press, 1955), 213; "John Clay Has Many Interests," Montana News Association Inserts, June 20, 1932, Vertical Files [John Clay], MHS; *Tribune* (Great Falls, MT), July 22, 1962; C. O. Robinson, Clay, Robinson, and Company to Edward C. (Teddy Blue) Abbott, Gilt Edge, MT, September 13, 1919, Edward Charles "Teddy Blue" Abbott Papers, 1865-1963, MHS.

characteristics. He described the Great Plains as “relatively level and unscored,” barren of trees, and, lastly, with a climate ranging from sub-humid to semi-arid to arid, with the latter being the prevalent characteristic. Above all, the limitations of water concerned Webb. “The conflict over land has practically ended,” Webb wrote in 1931, “but that over water . . . in the arid region has just begun.” Less known and less consulted, but no less important to an understanding of the role the Great Plains environment played in the west and the livestock industry, is James C. Malin’s *The Grasslands of North America*. Not completely a counter-point to Webb and earlier writers, Malin rejects Webb’s regionalism, instead stressing complimentary relationships defining and interrelating diverse places. Malin also provides extensive analysis of the primary raw materials that brought cattlemen to the Great Plains – grass.⁴⁹

The greatest part of this work is based on the word of people that knew the XIT and the western cattle business best. The correspondence, journals, and account books, known as the XIT Papers, housed at the Panhandle-Plains Historical Museum in Canyon, Texas, richly contribute to the following pages. A full inventory of this material is yet to be completed, and examination of each and every document is likely to take years. The most comprehensive gateway into the collection is Seymour V. Connor, *A Guide to the XIT Papers in the Panhandle-Plains Historical Museum* (Canyon, TX: PPHM, 1953). This is far out-of-date, but the staff there have been preparing finding aids as the collection is further accessed. Despite the size of this remarkable collection, it represents only a portion of the material produced during the XIT’s operation. Other archives, too, supply only a partial look at actions related to the place. Much will likely always remain unknown. The popular story of the ranch has always contained mythical elements despite

⁴⁹ Walter Prescott Webb, *The Great Plains* (Lincoln: University of Nebraska Press, 1931, 1959), 4, 452-453; James C. Malin, *The Grassland of North America: Prolegomena to Its History, with Addenda* (Lawrence, KS: James C. Malin, 1956), 271-276.

the efforts of Haley, Nordyke, and others to be more scholarly. Maybe it is best if myths are not too often revealed. Here, however, history will substitute for the myths in an effort to improve academic and popular understandings of the Old West through the story of the XIT.⁵⁰

Beyond the records of cattle, cowboys, and the trail to Montana, and the literature of those who have tried to tell their story there is the modern landscape still shaped by the legacy of the XIT and ranches like it. The heirs of the Capitol Syndicate (the Farwell family) sold the last parcel of the XIT's original 3,000,000 acres in 1963. Today, much of that acreage is occupied by small towns and utilized for growing corn, cotton, and other grain commodities. Cattle still roam the now mesquite-covered prairies, but they belong to perhaps hundreds of different owners now. Water, its rarity in the XIT country a constant source of problems to the men who once owned and operated the ranch, is less of an obvious problem today, although new battles loom between people and states as the massive Ogallala Aquifer is depleted in order to drench the fields of corn and cotton, and keep green the manicured lawns of Amarillo, Lubbock, and the rest of West Texas.⁵¹

The XIT is far from forgotten. In the late nineteenth century, many resented the owners and ranching methods of the XIT. Today, there are only friends that speak reverently about the heritage they earned from the ranch operations. Folks from Dalhart, Texas to Fallon, Montana still have a story to tell about the XIT. Untold businesses sport the brand first etched in the dirt by the boot heel of an old Texas cowboy upon delivery of the first longhorns to officially graze

⁵⁰ Green, conversation with Author, March 12, 2014; Kent Biffle, "Capitol Trade a Twisted Tale," *Dallas Morning News*, May 12, 1996 [hereinafter *DMN*].

⁵¹ H. Allen Anderson, "XIT Ranch," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/apx01> (accessed October 29, 2015); Jane Braxton Little, "The Ogallala Aquifer: Saving a Vital U.S. Water Source," *Scientific American* 300 (Special Editions, March 1, 2009), <https://www.scientificamerican.com/article/the-ogallala-aquifer/> (accessed August 20, 2009); David E. Kromm, "Ogallala Aquifer," *Water Encyclopedia*, <http://www.waterencyclopedia.com/> (accessed April 17, 2017).

the range of the huge entity – XIT. The letters meant nothing, but the brand is forever stamped on the history of the American West. It is long past time that an updated picture of the “fabulous” XIT be presented.⁵²

⁵² Nordyke, *Cattle Empire*, iii.

CHAPTER 2

CROOKED LINES

Texas legislators in 1879 set aside the three-million-acre Capitol Reservation in the northwest Texas Panhandle as the funding source for the largest state capitol building in the country. The action that created this huge tract, which became better known as the “fabulous” XIT Ranch, traced its origins to the 1876 Texas Constitution. Almost as an afterthought, the delegates at the Constitutional Convention had inserted a section in the document allowing for the exchange of a portion of the state’s dwindling unappropriated public lands “for the purpose of erecting a new State Capitol and other necessary public building at the seat of government.” Unlike most of the states accepted as one of the United States of America after implementation of the federal Constitution, Texas, by virtue of the Compromise of 1850, had retained control of its vast unclaimed regions. Despite state leaders’ intentions to preserve its public lands for the benefit of its residents and actual settlers, substantial portions of that land wound up under the control of a variety of syndicates, combines, and corporations often controlled from beyond the state’s boundaries. This included the syndicate that developed the XIT Ranch.¹

¹ *Joint Resolution for Annexing Texas to the United States*, Statutes at Large of the United States, 5 Stat. 797 (8), 28th Cong., 2nd sess., (March 1, 1845); *Joint Resolution for the Admission of the State of Texas into the Union*, Statutes at Large of the United States, 9 Stat. 108 (1), 29th Cong., 1st sess. (December 29, 1845); Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State* (New York: Oxford University Press, 2003), 185; Paul Kens, “Wide Open Spaces? The Texas Supreme Court and the Scramble for the State’s Public Domain,” *Western Legal History* 16 (Summer/Fall 2003): 161-167; Seth Shepard McKay, *Debates in the Texas Constitutional Convention of 1875* (Austin: University of Texas Press, 1930), 133, 211, 241-245, 289, 418; Thomas Lloyd Miller, *The Public Lands of Texas, 1519-1970* (Norman: University of Oklahoma Press, 1972), 232-243; Lewis Nordyke, *Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT* (New York: William Morrow and Company, 1949), 19-22; Frederick W. Rathjen, “The Texas State House: A Study of the Texas Capitol Based on the Reports of the Capitol Building Commissioners,” *Southwestern Historical Quarterly* 40 (April 1957): 433-434 [henceforth cited as *SWHQ*]; Texas, 1876 Constitution, Article XVI (General Provisions), Section 57: “Three millions acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new State Capitol and other necessary public building at the seat of government, said lands to be sold under the direction of the Legislature; and the Legislature shall pass suitable laws to carry this section into effect.”

Since 1850, 150 million Texas acres have been given away or sold at very low cost. Prices for state lands remained low in the later 1870s and the early 1880s because laws enacted during the period made them so. Although many of the writers of the 1876 Constitution intended their actions regarding land policy to benefit small farmers and encourage settlement, many of the men left with the task of implementing the Constitution held different ideas on how best to encourage that settlement. Railroad land grants, a topic dominating debate during the late Convention, continued generously at a ratio of sixteen sections of Texas real estate for every mile built of track. The federal government, with the Pacific Railway Act of 1862, initially allocated five alternate sections per mile of track laid on each side of the road's right-of-way. The new Texas Constitution reaffirmed an 1873 law requiring half of all remaining public lands proceeds go to public education. The document also allocated an additional two million acres to support a Texas university. Still, they had set aside the Capitol lands, perhaps not expecting it to soon pass into the hands of other than actual settlers. Eastern and foreign ownership in Texas seemed anathema to the framers of the 1876 Texas Constitution and the same attitudes seemed to prevail after about 1883, but for a short period, Texas offered a free-for-all to land speculators and deep-pocketed syndicates lured to Texas by a somewhat mythical "beef bonanza."²

² McKay, *Debates* 93, 120-133; Seth Shepard McKay, "Making the Texas Constitution of 1876" (Ph.D. Diss., University of Texas/Ohio State, 1924), 117; Carl H. Moneyhon, *Texas After the Civil War: The Struggle of Reconstruction* (College Station: Texas A&M University Press, 2004), 204-205; Miller, *Public Lands of Texas*, 121, 137-141; Pacific Railway Act of July 1, 1862, Ch. 120, 12 Stat. 489 (sec. 3, p. 492). The Texas General Land Office (TXGLO) has commissioned several studies of itself. TXGLO is an exceptional resource with exhaustive records, and Miller's studies represent the most thorough and coherent analyses of Texas's land policies to-date. According to him, 4,651,076 acres were sold by the state for between \$.50 and \$1 per acre. See also, G. G. Hazel, *Public Land Laws of Texas: An Examination of the History of the Public Domain of this State with the Constitutional and Statutory Provisions, and Leading Cases Governing its Use and Disposition* (Austin: Gammel, 1938) and Thomas Lloyd Miller, *Bounty and Donation Land Grants of Texas, 1835-1888* (Austin: University of Texas Press, 1967). On Texas's governors, see Texas State Library and Archives Commission, "Governors of Texas, 1846-Present," <https://www.tsl.texas.gov/ref/abouttx/governors.html> (accessed March 14, 2016). On "beef bonanza," see James S. Brisbin, *The Beef Bonanza; or, How to Get Rich on the Plains: Being a Description of Cattle-Growing, Sheep-Farming, Horse-Raising, and Dairying in the West* (Philadelphia: J. B. Lippincott & Co., 1881).

Over thirty-two million acres of land grants went to railroad companies that came and went, seldom achieving their promises, but nevertheless earning the coveted land allotments granted on track mileage. The 1876 Texas Constitution limited to twelve years the amount of time that railroads maintained their land rights, at which point the certificate reverted to the state. Few of these grants ever returned to state control. Most were purchased from the grantee for pennies on the acre by speculators and cattle operators. Besides railroad grants and the Capitol Reservation, Texas allocated about five million acres for internal developments, primarily for waterway improvements, the promotion of industry, a central road, and even shipbuilding projects. The failure of many of these projects often presented a financial burden to Texas. Later legislatures attempted to apply time restrictions upon foreign or out-of-state corporate ownership to stem domination of Texas real estate by outside investors. Supporters of such plans later targeted the operators of the XIT Ranch, decrying its foreign investors and absentee management. But time limits on redemption was not the common rule among the array of land policies enacted through the years. The ranch operators protested loudly and effectively, even offering to return the acreage to the state at the same price it was then offering school lands at the time -- \$2 an acre.³

When Governor Oran M. Roberts urged the Sixteenth Legislature in 1879 to implement the terms of the 1876 Texas Constitution regarding the building of a new Capitol, flaws in land distribution practices were becoming obvious to at least some officials. Early service bounty

³ Miller, *Public Lands of Texas*, 121, 137-141, 98-102; Kens, "Spaces," 167; McKay, "Texas Constitution," 114; TXGLO, "Categories of Land Grants in Texas," <http://www.glo.texas.gov/history/archives/forms/files/categories-of-land-grants.pdf>, (accessed May 24, 2016); TXGLO, "History of Texas Public Lands," <http://www.glo.texas.gov/history/archives/forms/files/history-of-texas-public-lands.pdf>, (accessed May 24, 2016). In total, forty-three companies got 32,153,878 acres of Texas public land in three decades. See Roger A. Griffin, "Land Grants for Internal Improvements," *Handbook of Texas Online*, <https://tshaonline.org/handbook/online/articles/mnl04> (accessed November 24, 2010). See also chapter six of this work, "Empire," for a fuller explanation of these events.

grants offered a “league and labor” -- 4605.5 acres. Later land allotments, however, provided certificates authorizing the bearer to claim between 320 and 1280 acres. The 1876 Constitution continued a guarantee of 160-acre homesteads to every Texan who wanted one. This lasted until 1898, when the Texas Supreme Court declared the public domain to be exhausted in *Hogue v. Baker*. In 1876, the state authorized a \$150 per year payment to indigent veterans of the Texas Revolution. When this payment became a strain on the treasury, the 1879 legislature replaced it with a law granting these veterans certificates to claim from 640 to 1,280 acres of unappropriated land. Texas passed a statute in 1881 that provided land to all disabled Confederate veterans or their widows. Both of these actions drew further attention to the problem of dwindling land surpluses and the limitations of policies that seemed to be allowing the accumulation of more and more formerly public land into the hands of fewer and fewer people.⁴

On July 14, 1879, legislators approved Roberts’ proposed “Fifty-cent Act.” Half of the proceeds for these land sales were designated for the state’s permanent school fund. Despite a 640-acre limit on land purchased under the act, speculators, land agents, and entrepreneurs found ways around the restrictions. Before the law’s repeal in 1883, some 3.2 million acres of public lands fell into private hands, primarily those of land speculators and large livestock operations. The XIT was thus not the only cattle “empire” to benefit from generous land policies. The fifty-four counties included in the Fifty-cent Act soon became the primary brood ground for a select

⁴ Miller, *Public Lands of Texas*, 98-102, 121, 137-141.; Kens, “Spaces,” 167; McKay, “Texas Constitution,” 114; TXGLO, “Categories of Land Grants in Texas,” <http://www.glo.texas.gov/history/archives/forms/files/categories-of-land-grants.pdf> (accessed May 24, 2016); TXGLO, “History of Texas Public Lands,” <http://www.glo.texas.gov/history/archives/forms/files/history-of-texas-public-lands.pdf> (accessed May 24, 2016).

few large “Land & Cattle” companies. The anchorage from which the imperial ranch set sail in Texas was the Panhandle.⁵

A few Texans saw folly in Texas’s land policies of the late 1870s and early 1880s, recognizing that the state could not sustain the pace at which it was giving up its lands to private ownership. The Commissioner of the General Land Office in the state at the time, William C. Walsh, carefully managed land transactions until a new administration led by Governor John Ireland began rolling back Roberts’s policies. Ireland, in his inaugural address to the Eighteenth Legislature on January 9, 1883, in a candid and detailed speech covering past, present, and future Texas, said about land policies in the state:

I think I see away down the corridors of time this splendid territory teeming with millions. No more public lands; no more cheap homes – poverty and squalid want gathering fast and thick around the inhabitants, when some one of them will gather up the fragments of our history and read to the gazing and mind-famished multitudes how this generation had in its power and keeping a fund that should have gathered like a snowball as time rolled on, and how, if we had been true to ourselves, to posterity, to *them*, they could have educated all their children, paid all their taxes, reared school houses, built roads and bridges -- and then I see them turn with deep mutterings from the wicked folly that crazed our people from 1865 to 1882.⁶

Ireland earned the nickname “Oxcart John” for his steady opposition to land grants and subsidies for railroad companies building in the state. Ireland opposed giving away the state’s resources to those whose greater interests rested elsewhere. Ireland stubbornly insisted builders contracted for the construction of the state’s new Capitol should complete the building using primarily Texas materials. Ireland was no fan of the project, but his determined leadership undoubtedly resulted in a successful outcome for both the state and the fine building’s contractors. Ireland envisioned

⁵ Miller, *Public Lands of Texas*, 62; Alice Gray Upchurch, "Fifty Cent Act," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/mlf01> (accessed January 12, 2015); Kens, “Spaces,” 162.

⁶ Texas Senate, *Journal of the Senate of Texas, Regular Session of the Eighteenth Legislature* (Austin: E. W. Swindells, 1883), 32; Miller, *Public Lands of Texas*, 252.

a Texas for Texans and felt the new Capitol should reflect that. Still, the equity of the bargain has long been debated and answered to the satisfaction of few.⁷

The Confederate soldier's grant was repealed in 1883 and the indigent veteran's grants ended in 1887. When the Chicago syndicate offered to build the new Capitol in exchange for the land set aside for that purpose, they likely did not fully understand the terms of the contract, or realize their efforts to sell the land profitably were inhibited by the state's changing policies. Legislating a minimum price essentially established the maximum price as well. Why would anyone pay \$2 an acre when similar land was available at \$.50 per acre?⁸

Certainly, the state could and did find benefit in the commercial appropriation of portions of its lands. In northwest Texas – the Panhandle – the commercial exploitation and privatization of the region by large cattle ranching enterprises redefined the image of the state. Cattle ranching reshaped the state's legacy from its foundational heritage of southern monoculture into the place where the West begins. Although Texas can claim a long association with cattle husbandry, in the latter half of the nineteenth century the beef business changed from a parochial craft that supplied a primarily local clientele into a globalized commodity industry. The men that came to own the XIT fit right into a network of political and financial power in Texas and elsewhere, embracing the Gilded Age policies then guiding industry in the United States and commerce around the world.⁹

⁷ Claude Elliott, "Ireland, John," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/fir01> (accessed August 27, 2016).

⁸ Kens, "Spaces," 167; Miller, *Public Lands of Texas*, 51-53.

⁹ Glen Sample Ely, *Where the West Begins: Debating Texas Identity* (Lubbock: Texas Tech University Press, 2011), 3-34.

As Texas Constitutional Convention delegates met to define future state laws in the fall of 1875, they likely did not imagine their decisions would result in the development of a huge ranch in the Texas Panhandle – or a single grand building in Austin. Continued use of what most still thought to be a nearly limitless body of unappropriated Texas land was a popular idea among the delegates. Unfortunately, most misunderstood the resources and extent of these lands and overestimated the capabilities of a small government to manage them.¹⁰ The subsequent rush of large livestock operations into northwest Texas, including the establishment and operation of the XIT Ranch, demonstrated that.¹¹

It is likely, too, they did not expect that the land eventually set aside would wind up in the hands of Illinois capitalists far more interested in the bottom line of their balance sheet than the benefits their actions would bring to Texans. These men saw the opportunity as a last chance to exploit the last bits of the nation’s yet unclaimed reaches. Led by John V. Farwell, a wealthy dry goods merchant in Chicago, the Capitol Syndicate, as the group was popularly known, formed with the original intent of subdividing and selling the huge land tract to individuals and groups eager to establish farms, towns, and even ranches in Texas’s undeveloped regions. Instead, they found there to be little demand for the land, and profits from it were in fact hindered by the very policies that created it in the first place. The creation and operation of the XIT Ranch highlights the political and economic connections that directed the country’s cattle business and Texas’s role in it. The real story behind the creation of the legendary ranch begins with the 1879-1880

¹⁰ Ralph A. Smith, "Grange," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/aag01> (accessed April 20, 2011); Campbell, *Grassroots Reconstruction*, 26, 223-225; Moneyhon, *Texas After the Civil War*, 199, 200-202. It has been estimated that 40 of the 90 delegates to the 1875 Texas Constitutional Convention were members of the Grange. See Kens, "Spaces," 160.

¹¹ McKay, "Texas Constitution," 71, 95-101, 111.

survey undertaken to identify the bounds of the new Capitol Reservation, and the subsequent acquisition of the Capitol project contract by Farwell and his associates.¹²

The Convention delegates did not specify an exact location for the reservation, and their actions may have been little more than a way to assuage representatives from the state's western regions and their desire for further development, particularly through rail access. At the time, the remote Panhandle was considered not much more than a desolate wasteland by many observers. Such may have been the general thinking when the land swap scheme was initially proposed. Soon made safer by the United States Army's expulsion of the Comanches and Kiowas from the region, Mexican shepherds, merchants, former buffalo hunters, and a few brave farmers moved in to eke out a scant living from the unforgiving, although not unusable, plains of northwest Texas. Cattlemen, too, soon ventured there. Their plans for the region were, perhaps, bolder. By the time the state actually got around to ordering a survey of the proposed Capitol Reservation, more people had come and, in some cases, held apparently legal claims on portions of what would later be within the area defined for the Capitol project. Cattle ranchers locating there were not interested in sharing the Panhandle's meager resources with others.¹³

¹² J. Evetts Haley, *The XIT Ranch of Texas, and the Early Days of the Llano Estacado* (Norman: University of Oklahoma Press, 1953, 1967), 5-6, 50-51.

¹³ Haley, *XIT Ranch*, 50. On the Capitol itself, see, for example, Texas State Historical Association, *The Texas State Capitol: Selected Essays from the Southwestern Historical Quarterly* (Austin: Texas State Historical Association, 1988), especially Rathjen, "The Texas State House," 434-462, William Elton Green, "A Question of Great Delicacy: The Texas Capitol Competition," 33-43; and Paul Goeldner, "The Designing Architect: Elijah E. Myers," 47; Joubert Lee Greer, "The Building of the Texas State Capitol, 1882-1888" (M.A. Thesis, University of Texas, 1932); Robert Smith Mabry, "Capitol Context: A History of the Texas Capitol Complex" (M.A. Thesis, University of Texas at Austin, 1990); Michael M. Miller, "Cattle Capitol: Misrepresented Environments, Nineteenth Century Symbols of Power, and Construction of the Texas State House, 1879-1888" (M.A. Thesis, University of North Texas, 2011); State of Texas, *Biennial Report of the Capitol Building Commission Comprising the Reports of the Commissioners, Superintendent, and the Secretary, to the Governor of Texas* (Austin: Triplett & Hutchings, State Printers, 1883), 4; McKay, "Texas Constitution," 168-184, 170; McKay, *Debates*, 459; and Cornelius D. Judd and Claude V. Hall, *The Texas Constitution Explained and Analyzed* (Dallas: Banks Upshaw and Co., 1932).

For years, trail drivers, exchanging drinks and stories with buffalo hunters and traders in cow town saloons, had looked forward to exploiting the great stands of grama and buffalo grass spanning Texas's Panhandle country. A commonly told story has Charles Goodnight, ranching in Colorado in the mid-1870s, deciding it was getting too crowded there. Cautiously he drifted his cattle south, still leery of Indian raids, but attuned to the land qualities around him. According to biographers, when the legendary Ranger, trail driver, and cowman struck the Canadian River and followed it into Texas, he found large bands of sheep along its banks and in the nearby hills. Small "plazas" of one or a few Mexican families subsisted up and down the river, including at the site of the soon-to-be founded town of Tascosa. A few whites, too, could be found managing sheep and small cattle herds, or operating other businesses along the river's tributaries. The cowman, as the story is related, having heard of another site further south, negotiated with the *mayordomo* of the *pastores* on the Canadian. Goodnight, who was later often consulted by the XIT operators and would supply the XIT with the ranch's first purebred Hereford bulls, offered to take his cattle south to the Palo Duro Canyon as long as the *pastores* never brought sheep to his range.¹⁴

Sheep or not, the old trail driver passed on a claim to what might have been some of the best grazing ground in the southwest United States. Perhaps he anticipated the milder climate of the Palo Duro or a slight advantage in tree covering and shelter. Many say Goodnight settled there to depend on the steep canyon walls as natural fencing. More likely, backed by his new-found British partner, John George Adair, Goodnight knew exactly where he was going when he

¹⁴ Haley, *XIT Ranch*, 38-48; Pauline Durrett Robertson and R. L. Robertson, *Panhandle Pilgrimage: Illustrated Tales Tracing History in the Texas Panhandle* (Amarillo, TX: Paramount Publishing Company, 1978), 149-151. The latter source can be found on the Portal to Texas History at <https://texashistory.unt.edu/ark:/67531/metaph225495/> (accessed October 14, 2016).

left Colorado to establish the great JA Ranch as the first extensive and foreign-financed cattle ranch in the Panhandle. Although he had no way of knowing it then, much of the upper Canadian River valley would fall within the area set aside for the Capitol Reservation. Had Goodnight chosen to stay on the Canadian, a different history, perhaps, might have awaited him.¹⁵

By the time Goodnight brought his herd south to the Palo Duro Canyon, two enterprising sometime lawyers had long been operating in the area. Jules “Jot” Gunter and William Benjamin “Ben” Munson, well-known “Dealers in Real Estate,” operated out of the North Texas towns of Denison and Sherman. Munson had visited the Panhandle as early as 1874. The local paper in Denison welcomed his safe return in one issue. “W.B. Munson has returned from a two week tour in the extreme West,” documented the editor for the *Daily News* on May 5, 1875. He continued, opining, “Verily, Munson is a great traveler; he will be extremely fortunate if he doesn’t get his hair lifted some of these times.” Eight months later, the Texas Constitutional Convention memorialized the United States Congress for continued frontier protection in an effort to make sure that Munson and other developers in the Panhandle were not attacked by Indians.¹⁶

The Indian problem on the Texas frontier effectively ended with Quanah Parker’s surrender in June 1875, but many people had seen the Indians subdued before and remained skeptical of the safety one could expect in that part of the state. Small bands of renegade Indians occasionally escaped the reservations over the next few years to raid into the Panhandle, but their

¹⁵ J. Evetts Haley, *Charles Goodnight: Cowman and Plainsman* (Norman: University of Oklahoma Press, 1949), 280; William T. Hagan, *Charles Goodnight: Father of the Texas Panhandle* (Norman: University of Oklahoma Press, 2007), 25-26; Frederick W. Rathjen, *The Texas Panhandle Frontier* (Austin: University of Texas Press, 1973), 101-103, 228-238.

¹⁶ Rose Englutt, “From the Denison *Daily News*, May 5, 1875,” *Denison Herald* (TX), December 23, 1992; George Flounoy et al., *Depredations on the Texas Frontier*, 44th Cong., 1st Sess., 1875, H. Misc. Docs. 37, 1-5.

slight numbers caused few problems. A detachment of Texas Rangers led by George Washington Arrington, to the chagrin of Army leaders at Fort Elliot, pursued renegades across the northwest Texas, reportedly rooting reluctant Indians out of their Panhandle hideouts into early 1880.¹⁷

It worked to the advantage of operators like Gunter and Munson if people were not too anxious to find out what the Panhandle was really like – at least not yet. It served the interests of the primary beneficiaries of Gunter and Munson’s efforts, too. As their numbers grew, cattlemen discouraged settler entry into the Panhandle. The so-called Barbed-Wire Wars in 1883-1884 represented the culmination of these actions. With the Indian danger under control and buffalo nearly gone, large cattle interests moved quickly to secure their claim to the northwestern Texas plains. It was Gunter and Munson that brought Goodnight back to Texas and helped provide him and his partner Adair with secure title to over 200,000 acres of prime grazing lands.¹⁸

Munson had “read” the law for Oran M. Roberts in the future Texas governor’s Gilmer office before coming to Sherman in the early 1870s. He and Gunter, a one-time law apprentice to Roberts as well, met soon after Munson’s arrival in Sherman. Booming growth in the area soon convinced them that their legal backgrounds could be put to better use in the land business than with the law. When residents in Sherman failed to show interest in a plan to draw the Missouri, Kansas, and Texas Railway -- the “Katy” -- to town, a group of men including Gunter and Munson founded Denison almost overnight and offered bonuses to the Katy men to build its North Texas yards and branch line hubs there. For the two partners, this was the first step toward

¹⁷ J. Marvin Hunter, “Captain Arrington’s Expedition,” *Frontier Times* 6 (December 1928): 97-102; H. Allen Anderson, “Arrington, George Washington,” *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/far20> (accessed April 25, 2011).

¹⁸ Wayne Gard, “Fence Cutting,” *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/auf01> (accessed August 27, 2016); Donald Joseph and Mary Tonkin Smith, *Ten Million Acres: The Life of William Benjamin Munson* (Denison, TX: Mary Tonkin Smith, 1946), 74; Haley, *XIT Ranch*, 55.

taking their position in history as wealthy and influential Texans who very much contributed to the growth and prosperity of Texas in the late nineteenth century. In their efforts, however, little attention focused on actual settlers.¹⁹

According to a local historian, the relationship between Gunter and Munson made for “a most unusual law firm.” “There has never been, nor will there ever be, another law firm like this one,” Neilson Rogers told a Sherman, Texas, reporter in 2001. An old photograph showed that beneath the firm’s letterhead listing the men’s names in bold appeared the words “Attorneys at Law and Dealers in Real Estate.” On a sidebar, customers were reminded of the complete services of the establishment: “Lands Listed, Patents Secured, Titles Investigated, Taxes Paid.” “During its 10 years of existence,” Rogers continued, “this law firm surveyed so much of West Texas that it gained the reputation of the only law firm which could find vacant land in West Texas. At the same time, the firm was buying land certificates for as little as \$25 each and selling the land for \$1 per acre.”²⁰

The business of land locating was not new in Texas, but circumstances in Texas in the 1870s made it an especially lucrative venture just then. Gunter and Munson became among the most well-known of these enterprises. Successful in Grayson, Cooke, Denton, Wise, Clay, and Wichita counties, the partners sought new horizons in the Panhandle. Over 6,000 land grants recorded in the General Land Office attest to the success of the Gunter and Munson partnership.

¹⁹ Joseph and Smith, *Ten Million Acres*, 1946, 74; Pete A. Y. Gunter, “Jot Gunter: Sherman Rancher and Land Speculator,” *The History of Grayson County Texas, Volume II* (Sherman, TX: Grayson County Frontier Village, 1981), 53-54. The exploits of Gunter and Munson in Texas land development is a story mostly untold. Their many Texas land grants include thousands of Panhandle acres. The two remained powerful and respected in Texas throughout their lives. Still today, the Munson family continues an influential presence in North Texas. The iconic Gunter Hotel in San Antonio is named for the lawyer, land speculator, and businessman. When Gunter died in 1907, the Texas governor ordered flags lowered to half-staff upon news of the man’s death.

²⁰ *Herald Democrat* (Sherman, TX), October 21, 2001. The land certificates could be for as much as 4,428 acres – a league. More likely, these were from 320- to 1280-acre grants.

Railroads were the preferred clients of the pair, but they also dealt in bounty lands, veteran grants, and the other land scrip Texas had issued throughout its history, at least that which was transferable and assignable. Gunter and Munson maintained a cadre of men locating grantees, surveying land, and filing patent claims for title to grants and school lands.²¹

Many actions by individuals, companies, and politicians in the 1880s would not draw favorable review today. Today's observer likely would find questionable the practices often accompanying the disposal of Texas's public land. By both illegal and legal methods, Texas's land policies allowed some individuals to exploit weaknesses in the system to the benefit of their personal ambitions rather than the state or actual settlers. Thomas Lloyd Miller is one of the few historians to look critically at Texas's land policies over time. "The average Texas citizen, in matters concerning land," Miller wrote, "was not . . . above reproach." Even the most honest of men, he continued, could not resist any opportunity, legal or illegal, to get more land. The Texas land system was riddled with loopholes that clever entrepreneurs could easily use to their own advantage. As the last great tracts of the southwest frontier, West Texas and the Panhandle became a popular place in Texas to find free or almost free land. A huge land fraud scheme in Texas, uncovered in 1877, led to arrests throughout the country on charges of forging land records and arson.²² Outright fraud was probably unnecessary in the Panhandle, though. The law did not bar the activities of most Texas land agents. Land grants in Texas had been distributed from Spanish times for various reasons. All of those land grants issued since the Republic period, if claimed, represented an extensive portion of the public lands. Many remained outstanding.

²¹ Joseph and Smith, *Ten Million Acres*, 70-71; Miller, *Public Lands of Texas*, 104; TXGLO, "Search, Gunter and Munson," <http://www.glo.texas.gov/history/archives/land-grants/index.cfm> (accessed May 20, 2016).

²² Miller, *Public Lands*, 197; *New York Times*, October 20, 1877; *Union* (Princeton, MN), October 24, 1877.

Most of these had no expiration period and no restriction upon the location in Texas where the grants could be selected.²³

Operators like Gunter and Munson found the holders of outstanding land scrip and purchased the certificate from the bearer, often for pennies to the acre. Choice parcels of unclaimed land, usually with adequate water, wood, or, perhaps, surface mineral resources were matched to a land certificate, which thus satisfied the state's patent laws to gain a legal title. Bundled in large contiguous parcels and sold to wealthy investors in West Texas and the Panhandle, the practice drew cattle interests mostly. Grantees often turned out to be widows or other assignees of the original bearer, a trend indicated in Texas Land Office records beginning in the mid-1870s. The old soldiers were dying, and often the only thing their widows had left was a land certificate recognizing service at San Jacinto or during the "Siege of Bexar." Acting first as agents for scrip holders, the land men provided the necessary survey notes to district land offices, and then filed sales transfers of the parcels to the speculators, who then filed for the patent approving the land title.²⁴

Cash-strapped rail companies were more than eager participants in Texas's land selloff. Railroad land grants, no matter where the line actually operated (if it ever did), could be selected from any of the state's vast expanse of unappropriated public land. Agents purchased hundreds of land certificates from the railroads throughout the western reaches of Texas in the 1870s and early 1880s. In the Panhandle, many were from the International and Great Northern Railroad Company, the Houston and Texas Central, the Texas and New Orleans, the Gulf, Colorado, and

²³ TXGLO, "Categories of Land Grants" (accessed May 24, 2016).

²⁴ Kens, "Spaces," 161-162; Hazel, *Public Land Laws of Texas*, 23-45; Miller, *Public Lands of Texas*, 55; Haley, *Charles Goodnight*, 302-306; TXGLO, "Land Grant Search," <http://www.glo.texas.gov/cf/land-grant-search/index.cfm> (accessed April 22, 2011).

Santa Fe Railway Company, and others.²⁵ Although some of these agents retained lands for their own purposes, most went to parties interested in the burgeoning Panhandle cattle industry. By the time Goodnight located his ranch at the top of the Palo Duro Canyon in 1877, this was the prevailing method for securing land.²⁶ A condition of railroad land grants required that for each section claimed for the railroad, an alternate section would be surveyed for the state and then designated as school land. Proceeds from sale of these lands financed the state's public education programs. This saved the state money on the land it sold by requiring the railroad or its assignee to survey the state's parcels. Purchasing railroad grants at low prices, Gunter and Munson often were able to buy adjacent school lands, despite lawmakers' public intention that those lands be sold to actual settlers. Further benefiting from the Fifty-cent Act, the law enacted in 1879 setting a minimum price of \$.50 on unappropriated public land in fifty-four western and northwestern Texas counties, Gunter and Munson profited greatly by being able to supply large tracts of prime grazing land to cattle interests. Eastern or foreign capitalists eager to be part of the then booming cattle industry, as well as own a piece of the already mythical West, financed many of the cattle operations. According to Munson's privately published biography, the pair made money "going and coming."²⁷

²⁵ TXGLO, "Land Grant Search" [see File Number 27658] http://www.glo.texas.gov/ncu/SCANDOCS/archives_webfiles/arcmeps/webfiles/landgrants/PDFs/8/4/7/847665.pdf (accessed February 10, 2017). This railroad land scrip (640 acres) shows it was purchased by Gunter and Munson for \$100. That is \$.16 per acre. This quite likely is within the general bounds of the Capitol Reservation.

²⁶ Kens, "Spaces," 167-173; Rathjen, *Panhandle Frontier*, 234; Haley, *Charles Goodnight*, 282-284; Hagan, *Charles Goodnight*, 27-33; James C. Malin, *The Grassland of North America: Prolegomena to Its History, with Addenda* (Lawrence, KS: James C. Malin, 1956), 99-101.

²⁷ Joseph and Smith, *Ten Million Acres*, 70 [quote]; Miller, *Public Lands of Texas*, 62; Richard Graham, "The Investment Boom in British-Texan Cattle Companies, 1880-1885," *Business History Review* 34 (Winter 1960): 442.

Other men eager for huge profits in the cattle business were certainly not reluctant to push their way into the Canadian region. Gunter and Munson also served as land agents for a pair of successful traders from Dodge City, Kansas. Albert E. Reynolds and William McDole (W. M. D.) Lee formed the Lee and Reynolds Freight Company to fulfill the demands of an expanding government presence on the near southwestern frontier after the Civil War. As the military established forts in Indian Territory and Texas, the company contracted to supply all the needs of remote outposts at Fort Sill, Camp Supply, and Fort Elliott. As the Indians were subdued or driven from the Texas Panhandle, many buffalo hunters swept in to pursue the small, but still profitable, bison herd remaining in the region. Lee and Reynolds quickly moved in to service their business.²⁸

The buffalo trade in the Panhandle became so lucrative that Lee and Reynolds established a satellite headquarters not far from Fort Elliott. First called “Hidetown,” the outpost became Mobeetie, the first town to be founded in the Texas Panhandle. Neither chasing Indians or bison presented long-term opportunity in any one place. The Army was mostly successful at its job and garrisons were shrinking in that part of the country, while the buffalo were no match for the throngs of white hunters stalking them across the prairies. With business declining and their bank accounts full of cash, the partners decided to go their separate ways. Lee, who had settled in Mobeetie, had accumulated a substantial herd of cattle from his business dealings. With no prospects there, and settlers entering at a quicker pace, he moved his herd west, eventually finding his way to Romero Canyon in today’s Hartley County.²⁹

²⁸ Rathjen, *Panhandle Frontier*, 167; Dulcie Sullivan, *The LS Brand: The Story of a Texas Panhandle Ranch* (Austin: University of Texas Press, 1968), 23-25; Donald F. Schofield, "Lee, William McDole," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/le54> (accessed February 9, 2017).

²⁹ Sullivan, *LS Brand*, 30; Donald F. Schofield, *Indians, Cattle, Ships, and Oil: The Story of W. M. D. Lee* (Austin: University of Texas Press, 1985), 52-53; Donald F. Schofield, "LS Ranch," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/apl02> (accessed April 16, 2011); H. Allen Anderson, "LE

Liking what he found, Lee sent word to Reynolds, inquiring whether his old partner wanted to get into the cattle business. Receiving a positive response, Lee then moved to purchase land along Trujillo Creek, an important Canadian River tributary in today's Oldham County. There the partners established the LE Ranch. A rift in the two friends' business relationship developed in 1879. Already threatened by the state's intentions regarding the Capitol Reservation, with Gunter and Munson in the lead, Lee and Reynolds scrambled to secure separate claims to land about to be split up by a partnership gone bad. Reynolds' unwillingness to sell his portion of the LE angered Lee. The split upon which the men eventually agreed satisfied none of the parties. The pair continued to operate independent ranches for some time, with both outfits eventually nearly enclosed by the fences surrounding the XIT. Both Lee and Reynolds would later have extensive interaction with the principals of the XIT. In 1888, the LS traded about 71,000 acres for about 106,000 acres of XIT range. Lee also became a major partner with John Farwell, his brother Charles, and other associates in a plan to build deep-water harbors on the Texas coast. Albert E. Reynolds brought in a brother as a partner to operate the LE, much of which also was surrounded by the Capitol lands. While negotiating with Reynolds regarding an "exchange of land," Taylor once was forced to delay the move by "matters on the other side of the water."³⁰

The Panhandle was thus being divided among several "cattle barons" before the creation of the Capitol Reservation. These men soon found out the cattle business was not all it promised, but they did not give up readily. Cattle and Texas land consolidated into fewer hands. The state's

Ranch," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/apl10> (accessed April 16, 2011).

³⁰ Land Records, Land, Taxes, Record of 1894-1895, XIT Papers, PPHM; Abner Taylor to A[lbert] E. Reynolds, Denver, July 12, 1889, XIT Papers, PPHM.

land policies attracted more Gilded Age entrepreneurs that took advantage of vast tracts of cheap land. Besides Lee and Reynolds, Goodnight soon was joined by other large-scale neighbors like the Prairie and Hansford cattle companies. More foreign principals appeared when the Matador, Espuela, and the Francklyn Land and Cattle Company commenced operations. The appearance of the imperial ranch on the arid reaches of the Great Plains and Rocky Mountain front coincided with the European scramble for empire then underway in the Middle East and interior Africa. The increase in European investment, British in particular, cannot be looked on simply as the result of optimistic reports of the opportunities for adventure in the American West. Foreign investors viewed it as an opportunity to make a lot of money. Thousands of Europeans invested in foreign ventures around the world. While it made for a romantic claim to say you had a cattle ranch in Texas or Colorado or Wyoming, few of these beef barons ever saw anything of ranching except for the stockholders' reports.³¹

Legislators ordered the three million acres set aside for the Capitol project to be located in several of the most northwestern counties of the state, all of which were included in the Fifty-cent Act. The legislature provided for a survey of all suitable land in the region and ordered the precise identification of the Capitol Reservation boundaries. A five-person board headed by the governor was established to oversee the project, including the actual construction of the building. The legislature added 50,000 acres to the reserve, which would be sold to pay for the survey

³¹ Rathjen, *Panhandle Frontier*, 240-241; Jan Blodgett, *Land of Bright Promise: Advertising the Panhandle and South Plains, 1817-1917* (Austin: University of Texas, 1988), 1, 43; Lawrence M. Woods, *British Gentlemen in the Wild West: The Era of the Intensely English Cowboy* (London: The Free Press, 2003), 23-25, 117-122; John Clay, *My Life on the Range* (1924; reprint, New York: Antiquarian Press, 1961), 129-139; Haley, *XIT Ranch*, 40-48; Graham, "The Investment Boom in British-Texan Cattle Companies, 1880-1885," 421-445. For more insights on the British investment phenomenon, see James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo World, 1783-1939* (New York: Oxford University Press, 2009), 119-120, 208. For more on Colorado and the Rocky Mountain front range, see, Duane A Smith, *Rocky Mountain West: Colorado, Wyoming, and Montana, 1859-1915* (Albuquerque: University of New Mexico Press, 1992).

work. Governor Roberts ordered that bid proposals on the work be solicited throughout the state. The advertisement drew numerous responses. Officials of the Capitol Board accepted Joseph T. “J. T.” Munson’s bid of \$7,440. The governor and Board selected Nimrod L. Norton of Salado to oversee the work as the state’s superintendent.³²

Capitol Reservation surveyor Munson’s younger brother was Ben Munson, of Gunter and Munson. The Munson brothers had been and would be -- but currently were not -- business partners. J. T., a lifelong bachelor, roomed in the fine house built by his brother in Denison. He is listed as the patentee in nearly 200 land office abstracts. Strict penalties intended to prevent collusion inhibited a government surveyors’ ability to profit from the knowledge gained during their activities. It does, however, seem curious, even in 1879, that in an open bidding process the brother of one of the state’s most active speculators could be selected to delineate the area in which his brother was at that moment most active. It probably did not hurt that one of the Munson brothers had studied law under the eye of the person heading the Capitol project – Governor Roberts.³³

J. T. Munson acknowledged acceptance of his contract in a letter to Governor Roberts on July 17, 1879. Outlining his immediate plans from his home in Denison, the surveyor wrote that he intended to travel to Fort Elliott, where he would meet part of his survey crew. He planned to

³² Texas, *Biennial Report* (1883), 60-67; Nordyke, *Cattle Empire*, 256; Haley, *XIT Ranch*, 50-51; J. T. Munson, Tone & Munson Real Estate, to Governor O. M. Roberts, May 8, 1879, Roberts to General Walter P. Lane, July 10, 1879, Records of the Capitol Building Commission, Texas State Library and Archives, Austin [henceforth TSLA]. A nearly identical letter of appointment and instruction is transcribed in Texas, *Biennial Report* (1883), 7, and addressed to Nimrod L. Norton. General Lane, a noted participant in the Texas Revolution, The Mexican War, and for the Confederacy during the Civil War, is not mentioned in any other official documents regarding the Capitol and his role in this matter remains unclear. Advertisements for bids were widely published in April 1879 under the title “Advertisement for Bids to Survey the Land to Build the Capitol of Texas,” see Records of the Commission, TSLA. See also Lucie C. Price, “Norton, Nimrod Lindsay,” *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/fno13> (accessed April 20, 2011). For J. T. Munson land patents, see TXGLO, “Land Grant Search,” Munson, J. T. or Munson, Joseph.

³³ Joseph and Smith, *Ten Million Acres*, 69.

rendezvous with the rest in Tascosa, where a rough and tumble reputation for the town already had been earned. Munson told Roberts that he would begin working in Oldham County on the north side of the Canadian River. Munson thanked the governor for offering the service of Texas Rangers, “though I anticipate no danger.” Munson actually began the survey before Norton’s arrival. The announcement of the Capitol project launched a scramble among Panhandle land speculators and other interested parties. Reports from Norton, responsible for oversight of the Capitol Reservation survey, indicate his frustration with land speculators operating as agents for cattle interests. Correspondence from Norton and others suggests that Gunter and Munson may have attempted to influence the survey’s outcome. Unfortunately, a fire in the Old Capitol at Austin in November 1881 destroyed most of the records of the state commission in charge of the Capitol Reservation survey. Many questions therefore remain unanswered regarding the early stages of the Capitol project, and they likely will remain so.³⁴

The Capitol Reservation stretched from the northwest corner of Texas, at a point last officially surveyed and marked in 1859, 200 miles south along or parallel to the New Mexico territorial border. It reached an average of twenty-five miles in width. The Texas survey crews measured their progress in Spanish leagues, the square of which represents 4,428 acres. The project statutorily required visible markers to be erected at two corners of each league, but the surveyors were hard-pressed at times to find rock or lumber on the bleak plain sufficient to fulfill their obligation. Doing their best to follow the governor’s admonishment “that no land absolutely

³⁴ W. S. Mabry, “Early Surveying in the Texas Panhandle,” *Frontier Times* 15 (March 1938), 245; Texas, *Biennial Report* (1883), 48, 50; Gary L. Moore, Frank A. Weir, et al, *Temporary Capitol of Texas, 1883-1888: History and Archaeology*, Texas Highway Department Publications in Archaeology, No.1 (Austin: Texas Highway Department, 1972), 14; Robert S. Mabry, “Capitol Context: A History of the Texas Capitol Complex,” (M.A. Thesis, University of Texas at Austin, 1990), 96. See also, Frederick W. Nolan, *Tascosa: Its Life and Gaudy Times* (Lubbock: Texas Tech University Press, 2007).

worthless such as rock or sand, barren of grass should be surveyed,” the surveyors also struggled against harsh conditions.³⁵

A late start and severe drought delayed the work. Munson’s crew found the Panhandle environment challenging. By early September, “sickness having [reduced] the survey party below a fair working capacity,” Norton allowed Munson to abandon the work until the spring of 1880. Norton tried to relieve Governor Roberts of any anxiety that Munson could not finish the job by the statutory deadline of September 1880. “There is . . . no reason to fear the fulfillment of his contract,” Norton wrote, continuing that, “He will simply come better prepared to operate in an isolated & [illegible] country.” Munson may have been out of line in beginning the survey prior to Norton’s arrival. Suspicion marked the superintendent’s tone when he wrote Roberts of his intention to inspect the areas surveyed prior to his joining Munson, using “two competent men [employed] at my own expense [to] accompany me over the entire work.” He suggested the possibility he might not return until December with a full account of “other reasons [for allowing Munson to leave,] which I will explain when I see you.” The governor wrote back to inform Norton of his disinterest in further investigation. “I have received your letter . . . about your going back up north,” the governor began. “If you have seen enough to regard the information that you have correct, I should think you could make your report upon it.” What “other reasons” Norton wished to relay remain left to inquiry and speculation. It is not clear when Norton next

³⁵ Haley, *XIT Ranch*, 50-52; Nordyke, *Cattle Empire*, 22-23; Texas, *Biennial Report* (1883), 3-8. Not all the survey bids agreed on the acreage represented in a league. At least one prospective contractor measured one at 5760 acres. XYZ (c/o Dr. Sam P. Wright) to Capitol Board, May 5, 1879, Records of the Commission, TSLA. Many other markers existed in the vicinity. Just prior to New Mexico’s statehood in 1912, Texas acknowledged mistakes in the northwest survey. The boundary was not changed. “Boundaries,” *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/mgb02> (accessed April 20, 2011); *News-Globe* (Amarillo, TX), August 14, 1938 [section D, page 22].

saw the governor, but he was back home in Salado on December 1, far from what was, reportedly, a hard Panhandle winter.³⁶

Norton saw for himself the many new arrivals in what so recently had been regarded by lawmakers in Austin as a dangerous frontier. Indeed, it remained a dangerous place, especially if you were a Mexican shepherd or a hardworking “nester” trying to raise a few cattle and a small hay crop. But growing numbers of big cattle outfits in the area enforced their own rules on land policy. A cattlemen’s association formed in 1880 and hired gunmen like Pat Garrett to stop “rustling.” For the western cattlemen, the term took on extra meaning and also implied small cattle owners with less means or even sheep raisers.

The stock interests are rapidly increasing here. Cattle largely preponderate. Sheep are confined mostly to Hartley, Oldham, and Deaf Smith. There are in these three counties about 150,000 sheep, distributed among some eighteen owners, none of whom own any lands, and all of them will have to move out soon unless they buy ranch sites, as the cattle men are rapidly buying up the desirable ranch sites that are for sale – in fact they already own most of them. The sheep men are, with two or three exceptions, Mexicans.³⁷

They had the money, power, and influence to do it. “The old notion among herd owners that free grass and water is their natural heritage, is fast vanishing,” reported the Denison *Daily News*. Commissioner Walsh, also a member of the Capitol Board, did not share Governor Roberts’s zeal when it came to parting with the state’s resources. Walsh recognized the limits of Texas’s land policies and clearly understood its shortcomings. He voiced his concerns to Roberts in light of Norton’s reports about the survey: “The enclosed letter of Col. Norton only confirms my fear

³⁶ Texas, *Biennial Report* (1883), 8; Norton to Roberts, September 20, 1879, Records of the Commission, TSLA. See also September 10 and December 1, 1879; Oran Roberts to N. L. Norton, September 30, 1879, Records of the Texas Governor: Oran Milo Roberts, TSLA; Haley, *XIT Ranch*, 51; Nordyke, *Cattle Empire*, 23. Haley reported that the survey did not begin until autumn and the drought quickly drove the men from their task. Nordyke wrote, “the men finally had to resort to seepage from alkali lakes.” Continuing, he summarized the results of 1879 by writing, “after a lonely Christmas . . . one blizzard after another drove the surveyors and Rangers out of the Panhandle.” Both accounts appear misleading or incorrect.

³⁷ *Daily News* (Denison, TX), May 26, 1880; Robertson and Robertson, *Panhandle Pilgrimage*, 210.

that interested parties, in collusion with Dist[ri]ct Surveyors would cover all the best land in the reserve and date their entries back."³⁸

Norton sent the governor several letters in the days prior to Walsh's letter. In one, he wrote, mysteriously, "for reasons that can be satisfactorily explained [later]," that he had some information that "would in all probability save the state money." Norton trusted the governor to "regard this information as strictly confidential," and reminded him "I only report facts as I find them without expressing any opinion." Norton himself received an equally mysterious letter from Edward Montgomery, the mail superintendent for the line from Tascosa to Fort Bascom, New Mexico Territory. In it, the postal agent suggested his willingness to produce witnesses to "the land grab or rather water grab of G & M." This and other correspondence suggesting illicit collusion among district surveyors and the partnership of Gunter and Munson troubled Norton in the prosecution of the Capitol Reservation survey.³⁹

Surveyor Munson may have felt pressure from officials after they received Norton's reports. Expressing both his frustration and gratitude, he wrote the governor around the same time:

Is it desired by the Board . . . that I should now furnish to your Honorable Board maps and field notes of the surveys thus far made? Will the state pay me pro rata for the work done as soon as land can be sold for that purpose, in case I report field notes and plats at once . . . ? I find that the cost of the work is going to exceed my estimates very considerable. I should be very grateful should your board decide to pay pro rata as soon as sales are made.⁴⁰

³⁸ *Daily News* (Denison, TX), May 26, 1880; Walsh to Roberts, October 21, 1879, Records of the Commission, TSLA [emphasis original].

³⁹ Norton to Roberts, October 12, 20, 1879; Edward Montgomery to Norton, October 31, 1879, Records of the Commission, TSLA.

⁴⁰ Munson to Roberts, November 10, 1879, Records of the Commission, TSLA.

No evidence that surveyor Munson was involved in fraudulent activities regarding the survey has ever been uncovered. Later correspondence indicates that Norton and Munson maintained a friendly working relationship. The tone of Munson's letter, however, signals his irritation at inquiries regarding his work. Rather than involving a question of his honor, it may stem simply from his own realization that he had badly underestimated the job. It is not the last time that he informed the Board that his initial bid was low. The timing of the letter might be coincidental, but that it comes simultaneous to questions raised about the survey seems more than just coincidence.⁴¹

Munson did not hide his loyalties when he spoke to at least one newspaper about what he thought of the prospects for the Panhandle after harsh conditions and low supplies drove him from his work there in 1879:

The *Denison Herald* has interviewed Mr. J. T. Munson who has just returned from making the survey in the Panhandle country where the 3,050,000 acres of land set aside for the construction of a state capitol are located. He says the country is not suited to agricultural products, because of the scarcity of water. The survey is not yet completed and will not be resumed until May next.⁴²

His assessment differed considerably from Norton's later reports promoting the colonization potential of several areas within the Reservation he felt well suited to agriculture. Munson may have simply been being honest, but it is easy to judge his attitude as reflective of his brother's interest in discouraging settlers in order to provide an opportunity for wealthier investors. A resurvey of the Capitol Reservation was performed in 1886, acknowledging errors in Munson's survey. Nothing ever revealed those errors to have been of a nefarious nature. Nevertheless, it is surprising the relationship, given the role of each person in this particular event, did not draw

⁴¹ Munson to Roberts, April 30 and July 20, 1880, Records of the Commission, TSLA. In this letter Munson wrote, "I find the cost of doing the work will be about double my estimate."

⁴² *Weekly Banner* (Brenham, TX), October 17, 1879.

more attention from newspapers and other officials. More recently, similar actions in today's ethics-conscious political atmosphere would have drawn deep scrutiny.⁴³

Still pursuing his suspicions about Panhandle land claims, Norton that winter met Frank Sperling either in Mobeetie or Dallas while in the custody of United States marshals. The Sperling brothers had opened a general store near Trujillo in 1878, before Lee and Reynolds arrival at the same place soon after. The Sperling store did not fit with Lee and Reynolds' plans for the area. At least one account has Lee and Reynolds purchasing land from the Sperlings, but the former pair might, by chance, have been handed some, perhaps unwelcome, assistance in securing their claim to the area. Frank Sperling wrote Norton in February 1880 remarking on the "exposure of the Marshal and his gang," and the trader's unjust treatment by them just prior to that exposure.⁴⁴ Deputy United States Marshal Walter Johnson and four other men arrived in Mobeetie in the early fall of 1879. The group carried arrest warrants signed by a federal revenue commissioner in Dallas, but these contained no specific names or charges. Johnson's reputation in North Texas for his actions against the production and sale of illegal liquor was well known. Apparently, he was bringing that reputation to the Panhandle and soon charges of selling stolen government munitions and illegal dealing in tobacco and liquor were made against several men and businesses, including Lee and Reynolds and Charles Goodnight.⁴⁵ After rounding up a few

⁴³ Texas, *Biennial Report* (1883), 60-61; "Contract . . . Setting Forth that a Resurvey of the Capitol Lands Has Been Made," January 11, 1887, Records of the Commission, TSLA; Haley, *XIT Ranch*, 43. See also "Gunter, Jot," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/GG/fgu6.html> (accessed April 22, 2011), and David Minor, "Munson, William Benjamin, Sr.," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/MM/fmu9.html> (accessed April 22, 2011).

⁴⁴ Frank Sperling to Norton, February 11, 1880, Records of the Commission, TSLA; Haley, *XIT Ranch*, 48; H. Allen Anderson, "Trujillo, TX," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/hvt84> (accessed April 27, 2011); *Daily News* (Galveston, TX, henceforth cited as *GDN*), December 26, 1879.

⁴⁵ *GDN*, November 25, 1879; *Texan* (Shamrock, TX), September 14, 1938.

men in Mobeetie and from nearby Fort Elliott, Johnson and his men rode west making arrests in Tascosa and Trujillo, where Sperling and his brother, Charles, were arrested and charged with “not cancelling the grangers stamp on a whisky barrel.”⁴⁶

Ten or eleven prisoners, including the Sperlings and two soldiers, were being escorted to Dallas to face charges when a posse led by Mobeetie officials overtook Johnson’s group. To truncate the story somewhat, the whole thing became something of a federal vs. state authority stand-off. By the end of December, having eventually been brought to Dallas, charges against all of the men were dropped and they were released. “[Y]ou can imagine better than anyone down in the state, how much we were injured . . . [with] our business . . . [left] to the mercy of strangers,” Frank Sperling wrote Norton, referring to his arrest and confinement. Wheeler County officials, convinced a fraud had been perpetrated by Johnson and his men – the marshals apparently were paid on the number of warrant arrestees they took in – brought charges against them. The matter seemed closed after Johnson, who may or may not have resigned his marshal’s service position, was convicted by a Wheeler County court of unlawful arrest and fined \$500.⁴⁷

What injury had been done to the Sperlings’s business during their weeks in custody is not detailed in Frank Sperling’s letter to Norton. He did add that they “overcame it & prospects are favorable to a good trade in the future.” Sperling, however, seemed to have a different motive for his letter than his recent arrest. “The immigration to this country,” he wrote, “would increase considerable, if the land question was somewhat near favorable to settlers; but in the contrary it appears as if this waste country was held by a few speculators, who are determined to drive every settler from this land.” The storekeeper continued “that Gunter & M has sold [much land] to Lee

⁴⁶ *GDN*, December 4, 1879.

⁴⁷ *GDN*, December 4, 1879.

& Reynolds of Ft. Elliott, who said they would drive off everybody next spring to give room to their cattle.” Although at least one newspaper suggested that Lee and Reynolds may have been among deputy marshal Johnson’s initial targets, testimony in the case indicated that another deputy had filled out a warrant while at Lee’s office in Mobeetie. Most of those arrested were mentioned in the testimony regarding when the warrants were completed. The Sperlings were not mentioned, nor the name on the warrant filled out in Lee’s office. Lee and Reynolds operated a store in Mobeetie not unlike the Sperlings’s. Might Lee, just then attempting to obtain land in the Canadian River valley, have suggested to an inquiring deputy a suspect who might be an obstacle to his plans? “I have my doubt to the legality of G & M’s patents,” Sperling continued, “[and] beg you to inform me wether [sic] this party holds legal patents [and] have the right to move settlers from the land.”⁴⁸

Munson and Norton returned in the spring of 1880 to finish the job of surveying. A drought continued unabated, a condition well known among the handful of people actually familiar with the area. Munson’s correspondence of the time indicated a change in his attitude regarding the Texas Ranger escort provided by the state. Rather than tendering his thanks for a probably unneeded luxury, he seemed anxious, writing, “Safety for those who shall do the work, in my opinion makes an urgent necessity for the escort asked.” It was not Comanches he feared, but more likely the growing number of powerful cattle interests securing their claims to the region.⁴⁹

It is not clear that Governor Roberts or anyone else ever acted on Norton’s suspicions. In December 1879, Norton wrote a lengthy assessment of the legal situation regarding the Capitol

⁴⁸ *GDN*, December 4, 1879; Frank Sperling to Norton, February 11, 1880, Records of the Commission, TSLA; Robertson, *Panhandle Pilgrimage*, 136-137, 190; Haley, *XIT Ranch*, 48.

⁴⁹ Munson to Roberts, March 5, 1880, Records of the Commission, TSLA.

Reservation – as he saw it. Without naming anyone in particular, he assailed the efforts of the “surveyors” that would make it possible for “all the water & choice locations to fall to the share of individuals & all the least desirable lands without water to fall to the state.” Norton’s official correspondence clearly references Gunter and Munson and, by implication, Lee and Reynolds. Referring to questionable “square surveys” and citing “The Act of January 30, 1854,” of which there were several, including “An Act to encourage the construction of railroads in Texas” and “An Act to establish a System of Schools.” Norton encouraged Governor Roberts to make “null & void” claims to “The entire Canadian River front on both sides,” allowing the land to “revert to the state from the simple fact that it is plainly & probably & definitely opposed both to the letter and spirit of a statute which admits of only one construction.” Governor Roberts responded to Norton’s suggestion that men with legal experience be sent to audit new claims at the district land office: “We have sent a good attorney to Jacksboro and other places to examine the book file &c in the Land offices.”⁵⁰

Norton delivered a detailed report of the survey and the land characteristics to the Capitol Commission Board in January 1881. No question regarding the survey was raised. The surveyed leagues initially numbered from 1 to 739, although 646 was inexplicably left from the count. From those 738, fourteen leagues were excluded as inferior land. Another thirty were excluded as beyond the limits of the reservation. Mathematically, this represents 3,028,752 acres, a 21,248 acre discrepancy from the statutory requirement of 3,050,000 acres and a substantial amount of land. The Capitol Syndicate subsequently made various land swaps with neighboring ranches and later received a small parcel of valuable land in Harris County, but its members in 1888

⁵⁰ Norton to Roberts, December 1, 1879, Records of the Commission, TSLA; Roberts to Norton, December 4, 1879, Records of the Governor: Roberts, TSLA; H. P. N. Gammel and C. W. Raines, *The Laws of Texas: 1822-1897, Volume III* (Austin: Gammel Book Co., 1898), 1455-1459, 1461.

agreed to close the deal with Texas, acknowledging that company records showed they were 23,743 acres short. Norton's notes offer detailed characteristics for the most representative leagues. Characteristics for those found inferior are not listed. The last evidence of Norton's suspicions regarding the Capitol Reservation was his recommendation that Henry Kimball, a Tascosa blacksmith and "friend & supporter of the land of the state" that "has the confidence of all the parties [and] is perfectly familiar with the Spanish language" be appointed as a Notary Public. Norton then turned his attention to his duties as one of two commissioners to oversee the construction of the new Capitol.⁵¹

In November 1880, the Capitol Board received the first bids for purchasing the 50,000 acres set aside as payment for the survey. This first call solicited only three responses. A letter from Gunter and Munson received by Governor Roberts and the Board withdrew the bid they offered on behalf of Lee and Reynolds, possibly reflecting the trouble between the former partners. The Board then rejected the two remaining bids and re-advertised the survey acreage. In the next round, Lee, under the Lee & Reynolds letterhead, submitted one of two bids received. His rival offered \$.50 an acre on a portion of the reserve and \$.555 on the remainder. Lee's bid, presented on December 10, offered \$.53 per acre on most of the land, but \$.55 on a smaller portion. Of the two, Lee's certainly was the lower bid, however, another bid from Lee, dated February 1, 1881, came with a guarantee from Lucien and Lyman Scott of Leavenworth, Kansas, who were bankers and, by then, partners with Lee in another Panhandle cattle outfit, the LS. The state accepted their offer of \$.555 per acre. Indeed, the law set the minimum selling price of land

⁵¹ Land Records, Record of Land Taxes, 1894-1895, XIT Papers, PPHM, p. 159; Marquess of Tweeddale, *The Capitol Freehold Land and Investment Company Limited Proceedings of the Fourth Annual General Meeting of Shareholders* (London: Privately printed, March 12, 1889), 1889, 2; Texas, *Biennial Report* (1883), 60-67; Norton to Roberts, May 2, 1880, Records of the Commission, TSLA.

at \$.50 per acre, but the 50,000 acres represented choice grazing and well-watered sections -- among the finest of the Capitol Reservation. Similar lands elsewhere in Texas sold for \$2 an acre.⁵²

What finally happened regarding the questionable land practices along the Canadian River remains unclear. One need only examine a map of the Capitol Reservation to realize that something happened. Substantial sections of the upper portion of the Canadian River valley to Tascosa, as well as several of its major tributaries on either bank, belonged to others. Eleven leagues in an angular area carved out near the point the river drops from New Mexico into Texas marks the 50,000 acres set aside for the survey work. Nearly the entire Punta De Agua, a major tributary, also was in private hands at the time. In addition to the eleven leagues sold to finance the Capitol Reservation survey, a substantial portion of these riparian areas belonged to Lee as well. Later land exchanges between the XIT and other Panhandle ranching interests, along with lawsuits that redrew lines, obscure the originally declared boundaries. A careful examination of maps and other evidence does belie the legendary suggestion that the XIT's three million acres represented the largest continuously fenced ranch. The evidence leaves one believing Norton was only partly successful in his efforts to pursue Governor Robert's instruction to "secure the best land for the State." Norton's final report makes no mention of any concerns he had expressed earlier. Although the men that built the Capitol for three million Panhandle acres later spent time investigating historic land laws and earlier surveys, they showed little concern or suspicion that the land they received for building the Capitol was less than called for in the bargain.⁵³

⁵² Gunter & Munson to Roberts, November 25, 1880, Records of the Governor: Roberts, TSLA; Texas, *Biennial Report* (1883), 8-9.

⁵³ The Syndicate first corresponded with W. M. D. Lee in August 1882, discussing land and railroad plans "beneficial to all." See Taylor, Babcock, & Co. (TBC) to Lee, August 29, 1882, XIT Papers, PPHM. Letters from Abner Taylor, general manager for TBC, in 1883 first highlight the land issues presented in the Panhandle. Taylor to John Farwell, June 16, 1883; Taylor to Charles Farwell, June 22, 1883; Taylor to J. Farwell, June 25, 1883, XIT

Someone likely informed Gunter and Munson, acting on behalf of Lee and Reynolds, of the suspicions among government officials. Wishing therefore to avoid any hint of impropriety in subsequent transactions with the state, the partners withdrew their association in the bid for the survey acreage. Publicly, this allowed the state to distance itself from an association with Gunter and Munson's land speculation practices. The state, nevertheless, faced a *fait accompli* – the LE, LS, and other ranches were, after all, already there and were controlled by very powerful men. Rather than face lawsuits and political conflict, might a bargain have been struck to maintain an illusion that the grand Capitol could be built for the \$1.5 million originally projected? What explains Lee's amended bid on the 50,000 acres of what is clearly among the best land offered throughout the Capitol Reservation? Other than the sale price of the land, \$27,750, half of that earmarked for the public education fund, and the leagues sold, the official record is sketchy regarding the purchase. The first official report of the Capitol Board is silent on the question. Lee's bid is in the Board's records. An 1887 map of Oldham County clearly identifies as Lee's property the same eleven leagues listed in the Board's first report.⁵⁴

In one of the many legal challenges fought by the Syndicate, the state of Texas, in 1923, took action against the Syndicate to recover 57,836 acres. Courts favored the state after finding fault with Munson's survey. Certainly, the errors were not the fault of the Capitol contractors that received the land. Indeed, they paid taxes on those 57,836 acres for nearly forty years and by

Papers, PPHM; Daniel M. Braid [?], "Map of the XIT Ranche Situated in the Panhandle of Texas, the Property of the Capitol Freehold Land & Investment Co. Ltd." (Chicago: Rand McNally & Co., 1888; in XIT Museum, Dalhart, TX. See also State of Texas, "Sketch of 103rd Meridian, W.L. showing conflict of Capitol Leagues, Surveyed and signed as correct by W.O.[sic] Mabry, Surveyor of Oldham County," 1887, TSLA; F. G Blau, "Oldham County Map, 1887 [digital image]," on the Portal to Texas History, <http://texashistory.unt.edu/ark:/67531/metaph88877> (accessed April 27, 2011).

⁵⁴ W. M. D. Lee to Walsh, February 1, 1881, Records of the Commission, TSLA; Texas, *Biennial Report* (1883), 9; Blau, Map; see also Sullivan, *LS Brand*, 30; Schofield, *Indians, Cattle, Ships, and Oil*, 52-59; Schofield, "LS Ranch," *Handbook of Texas Online*, <https://tshaonline.org/handbook/online/articles/ap102> (accessed April 11, 2011).

then had greatly reduced their Panhandle holdings. It appears that any conflicting claims at the time of the survey were resolved without affecting the subsequent agreement with the Chicago men, either with the state or with surrounding residents. No evidence of legal actions regarding previous claims to Capitol Reservation lands has been found. Perhaps when you have more land than most can imagine, a few thousand acres do not garner much attention.⁵⁵

Gunter and Munson continued to operate successfully in the Panhandle until disbanding their partnership in 1885. As part of Munson's share in the dissolution of the partnership, he received the T-Anchor Ranch, just to the east of the Capitol Reservation and north of Charles Goodnight's ranch. That ranch had originated in 1878. Munson sold most of the land and cattle soon after the partnership broke up.⁵⁶

With the survey complete, the state held a contest for a design of the new Capitol. The Capitol Board eventually selected Elijah E. Myers, a Detroit architect and designer of the recently completed Michigan capitol in Lansing. In making the selection the board passed over designs by one of Texas's then best-known architects as well as that of the one woman who had submitted a design. Meyer later also completed the preliminary design for Colorado's capitol building. The state's superintendents for the Capitol project began locating construction material for the building and advertising for bids on the project from contractors.⁵⁷

On November 9, 1881, while the Capitol Commission Board met to consider the plans and proposals thus far received, a poorly installed stovepipe ignited documents in a storage room

⁵⁵ George Findlay et al. v. State of Texas, 113 Tex. 30, 250 S.W. 651 (S. C. Tex. 1923).

⁵⁶ *New York Times*, January 6, 1885; Joseph and Smith, *Ten Million Acres*, 99-100; Gunter, "Jot Gunter," 53-54.

⁵⁷ Haley, *XIT Ranch*, 49-57; Nordyke, *Cattle Empire*, 19-30; Green, "A Question of Great Delicacy," *Selected Essays*, 21-44; Paul Goeldner, "The Designing Architect," *Selected Essays*, 45-61; Mabry, "Capitol Context," 110.

of the “Old Stone Capitol,” as the decrepit statehouse first occupied in 1854 was kindly called. Board members first attempted to extinguish the growing blaze, and then tried to retrieve state documents that appeared in the greatest peril. Austin firefighters arrived to what at first appeared to be light damage and a controllable fire, but fire hydrants nearby failed. Firefighters found themselves unable to contain the flames. By day’s end, only a smoldering ruin remained. A great many of the state’s important records were lost to the blaze, including documents regarding the Capitol project. The fire delayed the construction bid deadline to January 1, 1882. Even so, only two bids appeared. One, from Texas contractor A. A. Burck, who went on to play a different role in the project, failed to attract the Board members’ confidence. Mattheas Schnell from Rock Island, Illinois, submitted the winning bid.⁵⁸

Chicago businessman Charles Farwell, John V. Farwell’s brother and a leading Illinois Republican politician and former congressman, learned of the Capitol land deal underway in Texas through friends in Washington. Men everywhere knew about the great cattle empires growing in the West and the vast acres of grazing lands seemingly free for the taking in places like Texas. Later, back in Chicago and speaking with his merchant brother, John, the interest of his always-sensible brother surprised Charles. At a Republican Party meeting, Farwell heard of other interested parties, namely political and business associates Abner Taylor and Amos Babcock.⁵⁹

⁵⁸ Haley, *XIT Ranch*, 49-57; Nordyke, *Cattle Empire*, 19-30; Green, “A Question of Great Delicacy,” *Selected Essays*, 21-44; Paul Goeldner, “The Designing Architect,” *Selected Essays*, 45-61; Mabry, “Capitol Context,” 110; “Capitol Fire,” November 9, 1881, Records of the Commission, TSLA (thirty-nine pages of handwritten testimony regarding the fire are in the Commission records).

⁵⁹ Nordyke, *Cattle Empire*, 25-26; Haley, *XIT Ranch*, 57; For an example of titles that popularized Western investment, see General James S. Brisbin, *The Beef Bonanza; or, How to Get Rich on the Plains: Being a Description of Cattle-Growing, Sheep-Farming, Horse-Raising, and Dairying in the West* (Philadelphia: J. B. Lippincott & Co., 1881), 16. Brisbin wrote that he wished to provide interested parties with information “sufficient . . . to convince anyone that the Great American Desert is not such a bad place to live, and indeed no desert at all.”

Ambitious in Illinois politics, Taylor was a respected contractor in Chicago, recognized for his contributions to the city's recovery after the disastrous Great Fire in 1871. It is not clear when Taylor earned the southern honorary title of "Colonel," but he was commonly referred to by the title. Babcock, too, could boast of his own influence in both state and national politics. Babcock may have been an architect, but the entry for his profession on his death certificate describes him as a "man of leisure." These two had already corralled Schnell, who, having previously raised the \$250,000 bond and prepared the Texas Capitol bid, was initially content to take his chances going forward with the project on his own. Schnell was a builder, but regarding the ownership of more land than some can imagine, he had little clue. He must have come to his senses. According to Lewis Nordyke, one chronicler of the XIT Ranch, just prior to Christmas in 1881, Taylor, Babcock, and the Farwells struck a deal with Schnell. On paper, Schnell continued as the sole bidder on the project. The agreement between the men then called for three-quarters interest in the project be sold to the silent partners, should Schnell's bid be accepted. Burck and Schnell submitted their bids, along with their \$20,000 bonds, on December 31, and the Texas Commissioners opened and examined them on January 1. The Capitol Board selected Schnell's bid. Schnell and the two Commissioners, Joseph Lee and Norton, signed a contract on January 10, which the Board accepted on January 18. A notarized bond of \$250,000 dated January 31, appears in the Commission report signed by Schnell along with Taylor, Babcock, and the Farwell brothers. That date coincides with a telegram sent to Governor Roberts, the Board, Norton, and Lee in which J. M. Beardsley, an influential Illinois lawyer with strong ties to the Republican Party there, informed them that "Schnells bond [is] signed by men worth two million dollars. It will be there and work commenced on time."⁶⁰

⁶⁰ *Examiner* (Waco, TX), February 8, 1882; Beardsley to Roberts, et al., January 31, 1882, Records of the Commission, TSLA. According to the article in the Waco newspaper, besides Babcock, Taylor, and the two Farwell

Commissioners Lee and Norton turned the first shovels of earth for a groundbreaking ceremony on February 1, 1882. No real work began until February 20. Governor Roberts and the Board accepted Schnell's bond on February 7. A letter from Illinois Governor Shelby M. Cullom, penned February 1, offered glowing praise for Schnell and the others. About Taylor, Babcock, and the Farwells, Cullom offered that he "had known each of these gentlemen for many years. They are wealthy men and I feel sure are worth all together from two to three million dollars." Cullom also sent a telegram the day that the bond was accepted. The Board recognized Taylor, Babcock, and the Farwells as the owners of an undivided three-quarter share of the project on February 11.⁶¹

The project team, under the auspices of "Taylor, Babcock, and Co." (TBC), accepted the contract on May 9. Despite their absence from the company moniker, the Farwells were equal, probably majority, owners. Charles Farwell's involvement in Illinois Republican politics almost certainly led the other men to minimize public attention to his involvement in the deal. Texans preferred not to draw attention to their larger dealings with "Yankees," either. Nothing further is heard from Schnell after June 19. Mystery still shrouds TBC's assumption of the contract. As is the case for many aspects of this story, unanswered questions remain. The ledgers for the Capitol account in the XIT Papers list a \$13,900 payment to Schnell on May 9 and a \$2,500 payment to an associate on June 6. Two separate payments of \$7,200 and \$5,300 between April 15 and May

brothers, the Syndicate also included Beardsley, identified as the postmaster at Rock Island, Ill., J. S. Drake, formerly one of the proprietors of the Rock Island *Argus* and an ex-member of the Illinois Democratic State Central committee, and a "wealthy capitalist and contractor," and A. M. Burel, mayor of Rockdale, Texas, and well-known as a Democratic politician.

⁶¹ Cullom to Roberts, February 3, 1882, Records of the Commission, TSLA. See also the contract, bond, and specification for Schnell in Texas, *Biennial Report* (1883), 97-173, 175; Cullom to Roberts, Telegram, February 7, 1882, Records of the Commission, TSLA; as well as Texas, *Biennial Report* (1883), 31. A follow up letter from Beardsley, who had sent the earliest telegram about Taylor and the others, is available and conveys positive opinions on the "Syndicate;" see Beardsley to Roberts, February 1, 1882, Records of the Commission, TSLA. On the Capitol, see also Rathjen, "State House," *SWHQ*, 438; Mabry, "Capitol Context," 121; and Miller, "Cattle Capitol," 32-38.

18 appear for J. M. Beardsley. Beardsley, the Illinois lawyer and political operative, had vouched to the Board for the credentials of Taylor, Babcock, and the Farwells – the Capitol Syndicate as the group came to be known. His role in earning \$12,500 from them is unclear. Unraveling the origins of this project are tricky. The influence, and profits, of the Capitol project spread widely – for better or worse.⁶²

Within a month of TBC assuming full ownership of the building contract, Babcock made his way to the wilds of northwest Texas. Political favors granting him a military escort insured a safe journey across the Texas frontier and his arrival in Tascosa, the notorious second Panhandle town just off the eastern boundary of the Capitol lands, signaled a big change for that town and the hundreds of square miles around it. A much-debated plan launched by a reactionary body had set aside three million acres of public land to build a noble edifice representative of Texas and her people. State surveyors raced to secure the Capitol Reservation boundaries before cattle interests its best areas to themselves. A questionable bidding process had resulted in the sale of 50,000 acres to pay for a survey whose own commissioner raised questions about the tactics the purchaser used to obtain neighboring land. State officials overlooked the skills of respected Texas architects in hiring a northern architect whose skills and veracity would eventually be deeply questioned. Bidding on the project itself eventually resulted in the contract's award to wealthy northern capitalists who sought, despite the intent of the Capitol planners that the project reflect Texas in its workmanship and material, materials and contractors far beyond the Texas border.⁶³

⁶² Haley, *XIT Ranch*, 5; Taylor to Forster and Wennig, April 26, 1882, Taylor to Schnell, June 19, 1882, XIT Papers, PPHM; Accounts: Ledgers, Taylor-Babcock, XIT Papers, PPHM. An 1893 case before the U.S. Supreme Court sheds some light on this topic. In *Burck v. Taylor*, 152 U.S. 634 (1894), the Court declared Burck the rightful holder of “title to one thirty-second interest” in the profits of the Texas Capitol project.

⁶³ Texas, *Biennial Report* (1883), 27.

In a long review of the Capitol Reservation land transaction from the *Clipper* in Colorado City, Texas, in the spring of 1886, the author reflected on the concerns that Governor Ireland had voiced in his message three years past:

[The] enterprise . . . will in time undoubtedly become one of the very great proportions, and the children of the present day will criticize fifty years hence the wisdom of their fathers in getting so little for so much. The state house will not grow, but the value of these lands will But a few moments' business reflection will put a different face upon the matter . . . it is enough to know that when this trade was made these state house builders paid more than \$1 per acre for land that could have been bought at that time for fifty cents.⁶⁴

In time, as the *Clipper* predicted, the value of the land increased. Eventually, the bargain proved profitable for the Farwell family heirs, but failed to produce the great wealth that many had earlier predicted would come from the deal. The ranch brought prestige and affluence to a few of those associated with it, too, but nothing that elevated either owners or associates to heights reached by a Rockefeller or Carnegie. As will be seen, the ranch operators, despite its size, struggled throughout its existence to sustain its operation. None of the principals in the operation gained the title of “cattle baron.” For the Farwells and their associates, the gamble on the Capitol Reservation had been made to extend an already substantial business. Instead it became something of an albatross around their necks.

⁶⁴ *Stock Growers Journal* (Miles City, MT) [henceforth cited as *SGJ*], March 13, 1886.

CHAPTER 3

CATTLE CONVENTION

Historian Jimmy Skaggs wrote, “The [western] cattle ranch as a business endeavor was . . . significant not for the magnitude of its livestock production, but for its control of the land, an appreciating asset.”¹ Intended as a real estate and “colonization” investment, the circumstances of the gigantic land acquisition of the Capitol Syndicate -- John V. Farwell, Charles B. Farwell, Abner Taylor, and Amos Babcock – instead forced the group to focus upon cattle ranching. The Syndicate’s planning began to evolve as they realized the limitations of the bargain they made with Texas, both in terms of taking possession of the land and the character of the land itself. Finding the property in slight demand by Texas settlers, the Syndicate deferred their plans for colonization of the acreage in lieu of joining the several other cattle conglomerates operating around them. With very little experience in the livestock business, the group used its extensive political and financial connections to mold the Capitol Reservation into the XIT Ranch. The creation of the XIT, and its success, depended on the Syndicate’s ability to secure the support of powerful individuals and organizations around the country. Texas’s place within a much greater world of cattle stands out, but it does not stand above the many other agents and agencies of the western cattle business. By 1884, the beef business in the United States rivaled many other Gilded Age industrial behemoths like railroads, mining, and steel companies in production and marketing. The men who controlled the soon-to-be-great XIT fit comfortably among the cattle capitalists who defined the industry, a powerful network of investors, politicians, cattle breeders, cattle raisers, cattle buyers, packinghouses, and railroads. The first national cattlemen’s

¹ Jimmy Skaggs, *Prime Cut: Livestock Raising and Meatpacking in the United States, 1607-1983* (College Station: Texas A&M University Press, 1986), 70.

convention in November 1884 revealed the grievances of the country's cattle business as well as the friction between cattle raisers of varying means and styles who came from vastly different regions of the country. But it also defined the business for the Syndicate as it developed the XIT Ranch.²

The Syndicate began attempts to sell the Capitol Reservation land almost immediately upon assumption of the Capitol contract. In 1882, through Taylor, Babcock, & Co. (TBC), the Syndicate optimistically, perhaps naively, asked between \$2 and \$2.50 per acre to sell the entire three-million-acre parcel. A great deal of correspondence changed hands as each of the Syndicate members sought buyers. Some of those they contacted took liberty with their information and began representing themselves as authorized agents for the Syndicate. One person enlisted to help find investors received sharp criticism and dismissal by Taylor: "If your dispatch of the 18th about the sale of lands is true, you have violated your pledge, and we decline to have any further communication with you." The blended chain-of-command that had both of the Farwells, Taylor, and Babcock making independent inquiries and efforts led to problems, then and later. After other aborted negotiations, Babcock and Charles B. Farwell got together and suggested that John V. Farwell be the only agent of the company authorized "to dispose of the lands." They further suggested immediately selling five hundred thousand acres at \$2.00 an acre while they heavily advertised the entire tract in British newspapers.³

After two years of effort, the Syndicate realized that at the time, they stood very little chance of earning even \$2.00 per acre on any but the best of the land. Texas was selling its

² Lewis Nordyke, *Great Roundup: The Story of Texas and Southwestern Cowmen* (New York: William Morrow & Co., 1955), 113-127.

³ Taylor to David Nobles Rowan, October 30, 1882, Taylor to Babcock, November 3, 1882, Taylor, Babcock, & Co. (TBC) to Rowan, January 19, 1883, "Memorandum," January 24, 1883, Amos Babcock to John V. Farwell, June 26, 1883, XIT papers, PPHM. Letters signed Taylor, Babcock, & Co. (TBC) are usually written by Abner Taylor.

public lands for far less and leasing vast tracts, too. As discussed in an earlier chapter, Governor Oran M. Roberts pushed through the notorious Fifty-cent Act in 1879. The ensuing surge in public land sales resulted in widespread, often fraudulent, speculation before its repeal in 1883. The Fifty-cent Act hurt the Syndicate, too. Sales were not likely at \$2.00 an acre when better land could be purchased for less, sometimes far less. Except from large cattle interests, several of which already operated in and around the Capitol reservation, demand for most of northwest Texas remained light despite dwindling reserves of arable Texas public land. There were plenty of nibbles, but nothing that would seem close to recouping the costs that were beginning to add up on the Capitol project. Furthermore, as subsequent relations between Texas officials and the Capitol contractors demonstrated, the authority of the Syndicate to bargain for the sale of the lands at the time was questionable. Pressed by the situation, the Syndicate began investigating and discussing the formation of a “cattle company” and a “scheme for stocking and fencing our entire tract.”⁴

A somewhat curious offshoot of the Syndicate trying to sell land is that plenty of people thought the members might want to buy more land. Edwin S. Graham, the founder of Graham, Texas, and an agent for the Texas Emigration and Land Company, contacted TBC early in 1883. Taylor’s replies to inquiries such as this grew succinct. “Your favor of Jan 3rd at hand,” Taylor curtly responded, “We have all the Texas lands we can handle at present, and do not wish to purchase anymore.”⁵ Edwin S. Graham, along with his brother, Gustavus A. Graham, had also sunk the first gas well in Texas – accidentally, while searching for underground saltwater sources

⁴ TBC to Charles Goodnight, Palo Duro, TX, March 28, 1883, XIT Papers, PPHM; *Chicago Tribune*, April 6, 1884.

⁵ TBC to E. S. Graham, Graham, Young County, TX, January 18, 1883, XIT Papers, PPHM; Lawrence Clayton and J. U. Salvant, *Historic Ranches of Texas* (Austin: University of Texas Press, 1993), 25.

for the local salt plant they operated. No great petroleum or gas reserves ever turned up on the XIT, much to the disappointment of future heirs to the XIT legacy. Perhaps Taylor should have entertained Graham's offer.⁶

Throughout 1884, Syndicate leaders frantically sought relief from the delays that TBC experienced on the Capitol project. Obvious construction moved slowly in the first years of the contract, although considerable time spent excavating the building's foundation, water table, and basement ensured a stable base on which to construct the Texas monument. Still, politics played a constant role in relations between the state and TBC, and the 1882 election of a new governor did not speed progress. The intransigent new governor, "Oxcart" John Ireland, pressed the Syndicate on what seemed like every point regarding the contract for the future statehouse. Ireland's insistence that the primary building material be changed from limestone to granite proved the most fractious issue for the construction project, but securing possession and title to the Panhandle land became of far more concern to the Syndicate. Ireland, backed by his Commissioner of the General Land Office, William C. Walsh and, the rest of the Capitol Board tasked with oversight on the project, refused to allow possession of the land prior to completion of contracted benchmarks, few of which were being met due to the delays. This severely limited the Syndicate's ability to market the land in any legitimate way.⁷ Taylor, replying for TBC, wrote to a prospective investor in Germany about the issue:

⁶ William R. Hunt, "Graham, TX," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/hfg07>, (accessed January 07, 2015); Graham Chamber of Commerce, "Graham, Texas," VillageProfile.com, 2015, <http://www.villageprofile.com/texas/graham/03/topic.html>, (accessed January 7, 2015); Dr. William Green, conversation with author, March 12, 2014. Exploration companies did approach the Capitol Syndicate. See L. M. Davis, President, Ohio Consolidated Oil Co. to J. B. [sic] Farwell, December 15, 1904. The Syndicate also held some coal lands in New Mexico. As with other aspects of Syndicate operations, the Farwell brothers disagreed regarding its disposal. See Francis W. Farwell [FWF] to William Boyce, Texas Legal Counsel, August 9, 1900, XIT Papers, PPHM.

⁷ Taylor to Gustavus Wilke, December 31, 1884, Babcock to Taylor, January 6, 1885, XIT Papers, PPHM; Texas, *Third Biennial Report of the Capitol Building Commission Comprising the Reports of the Commissioners, Superintendent, and the Secretary, to the Governor of Texas* (Austin: Triplett & Hutchings, State Printers, 1886), 12,

There was an Associated Press Dispatch in the newspapers a few days ago that the State House Capitol Board at Austin Texas had decided that we were not entitled to the immediate possession of the Capitol Lands. But only entitled to possession as we took our patents. This report, like many others in relation to this land, was mistaken. The Capitol Board has taken no action and none is contemplated.⁸

Ireland and Walsh, of course, had decided on that exact course. The Syndicate's failure to obtain legal possession of the land in bulk continued to be a problem until the completion of the Capitol in 1888. Doling out the allotted land slowly as the statehouse project milestones were met, while frustrating to the Syndicate, benefitted the state more than in satisfying its building preferences. The lack of patents on the land prevented it from going on the market while Ireland and the state attempted to impose some control on remaining Texas public lands. Taylor soon reached a compromise with Ireland, however, that allowed the Syndicate to lease the entire three million acres. TBC agreed to Ireland's desire to see the new Capitol built from Texas granite, adding further costs ultimately shouldered primarily by the Farwells, but Texas did agree to accept a Capitol somewhat smaller than the original design called for, reducing the final cost by about \$500,000, to a total of \$3.7 million. The Syndicate was thus freed to utilize the entire Capitol Reservation. Without clear title, though, sale of the land was limited. The Syndicate had little choice but to enter the cattle business.⁹

By May 1885, for its efforts to that stage of construction, the Syndicate did hold the patents on nearly 400,000 acres of the Capitol Reserve. The lease on the remainder called for \$.06 per acre annually. Texas had issued patents to the company as benchmarks were met in

15-16, 32-33; Thomas Lloyd Miller, *The Public Lands of Texas, 1519-1970* (Norman: University of Oklahoma Press, 1972), 64-65; Joubert Lee Greer, "The Building of the Texas State Capitol, 1882-1888" (M.A. Thesis, University of Texas, 1932) 108-109, 113-124.

⁸ *Chicago Tribune*, April 6, 1885; TBC to Col. Pullitz, Frankfort-on-the-Main, Germany, June 9, 1884, XIT Papers, PPHM.

⁹ Miller, *Public Lands of Texas*, 61-67.

Austin. When Texas Land Commissioner Walsh began charging the Syndicate for issuing patents to the company, Taylor strongly protested. Walsh told Taylor he would issue the documents at \$15 per league. “Please take notice that these fees are demanded by you,” Taylor pointed out, “. . . and they are paid under protest,” he stressed. “I rely upon my rights,” the contractor insisted, “. . . to have State Lands transferred to me free of charge and this money refunded.” Although Governor Ireland later sought to rescind this fee, the Syndicate ultimately paid more than \$10,000 for official Texas land patents. A clause in the lease made the Syndicate liable for the payments only should they fail to complete the building, and then only for those portions of the land for which title had not yet been gained. Taylor placed a bond of \$50,000 for this contract modification, which allowed the company to continue fencing, “artificial water” projects, and other improvements considered critical to whatever purpose they ultimately put the land. By this time, clearly, the Syndicate had determined their best chance at profiting from the property rested on cattle ranching. Orders were also given, however, to identify the best location to begin cultivating several experimental crops.¹⁰

Crop cultivation began on the northern boundary in the Buffalo Springs pasture before cattle began to arrive. By 1888, active farming operations were underway at six locations on the sprawling ranch. Just west of Buffalo Springs, another was established at Farwell Park, two more began near the New Mexico border in the Middle-Water and Minneosa pastures, and two were initiated near the southern boundary of the ranch at Spring Lake and the Yellow Houses. These early efforts impressed some potential investors that the Syndicate courted in Great Britain, and

¹⁰ Taylor to Walsh, September 17 and 28, 1885, Taylor to A. J. Peeler, Austin, September 22, 1885, XIT Papers, PPHM; Greer, “Texas State Capitol,” 162; J. Evetts Haley, *The XIT Ranch of Texas and the Early Days of the Llano Estacado* (Norman: University of Oklahoma Press, 1953), 53-54; Terry G. Jordan, “Windmills in Texas,” *Agricultural History* 37 (April 1963): 81.

so John V. Farwell, negotiating with suitors in London, soon made a bargain creating Capitol Freehold Land and Investment Company, Limited. Cash immediately began to reach the Americans. Taylor and the Farwells were named directors in the new company along with several notable and well-connected British lords, Members of Parliament, and sundry gentlemen. By fall, advertisements for debentures in the company appeared in British newspapers.¹¹

Taylor and Farwell's work in England bore fruit only after they began communicating with E. L. Sheldon of London. Sheldon visited the western United States, possibly even the Panhandle, in late 1882, and contacted the Chicago men to discuss forming a "cattle company" in early 1883. Nothing came of the talks at the time, but contact with Sheldon resumed in early 1884. The parties exchanged coded messages but the careful Chicago men sensed deceit. "Your favor of April 19th received and we are very much astonished at its contents," began a five-page dispatch to Sheldon. The letter reviewed the conditions and actions under which the parties had negotiated and expressed offense at Sheldon's accusation that they were refusing to work with him because they had a better offer. "This is not done for the reason you assign," wrote Taylor for the group, "we have no offer and have entered into no arrangement." The contractor closed with finality, "we have no confidence in your being able to do anything from the fact that you furnish no evidence of your ability to do so."¹²

The Chicago men did put Sheldon in touch with John Stuart and Company, a Manchester group that engaged their attention in the winter of 1883. But Taylor quickly found fault with

¹¹ Texas, *Biennial Report* (1886), 195-199; Taylor to John T. Dickinson, Secretary, Capitol Board, September 22, 1885, Taylor to William C. Prescott, London, August 31, 1885, XIT Papers, PPHM; Haley, *XIT Ranch*, 72-73; Advertisements in *Herald* (Glasgow, Scotland), October 13, 1885, and *Daily News* (London, UK), November 21, 1885; Reginald DeKoven (Syndicate employee) to Charles B. (C. B.) Farwell, September 29, 1885; Daniel M. Braid [?], "Map of the XIT Ranche." Rand, McNally Co., Chicago, 1888.

¹² TBC to E. L. Sheldon, London, February 22 and May 3, 1884; Sheldonel, Telegram, April 17, 18, 1884, XIT Papers, PPHM.

their efforts as well. “We shall withdraw all proposals,” Taylor wrote them. “It is too good an enterprise to be hawked in such a manner.” While still working with Stuart, another London group seemed poised to gain the Chicagoans’ attention – if only the Syndicate could gain theirs. Taylor wrote to John W. Maugham in June 1884. “We cabled you on the 9th and directed the cable according to your instructions,” Taylor wrote in his familiar hand and often-blunt style. “Word came back that they could not find you . . . We fear you must be dead. If so of course you will not answer. But if you are still in the land of the living, we would be pleased to hear from you.”¹³

The Syndicate seemed confident by this time that a resolution to their impasse with the state of Texas could be reached. Their focus grew sharper upon developments in the Panhandle and excitement built as activities regarding the land intensified. The Illinois men’s confidence in a solution to both their cash supply problems and the Capitol question was so high that by the winter of 1884, they enlisted Burton H. “Barbecue” Campbell, a Kansas stock grower, to begin purchasing cattle for delivery on the property the summer of 1885. Campbell got his nickname from the brand he used on his cattle. John V. Farwell had invested in Campbell’s cattle interests in the Cherokee Strip of Indian Territory, and Campbell once contracted with Abner Taylor to market his “stock farm” in Kansas. When his entry as an investor in the company could not be settled, he was hired to manage the ranch operations. The Syndicate set a goal of 60,000 head for the upcoming year. Even Taylor and Farwell, while in London, negotiated more cattle purchases. Fortunately, contracts for even more cattle went unfulfilled in 1885, sparing the Chicago men

¹³ TBC to John Stuart & Co., Manchester, England, December 24, 27, 1883, January 9, February 15, April 16, September 12, 17, 1884, TBC to John W. Maugham, London, June 17, 1884, XIT Papers, PPHM; Richard Graham, “The Investment Boom in British-Texan Cattle Companies 1880-1885,” *Business History Review* 34 (Winter 1960): 421-442.

thousands and thousands of more losses in what turned out to be a preview of the Big Die-up of the following winter.¹⁴

It is not clear whether either Stuart or Maugham played a role, but a “Memorandum of Association” announcing the creation of Capitol Freehold Land and Investment Company, Limited, registered in England on June 25, 1885, predated an amended Texas Capitol contract by one month. Unlike many western ranches, the British stockholders in Capitol Freehold played a limited active role in operations in the Panhandle, although the London group occasionally sent agents to inspect the place. English investment, however, raised further resentment in Texas toward the Illinois capitalists. The original Syndicate partners leased the ranch and cattle back from Capitol Freehold in 1889 upon completion of the Capitol in Austin. This arrangement later provided needed cover against Texas policies that paralleled nationwide movements toward land reforms that limited corporate and foreign ownership of large tracts of what had been the public domain. The Americans, in fact, always maintained operational management. John V. Farwell, either directly or indirectly, steered the Syndicate’s actions, and his business acumen cannot be underestimated. Financial leverage can be very effective in expressing one’s opinion, however, and the British voice was seldom silent. Capitol Freehold intended to raise big money fast and provide a generous return over time. For most outside investors, however, the rewards would be spare, often just the knowledge that you once had invested in one of the American West’s great ranches. At the first stockholder’s meeting in October, the chair, the Marquess of Tweeddale,

¹⁴ Taylor to Campbell, January 3, 1885, Taylor and C. B. Farwell to Campbell, August 24, 1885, XIT Papers, PPHM; *Prairie Farmer*, August 24, 1878; Haley, *XIT Ranch*, 75, 79; David L. Wheeler, "The Blizzard of 1886 and Its Effect on the Range Cattle Industry in the Southern Plains," *SWHQ* 94 (January 1991): 415-432. Campbell’s brand was $\overline{\text{BQ}}$.

announced that \$2,000,000 in debentures had been offered and already drawn \$1,460,000 in purchases.¹⁵

The timing of the arrangement between the Capitol Syndicate and its British partners was fortuitous and typical of those made by many other similar operations. By the mid-1880s, foreign principals partly or wholly owned many livestock operations in the western United States. Future XIT neighbors and competitors included Francklyn Land and Cattle Company, financed with money from the Cunard Steamship fortune, the Espuela Land and Cattle Company – known as the “Spur” Ranch -- and the Matador Land and Cattle Company. These three were among the most notable “imperial” ranches in Texas, but the same model dominated the cattle business across the West. Taylor and the Farwells served on an illustrious international board of directors. The new company offered debentures in denominations of £50 to £1,000, paying five and seven percent annual interest to the public. A London newspaper excitedly announced the great potential for investors’ return on their investments, noting the “land is valued at \$3.75 an acre, making the whole tract worth \$11,250,000.”¹⁶

¹⁵ Lewis Nordyke, *Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT* (New York: William Morrow and Co., 1949), 75; Texas, *Biennial Report* (1886), 195-199; Haley, *XIT Ranch*, 71-72; Marquess of Tweeddale, *The Capitol Freehold Land and Investment Company Limited Proceedings of the Fourth Annual General Meeting of Shareholders* (London: Privately printed, March 12, 1889), 6-7, XIT Papers, PPHM; C. B. Farwell to Editor, *FWG*, August 20, 1889, XIT Papers, PPHM; Lawrence M. Woods, *British Gentlemen in the Wild West: The Era of the Intensely English Cowboy* (London: Robson Books, 1990, 2003), 119-121; Roy M. Robbins, “The Public Domain in the Era of Exploitation, 1862-1901,” *Agricultural History* 13 (April 1939): 100-101; Graham, “Investment Boom,” 441-442; *DMN*, October 21, 1885; “Incorporated,” from the *Herald* (Helena, MT), *SGJ*, March 13, 1886.

¹⁶ William M. Pearce, “Spur Ranch,” *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/aps05> (accessed October 10, 2015); H. Allen Anderson, “Francklyn Land and Cattle Company,” *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/dsf02> (accessed October 20, 2015); Jan Blodgett, *Land of Bright Promise: Advertising the Texas Panhandle and South Plains, 1870–1917* (Austin: University of Texas, 1988), 1, 43; *Financial News* (London, UK), July 29, 30, 1885; *Daily News* (London, UK), May 27, 1886; H. Milner Willis, “Notice of Debenture Redemption Drawing, July 26, 1906, XIT Papers, PPHM. See also John Clay, *My Life on the Range* (1924; reprint, New York: Antiquarian Press, 1961), 129–139. In 1890, one British pound = @ \$4.86 U.S.

The Chicago men, in their decision to enter the cattle business, joined a new order of cattle ranching far different than the trail enterprises that blazed the path of the western range cattle business. While the Syndicate skirmished with Texas officials and trolled financial centers for potential investors in a cattle operation, the enterprise into which they plunged was being shaped by the concerns of their competitors in the cattle business. Wealthy cattle ranchers formed powerful organizations and held well attended conventions beginning in the mid-1880s. The cattlemen's voices were heard in both state legislatures and Congress. Concerns of cattle operations peaked in 1884 with the establishment of the Bureau of Animal Industry (BAI). Some of the most prominent names in the cattle industry called on beef interests throughout the country to "organize a Cattle Association" seeking "to secure advantages and recognition . . . accorded railroad and manufacturing companies." Cattlemen from across the country gathered for their first convention at St. Louis's Exposition Center on November 17, 1884. Representatives from thirty-one states and territories and from the District of Columbia met for five days to discuss "the questions of paramount importance affecting the great interests which you represent."¹⁷

Robert D. Hunter, one-half of the Hunter-Evans cattle conglomerate and one of many attendees the Syndicate members would later engage during their cattle operations, opened the convention at about 11:20 A.M. that Monday morning. Hunter was one of several prominent individuals and organizations that had called for the gathering earlier that month at a meeting in Chicago. Hunter summoned Charles C. Rainwater, a St. Louis resident with large interests in Texas cattle operations, to the podium as the temporary chairman of the body. After Rainwater's

¹⁷ Frederick W. Rathjen, *The Texas Panhandle Frontier* (Austin: University of Texas Press, 1973), 241; H. W. Brands, *American Colossus: The Triumph of Capitalism, 1865-1890* (New York: Anchor Books, 2010), 218-223; *An Act for the Establishment of a Bureau of Animal Industry*, Public Law 23-31-60, 48th Cong., 1st sess. [May 29, 1884], 31-33; National Convention of Cattlemen, *Proceedings of the First National Convention of Cattlemen and of the First Annual Meeting of the National Cattle and Horse Growers Association of the United States, Held in St. Louis, Mo., November 17th to 22d, 1884* (St. Louis: R.P. Studley, Printers and Binders, 1884), 1-3.

brief introductory remarks, the convention wasted no time in getting down to business. Until the organization of the body and credentials of its members were decided, no work could take place. What initially appeared to be acceptance of state/territorial representation quickly drew dissent as delegates, still milling about the floor in disorder, began to realize what they were deciding. One newspaper's headline for a report on the first days of the meeting proclaimed that the convention was "Much fun, but little work."¹⁸

Represented by sixteen separate livestock associations, Texas sent, by far, the most individual delegates to the convention. Judge Joseph M. Carey, a pioneering Wyoming lawyer, future United States senator and Wyoming governor, spoke for his territory's interests, rising on the second day to say, "The Wyoming Stock Grower's Association represents more cattle, more wealth, and has a larger membership I believe, than any other association represented upon this floor." Carey may have overstated reality on one or two points because although the forty-seven percent of the attendees who were from Texas did not speak as one body, the Lone Star State's cattle interests spoke very loudly. Already the hoped-for unity of organization showed signs of the differences in regional interests that made that difficult.¹⁹

Several delegates proposed the body might be better represented by the various associations present. New Mexico delegate W. T. Thornton announced that although he believed the convention was meant to be national in its scope of interest, the particular purpose then was to "advance the interests" of the arid regions of the country. Thornton questioned a process that "gives to the State of Rhode Island, which probably has one man and a hundred head of cattle

¹⁸ Cattlemen, *Proceedings, 1884*, 4; *Gazette* (Las Vegas, NM), November 19, 23, 1884; *River Press* (Ft. Benton, MT), November 26, 1884. For a short, contemporary bio of Hunter, see *Weekly Crisis* (Chillicothe, MO), November 20, 1884.

¹⁹ Cattlemen, *Proceedings, 1884*, 1, 3, 29; Wyoming State Archives, "Joseph Carey," WyomingHistory.org, <http://www.wyohistory.org/encyclopedia/joseph-carey> (accessed December 26, 2014).

represented here, the same authority and the same power in the convention that comes from the entire State of Texas.” A New York delegate offered a modification that would maintain state and territorial representation. Colorado delegates argued for representation by each association. L. R. Rhodes of Colorado outlined the main issues the many western delegates hoped would be addressed:

We don't propose to be drawn into any traps by any delegation from New York, Chicago, or anywhere else. I would ask the gentlemen if he is interested in a National Trail? . . . New York, that does not know a National Trail from a public highway, should not decide it for us. We are interested in the great question of epidemic diseases . . . New York is not interested to any great extent [and] leasing the domain of Uncle Sam . . . is a question we want to discuss. New York has not any public domain . . . and she should have but very little to say in this matter.²⁰

Indications were high that heated debate lay before the body, but Rainwater gaveled the house to order and reminded attendees of the esteemed guests there to welcome them and officially open the proceeding. The delegates settled on a motion to reconsider their earlier resolution. Then the mayor of St. Louis, William L. Ewing, rose to welcome the delegates. After brief remarks, he, in turn, introduced Missouri's governor, Thomas T. Crittenden.²¹

Governor Crittenden, promising that after the mayor's welcome he had “little left . . . to say or do,” found he had quite a lot more to say. Delivering a supportive, informed, informative, and lengthy speech, he began by complimenting the attendees on their “extensive business association,” referring to the many stock associations represented. Welcoming the attendees to “this Convention, the first in the life of this renowned cattle trade,” the cattle business, he said,

²⁰ Cattlemen, *Proceedings*, 1884, 5-8 [see also page 32: Colorado Cattle Growers' Association, “Mrs. J. P. Farmer,” appears to be the only woman represented at the gathering]; Floyd Benjamin Streeter, “The National Cattle Trail,” *The Cattleman* (June 1951): 26-27, 59-74; Theodore B. Lewis, “The National Cattle Trail, 1883-1886,” *Nebraska History* 52 (Summer 1971): 205-220. Cecil Kirk Hutson, “Texas Fever in Kansas, 1866-1930,” *Agricultural History* 68 (Winter 1994): 74-104.

²¹ Cattlemen, *Proceedings*, 1884, 8.

was “one of the great trunk-lines of business of the world.” “[Y]ou are statesmen as well as cattle kings,” he told them, in coming together to learn “to feed the largest classes and numbers of humanity at the least cost to society, as well as at the greatest profit to the producer.” Urging conventioners to continue efforts toward improving their business, Crittenden called the American cattle trade a new “wonder of the world.”

This business has awakened into new life a new power – a new race of man – and made fruitful of resources . . . immense tracts of lands which have been given to desolation and waste. It has taken the frugal cowboy and made him a potential millionaire. It has made the 276,000 square miles of Texas the mightiest empire of possibilities in America, making the cattle trails of the past the forerunner and engineer’s line of the railway of the present This business has not and is not only revolutionizing new States and new Territories, becoming in some, if not all, political, or dividing questions, but it is also making its mark, its impression, upon the meat markets of the world and the dividends of the trunk railways of our land.²²

The governor also asked the delegates to consider the future of their business. Wisdom, he told them, came from preparing for the future. “A skilled general always prepares his pontoon bridges before reaching the streams,” the governor said, martially, reinforcing the somewhat imperialistic tone of his speech. He told the crowd to look forward and that a day would come when herds would be smaller. He urged them to exercise modern practices of management and feeding, a warning to the many western ranches still depending on foraging cattle to, primarily, maintain themselves. “A few years ago Kansas and Missouri were immense grazing fields – today they are surveyed and fenced farms,” he said. “What is true of them may within a few years be equally true of Texas, Montana, and Wyoming.” In closing, Crittenden called food and humanity the greatest of all questions before a deliberative body, telling them “I know of no trade or calling which demands and commands a greater love of liberty and union than this great one of yours.”

²² Cattlemen, *Proceedings*, 1884, 8-15.

For those still present and awake, it must have been an encouraging salute to the progress they hoped to make for their businesses over the next few days.²³

General William Tecumseh Sherman, in town “by the merest accident,” followed Crittenden. Having retired from the Army earlier that year, Sherman actually lived in St. Louis and made appearances at dinners, banquets, and conventions. Speaking to the group, the “old traveler and soldier” lamented “the fate of the buffalo,” but offered his admiration and good wishes for the “health, happiness, and prosperity of the gathering, “whether proprietors or simply men who range around in . . . ‘roundups,’ or what we used to call in old California *rodeos*.” Uncharacteristically, the general spoke only briefly, perhaps sympathizing with the group after the governor’s long presentation or perhaps anticipating criticism from a Missouri newspaper editor a few weeks later. The writer objected to Sherman’s accusations against Jefferson Davis, suggesting Sherman “rest on his military record” and pursue other activities to “supplement his soldier fame” than writing or speaking. After the dignitaries finished, a motion for adjournment was made but failed to be seconded when delegates insisted that the question of membership be addressed promptly. The process took up most of the convention’s first two days.²⁴

The final decision of the body on representation called for one voting representative from each association and from each state and territory not represented by a stock association. The convention’s first day ended with the various groups submitting their selections for committee

²³ Cattlemen, *Proceedings*, 1884, 11, 15.

²⁴ Cattlemen, *Proceedings*, 8, 15-16; John W. Noble, N. O. Nelson, and Dwight Tredway, Banquet Committee, National Convention of Cattle Men to General W. T. Sherman, St. Louis, MO, October 22, 1884, William T. Sherman Papers, General Correspondence, Library of Congress, Washington, DC; "William Tecumseh Sherman," *Bio* (A&E Television Networks, 2015), <http://www.biography.com/people/william-tecumseh-sherman-9482051> (accessed June 3, 2015); *Fair Play* (St. Genevieve, MO), December 20, 1890. It was not clear in the article exactly what Sherman said about the former Confederate leader to offend the scribe – nearly twenty years after the Civil War’s end.

members. The convention was finally presented its official list of delegates and membership on the third day. After a brief debate on people who had been omitted, the list was accepted and a committee of three was selected to escort the body's president-elect, Governor John L. Routt of Colorado, to the convention chair.²⁵

Following Routt's opening remarks, debate commenced regarding the work of the new organization's Committee on Resolutions in its preparation of the group's constitution. Some delegates desired a strong message to the committee regarding the full convention's seemingly foremost goal – a National Livestock Trail. Early discussion of the issue seemed focused on how best to express support for the plan rather than on any strong dissent to the proposal. Opposition did exist, however.²⁶


Granville Stuart, known as “Mr. Montana,” a pioneering Montana beef man and co-founder of the famous DHS Ranch in north central Montana, rose to object to wording that characterized Texas as the prime breeding ground of the country and the northern ranges as simply “maturing” regions. “The strip of country on both sides of the Rocky Mountains, from Texas to the British possessions, is as much breeding grounds for cattle as the great State of Texas,” Stuart reasoned, speaking against government aid for a Texas problem. “Let them ship to the East, as we of Montana have had to do.” Stuart claimed the Montana delegates as a whole opposed extension of a National Trail to Montana. Stuart, noting how Texans had always been welcomed there with “the hand of fellowship,” reminded delegates that the Texans’ concern was what to do with their surplus cattle. “We, in Montana, are . . . overstocked [and] thousands of

²⁵ Joyce B. Lohse, *First Governor, First Lady: John & Eliza Routt of Colorado* (Palmer Lake, CO: Filter Press, 2002); Karen Holt, “John Long Routt . . .,” (Examiner.com Entertainment, 2014), <http://www.examiner.com/article/john-long-routt-won-the-governership-of-colorado-without-giving-a-speech> (accessed December 27, 2014); Cattlemen, *Proceedings, 1884*, 18-29, 40.

²⁶ *FWG*, November 20, 1884.

cattle have been shipped to market,” he said, warning of further price erosions ahead for their industry.²⁷

The Montana delegation proved, like many of the non-Texas western delegations, that opposition was less about the movement of beeves than the details of the trail and its government subsidization. “Bring their cattle to Montana the good old fashioned way,” Stuart admonished, “as everybody else had got their cattle there,” ignoring the obvious irony of the statement – they wanted the trail to keep doing it “the old fashioned way.” A series of motions were overturned. Joseph A. Carroll of Denton, Texas, a former district judge who had presided over Panhandle courts during the region’s early days, spoke for the resolutions committee and introduced the proposition supporting the trail to the full convention. A lengthy debate led by the protests of a Missouri delegate delayed proceedings, but the convention eventually voted it to be “the sense of the Convention that there should be established and maintained a National trail.” thus setting the western cattlemen’s agenda as the group’s greatest priority – at least for those with ties to Texas. The idea of a National Trail was a demand from mostly Texas cattlemen for an outlet bypassing the quarantines nearly all of states north of Texas were imposing against splenic fever. Texans hoped for free travel for their surplus stock, away from overgrazed Texas to somewhere the grass still grew. In 1885, however, overgrazed pasturage hindered the industry throughout the western grazing regions.²⁸

²⁷ Cattlemen, *Proceedings*, 1884, 52, 74; Granville Stuart and Paul C. Phillips, *Forty Years on the Frontier As Seen in the Journals and Reminiscences of Granville Stuart, Gold-Miner, Trader, Merchant, Rancher and Politician* (Cleveland, OH: Arthur H. Clark Co., 1925), 211; Clyde A. Milner and Carol A. O’Connor, *As Big as the West: The Pioneer Life of Granville Stuart* (New York: Oxford University Press, 2009), 252; T. A. Clay, “A Call to Order: Law, Violence, and the Development of Montana’s Early Stockmen’s Organizations,” *MMWH* 58 (Autumn 2008):51. Andrew and Erwin Davis, Samuel Hauser, and Stuart founded the Pioneer Cattle Company, later owned by Conrad Kohrs, and used this brand: 

²⁸ Cattlemen, *Proceedings*, 1884, 41, 45; Streeter, “National Trail,” 26. Carroll was later the mayor of Denton, Texas, and spoke at the opening ceremony of the forerunner to the University of North Texas in 1890.

Texas cattle raisers waged a long battle against northern stock growers' fears of epidemic disease. Splenic fever – also known as Texas or Spanish fever, or cattle plague, it went by many names – was a tick-borne protozoan infection causing grotesque deaths to cattle and had been a concern for the business at least since the end of the Civil War. While the parasite left southern cattle such as longhorns – “coasters” as the cowboys came to call them – seemingly unscathed, it could be devastating to cattle in other regions, especially other breeds like the European purebred varieties increasingly being imported and raised in Missouri, Iowa, Kansas, and Nebraska, as well as in the Texas Panhandle and the other western grazing regions. A mystery until 1893, the parasite infected cattle through the bite of ticks found on the southern coastal plains from South Carolina to Texas. Until then, almost everyone associated with the range cattle industry had a theory as to Texas fever's cause. Many thought dormant spores peculiar to Texas grasses might be the cause, or maybe poison soil; some thought it a “scurvy” type of disease brought on by long drives, and inadequate food, water, and rest.²⁹

Iberian-blooded longhorn cattle, with nearly 300 years of adaptation in the region, had developed a resistance to the worst effects of splenic fever. The longhorns were not immune to the effects entirely. Calves were infected, but were aided in resisting the parasite by antibodies passed from mothers during gestation, and an additional booster from their mother's milk after their birth. The carrier ticks, primarily *Rhipicephalus (Boophilus) annulatus*, are sensitive to climate and do not survive long outside of their native region. This was not known until

²⁹ Alan L. Olmstead and Paul W. Rhode, *Arresting Contagion: Science, Policy, and Conflicts Over Animal Disease Control* (Cambridge, MA: Harvard University Press, 2015), 95; Jimmy M. Skaggs, *The Cattle Trail Industry: Between Supply and Demand, 1866-1890* (Lawrence: The University Press of Kansas, 1973), 105; Skaggs, *Prime Cut*, 53; O. M. Wozencraft, *Memorial in Regard to Texas Fever or Cattle Plague*, 49th Cong., 1st sess., H. Misc. Doc. 127, 1-8; House Committee on Agriculture, *Report on Texas Fever or Cattle Plague*, 49th Cong. 1st sess., H. Rpt. 718, 1-5; Department of Agriculture. *Annual report of the Commissioner of Agriculture, 1885*. 48th Cong., 2nd sess., 1885. H. Exec. Doc. 269. 523-550.

scientists at the BAI managed to identify the vector's source. Victor A. Norgaard, a BAI scientist, demonstrated an effective "dip" in 1897. King Ranch manager Robert J. Kleberg is credited with building the first dipping vat in the state. The disease, in all but a few remote areas along Texas's southwestern border with Mexico, was effectively eradicated in the 1940s. The disease did not really present many problems for the beef business until after the Civil War, though. As most any American knows, an abundance of Texas cattle and a huge increase in the demand for beef in an industrializing nation led to the great cattle trails north from Texas to railheads in Kansas. The cattle trail defines America's story of its "Old West." The role a microscopic organism played in the story is lesser known.³⁰

The cattle trail wound its way north out of Texas long before the Civil War. Cattle fever may have been recognized as early as the 1790s when North Carolina banned cattle from South Carolina between April and November. The disease was recognized in Texas cattle by at least 1824. Still, until midcentury, the cattle business remained primarily local or regional and pork dominated the public meat marketplace. Ohio feeders bought Texas cattle regularly as early as 1846, though. Texas cattle found their way to feed California miners in the 1850s. Texas cattle began coming to Montana and Wyoming in 1867, competing with the "native" herds of the western part of the territories where road ranches and Oregon-bred cattle had provided the stock to feed the booming mining and timber region.³¹

³⁰ *Bureau of Animal Industry*, Public Law 23-31-60, 1884, 31-33; Findlay to Taylor, December 9, 1889, XIT Papers, PPHM; Skaggs, *Trail Industry*, 22, 103-121; Olmstead and Rhode, *Contagion*, 42-62, 97; Alan L. Olmstead, "The First Line of Defense: Inventing the Infrastructure to Combat Animal Diseases," *Journal of Economic History* 69 (June 2009): 332, 334, 339-map; Tamara Miner Haygood, "Texas Fever," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/awt01> (accessed May 27, 2016). A parasitic protozoan called *Babesia bigemina*, characterized by a high fever, emaciation, anemia, bloody urine, other symptoms, and eventually, death, is the root cause of this fever. More information can be found at Carl N. Tyson, "Texas Fever," *The Encyclopedia of Oklahoma History and Culture*, www.okhistory.org (accessed June 12, 2017).

³¹ C. S. Kingston, "Introduction of Cattle into the Pacific Northwest," *Washington Historical Quarterly* 14 (July 1923): 164-185.

Even before the Civil War, Missourians noticed that when their cattle mixed with Texas cattle coming up the trail during the summer months, the Missouri cattle soon began to die while the Texas livestock seemed fine. The cattle business was growing then and the trail from Texas to Missouri was well used, if becoming increasingly inconvenient as settlers moved westward. Booming expansion, only slightly hindered, perhaps hastened, by the Civil War, brought more opportunities for contact between Texas trail herds and new settlers and entrepreneurs pushing onto the plains to start farms or ranches of their own. Knowing little else about the disease except that it showed up when Texas cattle did, Missouri authorized the first quarantines on southern cattle in 1854. Kansas and other states and territories soon followed with quarantines of their own. Courts repeatedly sided with Texas cattle owners, but by 1884 Congress was convinced to create the BAI to better regulate livestock transportation and disease prevention. Regional and seasonal quarantines were established (sometimes these were of the Winchester variety) in nearly every state and territory north of Texas. Charles Goodnight led Panhandle cattlemen in enforcing the embargo of southern cattle. The XIT's first manager, Barbecue Campbell, resisted joining the cattlemen's association that Goodnight led. Lingering animosity from the period may have led to periodic accusations regarding the presence of Texas fever in cattle purchased by the XIT.³²

Although states and territories enacted different restrictions, federal authorities eventually recognized a line cut diagonally across Texas and extending across the Gulf states. Despite lying above this line, Texas beef raisers in the Panhandle suffered the consequences by association. The real damage to northern cattle herds from tick-borne fever is arguable. Established to stop the disease, quarantines also benefitted northern cattle prices by limiting Texas cattle's ability to enter the marketplace. Although a constitutional question on which courts generally sided with

³² Skaggs, *Trail Industry*, 107, 118-121; Olmstead and Rhode, *Contagion*, 42-62, 97.

Texas and other southern stock growers – interstate commerce is a federal prerogative – the establishment of the BAI reflected growing support for improved standards for health and safety for people and animals. Southern cattle were generally banned above the quarantine line between March and October, unless the herd was certified to have spent at least ninety days outside the quarantine zone. The line bisected Texas in two nearly equal segments, and the large cattle interests north and west of that line took their own steps to restrict southern Texas cattle. Still, despite the restrictions, Texas cattle from all parts of the state made their way north.³³

At the convention, Texas delegates succeeded in excluding specific mention of Texas fever in their discussions of livestock diseases, primarily foot-and-mouth disease and pleuro-pneumonia, the latter of which, although a separate disease, seems to have been a euphemism for what many believed was Texas fever. Pleuro-pneumonia [actually from Europe and found in some cattle in the eastern United States] had become a point of dispute between Great Britain and the United States. The British were sensitive to imported livestock after another “cattle plague,” Rinderpest, devastated British and western European cattle in the late 1860s. A fear of disease-induced beef shortages in England led, at least partially, to the rise in British investment in the North American western cattle business during the late 1870s and early 1880s. Pleuro-pneumonia was mostly a concern to ranchers stocking the newer purebred cattle from eastern breeders. Many of the Texas delegation – and others in the quarantine zones – disputed whether splenic fever existed at all. Bad water, poisonous plants, any number of reasons could account for death among cattle, they said. George Findlay, later the XIT Ranch’s business manager,

³³ Skaggs, *Trail Industry*, 105-106; Department of the Treasury, *A Report from the Chief of the Bureau of Statistics, in Response to a Resolution of the House Calling for Information in Regard to the Range and Ranch Cattle Traffic in the Western States and Territories* [Nimmo Report], 48th Cong., 2nd sess., H. Ex. Doc. 267 (Washington, DC, 1885).

defended the Syndicate's position regarding lawsuits in 1890 to an associate: "Murrain & other diseases presents symptoms very similar to Splenic fever & it would require an expert & postmortem examination to decide what the disease was."³⁴

The Convention delegates discussed other concerns as well. Until 1874, cattle raising to the west and northwest of the quarantine line was limited by the presence of Comanche, Kiowa, and Cheyenne people with previous claims to the area. The Red River War in 1874-1875 and the final destruction of the southern plains bison herd ended that problem, however, and opened up West Texas and the Panhandle to cattle. The western half of what became the state of Oklahoma was similarly situated and, although it was mostly titular Indian lands, greatly desired not just by enterprising southern Texas stock raisers. It also gave stock raisers within the quarantine areas a place to condition their cattle before sending them to market or for finishing in the corn-growing states or on the grass of the northern ranges.³⁵

The practice known as "double-wintering" became standard operating procedure for the country's largest cattle raisers. It represented a conveyor belt of cattle production. At first, the cheap coasters were brought in and wintered above the quarantine line on "free" grass, then were driven to the nearest railhead and on to Kansas City, St. Louis, or Chicago. As the free grass in the Panhandle disappeared after 1884, fewer south Texas cattle than ever made their way there.

³⁴ Skaggs, *Trail Industry*, 103-121; Olmstead and Rhode, *Contagion*, 98-100, 103, 113; Cattlemen, *Proceedings*, 1884, 50, 54. See also A. E. Carruthers, M.D., "The Germ Theory of Splenic, or Texas Fever," *Proceedings*, 1884, 104-112; George Findlay, Chicago, to Avery L. Matlock, Texas Legal Consultant, Tascosa, TX, XIT Papers, PPHM. On pleuro-pneumonia outbreaks, see, Department of Agriculture. *Annual report of the Commissioner of Agriculture, 1885*. 48th Cong., 2nd sess., 1885. H. Exec. Doc. 269. 432-476.

³⁵ E. S. Parker, *Report of the Commissioner of Indian Affairs for the Year 1869* (Washington: GPO, 1870), 8, 34-36, 60-64, 88; Rathjen, *Panhandle Frontier*, 180-227; Pekka Hämäläinen, *Comanche Empire* (New Haven: Yale University Press, 2008), 330-341; Paul H. Carlson, *The Plains Indians* (College Station: Texas A&M Press, 1998), 155, 158-160; Ian Barnes, *Historical Atlas of Native Americans* (New York: Hartwell Books, Inc., 2009), 291-295, 310-311, 336-337; Andrew R. Graybill, *Policing the Great Plains: Rangers, Mounties, and the North American Frontier, 1875-1910* (Lincoln: University of Nebraska Press, 2007), 23-63.

In “breeding up” their stock, Panhandle stock growers also matched the southern longhorns with hybrid and purebred bulls. On ranches like the XIT, eventually they were breeding most of their own cattle. The conveyor belt pattern continued, however -- in fact, it became more complex. Imperial ranches like the XIT simultaneously bred, bought, and sold cattle. Texas thus continued as the great supplier of cattle, but Granville Stuart was right, too. On both sides of the Rocky Mountains, fine cattle were being bred. Wherever the calves were birthed, most would not fatten happily on pasture in Texas, Colorado, or Montana, but increasingly in the Corn Belt feedlots of Nebraska, Iowa, and Kansas.³⁶

The far reaches of west and northwest Texas in the early 1880s offered only temporary relief to the Texas cattlemen’s rising problem of surplus cattle. Owners and well-heeled lessees, thanks to generous, loosely regulated land policies in Texas, soon laid claim to all of the Texas Panhandle grazing land. As the once “free” range was enclosed by fences and subdivided into pastures, farms, and towns, Texas cattlemen, even those that now owned the formerly public land, again faced what to do with surplus cattle and limited resources available to sustain them. It was by this time, too, that people realized the environmental quirks of northwestern Texas. The Panhandle suffered almost unending drought in much of the last two decades of the nineteenth century. The XIT and other ranches there eventually would experiment with several ventures that promised to bring rain to the parched lands there.³⁷

³⁶ Findlay to Taylor, March 15, 1890, W. J. Tod, *Litigation*, 55, 694, XIT Papers, PPHM; Alvin Howard Sanders, *A History of Aberdeen-Angus Cattle: With Particular Reference to Their Introduction, Distribution and Rise to Popularity in the Field of Fine Beef Production in North America* (Chicago: New Breeders Gazette, 1928), 149, 152-168; Skaggs, *Prime Cut*, 58-64; Gary D. Libecap, “The Rise of the Chicago Packers and the Origins of Meat Inspection and Antitrust,” *Economic Inquiry* 30 (April 1992), 247-250.

³⁷ Miller, *Public Lands of Texas*, 242-252.

Those parched pastures gave some reason for XIT owners to later expand their operation to Montana. Opposition on the northern plains, quarantines, settlement, and railroad development seemingly ended northbound cattle trailing operations out of Texas at about the same time, but Texans stubbornly resisted closing a disappearing northern trail. As will be discussed later, the XIT Ranch defied the end of the cattle trail. While delegates spent much of the convention in St. Louis discussing the National Trail and not discussing Texas fever, they also placed Indian relations and public lands high on their agenda of concerns.³⁸

Although several attendees expressed a seemingly enlightened and compassionate view of the Indian people of the west, a consensus formed that reservations had been designated for a purpose and free-roaming Indians could not be tolerated. Suspected of stealing their stock, Indians, like wolves, were seen as predators that had to be eliminated. Again, it was Montana's Granville Stuart, married to a Shoshone woman, who spoke the mind of many delegates. "The Indian . . . is a much abused individual and I will stand up for him, even if he does steal my horses once in a while," Stuart announced while denouncing "the atrocious policy of the United States" that encouraged American Indians to leave reservations on which "we pay taxes to feed and clothe [them]." It was a less than subtle jab at the corruption that plagued the Indian agencies regarding subsidies and annuity payments, grazing leases, and provision supply contracts. Stuart and many other stock growers favored allotment on Indian reservations and stood to profit from returning huge tracts of land to the public domain. In Montana, for the near future, allotment meant turning millions of acres over to livestock interests. Two years and two months later, this call turned into action when the Dawes Severalty Act went into effect February 8, 1887.³⁹

³⁸ Cattlemen, *Proceedings*, 1884, 54, 58.

³⁹ Cattlemen, *Proceedings*, 1884, 54, 58; *An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations* [General Allotment Act or Dawes Act], Statutes at Large 24, 388-91, NADP

On the northern plains, as on the South Plains of Texas and Colorado, cattle replaced the millions of bison that seemingly disappeared overnight from 1882 to 1883. The people with the oldest claims to much of the region were the Assiniboine and the Crow. Crow people met William Clark at Pompey's Pillar in 1806 and then signed their first treaty with the United States in 1825. The 1851 Fort Laramie Treaty identified the country between the Missouri and Yellowstone, from the Musselshell River, as Arikira, Assiniboine, and Crow lands. The treaty also recognized the area from the Powder River west to the Yellowstone headwaters as Crow lands. These people, however, contended with aggressive Lakota, who had agreed in the same treaty to acknowledging most of today's western South Dakota as their territory. The Crow were joined by Gros Ventre people living among the Blackfeet Confederacy west of the Musselshell, in a losing war with the Lakota in 1867. In the aftermath of the 1868 Fort Laramie Treaty, the Crow and other Indian people in the region ceded significant portions of their land to the United States in return for protection from the Sioux. That included all the land between the Missouri and Yellowstone rivers, where the XIT would later locate a northern grazing region, as well as the Powder River basin. The opening of the extremes of the southern and, soon thereafter, the northern Great Plains allowed a buffer zone in which the continuing surplus of south Texas cattle could be made both closer to and more desirable in the marketplace.⁴⁰

Document A1887, <http://www.ourdocuments.gov/> (accessed March 29, 2016); Stuart and Phillips, *Forty Years*, II, 224-226.

⁴⁰ Parker, *Report, 1869*, 7, 25-27, 116, 289; Carlson, *Plains Indians*, 155-162; David Miller, Dennis Smith, James McGeshick, James Shanley, and Caleb Shields, *The History of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation: 1600-2012* (Poplar, MT: Fort Peck Community College, 2012), 15-154; Ian Barnes, *Historical Atlas of Native Americans* (New York: Hartwell Books, Inc., 2009), 291-295, 328-329; Michael Malone, Richard Roeder, and William Lang, *Montana: A History of Two Centuries* (Seattle: University of Washington Press, 1876), 114-144; Graybill, *Policing the Great Plains*, 23-63.

Delegates on the sixth and final day of the convention took up the discussion of public land leases. This again exposed the division among the delegates, particularly the split between large and small operators. In its objective of unifying the nation's cattle raisers, the convention, on close examination, was failing. A majority report introduced from the Resolutions Committee declared "that beef cattle can be more economically raised in the arid and elevated portions of the country . . . between the ninety-eighth meridian and the Sierra Nevada Mountains." The report recommended excluding a huge portion of the inner west from "homestead and pre-emption laws" and the government offering land leases "for a term of years" to "the owners . . . holding them only by possession and sufferance, their property in constant peril from conflicting claims and unfavorable legislation." The report recommended a committee of seven be appointed to prepare a memorial to Congress. As with the trail resolution, supporters sought to emphasize the importance of the beef industry in the United States:

Whereas, The beef raised on these plains has become an important factor in our foreign trade, increasing in greater ratio than any other product, and will . . . become the most important article of food supplies sent from our shores . . . we believe it to be the duty of the government to aid this great industry in every way consistent with the general welfare.⁴¹

Others felt differently. The divide between the large and small beef operators, perhaps more so than the cattleman's infamous hatred for sheep operators, already had brought violence to the western cattle range. Texas's Fence War revealed the split first. Ostensibly about keeping infected cattle from south Texas out of northwest Texas, the violent outbreak also involved the fencing of public land, thus discouraging "nesters" – small-scale farm-beef operators – and "grangers" – farmers -- from staking claims. Although plenty of rustling was of the lawless variety, the bigger operators throughout the west, increasingly backed by eastern and foreign

⁴¹ Cattlemen, *Proceedings*, 1884, 80.

investment, began to accuse many of these small operators of being or associating with cattle thieves and building their herds by nefarious means.⁴²

Rustling has proved a time-honored profession, and it plagued the XIT and other large ranches. In Montana, Stuart, when he was not representing that territory's cattle interests at national meetings, lead a group of vigilantes – “Stranglers” – in pursuit of men accused of horse and cattle theft. Although shielded by anonymity at the time, members of Stuart's group included many of the same men that met in Miles City, Montana, during the spring of 1885 to establish the Montana Stock Growers' Association. The new organization merged the Eastern Montana Live Stock Growers Association with the Montana Stock Growers Association, which at the time represented the territory's west side cattle interests, into a single territorial-wide lobby. Most of the Strangler's targets died where they were found, shot trying to fight or escape, or hanged quickly by pursuers, left twisting in the breeze, a sign posted identifying their crime as a warning.⁴³

In Wyoming, the reach of the most powerful livestock association in the country touched every aspect of the territory's existence. Big livestock owners there were the de facto territorial government. Statehood brought little change. The lynching of a man and woman in 1889 near

⁴² FWG, November 1, 1883; Nordyke, *Cattle Empire*, 111; Graybill, *Policing the Great Plains*, 118-130; Wayne Gard, "Fence Cutting," *Handbook of Texas Online* <http://www.tshaonline.org/handbook/online/articles/auf01> (accessed August 27, 2016). The people of the cattle range found many worse things to call homesteaders as they became more prevalent in the western cattle regions, including “Honyockers” and “Scissorbills.” See K. Ross Toole, *Montana: An Uncommon Land* (Norman: University of Oklahoma Press, 1959), 228-242. For a discussion on the influence large livestock operators wielded over legal authority in the western cattle regions, see also, Warren M. Elofson, *Cowboys, Gentlemen, and Cattle Thieves: Ranching on the Western Frontier* (Montreal: McGill-Queen's University Press, 2000); Elofson, *Frontier Cattle Ranching in the Land and Times of Charlie Russell* (Seattle: University of Washington Press, 2004).

⁴³ Stuart and Phillips, *Forty Years*, 196-209; Mark H. Brown, *The Plainsmen of the Yellowstone: A History of the Yellowstone Basin* (New York: G. P. Putnam's Sons, 1961), 400-403; Milner and O'Conner, *As Big as the West*, 219-248; T. A. Clay, “A Call to Order: Law, Violence, and the Development of Montana's Early Stockmen's Organizations,” *MMWH* 58 (Autumn 2008): 48-63 (55-59).

Sweetwater sparked angry challenges to the livestock association's hegemony. A huge publicity campaign encouraged by large cattle ranchers and the stock growers' association railed against the effects rustling was having on their herds. The animosity between large and small operators throughout the west culminated in the Johnson County War in Wyoming in 1892. Rather than an operation against conspiratorial cattle rustlers, the actions by some of the highest figures in the Wyoming Stock Growers' Association, and by elected Wyoming officials, targeted small, honest land and cattle owners whom large operators viewed as usurpers of their prior claim to grazing areas.⁴⁴

The Syndicate, before and later, associated with men implicated in plans for that attack. A year after the Johnson County War, H. B. Ijams, longtime secretary of the Wyoming Stock Growers' Association (WSGA), and George Findlay, the XIT's business manager in Chicago, corresponded regarding XIT steers stolen by a man named G. M. Kirlin, or Kirby. Ijams explained why he had not had the man prosecuted. Indicating that the WSGA remained shaken by the Johnson County War, "I was afraid of our prosecuting attorney," Ijams confessed. "He took the case here against the stockmen on that invasion last spring." The brief anomaly in the stockgrowers' pattern of control had spooked the big cattle ranchers, but they could still unite against rustlers. Across the beef empire, such contacts and correspondence remained common. Ijams suggested Findlay press the case in Texas, where Kirlin apparently resided and had stolen the livestock. Ijams asked for Findlay's help in contacting Hardin and Campbell, ranchers in north Wyoming, at their offices in Chicago, as Ijams had been unable to contact either at their

⁴⁴ *Independent* (Glendive, MT) [henceforth cited as *GI*], July 27, 1889; *Independent* (Helena, MT) [henceforth cited as *HI*], March 10, July 27, 1889, April 6, 1892; *Daily Yellowstone Journal* (henceforth cited as *DYJ*), April 14, 20, 1892; Brown, *Plainsmen of the Yellowstone*, 408-415; John W. Davis, *Wyoming Range War: The Infamous Invasion of Johnson County* (Norman: University of Oklahoma, 2010), 115. For a nuanced approach to this topic, see, Daniel Belgrad, "'Power's Larger Meaning': The Johnson County War as Political Violence in an Environmental Context," *The Western Historical Quarterly* 33 (Summer 2002): 159-177.

ranch. Ijams told Findlay there were witnesses there that could help in Kirlin's prosecution in Wyoming. Many Syndicate documents attest to the intimate network linking the beef business.⁴⁵ Despite such help, the XIT continued to struggle with rustlers throughout its earliest years. The first ranch manager, Burton H. "Barbecue" Campbell, among other things leading to his abrupt departure, faced accusations of harboring rustlers on the ranch.

Campbell, already in negotiations with the Syndicate about a role in their cattle company, was at the St. Louis convention representing the Cherokee Strip Live Stock Association. He likely heard the minority report on public land leases from the Resolution Committee introduced by Colorado delegate S. S. Wallace, from the Las Animas County Stock Growers' Association. It called the measure before the convention biased "in the interests of wealthy cattle corporations and cattle owners [and] another way to . . . procure the right to fence the public domain." The dissent proclaimed that action on the resolution would repeal provisions of the homestead laws and "would work disastrously and prejudicially to the small owners." A lengthy debate followed, including several eloquent speeches from familiar names. Wyoming delegate A. T. Babbitt, general manager of Wyoming's Standard Cattle Company, spoke strongest in support of the majority report, perhaps best summarizing the stance of the room's "imperial" cattle interests:

It is alleged that this is a measure in the interests of the monopolists [and] a measure to supersede, checkmate and defeat the operations of the public land laws. It is nothing of the kind. It is a proposition to pay something for that which we now pay nothing. It is a proposition to bring some system – some order out of chaos. The gentleman from Colorado (Mr. Rhodes) makes the objection that the history of the cattle business has been sufficiently good; that we have all made money in the cattle business; why isn't that good enough? As long as ranges were available to people who wanted to invest their money the business was good; but in Texas they have reached their limit; they have reached their limit in the Northwest. Our ranges, the majority of them are too heavily stocked, and from this year forward, every head of cattle that is put on them is that much in excess of the grazing capacity of that Territory. The situation is serious and it is time

⁴⁵ H. B. Ijams, Secretary, Wyoming Stock Growers' Association to Findlay, March 30, 1893, XIT Papers, PPHM.

when cattlemen should consider the situation and make a fair demand of Congress. If they don't ask something they will never get anything. We came from Wyoming objecting to the idea of a trail. Our objection has, to some extent, been misunderstood. We did not object to it on the ground of the liability of infection, or of cattle disease, because cattle driven from the South have never hurt us so far North, and we are not afraid of them. We have objected to the trail simply on the ground of safety of our investments. We have believed that if Government made an appropriation whereby a public highway for cattle was to be established, over which the immense herds of surplus cattle from Texas were to be invited to come and overwhelm us, that we were in danger of obliteration and extinction. Now we have said to our Texas friends you favor us in a measure which is very dear to us, and we will favor you with all earnestness and in good part in favor of every pet scheme from the South. We have made that proposition in good faith, and I say in behalf of my associates from the North -- at least from Wyoming Territory Stock Growers' Association that we will carry out that in good faith. The idea is, if we can get a fair control of the ranges we desire to occupy, we will not object. We want their cattle. We have made our money on Texas cattle more than on any others.⁴⁶

Certainly, trade-offs are expected in a successful organization. Still, opposition arguments were reasoned and not unpopular. A New Mexico delegate seemingly on the fence regarding the issue pressed on the body the reality of foreign investment in the western cattle business. He wanted the public range kept free and open to homesteaders and cattle ranchers alike, but he also desired protection from foreign corporations and overstocking of the range. Another delegate echoed concerns about foreign cattle companies and suggested a scheme whereby actual settlers, holders of 160-acre parcels controlling accessible water, were granted the right to claim or lease adjoining grazing lands. W. M. Stone, from the Southern Colorado Cattle Growers' Association, who had introduced the resolution, rose to try mediation in the debate:

I think the gentleman who so earnestly antagonized the proposition . . . misunderstands the question The very argument . . . urged against it can be urged in favor of it. . . . A great deal has been said about monopoly; a great deal has been said about the actual settler on the public domain. I am opposed to monopolies. All my days I have been in favor of the poor man and the settler Now in these later days, capital from . . . the British Empire has come on to those plains, and, by their large herds, have scattered and

⁴⁶ Cattlemen, *Proceedings, 1884*, 81-82, 84.

trampled out the rights of the settlers. [W]e offer the proposition, and ask the aid of the Federal Government . . . to prevent this monopoly of foreign capital.⁴⁷

Stone and others argued that leasing the public lands would strengthen American cattle ranchers against foreign operations by making access to grazing rights legally and financially secure. They claimed that a well-designed adjustment of homestead and pre-emption laws would allow “actual settlers” 160-acre homestead claims in the “Arid Regions” of the west to which adjacent grazing lands would be leased according to the numbers of cattle the person held. The arguments of supporters seem curious. Would title to 160-acre well-watered claims by someone who owned 25,000 head of cattle grant them exclusive leasing rights to 500,000 acres of public land, for instance? Experienced cattlemen said at the convention that in the arid regions it took twenty to forty acres per head to raise a beef. Supporters argued the plan was good for both large and small American cattle raisers. The resolution is not clear on details or on how this would exclude large investors from finding someone willing to “prove” a claim and giving them thousands to buy cattle. Legendary cattleman Joseph G. McCoy, opposed to both a trail and the leasing of public lands, felt discussion of the land lease measure was a waste of the convention’s time. He related the experiences of John Wesley Powell, who had long lobbied Congress to approve leases in the public arid regions. The introduction of such a bill, he was told by a congressional representative, represented political suicide.⁴⁸

General James S. Brisbin – the author of some of the most influential of the many books, pamphlets, and articles written in the late 1870s and early 1880s encouraging the eastern boom in

⁴⁷ Cattlemen, *Proceedings*, 1884, 87-88. Stone is often referred to as Governor Stone. W. M. Stone was the Governor of Iowa for two terms from 1863-1868. He later served as Commissioner of the General Land Office in Washington D.C. Stone was a representative of the Southern Colorado Cattle Growers’ Association.

⁴⁸ Malin, *Grasslands*, 202-207; Osgood, *Cattleman*, 194-204; Cattlemen, *Proceedings*, 1884, 83. See also, Joseph G. McCoy, *Historic Sketches of the Cattle Trade of the West and Southwest*. (1874; reprint, Columbus, Ohio: Long’s College Book Co., 1951).

investments to the western cattle business – represented Idaho Territory and offered his opinion in closing debates on the issue. “These arid plains,” he wrote in a heavily-cited classic, “so long considered worthless, are the natural meat-producing lands . . . and in a few years 30,000,000 people will draw their beef from them. All the figures I have seen published have rather understated than overestimated their capacity.” Brisbin is the source of the oft-repeated clarion of the imperial ranch that the “beef business cannot be overdone.” These observations were soon to prove much more than optimistic.⁴⁹

To the attending delegates, Brisbin offered his approval of the resolution:

I hope this Convention will not exclude a measure which seems to be heartily supported by a large number of people who have come here for the purpose of securing its passage. I think there are nearly 400 people here who would not have come to this convention if it had not been for the purpose of securing the passage of this land lease request. I am in favor of this land lease request. I am in favor of the land lease. Every herdsman to-day is a trespasser upon the public land, within the eye of the law; he is a criminal to a certain extent, and something should be done for his relief from that onus.⁵⁰

A motion to send the reports to a special committee was defeated as was a motion to accept the minority report. The majority report was approved. According to newspapers, the resolution passed with heavy support. Texans, forty seven percent of the body, with little remaining public land of their own, were no doubt eager to support the plan after the majority backed their calls for the National Trail.⁵¹

The proceedings moved quickly following the vote. Final committee assignments were announced. The convention resolved to ask Congress to put aside certain tracts of public land “*en route to market*” where “herds of cattle liable to communicate splenic fever” could be isolated

⁴⁹ Brisbin, *Beef Bonanza*, 13-14, 49.

⁵⁰ Cattlemen, *Proceedings, 1884*, 83, 88.

⁵¹ Skaggs, *Trail Industry*, 110; Cattlemen, *Proceedings, 1884*, 88.

until proven safe for the marketplace. They adopted a resolution urging “that all the covenants of the Government with the Indians should be most scrupulously and honestly carried out” and the Indian groups named “should be rigidly limited to the limits of [their] reservations.” Attendees heard a memorial by the Tanners and Hide Dealers of the United States. The cattlemen’s support was urged but the matter was referred to the permanent organization. General Brisbin then proposed a vote of thanks to the chair and officers, which carried. Finally, a resolution criticizing the BAI urged Congress to strengthen inspection and quarantine rules by providing competent and timely veterinary services. Brief debate ensued before the resolution was approved. The convention thanked the citizens of St. Louis, voted to have its proceedings published in pamphlet form, and adjourned *sine die*.⁵²

The St. Louis convention had recognized a meeting held earlier that month in Chicago. The National Convention of Livestock Men included a number of the same people attending the St. Louis gathering. That group elected nineteen directors and appointed six committees, one of which was to confer its message to the St. Louis meeting. “There is great work to be done,” its president had said, “but it can only be accomplished by the united, earnest and persistent efforts of cattle owners of the whole country. If all work together; nothing can prevail against them; the only foes they need to dread are internal suspicions and dissensions.” The St. Louis convention acknowledged and obviously supported the earlier group’s call for a national organization. This, like nationwide calls for unity within the industry to come, managed to make noise at the time, but their successes at achieving any of these goals, except on restricting Indians, were clearly limited. The management of public land in the United States continued to be a flashpoint of

⁵² Cattlemen, *Proceedings, 1884*, 89; *Gazette* (Las Vegas, NM), November 23, 1884; Skaggs, *Trail Industry*, 110-114.

conflict, often pitting cattlemen and other livestock operations against the government. Various livestock interests in the country enjoyed political leverage, but unity among this disparate group proved impossible for the moment.⁵³

By 1885, every state and territory on the Great Plains imposed quarantines against Texas cattle at certain times of the year. The merits of this National Trail met vocal public debate in newspapers throughout the country. Perhaps not surprisingly, rather than a committee of the cattlemen's association, the Texas legislature adopted and championed calls for the cattle road, memorializing Congress for the trail. United States Senator Richard Coke, who as governor had led the conservative Democratic push to undo Reconstruction reforms in Texas, introduced a bill supporting the plan in the Senate in January 1885 following the introduction of a similar measure in the House of Representatives by Texas Representative James F. Miller. They again met with much opposition. Kansas's governor was an outspoken critic of the plans, and the Kansas legislature memorialized Congress against the proposals, at the same time strengthening their quarantine laws.⁵⁴

Supporters pushed for the route. Running close to the eastern border of Colorado from Texas across the "no man's land" of the Oklahoma panhandle to Wyoming, it edged through the northern portion of the Capitol Reservation through what would be the XIT's Buffalo Springs pasture. Supporters hoped to sell the plan as a means of protecting settlers from wayward cattle

⁵³ Cattlemen, *Proceedings, 1884*, 45, 49. According to Skaggs, D. W. Smith, the president of the National Cattle Growers' Association, withdrew from the St. Louis convention in opposition to the national trail proposal. He called for another meeting exactly one year later in Chicago. See also Bureau of Land Management, "Fact Sheet on the BLM's Management of Livestock Grazing," <http://www.blm.gov/wo/st/en/prog/grazing.html> (accessed February 10, 2015); Thomas L. Fleischer, "Ecological Costs of Livestock Grazing in Western North America," *Conservation Biology* 8 (September 1994): 629 – 644; "Resources, The National Public Lands Grazing Campaign," <http://www.publiclandsranching.org/> (accessed February 15, 2015).

⁵⁴ FWG, November 30, 1884; Skaggs, *Trail Industry*, 108; Streeter, "National Trail," 27; Hutson, "Texas Fever," 87-91.

herds and Texas fever while at the same time providing an outlet for supplying cattle to the northern plains. Backers argued that, like railroads, their industry had become critical to the United States economy and deserved the same underwriting and subsidization as railroads and other prominent commercial operations were enjoying. Trail City, a forgotten Colorado town on the Kansas border, owed its brief existence to anticipation that the National Trail would be soon approved. The proposal was roundly panned as nothing more than a profit scheme by Texas cattlemen. The plan, approved in committees in both houses, failed full consideration, defeated with support from the railroads and states like Kansas, Colorado, and Nebraska. Even cattlemen in the territories – Wyoming, Montana, and Dakota – were not then anxious for more cattle.⁵⁵

The following year in Chicago Granville Stuart once again denounced any government assistance to Texas cattle raisers and continuing his crusade against corruption among the Indian agencies that could not prevent individuals from roaming and stealing stock, particularly horses. Montana's territorial governor, in response to pressure from the cattlemen there, declared a quarantine on Texas cattle that summer, although it was filled with loopholes. The Wyoming territorial veterinarian reported cattle importation inspections through his agency from March 31, 1885 to March 31, 1887 at just under 80,000. Over half of those inspections were of Texas cattle. Nearly half were identified as cattle bound for Montana. Splenic fever was not mentioned in the veterinary report. Despite Montana's imposition of a quarantine and warnings in newspapers about the destructiveness of Texas fever, actual outbreaks there are not well documented. It seems highly unlikely the disease could have traveled easily to such a foreign climate. Moreover, many of the inbound Texas stock during the late 1800s came to Montana by trail, rather than rail, which was at least a two-month trip even if shipped by rail part of the way. Pleuro-pneumonia

⁵⁵ Streeter, "National Trail," 70; Lewis, "Cattle Trail," 216.

was identified, however, and seemed to be of significant concern to Wyoming inspectors. Its presence in imported cattle, all from eastern states, resulted in the destruction of cattle found with this and a few other diseases.⁵⁶

A similar National Trail bill seemingly enjoyed broader support in the next Congress. Senator Coke led this time with Representative Miller introducing a companion bill in the House a few days later. The bill passed the Senate in March and received a favorable report from the House Commerce Committee. Representative John H. Reagan of Texas led proponents in a lively debate regarding the actual route such a trail could take. Finally, a vote was called. With the ayes and nays announced the bill seemingly passed, but then an Iowa congressman shrewdly announced, “no quorum.” Another Texas member, Samuel W. T. Lantham, demanded that the vote be recorded. Inexplicably, Reagan then asked permission from the Speaker to withdraw the bill. This was the last official attempt to establish the National Trail.⁵⁷

Although Texas has long been first in the public mind as the country’s chief producer of cattle, by the 1880s, western expansion and heavy eastern and foreign investment in cattle raising were making feeding operations in Missouri, Kansas, Iowa, and Nebraska into a big business. For northern cattle raisers, the Texans had been more than a health threat to their cattle, they were competition. The territories of the northern ranges – the Dakotas, Wyoming, and Montana – where huge tracts of public land remained available for grazing livestock represented a potential challenge to the preeminence of the Texas beef market. Additionally, shrewd campaigns by the

⁵⁶ Mons L. Teigen, “A Century of Striving to Organized Strength,” *Montana Stockgrower*, Special Centennial Edition 55 (June 1984):11; Milner and O’Connor, *As Big as the West*, 250-255; James D. Hopkins, “Veterinarian’s Report,” *List of Members, By-Laws, and Reports of the Wyoming Stock Growers Association* (Cheyenne, WY: Bristol and Kanabe, 1887), 72-79.

⁵⁷ Streeter, “National Trail,” 70; John H. Reagan, House Committee on Commerce, *Report on the National Live-Stock Highway, etc.*, 49th Cong., 1st sess., H. Rep. 1228, 1-5.

“Big Four” packinghouses – Armour, Hammond, Morris, and Swift – encouraged changes in consumer tastes. Buyers wanted young, “fat” cattle, “finished” on northern grass or in Corn Belt farmer-feeder operations, spurning the common longhorns raised in Texas. Urged on by non-Texas cattle interests who hoped to grab a market edge on Texas raisers, the public became more convinced that the durable breed provided little better than “canning” grades of meat. Improved cattle in Texas, too, seemed to be at a disadvantage. Many proposed that the grasses in Texas on which cattle fed lacked the nutrients to provide the preferred grades of meat. Buyers claimed cattle raised on the northern Great Plains or seasoned in prairie feedlots, experienced better rail service and suffered fewer losses during transport. While Chicago buyers were not eager to buy cattle direct from Texas, they did not seem to mind purchasing those same steers raised on northern grass over two winters or fed for a season on corn and sorghum on Midwestern farms. While the beef industry took shape through the 1870s and into the 1880s, Chicago became the capitol of a new meat empire dominated by packers, commission houses, and railroad magnates. Most of the high gentry of the “land and cattle” companies made their homes there or frequented the city’s fine hotels like the Drake and the Grand Pacific. Railroad lines that reached from it were the veins of that empire and filled with products reaped from the bounty of the country’s western resources.⁵⁸

The transportation of northern cattle to stockyards and slaughterhouses in St. Louis, Omaha, Kansas City, and, of course, Chicago presented fewer obstacles and shorter distances

⁵⁸ William Cronon, *Nature’s Metropolis: Chicago and the Great West* (New York: W. W. Norton & Co., 1991), 236-251; Skaggs, *Trail Industry*, 1-12, 23-24; J. Frank Dobie and Tom Lea, *The Longhorns* (Austin: University of Texas Press, 1980), 340-343; Gary D. Libecap, “The Rise of the Chicago Packers and the Origins of Meat Inspection and Antitrust,” *Economic Inquiry* 30 (April 1992), 247-250; George Graham Vest, *Report on the Investigation of Transportation and Sale of Meat Products, with Testimony*, 51st Cong. 1st sess. 1889, S. Rep. 829, serial 2705 [*Vest Report*], 124, 183-184; “The Drovers Journal . . .,” *SGJ*, August 6, 1892; *Babcock v. Farwell*, 190 U.S. 1 (1903), 190 [Ill. App. Ct. 1913], 704 [abstract], XIT Papers, PPHM; Findlay to A[lbert] G[allatin] Boyce, August 14, 1890; O. C. Cato, Miles City, MT to Findlay, August 16, 1892, XIT Papers, PPHM.

than the limited rail lines in and out of Texas's most productive grazing regions. The latter two claims certainly have validity; the former deserves closer examination.⁵⁹

As concerns about Texas fever, the packinghouses, and the nation's railroad construction added bleakness to the outlook for cattle in Texas, the changing structure of the cattle market influenced the development of the Montana cattle industry. Cattle ranching in the area had emerged on a small scale in the 1850s to feed the mining regions and lumber regions in the western part of the territory, and after the Civil War, Nelson Story brought Texas herds into Montana Territory. By the early 1870s, cattlemen were driving herds onto soon-to-be and recently ceded tribal lands in the central part of the territory. The arrival of the Northern Pacific Railway in 1883 spread the large-scale development of the open-range ranching across the territory's eastern plains, reshaping the geography of livestock production across the western United States. Loaded into eastbound cattle cars at towns and sidings along the line, fat cattle were shipped to Midwestern stockyards in Chicago, St. Paul, Omaha, Kansas City, and St. Louis and from there out into the growing global meat marketplace. The state's contribution to this flow of capital and commodities increased as the Great Northern Railroad built a line across the state in the early 1890s.⁶⁰

⁵⁹ Taylor to Boyce, August 14, 1890, XIT Papers, PPHM; Cronon, *Nature's Metropolis*, 222-224, 236; *Vest Report*, 124, 183-184; Babcock v. Farwell, 190 1d 19580 [Ill. App. Ct. 1913]; "The Drovers Journal," *SGJ*, August 6, 1892.

⁶⁰ Oscar Canoy, "Livestock History of Custer County," U. S. Work Projects Administration, Montana Writers Program records, 1939-1941, MHS (MF 250, Reel 18); Lorman L. Hoopes, *This Last West: Miles City, Montana Territory, and Environs, 1876-1886: the People, the Geography, the Incredible History* (Miles City, MT: L.L. Hoopes, 1990), 57-61; Stuart and Phillips, *Forty Years*, II, 99; Robert H. Fletcher, "The Day of the Cattlemen Dawned Early: In Montana," *MMWH* 11 (Autumn 1961): 22-28; Lee I. Niedringhaus, "N Bar N Ranch: A Legend of the Open-Range Cattle Industry, 1885-99," *MMWH* 60 (Spring 2010): 3-23; Clay, "Call to Order: Law, Violence, and the Development of Montana's Early Stockmen's Organizations," *MMWH* 58 (Autumn 2008): 48-63. Generally, on Montana, see K. Ross Toole, *Montana: An Uncommon Land* (Norman: University of Oklahoma Press 1959), and Michael P. Malone and Richard B. Roeder, *Montana: A History of Two Centuries* (Seattle: University of Washington Press, 1976).

In typical imperial progression, export of fat cattle replaced local meat production. Processed for retail sale, the final product of the rich nutrients and good water offered there returned rebranded and repackaged by Armour or Swift. Local slaughter facilities became increasingly scarce despite valiant attempts to build them. Chicago and its ministries in St. Paul, Omaha, Kansas City, and St. Louis ruled the meat empire. Spoke-like kingdoms literally fed the raw materials that its production depended on. Montana's contribution to this emerging glow of capital and commodities increased as the Great Northern Railroad reached across the state in the early 1890s. Each day, rail access became more critical to the cattle industry. In Texas, reliable rail service was slow to reach the Panhandle. Only in 1888 did the Fort Worth and Denver City (FW&DC) reach the XIT's Capitol Reservation, offering a north-south link to east-west lines in Colorado and on to more northern reaches in Wyoming. Even after the arrival of the FW&DC, the ranch, for some time, drove eastbound cattle to Liberal, Kansas and Panhandle City, Texas railheads. Others lines did not quickly reach ranch boundaries.⁶¹

Over the next few years, the operators of the XIT Ranch would immerse themselves in the machinery of the cattle business. It would not be an easy road and the operation teetered on disaster for its first years of operation. The limitations on their purchase were tested severely. The men that spoke most loudly at St. Louis became the men the Syndicate associated with, and with whom they competed, negotiated, and cooperated. Most of them, beneath the cattle baron

⁶¹ Skaggs, *Trail Industry*, 90, 99-100; Cronon, *Nature's Metropolis*, 222-224; James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo World, 1783-1939* (New York: Oxford University Press, 2009), 336-339; Paul Sabin, "Home and Abroad: The Two "West" of Twentieth-Century United States History," *Pacific Historical Review* 66 (August 1997): 318-319; Libecap, "Origins of Meat Inspections," 247-250; *DYJ*, April 13, July 22, 1886; *Tribune* (Great Falls, MT), Weekly Edition, Great Falls, MT, May 1, 1889. On railroading, see Tiffany Marie Haggard Fink, "The Fort Worth & Denver City Railway: Settlement, Development, and Decline on the Texas High Plains," (Ph.D. diss., Texas Tech University, 2004), 1, 250; F. Stanley, *Story of the Texas Panhandle Railroads* (Borger, TX: Hess Publishing Co., 1976), iii, 45; Robert G. Athearn, *Union Pacific Country* (New York: Rand McNally and Co., 1971), 291, 300, 367; and Marquess of Tweeddale, *Proceedings*, 1889, 6-7.

persona, knew land rather than the cattle on the land was the secret. It would take, however, a series of environmental, political, and financial actions and events, perhaps even disasters, to move the XIT into the imperial realm and among the west's greatest beef outfits and, ultimately, real estate ventures.

CHAPTER 4

CHANGES IN THE WIND

By 1885, grasslands throughout the Great Plains suffered extensively from overgrazing and drought. Markets reeled. There were too many cattle. Ernest Staples Osgood later wrote that, “in the scramble for profit that had resulted from inflation and speculation, the business had extended far beyond the margin of safety.” Although millions of Texas Longhorns had made their journey to death in Kansas City, St. Louis, or Chicago, the rangy Iberian mongrels were losing the eye of buyers attracted by swelling herds of northern European imports like the Shorthorns (or Durhams), Herefords, and the most recent immigrants, Aberdeen-Angus cattle. Although the Fence Wars of 1884 and the arrival of the XIT Ranch in the Panhandle in 1885 signaled the end of the open-range cattle business in Texas, it did not signal the end of the open range elsewhere, creating even more competition. And while the push for a National Cattle Highway may have ended, it was still far from the end for cattle drives. While railroads extended further and further into the northern range lands, railroads in Texas, contracted to cross the state, seldom offered much service beyond the ninety-eighth meridian. Although transcontinental rail links across Texas were completed by 1883, it was 1888 before the Fort Worth and Denver City line reached the Panhandle of Texas. To complicate matters even further for Texas ranchers, the market center had coagulated in the nation’s north, and the prime cattle regions of the northern plains featured reliable rail service to the newest livestock facilities in South Omaha, Nebraska and St. Paul, Minnesota, and, of course, Chicago.¹ It did not seem the best time to enter the cattle

¹ Ernest Staples Osgood, *The Day of the Cattleman* (1929; reprint, Chicago: University of Chicago Press, 1957), 112-113; Wayne Gard, "Fence Cutting," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/auf01> (accessed August 27, 2016).

business in Texas, but nevertheless the Capitol Syndicate did just that, battling against nature, competitors, and its own internal conflicts.

Ranching on both the southern and northern Great Plains had become a crowded industry with deep undercurrents of turmoil within its ranks. The limits of the western cattle industry had been revealed, if not yet completely understood, as prices that were too low were relied upon to support the production of too many cattle without enough resources to sustain them. Cattle prices would not again approach the all-time high of 1884 year for twenty-five years. When Ab Blocker put the XIT brand on the first steer in the summer of 1885, giving the ranch its name, Barbecue Campbell and the owners had already begun to realize the obstacles they faced in providing water and grass and had scaled back their dreams of the three million acres hosting 300,000 head of fat cattle. Even with the ranch's efforts at improvements – fences, windmills and “artificial water,” and hay production -- they could barely support what they had. A persistent drought combined with a winter filled with “blue-whistler northers” gave the South Plains a preview of the “Big Die-Up” winter coming throughout the plains in 1886-1887. Prairie fires erupted in the heart of one storm and raged across pastures. This would not be the first or last fire to ravage XIT forage. Spring 1886 estimates showed the ranch had lost nearly one-third of its previous year's purchases. Fortunately, contracts for an additional 45,000 head had not panned out or losses would have been greater. On a broader scale, millions of dollars of investment were lost as the winter storms turned cattle to drift before the wind, sometimes for hundreds of miles before some obstacle – usually a barbed wire fence – stopped them to die from starvation or cold in rows and even piles. Company records indicate that after losses during “the Big White Ruin” there were just over 16,000 head of cattle on the ranch the spring of 1886.²

² Ernest Staples Osgood, *The Day of the Cattleman* (1929; reprint, Chicago: University of Chicago Press, 1957), 193; George Findlay to A. L. Matlock, March 27, 1890, Marquess of Tweeddale, “Report of John V.

As big as ranching was, and as important as Texas, Colorado, Wyoming, and Montana were in the western cattle business, small farms in Iowa, Minnesota, Wisconsin, Illinois, Indiana, Missouri, Tennessee, Ohio, and throughout America continued to produce the most meat sold in the marketplace. Only about fourteen percent of domestic slaughter-cattle production came from big western range cattle operators during the 1880s. By 1900, that number rose to thirty-nine percent from eleven western states, but it fell back to only thirty percent by 1910. This pattern clearly shaped the evolving plans of the XIT owners. The Illinois men proposed subdividing the Capitol Reservation to better manage the huge tract. Seven divisions soon divided the ranch's cattle operation. Each division foreman led his own crews for well drilling, fencing, planting, haying, and harvesting. Subdivided into smaller pastures, each division employed their own cowhands, cooks, and wranglers in day-to-day livestock operations. Calves born on the ranch, in addition to be branded with XIT (later, just "long X"), also were stamped with markers for the division and year in which the calf had been born. Eventually, each division was graded and specialized in a particular stage in the cattle-raising cycle. An eighth division was created later when the Pecos and Northern Texas Railway built through the ranch in 1898. The town of Bovina in Parmer County built around a siding switch along the way, and for a time the town became the largest livestock shipping point in the country. The XIT as a big outfit reorganized to

Farwell," *The Capitol Freehold Land and Investment Company Limited Proceedings at the Fifth Annual General Meeting of Stockholders* (London: Privately printed, June 6, 1890, 33, XIT Papers, PPHM; *News-Globe* (Amarillo, TX), August 14, 1938 [Section E, page14]; J. Evetts Haley, *The XIT Ranch of Texas and the Early Days of the Llano Estacado* (Norman: University of Oklahoma Press, 1953), 79; Lewis Nordyke, *Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT* (New York: William Morrow and Co., 1949), 105; John Clay, *My Life on the Range* (1924; reprint, New York: Antiquarian Press, Ltd., 1961), 141; David L. Wheeler, "The Blizzard of 1886 and its Effect on the Range Cattle Industry in the Southern Plains," *SWHQ* 94 (Winter 1991):453; Robert H. Fletcher, *Free Grass to Fences: The Montana Cattle Range Story* (New York: Historical Society Of Montana, 1960), 118; Dee Brown and Martin F. Schmitt, *Trail Driving Days* (New York: Charles Scribner's Sons, 1952), 224; Mari Sandoz, *The Cattleman: From the Rio Grande Across the Far Marias* (Lincoln: University of Nebraska Press, 1958), 265, 309; Richard Slatta, *Cowboys of the Americas* (New Haven: Yale University Press, 1990), 187.

operate more efficiently in smaller units, more like small farms in the more established stock-raising areas of the country.³

Undeterred by the losses of 1885, the Syndicate ordered Campbell to buy more cattle, insisting, however, that he keep costs down. The British investors had already become fretful. Drought continued in the summer of 1886, too, and Campbell fretted over water for his bees. Taylor sought to provide water for the ranch by drilling “artesian” wells. It was his persistent belief that deep wells of clear, flowing water lay beneath the land, and he hoped that the wells would turn the Capitol Reservation into a garden of bounty. Confident that it was there, Taylor misunderstood the region’s primary water source, often ordering well drillers to continue drilling beyond water strikes discovered at depths of seventy-five to 300 feet. A decade and a half passed before government geologists discovered the Ogallala Aquifer. Ranch operators later installed more than 300 windmills and water tanks across the XIT, but these were not enough. Despite Campbell’s objections about water, the company purchased over 52,000 cattle in 1886.⁴

³ Jimmy Skaggs, *The Cattle-Trailing Industry: Between Supply and Demand, 1866-1890* (Lawrence: University Press of Kansas, 1973), 100-101; Jimmy Skaggs, *Prime Cut: Livestock Raising and Meatpacking in the United States, 1607-1983* (College Station: Texas A&M University Press, 1986), 69-70; Gary D. Libecap, “The Rise of the Chicago Packers and the Origins of Meat Inspection and Antitrust,” *Economic Inquiry* 30 (April 1992): 247-250; Haley, *XIT Ranch*, 147-149; H. Allen Anderson, “Bovina, TX,” *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/hjb13> (accessed June 14, 2016). Skaggs lists the eleven members of the “ranching kingdom” in order of output: Texas, Kansas, Nebraska, Oklahoma, South Dakota, Colorado, New Mexico, Montana, North Dakota, Wyoming, Idaho.

⁴ Marquess of Tweeddale, “Report of Farwell,” *Proceedings*, 1889, 33; Haley, *XIT Ranch*, 96; Nordyke, *Cattle Empire*, 121; Terry G. Jordan, “Windmills in Texas,” *Agricultural History* 37 (April 1963): 81; John Walsh, Jane Braxton Little, “The Ogallala Aquifer: Saving a Vital U.S. Water Source,” *Scientific American* 300 (Special Editions, March 1, 2009), <https://www.scientificamerican.com/article/the-ogallala-aquifer/> (accessed August 20, 2009); “Ogallala Aquifer,” *Encyclopedia of Environment and Society*, http://libproxy.library.unt.edu:2468/content/entry/sageenvsoc/ogallala_aquifer/0 (accessed February 10, 2015); David J. Wishart, “Ogallala Aquifer,” *Encyclopedia of the Great Plains*, <http://plainshumanities.unl.edu/encyclopedia/doc/egp.wat.018> (accessed February 10, 2015). For an overview of the federal government’s assessment of water conditions on the Great Plains as the twentieth century opened, see, Department of Interior, *Annual report of Director of Geological Survey, 1900, pt. 4; Hydrography*, 56th Cong., 2nd sess., 1900. H. Doc. 5/32, 692-719.

The XIT was not unique. Thousands of cattle were bought and sold in Texas that year and thousands, despite enhanced quarantine restrictions, made the trip north that year, too. It was dry in Texas. It was dry in Montana. The previous winter had not delivered much snow to the northern plains and the grass was thin. Because it was worse in Texas and the southwest, with grazing leases limited in Indian Territory, surplus cattle were crowded onto the northern ranges late into that summer, further affecting the already stressed grasslands there. Eastern Montana was full of freshly arrived “pilgrims” that fall. Many of these mostly Texas cattle – Corn Belt feedlots were overstocked, too, and so owners sold cattle to eager western entrepreneurs – came malnourished. They suffered the hardship of transport there, too, whether by rail or over the trail. And cattle are not without learned intelligence. Experience with bitter northern winters gave “natives” and earlier immigrants a better chance at survival. The new arrivals, apart from their nature, had not learned to forage beneath heavy snow. Winter feeding there had begun years earlier for many ranchers, but dozens of nesters with little experience with either cattle or winter on the northern Great Plains took advantage of the millions of acres of still “free” range there. If for nothing else, the west has always offered people the hope of “next year.” Low cattle prices were tempting and everyone thought the market had to turn around soon. The first snowfall in eastern Montana came in September 1886. More substantial snows began falling November 21 when a blizzard began blowing across Montana and the Dakotas. The storm dumped from five to nine inches of snow on the ground. More snow fell through the end of the year, doubling normal precipitation in the region for the period.⁵

⁵ Clyde A. Milner and Carol A. O’Connor, *As Big as the West: The Pioneer Life of Granville Stuart* (New York: Oxford University Press, 2009), 252, 258-267; Barbara Fifer Rackley, “The Hard Winter: 1886-1887,” *MMWH* 21 (Winter 1971): 50-59; *River Press* (Fort Benton, MT), October 20, 1886; Jean Freese, John Halbert, et al., *Centennial Roundup: A Collection of Stories Celebrating the 100th Anniversary of the Incorporation of Miles City, Montana* (Miles City: The Miles City Star, 1987), 79.

While northern stock growers familiar with the vagaries of the weather fretted about their overstocked ranges and a repeat of the winter of 1880-1881, the Chicago operators of the XIT had concerns of their own, beyond the constant pressure from London to start making money. Perhaps no other controversy and mystery rises around the XIT than what really led Campbell to leave the ranch in 1887. For months he managed the steady stream of cattle filling the XIT's parched pastures. Fencing and the well-drilling projects continued, not keeping pace with the arriving cattle. Campbell implemented a process whereby he received the cattle at the Yellow Houses in the southern part of the ranch, branded them, and then drifted them northward toward more reliable water, eventually balancing the cattle across the water and range in supportable numbers. J. Evetts Haley noted in his book that the Syndicate sold 15,000 head of cattle that were trailed in several bunches to the Dakotas in the summer of 1886. Although no record of this transaction has been discovered, there were plenty of eager buyers. It is likely that Haley meant 1889, when J. W. Driskill agreed to manage 15,000 XIT steers along the Dakota-Wyoming border. Still, if Haley's date is correct, Campbell could have argued to owners that he needed to resell some of their contracts, thus making through cattle of the earlier buys and probably a relief to the stressed Campbell.⁶

The XIT and Campbell, however, were making few friends and Chicago was hearing about it. Everyone, it seemed, had cattle to sell and as many cattle as Barbecue had to buy, he could not buy from all of those eager to sell. Campbell passed over the beeves of some of those with friends in high places, drawing protests and complaints. He also began drawing the ire of

⁶ *New York Times*, February 2, 1881; Rackley, "Hard Winter," 52; Haley, *XIT Ranch*, 126; Fletcher, *Free Grass to Fences*, 52. "Through" cattle were purchased by one buyer and then sold to another, general on a south-to-north trajectory. These, for the most part, essentially were an arrangement to "de-quarantine" otherwise prohibited livestock.

neighbors almost as soon as he arrived. The massive fencing operation, of course, was a travesty in the eyes of some cowpunchers and range bosses, even though their employers were doing the same thing. In an effort to be neighborly, Campbell agreed to allow cattle to be driven through his pastures to New Mexico or into the Neutral Strip, with the understanding they would pass through in a timely manner. During the ranch's first summer he found a Matador herd loitering at one of the rare small lakes on the ranch. Facing a long, dry drive, the trail boss refused to move on until there was a sign of rain. Campbell, with new cattle arriving and his own water concerns, threatened to use force to expel the herd from the XIT. Eventually the Matador man agreed to move his herd. His pace did not completely satisfy Campbell, but further conflict was avoided. Another time, some LS cowboys approached Campbell to obtain permission to look for strays in an XIT pasture. Campbell refused, telling the men that any of their cattle found on XIT range would be returned. The hated barbed wire enclosed the entire spread by the end of 1886. That, range fires, and challenging weather shortened tempers. Contempt for the owners of the Capitol Reservation built and an epithet often prefixed any mention of the ranch.⁷

As men were completing the ranch's enclosure in Texas, snow continued to fall on the northern plains. In the second week of January 1887, a warm southwesterly wind – a chinook – began blowing across the snowbound plains in Montana. Livestock owners and managers were encouraged as grass was exposed and ice cleared from waterholes. Then on the January 28, the wind shifted and temperatures plunged while heavy snow began falling. By the next morning, the Big Die-Up had begun.⁸

⁷ Avery L. Matlock, Texas Legal Consultant to George F. Westover, Legal Counsel, Chicago, October 9, 1887, in J. Evetts Haley, "Letters" [typescript, ca. 1936-1937], 5-30, XIT Ranch Records, 1885-1889, Dolph Briscoe Center for American History, The University of Texas at Austin [henceforth DBCAH]; Haley, *XIT Ranch*, 98-104; Nordyke, *Cattle Empire*, 121-134, 149.

⁸ Milner and O'Connor, *As Big as the West*, 258-267; Rackley, "Hard Winter," 55-59; Joseph Kinsey Howard, *Montana: High, Wide, and Handsome* (New Haven: Yale University, 1943), 157-164; Sandoz, *The*

The earlier chinook did not clear all of the earlier snow and the freezing temperatures turned what remained into a hard-crusted mass. New snow, eight to twelve inches, piled heavily in the wind, filling coulees and draws and covering fences. Cattle instinctively turn away from the wind and in heavy snow begin to travel before it, to drift, in search of forage and shelter. The crusted base created two great problems for the cattle. It made foraging for grass difficult, as the beeves could not easily paw through it. The frozen, broken snow tore at their legs. Too, as the beasts waded through fresh deepening snowdrifts, their hooves broke through the underlying thick crust of an earlier drift, trapping them and others that followed. If these cattle encountered a barrier they could not breach or sought shelter in a deep cut, they stayed there to freeze or starve. As many ranchers in Texas had discovered during the previous winter, fences intended to protect their cattle instead became deathtraps when the beeves became entangled in barbed wire buried beneath snow drifts.⁹

Subsequent blizzards came and even more chinooks followed, repeatedly pounding livestock and people alike. Mail went undelivered, freighters could not deliver to merchants, merchants could not deliver to customers, and rural customers could not get to towns. The Northern Pacific shut down when severe cold weather cracked rails. Montana merchant king Thomas C. Power was aboard a Northern Pacific train derailed by the weather that winter. The 1880-1881 winter, along with the experience of the previous year on the southern Plains, had not been lost on the stock growers on the northern Plains. Plenty of them started to cultivate hay for supplementing winter feeding. But the thaws and freezing collapsed storage barns or encased the

Cattlemen, 263-271; Fletcher, *Free Grass to Fences*, 113-118; Joanne S. Liu, *Barbed Wire: The Fence That Changed the West* (Missoula, MT: Mountain Press, 2009), 79-83.

⁹ Rackley, "Hard Winter," 55-59; Edward Charles [Teddy Blue] Abbott and Helena Huntington Smith, *We Headed Them North: Recollections of a Cowpuncher* (Norman: University of Oklahoma Press, 1955), 176.

haystacks in thick frost and ice. There was no way to get the hay to the cattle or the cattle to the hay. Horses and mules floundered in the deep snow and temperatures fell far below zero – reportedly as cold as fifty-five degrees below zero from an official government report at Fort Assiniboine on Montana’s northcentral “High Line.” A Texas souvenir map from the Texas Sesquicentennial claims a temperature of seventy below zero in the Panhandle that winter, but one suspects subzero temperatures happened no more than a handful of times there.¹⁰ Official February averages in Montana, however, showed at well below zero throughout the territory. Plenty had tried to prepare, but many free grass and nester operations seeking a livestock bonanza lost everything after gambling they could reap a bounty from the region. The pulsating weather pattern broke a month later. Livestockers and homesteaders dug themselves out to assess the losses in early March. As the melting snow revealed thousands of dead cattle spread across the range, the magnitude of Charles Goodnight’s admonishment about the cattle business was confirmed. Cattle losses reported in Montana from the Continental Divide eastward ranged from ten to ninety percent. The many carcasses inspired a cottage industry of scavenging hides from the dead cattle. Unfortunately, this brisk business ruined the hide trade for years to come. In general, the bigger you were, the better off you were going to be. Numerically, it was probably the largest herds that suffered the greatest losses, but the owners of these herds were often the ones that could stand disaster the best.¹¹

¹⁰ Sue C. Hughey, “Texas: The Lonestar State [map],” *Sesquicentennial Projects* (Lakewood, CO: Associated Arts, 1985).

¹¹ Granville Stuart and Paul C. Phillips, *Forty Years on the Frontier as Seen in the Journals and Reminiscences of Granville Stuart, Gold-Miner, Trader, Merchant, Rancher and Politician* (Cleveland, OH: Arthur H. Clark Co., 1925), 236; Milner and O’Connor, *As Big as the West*, 258-267; Rackley, “Hard Winter,” 52-53; Freese and Halbert, Centennial Roundup, 179-180; Paul Kens, “Wide Open Spaces? The Texas Supreme Court and the Scramble for the State’s Public Domain, 1876-1898,” *Western Legal History: The Journal of the Ninth Judicial Circuit Historical Society* 16 (Summer/Fall 2003), 178.

The winter did not spare Texas. C. C. Slaughter, just south of the XIT, lost 10,000 head of cattle. Many Panhandle cattle raisers found their herds as far south as the Rio Grande that spring, drift fences having “went down like cobwebs” as storms drove cattle further and further. The Texas winter’s severity, however, is questioned in other sources. Some have written that Oldham County, in the heart of the XIT, suffered its “mildest winter in recent memory.” The XIT’s neighbor in Texas, the Lee and Scott ranch, led by W. M. D. Lee, also held considerable range in Montana. Lee told a reporter that he intended restocking his Montana range from his southern stock as soon as possible. Losses in Montana were heavy, he said, but he had a large reserve from which to draw and the bad winter had not discouraged him. Another project in Texas prompted Lee to reverse course and sell his Montana operation the next year. Another chronicler of the LS wrote that the outfit’s Texas range was overstocked and the owners were fortunate to have good hands on the ranch that, with great effort, had minimized its losses when bad weather hit.¹²

The Big Die-Up of the winter of 1886-1887 accelerated the transformations in the cattle business that had been emerging over the course of the early 1880s. The need to replace the livestock lost that winter eliminated much of the opposition to the importation of animals from the southern plains. As a result, a network of financial and political forces solidified their considerable power over the Montana cattle business. Wrangler and itinerant artist Charles M. Russell, in his response to his absentee boss’s request for information on how the cattle were

¹² George A. Wallis, *Cattle Kings of the Staked Plains* (Denver: Sage Books, 1964), 69; Donald F. Schofield, *Indians, Cattle, Ships, and Oil: The Story of W. M. D. Lee* (Austin: University of Texas Press, 1985), 86, 97; Donald F. Schofield, "Lee, William McDole," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/fle54> (accessed February 9, 2017); Donald F. Schofield, "LS Ranch," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/apl02> (accessed April 16, 2011); Dulcie Sullivan, *The LS Brand: The Story of a Texas Panhandle Ranch* (Austin: University of Texas Press, 1968), 140; Sandoz, *The Cattlemen*, 270.

faring, for many, possibly best summarized that winter. Russel's sketched watercolor, "Waiting for a Chinook," centered on a gaunt, brindle steer still willing to turn its horns down in the face of the circling wolves who were patiently awaiting the creature's end. The background divides between solid white broken only by the shadowy figures of other wolves and a darkening sky foretelling yet another storm. Drawn on a box top, on its receipt, the Helena owner of the herd sought to make lemonade from the news and passed Russell's drawing around to his friends. Someone wrote on it later, "The Last of 5000," referring to the Texas pilgrims the man had invested in apparently too late in the previous year. The drawing became the catalyst for Russell's transition from the low rung of the cattle punching business to that of fulltime sculpture, painter, writer, and pundit -- today among the top two or three best-known western artists.¹³

Russell's boss was hardly alone. Plenty of cattle operators bought stock late in the season, lessening the pilgrim beeves chances of surviving through spring. It had been a dry summer, but one stock raiser put a positive spin while acknowledging it. "I do not anticipate a hard winter," J. J. Kennedy, a Fort Benton cattle rancher, told a reporter from St. Paul's *Pioneer Press* in October 1886. "It has always been my experience that when we had a dry summer an open winter followed."¹⁴

The losses during the Big Die-Up remain somewhat controversial. In the first place, nobody is sure how many beeves were on the northern ranges and how many people had been

¹³ William G. Robbins, *Colony and Empire: The Capitalist Transformation of the American West* (Lawrence: University Press of Kansas, 1993), 70-71; Milner and O'Connor, *As Big as the West*, 258-265; Stuart and Phillips, *Forty Years*, 236-237; Dobie, *Longhorns*, 200; Leland E. Stuart, "The Winter of 1886-1887: The Last of Whose 5,000?" *MMWH* 38 (Winter 1988): 32-41; Charles M. Russell, *Waiting for a Chinook*, or, *The Last of the 5000*, 1887, The Mackay Gallery of Russell Art, MHS. For references to the quarantine and the demand for stock cattle, see *HI*, April 20, 1891 and *DYJ*, March 14, 1893

¹⁴ *River Press*, October 20, 1886.

out there seeking to take advantage of low prices, confident that cattle production would recover from the weak market. There is also the matter of “book counts,” the notoriously inaccurate cattle censuses on which many range operations were often purchased. The cattle boom, like most other booms, drew its share of shifty characters, but with eastern and foreign buyers so eager to have a ranch, it was difficult for the most honest of men to resist counting a few of their stock more than once. In fact, counting thousands and thousands of cattle sometimes spread across thousands of acres was an almost impossible task. Most large ranching operators settled on a method to estimate the extent of their herds on the range. Managers then kept herd books of sales and purchases, calving, and estimates of losses.¹⁵

The actual reports from that winter tell a mixed story. All of the western and Montana newspapers reported extensively on the effects of the winter. In Fort Benton, the *River Press* reported from around Montana. The paper opened its coverage by discounting the report of a sheep owner who claimed a loss of 1,700 head to the winter, declaring the loss to be only about 500. One ranch foreman wrote that “as far as can be learned the losses of cattle will be light.” Another told the paper that “[t]he principle losses during the winter have been among cattle driven in last fall.” A Mr. C. Wallace of Choteau said losses would be “less than fifteen per cent.” “A prominent stock man residing at Miles City,” the paper wrote, “sends word that reports of losses among cattle on the Yellowstone have been very much exaggerated.” Bulls seem to have managed the weather particularly poorly, however, their loss being “very great,” the paper reported, and had the assessment confirmed by a reputable stock inspector. One rancher, less optimistic than most correspondents, wrote that “it is a wonder that any cattle are left alive. The bulls have nearly all died.” The foreman of the Benton & St. Louis Cattle Company told the

¹⁵ *River Press*, October 20, 1886; *DYJ*, October 29, 1886; Clay, *My Life*, 49, 176-181.

paper “there is hardly a bull left.” Not all the losses were livestock. One cattle baron shared a report he had received from one of his range managers:

Your letter of the 15th at hand. A chinook has struck us and the snow is going fast; some of the ridges are bare already. You need not be downhearted, as 15 per cent will cover the loss of the block herd. These are outside figures; some think the loss will be less.

I have had the toes of both feet cut off [frostbite], but my feet are healing rapidly and I hope to go to work this summer.

There is, from all accounts, not as much snow on this side of the mountains as on the other, and the loss will not be as great. The coldest that it has been here is 46 below zero.

I am in a pretty bad hole, I can tell you, although I will have feet enough to do a little riding. I will not be able to get out of bed for two weeks at the soonest.

This is perfectly splendid weather, and if it keeps up this lick we will see green grass in a week or so, and then the cattle will begin to pick up and the loss of this winter will not be anything like what you expect.¹⁶

The cowhand’s optimism must have been infectious, as the newspaper went on to editorialize on the past and contemplate the future:

Later reports as to the condition of the stock from all over the ranges in this section are to the effect that the losses are not as great as was feared. Ridiculous estimates of from 50 to 75 per cent loss . . . have been reduced to fifteen to twenty-five per cent [and] losses are divided among many owners. The large owners are amply able to stand the loss as their profits in the past have been enormous, but the beginners and owners of small herds will feel it more severely. The larger companies, as a rule, are represented by men who are engaged in other pursuit and the investments in cattle are from the surplus growing out of their business. By reason of this fact there will be no distress, no failures, no panic and the stock business of Montana will continue to flourish as before. Such a winter as that of 1886-87 may not recur for half a century. The heavy snow fall is an assurance of a fine grass crop this year and the prospects are there will be more activity than has been witnessed for years in this great industry, just as the hard winter of 1880-81 was followed by such a reaction.¹⁷

In addition, people tend to remember the last bad event as the worst. Indeed, the losses from the winter probably exceeded in numbers the previous winter on the South Plains and the

¹⁶ *River Press*, March 16, 1887. The letter is from Dan Tovey to Joseph Conrad, dated February 28, 1887.

¹⁷ *River Press*, March 16, 1887.

1880-1881 winter on the northern ranges. It struck on a more widespread basis, with colder temperatures and more snow over a longer period. Still, at the Montana Stock Growers' meeting in April, despair did not seem to be the prevailing mood. Attendance seemed strong, although attendees represented only about a third of the membership. A reporter for the *Daily Yellowstone Journal* in Miles City, where the cattlemen were meeting, wrote, "H. R. Phillips, the genial and obese proprietor of the LU Bar . . . is not overly communicative, but from what little he said . . . he found everything satisfactory on his range, considering the severe winter." Perhaps the reporter's description of the rancher addressed the cowman's reluctance to speak. Exactly eleven years later, perhaps the same commentator took note of Phillips upon his return to Miles City from Chicago, where he had wintered. The famous McQueen House had burned down recently. "[Phillips] was much pleased," the reporter observed, "his comfort and happiness had been considered to the extent that the new hotel will have an extra wide porch." Few public acknowledgments at the meeting referenced the winter losses. Phillips was later among the closest associates of the XIT operators.¹⁸

Theodore Roosevelt was there for one of his last stock growers' meetings, advising the group to avoid joining the railroad companies in opposing interstate commerce laws until more information was learned. The group supported a resolution offering support to the Crow Indian agent and backing proposals to assign Indian land allotments and sale of surplus reservation acreage. Granville Stuart spoke concerning the mistreatment of cattle during roundups. A resolution outlining the expected treatment of all livestock was offered. Stuart was moved by the

¹⁸ *DYJ*, April 21, 1887; *Weekly Yellowstone Journal* (Miles City, MT), April 21, 1898; *Weekly Chronicle* (Bozeman, MT); March 23, 1887; *River Press*, March 16, 1887; Michael L. Collins, *That Damned Cowboy: Theodore Roosevelt and the American West, 1883-1898* (New York: Peter Lang Publishing, 1991), 77. The McQueen was never rebuilt.

winter's bovine die-off. He encouraged delegates to respect the cattle and horses that endured hardship in serving humans. In his autobiography, the old pioneer claimed the winter moved him to quit the cattle business only a short time later. Stuart's address seemed one of the few public acknowledgments at the meeting regarding the winter losses. The organizations secretary, R. B. Harrison, the son of the next president of the United States, lamented the drought of the previous summer in his report. Few other references to the winter toll were made. A plan for the round-up was set on the convention's last day with no apparent references to the livestock losses. The next year optimism prevailed, and when grass grew thick across the northern plains well into summer, faith in the bounty of cattle returned. The Kansas City livestock firm of Towers & Gudgell, with interests from Texas to Montana, drove "10,000 Texas and 4,000 high-grade Colorado cattle to their Montana ranges" late that August. Many other large operations on the northern ranges did likewise.¹⁹

Still, things had changed. The next year's meeting saw less robust attendance, which only began to recover in 1890. The pioneer cattlemen remained, most of them, and were positioned to continue and even expand their operations. The need to replace the livestock lost in the infamous winter eliminated much of the opposition to the importation of animals from the southern plains. Outside producers thus benefitted from the hard winter. While many local ranchers experienced disaster, others found great opportunity. Many turned their hard-won knowledge, experience, and connections in the region into a new career as land and cattle brokers while a scramble erupted for control of what those washed out in the Big Die-Up left behind. Through their positions in

¹⁹ *DYJ*, April 21, 1887; Teigen, "Organized Strength," 12; Collins, *That Damned Cowboy*, 77. Collins mentions in his popular biography that Roosevelt discussed the Interstate Commerce Commission at the 1886 meeting. His resources seem authoritative, but the *DYJ* reports on a similar initiative by TR at the 1887 meeting. See Stuart and Phillips, *Forty Years*, 2:237; *DYJ*, August 17, 1887.

the financial world, their political contacts in government, and their affiliation with the Stock Growers' Association and Board of Livestock Commissioners, an effective oligarchy controlled the territory's most productive grazing regions. When statehood came to Montana in November of 1889, political issues and attention to western mining and timber regions left the cattle region's control primarily in those same hands into the early years of the twentieth century.²⁰

The large ranches maintained close, even direct ties to the livestock commission houses that became the main intermediary to both packinghouses and railroads. Commission houses and their "men" became nearly as powerful as the railroad shipping agents, who determined just who would get the sometimes-limited cars available at shipping time. Small operators were often marginalized. Despite public denouncement of the "beef trust" from newspapers and populist politicians, this model dominated the cattle industry over the next two decades and molded the framework of the modern meat industry. In Montana, men like John T. Murphy, Thomas Cruse, and Senator Power, already fortunate in other endeavors, and with friends in the highest positions everywhere, consolidated their holdings into cattle, encouraged investors, and became even more powerful. Two other "barons" of the Montana cattle business, Conrad Kohrs and Pierre Wibaux, not without investors of their own, made their fortune during this period as well.²¹

²⁰ Howard, *Montana*, 164-165; Percy Wollaston, *Homesteading: A Montana Family Album* (New York: Penguin Books, 1997), 63; "History of Custer County [Winter of 1906-1907]," U. S. Work Projects Administration, Montana Writers Program Records, 1939-1941, MHS (MF 250, Reel 18); Stuart and Phillips, *Forty Years*, 2:238-239. Congress investigated illegal grazing on public lands many times, see, Department of Interior *Report from the Acting Commissioner of the General Land Office, in Response to a Resolution of the House Calling for Information Relative to the Use of Public Lands by Cattle Graziers*. 50th Cong., 1st sess., 1888, H. Exec. Doc. 232.

²¹ *Vest Report*, 81; "Cattle Trusts," *SGJ*, January 28, 1888, June 1, 1889, May 10, 1890; Clay, *My Life*, 340-355; *GI*, June 1, 1889; Skaggs, *Prime Cut*, 59; Libecap, "Origins of Meat Inspection," 247-250; Lewis Nordyke, *Great Roundup: The Story of Texas and Southwestern Cowmen* (New York: William Morrow & Co., 1955), 170-176; Donald H. Welsh, "Cosmopolitan Cattle King: Pierre Wibaux and the W Bar Ranch," *MMWH* 5 (Spring 1955): 1-15; David Gordon, "Swift & Co. v. United States: The Beef Trust and the Stream of Commerce Doctrine," *American Journal of Legal History* 28 (July 1984), 244-279.

It was the end for one famous name there: Theodore Roosevelt. The future president and his wealthy French neighbor, the Marquis de Mores, who both had appeared in the area in 1883, took heavy losses from the storms. Roosevelt, having lost half of his inherited wealth on his ranching adventure, decided to return to politics, although he maintained a partnership on one of his two ranches, usually returning annually until the press of public service became too much. De Mores' dreams of a meat-processing hub in Medora, Dakota Territory, in competition with Chicago's Big Four, certainly ended with the storm. The packing plant he established there had ceased operations the summer of 1886, and despite the Marquis' seemingly deep pockets, Medora itself was soon sputtering. The Marquis, who had not enjoyed the same welcome or popularity around Medora as Roosevelt, reportedly died violently on a North African adventure a few years later.²² Granville Stuart was practically eliminated from any control or participation on the ranch and the Pioneer Cattle Company (DHS Ranch) sold out in 1891 as Conrad Kohrs took complete control of the operation.²³ E. S. "Zeke" Newman, with cattle interests in Nebraska, Colorado, and near the mouth of the Musselshell River in north central Montana, branded over 7,000 calves in Montana in 1886. That indicates at least 21,000 head of cattle. When Newman sold his N Bar N ranch improvements, cattle, and range there to Montana gold king Thomas Cruse in 1889, his men could only gather 6,000 head to turn over.²⁴

²² Brown and Schmitt, *Trail Driving Days*, 185-188; Collins, *Damned Cowboy*, 113.

²³ *HI*, June 4, 1891; Henry F. Pringle, *Theodore Roosevelt* (New York: Harvest Books, 1956), 72. See also, note 26, chapter 3.

²⁴ H. J. Rutter and Georgia Rechert, "Cow Tales," *SC* 35, 25-26, MHS; *News-Argus* (Lewistown, MT), December 17, 1995; Abbott and Smith, *We Headed Them North*, 84-98; Robert H. Burns, "The Newman Brothers: Forgotten Cattle Kings of the Northern Plains," *MMWH* 11 (October 1961): 35; John S. McCumsey, Robert H. Burns, and George T. Watkins III., et al., "Cowboy and Cattleman's Edition Strikes a Responsive Chord [Letters to Editor]," *MMWH* 12 (Winter 1962): 60-64.

H. S. Boice, a longtime hand in the northern livestock business whom Roosevelt had befriended, along with partner David Berry, a wealthy New York financier, soon controlled the range that the Roosevelt and De Mores cattle had roamed. Berry and Boice dominated the cattle business of the Little Missouri country spanning the border of Montana and what became North Dakota for nearly a decade before closing out in 1897. Boice became involved in other cattle operations, but was hired to replace long-time XIT ranch manager Albert Gallatin (A. G.) Boyce in 1905. Another Frenchman, Pierre Wibaux, took advantage of Big Die-Up losses, too. The storm effects were not always immediate. Wibaux bought out the Vermont ownership of the Green Mountain Cattle Company in 1889 – the outfit could never recover from its losses two years earlier. Wibaux intended to compete with Montana’s most powerful imperial ranch, the N Bar N.²⁵

Owned by St. Louis manufacturers William and Frederick Niedringhaus, famous for producing Granite Ironware cooking utensils and dishes, the N Bar N began in 1886 when the brothers bought 6,000 head of range cattle and range rights located north of Glendive, Montana. Buying more cattle in New Mexico, they sent as many as 65,000 head north to range in Montana and across the international border on leased land in the Wood Mountains of what was then part of the Northwest Territories. The immigrants arrived just in time for the bad winter. The N Bar N range stretched from the Dakota Territory border to the Judith River, between the “divide” that

²⁵ Haley, *XIT Ranch*, 217; H. Allen Anderson, "Boyce, Albert Gallatin," *Handbook of Texas Online* <http://www.tshaonline.org/handbook/online/articles/fbo97> (accessed June 12, 2010); H. Allen Anderson, "Boice, Henry S.," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/fbo89> (accessed May 18, 2016); Joseph L. Gavett, *North Dakota: Counties, Towns & People, Part III* (Tacoma, WA: Judd's Workshop Publications, 2010), 283; *SGJ*, June 1, 1889; Donald H. Welsh, "Cosmopolitan Cattle King: Pierre Wibaux and the W Bar Ranch," *MMWH* 5 (Spring 1955), 1-15.

split the Missouri and Yellowstone tributaries, and across the Canadian border. Some reports put N Bar N losses that winter at 40,000. Other sources suggest 20,000.²⁶

Despite their immense losses during the winter of 1886-1887, the Niedringhaus brothers doubled-down on cattle. Although they parted with their Canadian range, the company acquired new foreign money and expanded in Montana, purchasing several other stock ranches, including rangeland along the Missouri River from the Hunter and Evans partnership, which found better luck in the cattle commission business and soon became one of the largest livestock commission houses in the Midwest. The Niedringhaus brothers later leased a ranch in the Texas Panhandle from White Deer Lands, the former Francklyn Land and Cattle Company, one of the first English dominated “Land & Cattle” companies in Texas. Established in 1881, Charles G. Francklyn, with money from Cunard Steamship Line, had purchased 631,000 acres of land in the Panhandle for \$880,000, becoming one of the first imperial ranchers entering the western beef bonanza. After the Niedringhaus brothers obtained it, the N Bar N bred and pastured cattle there, conditioning them for taking the trail north. It is doubtful any other Texas ranch ever held more cattle on its contiguous acres than the XIT in Texas when it was stocked with more than 120,000 beeves. It is equally hard to imagine that any other single, closely held company ever held the numbers that grazed on the N Bar N’s Montana range during the 1890s. The XIT has been called “the world’s largest ranch – in Montana.” But while the XIT, at its greatest expansion, had far

²⁶ Lee I. Niedringhaus, “The N Bar N Ranch: A Legend of the Open-Range Cattle Industry, 1885-99,” *MMWH* 60 (Spring 2010): 3-23; Vivian A. Paladin, *From Buffalo Bones to Sonic Boom: 75th Anniversary Souvenir*, (Glasgow, MT: Glasgow Jubilee Committee, 1962), 5. The Home Livestock and Cattle Company, or N Bar N, used this as a primary brand, although most large operators had several registered brands: NN

more beeves fattening on the Montana grasslands than in the Syndicate's Texas pastures, it is unlikely they matched the Niedringhaus operation at its height there.²⁷

As the most entrenched cattlemen assessed the winter of 1886-1887, many chose to modestly restock or not restock at all, choosing instead to market claims they held on reliable water sources and cattlemen's claims to a still huge tract of ill-managed public land. That was the pattern. The storm took some and left some – large and small. It was a pretty simple formula. Those who had money, influence, determination, and – usually -- land stayed; lacking most of those qualifications meant doom. Renewed migration of southern stock began almost before the snow melted from the prairies as an even more powerful oligarchy consolidated control of the northern ranges. A cyclone of transactions swept the northern ranges as an entrenched elite sought to reenergize the beef bonanza with new and better blood. The storm revealed a new cattle empire of the Great Plains, ruled from Chicago and its ministries in St. Paul, Omaha, Kansas City, and St. Louis. As mentioned earlier, spoke-like kingdoms with headquarters in places like Helena, Cheyenne, Denver, and Fort Worth literally fed the raw materials for the beef empire's production.

Somewhat curiously, falling cattle prices did not rebound after the harsh winters between 1885 and 1887. The response from northern cattlemen, at least those that survived the winters with either intact herds, substantial bank accounts, or firm land titles was predictable: sell more cattle to make up for the lower prices. The cattle had to come from somewhere, though. Some problems are resolved when a greater problem arises. Cattle fever was a problem when everyone had more cattle than they knew what to do with. By 1887, farmer-feeders and northern grazing

²⁷ Niedringhaus, "The N Bar N," 15-17; H. Allen Anderson, "Francklyn Land and Cattle Company," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/dsf02> (accessed February 12, 2015); Joe B. Frantz, "Texas' Largest Ranch: In Montana" *MMWH* 11 (Autumn 1961): 46-56.

operations wanted cattle and the problem became the quarantines. In the several years following the Big Die-Up, northern cattle-raising regions sought to ease restrictions on the importation of southern cattle.²⁸

Cattle prices indicate that eliminating quarantines was not the solution to increasing production and raising prices for operations such as the XIT. Prices had peaked in 1869 at just over \$25 per head but mostly declined through the 1870s. They again began to gain in the early 1880s, spurred by European investment, peaking at just over \$25 in 1884 before beginning a steep drop off in price that held until late in the century. There appears to be no corresponding drop-off in production until 1891. Production fell significantly then, before rising again at the end of the century. Cattle production figures for 1890 were not matched again until 1902. Prices did not again reach their 1884 levels until the XIT had nearly phased out its ranching operation after 1910. Unlike the years following the bad winters of the mid-1880s, a noticeable drop in cattle production did come after the winter of 1906-1907, remembered by many in Montana as comparable or surpassing the Big Die-Up in its ferocity. The imperial ranches operated from snowstorm to snowstorm until they could go on no more. Always on the margins of viability, that last storm in 1907 simply marked the end of one boom and the beginning of another.²⁹

As has been discussed, in Texas the XIT did not always garner the favor of all of its neighbors. XIT managers allied with Goodnight, who fought to distinguish the Panhandle region from other parts of the state through the Panhandle-Plains Cattlemen's Association. Goodnight moved to strenuously enforce the quarantines, and the XIT joined him. Throughout the years

²⁸ *HI*, April 20, 1891; *DYJ*, March 14, 1893.

²⁹ Susan B. Carter, et al., "Table Da968-982: Cattle, hogs, sheep, horses, and mules - number on farms: 1868-2000 [Annual]" *Historical Statistics of the United States Millennial Edition Online* (New York: Cambridge University Press, 2006); "History of Custer County [Winter of 1906-1907]," U. S. Work Projects Administration, Montana Writers Program Records, 1939-1941, MHS (MF 250, Reel 18); Paladin, *Buffalo Bones*, 7.

from 1885 to 1890, however, the Syndicate fought off various accusations that the ranch's huge purchases of southern cattle frequently carried Texas fever into the Panhandle, infecting local cattle. These were part of the shadow of suspicion that drove Campbell to leave the XIT and return to Kansas in 1887.

Campbell had retained the services of M. C. Campbell, a nephew or cousin, to assist in purchasing the enormous numbers of cattle the company continued to stock. Amid rumors of poor management, unscrupulous employees, gambling, drinking, and women on the ranch, M. C. and Barbecue may have been engaged in purchasing inferior cattle for the ranch, inflating their numbers and grades, and skimming off Syndicate money for their own enrichment. The elder Campbell also faced accusations of bringing in fever-infected cattle and harboring rustlers. The company, too, was interested in finding the cause of continuing low income from its ranch. The Syndicate enlisted Avery L. Matlock, a Montague County lawyer and former legislator, in the spring of 1887 to investigate complaints. A supporter of the Syndicate in the 1883 legislature, Matlock and an associate in 1885 received a loan from the company "for which they feel great obligation."³⁰ Almost immediately upon his arrival at the ranch, Matlock spotted several men of notoriety familiar to him from his law career. He confronted Campbell and accused him of harboring criminals. One of the men, Campbell's range boss, Bill Ney, disputed Matlock's claim to have saved him from a lynch mob. Ney responded by accusing Matlock of bearing a grudge from a time when Ney testified against men the lawyer was defending. Campbell defended Ney, and Matlock relented for the time being. But antagonism between Matlock and Ney did not fade. Through the summer, Matlock rode the ranch from south to north gathering evidence, seemingly relentlessly pursuing Campbell's job. Matlock was accompanied by George Findlay, a trusted

³⁰ Taylor to Amos Babcock, January 31, 1885, XIT Papers, PPHM; Sandoz, *The Cattlemen*, 297.

associate and protégé of John V. Farwell. Amongst the demands of Findlay's employers was for him to provide an accurate count of cattle on the ranch. His efforts "to point at and count" every bovine brought both glee and frustration to the cowboys. He quickly realized the futility of the effort, approving more traditional methods for the job. Campbell agreed he would be responsible for a reliable count by the time they finished receiving and marketing cattle that fall.³¹

The most well-known accounts of the XIT—by Cordelia S. Duke, J. Evetts Haley, and Lewis Nordyke--add mystery to the story with divergent accounts of actions involving Campbell. Duke largely echoes Haley, who offers little defense of Campbell's management of the ranch. Nordyke, more sympathetic to Barbecue, offered a letter from Campbell defending himself. The papers of Matlock, however, apparently collected and transcribed by Haley sometime during the 1920s and 1930s, shed light on the affair. During his investigation, Matlock contacted at least twenty-two persons to document Campbell's mismanagement of the ranch. Matlock reported his finding to George F. Westover, the Syndicate's legal counsel in Chicago. A number of Matlock's respondents addressed their correspondence to Findlay. This could reflect distrust of Matlock, or it simply may indicate that the investigation was jointly conducted by Matlock and Findlay.³²

Matlock and Findlay divided the task of investigating the XIT, Findlay focusing on business matters and Matlock looking for criminality. It was at this point that Findlay made his acquaintance with A. G. Boyce. The two formed a friendly, respectful bond that established a foundation of the ranch's success for the next eighteen years. Boyce had been to the ranch many times. In June 1887, he brought a herd of Snyder Brothers cattle onto the XIT. At the time he

³¹ Haley, *XIT Ranch*, 100-104; Nordyke, *Cattle Empire*, 154-166; Cordelia Sloan Duke and Joe B. Frantz, *6,000 Miles of Fence: Life on the XIT Ranch of Texas* (Austin: University of Texas Press, 1961), 100-102.

³² Haley, *XIT Ranch*, 100-104; Nordyke, *Cattle Empire*, 154-166; Duke and Frantz, *6,000 Miles*, 100-102; Matlock to Westover, October 9, 1887, in Haley, "Letters," 7-30, DBCAH. Nordyke did not provide many notes in his book. The letter mentioned is from Campbell to John V. Farwell as transcribed in *Cattle Empire*, 161-166.

was a partner in and manager of the Snyder ranch, but losses by the outfit found him amenable to a change. Campbell, spooked by the fallout from Matlock's investigation and whatever news that Findlay took back on his return to Chicago, approached Boyce to take charge as range boss of the XIT. Barbecue had approached Boyce the previous year, but the latter found the timing of the offer much more convenient now. Boyce asked Campbell if he could have some time to put things in order at his home in Georgetown, Texas. Campbell agreed, telling Boyce he had not yet talked with Chicago regarding the position. While Boyce returned to Georgetown, conditions at the ranch deteriorated for both cattle and Campbell.³³

When Boyce returned to the XIT Ranch's headquarters at Yellow Houses in mid-July, Campbell was nowhere to be found. A brief letter arrived the following day. "[S]orry I did not see you," Campbell wrote from the Texas & Pacific Railroad depot in Colorado City. "Mr. Ney will give you my ideas about work, calf-branding, and to prepare drive beeves. Train coming," Campbell abruptly concluded. Ney held a letter from Campbell as well, which Boyce also read. To Boyce's recollection, the substance of Ney's letter instructed the men to get the calves branded and beeves prepared for market. Boyce began to undertake those operations, but soon discovered that cattle were arriving faster than they could be handled and watered. Apparently, to complete his agreement to count the ranch's cattle, Campbell ordered the year's new arrivals held at the Yellow Houses. After a brief investigation, Boyce discovered that some water wells were either plugged with mud or had not been completed. He ordered that work be commenced on well maintenance and that several thousand head of cattle be drifted north, despite Campbell's orders. When Boyce returned to Yellow Houses, another letter from Campbell waited to be read.

³³ A[lbert] G[allatin] Boyce to Findlay, December 3, 1887, in Haley, "Letters," 20-22, DBCAH; Haley, *XIT Ranch*, 101-102.

Campbell began the missive, "Friend Boyce." He had been hasty in his earlier letter, Campbell wrote, apologetically. He reiterated what he had written in Ney's letter, emphasizing its points as the "two important things to do." He also wanted some bulls moved from one pasture to another and suggested riders be sent out to ensure that a herd of "very wild" cattle be held to a windmill and "kept from traveling." Campbell wrote that, "I shall return in a few weeks," adding little more useful information than what Boyce had already discovered for himself. "The mail is ready and I must stop," Campbell closed. The letter was addressed from the Mansion Hotel in Fort Worth on July 9. Boyce read it on July 25.³⁴

Campbell, apparently, was on his way to Chicago, where he settled with the Syndicate and returned to his home in Wichita, Kansas. That, at least, is the account in Nordyke's book. The letter Nordyke attributes from Campbell to the Syndicate offered high praise for Boyce, declaring he had made a "partial arrangement" promising him a salary of \$2,500 a year as Campbell's range boss. Campbell's letter does not suggest he has given up his position, but possibly upon his arrival in Chicago, a resolution of their differences could not be found. Instead, Matlock was located by telegram and instructed to return to and take charge of the ranch. His arrival did not meet with the approval of employees hired during the reign of the former manager. Upon hearing that Matlock was taking over the ranch, Ney and several of his men departed. According to Haley, Ney returned with ten men and threatened Matlock. Backed by Boyce and others, however, Matlock stood up to the sometime outlaw that the lawyer himself once called "a very good cowman." Soon, Haley wrote, "the population of New Mexico was slightly increased."³⁵

³⁴ Boyce to Findlay, December 3, 1887, in Haley, "Letters," 23-32, DBCAH.

³⁵ Nordyke, *Cattle Empire*, 157-158, 165-166; Haley, *XIT Ranch*, 101-103.

Matlock was not done. Leaving the southern section of the ranch in Boyce's hands, he made his way to Buffalo Springs. The lawyer fired fifty percent of the ranch employees there, many on suspicion of rustling or horse theft but others for gambling, drinking, or otherwise breaking ranch rules, which included the carrying of "six-shooters." To some of the punchers, Matlock's acts seemed arbitrary at times.³⁶ In his reports, Matlock angrily denounced Campbell's management of the ranch, describing a litany of actions that called into question both the man's competence and allegiance. "I deem it the first and most important duty of a man in charge of any business," Matlock stated early in his first report, "to call about himself honest and capable help." The lawyer claimed the ranch had become "the stopping place and rendezvous for a large number of bad men and criminals."³⁷

In a March 1888 report to Westover, Matlock continued to rail against Campbell, calling him a conspirator "in defrauding the Company." The Texas lawyer detailed the method by which the Campbells passed younger cattle for older cattle, over counted, or graded the animals higher than warranted. He calculated that the two might have netted \$1.75 per head on the cattle, well beyond a typical buyer's commission of \$.50. "Now I have got another little matter," Matlock added, "that shows either collusion, neglect, irregularity, fraud or all of these things combined." According to Matlock, on one particular purchase of bulls for the ranch, he found that not only were they priced higher than their grade warranted, seventy-five of those purchased were never actually delivered to the ranch. Matlock told Westover that he "was about to get my hands relieved of considerable work . . . and I can put more time in on the B. H. and M. C. matter." It is

³⁶ Nordyke, *Cattle Empire*, 167. Governor Ireland had outlawed the carrying of "six-shooters" in 1885. Archive and History Department of the Texas State Library, *Governors' Messages: Coke to Ross, 1874-1891* (Austin, TX: Baldwin and Sons, 1916), 515.

³⁷ Matlock to Westover, October 9, 1887, in Haley, "Letters," 7-30, DBCAH.

not clear the Syndicate put any more time in the matter after their ranch manager left. Nordyke wrote that Taylor, who had been in Europe through much of the investigation, returned to claim Matlock's reports on Campbell were untrue. In any case, rather than Matlock, Taylor, his role in the Capitol project critical at the moment, became the ranch general manager in Chicago while Boyce was promoted to manager of the Texas ranch on January 1, 1888.³⁸

As for Barbecue Campbell, although he left the XIT under adverse circumstances, later correspondence reveals that there were apparently no hard feelings in the matter. The Syndicate has a long history of "family" disputes. These include a lawsuit by the widow of one of the original Syndicate, Amos Babcock, that stretched over three decades. Legal proceedings became a fact of life for the company, none of which seems to have been much more than burdensome and time-consuming. Its last major legal challenge came in 1923, when Texas courts ruled that the state inadvertently handed the Capitol builders an excess of 50,000 acres of Panhandle land. Curiously, Capitol Freehold had voted in 1889 to accept their calculations of just over 2.9 million acres as sufficient exchange from Texas.³⁹

Before Matlock arrived to clean house, Boyce did his best to salvage the parched herds. He knew he had to quickly move thousands of cattle further north on the ranch. Despite Haley's narrative suggesting the ease by which purged employees were replaced, Boyce lacked horses and manpower for the job. Boyce asked Ab Blocker, delivering a herd to a neighboring rancher, if he and his men could help. Blocker eagerly pitched in. By August 3, Boyce and his punchers

³⁸ Matlock to Westover, March 2, 1888, in Haley, "Letters," 53, 55, 61, DBCAH; Nordyke, *Cattle Empire*, 169-170.

³⁹ Taylor to Campbell, Wichita, KS, September 11, 1889; Land Records, Record of Land: Taxes, 1894-1895 [sic] (Connor IX. E. 1), 159, XIT Papers, PPHM; Babcock v. Farwell, 190 Ill. App. Ct. 1913, 1, 1170, 1183 [abstract], XIT Papers, PPHM; Babcock v. Farwell, 146 Ill. App. 307, LEXIS 359 [Ill. App. Ct. 1909]; Babcock v. Farwell, 189 Ill. App. 279, 1914 LEXIS 316 [Ill. App. Ct. 1914].

had moved what he was told was 19,000 head, but which Boyce estimated to be closer to 16,000, north onto the Spring Lake and Escarbada pastures, the latter about at the midpoint of the ranch's north-south reach. While this was being done, Boyce was informed of many cattle in various locations dying of thirst, and a well that had been plugged with mud by untended thirsty cattle. There were more cattle bound for the ranch, too. He soon discovered there were even more unfinished wells in the area. As he turned his attention to the project, the man responsible for wells in that area, B. F. Williams, left the ranch in the midst of the crisis, claiming his sick wife needed a doctor's attention. Boyce got what information he could from the man and put men to work moving well equipment to those sites where water could most quickly be captured. By the time that Boyce, joined by Matlock, gained a measure of control, they counted 746 dead cattle. Boyce later wrote Findlay, who had returned to Chicago earlier, that, "[I] am rather surprised that I succeeded in saving the cattle with so small a loss."⁴⁰

By that fall, mostly with Boyce's firm guidance, work on the XIT was progressing nicely. Windmills and wells came in time to quench thirsty cattle and spare losses. The fencing and building operations at the various ranch outposts were progressing efficiently. Another 32,000 head had streamed onto the XIT in 1887, bringing it to about 110,500 head of cattle, including 10,000 calves born that spring. Still, the ranch was not producing the expected profit. British investors sent observers to the ranch on occasion under the guidance of Taylor or John V. Farwell. Again concerned about their interests, the British chose to send their own observer independent of the Farwells or Taylor.⁴¹

⁴⁰ Matlock to Westover, October 9, 1887, in Haley, "Letters," 19, DBCAH.

⁴¹ Haley, *XIT Ranch*, 83; Nordyke, *Cattle Empire*, 168.

Matlock proved no better at soothing relationships with XIT neighbors than had Campbell, and he quite probably had reason to fear for his life, too, after the uproar his activities created. Despite his diminished role, Matlock continued his involvement with the ranch operation. He soon became one of the group's most ardent land promoters and its town builder. Taylor, watching the Capitol construction project wind down, sought to cement a role for himself in the ranch operation. A plan by Taylor to ship the first XIT cattle to Chicago markets to impress the British visitor backfired when cattle prices dropped beneath already low prices. Boyce, who had taken a herd of their finest steers east to a railhead in Oklahoma Territory, sold 714 of the XIT's choicest young steers at \$16 a head before Taylor, in Chicago to oversee the ranch's first shipments, could stop him. Taylor, changing his mind after seeing the lower than expected prices, ordered Boyce return the remaining 300 beeves to the ranch.⁴²

The English agent, Henry Seton-Karr, arrived in October 1887. He and Boyce got along fabulously. Won over, the Englishman reported glowingly to his colleagues in London. John V. Farwell asked Boyce to assume the ranch manager job with the assistance of Findlay, who was sent back to Texas as the ranch business manager. Boyce agreed. He would hold the position for the next eighteen years. As Campbell had discovered, it was sometimes difficult to tell who was making the decisions for the ranch. Taylor was the central figure regarding XIT operations at this particular time. John V. Farwell asserted his authority regarding Boyce. Once the Capitol was completed, Taylor faced a similar fate when John V. Farwell exercised his position as managing trustee to take over as ranch general manager with both Boyce and Findlay reporting

⁴² Nordyke, *Cattle Empire*, 169, 172-173.

directly to him. Taylor did not disappear and retained an active role in ranch business, but over the next several years would mostly be eliminated from any role in the business.⁴³

Boyce and Findlay made a good team. Despite his bookish appearance and city ways, Findlay was more experienced in the cattle business than most ever knew. In partnership with James Anderson, another Scottish immigrant, in 1878, they imported and developed the first Aberdeen-Angus cattle herd in America. By the end of 1887, both he and Boyce had made a good impression on the employees, suppliers, and neighbors of the XIT. Findlay was quick to put his thumb on the high prices he felt transporters were charging for the shipments that still had to come overland to much of the ranch. Boyce reorganized the well and dam building operation. Better prices and possibly better workers showed immediate results. The new manager more clearly delineated ranch duties. Soon, the ranch was divided into seven divisions. This would later become eight. Each division had its own manager and each reported at least monthly to Boyce. Findlay and Boyce both supplied monthly reports to Chicago whence, in turn, more reports were sent to London. The Capitol Freehold Land and Investment Company produced many records and documents. Under Findlay and Boyce, that practice only increased. As it had with Campbell, meticulous record keeping and continuous questioning from business partners wore on Boyce's patience. He mainly complied with all that was asked of him, however, and in return, he took a strong leading role in the ranch operation for most of his considerable reign.⁴⁴

As the originally mandated Capitol completion date of January 1, 1888 neared, the extension to 1891 supplied in the contract for granite appeared less and less necessary. A few

⁴³ Nordyke, *Cattle Empire*, 173-175, 198; Sandoz, *The Cattlemen*, 320; T. Fred Harvey, "George Findlay, General Manager of the XIT Ranch, 1888-1889," (M.A. Thesis, West Texas State College, 1950). Both C. B. Farwell and Taylor were serving in Congress in March 1889, in the Senate and House, respectively.

⁴⁴ Harvey, "Findlay," 10; Nordyke, *Cattle Empire*, 118-120.

last controversies arose around the project. On May 1, 1888, the Capitol was dedicated in a solemn occasion marked by a long speech from Temple Houston. As the grandson of Sam Houston, the great Texas hero, droned on, a thunderstorm passed overhead. The roof leaked. Other niggling issues prevented the state's full acceptance of the building and thus the thirty-fifth and final transfer of the Capitol lands. Taylor became quite benevolent during the final stages of the project, however, and offered to warrant the construction for a fixed period from the final acceptance of the building. That date finally came on December 8, 1888.⁴⁵

John V. Farwell continued to expand his control of the XIT Ranch. He stayed in England for many months shoring up the support he received from Seton-Karr and another shareholder, J. Garnett, who visited the ranch in the early summer of 1888. By the time of Capitol Freehold's annual meeting in March 1889, Farwell had put his plan for the ranch and the company in place. The chairman of Capitol Freehold, the Marquess of Tweeddale, announced that the Farwells and Taylor agreed "to lease the land and . . . cattle for a term of five years." The arrangement had the Americans paying Capitol Freehold fifteen cents per acre on the land and five percent annually on an estimated 96,000 head of cattle valued at \$19.50 each. They further agreed to pay all expenses in the United States. The payments would be applied "first to the payment of Debenture Interest and London expenses, and second to the improvement of the Company's property, including the construction of a line of railway from north to south of the Company's lands," Tweeddale told the gathering. The agreement also included a commitment to leave 150,000 head

⁴⁵ Texas Legislative Council and Texas Highway Department, *The Texas Capitol: Symbol of Accomplishment or Building a Capitol and a Great State*, ([Austin]: Texas Legislative Council, 1975), 63-64; Nordyke, *Cattle Empire*, 188-190; Haley, *XIT Ranch*, 53-54.

of cattle on the ranch should the lease be terminated. This last point would later lead to years of litigation.⁴⁶

By 1889, with a herd that had grown beyond 100,000 head, the company had not realized a profitable cattle sale. Two years of significant calf crops contributed to the large size of the herd, but most of the XIT's livestock consisted almost entirely of common cattle purchased from southern Texas. Range fires, drought, hard winters, and poor planning had cost the upstart ranch thousands of dollars in cattle losses and demonstrated the limits of even three million acres in Texas. Farwell, his name and money on the line, took firm control of the ranching operations. And he knew something had to be done to create a profit.⁴⁷

Now recognizing the limitations to profitable stock raising, the Syndicate sought out a plan to overcome the obstacles. "Breeding up" had begun at the ranch earlier but now became a preoccupation of the operation. They began buying higher-grade bulls, initially Shorthorns and Herefords -- some from Goodnight. At Findlay's suggestion, the ranch even purchased some of the diminutive, sheep-dog-looking Highlander bulls in their attempts to breed the best kind of beef, both for the market and for the harsh conditions present on the XIT. Until about 1892, the increasingly popular Aberdeen-Angus accounted for only about fifteen percent of their bull stock. Boyce, always rubbed wrong when new ideas were presented, sounded a bit disappointed in the ranch's success when he wrote John V. Farwell that the "more I see of the black cattle the more I like them." The ranch operators increasingly depended primarily on Angus bulls for their commercial production while maintaining a purebred Hereford herd to provide brood cows and for show. Still, by 1889, high-grade beeves were a few years in the future for the XIT, and the

⁴⁶ Marquess of Tweeddale, *Proceedings*, 1889, 6-7.

⁴⁷ Marquess of Tweeddale, "Report," *Proceedings*, 1889, 17-35; Haley, *XIT Ranch*, 81, 187-193; Nordyke, *Cattle Empire*, 55; Harvey, "Findlay," 63.

best they had to sell at the time was rangy coasters, which could not compete with cattle from a growing number of Midwest farmer-feeders and other competitors on the northern ranges such as the N Bar N.⁴⁸

Although Haley wrote that no “large movements of cattle” onto the ranch occurred after 1887, his own research offers some dispute of that contention. According to company reports, 3,000 cattle were purchased the next year. According to correspondence with Haley from J. E. “Ealy” Moore, a longtime cowhand, wagon boss, and division foreman at the XIT, the Syndicate purchased another 10,000 head from the King Ranch in 1889, shipping them to Rivers (nee Channing) by rail. Company records indicate that only 3,341 head came from the King Ranch, however, but another 6,564 were shipped from Dennis O’Connor’s South Texas ranch. Another 625 head were purchased in North Texas from W. N. Staples of Cleburne.⁴⁹

Higher demand for livestock on the northern ranges in the late 1880s found plenty of southwest cattlemen eager to sell. But the cheapest to be found were on the wrong side of the quarantine line. If you had room in the Texas Panhandle or just across the boundary in the

⁴⁸ Marquess of Tweeddale, “Report,” *Proceedings*, 1889, 32-33; Marquess of Tweeddale, “Report of John V. Farwell,” *The Capitol Freehold Land and Investment Company Limited Proceedings at the Sixth Annual General Meeting of Stockholders* (London: Privately printed, June 4, 1891), 25-32; Boyce to John V. Farwell, January 13, 1891, XIT Papers, PPHM; Alvin Howard Sanders, *A History of Aberdeen-Angus Cattle: With Particular Reference to Their Introduction, Distribution and Rise to Popularity in the Field of Fine Beef Production in North America* (Chicago: New Breeders Gazette, 1928), 152-168; George Findlay, “Famous XIT Range Classic of Angus Cattle,” *Aberdeen-Angus Journal II* (Webster City, IA, December 13, 27, 1920; January 10, 1921): 7, 48-49, 3, 21-23; 3, 25-27. These articles originally appeared in *Breeder’s Gazette* 39 (1901). See also George Findlay, “The Aberdeen-Angus on the Range,” *Thirteenth Biennial Report of the Kansas State Board of Agriculture to the Legislature of the State* (Topeka: Kansas Department of Agriculture, 1902), 334-345; Haley, *XIT Ranch*, 81, 187-193; Nordyke, *Cattle Empire*, 55; Harvey, “Findlay,” 63.

⁴⁹ Haley, *XIT Ranch*, 83; J. E. Moore to Haley, February 26, 1927 [copy held at PPHM Research Center], Taylor to Boyce, June 14, 1889, “Purchases by A. G. Boyce,” 1889, XIT Papers, PPHM; Craig H. Roell, “O’connor, Dennis Martin,” *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/foc10> (accessed May 22, 2016). For more on the King Ranch and south Texas ranching, see also, E. T. Baker, *Adventures on the King Ranch and Armstrong Ranch* (Austin: E.T. Baker, 2009) and Jane Clements Monday and Frances Brannen Vick, *Petra’s Legacy: The South Texas Ranching Empire of Petra Vela and Mifflin Kenedy* (College Station: Texas A & M University Press, 2007).

western Indian Territory or eastern New Mexico Territory and could get South Texas cattle past inspectors (and Panhandle ranchers), there was a good chance you could sell them to northern operations. Cattle purchased in quarantined areas by some Panhandle and West Texas operations were simply driven through their pastures to supply stockers and feeders up north. Those operations' location in Texas added strength to claims that their northbound cattle met certification conditions for the various states and territories imposing quarantines. As the great western historian Louis Atherton pointed out, Texas had faced quarantines for a very long time "and had learned much concerning the problems and difficulties involved."⁵⁰

Perhaps to some extent, it was a question of to whom the cattle belonged than from where they came. An associate to Montana's Senator T. C. Power, a powerful cattle baron in his own right, wrote regarding cattle purchases he was planning for the senator the spring of 1890. His buyer sought beef in New Mexico and Texas, and was well aware of quarantine restrictions. The buyer, confided Power's man, would "get enough Coloradoes to mix in & avoid the [quarantine laws]." The correspondent wrote, further, that the buyer would, "fix his bill of sale papers so there can be no trouble about it." George Findlay, on the threshold of a shipment north, once wrote Boyce asking him to write an affidavit declaring "that all of the cattle are from north of the 36 parallel," perhaps acknowledging that most of them were not, although they had wintered over above the line.⁵¹

Experimenting with plans for finishing their cattle, the company began corresponding frequently with farmer-feeders in Kansas, Nebraska, and Iowa. They inquired about possible

⁵⁰ Louis Atherton, *The Cattle Kings* (Bloomington: Indiana University Press, 1961), 8.

⁵¹ A. C. Johnson to Senator T. C. Power, Papers, MC55, B24/F3, MHS; see also Findlay to Boyce, April 21, 1890, XIT Papers, PPHM. For more on the late century cattle business in New Mexico Territory, see, Fabiola Cabeza de Baca Gilbert, *We Fed Them Cactus* (Albuquerque: University of New Mexico Press, 1994).

opportunities in Indian Territory. They contacted people around the country with ranching interests, investigating potential deals to supply XIT cattle to stock growers in the Dakotas, Wyoming, and Montana. In 1889, Abner Taylor made a deal with J. W. Driskill. The son of a legendary Texas cattle drover and then Austin hotel owner, J. L. Driskill, the younger stockman took 15,000 head of XIT steers to graze along the borders of the soon-to-be established states of South Dakota, Wyoming, and Montana that spring. Not waiting for results from that experiment, the company vigorously pursued other alternatives. Their decision was settled when rumors that grazing cattle belonging to non-Indian ranchers on Indian lands was to be prohibited and that the Cherokee Strip of Indian Territory – the future Oklahoma – would soon be opened to settlement became reality.⁵²

President Grover Cleveland first banned white cattlemen from Indian reservation grazing arrangements with tribes during his first presidency. The ban never really worked, but the issue continued into Benjamin Harrison’s term. In Harrison’s case, opening the land to white settlers, rather than protecting Indians from exploitive ranchers, seemed his goal. It was most likely the proclamation issued by Harrison in February of 1890 ordering stock growers out of the Cherokee Strip that led the Syndicate to invest in a satellite operation on the northern Great Plains.⁵³

We had an amendment put into the Indian Appropriation Bill opening Oklahoma and the Neutral Strip north of us for settlement in the Proclamation of the President. The

⁵² Taylor to J. W. Driskill, Spearfish, DT, March 26, 1889, Taylor to Findlay, April 6, 1889, Taylor (by F. W. Farwell) to Topeka Sugar Company, August 30, 1889, Taylor to Findlay (in Topeka, KS), August [September] 2, 1889, Taylor to J. M. Shade, Liberal, KS, September 3, 1889, Taylor to Findlay, September 7, 1889 (discussing farmer-feeders in Kansas using sorghum, “it was an experiment I wished to[o]”), Findlay to J. V. Farwell, Findlay to Taylor, both January 11, 1890, Findlay to J. L. Driskill, Austin, TX, February 8, 1890, XIT Papers, PPHM; *SGJ*, June 22, 1889; Andy Rhodes, “Alive and Well in Austin,” *American Cowboy* (Texas Rangers Special Issue, 2014), 21-22.

⁵³ Howard, *Montana*, 111; J. V. Farwell (in London) to Findlay, December 27, 1889, Findlay to J. V. Farwell, Findlay to Taylor, January 11, 1890 (“discussing the advisability of sending 10,000 or 15,000 steers to Montana next spring”), Findlay to Taylor, February 22, 1890. XIT Papers, PPHM; James Daniel Richardson, *A Compilation of the Messages and Papers of the Presidents* (New York: Bureau of National Literature, 1897), 9: 97-98.

President has issued the Proclamation opening this land April 22nd so that brings this into market and it will be settled very rapidly. This I consider of great advantage for our property as it will bring settlement right up to us. Land offices are being established by the government for the sale of this land. A United States Court has been established with T. B. Needles an Ill. Man for United States Marshall – which will bring law & order to that country.⁵⁴

The Syndicate's interest in grazing undoubtedly focused on opportunities offered by Harrison's order, rather than any impediments. They saw two possible benefits in the president's action. First, the order clearing the Cherokee Strip anticipated the government opening the region to settlement. Any plan that brought potential buyers closer to their land in Texas suited XIT ownership. Second, the closing of Indian Territory grazing--long used by south Texas cattle raisers, in particular, as an intermediary stop to condition quarantined cattle before shipping them north--meant that those stock raisers would have to look elsewhere to feed their stock.⁵⁵

The XIT – north and west of the “tick line” as the quarantine line became known -- began leasing portions of its huge reserve to other ranchers. This, in turn, required them to reduce the projected number of cattle they could maintain in Texas, which did little to increase the ranch's profitability. The Syndicate began transforming Texas acreage into a breeding ranch focused on developing high-grade young cattle intended to supply outside finishing operations. They decided, too, that real estate was becoming a viable option. Land sale prospects increased in 1889 when C. F. Meek, president of the Fort Worth and Denver City Railway, agreed to buy 6,400 acres in Dallam county. A speculator also offered the sale price of \$5 per acre, but he was refused by the company stipulating that “our sales should be to bona fide settlers.” The Syndicate

⁵⁴ Taylor to J. V. Farwell, March 29, 1889, XIT Papers, PPHM.

⁵⁵ In a series of articles on November 9, 30, and December 28, 1889, *The Stock Growers Journal* provides an extensive look at the western cattle business just then, including reference to the intended presidential action November 9, 1889. The Indian territories had been subject to federal action against grazers since the Cleveland administration. See also, for instance, *Weekly Herald* (Helena, MT), September 3, 1885.

began laying the groundwork for further settlement by establishing experimental farms growing a variety of crops and surveying town sites along potential rail routes. They began “sectionizing” portions of the property in the reserve’s more commercially fertile areas and began enticing farmers and investors. In the meantime, they sought a solution that provided a finishing factory for the high-quality beeves they hoped the XIT could soon begin providing. Correspondence during this period reveals the company’s evolving plans as they, as well as the rest of the cattle industry, reacted to word of the president’s intentions. Taylor wrote a Kansas City commission house offering XIT pasturage safe from the president’s order, adding “I do not think we will put any cattle in Indian Territory this spring.” And to another offer, of Wyoming grazing range this time, Taylor replied, “We arranged last week with Driskill . . . 15,000 . . . Wyoming . . . not put anymore up there this year.” For months, Taylor and others queried operators around the nation about grazing and feeding options. The company’s solution to resolving the limitations faced on their Texas property soon made the Syndicate the biggest player on a field spanning the west from Texas to Montana.⁵⁶

⁵⁶ Babcock v. Farwell, 190 1d 19580 [Ill. App. Ct. 1913], 703; William Haddock Dalrymple, Harcourt A. Morgan, and W. R. Dodson, *Cattle Tick & Texas Fever: Results of Experiments at State Experiment Station, Baton Rouge, La.* (Baton Rouge: Bureau of Agriculture and Immigration, 1898), 252; Tom Lea, “Prodigious Growth of Cattle Domain,” *Life*, July 15, 1957, 79; Marquess of Tweeddale, *Proceedings*, 1889, 4; Taylor to Drumm & Snider Live Stock Exchange, Kansas City, April 9, 1889, Taylor to Hardin & Campbell, Union Building, Chicago, April 9, 1889, XIT Papers, PPHM.

CHAPTER 5

INVASION

“Teddy Blue” Abbott, claimed by Larry McMurtry to have authored “the best” of the cowboy memoirs, said in his classic *We Pointed Them North* that “the Yellowstone River in Montana . . . was the goal of every cowpuncher’s ambition.” On July 30, 1890, just west of Fort Keogh, Montana, whooping Texas waddies aboard determined horses reached that goal as the men urged 3,500 Texas cattle—the last of nearly 10,000 XIT steers driven “over the trail” from the Union Pacific railhead at Wendover, Wyoming—into the rushing waters of the Yellowstone River. The XIT cattle were headed to range on the “Big Open” north and east of the river crossing. The XIT Ranch, its three million acres in Texas not big enough, was expanding into eastern Montana. George Findlay and Osceola C. Cato among sat aboard a wagon on the north side of the river watching the action unfold before them. Cato, a 32-year old Texas cowhand and trail boss, had recently been hired to manage the ranch’s new satellite operation in Montana.¹

¹ Richard Grant, “Recollections of a Cowpuncher,” *Cowboys & Indians: The Premier Magazine of the West* (November/December 2013), <http://www.cowboysindians.com/2016/03/recollections-of-a-cowpuncher/> (accessed March 4, 2014); E. C. Abbott and Helena Huntington Smith, *We Pointed Them North: Recollections of a Cowpuncher* (Norman: University of Oklahoma Press, 1955), 60; *DYJ*, July 31, 1890, July 13, 1896; “December 1890,” Accounts, Ranch, Journal #1, 1889–1892, XIT Papers, PPHM, p.116; George Findlay, Chicago, to A. G. Boyce, Texas Ranch Manager, April 21, 1890, F.W. Farwell, Chicago to Findlay, May 31 (Wendover, WY), July 11, 1890 (Miles City, MT), XIT Papers, PPHM; J. Evetts Haley, *The XIT Ranch of Texas and the Early Days of the Llano Estacado* (Norman: University of Oklahoma Press, 1953, 1967), 126-144; Lewis Nordyke, *Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT* (New York, 1949), 207; Cordelia Sloan Duke and Joe B. Frantz, *6,000 Miles of Fence: Life on the XIT Ranch of Texas* (Austin: University of Texas Press, 1961), 139-153; Michael S. Kennedy, *Cowboys and Cattlemen: A Roundup from Montana, The Magazine of Western History* (New York: Hastings House, 1964), 136; Montana Historical Society Library, “Legislative Biographies,” v.1 (1897-1915) , s.v. “Cato,” MHS; *Tribune* (Terry, MT), May 7, 1915; XIT Association, Capitol Freehold Land Trust, Harold Bugbee, H. H. Hutson, et al., “Montana Range Manager an Expert Cowman,” *XIT Brand: Annual XIT Cowboy Reunion and Rodeo* (Dalhart, TX: Dalhart Publishing Co., 1939), 9. For “Big Open,” see Mark H. Brown and W. R. Felton, *Before Barbed Wire: L. A. Huffman, Photographer on Horseback* (New York: Henry Holt and Co., 1956), 15. The story of the iconic brand has taken a couple of paths, but its origin is well documented in several sources, for instance, J. Marvin Hunter, “The Man Who Had Hell in His Neck, by Ab Blocker,” *The Trail Drivers of Texas* (1924; reprint, Austin: University of Texas Press, 1985), 507 (Cato also gains a brief mention on page 396). Portions of an earlier version of this chapter have previously appeared in Michael M. Miller, “Cowboys and Capitalists: The XIT Ranch in Texas and Montana,” 1885-1912, *MMWH* 65 (Winter 2015): 3-28. See also, Robert Kelley Schneiders, *Big Sky Rivers: The Yellowstone and Upper Missouri* (Lawrence: University Press of Kansas, 2003).

A working Texas cowboy by the age of fourteen, Cato – O. C. to friends, and among his men, but for them to their boss and outsiders, he was “Mr. Cato” -- had been hired as the manager for the new operation and soon became a leading figure in eastern Montana’s economic and political development.² Findlay, the Chicago-based accountant now charged by the XIT’s owners with making the Texas land and cattle company profitable, was naturally at home in a boardroom, but he had become nearly as familiar with beeves as balance sheets. His professional experience included a partnership in an Aberdeen Angus breeding operation in Illinois and two years as business manager on the XIT’s Texas operation.³

Findlay’s presence at the herd’s fording of the Yellowstone reveals an important aspect of the circumstances that created the iconic western scene. By 1890, large cattle operations like the XIT Ranch depended heavily on their professional accountants and the analysts who tracked the flows of capital in a rapidly evolving industrial market economy. In this, they differed little from other Gilded Age businesses. While skillful men like Cato in Montana and A. G. Boyce in Texas managed the livestock and the on-the-ground operations, it was the interests of capital, managed by men like Findlay, that drove cattle and cowboys alike into eastern Montana.⁴

² Karen Griswold Stroh, “O. C. Cato,” *Find A Grave*, February 29, 2012, #86012688 [this is a somewhat inaccurate entry, but basic facts are correct], <https://findagrave.com/cgi-bin/fg.cgi/http%2522//trees.ancestry.com/tree/19807769/fg.cgi?page=gr&GRid=86012688> (accessed February 29, 2012); Haley, *XIT Ranch*, 128; Duke and Frantz, *6,000 Miles*, 144–145; Yellowstone Corral Posse, “XIT . . .,” *Hoofprints from the Yellowstone Corral of the Westerners* 18 (Spring/Summer 1988): 1–19.

³ Haley, *XIT Ranch*, 224–225; Keith Evans, “Angus Origins,” *Angus Journal* (February 2005): 215–218; T. Fred Harvey, “George Findlay, General Manager of the XIT Ranch, 1888–1889,” (M.A. Thesis, West Texas State College, 1950), 7–10.

⁴ Ernest Staple Osgood, *The Day of the Cattleman* (1929; reprint, Chicago: University of Chicago Press, 1957), 90–113; Jimmy M. Skaggs, *The Cattle Trail Industry: Between Supply and Demand, 1866–1890* (Lawrence: University Press of Kansas, 1973), 1–12, 23–24; Paul F. Starrs, *Let the Cowboy Ride: Cattle Ranching in the American West* (Baltimore: Johns Hopkins University Press, 1998), 19–37; William G. Robbins, *Colony and Empire: The Capitalist Transformation of the American West* (Lawrence: University Press of Kansas, 1994), 19; Clyde A. Milner II and Carol A. O’Connor, *As Big As the West: The Pioneering Life of Granville Stuart* (New York: Oxford University Press, 2009), 249–258; Granville Stuart and Paul C. Phillips, *Forty Years on the Frontier As Seen*

Carried from the Texas ranch in rail cars contracted from the Fort Worth and Denver City Railroad (FW&DC), the beeves were representative of a fresh wave of cattle ranching on the eastern Montana prairies and other parts of the “northern ranges” that just three years before had suffered the worst effects of the disastrous Big Die-Up of 1886-1887. Plenty of cattle outfits and other entrepreneurial capitalists found opportunity in the misfortune brought to many by the bad winter. A network of financial and political forces dominated this new era of “imperial ranches” and came to wield near hegemonic power within these regions, where inexperienced new state governments, stretched federal resources, and financially burdened railroads were unable or unwilling to regulate land use. The operators of the XIT joined that group the summer of 1890.⁵

The Syndicate’s lease of the entire Texas property from Capitol Freehold the previous year included the cattle on the XIT Ranch at the time and their relative value. The lease essentially turned the Syndicate’s ranch operation into a division of the John V. Farwell Company. The lease paid Capitol Freehold about \$400,000 per year for the next five years. Abner Taylor joined Senator Charles B. Farwell in Washington in 1889, having been elected to represent Illinois in the House of Representatives. This, no doubt, pleased the Farwell brothers. Taylor’s growing tendency to get distracted by side projects troubled his partners. Taking a firm grip on the XIT enterprise, John V. Farwell quickly ordered his protégé, Findlay, back to

in the Journals and Reminiscences of Granville Stuart, Gold-Miner, Trader, Merchant, Rancher and Politician (1925; reprint, Lincoln: University of Nebraska Press, 1977), v. II, 175–193, 211.

⁵ D. C. Leary, Agent, Ft. Worth & Denver City Railroad [henceforth FW&DC] to Findlay, April 24, 1890, Findlay to Taylor, April 26, 1890, XIT Papers, PPHM; Joseph Kinsey Howard, *Montana: High, Wide, and Handsome* (New Haven: Yale University, 1943), 157-164; Mari Sandoz, *The Cattlemen: From the Rio Grande Across the Far Marias* (Lincoln: University of Nebraska Press, 1958), 263-271; Robert H. Fletcher, *Free Grass to Fences: The Montana Cattle Range Story* (New York: University Publishers, Inc., 1860), 113-118; Joanne S. Liu, *Barbed Wire: The Fence That Changed The West* (Missoula, MT: Mountain Press, 2009), 79-83; David L. Wheeler, "The Blizzard of 1886 and Its Effect on the Range Cattle Industry in the Southern Plains," *SWHQ* 94 (January 1991): 415-432; Leland E. Stuart, "The Winter of 1886-1887: The Last of Whose 5,000?" *MMWH* 38 (Winter 1988): 32-41; Charles M. Russell, *Waiting for a Chinook*, or, *The Last of the 5000*, 1887, The Mackay Gallery of Russell Art, MHS.

Chicago to coordinate ranch operations. Beginning in 1887, Findley and Boyce had effectively integrated the ranching operation more closely into Capitol Freehold's overall corporate structure, a complex triangle of authority linking London, Chicago, and ranch headquarters in Texas. Taylor wrote Findlay informing him of the change in November 1889.

We are expecting to ask you sometime soon to commence spending a part of your time in Chicago instead of all of it in the Ranch. I shall be compelled to go to Washington in a few days to be there the most of the winter and we think from your familiarity with the Ranch you are better informed to advise what course to pursue in certain matters than any new man would be and having great confidence in your judgement, we think you could be of more assistance to spend part of your time here than all of it on the Ranch.

Although he was never without advice and direction from Taylor, the Farwells, or heirs to the company, Findlay ably filled the role, effectively, as the XIT's chief operating officer throughout the remainder of its operation. He also was later appointed a trustee of Capitol Freehold.

Following the British company's dissolution in 1915, Findlay served as an influential leader its successor, Capitol Freehold Land Trust.⁶

Findlay immediately assumed Taylor's furious correspondence with agencies of the meat industry. This included feeders and stockers, bankers, buyers, railroad men, commission men and icons of the cattle business like Charles Goodnight, Ike T. Pryor, and E. S. "Zeke" Newman. The company was not committed to a specific plan for their finishing operations. They seem to have preferred an option in which other parties prepared XIT cattle sent to them. Perhaps with ulterior motives, Findlay, despite President Benjamin H. Harrison's proclamation banning ranchers from the Cherokee Strip, wrote to Pryor, "What would be the chances of procuring a good beef pasture in the Indian Territories next season?" Findlay told the old trail boss he wanted pasture that could

⁶ Marquess of Tweeddale, *The Capitol Freehold Land and Investment Company Limited Proceedings of the Fourth Annual General Meeting of Shareholders* (London: Privately printed, March 12, 1889), 6,7, 17-35; Haley, *XIT Ranch*, 81, 187-193, 224-225; Nordyke, *Cattle Empire*, 55, 198; Harvey, "George Findlay," 8-11, 63; Taylor to Findlay, November 5, 1889, XIT Papers, PPHM.

“turn the beeves off rolling fat.” Findlay was likely less interested in Indian Territory grazing than he was in gaining the attention of the influential cattleman. Findlay knew he would not have cattle in the Territory. “The Proclamation of the President,” he wrote to a suitor for Syndicate business, “renders it impossible for us to bring cattle into that country.” Instead, Findlay wanted it known around the industry that the XIT was ready to expand its role in the beef business. Throughout the winter of 1889-1890, he stirred the pot looking for interest and parried offers of a variety of schemes from an array of sources. Findlay was a logical and determined man. Taylor could be decisive, but he was mercurial. Findlay was personable and warm, but single-minded when set to a task.⁷

In the spring of 1890, Findlay, along with Boyce and Avery L. Matlock, attorney for the XIT, attended the Interstate Cattle Convention meeting held in Fort Worth beginning on March 11. Called to address national issues for the cattle industry, the meeting was heavily attended by Big Four representatives, the commission houses, and the railroads. The official program for the meeting showed no Montana representatives at the meeting, but at least two men with substantial interests in the cattle business in Montana were there. John Clay Jr. was the legendary Wyoming cattleman and head of the livestock commission house Clay, Robinson, & Company, which was headquartered at “The Rookery” building in Chicago – what some saw as the main palace of the beef empire. Clay was the de facto leader of Wyoming’s big cattle business and his operations

⁷ Taylor to Findlay, Topeka, KS, August [September] 2, 1889, Taylor to J. M. Shade, Liberal, KS, September 3, 1889, Taylor to Findlay, September 7, 1889, Findlay to Ike T. Prior, Austin, TX, January 16, 1890, Findlay to J. A. McCormick, Arkansas City, KS, February 22, 1890, Findlay to E. S. “Zeke” Newman, El Paso, TX, March 19, 1890, Newman to Findlay, March 24, 1890, XIT Papers, PPHM. See also Findlay to C. B. Mendenhall, Hunter Hot Springs, MT, March 8, 1890, Cyrus B. Mendenhall, Springdale, MT, to Findlay, March 11, 1890, J. T. Phillips, Phillips Cattle and Land Company, to Findlay, March 19, 1890, E. Cogshall, Miles City, MT, to Findlay, March 28, 1890, XIT Papers, PPHM. On the president’s proclamation, see the previous chapter and James Daniel Richardson, *A Compilation of the Messages and Papers of the Presidents* (New York: Bureau of National Literature, 1897), 9: 97-98.

there cast a wide shadow around him. Seth Mabry, a Kansas City livestock and land broker was there, too. Mabry, a well-known and pioneering trail contractor, among his many endeavors, represented one-half of Mabry and Carter, the operators of the legendary Circle Ranch “on the Redwater” in what was then northwest Dawson County, Montana. Mabry arrived late in Fort Worth, but Findlay was able to meet with him prior to departing, and he wrote to Taylor regarding their discussions. Circumstantial evidence suggests Findlay met with Clay there as well. Both men contacted Findlay again in the coming days, he having returned to Chicago.⁸

Findlay wrote Taylor in some detail regarding his inquiries. He told Taylor he had met with a number of parties offering grazing range in Indian Territory, “but there is so much uncertainty about what the Government will permit that it was impossible to do anything definite.” About continued uncertainty about Indian reservation grazing leases outside those covered in Harrison’s order, Findlay told Taylor that “some of the Indian Agents outside the Cherokee Strip have been instructed to keep cattle out of their districts.” Regarding moving XIT cattle to northern ranges, Findlay wrote, “Seth Mabry [made] a proposition . . . which I look upon as a very fair proposition.” The multi-year proposal offered to host 15,000 XIT cattle the first year, with Mabry guaranteeing the Syndicate an average of \$17 per head. Mabry would pay eight percent interest on the cattle until sold, at which time Mabry and the Syndicate would split profits equally. The Syndicate was to pay the costs of transporting the cattle to Mabry, but Mabry

⁸ Interstate Convention of Cattlemen, *Proceedings of an Interstate Convention of Cattlemen, held at Fort Worth, Texas, March 11, 12, 13, 1890* (Washington: GPO, 1890), 11, 99, <http://texashistory.unt.edu/ark:/67531/metaph46811/> (accessed October 14, 2014); “The Biggest Gathering of Cattlemen Ever Known,” *FWG*, March 11, 1890; Findlay to Taylor, March 15, 1890, John Clay Jr. to Findlay, March 20, 25, 1890, Findlay to Taylor, March 21, 1890, XIT Papers, PPHM; Hunter, “Seth Mabry,” *Trail Drivers*, 718. Mabry (sometimes Mabrey or Mayberry) is mentioned no less than eight times in Hunter’s classic. The “Major” also partnered with the Texas Snyder Brothers. See *SGJ*, August 23, 1890. Clay is ubiquitous in the western cattle business. His involvement is well reflected in his autobiography; see John Clay, *My Life on the Range* (New York: Antiquarian Press, Ltd., 1961), xi-xv. See also “Western Ranches, Ltd: Three Vs,” U. S. Work Projects Administration, Montana Writers Program Records, 1939–1941, MHS (MF 250, Reel 1); Grace Gilmore, “The Original Circle Ranch,” Montana Writers Program Records, MHS (MF 250, Reel 19); “Stockmen Are In Good Shape,” *DYJ*, August 3, 1903.

would be responsible for market shipments. After two years, the Syndicate could exercise an option to take over Mabry's entire range for themselves. "I firmly believe it is the best ranch in the country," Mabry told Findlay. To Taylor, Findlay wrote that Mabry carried a reputation for being "sharp," but that he heard often that his ranch was "a very fine one." Continuing, the one-time bookkeeper informed the congressman, "The prices he names strikes me as being very good considering the quality of our cattle [as a] large number of the cattle . . . would be the Coasters brought up last year."⁹

Asking Taylor to telegraph his thoughts as soon as possible, Findlay continued that should Taylor not approve, he had other offers that he would personally attend to:

One party from Miles City offers to run our Cattle at 80¢ p head per annum We paying taxes & shipping expenses & we to pay him 25¢ p head to receive the cattle at Wendover & drive them thru to his range. No one I meet favors driving up, as they say if a bad winter follows the loss will be much heavier than if the cattle are shipped in. If we take up a range of our own we would require to send about 100 head of horse up there to be wintered in order that they might get acclimated & fit for the work next summer.¹⁰

Taylor rejected Mabry's proposal, to which Findlay diplomatically responded, "You do not put the construction on Mabry's letter that he intended." The accountant reminded the Colonel that Mabry got nothing until he paid for the cattle allowance and interest. The agreement split sales evenly subsequently. It also gave the Syndicate an option on "the best range in the country," as Mabry had called it. Notified by Findlay, Mabry withdrew his original offer, but then proposed another. Findlay was less impressed with the second proposal, but outlined it to Taylor and asked if he might continue negotiating. He told the congressman that he also was to meet with John Clay Jr. the following day. Mabry, Findlay told Taylor, volunteered to meet the congressman in

⁹ Findlay to Taylor, March 15, 1890. XIT Papers, PPHM. These are the 10,000-head purchased from King and O'Connor in 1889.

¹⁰ Findlay to Taylor, March 15, 1890, XIT Papers, PPHM.

Washington should that be necessary to close a deal. Taylor's reply indicated he felt that a better deal could be made with J. W. Driskill, who was managing the XIT cattle in Wyoming. He had not given figures to Findlay, however, prompting the Scotsman to ask, "will you let me know what he offered as it would be a great benefit to me when figuring with others."¹¹

Fielding offers from across the country for northern ranges, Findlay decided that only his personal attention could secure a decision. Findlay's attention focused on Montana. The new state stood second only to Alaska with its millions of unsurveyed public acres. Montana and its neighbors offered the XIT a second chance at "open range" ranching, a term relaying some irony considering the effort and steps taken to actually undertake the effort.¹² He immediately began arranging a trip to Montana. He boarded a westbound train in Chicago on the evening of April 3, 1890. Earlier in the day, he added to the Syndicate's frenetic business correspondence. He forwarded general instructions to Boyce in Texas concerning several ranch projects then underway. Additionally, Findlay told the manager he wanted cattle prepared for delivery by rail or trail somewhere in Montana, Wyoming, or the Dakotas. Exactly where and when to deliver them and how they were to get there remained a mystery for the moment – even to Findlay.¹³

He fired off a briefer post to fellow Chicagoan Henry A. Blair – a Wyoming stock grower, Chicago banker, and future executive for Chicago's elevated railroad. Blair shared business interests with John Clay Jr. and often represented Clay in business negotiations. Clay and Findlay communicated a number of times after the Fort Worth convention. Clay insistently

¹¹ Findlay to Taylor, March 21, 1890, XIT Papers, PPHM.

¹² George Franklin Cram, *Cram's Standard American Atlas of The World* (New York: George F. Cram, 1889), 369.

¹³ Findlay to Mabry, March 31, 1890; Findlay to Boyce, April 3, 1890; Findlay to Seth Mabry [telegram], April 3, 1890. XIT Papers, PPHM. Findlay's telegram to Mabry before he departed asked whether Mabry would "entertain a proposition" similar to an earlier offer.

wrote Findlay to “call upon me . . . without fail.” It is unknown whether Blair was then acting for Clay. Findlay’s letter, however, offered a sharp rejection of Blair’s earlier offer of a northern ranch – a Montana ranch. Findlay seemed offended that Blair had questioned the Syndicate’s motives for seeking northern cattle range. In the earlier letter, Blair called the company’s inquiries part of a “scheme.” His true goal was “fatter cattle,” Findlay shot back. Nothing else “compelled” his company’s interest, but, in any case, he found Blair’s asking price much too high. “I go north tonight,” Findlay concluded to Blair, dismissively.¹⁴

The Scottish-born accountant did not much fit the image of the viceroy of a cattle empire when he stepped off a Great Northern Pullman in the northeastern Montana town of Glasgow a few days later. He traveled in the company of Anne Anderson, the younger daughter of his partner in the Angus breeding operation. She was also Findlay’s future second wife, following Findlay’s brief marriage to her older sister Mary, who died during or shortly after the birth of their son, James. Met at Glasgow by Charles Hawley, a local businessman, and accompanied by a well-known “wolfer” named Joe Butch, Findlay took a long look at the Milk River country in the north as well as south toward the Missouri River valley. Taken by the whole country, Findlay seemed sold when he wrote Boyce after his return to Chicago. “I think I found a place between the Milk and Missouri Rivers that will suit us,” Findlay informed his Texas ranch manager. “It is in Montana,” he went on, “on the Great Northern Railway & until recently has been an Indian Reservation, & is consequently a virgin range.” Findlay stayed at the Park Hotel in Great Falls

¹⁴ Findlay to Henry A. Blair, April 3, 1890, XIT Papers, PPHM; Chicago Railways Company, *Chicago Railways Company Report of Henry A. Blair, Chairman to the Board of Directors, Dated April 23, 1913* (Chicago: Chicago Railways Co., 1913). A recent book, John W. Davis, *Wyoming Range War: The Infamous Invasion of Johnson County* (Norman: University of Oklahoma Press, 2010), outlines or implies Clay and Blair’s role in the “war.” Clay was conveniently out of the country at the time. Blair was in Chicago, but apparently he remained in close communication with the raiders. In fact, he was among the first to examine the diary of the martyr-like Nate Champion; see page 248 of Davis’s book and reference “Clay” in his index.

on April 8. It is quite likely that Findlay met with representatives of John T. Murphy and T. C. Power in either Great Falls or Helena. Both men were extensively involved in the cattle rush in the state and would have been critical to Capitol Freehold's recognition and entry into the six-month old forty-first state's livestock oligarchy.¹⁵

A decade earlier, Findlay and John V. Farwell had consulted with Power regarding the first stock with which the Montana merchant pioneer began to build his prize-winning herd of Angus cattle outside Helena. Later in 1890, one of Power's agents wrote the then-Montana senator in Washington suggesting that he should speak with fellow senator Charles Farwell about purchasing some cattle. Power corresponded with Findlay numerous times through the 1890s to inquire about further cattle purchases and wintering Power's more valuable purebred stock. Murphy, a powerful banker in Helena, held interests in numerous ranch operations, and his influence was expanding. Although Power and Murphy had long been competitors and rivals, they also knew best how to exploit opportunity and how to cooperate at it. It is hard to imagine that any large enterprise in the eastern part of the state would find success without some contact with these men.¹⁶

¹⁵ F. W. Farwell to Taylor, April 8, 1890, Findlay to Boyce, April 19, 24, 1890, XIT Papers, PPHM; H. J. Rutter and Georgia Rechert, "Cow Tales," Harry J. Rutter Reminiscence, 1931, MHS (SC 35), p.23; "Northwestern Cattle Co./Montana Cattle Com./John T. Murphy," Montana Writers Program Records, MHS (MF 250, Reel 1); Vivian A. Paladin, *From Buffalo Bones to Sonic Boom: 75th Anniversary Souvenir* (Glasgow, MT: Glasgow Jubilee Committee, 1962), 3-4, 13. Wolfers, in pursuit of bounties offered by state, local, and private associations and agencies, were employed throughout the cattle west and were regularly represented on the XIT payroll. One is left to wonder if Joe Butch, apparently well-known during the period, is the same person mentioned by Teddy Blue Abbott as "Buckskin Joe" in his popular memoir; see Abbott and Smith, *We Pointed Them North*, 94.

¹⁶ Anderson & Findlay to T. C. Power, June 25, 1880, George Findlay to Power, May 11, 1882, John V. Farwell to Power, February 22, 1883, Anderson & Findlay to Power, October 12, 26, 1891, Thomas Charles Power papers, MHS (MC 55, Box 24 Folder 14 and Box 459 Folder 2); T. C. Power to J. V. Farwell & Co., Chicago, December 22, 1892, XIT Papers, PPHM. Findlay was a partner with his future father-in-law in Anderson & Findlay, the first importers of Aberdeen-Angus cattle into the United States. See Keith Evans, "Angus Origins," *Angus Journal* (February 2005): 215-218; Alvin Howard Sanders, *A History of Aberdeen-Angus Cattle: With Particular Reference To Their Introduction, Distribution and Rise To Popularity in the Field of Fine Beef Production in North America* (Chicago: The New Breeder's Gazette, [c1928]), 152-163, 172-174, 626-627, <http://chla.library.cornell.edu/cgi/t/text/text-idx?c=chla;idno=2758208> (accessed February 28, 2015).

Findlay showed interest in the ranges of both the Bay State Cattle Company and the Fort Shaw Live Stock Cattle Company, both in north central Montana. Findlay also contacted Alfred Myers of Myers Brothers near Livingston. Myers was another early pioneer and among the first to raise cattle in the eastern part of the territory. He operated three ranches in the Yellowstone and Shield River valley at the time, but he claimed to know of good range for Findlay north of Great Falls. Findlay also corresponded with Captain William Harmon of Miles City. Harmon, another early resident, had a ranch near Ekalaka, further to the east near the Little Missouri River. Meyer and Harmon were charter members of the Montana Stockgrowers' Association. Harmon had earlier told Findlay that he had no interest in selling his range but thought he could take some of the Syndicate cattle on contract. He urged Findlay to speak with John Clay Jr. about other opportunities. Findlay's original plan was to make a side trip to see Driskill on his return to Chicago, but he later apologized for being unable to make it. Undoubtedly, Findlay would have taken advantage of the early arriving attendees of the stock growers' annual meeting opening April 15 in Miles City. Introduced by Harmon or Myers, or others, he likely met with local and out-of-town attendees there. Many of the state's most influential members would have been in town that weekend in anticipation of the meeting. Nothing has been found to confirm Findlay's whereabouts after visiting Great Falls. Whatever he did, he did it fast and was back in Chicago by April 16, 1890.¹⁷

¹⁷ J. J. Kennedy, Great Falls, MT to Findlay, April 24, 1890, G. W. Simpson, Bay State Live Stock Company, Chicago, April 1, 1890, XIT Papers, PPHM; "Myers Bros.," Montana Writer's Program Records, MHS (MF 250, Reel 1); Bernice Myers Summer, "The First Cattle in the County," Montana Writers Program Records, MHS (MF 250, Reel 18); Findlay to William Harmon, Miles City, MT, March 8, 1890, Harmon To Findlay, March 11, 1890, Findlay to Alfred Myers, Livingston, MT, April 2, 1890, Myers To Findlay [telegram], April 8, 1890, XIT Papers, PPHM; "Spring Immigration [arrivals at hotels]," *Tribune*, Semi-Weekly Edition (Great Falls, MT), April 9, 1890; Findlay to Thomas Drummond, Corporate Counsel, Wheaton, IL, March 16, 1890, XIT Papers, PPHM.

Findlay returned to Texas by mid-May but still had not settled on a range. He was weighing options in Wyoming on the Powder River offered by Zeke Newman and for range just east of Yellowstone Park in the Shoshone Mountains offered by the Hardin, Campbell Company out of Chicago. He strongly contemplated the Musselshell and Milk River valleys – considering Cowering Squaw, Lodge Pole, Sage Hen, and Booth Creeks for potential locations. The Milk River country impressed him, but he lamented both the additional distance and hazards represented in going that far north. He hoped for something nearer to Driskill but learned much of the region south of the Yellowstone was being taken up quickly and already overstocked.¹⁸

Findlay, as well as Boyce, juggled several issues that had developed. They were selling cattle to a Kansas feeder named James Lee and trading cattle with the neighboring Snyder Brothers. Findlay still was dealing with legal issues regarding the southern cattle they bought the year before, most of which would soon board north-bound trains on a long trip to Montana. The complaints about this livestock began just as Findlay was assuming his new duties in Chicago in December 1889.¹⁹

Findlay had written to Abner Taylor about the fever crisis. Apparently, Texas fever had infected several neighboring herds in the Panhandle and fingers pointed at the Syndicate, which of course had been buying thousands of mostly steers out of southern Texas. Rumors, even lawsuits, charging the XIT with infecting neighboring cattle with Splenic Fever raged. In the fall of 1889, seventeen cattle operations represented by Wallace and Crutchfield, a Tascosa law firm, made claim against the XIT for bringing infected cattle to the Panhandle. Findlay was skeptical

¹⁸ Findlay to Boyce, April 26, 1890, George Findlay, “Notes on Northern Country,” [April 26] 1890, Findlay to Taylor, April 26, 1890, Findlay to Taylor, September 6, 1890, XIT Papers, PPHM.

¹⁹ Findlay to James E. Lee, April 28, 29, 1890, Taylor to D. H. and J. W. Snyder, Georgetown, TX, May 10, 1890, Taylor to Boyce and Findlay, May 10, 1890, F. W. Farwell to Findlay (in Texas), May 28, 1890, XIT Papers, PPHM.

of such claims and recommended the company should not pay them. The Scotsman reasoned that cattle not exposed to the southern cattle that the Syndicate had brought in died as well. He pointed out that the XIT's 300 "black northern bulls . . . more so than any cattle in that country to take the Splenic fever," suffered no ill effects despite occupying the same pasture as many of those they purchased from southern Texas. Findlay told Taylor that he was not too worried, but fretted that "[i]f suit was brought in Tascosa Court the jury there might give verdict against us," once again highlighting some of the animosity faced by the Syndicate's operation. He closed, however, by assuring the congressman that "[t]he LS does not make a claim with the others for their loss." This was important to Taylor because he and the Farwell brothers were just then involved with W. M. D. Lee, one third of the LS ownership, in a deep-water port project on the Texas coast.²⁰

A record of the outcome of these claims has not turned up. No payments have been found in company account books for the year 1890. The last mention of it seems to be a letter from Findlay to Matlock, who represented them in the matter. Findlay was returning interrogations he had completed in the matter. He seemed to be explaining his reasoning and suggesting the position the lawyer should consider in further proceedings. He told Matlock that "[t]here were some considerable fatalities among the Southwest Texas Cattle themselves," explaining that the disease "does not kill the cattle with whom it originates." It would be nearly two years before government scientists identified the coastal cattle tick as the Splenic fever vector. Findlay's defense of the XIT cattle reflected the arguments Texas cattle raisers had voiced for years.

There are a great many things that might have caused the death of so many cattle last season. Is it not probable that last season was peculiarly favorable for the growth of some poison weed? Some seasons are. We have from a dozen to two dozen cattle die on the River near Skunk Arroyo almost every spring and we have never been able to account for

²⁰ Findlay to Taylor, December 9, 1889, XIT Papers, PPHM.

it on any other ground than that of some poison weed. Murrain & other diseases presents symptoms very similar to Splenic fever & it would require an expert & postmortem examination to decide what the disease was.²¹

Whatever the outcome of the claims, they did not seem to impede Findlay's present plans. He had already reminded Boyce that men sent north with the cattle should be equipped with papers affirming their latest origin above the quarantine line.²²

Sometime during the month, Findlay and Boyce hired Cato. Boyce probably approached Cato in April when Findlay first inquired after a "good man." Since Findlay had corresponded with Pryor, the old cattleman might have recommended Cato since Pryor "knew him well." Cowboying since he was a boy, by 1890 Cato carried a reputation as a superior trail boss and cowman. Leaving shipping to Boyce, Findlay and Cato left Texas – maybe by train, maybe in a two-horse buggy – and made their way to Wendover, Wyoming, by May 31, 1890. Presumably there to meet the cattle and arrange supplying the trail crews, Findlay and Cato became difficult to track for the next few weeks. Once unloaded at Wendover, a nearly two-month journey for the cattle and cowboys still was ahead if their destination was the Yellowstone River. Again, even at this stage, it is not clear Findlay had selected a final destination.²³

F. A. Lisk, a well-known Miles City resident, reported to the *Daily Yellowstone Journal* of that city on April 10, 1890, having just returned from a hunting excursion with "Mr. and Mrs. Cameron." This was Ewan and Evelyn Cameron, touring British aristocrats at the time who soon became permanent residents in the area. Ewan gained modest popularity in British ornithological

²¹ Findlay to Matlock, May 6, 1890, XIT Papers, PPHM.

²² Findlay to Boyce, April 21, 1890, XIT Papers, PPHM.

²³ Posse, "XIT," *Hoofprints*, 18; *Tribune* (Terry, MT), May 7, 1915; [F. W. Farwell] to Boyce (telegram), May 28, 1890, Findlay to F. D. Brown, Local Treasurer, Denver, Texas & Ft. Worth Railroad Co., Denver, May 5, 1890, F. W. Farwell to Findlay, Wendover, WY, May 31, 1890, XIT Papers, PPHM.

journals. Evelyn learned photography and frequently contributed photographs for her husband's articles. The pair lived far from a pampered life in Montana and although both received a "remittance" from England, it hardly supported them. Evelyn took photographs of friends and neighbors, sheepherders, homesteaders, cattle, and cowboys. She did not get much for each photo, but they spread far and wide. Little known until late in the twentieth century, she belatedly emerged as one of the premier photographers documenting the end of the great ranch empires and the beginning of the United States's last great settle-up.²⁴

Lisk and the Camerons had bagged a bear. Display of its head and hide and tales of the pursuit stirred much excitement over the hunters among the townspeople. Lisk's report on range and cattle conditions that he observed on the expedition also excited the paper's editor. Lisk told the newspaper he had looked over many fine specimens of N Bar N, LU Bar, and Bow & Arrow cattle and the grass was in good shape. He was just the sort of person that Findlay would have wanted to talk to, and they were very likely in town at the same time.²⁵

By early July, Findlay was back in Montana and had enlisted Lisk to assist in locating a range. On July 11, a notice appeared in the *Daily Yellowstone Journal* that "The IXT [*sic*] brand of about 10,000 head of cattle will locate on the northside." The *Stock Growers' Journal* reported the next day that "F. A. Lisk piloted messers. Cate [*sic*] and Finley [*sic*], foremans [*sic*] for the IXT brand [*sic*], to the Porcupine country." Lisk recommended Findlay and Capitol Freehold's application to the Montana Stock Growers Association. Official approval awaited the

²⁴ Donna M. Lucey, *Photographing Montana, 1894-1928: The Life and Work of Evelyn Cameron* (Missoula, MT: Mountain River Publishing, 2001), 16; *DYJ*, April 10, 12, 1890; see also Evelyn Jephson Cameron Collection, Photographs Collection, and Evelyn Cameron, 1868-1928, Diaries (1893-1928), MHS.

²⁵ *DYJ*, April 10, 12, 1890. Most cattle outfits were known by their brand. These three companies, respectively, are Home Land and Cattle Company, Phillips Cattle and Land Company, and Rea Cattle Company (also called the Bow Gun outfit).

next annual meeting, but the group's secretary, R. B. Harrison, the son of President Harrison, accepted their ten-dollar membership fee, and the Association registered the iconic XIT brand that summer. On July 14, William Courtenay, a local land and cattle broker, wrote to Findlay at the Macqueen Hotel in Miles City: "Mr. Tusler has wired to his partner at Terry . . . if we can make a trade." Findlay sent a telegram to Colin Hunter in Wyoming the next day informing the cattleman that he had secured the Tusler range so would not be taking Hunter's offer for his Sand Creek range, even though "the grass was very fine." On July 16 the newspaper reported, "The XIT outfit yesterday purchased Tusler and Kempton's range on Cedar Creek, near Terry. The consideration paid we did not learn." According to company books, for "Ranch & Range, Tusler Kempton Cattle Co., for Ranch buildings, fences & Corrals in Dawson County," the Syndicate paid \$1,500.²⁶

The *Daily Yellowstone Journal* informed its readers on July 22 that "O. C. Cato and J. D. Corlis of Minneapolis were visitors in the city yesterday." John D. Corlis was a top hand on the XIT in Texas and had been with the cattle on the trail from Wendover, but there is no explaining how the pair earned Minnesota origins or why they were just now arriving by train. Cato had made his debut in the area days earlier. The mysterious note adds one more bit of intrigue to a most intriguing story. Seth Mabry was likely about the country in early July observing his own arriving beeves. The Circle Ranch manager, John Carter, told a Glendive reporter he would be bringing 6,000 southern steers to their Redwater range beginning in early July. Mabry probably met with Findlay and Cato. The Circle's range intersected with what would become the XIT's on

²⁶ Mark H. Brown and W. R. Felton, *Before Barbed Wire: L. A. Huffman, Photographer on Horseback* (New York: Henry Holt and Company, 1956), 15; F. W. Farwell to Findlay, Miles City, MT, July 11, 1890, XIT Papers, PPHM; "Local Items," *DYJ*, July 11, 16, 1890; *Stockgrowers Journal* (Miles City, MT), July 12, August 16, 1890; Findlay to R. B. Harrison, Secretary, Montana Stockgrowers Association, July 16, August 27, 1890, Harrison to Findlay, September 3, 1890, XIT Papers, PPHM; "Proceedings of Stockgrowers' Meeting," *DYJ*, April 22, 1891; *DYJ*, July 12, August 1, 20 1890; *SGJ*, August 9, 1890; Ranch Journal #1, p.41, XIT Papers, PPHM,.

the “divide,” a rise of high ground splitting the water runoff of the country into that flowing to the Missouri and that which flowed to the Yellowstone. Other new neighbors of the XIT, the Niedringhaus Brothers of St. Louis, owners of the region’s largest operation, the Home Land and Cattle Company – the N Bar N – were also there to oversee their arriving trail herds.²⁷

Handpicked Texas cowboys trailed the Texas steers from Wendover that year. A spur line of the Union Pacific railroad edged near the North Platte River there. Taylor had been vague about his wishes regarding shipping rather than driving the cattle all the way from Texas, as had Driskill the previous year. As late as April 21, 1890, Findlay corresponded with Boyce about the obstacles to trailing the cattle north. Despite those, the option was under serious consideration. Concerned with their tardiness, a relentless Findlay pounded railroad officials and convinced the FW&DC to carry the cattle and most of the men from the Texas Panhandle for \$55 a car, nearly half the rate the company initially quoted. Typical cattle cars at 30-, 33-, and 36-foot lengths carried from 23 to 33 steers. They loaded at Cheyenne Pens, a rail siding just northwest of Tascosa, and Rivers (which soon became Channing), Texas, and probably in Clayton, New Mexico Territory.²⁸

Findlay and Boyce enlisted sixteen hands and four trail bosses, along with two cooks on well-equipped chuck wagons. Each of the four trail crews managed 2,000 to 2,500 head. The ranch sent 185 horses. A nine-horse “string” seemed a bit of a luxury for any cowpuncher, but

²⁷ Description of Property #13, Land Records: Land, Taxes, 1894-1895 [*sic*], XIT Papers, PPHM; William Courtenay, Real Estate & Mercantile Agency, Miles City, MT to Findlay, July 14, 1890, XIT Papers, PPHM; *GI*, April 5, 1890, July 19, 1890; *DYJ*, July 6, 16, 22, 1890; *SGJ*, July 19, 1890; John D. Corlis, XIT Employee to Findlay, September 21, 23, 1890, XIT Papers, PPHM.

²⁸ Leary to Findlay, April 24, 1890; Findlay to Taylor, April 26, 1890; Findlay to Fred W. De Boice, XIT Ranch Bookkeeper, Tascosa, TX, August 12, 1890, Findlay to F. D. Brown, Local Treasurer, Ft. Worth & Denver City Railroad (FW&DC), Denver, May 5, 1890, XIT Papers, PPHM; Pauline Durrett Robinson and R. L. Robertson, *Panhandle Pilgrimage: Illustrated Tales Tracing History in the Texas Panhandle* (Amarillo, TX: Paramount Publishing Company, 1978), 149-151, 287; Jennie Rose Powell, “Channing, TX,” *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/HLC20> (accessed February 9, 2014).

the Syndicate intended most of them for the future use of the northern outfit. The country around Wendover was rather barren, but moving into northern Wyoming and southern Montana, even in a dry year, the rolling foothills there grow tall with grass. Undoubtedly, the cowboys on the trail allowed the cattle to graze leisurely on the rich grass there, easing the rigors of the journey on cow and cowboy alike. Arriving at the Yellowstone, a river like none other in Texas or in between, a ferry was available to move the crews' wagons across the Yellowstone. The horses – the remuda, the Texans called it, but in Montana, it was a cavvy – went first and, usually accompanied by a rowboat, the lead steers were encouraged to follow.²⁹

Often attracted by newspaper announcements, people gathered early on the Yellowstone to watch the cattle herds crossing the river. It had become a tradition by the time that the Texas outfits -- as nearly every non-local trail cattle crew was called, no matter their origin -- began to arrive. Frequently, several herds arrived at once, but these new Texans with the big brand were arriving late. Other outfits by this time were driving cattle in the opposite direction, crossing the river from the north to begin loading the year's beef roundup at rail yards in Miles City or down the river at Fallon. No matter the direction, it was no small task, and the process could be quite entertaining.³⁰

Crossing the Yellowstone often provided high drama and entertainment, and that day produced an event few would forget. As the cowboys prepared to swim their mounts across the river, a call came up from the water that one of the punchers had lost his leg. The report stirred the bystanders, but the crowd's fears melted away when, with another rider's help, the stricken

²⁹ Findlay to Taylor, April 26, 1890. XIT Papers, PPHM; Ranch Journal #1, pp. 61, 117, XIT Papers, PPHM; O. C. Cato, Tally sheet, September 4, 1892, XIT Papers, PPHM; *DYJ*, July 12, 1890; Hunter, "The Cost of Moving a Herd to Montana, by Ike T. Pryor," *Trail Drivers*, 367-368; Dee Brown, *Trail Driving Days* (New York: Charles Scribner's Sons, 1952), 184.

³⁰ *DYJ*, July 3, 1890, July 13, 14, 1896; Brown and Felton, *Before Barbed Wire*, 165-168.

waddy hopped up on the riverbank. The one-legged cowboy joined in a laugh with his mates as the crowd discovered their mistake. With the cattle safely on the north side of the river, his pals took him to Miles City, where a “skillful carpenter” was able to “splice the broken member” recovered somehow from its journey downstream. The cowboy’s feelings were no doubt soothed in one of the town’s many watering holes.³¹

With the cattle spreading across the new range, Findlay departed for Chicago on August 7, 1890. Driskill had arrived in Miles City just a few days before that, and the two men likely discussed the important upcoming sale of fat cattle. The XIT’s Texas ranch manager, Boyce, began shipping on the Atchison, Topeka, & Santa Fe at Panhandle August 21. Driskill began loading cattle onto cars on the Fremont, Elkhorn, and Missouri Valley Railroad in Spearfish, South Dakota, a few days later. By September 3, Boyce had shipped nearly 3,000 head, all but 63 of them steers. Driskill shipped just over 1,400 steers during the period. The Texas cattle averaged 1,057 pounds and brought an average \$2.68 per hundredweight. Driskill’s “finished” steers averaged 1,090 pounds and returned an average \$3.48 per hundredweight. The news delighted the Syndicate and the British bondholders, although Boyce was probably less than enthusiastic about developments.³²

Findlay, who spent much of the month overseeing cattle sales at the Chicago stockyard, had little time to enjoy the small victory. Much of his attention was on the Montana operation as he focused on the winter ahead. The memory of the Big Die-Up remained fresh and vivid among livestock producers. Findlay spoke of it with his new Montana friends, and he wrote Abner

³¹ *DYJ*, July 31, 1890.

³² *DYJ*, August 1, 20 1890; *SGJ*, August 9, 1890; Homer Taylor to Findlay, July 28, 1890, Findlay to Boyce, August 4, 11, 14, 1890, Findlay to Driskill, August 9, 1890, Findlay to Taylor, August 22, September 5, 6, 1890, Taylor to C. B. Farwell, September 9, 1890, XIT Papers, PPHM. Boyce also drove cattle to Liberal, Kansas and shipped them on the Chicago, Rock Island, and Pacific Railroad.

Taylor to ease the congressman's fears. "Everyone tells me," Findlay wrote, "the less the cattle are handled in that country in the winter time the better they will be." Still, the XIT herds had arrived late, and there was much cause for concern. Cato, however, marveled at the favorable conditions well into autumn. "I think this is as fine of a watered country as I ever saw it has springs all over it," he wrote on September 1. Later that fall he told Findlay, "We have had as good wither as I ever saw in any country this far." Cato no doubt had more to learn about the country, but he was a quick study. In subsequent years, he lamented the cost to keep extra men on in the winter. While he continued to cut hay, Cato maintained the mindset of the Texas free range ideal that less was best and that cattle should be left on their own as much as possible.³³

Findlay seemed surprised when notified of a tax bill from Custer County, Montana, that arrived at the Chicago office. "I will not pay taxes twice on cattle," Findlay wrote the county's treasurer, T. J. Thompson. Indeed, the Syndicate had already paid over \$12,000 to Texas tax collectors at the end of 1889. Findlay engaged the legal services of Strevell & Porter in Miles City to dispute the assessment. Judge Jason Strevell, a pioneering member of the local and state stock growers' associations, a former judge, and a prominent lawyer in eastern Montana, led the firm. Whether these particular cattle were assessed in Texas for 1890 is not clear. One entry in company account books in November 1890 says, "Cattle driven north, taxes for the year, 1890 0.00." Does that mean in Montana or Texas? Regardless, the company's lawyers prevailed before Custer County's Board of Equalization. This would not be the last of the company's

³³ Cato to Findlay, September 1, 30, 1890, Findlay to Taylor, September 6, 1890, XIT Papers, PPHM. Cato's correspondence often offers unique spelling and punctuation. All quoted material has been left as original except for incorrect usages, designations, and information in commercial resources marked by *sic*.

appearances before a tax board. The Syndicate, like many of the larger livestock companies, went to great lengths to limit their local tax liabilities.³⁴

Although Cato identified Miles City – and until his family joined him a year later, the Macqueen Hotel – as his residence, the greatest share of personal and property tax the Syndicate seems to have paid were in Dawson rather than Custer County. Both the original XIT tract purchased from Tusler & Kempton and the Hatchet Ranch, purchased finally in 1895 from Cyrus B. Mendenhall, were in Dawson County at the time. Both sites became part of Prairie County in 1915, which adds to the problems of trying to track property ownership and taxes going back over 100 years.³⁵

The acquisition of the Hatchet Ranch, prized for its reliable water and proximity to the Yellowstone crossing to railroad loading pens in Fallon, Montana, highlights the land and range practices underway in Montana that created the Syndicate’s opportunities there. Mendenhall first came to Montana in 1866, but he did not stay long. He later got involved in the cattle business in Colorado, then found his way back to Montana in 1882 and established himself in the Big Open in 1884. The Big-Die Up destroyed Mendenhall’s herd of, reportedly, 16,000 head. Tax records for Dawson County, however, indicate Mendenhall paid taxes up to 1896 on as many as 1,600

³⁴ Findlay to T. J. Thompson, Custer County Treasure, Miles City, MT, August 25, 1890, Findlay to R. A. Ford, Collector, Plainview, Hale County, TX, December 14, 1889, Findlay to J. M. Robinson, Tax Collector, Tascosa, TX, December 23, 1889, Findlay to Matlock, January 3, 1890, Findlay to Matlock, March 27, 1890 (“ . . . taxes are much cheaper than those in Oldham [County, TX]”), Strevell & Porter, Attorneys, Miles City, MT to Findlay, September 10, 16, 18, October 25, 1890, XIT Papers, PPHM; Ranch Journal #1, p. 92, XIT Papers, PPHM; *GI*, July 20, 1895; *DYJ*, August 16, 1895.

³⁵ “I shall remember this enormous rate of taxes when I give in our assessment for next year,” Cato to Findlay, November 20, 1891, XIT Papers, PPHM; “Proceedings . . . Board of Equalization,” *GI*, July 20, 1895. The “XIT Ranch” originally purchased from Tusler and Kempton is about 20 miles northwest of Terry, MT. The purchase of the Hatchet seems to have been completed in 1895 after years of negotiation. See Cato to Findlay, October 2, 1891, William Courtenay, Real Estate & Mercantile Agency to Findlay, September 16, 23, 24, October 2, 18, 26, November 13, 19, 1891, December 16, 23, 1893, Findlay to Cato, December 29, 1893, Clay & Forrest, Chicago, IL to F. W. Farwell, April 25, 1895, Cato to F. W. Farwell, May 1, 1895, XIT Papers, PPHM. As his first Montana winter wound down, Cato negotiated to keep his job and move his family to Miles City, see Cato to Findlay, March 16, 1891, XIT Papers, PPHM.

head of cattle per year. Mendenhall also owned and operated the popular Hunter's Hot Spring Pleasure Resort and Sanitarium near Livingston, Montana. He purchased the resort in 1885 and it apparently covered his Big-Die Up losses, even providing for a modest cattle herd overseen by a reliable foreman.³⁶

Mendenhall and Findlay corresponded before the Syndicate expanded to Montana. On March 8, 1890, Findlay wrote Mendenhall of his desire to pasture 15,000 head of two- and three-year old steers in the "Northern Country." He had been talking to John Clay Jr., Findlay wrote, and Clay told him he had been in contact with Mendenhall regarding pasturing some of his cattle. Failing a deal with Clay, "we would be glad to hear from you," Findlay wrote, requesting Mendenhall's figures on "teams, facilities for grazing & watering cattle," and its location. Mendenhall responded in detail a few days later informing Findlay that his was "most assuredly one of the finest Ranges in Montana."³⁷

Mendenhall's response outlined the terms he had offered to graze Clay's cattle, an arrangement that proposed charging \$1.00 per head annually for managing the cattle and \$.50 per head for gathering and shipping them. Under the contract, hay, taxes, and cattle losses (by weather or accident) were to be the responsibility of the cattle owner. Mendenhall said the offer was for Clay, but he would extend the same terms to the Syndicate. "I should be pleased to

³⁶ "Cyrus B. Mendenhall," *An Illustrated History of the Yellowstone Valley: Embracing the Counties of Park, Sweet Grass, Carbon, Yellowstone, Rosebud, Custer and Dawson, State of Montana* (Spokane, WA: Western Historical Pub. Co, 1907), 413-415; "Cyrus B. Mendenhall," *Progressive Men of the State of Montana* (Chicago: A.W. Bowen, 1902), 1152-1154; Findlay to Cyrus B. Mendenhall, Springdale, MT, March 8, 1890, Mendenhall to Findlay, March 11, 1890, XIT Papers, PPHM; Dawson County [MT] assessments on horses, cattle, and sheep, 1891-1899, Montana Writers Program Records, MHS (MF 250, Reel 1). Mendenhall was assessed tax on 1,600 cattle and 70 horses in 1892 and for 400 cattle and 40 horses in 1896. The ranch was named for Mendenhall's livestock brand.



³⁷ Findlay to Mendenhall, March 8, 1890, Mendenhall To Findlay, March 11, 1890, XIT Papers, PPHM.

answer any question,” Mendenhall closed his letter, “and if my proposition does not meet with your views make me on so I may consider the business.”³⁸

Apparently, an agreement could not be reached at the time, and the Syndicate seemed satisfied with the Tusler and Kempton operation, which was soon and long remembered as the XIT Ranch. It must have become obvious that if the two parties could come to an agreement, the Syndicate stood to benefit their Montana operation significantly. William Courtenay stayed close to the business, and thus negotiations seem to have picked up again at the end of the following summer. The broker wrote Findlay in September that he had not yet heard from Mendenhall “with the information you wish about his cattle and range.” He went on to summarize what he knew of the Mendenhall “plant,” as the cattle and ranch improvements were politely called. “I think John Clay Jr. holds a mortgage on his plant and Hunter’s Hot Springs & should you see Clay,” Courtenay continued, “you can probably get further particulars from him.”³⁹

Negotiations continued into the autumn with Courtenay insisting that Mendenhall’s proposal of a single payment of \$45,000 “would be cheap at that figure.”⁴⁰ Findlay, probably at the behest of Taylor or Farwell, wanted the cattle sold by class and distinct from the other ranch property, which Mendenhall refused to do. “I know that I can sell beef enough over the next 3 years to make up that amount [\$45,000] and have a good herd left,” Mendenhall told Courtenay. “I want to clear up the whole business at once [and] I have asked a very low price,” a seemingly frustrated Mendenhall told the broker. “I guess there is no use corresponding further,” Courtney wrote Findlay, his tone sounding a bit dejected. Undaunted, however, the businessman in him

³⁸ Mendenhall To Findlay, March 11, 1890, XIT Papers, PPHM.

³⁹ Courtenay to Findlay, September 16, 24, 1891, XIT Papers, PPHM. The ranch facilities were often “rustic” and absentee owners did not often go out of their way to add luxury.

⁴⁰ Courtenay to Findlay, October 2, 1891, XIT Papers, PPHM.

drove him to continue to work, inquiring after Matlock's trustworthiness in a sale of 2,000 Texas steers the two were involved in. In fact, Courtenay, in the next few years, devoted considerable time to selling XIT stock cattle to ranchers and farmer-feeders throughout the beef empire.⁴¹

Resurrected again late in 1893, the Mendenhall deal nearly failed for good when the Syndicate hesitated to react when Courtenay brought it up once more. "I think I have at last got C. B. Mendenhall to offer his cattle for sale, also his ranch, horses, etc.," Findlay read, along with a list classing the cattle by age and sex. Mendenhall had about 1,600 head and contracts for an additional 1,400. The Syndicate would pay Mendenhall \$16 per head for cattle rounded up and marketed in 1894 and 1895. If there was a good market in those years, the Syndicate would profit nicely. As was standard practice, the calf crop for each year would be included for nothing but goodwill. He would sell his Hatchet brand for ten percent of the 1895 roundup proceeds and his ranch improvements for \$1,500. That included, of course, the land claims Mendenhall made. Courtenay told Findlay that he expected Mendenhall would sell horses, wagons, and his other equipment at very reasonable prices.⁴² Still, the Syndicate seemed reticent. Courtenay even threatened: "[K]indly advise me promptly, as several other parties north of the Yellowstone are nibbling at it."⁴³

The Syndicate remained unmoved, apparently, by Courtenay's pleading, and yet another year passed. Then, in the spring of 1895, Cato wrote Findlay. "I am glad to hear Mendenhall has concluded to accept your offer as I believe his range will be worth that much to us," Cato told his

⁴¹ Courtenay to Findlay, October 2, 18, 21, 26, November 13, 19, 1891, XIT Papers, PPHM. On Courtenay's sales effort for the XIT, there are dozens of letters. Good examples are Courtenay to Findlay, January 12, 19, 27, 28, 1893, XIT Papers, PPHM.

⁴² Courtenay to Findlay, December 16, 1893, XIT Papers, PPHM.

⁴³ Courtenay to Findlay, December 23, 1893, XIT Papers, PPHM.

boss and friend, moving quickly to briefly discuss the weather and an increase in wolf bounties for the year. The exact details of the final agreement are somewhat hazy. The Syndicate certainly acquired Mendenhall's ranch, range, and improvements. The cattle seem to have been managed on a shared basis with Clay & Forrest, John Clay Jr.'s livestock commission business. The Hatchet brand remained registered to Mendenhall, according to the Stock Growers' Association brand book for 1899. The name, Hatchet Ranch, or Hatchet Creek Ranch, went with the place and so now the Syndicate claimed two satellites: the XIT on Cedar Creek and the Hatchet on Bad Route and Hatchet creeks.⁴⁴

Although the Syndicate did pay taxes in Custer County, Dawson County information has been easier to uncover. The *Glendive Independent* regularly reported on both the county Board of Equalization and, usually later in the fall or winter, the county's heaviest taxpayers. The XIT did not appear on the list for 1890, of course. Aside from railroads, the Niedringhaus brothers' Home Land & Cattle Co., the N Bar N, had been Dawson County's heaviest tax contributor for a few years. In 1889, Pierre Wibaux purchased the stock and range of the Green Mountain Cattle Company to challenge the Niedringhaus operation as the county's largest livestock grower. The Home operation held on to the top spot during the 1890s until closing out in 1897. The XIT first joined the top owners in 1891, when "O. C. Cato," presumably representing Capitol Freehold, was assessed \$2,020 on cattle and improvements in Dawson County. The "XIT Cattle Co." paid about \$1,380 in Custer County that year. For most of the 1890s, the Syndicate was among both counties' top five taxpayers. The tax rolls swelled further when the Syndicate finally concluded

⁴⁴ Findlay to Cato, December 29, 1893, March 15, April 1, 1895, Cato to Findlay, March 13, April 22, 1895, Findlay to Clay & Forrest, The Rookery, Chicago, IL, April 3, 11, 1895, Clay & Forrest to F. W. Farwell, April 25, 1895, Cato to F. W. Farwell, May 1, 1895, XIT Papers, PPHM; Montana Stock Growers' Association, *Brand Book of the Montana Stock Growers' Association for 1899* (Helena, MT: Independent Publishing Company, 1899), 116.

drawn out negotiations for Mendenhall's ranch in 1895. Capitol Freehold paid \$3,950 in 1897. The Syndicate's largest known payment came in 1898 when they deposited \$5,553 into Dawson County's coffers. Similar tax bills came from Custer County, although its rates were often lower, perhaps due to the large number of Stock Growers' Association members there. Later that year, in a letter to Findlay, Cato deadpanned, "Think I shall remember this enormous rate of taxes when I give in our assessment for next year."⁴⁵

During the period from 1890 to 1900, excluding railroads, no other entity paid more taxes in a year than the N Bar N did in several years. In 1891, they paid Dawson County \$10,078. The lowest Home payment was the year they closed out their Montana cattle operation, 1897, when they paid \$4,705. Capitol Freehold paid \$3,950 that year. Records suggest that Cato did report the company's property strategically. Assessments depended on self-reported figures and other information gathered by the commissioners. Cato's 1891 payment in Dawson County only represented a claim of roughly 4,600 cattle—about half of the number that arrived the previous year—at a value of about \$84,200. Custer County assessed Cato and the Syndicate for about 4,100 head of stock. The XIT had trailed north just over 10,000 head in that summer, however, and reported shipping about half the cattle brought in the previous year. This would have left about 16,000 XIT cattle in both counties.⁴⁶

⁴⁵ Cato to Findlay, October 2, November 11, 20, 1891, XIT Papers, PPHM; Rutter and Rechert, "Cow Tales," 26-28; Lee I. Niedringhaus, "The N Bar N Ranch: A Legend of the Open-Range Cattle Industry, 1885-99," *MMWH* 60 (Spring 2010): 3-23 (22); *GI*, June 1, 1889; "Wibaux Ranch," *SGJ*, June 1, 1889; Donald H. Welsh, "Cosmopolitan Cattle King: Pierre Wibaux and the W Bar Ranch," *MMWH* 5 (Spring 1955): 1-15; Notice, W. E. Savage, Custer County Treasurer, Miles City, MT, October 6, 1891, XIT Papers, PPHM; Notice, J. C. Auld, Dawson County Treasurer, Glendive, MT, October 12, 1891, XIT Papers, PPHM; Dawson/Custer County Assessment, 1891, [Ledger entry duplicates Cato's report, correcting math], Taxes, Montana Ranch, B1-83/2, XIT Papers, PPHM.

⁴⁶ "Proceedings of the Board of Equalization," *GI*, September 21, 1889; Dawson County [MT] assessments on horses, cattle, and sheep, 1891-1899, Montana Writers Program Records, MHS (MF 250, Reel 1); "Heavy Taxpayers," *GI*, December 21, 1889, November 22, 1890, November 21, 1891, "Heavy Taxpayers," *DYJ*, October 25, 1893; "Heavy Taxpayers," *GI*, October 28, 1893, September 30, 1899; ; Marquess of Tweeddale, "H. Seton-Karr Report: November 8, 1894," *The Capitol Freehold Land and Investment Company Limited Proceedings of the*

A tax listing for Capitol Freehold in 1892 has not been located. Nevertheless, the company brought over 11,000 steers in 1892 and shipped nearly 7,000 that year. In 1894, company records indicate there were approximately 29,000 head of XIT cattle on the Montana range before the fall beef shipment, while Dawson County sources indicate the ranch was assessed for only 150 horses and 5000 cattle that year. In the highest of the two years Capitol Freehold led the “heavy taxpayer” list, 1898, 12,850 cattle were claimed in Dawson County. The operation was only selling about three-fourths of the cattle it was sending north by that time. When the company closed out for a four-year span in 1898, it was clearly benefitting from the county equalization board’s charitable tax assessments.⁴⁷

The state established the recommended valuations for property in each county, and each county board of equalization confirmed the assessment with property owners before levying a mill value to calculate tax payments. Livestock values varied over the years, but for most of the 1890s, horses were assessed at around \$25 to \$30, stock cattle at about \$14 to \$18 (Texas steers), and beef cattle (graded) at \$20 to \$24. Here is an example of how things worked. In 1891, Cato paid Dawson County \$2,020 and the N Bar N paid \$10,078. Assume all cattle valued at \$18 for both, even though the distinction between “beef” and stock cattle is not always clear. According to Cato’s records, Custer County assessed “beef” at \$25 per head and “three year old steers” at \$16 per head. In Dawson, the assessment was \$22 and \$15, respectively, with horses at a surprisingly low \$15. A typical “mill rate” for both Custer and Dawson County could be

Eighth Annual General Meeting of the Shareholders (London: Privately printed, November 13, 1894), pp. 8-29, XIT Papers, PPHM.

⁴⁷ “Heavy Taxpayers,” *GI*, October 28, 1893, October 5, 1895, October 2, 1897, September 28, 1898, September 30, 1899; Seton-Karr, “Report,” *Proceedings*, 1894, 29, Cato to Findlay, August 15, 31, September 8, 15 1898, Tally Sheets 41–49, September 17, 22, 24, 25, October 1, 4, 27, November 3, 5, 1898 (3832 steers), XIT Papers, PPHM.

anywhere between fourteen and twenty-four. A mill is one-thousandth of the assessed property value. In 1891, Dawson County's mill rate was twenty-four. Property tax is then calculated as follows: Tax = (assessed valuation * mill rate)/1,000.⁴⁸

If only cattle are being assessed – most cattle raisers' assessments were primarily for cattle, anyway – using this formula Cato's payment in Dawson County that year represented a claim of about 4,600 stock cattle – about half what they brought the previous year. Those cattle represented, at \$18 p/head, a value of about \$84,200. For the Home outfit, their tax that year represented about 23,300 cattle valued at nearly \$420,000. That is a lot of beef, but in both cases, the figures seem not to completely reflect the reality of Dawson County ranching at the time. Still, if you use the same formula for Custer County, but use a lower mill rate, which was often the case for Custer County, Capitol Freehold paid taxes there on 4,100 cattle, and the numbers fit better.⁴⁹

During the 1890s, Home, Capitol Freehold, and Wibaux headed the "Heavy Taxpayer" list each year except 1899, when John T. Murphy's Montana Cattle Company – the 79 Ranch – topped the list. In the highest of the two years that Capitol Freehold topped the list during the decade, 1898, they probably claimed about 12,850 cattle in Dawson County, assuming the same mill rate and valuations as above. According to Capitol Freehold's annual report for 1894, four years before their late century peak, the Montana range hosted an estimated 26,919 steers prior to that year's shipping season. According to shipping records provided to investors, Cato had sent 20,131 beeves east by the same point. The operation was only selling about three-fourths of the

⁴⁸ "Heavy Taxpayers," *DYJ*, October 25, 1893; "Heavy Taxpayers," *GI*, October 28, 1893, September 30, 1899; "Rate of Levy in Counties," *The Enterprise* (Malta, MT), February 17, 1909; Tax Foundation, "How to Calculate Property Tax Liability," <http://taxfoundation.org/article/how-calculate-property-tax-liability-2> (accessed December 17, 2014).

⁴⁹ Seton-Karr, "Report: Dated November 8, 1894," *Proceedings*, 1894, pp. 8-29, XIT Papers, PPHM.

cattle it was sending north by that time. Again, when the company closed out for a four-year span in 1898, it was clearly receiving quite generous assessments from that county's equalization board.⁵⁰

Texas counties appear to have generally assessed cattle at lower rates than Montana's. But the Syndicate owned three million acres there and far less in Montana. County tax records from the ten Texas counties where the XIT Ranch owned property reveal that in 1897, Capitol Freehold paid over \$17,000 in school, county, and state taxes. Oldham County far outpaced neighboring Dallam and Hartley counties, collecting \$7,088 for its coffers from the company. Cochrane County, which contained less than a league of Syndicate property, apparently received nothing from the company, while its neighbor, Hockley, collected the lowest among the other nine -- \$226.80. The records indicate payment on at least 1.8 million acres of property, but are more precise on the numbers of cattle. The operation reported 93,000 cattle and over 1,000 head of horses. Capitol Freehold paid the two counties in Montana in which it operated about \$8,000 in 1897, about forty-six percent of their Texas taxes -- thirty-two percent of their total tax bill. Still, perhaps Cato was right about the high tax rate in Montana. Or perhaps Texas just showed true its reputation as a small government, low tax location ideal for big business.⁵¹

After 1889, Texas pastures supported the XIT Ranch's breeding program and cow/calf operation. Two-year-old steers were sent to the northern ranges, other young steers and spayed

⁵⁰ "Incorporated," from *Herald* (Helena, MT), in *DYJ*, March 13, 1886; "Heavy Taxpayers," *GI*, December 21, 1889, November 22, 1890, November 21, 1891, October 28, 1893, October 5, 1895, October 2, 1897, September 28, 1898, September 30, 1899; Seton-Karr, "Report," *Proceedings*, 1894, 29; Cato to Findlay, August 15, 31, September 8, 15 1898, Tally Sheets 41-49, September 17, 22, 24, 25, October 1, 4, 27, November 3, 5, 1898 (3832 steers), XIT Papers, PPHM.

⁵¹ "Texas, County Tax Rolls, 1837-1910," *FamilySearch* <https://familysearch.org/ark:/61903/1:1:VY1Y-BVR> (accessed June 18, 2017), search Abner Taylor, John V. Farwell, C. B. Farwell, 1891-1910; Accounts, Journal, Ranch, XIT Ranch Journal #1, 1889-1892, "Ranch Statement "1", January 1892, and Land Records, Land, Taxes, Record of 1894-1895, XIT Papers, PPHM.

heifers went to Midwestern farmer-feeders. Old cows, old bulls, and other surplus beeves were sold from Texas. Cattle pastured up north, and those being fed in the Midwest enjoyed better proximity to railroad shipping points as well as higher selling prices than beeves sent directly from Texas. Maybe the agents of the meat industry just did not like Texas. The packers may not have liked buying their beeves there, but they did not mind buying Texas-born cattle fattened on well-watered grasses in Montana, the Dakotas, and Wyoming, or on surplus corn, sorghum, and sugar beets at Kansas, Iowa, or Nebraska feeding farms. Thousands of XIT beeves were sent north for double-wintering. Thousands more were sent to farm-ranch feeding operations on the central plains. In the years that followed the XIT's invasion of Montana, a good many of the beeves brought there walked all the way from Texas. Bitter arguments with the railroads and pure stubbornness on the part of the Syndicate kept the cattle trail well-traveled, despite the barriers posed by exploding western settlement. The last XIT trail herds went north in 1897, the same year the company decided to replace the legendary XIT brand with a more conservative "long X." When XIT cattle from Texas began arriving again in 1902, they came on rail cars and unloaded at Glendive and Fallon.⁵²

The last decade of the nineteenth century took the XIT Ranch to new heights in the cattle business. It is unlikely that any single entity to that time had ever controlled so many cattle spread across so much territory. The XIT Ranch employed about 150 men to manage the cattle and horses, as well as maintain the fences, windmills, and crops with which the ranch was experimenting. Other employees, from Channing to London, sat at desks, compiled ledgers,

⁵² Nordyke, *Cattle Empire*, 241; Haley, *XIT Ranch*, 143; XIT Association, et al., "No Such Thing as XIT Brand Recorded in Dallam County," *XIT Brand*, 50; "Brand Listings," *SGJ*, May 4, 1905; *Dawson County Review* (Glendive, MT), June 25, 1903, in R. H. Scherger, *Synopsis of Old Glendive (old Dawson County) Newspapers, 1882-1910: about Indians, Railroaders, Soldiers, Cowboys, Businessmen and Ranchers: Eastern Montana History* (Glendive, MT): R[obert] H. Scherger, 1996), 231.

reports, and financial statements, addressed the company's correspondence, and tried to ensure that the cogs of the cattle business turned smoothly. The principals hired good men to oversee the ranch operations. They, in turn, insured themselves with good hands. Employees were encouraged to participate in local government, provided they promoted XIT Ranch interests. The foundation essentially laid by John V. Farwell allowed the Syndicate a network of similarly engaged operators to grow beyond the horizontal model of production practiced by the XIT and other ranches, into a vertical model in which the cattlemen hoped to play a larger role in the "beef trust." Unfortunately for their ambitions, the financiers in Chicago and London had other plans, which would lead to the end of cattle production for the XIT within another decade or so.

CHAPTER 6

EMPIRE

The Capitol Syndicate's ranch operations peaked during the 1890s, as an empire that operated in both Texas and Montana, but that decade also proved to be one of challenges and changes. Modernization began overtaking the business of raising cattle. The change shows in the company correspondence as the younger members of the beef empire began typing their work and correspondence. Market reports from the numerous commission houses around the country appeared at the Chicago office regularly, neatly prepared by clerks and secretaries delegated to such tasks. Although in many ways the business of cattle remained quite personal, it became far more professionalized as the century closed. On the XIT Ranch in Texas, telephones connected the widely-separated division headquarters, greatly improving the operation's efficiency. That ranch's numerous artificial water projects continued to expand to meet demands for production. Transportation needs also brought new challenges. Political allies helped with legal problems but entangled the Syndicate in Texas politics. Nearly everyone on the XIT Ranch in Texas directed some effort toward land sales. Farm operations became more intense as the Syndicate sought to identify the best crops for each area to entice land buyers. Cattle of course remained the primary focus in both Texas and Montana, which prompted efforts to introduce new stock varieties and improve the herds. All of this, of course, transformed not only ranch operations, but cowboys themselves, as the stereotypical western cowpuncher gave way to the modern herd manager.¹

¹ J. Evetts Haley, *The XIT Ranch of Texas and the Early Days of the Llano Estacado* (Norman: University of Oklahoma Press, 1953), 167; Paul F. Starrs, *Let the Cowboy Ride: Cattle Ranching in the American West* (Baltimore: Johns Hopkins Press, 1998), 2-7, 26-29; T. Fred Harvey, "George Findlay, General Manager of the XIT Ranch, 1888-1889," (M.A. Thesis, West Texas State College, Canyon, TX, 1950), 42-44; Terry G. Jordan, "Windmills in Texas," *Agricultural History* 37 (April 1963): 81.

Lewis Nordyke wrote that the XIT Ranch was “organized on a grand scale,” with grand problems to match. It was the “Goliath of the Cow Country” and swarmed by little Davids. By the time Ab Blocker drove the first stock onto the Buffalo Springs range, fencing pliers were a necessity in every cowboy’s saddlebags. Fence riders maintained a never-ending patrol around ranch boundaries keeping up the thousands of miles of barbed-wire surrounding ranches like the XIT. The classic era of free-range grazing and contract trail cattle was essentially over in Texas by 1885. Quarantines, railroads, herd improvements, surplus beef, and civilization slackened the market demand for Texas cattle. Yet, an investment boom begun earlier reached a stage at which operations stubbornly crashed forward in hopes of reaching profitability. The corporatization of the Western ranch, the privatization of great stretches of range land, and the commodification of its product changed the nature of a ranch hand’s work. Organization charts and balance sheets took control of the cattle ranges.²

Cowboys found themselves doing their job from somewhere other than the back of a horse. On the XIT in Texas, several men spent much of the year plowing firebreaks around the ranch’s contiguous acreage. Others worked the experimental farms the Chicago men felt were key to future development on the lands. An old cowboy’s duty became a corporate position, as some were assigned as “wolfers” to rid the ranch’s growing herds of the threat from those wolves that lingered in the Panhandle. Some of the men that worked these tasks were not ever cowboys – in XIT records, these men are recorded as “not a cowboy” – but, to be sure, a significant number of current and former cowboys were among those carrying out the auxiliary roles of the operation.

² Starrs, *Let the Cowboy Ride*, 26-27; Lewis Nordyke, *Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT Ranch* (New York: William Morrow and Co., 1949), 144, 208. For an idea on labor resistance on the imperial ranch, see, Terry L. Anderson and Peter J. Hill. “Cowboys and Contracts.” *Journal of Legal Studies* 31 (June 2002): S489-S514.

Although many employees came and went, the main employees stabilized over time. The men sensed the end of the days when it was special enough to just be a good man with a horse. As ranching became a more diversified and structured operation, the cowboys, most of them, settled down, too. The cowboy that knew something about all the operations was the one that kept working.³

Some of the most intriguing specialized positions were held by the men that extracted water from a place that did not like to give it up. The 1890s were dry, and keeping the growing XIT herds watered proved to be an unending chore. Crews also needed to service those wells. A fellow named John Wingo apparently earned a promotion when he moved from “artificial water laborer” to “artificial water teamster.” Another XIT employee, Thad Whitley, variously appears in XIT records as an artificial water carpenter, hand, and mill tender. Water on the Texas ranch was the priority. Drilling and windmill construction crews were kept busy across the Capitol lands throughout its operation. As with the experimental farms around the ranch, some of the cowboys exchanged their catch ropes for wrenches and hammers to keep water flowing while others took up reins behind a mule and plow or sickle. Despite the possible underhanded actions of Barbecue Campbell and his nephew, the crisis at the time was not the skimming of money while purchasing inferior cattle, but the lack of sufficient water resources to maintain whatever cattle were brought onto the ranch.⁴

³ Ernest Staples Osgood, *The Day of the Cattleman* (1929; Chicago: University of Chicago Press, 1957), 229; Nordyke, *Cattle Empire*, 186-187; Jean Freese, John Halbert, et al., *Centennial Roundup: A Collection of Stories Celebrating the 100th Anniversary of the Incorporation of Miles City, Montana* (Miles City: The Miles City Star, 1987), 80.

⁴ “List of Ranch Employees, 1887,” XIT Papers, PPHM; Avery L. Matlock, Texas Legal Consultant, to George F. Westover, Legal Counsel, Chicago, October 9, 1887, March 2, 1888, in J. Evetts Haley, “Letters” [Typescript, ca. 1936-1937], 5-30, 53-61, XIT Ranch Records, 1885-1889, DBCAH; Haley, *XIT Ranch*, 98-104; Nordyke, *Cattle Empire*, 121-134, 149.

Although, the Syndicate continued to pursue Amos Babcock's and Abner Taylor's dreams of striking a fast-flowing artesian source, the misunderstood geology beneath the Texas ranch did not provide that. Instead, the shallow, sponge-like Ogallala Aquifer provided the subterranean water on the ranch, but its presence anywhere went unknown until the end of the century. The few areas of surface water depended on small springs and precipitation run-off. By the late 1880s, the Syndicate was investigating the possibility of irrigating up to 1,000 acres on its Buffalo Springs division. Taylor enlisted J. S. Greene of Denver to examine and propose a plan for the project. He grew frustrated over the summer when Greene failed to show up for the examination. "If you could not make it as you promised," Taylor wrote in his typical direct manner, "it would seem to me that you should have notified me." When it became too late in the year to accomplish much on the project, over the winter George Findlay took charge in Chicago and the Syndicate's primary attention shifted to herd improvements rather than irrigation. But the Syndicate never stopped working to secure the ranch's most precious resource – water.⁵

In the XIT's earliest days, workers on the ranch came up with ingenious contraptions to collect and capture water from hand-dug wells. To quench thirsty cattle, older "condemned" horses turned machines hauling a series of linked half-gallon buckets continually pumping water into a trough. Dams were excavated and when technology failed to make them hold water, the cattle themselves provided the best solution. After attempts with cement and tar returned poor

⁵ Amos Babcock to W. S. Mabry, District Surveyor, Tascosa, TX, May 12, 1884, Abner Taylor to J. S. Greene, Denver, CO, June 17, August 20, 1889, XIT Papers, PPHM. On the Ogallala Aquifer, see Jane Braxton Little, "The Ogallala Aquifer: Saving a Vital U.S. Water Source," *Scientific American* 300 (Special Editions, March 1, 2009), <https://www.scientificamerican.com/article/the-ogallala-aquifer/> (accessed August 20, 2009); Alan Bjerga, "The Great Plains' Looming Water Crisis," *Bloomberg Businessweek* (July 2, 2015), <https://www.bloomberg.com/news/articles/2015-07-02/great-plains-water-crisis-aquifer-s-depletion-threatens-farmland> (accessed May 31, 2017). For an overview of how government scientists viewed Great Plains water issues, see, Department of Interior, *Annual report of Director of Geological Survey, 1900, pt. 4; Hydrography*, 56th Cong., 2nd sess., 1900. H. Doc. 5/32, 692-719.

results, someone decided to place a salt feeder in the middle of an excavation. The visiting cattle, concentrated within the dam basin, packed the ground solid and provided a partial solution to the need to store water. Charles Goodnight had brought the first windmills to the Panhandle in 1883. These went up across the XIT Ranch as fast as wells could be drilled and fences could protect them. By the beginning of the twentieth century there were more than 500 reservoirs on the Texas ranch, and some 300 windmills mining the subterranean treasure. A sustained drought throughout much of the first half of the 1890s drove ranch operators to consider questionable methods for bringing rain to their parched pastures and fields. Although these efforts failed and incessant drought became a familiar condition to the Syndicate men, the early 1890s became so woeful that they sought alternatives for feed, as well as water, since grass also was threatened by the missing moisture.⁶

In 1891, General Robert G. Dyrenforth received a commission from the United States Department of Agriculture to lead an expedition to undertake experiments with rainmaking theories on the South Plains. Someone observed that after battles during the Mexican War and the American Civil War, heavy rains often fell over the battlefields within days. The expedition used balloons filled with a mixture of hydrogen and oxygen. Attached to lengthy wires, scientists launched the balloons to an altitude of about 1,800 feet, exploding them with electrical charges. Apparently, demonstrations of the techniques in Washington produced “great alarm throughout the adjacent suburbs.” Reportedly, however, a heavy rain fell in the area the following morning. The expedition had been promoted by Sen. Charles B. Farwell, the Syndicate member, who also

⁶ Harvey, “George Findlay,” 30, 38; Pauline Durrett Robertson and R. L. Robertson, *Panhandle Pilgrimage: Illustrated Tales Tracing History in the Texas Panhandle* (Amarillo, TX: Paramount Publishing Company, 1978), 186; Haley, *XIT Ranch*, 166, 212; T. V. Raves, “The Transformation of the XIT Ranch,” *Frontier Times* 4 (June 1927): 6.

introduced and succeeded in passage of a \$9,000 federal appropriation for the project. Quite a large expedition departed for Kansas and Texas to face the “severest conditions of climate and season” equipped with “eight tons sulphuric acid, ten tons iron borings, two tons chlorate of potash, quantities of manganese, carbonates, and other chemicals.” There is no record that this worked, but another rainmaker, Professor Richard Meagher, gained attention that fall suggesting that a network of towers be erected high in the sky that could generate electricity into the sky.⁷

Water witching is a time-honored talent among a rare few, but during dry times the ranks of these gifted individuals swell with the usual assortment of zealots, charlatans, frauds, and thieves. And people become foolish. Read any 1890s newspaper to be bombarded by dozens of “scientifically proven” cures of everything from dyspepsia to piles. Watching hungry, thirsty cattle die around you and being presented with a “scientific” plan to bring water to your parched pastures could be tempting to anyone. Thus, when Findlay was approached by a man promising to “make rain” during the middle of one of the Syndicate’s worst years in every way, the even the wary Scottish accountant actually considered the proposal.⁸

C. B. Jewell lived in Goodland, Kansas working as a dispatcher for the Chicago, Rock Island, and Pacific Railway. As Jewell put it, “the road has helped me . . . by furnishing me all material called for, expenses, etc.” The dispatcher and amateur scientist tried hard to get Findlay to listen to his promises to make rain. Their correspondence continued throughout the autumn of 1893, seemingly losing Findlay’s ear that December. Findlay, staving off financial problems, hotly pursued cattle sales to other ranchers well into the next year. He likely was ignoring the

⁷ *FWG*, August 6, 20, October 20, 1891; “Professor Dyrenforth successful, Midland, C Ranch, Mr. Rannels,” *FWG*, August 28, 1891; S. C. Gwynne, “Rain of Error: Dry Enough For You?” *Texas Monthly* 31 (August 2003): 38-44.

⁸ C. B. Jewell, Goodland, KS to Findlay, October 9, 1893, M. A Low, Law Department, Chicago, Rock Island, and Pacific Railway, Topeka, KS to Findlay, September 29, 1893, XIT Papers, PPHM.

inventive entrepreneur, heeding the advice of a railroad lawyer that knew of Jewell's trials. "I confess, I have very little faith in the success of Mr. Jewell's method of producing rain," M. A. Low told Findlay.⁹

Even in the Big Open, up in Montana, surrounded by two of the country's greatest rivers, drought and limited surface water represented a real challenge during the 1890s. A 1901 survey of the township on which the Montana XIT Ranch buildings sat shows fences surrounding the upper reaches of Cedar Creek and its tributaries. What little real estate the company owned in Montana was purchased because it secured a reliable water source. The company held deeds for contiguous and non-contiguous parcels along Cedar Creek and tributaries on both sides of it, along Upper Bad Route and Hatchet creeks, and possibly on Tusler Creek across the divide. In a place where the range was vast and water sometimes scarce, it did not matter so much how much land one owned, but which land you owned. Owning property next to rivers and streams, which could be scarce and was highly valued, effectively allowed these operations control over much more of the range.¹⁰

Transport was also a tremendous challenge for the XIT Ranch in the 1890s. For several years following the XIT's invasion of Montana, a seemingly unending dispute with the railroads

⁹ Jewell to Findlay, October 9, 16, 18, December 16, 1893, Low to Findlay, September 29, 1893, XIT Papers, PPHM.

¹⁰ Edward W. Beattie, Surveyor General, *Township 15 North, Range 48 East, Montana Meridian, Plat Image, DM ID 136390, March 25, 1901*, Bureau of Land Management, General Land Office, <https://glorerecords.blm.gov/default.aspx> (accessed May 15, 2017); Elliott West, *The Contested Plains* (Lawrence: University of Kansas Press, 1998), 248. The author has never seen an actual "title" for the Montana land. The parcels are identified in the Syndicate land records. The Montana parcels are documented in the government land office. The documents show A. B. Hammond, the lumber king, receiving much of the Cedar Creek ranch in an exchange of Washington forest land in 1904. Cato's wife, Julia, is shown as the grantee of the Hatchet Creek location in 1909. Much of the "Big Open" was not fully "officially" surveyed before 1900. On Hammond, for whom an endowed chair in the History Department of the University of Montana is named, see Joaquin Miller, *An Illustrated History of the State of Montana* (Chicago: The Lewis Publishing Co., 1904), 556-557; Vertical Files, "A. B. Hammond," MHS; and Greg Gordon, *When Money Grew on Trees: A. B. Hammond and the Age of the Timber Baron* (Norman: University of Oklahoma Press, 2014).

serving Texas meant that a good many of the cattle sent north walked all the way from Texas. Arguments with the railroads and pure stubbornness on the part of the Syndicate kept the cattle trail well-traveled, despite the barriers posed by exploding western settlement.¹¹

Plenty of other outfits kept the trail north busy and many enterprising individuals found methods to exploit cattle drovers everywhere along the route. Some fenced water holes or river crossings and demanded tolls from the trail bosses. XIT cowboys first drove cattle up the long trails from Texas to Montana in 1891. In what was then known as “No Man’s Land,” today’s Oklahoma panhandle, “inspectors” jailed trail bosses and impounded cattle herds. Company ledgers for that summer report the company paying \$51.15 to the “Sheriff of Beaver Co. O. T. for court exps,” for their arrested trail bosses. They also paid a \$150 inspection fee on “5,000 head leaving O. T.,” and, later, \$25 in Guthrie, Oklahoma Territory, for a legal “opinion for cattle detained in No Man’s Land.” Trail boss Ab Owings wrote to George Findlay in May of 1891, “I have paid them off until I am broke . . . everybody I meet has to have a few dollars for something,” revealing his frustration in his scrawled note. Truly reflecting the mythical cowboy image, Owings expressed his determination to his Chicago boss. “I will get throw [sic] as cheap as I can,” he concluded his report, undoubtedly endearing him to spendthrift owners and ensuring his return to lead many herds to the company’s Montana ranch.¹²

J. E. (Ealy) Moore, who worked many years on the XIT ranch in Texas, served as the wagon boss on drives from the Texas ranch to Montana in 1892, 1893, and 1894. On a drive in 1892, Moore kept a log of his journey and expenses. The long-time cowpuncher “payed Eight Dollars to Powers Co Land Irrigation Co. for crossing 3 ditches” and “Payed to J. W. Galladge

¹¹ Haley, *XIT Ranch*, 143.

¹² Ab Owings, XIT Trail Boss, to Findley, May 24, 1891, Accounts, Ranch, Journal #1, 1889–1892, pp. 159, 169 [June, July], XIT Papers, PPHM.

\$5 Five Dollars for crossing canal.” He continued with the sundry charges: “Payed to Frank Stephens per M. S. \$10 for crossing herd across South Platte” and “Payed to A. J. Elliott \$15 for watering herd and driving through pasture.”¹³

The last XIT Ranch herds trailed north in 1897, the same year the Syndicate decided to replace the legendary XIT brand with a more conservative “long X.” Over twelve thousand XIT branded cattle managed to travel north on the trail during 1896, but it took determined puncher “Scandlous John” McCannless, familiar in Texas, Montana, and in between, to get his charges through the last trip in 1897. When XIT cattle from Texas began arriving again in 1902, they came on rail cars and unloaded at Glendive and Fallon.¹⁴

Enormous amounts of preparation went into the transportation, whether by rail or trail, of Syndicate cattle from Texas to their northern range and to markets. During the shipping seasons, which now meant spring and fall, frequent correspondence with various railroad representatives intensified with Findlay or his protégé, Francis W. (F. W., sometimes Frank) Farwell, a secretary and bookkeeper in the Chicago office. Findlay had been hardnosed with the Fort Worth and Denver City people in the XIT’s initial move to Montana, but subsequent years primarily found the XIT’s Montana-bound two-year-olds following an increasingly difficult transit trail.¹⁵

¹³ Haley, *XIT Ranch*, 239-240; J. E. Moore, “Diary of a Trail Trip to Montana, 1892” (Typescript, n.d. [1922]), XIT Papers, PPHM; J. Ealy Moore Diary, 1892, DBCAH; J. E. Moore to J. Evetts Haley, February 26, 1927, XIT Papers, PPHM.

¹⁴ Haley, *XIT Ranch*, 143; Nordyke, *Cattle Empire*, 241; Cordelia Sloan Duke and Joe B. Frantz, *6,000 Miles of Fence: Life on the XIT Ranch of Texas* (Austin: University of Texas Press, 1961), 20; “Mon Tana Lou Grill,” *Montana News Association*, September 26, 1938, Vertical Files: XIT, MHS; XIT Association, Capitol Freehold Land Trust, Harold Bugbee, H. H. Hutson, et al., “‘Scandlous John’: Familiar Western Character,” “No Such Thing as XIT Brand Recorded in Dallam County,” *XIT Brand: Annual XIT Cowboy Reunion and Rodeo* (Dalhart, TX: Dalhart Publishing Co., 1939), 12, 50; “Brand Listings,” *SGJ*, May 4, 1905; *Dawson County Review* (Glendive, MT), June 25, 1903, in R. H. Scherger, *Synopsis of Old Glendive (old Dawson County) Newspapers, 1882-1910: about Indians, Railroaders, Soldiers, Cowboys, Businessmen and Ranchers: Eastern Montana History* (Glendive, MT): R[obert] H. Scherger, 1996), 231.

¹⁵ F. W. Farwell to Boyce, August 9, 1890, XIT Papers, PPHM.

Besides the railroads, the Syndicate dealt with railcar manufacturers, which led to much arm twisting at times. Cattle injured during shipment received lower prices, so shippers began to look for safer livestock cars. A stiff competition ensued between several manufacturers, chiefly the Hick's Stock Car Company and the Street's Western Stable Car Line, both in Chicago. The Rock Island line offered its own version of these "palace cars," known as the Montgomery. Findlay favored Hick's and was heavily lobbied by Street's for heavy shipments of XIT cattle in 1893 from both Texas and Montana. A Street's representative stopped by the Chicago office while Findlay was in Montana. F. W. Farwell wrote that the man, C. J. Miles, had asked about rumors that Findlay would use only Hick's cars that year. He expressed to Farwell his company's hope the Syndicate would use Street's for "northern" business, while they should be considered elsewhere. He cautioned the Syndicate that they "ought to consider the subject very carefully" before selecting Hick's. That company was over-promising the cars they could deliver, he had told Farwell, and he believed they were in a money squeeze. In fact, this proved to be somewhat prescient as the Street's company later absorbed Hick's.¹⁶

It was not the cattle shippers that paid the railcar suppliers, however, and the Rock Island people pointed that out to F. W. Farwell after he went to their offices after having been informed that Hick's cars would be delivered to Liberal, Kansas for XIT cattle. Findlay had also been negotiating with the Santa Fe people about supplying Hick's cars to the FW&DC for shipping cattle for Montana. When the Rock Island refused to deliver cars to Liberal, cattle had already been put on the trail there by Boyce. The railroad had even located watering stations for the

¹⁶ F. W. Farwell to Findlay, July 28, 1893, XIT Papers, PPHM; "Hicks Stock Car Company," Mid-Continent Railway Museum, North Freedom, WI, http://www.midcontinent.org/rollingstock/builders/hicks_stockcar.htm (accessed May 29, 2017); G. P. Conard, et al., *The Official Railway Equipment Registry* (New York: The Railway and Equipment Publications Co., 1903), lxxxi, <https://books.google.com/> (accessed May 29, 2017).

company. Young Farwell, upon discovering the news, authorized the Santa Fe palace cars, and understanding Findlay would not be happy, counseled his mentor, “[I] do not see how we can make them furnish Hicks’ cars under the circumstances.” It is not clear that Findlay’s pursuit of an exclusive arrangement with the Hick’s company ever worked out. In Montana, he was told that the Great Northern railroad could supply all of the Hick’s cars the ranch could use. The Northern Pacific did not use them, and no documented shipments of XIT cattle over the Great Northern have been uncovered.¹⁷

Perhaps a bigger problem than the kind of car supplied was the number of cars supplied. The Fort Worth and Denver City Railroad seemed to suffer from an ever-present shortage, hence Findlay dealt directly with the Hick’s and Santa Fe people. But rail service for the XIT in Texas never satisfied the Syndicate. The truth is, the Syndicate got along better with northern railroads. The Interstate Commerce Commission held hearings on the matter in St. Louis in December 1906. H. S. Boice, who had recently been hired to replace A. G. Boyce after the XIT legend’s eighteen-year reign as general manager ended, testified on the matter:

For the last few years we have had great inconvenience in making our shipments in the fall of the year . . . on account of not being able to get the cars. [W]e placed [an] order [for 125 cars] on the 20th of September to ship on the 13th of October. We were able to ship at that date, but were not able to get anything off until the 20th of October.

Boice told the federal commissioners that it was December 11 of that year before he completed the work. It took five separate trains to complete the fall shipping, all the time holding the cattle in closed pastures where they had to be fed and managed, keeping ranch hands from other tasks. He said that he had the same problems whether he used the Santa Fe, Rock Island, or FW&DC

¹⁷ W. M. Sage, Traffic Manager, Chicago, Rock Island, and Pacific Railway Co., Chicago, July 10, 1893, Y. A. Whitmore, Assistant to the President, Hick’s Stock Car Co., Chicago, to Findlay, July 28, 1893, Findlay to Boyce, Liberal, KS [telegram], July 29, 1893, F. W. Farwell to Findlay, July 31, 1893, F. W. Farwell to Findlay, August 3, 1893, XIT Papers, PPHM.

(then owned by the Union Pacific). He told the commission they had no shortage of cars for the operation in Montana, but he expressed great concern regarding the many delays their shipments met after they were first loaded – on all the lines.¹⁸

The Syndicate, as did most large shippers, employed stock inspectors at the various railheads and stockyard destinations. This meant finding reliable and reputable cattlemen to look not just for the XIT brand in other shipments, but for stray brands amongst the Syndicate cattle. F. W. Farwell wrote to Fred De Boice, a ranch bookkeeper in Tascosa, that “Some time ago” Findlay had told him “that Mr. Boyce had appointed an inspector at the Kansas City yard.” The Syndicate employed inspectors in Chicago, St. Louis, and Omaha, as well as Kansas City. Later they would have a man in South St. Paul, Minnesota, too. “If you have not sent him the brands of the O’Conner cattle,” Farwell reminded De Boice, “please do so.” He urged immediate action if no one had yet been appointed. “Strays are likely to be landed there any day and we are losing money by delay.” Remarkably, livestock operators took seemingly great care in reimbursements to the owners of strays. The inspectors looked for their employer’s cattle among other incoming shipments and they also were on the lookout for other people’s cattle amongst those shipped by their employer. In some cases, a region’s livestock association also hired inspectors who kept a lookout for members’ cattle. In Montana, for instance, the proceeds of that work were turned over to the state’s Board of Stock Commissioners for distribution to owners. There are many instances of correspondence among even the chief men in the largest of operations enclosing a check for \$20 or whatever the misguided beef may have brought minus shipping, feed, and

¹⁸ Martin A. Knapp, “Car Shortage, Etc: Letter from the Chairman of the Interstate Commerce Commission Transmitting a Transcript of the Testimony Taken by the Commission at St. Louis, Etc., in the Matter of Car Shortage and Other Insufficient Transportation Facilities, December 18-19, 1906,” in *Senate Documents*, Volume 12, 59th Cong., 2d Sess., S. Doc. 233 (Washington, DC: GPO, 1907), 149-153.

commission. These inspectors should not be confused with the range detectives hired by stock associations to investigate rustling and other livestock-related crimes.¹⁹

Even in the 1880s, the initials “W. M. D.” brought fear to people in Texas. It was not fearsome weapons that frightened them, though. It was William McDole (or W. M. D.) Lee – “Mac,” friends called him. With the last buffalo, Lee saw opportunity in the Panhandle, and he took it. Lee may have been the most powerful man in the Panhandle, and his influence spread widely. He resented the agreements the government made with railroads regarding land and subsidies. Lee reportedly called railroads a “public nuisance.” He resented the advantage that Texas and federal laws gave to railroads. Mostly, Lee wanted what was best for Lee. He wanted the railroads to come and take away his cattle, but he was not eager to see his LS ranch prematurely restricted by the farmers he knew the trains were bringing. Lee, like many of the large cattle operators, was nevertheless pragmatic about these things. As Charles Goodnight told a Texas newspaper several times, “no one is foolish enough to fight the inevitable.” Lee joined with the XIT’s Avery L. Matlock, who was far more anxious to bring settlers, to influence the course of the Fort Worth and Denver City as it pushed northward in 1887 and 1888. Lee and Matlock sparked a decade long feud with Tascosa, probably leading to the cow town’s demise, after they convinced the builders of the Fort Worth and Denver City to bypass Tascosa and

¹⁹ F. W. Farwell to W. D. Jordan, National Stock Yards, St. Claire Co., IL, July 23, 1890, F. W. Farwell to Fred W. De Boice, July 24, 1890, William G. (Green) Preuit, State of Montana, Board of Stock Commissioners, to Findlay, August 29, 1893, XIT Papers, PPHM; O. C. Cato, Miles City to John T. Murphy, Helena, MT, July 28, November 15, 1909, John T. Murphy Papers, Incoming Correspondence, 1908-1914, MHS; John Clay, *My Life on the Range* (1924; New York: Antiquarian Press, Ltd., 1961), 345; J’Nell L. Pate, “Stockyards Cowboys,” in *The Cowboy Way: An Exploration of History and Culture*, ed. Paul H. Carlson (Lubbock: Texas Tech University Press, 2000), 119-129. Pate’s essay is not really about stockyard brand inspectors, but gives a sense of the conditions in which the inspectors operated.

establish freight warehouses, depots, and loading pens adjacent to or on LS and XIT land. This location became known as Cheyenne Pens.²⁰

Lee, convinced of the soundness of a plan to dredge the Brazos River mouth and establish a deep-water port there, lured Sen. Charles B. Farwell, Abner Taylor, and even both Matlock and Findlay into his scheme. Other plans like it soon were being promoted. It seems deep-water ports on the Texas Gulf Coast were in high demand. A law enacted by the Texas legislature in 1887 to encourage development of waterways, harbors, and coastal facilities prompted the creation of several companies, apparently to the chagrin of government agencies that had already looked at many of the proposals being offered. Mentioned repeatedly by supporters of the harbor schemes were the prohibitive rates charged by railroads shipping Texas goods out of the state. One advertisement for investors in the City of Aransas Harbor City and Improvement Company claimed the company had in-hand capital reserves of \$6,000,000 and, within a year, could provide deep-water port services that would save shippers of “surplus products of the West . . . \$120,000,000 PER ANNUM.”²¹

An advertisement for the City of Aransas Harbor development provided an extensive list of the venture’s backers that included some well-known names from around the country and the conspicuous presence of some of the Texas cattle business’s foremost names. Besides Findlay and Matlock, the list included Henry B. Stoddard, Charles Goodnight, R. E. Maddox, Ike T. Pryor, J. G. Wheeler, and W. A. H. Miller, all of whom were Texans engaged in developing refrigeration, slaughter, and canning facilities in Fort Worth and on the coast. This company,

²⁰ Donald F. Schofield, *Indians, Cattle, Ships, and Oil: The Story of W. M. D. Lee* (Austin: University of Texas Press, 1985), 89-90; J. Evetts Haley, *Charles Goodnight: Cowman and Plainsman* (Norman: University of Oklahoma Press, 1949), 383; Sullivan, *LS Brand*, 127; Haley, *XIT Ranch*, 204-206, 208-210. For a further reference to Cheyenne Pens, see chapter 5, Invasion.

²¹ *FWG*, December 17, 1890.

associated with the Aransas Harbor Company, paralleled the Brazos harbor project supported by Lee, Taylor, and Senator Farwell. The Brazos project had also named Gus Wilke, the chief builder on the Capitol project, as the contractor for the harbor work. The effort to untangle the vast network of business and finance schemes promoted by the cattle and land interests of Texas remains a work in progress or, perhaps, the work of another historian.²²

Incorporated as the Brazos River Channel and Dock Company in 1888 with Lee as the company's president, the North Texas firm shared officers with two other companies created at the same time: the Texas Land and Immigration Company and the Velasco Terminal Railway Company. These companies together owned substantial land in the area and built a railroad spur from the International and Great Northern rail line. Congress ordered an investigation and report on the company's progress in 1896 to "ascertain the character and improvements" that it had put into the projects. The appointed board delivered their report to Congress in 1897. By that time, Lee no longer served as an officer for the company, but Taylor served as president and Senator Farwell continued to be an officer of the corporation.²³

The federal engineers' report is scathing in its assessment of the company's efforts in the project. First of all, regarding the different companies involved in the project, the reviewers found little to distinguish them as independent firms and essentially dealt with them as if they were the same company. The report offered little confidence the project had any future or ever

²² Marquess of Tweeddale, *The Capitol Freehold Land and Investment Company Limited Proceedings of the Fourth Annual General Meeting of Shareholders* (London: Privately printed, March 12, 1889), 12-13; Tweeddale, "Report of the Hon. John V. Farwell," *The Capitol Freehold Land and Investment Company Limited Proceedings at the Sixth Annual General Meeting of Shareholders*, (London: Privately printed, June 4, 1891), 25, XIT Papers, PPHM; FWG, January 30, 1890; Finding Aid for Henry Bates Stoddard Papers, 1876-1949, Daughters of the Republic of Texas Library, <http://www.drtdl.org/MSInventories/Stoddard.htm> (accessed June 7, 2016).

²³ Henry M. Robert, Stehman Forney, and Robert Moore, Board of Engineers, U.S Army, "Improvements at the Mouth of the Brazos River, Texas," 54th Cong. 2nd Sess., S. Doc.138, 1897, pp. 1-63; John M. Wilson, Chief of Engineers, U.S. Army, "Examination and Survey of Brazos River, Texas," 56th Cong., 2nd Sess., H. Doc. 283, 1901, pp. 6, 1-36.

should have been attempted in the first place. It did admit that the project's only hope rested in the government adopting the operation. Correspondence in the report from Taylor and other company representatives remained optimistic, outlining the great benefits that would come to Texas and the rest of the country if the project were to be continued. Taylor, ever the eager optimist, argued that, although he understood the project was too big for private enterprise, it remained the right thing for the nation. Taylor and the company presented their costs to the review board should the government want to take the project out of their hands. Taylor's figure of the company's costs on the project, including the railroad, were listed at about \$1.4 million. The reviewers dismissed outright several Taylor's figures and ridiculed the management of the entire operation. "That this amount [\$768,830] was actually spent the Board has no reason to doubt," the report declared. "That much of it was unwisely spent is also beyond question." In truth, none of these private ventures seemed to work effectively, and eventually the creation of Texas's deep -water ports became dependent upon the efforts of the federal government and the Army Corps of Engineers.²⁴ In the meantime, XIT cowboys continued to drive cattle north on the trails or load them on railroad cars, if and when they became available.

The federal review of the river and harbor improvement scheme was of course not the first time that Syndicate members had dealt with government investigations and criticism. Political power and networks of influence played a central role in the operation of the XIT Ranch. Beginning with the Syndicate's acquisition of the Capitol contract, intrigue permeated the operation. Taylor spent considerable time lobbying Texas legislators and governors. Men like Matlock, as a state representative and senator in both the 1881 and 1883 Texas legislatures, were recruited by the Syndicate in part to influence Texas politics, while both of the Farwells and

²⁴ Robert, Forney, and Moore, "Improvements on Brazos," 1897, 9-10, 11, 14-19, 40-48.

Taylor influenced politics in Chicago and even at a national level. Upon Amos Babcock's death, a newspaper headlined him the "Dictator of the fortunes of the Republican Party in [Illinois]." Neither recently appointed Sen. Charles B. Farwell or newly elected Representative Abner Taylor were new to Washington politics. Farwell had served earlier terms in the House of Representatives, and Taylor long sought more political influence in Illinois.²⁵

Taylor saw himself as an exceptional negotiator, a hard bargainer, and a prescient businessman. His partners, the Farwell brothers, were less impressed with Taylor's decisions as time passed. The impulsive Taylor undoubtedly stretched an already failing business association when he eloped with Amos Babcock's daughter late in 1889. The relationship long had troubled the elder gentlemen who tried to discourage it. The news of the union, spread by some of the country's largest newspapers, probably did little to comfort Babcock at a time when he was just discovering his interests in the XIT operation were quickly diminishing while John V. Farwell dealt with British investors.

John V. Farwell himself played no small role in politics. He had grown his mercantile house in Chicago from essentially nothing into one of the largest wholesale businesses in the world with offices in France and Britain. He had served as one of President Ulysses S. Grant's Indian Commissioners while the former general sought to make a final peace with the indigenes of the west who were trying in vain to slow the flood of Americans anxious to fulfill the destiny that the nation's leaders had long promised them. John V., or "Dutch," as he was known to close friends, certainly held the highest hand in ranch operations in 1885, but he strengthened his hold

²⁵ *Chicago Tribune*, February 26, 1899. After serving several years in the House of Representatives, Farwell took a break from officeholding. He returned to congress as a United States Senator in 1887 to complete the term of the deceased General John A. Logan. Farwell did not seek reelection in 1891 instead becoming the president of the John V. Farwell & Co. See, Arthur H. Miller, "Charles B. Farwell," Lake Forest College Library Archives and Special Collections, 2010 and D. W. Lusk, *History of the Contest for United States Senator, Before the Thirty-Fourth General Assembly of Illinois, 1885* (Springfield, IL: H. W. Rokker, 1885).

after the completion of the Capitol contract in 1888. Taylor's departure for Congress in 1889 worked perfectly toward his intention to secure the ranch's direction under his control.²⁶

Farwell spent considerable time in England and, although he attended to his European wholesale interests while there, he focused primarily on ensuring that skittish British investors maintained their interest in the endeavor. Extremely persuasive and not easily rebuffed, Farwell was direct in his manner and speech, as well as confident in his rightness on a subject. In fact, Farwell put more than his money on the line for the operation. In March of 1886, Farwell, his wife, company lawyer Thomas A. Drummond, and William Sturgis, who had been crucial in gaining British investors for the ranch operation, were returning from London aboard the S.S. *Oregon*. A schooner struck the steamer amidships not far outside New York harbor, necessitating the rescue of the passengers and crew. Although the schooner was lost with all hands, there were no fatalities aboard the *Oregon*, which also could not be saved. Drummond received a slight head injury, but the others in his party were unhurt. Farwell gave his account of the sinking to a newspaper, reporting the inadequacy of lifeboats had other boats not come to their rescue. He noted the fine behavior of the ship's crew and captain but commented that "some of the steerage passengers . . . jumped into the loaded boats upon the heads of women and children." One of the crew threatened to kill one unruly passenger, and when some boats tried to depart without being full, "Mr. Wm. Sturgis, putting his hand into his hip pocket, called . . . 'come back and take a full load or I will shoot you.'" The boats returned, according to Farwell. Sturgis and his wife later

²⁶ John Villiers Farwell Jr., *Some Recollections of John V. Farwell: A Brief Description of His Early Life and Business Reminiscences* (Chicago: R.R. Donnelley and Sons, 1911), 41.

filed suit against Farwell over his compensation regarding the Capitol Freehold deal, another in a line of legal disputes amongst associates, former and current.²⁷

The Syndicate was at odds with the state of Texas almost continually from the XIT Ranch's inception but did its best to promote their interests. During Texas Gov. James Stephen Hogg's two terms from 1891 to 1895, the legislature, at Hogg's urging, sought to reverse some earlier Texas land transactions. Calls to deny out-of-state and foreign corporate control of Texas land and businesses were commonplace. Lawmakers sought to place the same restrictions on non-Texas corporations as the 1876 Constitution had placed on railroads; that is, the roads were granted their land allotments, but if the companies were unable to dispose of them to "actual settlers," the grants reverted to state control after twelve years. Elected attorney general in 1886, Hogg had continued efforts begun by Gov. John Ireland, known as "Oxcart John," in protecting the state's remaining public land. The Syndicate took offense at Hogg and legislative actions that seemed to single out Capitol Freehold, battling accusations that their XIT Ranch fronted for a foreign-owned corporation and was stripping Texas of her greatest legacy.²⁸

Visiting Texas in the spring of 1893 with Abner Taylor, now former Sen. Charles B. Farwell, still involved in the deep-water shipping scheme in Velasco and beef packing in Fort Worth, spoke out about the controversy. In a memorial to both houses of the legislature on April

²⁷ Farwell, *Some Recollections*, 202-206; *Daily Tribune* (New York, NY), March 15, 1886; *The National Republican* (Washington, DC), March 16, 1886. "Sturgis" is sometimes written "Sturges." See *New York Times*, June 22, 1894; *Daily Republican* (Decatur, TX), June 22, 1894. See also *Farwell v. Sturges*, 58 Ill. App.462, *1895 Ill. App. Lexis 74.

²⁸ Texas Constitution, Article XIV, "Public Lands and Land Office," Section 3, Part 2, Section 5; James S. Hogg, "State of the State Message, 1893," Legislative Reference Library of Texas, http://www.lrl.state.tx.us/scanned/govdocs/James%20Stephen%20Hogg/1893/SOS_Hogg_1893.pdf (access May 29, 2017); Lewis Atherton, *The Cattle Kings* (Bloomington: Indiana University Press, 1961), 198; Robert C. Cotner, *James Stephen Hogg: A Biography* (Austin: University of Texas Press, 1959), 105-117, 133-138; Robert C. Cotner, "Hogg, James Stephen," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/fho17> (accessed June 20, 2017); *Texas Senate Journal, Twenty-third Legislature, January 10, 1893-May 9, 1893* (Austin: State Printer, 1893), 14-16.

4 or 5, the Senator, who never visited XIT Ranch and seemed a somewhat reluctant partner in the cattle business, suggested that he was more than willing to return the Capitol Reservation for the price then being asked for the state's school lands – from \$2 to \$3 per acre. Moreover, if the state accepted the offer, the company, he proposed, would lease what land the state wished of it back at rates equal to what the state was then offering leases in the region.²⁹ The Syndicate's Texas hammer, Matlock, as he had often done in the past, served as the spokesperson and proxy of the Chicago men in this contest with the state government. A few days later, after the matter had time to circulate, Matlock told newspapers that the company did not expect the legislature to act immediately on the offer, but to put "the entire matter before the people [so they have] a clearer and better understanding of the position we occupy." He implied the matter might be approached differently, but insisted "the offer is made in good faith, and we are willing to carry it out."³⁰

Dislike of Governor Hogg and his methods was not new for the Syndicate. Hogg as the Texas attorney general had sat on the Capitol Commission as the Syndicate completed the great building in May 1888. Hogg, only months before that, had commended the building to the state's sheriff's association, then meeting in San Antonio. "When they are through in San Antonio," he bubbled in his apology for missing their convention, "call and see the grandest capitol building on earth."³¹ Hogg, according to the Syndicate's building contractor, Gustavus Wilke, called him into his office in early 1888. Hogg said he had a timbered farm land to sell in eastern Texas. The property reportedly belonged to Hogg's father-in-law. He offered it to the builder for \$25,000.

²⁹ Dr. William Green, conversation with author, March 12, 2014; *Weekly Statesman* (Austin, TX), April 6, 1893.

³⁰ Cotner, *James Hogg*, 341-342; *FWG*, April 16, 1893; *Evening News* (Waco, TX), April 7, 1893; Nordyke, *Cattle Empire*, 218-221.

³¹ *FWG*, June 16, 1890; *Weekly Statesman*, July 3, 1890.

Wilke decline the offer, but suggested that a man who had been sent down from Chicago by the Syndicate to investigate delays in acceptance of the completed Capitol might be interested. That man also related that Hogg had solicited him to pay \$30,000 dollars for the ranch. Abner Taylor himself stated that he had been offered the property for \$40,000 and declined. Each man stated they believed that Hogg approached them with the offer as an exchange for relenting on his complaints of defects in the Capitol's construction and delaying its acceptance. This of course led to bad feelings. When Hogg initiated his gubernatorial campaign in 1890, the Syndicate, represented by Matlock, perhaps with his own thoughts about the governor's office, led the way in opposing his candidacy. Findlay, in a postscript after inquiring after Matlock's Syndicate duties and briefing him on the move to Montana, joked that "about this time I expect you are throwing your hat up for Hogg."³²

Hogg supported a constitutional amendment creating a state railroad commission to set rates and oversee the railroad industry in Texas. Matlock's faction of the state's Democrats, with ties to the railroads and Texas cattle interests, opposed Hogg and the commission. Despite their differences with railroad companies, the forces opposed to the creation of a state commission preferred to control their agreements with the carriers. Also, many of them were also involved in the refrigeration and harbor schemes supported by many of the state's most prominent players in the livestock business, which also might well come under the jurisdiction of a new commission. By June, it appeared that Hogg was well on his way to the gubernatorial nomination in August. Hoping to sideline the parade to the attorney general's election, Matlock sought out the state's

³² Cotner, *James Hogg*, 209-219; *FWG*, June 16, 1890; *Weekly Statesman*, July 3, 1890; Findlay to Matlock, Texline, TX, August 13, 1890, XIT Papers, PPHM.

newspapers and reported, without any specific accusation, the attempts by Hogg to entice the Syndicate or its associates into the land deal.³³

Hogg never denied that he had offered the land. In fact, he had little to say whatsoever on the matter, although nearly every newspaper in the state posted editorial criticisms of Matlock's barely cloaked accusations. The original contract for the building called for its completion on January 1, 1888, but a change in the Capitol contract when the company agreed to use granite for the primary building material had extended the deadline to 1891. The building was presented to the state and dedicated on May 1, 1888. Although a few issues, including a leaky dome, kept the state from fully accepting the building until December, there is no evidence the items on the state's punch list were nitpicky. Without a doubt, Hogg offered the land. Taylor wrote to the attorney general in August 1889 to say that a decision "in relation to that land" depended on the return of John V. Farwell from Europe "the last of this month." Taylor's tone was friendly, but not very encouraging to the future governor. "My other associates here," he wrote, probably referring only to Senator Farwell and, possibly the Farwell brothers' sons, "did not think favorably of it as they thought our investments in Texas . . . were large enough."³⁴

Hogg had written to Taylor at the end of July 1889, eight months after the closing of the Capitol contract. It seems odd that had Hogg been trying earlier to coerce a land sale, he would continue to offer the sale without the same leverage. He did cultivate a populist, anti-corporate

³³ Cotner, *James Hogg*, 137-138, 169-171; Texas State Library and Archives Commission, "The Fight for the Commission," *Hazardous Business: Industry, Regulation, and the Texas Railroad Commission* [online exhibit] (Austin: Texas State Library and Archive Commission, 2011), 5-6, <https://www.tsl.texas.gov/exhibits/railroad/fight/page5.html> (accessed February 25, 2016).

³⁴ Taylor to James S. Hogg, Attorney General, Austin, TX, August 3, 1889, XIT Papers, PPHM; State of Texas, *Third Biennial Report of the Capitol Building Commission Comprising the Reports of the Commissioners, Superintendent, and the Secretary, to the Governor of Texas*, (Austin: Triplett & Hutchings, State Printers, 1886), 195-205; Cotner, *James Hogg*, 210-211.

image and certainly was looking at the governor's office, so he may have been encouraging the sale to affect some quid pro quo between him and the Syndicate regarding their supporting his candidacy. The price for which Wilke and Taylor were offered the land clearly was greater than the property's assessed value of about \$5,700, but Texas real estate was seldom assessed at its full commercial worth. The land appears to have held harvestable timber, one of Texas's most valuable resources at the time. Still, that Wilke and others confirmed their stories, and Taylor wrote Matlock that he had the letter offering the land and his response and should be happy to show them to the press, seems like a serious indictment of Hogg. Taylor suggested to Matlock, "get him to deny the letter and transaction . . . if he does not deny it outright he will likely tell some lies about it." He seemed confident the whole story would scandalize Hogg and ruin his political career. "I do not see how he can make a statement in relation to this matter," Taylor closed, "that will not put him in an embarrassing position." Taylor misjudged.³⁵

Matlock continued his attempts to foil Hogg's political plans in 1892. At the Democratic state convention that August, Matlock, after a parliamentary battle with Hogg forces, along with at least fifty other delegates, "bolted" from the convention to support their candidate, attorney George Clark, who often represented railroad interests in the state. In the year that the national People's Party made its biggest mark on politics, Hogg positioned himself between the populists, building on his earlier efforts at land reform in the state, and the anti-regulation forces arrayed behind Clark. The election outcome was up for grabs in the days before the election with both the People's Party candidate, Thomas Nugent, and Clark supporters predicting victory.³⁶

³⁵ Taylor to Matlock, June 21, 1890, XIT Papers, PPHM; Cotner, *James Hogg*, 209-211, 219; Sean P. Cunningham, *Cowboy Conservatism: Texas and the Rise of the Modern Right* (Lexington: University Press of Kentucky, 2010), 15-16.

³⁶ *Weekly Statesman*, August 18, November 10, 1892; Cotner, *James Hogg*, 295-303, 402, 439-442.

When the final counts were in, however, Hogg was reelected with a plurality with Clark second and Nugent a disappointing third. Speaking to a reporter, Matlock, serving as Clark's executive committee chair, blamed misreported estimates from campaign leaders, particularly in the state's southern regions, for his pre-election prediction of "at least [a] 30,000 [vote] majority." He also discussed Hogg and "the negro vote," casting yet another attack on the character of the governor. "That fraud and intimidation were resorted to in many places by the Hogg managers cannot be questioned," Matlock told the reporter. The defeat did not seem to cause much friction between the party standard bearers. Clark was soon back representing the state in the Greer County case.³⁷

Like most of the large ranch operators, the Syndicate tried to insure their men held some influence in local politics. Findlay held a county commissioner seat until he returned to Chicago in 1889. His replacement was another XIT employee. Boyce and Matlock also worked hard to promote Syndicate interests in Texas, particularly in Oldham, Hartley, and Dallam counties.³⁸ They helped get veteran Texas Ranger Ira Aten elected as sheriff for Castro County and in 1895 hired Aten as foreman of the extensive Escarbada Division of the XIT, which covered much of the western half of Deaf Smith County to the New Mexico border. Its pastures suffered the worst of the ranch's trouble from rustlers because thieves took advantage of the division's remoteness, escaping with their booty across the state line. The previous range boss, James M. Cook, had sought Findlay's help in enlisting Pinkerton agents to run down the thieves. While rustling was a real problem, the occasional innocent might have suffered at Aten's hand. Small ranchers and

³⁷ Cotner, *James Hogg*, 312-319; *Weekly Statesman*, November 17, 1892; *Greer County v. Texas*, 31 Tex. Civ. App. 223; 72 S.W. 104; 1903 Tex. App. LEXIS 27.

³⁸ Findlay to Matlock, January 13, 1890, Findlay to H. H. Wallace, President, Oldham County Commissioners, Tascosa, TX, January 13, 1890, XIT Papers, PPHM; Nordyke, *Cattle Empire*, 214-222.

settlers moving into the eastern reaches of the county challenged the Syndicate's dominance there, and Aten presented a powerful and intimidating presence on his division. Still, for much of the ranch's existence, the Escarbada Division remained among its most important. XIT owners, seeking to soften their image to potential settlers and townspeople, reined in Aten as the century ended, although he remained a valued division foreman until 1905.³⁹ Rustling continued to be a problem, however. News accounts reported over 1,000 two-year old steers stolen over a period of months from the XIT during the winter of 1901-1902.⁴⁰

Political influence was crucial to the Syndicate because there were challengers and critics of the XIT everywhere. Employees of the ranch, like on other large ranches in the region, were sometimes encouraged to file on adjacent school lands. In some cases, these applications were legitimate and the person thus acquired his own place. More often, it was probably a way in which large land owners in the region could both aggrandize land and maintain a buffer against "undesirable" settlement. This was a civil matter that could be resolved in favor of the XIT with the right person in power, but even criminal cases could benefit from having the right ally. In Hartley County, political rivals planted marked steers among XIT beeves destined for Montana. After stamping the XIT brand on these cattle, the XIT cowhands could not identify the former owners, which prevented them from following the customary practice of reimbursing former owners for strays that wound up in a trail herd. These steers later somehow were revealed to be

³⁹ Haley, *XIT Ranch*, 111-112; Nordyke, *Cattle Empire*, 233-235; Findlay to James M. Cook, Foreman, Escarbada Division, January 4, 1890, XIT Papers, PPHM; Bob Alexander, *Rawhide Ranger, Ira Aten: Enforcing Law on the Texas Frontier* (Denton: University of North Texas Press, 2011), 264, 280-283; Ira Aten, "Six and One-Half Years in the Ranger Service: Memoirs of Sergeant Ira Aten," *Frontier Times* 22 (March 1945): 157-165.

⁴⁰ *Wallace's Farmer and Dairyman* (Des Moines, IA), January 18, 1901. Cattle rustling remains a problem for modern ranchers, albeit not on the scale that plagued the owners and managers of the XIT. See Jon Herskovitz and Heide Brandes, "Cattle Rustling U.S.A., Where 'Rawhide' Meets 'Breaking Bad'," *Reuters* (October 20, 2015), <http://reut.rs/1MB4xhm> (accessed May 30, 2017).

someone else's property, and Boyce was indicted for cattle theft by a Hartley County grand jury. Although Boyce was acquitted, the episode highlighted growing resentment of the ranch, and the importance of having political influence. No doubt the populist fervor at the state and national level created animosity against the ranch during this period, and this was enhanced by the heavy hand of political contract by the Syndicate. But perhaps the tight grip of the closely held, out-of-state enterprise was justified at times.⁴¹

The political connections ran deep, but perhaps they were nowhere more evident than in the settlement of a boundary dispute between Texas and New Mexico Territory. When the latter claimed that as much as a two-mile wide swath of land along the Texas line, most of it controlled by the Capitol Syndicate, had been incorrectly surveyed and rightly belonged to New Mexico, John V. Farwell Jr., who succeeded his father as president of the John V. Farwell Company, contacted his old college friend, William Howard Taft, then working as the Solicitor General of the United States, to plead against the claim. At the same time, Sen. Charles B. Farwell and Rep. Abner Taylor, both members of the Syndicate, introduced bills in the United States Senate and House of Representatives, respectively, concerning the border. The resulting law confirmed "the boundary line . . . between Texas and New Mexico, established June fifth, eighteen hundred and fifty eight." A rider on New Mexico's later petition for statehood included a dismissal of the boundary claim.⁴²

Matlock, while involved in politics, also remained engaged with the Syndicate's original goal of selling land within the Capitol Reservation. W. S. Mabry, the one-time district surveyor

⁴¹ *Weekly Statesman*, November 16, 1893; Nordyke, *Cattle Empire*, 222-223.

⁴² Nordyke, *Cattle Empire*, 251; *News-Globe* (Amarillo, TX), August 14, 1938 [section D, page 22]; *An Act Making Appropriations For Sundry Civil Expenses of the Government For the Fiscal Year Ending June Thirtieth, Eighteen Hundred and Ninety-two, and For Other Purposes*, Public Law 51-542, 26 Stat. 948 (1891): 971.

who had guided Amos Babcock on the first inspection of the property, expanded his association with the Syndicate after overseeing a resurvey of much of the Reservation during 1886. Mabry managed fence and townsite surveys and he was responsible for “sectionizing” the most likely agricultural parcels of the lands. He showed potential buyers around the ranch. He also was part-owner (subsidized by the Syndicate) of a hotel in Channing, which stood near what became the local headquarters for the XIT Ranch in 1890. The hotel, and others like it constructed by the Syndicate, served the growing flow of prospective buyers that they hoped would purchase land. Mabry, visiting in Chicago, explained that he had left “the Hungarian gentlemen” in the hands of A. G. Boyce, who was just then beginning his transition from cowman to real estate agent – and not expressing too much excitement in the duties. Mabry hoped that the old drover could close a deal on “a colony somewhere on the south end.” While stating that he was “satisfied [Boyce] feels that the Panhandle has some redeeming features tho’ he’s never willing to admit it,” Mabry nevertheless mused on Boyce’s ability for “talking up the country.”⁴³

Mabry became one of the Syndicate’s most important promotion agents and eagerly anticipated the arrival of more railroads to the Panhandle. Pushing his aspirations, he wrote Findlay to pass on the latest intelligence he had heard. He hoped that Findlay would urge John V. Farwell, as a member of the board of the Santa Fe Railroad, to encourage the company to speed up its plans for a road southwest out of their Panhandle City terminus. He was also anxious to know the plans of the Rock Island line, then terminating in Liberal, Kansas. “I hope you will not think I am a visionary railroad builder and full of schemes,” he wrote to Findlay, “but this information might lead to something and can’t do us any harm.” Findlay was also negotiating with the resurrected Texas Central Railway for a line northwest out of Albany, Texas, but this

⁴³ W. S. Mabry to Findlay, September 9, 1893, XIT Papers, PPHM.

was not going well. “I have been led to expect more assistance from you than you offer,” the company’s general manager complained to Findlay, but that is probably only part of the firm’s reasons for failure.⁴⁴

Findlay had other ideas to promote land sales as well. Matlock wrote to him in 1893 to introduce Sue Greenleaf, a writer from Fort Worth at the time. She was “writing up the country along the Fort Worth and Denver Ry and the Pan Handle,” including the “Capitol lands.” Matlock told Findlay of an encouraging plan that Greenleaf had for them, insisting the Chicago manager would “find her plans worthy of patronage,” if he would just meet her in the Chicago office. Greenleaf was an interesting character. She was from Missouri and had apparently lost her father before she was six years of age. Divorced from a husband who had disappeared after a scandal, she lived with her mother in several different locations including El Paso, Santa Fe, and San Francisco where she authored plays, several works of fiction, and a historical pamphlet for New Mexico. She was active in the women’s movement along with her mother and a vocal proponent of women’s suffrage; the two of them would later become the first women to publicly register to vote in San Francisco when women gained the vote in California in 1911. More important to Findlay, Greenleaf had written a promotional pamphlet about Fort Worth and was involved with the Women’s World’s Fair Exhibit Association of Texas, an organization that promoted the construction of a Texas building at the Chicago Exhibition that year. The group also led the effort to collect exhibition material. It is not clear what Greenleaf’s role with the

⁴⁴ W. S. Mabry, Sales Agent, Vernon, Texas to Findlay, June 5, 1893, Charles Hamilton, General Manager, Texas Central Railway, Waco, to Findlay, March 31, 1893, XIT Papers, PPHM; Nancy Beck Young, "Texas Central Railroad," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/eqt11> (accessed May 29, 2017).

group was, but the Texas Building reportedly featured “Special exhibits of great interest, and thousands of curiosities and relics.”⁴⁵

As it turns out, Findley did meet with Greenleaf, who, according to the former, suggested that his company participate in the Texas exhibits while she served as an agent in promoting the Syndicate land. “It would be greatly in your advantage,” Greenleaf wrote in October, “to get out a small folder . . . giving some idea of the price & inducements offered to colonize.” Extolling the “throng of visitors” the building was receiving each day, she thought a ten or twelve-page prospectus on the lands, 30,000 copies, would be inexpensive, offering to distribute them for “\$15.00.” In closing, she reminded Findley that she had “a map up & invariably showed the location of the lands.”⁴⁶ A few weeks later, complaining of the “beastly cold,” she apologized for not visiting the Syndicate office but provided a list of “parties who were very desirous” of having more information about the Capitol lands. Her notes on the people reveals the persistent idea of colonization that from the beginning drove the men of the Syndicate. “A. G. Makenzie . . . [of] Minneapolis . . . has money to invest, thinks of trying to take [?] a colony,” she wrote. And there was W. Biens of Mayview, Illinois, who “said several in his neighborhood thought of going down,” or H. W. Hines of “Bijou Hills, S. D. [who] is very anxious to work up a large colony in his state & Ill to locate in the Pan Handle.” Amos Babcock strongly urged colonization after his

⁴⁵ Matlock to Findley, February 27, 1893, XIT Papers, PPHM; “Sue Greenleaf” and “Mary [Sweet[E.] Greenleaf,” *1900, 1910, 1920, 1930 United States Federal Census* [database on-line], *California, Death Index, 1905-1939* [database on-line] (Provo, UT: Ancestry.com Operations Inc, 2004, 2013); *Weekly Statesman*, July 27, 1893; *FWG*, December 10, 1893; *San Francisco Call*, October 14, 18, 1911; Joseph M. Di Cole and David Stone, *Chicago’s 1893 World’s Fair* (Charleston, SC: Arcadia Publishing, 2012), 79. A new collection of articles regarding suffrage and the women’s movement -- Ruth Winegarten, Judith N. McArthur, Anne Firor Scott, Nancy Baker Jones, and A. Elizabeth Taylor, eds., *Citizens at Last: The Woman Suffrage Movement in Texas* (College Station: Texas A&M Press, 2015), 107-112 -- includes an article by Greenleaf, “Equal suffrage means purer laws: Women should vote,” from *DMN*, June 8, 1894. See also Sue Greenleaf, *The Future Metropolis of Texas* (Fort Worth: H. B. Chamberlain, 1893). Greenleaf supported herself and her mother as a writer throughout her entire life. Her mother died in 1918 and she later moved to Los Angeles, where she died at the age of 72 on March 2, 1935.

⁴⁶ Sue Greenleaf to Findley, October 13, 1893, XIT Papers, PPHM.

visit to the lands in 1882, and the term permeates the XIT correspondence. While Greenleaf solicited land business at the great fair, efforts to sell property at the ranch continued.⁴⁷

Findlay enlisted more than Greenleaf in the Syndicate's marketing campaign. He spoke with an acquaintance, Hugo Dunfalvy, a Chicago attorney. After considering their conversation, the lawyer wrote the accountant: "I would advise your company to commence the Colonization Business on a regular business principal [and] organize a Stock Company for Colonization purposes . . . to interest a foreign syndicate." They needed to make attractive land offers for ten percent down payments and thereby lure enough early buyers with money to "boom the whole enterprise." Somehow, one has to believe Findlay ignored Dunfalvy's financing advice because the Chicago operation had more than enough foreign investors. Ultimately, no large colonies were founded on the ranch, but their marketing strategy was sound, ultimately paying dividends. Along the way, many people profited from the dispersal of the land, but it took time. Large land sales were still a bit in the future, but an infrastructure was being created that positioned the American investors, essentially the Farwells, for the land's eventual disposal.⁴⁸

The Panic of 1893 had rippling effects, including for the Syndicate. F. W. Farwell, perhaps partly tongue-in-cheek, Findlay's stand-in in Chicago wrote, while concluding a summary of recent Chicago cattle prices wrote, "Nothing else new unless it is that money is tight, and you may have heard that."⁴⁹ An earlier exchange between the two indicated the senior Farwells were concerned with finances at the moment, but were not prepared to give in to quick

⁴⁷ Greenleaf to Findlay, November 3, 1893, XIT Papers, PPHM.

⁴⁸ Hugo Dunfalvy, Chicago to Findlay, December 6, 1893, XIT Papers, PPHM; James D. Hamlin, *The Flamboyant Judge* (Canyon, TX: Palo Pinto Press, 1972), 173. Hamlin was a huge figure in Panhandle business and politics. He acted as a lawyer and land agent for Capitol Freehold, later Capitol Reservation Lands, and in his book, documents his extensive association with the Farwell brothers and the Capitol Freehold land.

⁴⁹ F. W. Farwell to Findlay, August 5, 1893, XIT Papers, PPHM.

money. “You . . . understand the way things are,” the younger Farwell wrote of his uncles. “[T]hey can use the money . . . but they do not wish to sacrifice the cattle.” In the Syndicate’s continuing efforts to improve prospects for land sales to settlers, they experimented with a variety of crops. John V. Farwell’s annual message to British stockholders always included his vision of an agricultural paradise on the plains. No small effort was directed at the possibility of grape production on their Texas land. Because the Syndicate’s lease with Capitol Freehold was renegotiated in January 1893, no stockholders meeting was held during the year.⁵⁰ Farwell, nevertheless, completed his usual report for 1892 and outlined the ranch’s agricultural outlook. “A good deal is being said of the suitability of the land and climate in the Panhandle for fruit culture,” he wrote, detailing a timeline for production. “The planting of vineyards on the high plateau,” he continued optimistically, “has not been attempted . . . but enough experimenting has been done to prove that grapes can be raised to great perfection.” He was not wrong; the Panhandle region from just south of Lubbock to Dalhart in the early twenty-first century produced about eighty percent of Texas’s wine grape production.⁵¹

It is quite possible that proof of that capability might have been produced through the impact of Farwell’s ideas and Findlay’s determination. The Syndicate often used mass mailings to advertise its land and cattle, but the members often used it, too, when they were seeking expert advice about potential plans. In early 1893, Findlay began to put shape to Farwell’s ideas and drafted a letter addressed “To the Postmaster, Anthony, N.M.” in which he inquired if the man

⁵⁰ Marquess of Tweeddale, *The Capitol Freehold Land and Investment Company Limited Proceedings of the Eighth Annual General Meeting of Shareholders* (London: Privately printed, November 13, 1894), 2-4, XIT Papers, PPHM.

⁵¹ John V. Farwell, “Report to the Board of Directors of the Capitol Freehold Land and Investment Company, Limited,” December 31, 1892, XIT Papers, PPHM; “Texas Wine Industry Facts,” Texas Wine and Grape Growers Association, <https://www.txwines.org/texas-wine/texas-wine-industry-facts/> (accessed May 27, 2017).

might know of someone to assist them “to make some experiments in the production of raisin grapes and wine grapes by irrigation.” The postmaster, Charles E. Miller, promptly replied (in a note on the same letter) by referring Findlay to Hiram Hadley “at the Agricultural College at Las Cruces.”⁵²

Findlay wrote to Hadley, then president of New Mexico College of Agriculture and Mechanics, on March 3, 1893. Replying on March 9, Hadley told Findlay that what he had to say on the matter was “subject to a great many qualifications.” He had carefully examined soil and climate information that Findlay had sent to him and was optimistic about the possibilities as he noted some of the XIT Ranch’s characteristics matched his location in the Mesilla Valley. “You have a little colder weather in the winter time, but not much,” he wrote. Although he found the XIT generally had more rainfall, he fretted about the lack of alternative water sources and put little faith in windmills. “They are too capricious in their operation,” he warned. Hadley felt that perhaps improved pumps would assist with irrigation, but he questioned whether the expenses would be worthwhile “in the commercial sense.” Cautioning Findlay to proceed slowly, Hadley proposed several grape varieties he felt might be appropriate and offered suggestions on the year-around care of grape crops in a similar environment.⁵³

Findlay also contacted J. P. Onstott, “Grower of Thompson’s Seedless Grapes,” in Yuba City, California. Onstott replied on April 3, 1893, indicating his willingness to provide Findlay with arbors from his nursery in Arizona but explaining that it was too late in the season to plant. Instead, Onstott suggested to Findlay that he wait for the next year. In a later letter, Onstott said

⁵² Findlay to Postmaster, Anthony, NM [Charles E. Miller], February 24, 1893 [Miller to Findlay, undated], XIT Papers, PPHM; “Postmaster Finder,” United States Postal Service, <http://webpmt.usps.gov/pmt002.cfm> (accessed May 27, 2017).

⁵³ Hiram Hadley, President, New Mexico A&M College, Las Cruces, NMT to Findlay, March 9, 1893, XIT Papers, PPHM.

that while he had not been in the Panhandle, he had toured the Pecos Valley. He fretted some about the cold weather, but saw “no reason but you can raise grapes there.” He offered to have product samples sent to Findlay and urged Findlay to visit his exhibit “at the World’s Fair in Chicago.” Onstott, reflecting on his observations, wrote lastly, “apples, I think, would do well there.” He did send Findlay raisin samples and again asked to meet him in Chicago. Findlay was in Montana, however, and Senator Farwell apparently met with the grape grower.⁵⁴

Farwell in his 1892 annual report discussed fruit orchards and, perhaps in line with his reputation, suggested “[t]he cultivation of prunes.” It is not clear if Farwell understood prunes to be dried plums. After describing his hope for grape and prune production, Farwell also discussed attempts at growing wheat by XIT neighbors, which he described as a great success. A small amount of cotton was successfully grown on the XIT’s Spring Lake division beginning in 1888. Farwell had discussed sugar beet and sorghum production in previous reports. He once proposed a sugar refinery, but despite his apparent enthusiasm, he was not optimistic about the commercial profitability of sugar production just then. He reminded skeptical stockholders that “all of our experiments . . . were undertaken with a view of demonstrating what our lands were capable of producing.” Demonstrating the profitability of the land, he wrote, rather than counting on profits from the crops was the objective. “[W]e will have this year most of our cultivated lands in millet, sorghum, or some such forage crop” to feed to the only successful cash enterprise the ranch had at the moment – cattle.⁵⁵

⁵⁴ J. P. Onstott, Yuba City, CA, to Findlay, April 3, 5, 1893; F. W. Farwell to Findlay, July 28, 1893, XIT Papers, PPHM.

⁵⁵ Farwell, “Report,” December 31, 1892, XIT Papers, PPHM; Tweeddale, *Proceedings*, 1891, pp. 18-25; Tweeddale, *Proceedings*, 1894, pp. 5-7; Marquess of Tweeddale, *The Capitol Freehold Land and Investment Company Limited Proceedings of the Seventh Annual General Meeting of Shareholders (London: Privately printed, July 29, 1892)*, 2, 18-19.

With all that occupied the Syndicate through the period, herd improvements continued to be a high priority. Cattle sales, until well into the next century, remained the primary method for keeping British investors at arm's length. These efforts blended the old with the new as the fine cattle they were raising in Texas still found their way "up the trail" to fatten on Montana grass. The Syndicate showed purebred cattle at Chicago's World's Columbian Exposition in 1893. In 1894, the XIT Ranch had about 1,500 purebred Hereford and Angus cattle. More than half were bulls, of which Hereford were the majority. Boyce warmed to the Angus cattle -- "the blacks" -- which got no argument from Findlay and somewhat bucked the trend of the old Texas outfits. It appears the XIT managers began scaling back the Montana operation as early as 1893 and selling more young cattle to Corn Belt farmer-feeders. Continuing low prices and the Panic of 1893 had many Kansas farmers, once opposed to a flood of Texas cattle, eagerly seeking them out. Farwell reminded Findlay of that in the summer while Findlay was in Montana observing the season's beef roundup. The letter instructed Findlay that O. C. Cato, the XIT Ranch operations boss in Montana, be told to ship everything "marketable, even the three year olds, if they are fat and in condition to bring good prices."⁵⁶

The various ranch divisions became more specialized concerning the breed, grade, and character of the cattle they held. The thousands of bulls the XIT used were kept in their own pasture except during the breeding season. Most calves were born in the spring, although a few

⁵⁶ Taylor to Findlay, March 26, 1889, Boyce to John V. Farwell, January 13, 1891, F. W. Farwell to Findlay, August 1, 1893, XIT Papers, PPHM; Tweeddale, "Report," *Proceedings*, 1889, pp. 32-33, XIT Papers, PPHM; Tweeddale, "Report of John V. Farwell," *Proceedings*, 1891, pp. 25-32, XIT Papers, PPHM; George Findlay, "Famous XIT Range Classic of Angus Cattle," *Aberdeen-Angus Journal* (Webster City, IA) II (December 13, 1920): 7, 48-49, (December 27, 1920): 3, 21-23, (January 10, 1921): 3, 25-27. Findlay's articles originally appeared in *Breeder's Gazette*, vol. 39 (1901); see also George Findlay, "The Aberdeen-Angus on the Range (from *Breeders' Gazette*)," *Thirteenth Biennial Report of the Kansas State Board of Agriculture to the Legislature of the State* (Topeka: Kansas Department of Agriculture, 1902), 334-345; Harvey, "Findlay," 63; T. F. B. Sotham, "The Grade Bull," *The Homestead*, Des Moines, IA, July 27, 1899; *Dawson County Review*, November 20, 1902, in Scherger, *Synopsis*, 223; Haley, *XIT Ranch*, 187-193, 218-221.

might come into late summer. Calves were branded with the XIT, of course, but additional brands were placed signifying the division and year in which it was born. The XIT also used earmarks, particularly after the ranch began producing higher grade cattle. Yearling steers from the previous year's calf crop would be sent to Buffalo Springs where they would be conditioned a year before being taken to Montana. Calf crops on the XIT were massive. Any number under 30,000 was considered a failure on the ranch. Montana's DHS ranch, founded by Granville Stuart and one of the most well-known western operations, had spring calf numbers of about 5,000. Later, after Conrad Kohrs had bought the DHS, 8,500 was considered to be a large calf crop. Although the Syndicate began scaling back its Montana operation as early as 1893 in favor of sending more young cattle to farmer-feeders, in 1894 they began sending a few cows – she-cattle, they were called – to Montana and bulls in 1895. In Montana, after the purchase of the old Hatchet Ranch in 1895, Cato delegated responsibility for the two locations, assigning Rufe Morris at the XIT on Cedar Creek and Bob Fudge on the Hatchet as foremen. With breeding cattle to deal with, the Montana ranch work became more extensive and less seasonal in nature.⁵⁷

All the efforts to make a profit with the XIT Ranch transformed both the property and those who worked on it in Texas and Montana, arguably in ways that belied the stereotypes and legends that arose later about both. Cowpunchers, if no longer the heart of the cattle business, at least still represented its soul. After all, it is their story that proved interesting to most American readers, not the course of capital and the actions of tycoons. These men, the laborers of the classical old west, spurned the term “cowboy,” preferring cowhand (or, simply, hand), waddy, cowpuncher, vaquero, buckaroo, or even hoss stink. Into the 1880s, “cowboy” was mostly a

⁵⁷ Haley, *XIT Ranch*, 131, 146-148; Clyde A. Milner and Carol A. O'Connor, *As Big as the West: The Pioneer Life of Granville Stuart* (New York: Oxford University Press, 2009), 259; *HI*, June 4, 1891.

synonym for a drunkard, outlaw, or cattle thief. Murdo Mackenzie, the manager of the famous Matador Ranch, left volumes of letters, memos, and reports, and he never called his employees cowboys. They were his hands, his men, or sometimes his cowhands.⁵⁸

Buffalo Bill Cody first popularized the term cowboy, then dime novelists used it, Charles Russell painted many cowboys, and the novel *The Virginian* further changed the term from one of derision to a heroic character, an image that persists. “[H]orse wrangler, cowhand, bronc breaker and rough string rider,” Fay E. Ward, who worked over forty years from Canada to Mexico wrote in his “cowboy’s manual” that:

The species “cowhand” is no special breed of human; but he is a special type created by his special way of life. Perhaps, though, it does take a special kind of guy to choose to be a cowhand. The cowhand is possessed by a sort of pioneering spirit; he likes nature – that is, nature in the raw. He doesn’t mind taking a chance, win or lose. He can take it on the chin and keep coming back for more.⁵⁹

On the reality of being a cowboy versus the “myth,” Texas historian Paul H. Carlson wrote:

[T]he cowboy changed from rogue to hero. We have . . . sort of corrupted him in reverse. We have made him better than he was. Cowboys were not cattlemen; they were laborers, itinerant workers, seasonal employees. They stole cattle from their employers, and some of them took off at the first sign of trouble. The real cowboy was a common, nineteenth-century working stiff who was often illiterate, often unemployed, and often on the lowest rung of the community’s socioeconomic hierarchy.⁶⁰

Some aspects of the myth arguably have an element of truth. Cowpunchers were a distinct sort with a language and tradition all their own. For instance, you never inquired about a man’s past

⁵⁸ Paul H. Carlson, “Myth and the Modern Cowboy,” in *The Cowboy Way: An Exploration of History and Culture*, ed. Paul H. Carlson (Lubbock: Texas Tech University Press, 2000), 4; Carlson, “Cowboys and Shepherders,” in Carlson, *Cowboy Way*, Carlson, 115-116. A detailed study of the Matador finances from the Scottish company’s perspective is Claire E. Swan, *Scottish Cowboys and the Dundee Investors: [Dundee Investment in the Texas Panhandle, a Case Study: The Matador Land and Cattle Company]* (Dundee, Scotland, UK: Abertay Historical Society, 2004).

⁵⁹ Carlson, “Myth,” in Carlson, *Cowboy Way*, Carlson, 5; Fay E. Ward, *The Cowboy at Work: All About His Job and How He Does It, With 600 Drawings by the Author* (1958; Mineola, NY: Dover Publications, 2003), 4.

⁶⁰ Carlson, “Myth,” in Carlson, *Cowboy Way*, Carlson, 5-6. See also, Richard Slatta, *Cowboys of the Americas* (New Haven: Yale University Press, 1990), 4. 30, 47.

unless it was offered. You never questioned the name that a cowboy gave himself. These were useful practices for ranch managers who needed employees with skills, regardless of their past. But while it was a mark of distinction for a hand to have gone “up the trail,” trailing cattle was only one aspect of their work. Of the thousands of cowboys working in the late nineteenth and early twentieth century, only a fraction could claim the honor. The XIT kept about 150 year-around employees, including bookkeepers, cooks, cowboys, wolfers, and windmill men. The numbers swelled in the spring and fall, but the variety remained. This was especially true in Montana, where manager Cato did not like keeping too many men through the winter if he could help it.⁶¹

It is also true that the cowboy of the American West was generally young, especially trail cowboys. The corporatization of the larger cattle outfits such as the XIT in the 1890s, however, lengthened a cowboy’s career with opportunities to learn new skills or to be range and division bosses, or possibly even manage for one of the absentee owners. And they were not all Texans. Texas certainly supplied its share of cowboys, but they came from everywhere. Maybe as many as twenty percent were born outside the United States. Much has been written about Black, Hispanic, and even Indian cowboys, all of whom were part of the western cattle business. But fewer Black or Hispanic cowboys could be found the further north you went, such as Montana. Despite the many “buffalo soldiers” – African-American men led by white officers – that came to the west tasked with subduing Plains Indians, little evidence exists to prove many stayed to become ranch hands there.⁶² Persistence and diversification could bring rewards for those who did stay. Pay for cow work was higher during the early 1870s, but by the mid-1880s, in Texas,

⁶¹ William H. Forbis, *The Cowboys* (1973; London: Time-Life Books, 2004), 20; Starrs, *Let the Cowboy Ride*, 2; James R. Wagner, “Cowboy: Origin and Early Use of the Term,” in Carlson, *Cowboy Way*, 11-20.

⁶² Forbis, *The Cowboys*, 17-18; Starrs, *Let the Cowboy Ride*, 5.

cowboys were paid \$25 per month. Trail crews were paid more -- \$30-\$35. Cowboys in Montana generally made \$35. Regular cowboys might become “top hands” and earn a bit more based on their skill and reputation. A trail or range boss could earn anywhere from \$50 to \$75 and a ranch manager at least \$100, but some of the latter also became quite wealthy.⁶³

The XIT Ranch, and the Syndicate that owned it, faced many challenges and underwent many changes in the 1890s, and it did not long survive that turbulent decade. The truth behind this undermines the mythical legacy concerning what was once the largest ranch in Texas and claimed to be the largest ranch in Montana. Perhaps an analogy can be found in the life of Alden Denby, who worked for the XIT in the 1890s. Born in North Carolina, he got to Texas as fast as he could and was anxious to be a “cowboy” like he read about in the popular dime novels of the period. Barely seventeen years of age, he joined the first XIT drive in 1890, working for trail boss William “Bill” Coats. Throughout Denby’s time on the cattle trail, the drovers were mostly young, like him. He did not stick in Montana at first, but like many of the punchers that made their way north, he eventually stayed. Denby punched cows for the XIT and others for the next twenty years until marriage bought him a homestead and farm in 1910. By that time, the cattle drives had stopped, and the XIT was almost completely out of the business of raising livestock and was being sold by parcels to other ranchers, developers, and small farmers such as Denby.⁶⁴

⁶³ Atherton, *Cattle Kings*, 227-235; Robert E. Zeigler, “The Cowboy Strike of 1883,” in Carlson, *Cowboy Way*, 80-81; *News-Globe*, August 14, 1938, [Section E, page 14]; “Prices paid per month for the following classes of employees” [handwritten notation of “Pay Roll Average 1888”], XIT Papers, PPHM.

⁶⁴ Duke and Frantz, *6,000 Miles*, 142-145, 149; Michael S. Kennedy, *Cowboys and Cattlemen: A Roundup from Montana, The Magazine of Western History* (New York: Hastings House, 1964), 136. Mrs. Duke’s segment on Montana, primarily the recollections of cowboy Al Denby, is one of the best descriptions of the Montana operation and its men. See Duke and Frantz, *6000 Miles*, 139-153. See also, Jim Russell, *Bob Fudge, Texas Trail Driver, Montana-Wyoming Cowboy, 1862-1933* (Denver: Big Mountain Press, 1962) and Percy Wollaston, *Homesteading: A Montana Family Album* (New York: Penguin Books, 1997), 65.

CHAPTER 7

CLOSEOUT

Why the Capitol Syndicate suddenly suspended its Montana operation in 1898 cannot be fully explained. The company focused on herd improvements throughout the decade. However, whether because of politics among the commission houses, buyers, and owners, or because the XIT cattle were inferior, the evidence shows that XIT stock did not always market as well as neighbors' herds. The operation in Montana never enjoyed full support within the company, either. George Findlay and John V. Farwell certainly were its biggest supporters. Sen. Charles B. Farwell cared little for the range cattle business and favored selling young XIT cattle to feeders in Kansas and Iowa. The sooner he could be done with the whole business, including the land, the better in his opinion. His offer to return the Capitol Reservation to Texas for a fair price in 1893 was made in earnest. The Senator never visited the XIT Ranch despite occasional visits to Texas. He and his brother, although they shared an office, stopped speaking to one another. No one seems to remember the reason, but for the rest of their lives they communicated only through an assistant who maintained a desk between them. Perhaps the decision to abandon the northern operation was an attempt at mending sibling differences, but by 1902 XIT cattle production in Montana resumed and surpassed that in Texas, where land sales had finally begun. It proved to be a last hurrah, however, because within a decade the XIT had sold its last cow.¹

Whatever the reason for suspending Montana operations in 1898, except for 2,400 steers trailed there in 1897, stock formerly sent north instead went to feed lots in the Corn Belt states.

¹ Dr. William Green, conversation with Author, March 12, 2014; *Weekly Statesman* (Austin, TX), April 6, 1893; Lewis Nordyke, *Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT* (New York: William Morrow and Co., 1949), 220; James D. Hamlin, *The Flamboyant Judge* (Canyon, TX: Palo Pinto Press, 1972), 169; Kent Biffle, "Capitol Trade a Twisted Tale," *DMN*, May 12, 1996; *SGJ*, September 3, 1892; *DYJ*, August 14, 1895. Portions of an earlier version of this chapter have previously appeared in Michael M. Miller, "Cowboys and Capitalists: The XIT Ranch in Texas and Montana, 1885-1912," *MMWH* 65 (Winter 2015): 3-28.

By 1901, the XIT Ranch in Texas had established itself as a premier cattle breeder, focusing on purebred Angus and quality hybrid, Angus-sired, whiteface cattle. Newspapers commonly reported on the ranch's breeding improvements. Cattle sales, quantitatively, dropped although, presumably, sales and leases with the Corn Belt feeders would supply more quality beef to retail markets. Compared to range cattle sales, the more complicated structure of the feedlot sales made calculating the earnings much more difficult to follow. As demands for payments on overdue debentures and more productive land sales increased from London, Capitol Freehold officers there seemed to not always understand how the operation worked. The Capitol Freehold Secretary in London, H. Milner Willis, demanded answers from Findlay regarding certain land transactions and the status of the company-backed hotel in Channing. The cattle were a concern as well: "I am cabling you to-day asking you to send us by first mail full explanations as to the reason for the large decrease in the cattle sales as compared with the previous years."²

The letter carried a copy of the company's London auditor's report. Findlay, replying in his typical direct style, allowed a somewhat frustrated tone to seep into his words, as if asking how many more times he must explain this. After reviewing the less concerning issues, Findlay turned to the cattle:

It is true that the percentage of steers two-years of age and upwards has been diminishing. This is due to the change in our method of operations. We now expect to be able to sell our steers to feeders in the maize growing states every year as two year olds or younger, instead of maturing them ourselves. With this purpose in view we have closed out our

² Taylor to Findlay, March 26, 1889, Boyce to J. V. Farwell, January 13, 1891 ("The more I see of the black cattle the more I like them."), H. Milner Willis, Secretary, Capitol Freehold, London to Findlay June 7, 1900, Cash, Stone, & Co., Auditors to Willis, May 18, 1900, Findlay to Willis, June 25, 1900, XIT Papers, PPHM; John Young, Chairman, *The Capitol Freehold Land and Investment Company Limited Report of the Proceedings of the Twentieth Annual General Meeting of Shareholders* (London: Privately printed, August 21, 1907), 3, XIT Papers, PPHM; T. F. B. Sotham, "The Grade Bull," *The Homestead* (Des Moines, IA), July 27, 1899; *Dawson County Review* (Glendive, MT), November 20, 1902, quoted in R. H. Scherger, *Synopsis of Old Glendive (Old Dawson County) Newspapers, 1882-1910: About Indians, Railroaders, Soldiers, Cowboys, Businessmen and Ranchers: Eastern Montana History* ([Glendive, MT]: R[obert] H. Scherger, 1996), 223; J. Evetts Haley, *The XIT Ranch of Texas and the Early Days of the Llano Estacado* (Norman: University of Oklahoma Press, 1953), 187-193, 218-221.

Montana business, as you advised your shareholders we were doing in the 13th annual general meeting.

The British investors had become particularly attentive to the herd book, questioning the counts and the Syndicate's lease obligations on the cattle. Stressing cost in responding to the suggestion of an "actual roundup," Findlay highlighted the sales efforts of the previous three years. The "natural result" of the change in method on the XIT required the elimination of the ranch's surplus steers.

[O]ur sales . . . in 1898 and 1899 [included] practically all of our two year old steers as well as some yearling steers and steer calves from our Texas herd in addition to the usual number of matured Montana steers in the former year and a small amount in the latter year.

Findlay told Willis how the herd book worked and explained that Willis's Montana herd number of 2,055 did not reflect yearly losses, but he admitted that despite "our cattle [being] all marketed from that country last year," a few others were likely to be gathered in the future by Montana ranch manager Osceola C. Cato or his neighbors. In any case, Findlay believed that the auditor's number for the XIT cattle-on-hand of 142,868 exceeded the actual count by about 10,000 head. Brushing off any requests for an actual count, Findlay, perhaps remembering his early attempts at a cattle count, told Willis, "We have some experience with such inspections and place very little reliance upon them."³

Findlay continued his essay on the Syndicate's ranch business, particularly to emphasize the XIT's efforts at herd improvements. "We have so improved the quality of the cattle since 1892 that the value of the cattle now on the ranch would purchase probably one and one-quarter head of the cattle of the quality they were in 1892." Findlay closed his message to London with a

³ H. Milner Willis, Secretary, Capitol Freehold, London, to Findlay June 7, 1900, Cash, Stone, & Co., Auditors to Willis, May 18, 1900, Findlay to Willis, June 25, 1900, XIT Papers, PPHM.

summary of Chicago sales of XIT steers by Midwest feeders so far that year. The two- and three-year-olds averaged nearly 1250 pounds and brought \$5.56 per hundredweight – nearly \$70 per head, which was high in a continued weak market. He added a postscript, hoping to further soothe the nervous trans-Atlantic investors, which he attributed to the June 20, 1900 edition of the *Texas Stock and Farm Journal*:

[According to] a recent issue of the Kansas City Journal . . . it will be a surprise to many to know that the top cattle of the day were Panhandle, Tex. raised steers. H. W. Palmer of Spring Hill, Kan. had here sixty three X.I.T. steers . . . that were very smooth and fleshy . . . and would have been a credit to any state [at an] average 1516 pounds and [sold for] \$5.50 [per hundred weight], the best price of the day.

Indeed, the XIT's cattle had improved tremendously. Those mentioned above were identified as Herefords and Shorthorns, but Findlay, of course, had long advocated the Aberdeen-Angus. He wrote a detailed account of his experience with the “mulies,” as the hornless, mostly black, cattle were often known, for the *Breeder's Gazette* in 1901. The article was updated and reprinted in the *Aberdeen-Angus Journal* in 1920. Findlay's account is a minutely detailed description of the XIT Ranch's efforts at “breeding up.” In it, he showed his personal interests were not always his greatest concern:

It is unfortunately too true that there are at the present time too many in all the ranks striving to breed exterior color, which has no standing at all when the carcass is hanging for sale in that court of last resort, the cooler, instead of striving to breed quality, which should be the first and last desideratum with all raising cattle for beef. Breeders who consider color everything are very much like Mr. Newly Rich, who, wanting to have as good a library as anyone, ordered so many yards of any kind of books bound in red and so many in black and so many in white.

Findlay sought to have the XIT produce the finest, most profitable beef. Although he was deeply invested in the black cattle, it was the dressed product he focused on. The ranch continued to

raise Hereford and hybrid cattle, although the last cattle herd of the XIT consisted solely of purebred Aberdeen-Angus.⁴

Despite Findlay's strong defense of this change in the XIT's "method of operations," there may have been another reason for their withdrawal from Montana. Anticipation of a large land sale may have prompted the company's pull-out. A Miles City real estate firm, Tower and Collins, wrote Findlay in early 1898 suggesting they had a buyer for the entire Texas property, land, cattle, and improvements. "Last season," the firm wrote, "you did not want to sell the land and improvements," the mystery partner wrote, reminding Findlay of earlier correspondence. "We have an inquiry for a large tract of land such as yours . . . and we believe an effective deal can be made," the letter stated, concluding, "Kindly advise us your pleasure in this matter." No large-scale sale took place then, and it is not clear why the Syndicate might have shunned a sale. Town sites, however, were being surveyed and settlers were coming. The company anticipated increasing land sales and was hard at work making that a reality. Texas land sales did accelerate quickly after the turn of the century and soon took business prominence over cattle ranching.⁵

The Syndicate, of course, favored the interests of settlers in their property. Despite the tales of animosity between cattlemen and nesters, by the end of the century most of the large operations had accepted, and even promoted, settlement. The Panhandle Stock Association participated in promoting the region to the honest, "law and order" man, and encouraged at least

⁴ Findlay to Willis, June 25, 1900, R. L. Duke to Capitol Freehold, Chicago, June 24, August 16, 1912 ["Spring Tallies" and "Montana Sales"], XIT Papers, PPHM; George Findlay, "Famous XIT Range Classic of Angus Cattle," *Aberdeen-Angus Journal* II (Webster City, IA, December 13, 27, 1920; January 10, 1921): 7, 48-49, 3, 21-23; 3, 25-27. These articles originally appeared in *Breeder's Gazette* 39 (1901). See also George Findlay, "The Aberdeen-Angus on the Range," *Thirteenth Biennial Report of the Kansas State Board of Agriculture to the Legislature of the State* (Topeka: Kansas Department of Agriculture, 1902), 334-345.

⁵ Tower & Collins, Livestock and Real Estate Brokers, Miles City, MT, to George Findlay, January 21, 1898, XIT Papers, PPHM.

some of these newcomers to join, promising that its members received the organization's full protection whether the owner of one cow or 10,000. Most of the big operations had incorporated as cattle AND land companies, after all. Still, on the XIT, despite their experimental farms and aggressive promotions, the first major land sale did not come until 1901, and then to another large cattle operator.⁶

In July 1901, George W. Littlefield, legendary cattle drover and founder of the LIT and LFD operations in Texas and New Mexico, bought nearly 236,000 acres of the Yellow Houses division of the XIT. Days later, J. E. and J. W. Rhea purchased nearly 50,000 acres from the Syndicate near Bovina. Charles E. Harding and William E. Halsell bought parcels of about 18,000 and 184,000 acres, respectively, in the Yellow Houses and Spring Lake divisions, and along the northside of the Canadian River in the Rita Blanco and Minneosa pastures. Ewing L. Halsell and Thomas S. Hutton secured another 150,486 XIT acres there as well. Intent on retiring outstanding debentures, the Syndicate offered easy terms to the buyers, who paid an average of \$2.50 per acre on about 640,000 acres of the Syndicate's finest land. The following year saw even more large land sales. William J. Tod and F. D. Wight, of the Prairie Cattle Company, an extensive operation in Colorado and New Mexico, purchased 136,560 acres of the Buffalo Springs division. The rejuvenated and expanding Matador gave \$2.40 per acre cash for nearly 200,000 acres in the Alamositas division south of the Canadian. By the end of 1902, the Syndicate had sold over 1.1 million acres of its Panhandle holdings. Littlefield used his portions of the former XIT Ranch to subdivide into hundreds of farm plots sold by the Littlefield Lands Company.⁷

⁶ Haley, *XIT Ranch*, 206-211.

⁷ Jimmy M. Skaggs, *The Cattle Trail Industry: Between Supply and Demand, 1866-1890* (Lawrence: University Press of Kansas, 1973), 4, 11, 71; Herbert O. Brayer, "The Influence of British Capital in the Range-

Although these earliest large sales, for the most part, were to other large ranching enterprises, the Syndicate remained committed to colonization, and promoters and railroads were anxious to head off a growing movement of farmers into Canada. The company contracted with George H. Heafford, Hardy W. Campbell, and Charles E. Wantland, who later became the Farm Land Development Company, to sell large sections of the ranch in Parmer and Dallam County at prices from \$2.50 to \$6.00 per acre and granting generous payment terms. Large blocks of land continued to be sold to agents and speculators, including the W. P. Soash Land Company and the Western Land and Irrigation Company. Campbell had already established an experimental farm in Parmer County, and by 1905 the Santa Fe Railroad was bringing excursion trains into the area led by a Chicago-organized company, the South and West Land Company, led by Fred W. Browne, J. M. Lyon, and Bert E. Nash.⁸

The Syndicate was unhappy with the results of much of the activities of these agencies and retook control of their sales, focusing on new and eager waves of “actual settlers.” In 1905, they appointed F. W. Wilsey as Land Commissioner to direct their sales efforts. The Montana operation had given the Syndicate many opportunities to become acquainted with Wilsey, a long-time employee of the Northern Pacific Railway Company, and most recently its Assistant Land Commissioner. Wilsey returned to his railroad work in 1909, replaced first by Hoyt King, then by Garret A. Dobbin before the Syndicate position was once again occupied by Wilsey. Fay W.

Cattle Industry” *Journal of Economic History* 9 (1949), 91-93; “Owns 1,250,000 Acres,” *Press* (Pittsburg, PA), June 21, 1901; J. Marvin Hunter, “Major George Washington Littlefield,” *The Trail Drivers of Texas* (1924; reprint, Austin: University of Texas Press, 1985), 700-702; Jan Blodgett, *Land of Bright Promise: Advertising the Texas Panhandle and South Plains, 1870-1917* (Austin: University of Texas Press, 1988), 43; David B. Gracy II, “Littlefield, George Washington,” *Handbook of Texas Online* <http://www.tshaonline.org/handbook/online/articles/fli18> (accessed June 18, 2017); *News-Globe* (Amarillo, TX), August 14, 1938 [Section E, page 10, 14]; Haley, *XIT Ranch*, 218; Nordyke, *Cattle Empire*, 246-247.

⁸ Chicago [Findlay?] to John V. Farwell Jr., London, August 30, 1905, XIT Papers, PPHM; Blodgett, *Bright Promise*, 41-42; Haley, *XIT Ranch*, 218-220; *News-Globe*, August 14, 1938.

Clark was commissioner in 1916-1917, but the office was vacant until Samuel H. Roberts, an attorney for the John V. Farwell Company in Chicago, relocated to Dalhart in 1926. Roberts served in the position for many years. From at least 1900, the land transactions were seldom without the oversight of James D. Hamlin, along with William Boyce, another son of A. G. Boyce, who together with Hamlin became the Syndicate's Texas legal counsel team in 1900. Hamlin Y. Overstreet, the nephew of James Hamlin, took over as the last resident representative of Capitol Reservation Lands after Roberts was killed in an automobile accident in New Mexico in 1940. That company was finally liquidated in 1950, leaving only Capitol Freehold Land Trust, primarily the descendants of John V. and Charles B. Farwell, which sold the last 20,000 acres of the once great XIT in 1963.⁹

The suspension of Montana operations by the Syndicate left some of its people stranded in the area. Cato had earned a raise and the Syndicate's respect by the spring of 1891. A new agreement with the Syndicate subsequently allowed him to bring his family north from Texas. The Catos maintained a home in Miles City, although the summers they spent primarily in the open country and they often returned to Texas during the winter. Soon, his children were being recognized for academic achievement in Miles City schools. As his family enmeshed itself with the local community, Cato eventually became a bank director in Miles City and then took a seat on the Board of Stock Commissioners. He later owned an ice company and was elected to serve as both a state representative and senator.¹⁰

⁹ Hamlin, *The Flamboyant Judge*, 169-170, 173; Haley, *XIT Ranch*, 221-225; *News-Globe*, August 14, 1938; H. Allen Anderson, "XIT Ranch," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/apx01> (accessed October 29, 2015).

¹⁰ Cato to Findlay, March 16, 1891, XIT Papers, PPHM; "Local Items," *DYJ*, August 29, 1896; *Gazette* (Billings, MT), February 5, 1901; "It's Twenty-Two Times," *SGJ*, April 17, 1907; Advertisement, "The O. C. Cato Ice Company," *SGJ*, September 18, 1907.

More immediately, when his commitment to the XIT seemed over in 1898, Cato partnered with another early Miles City stockman, Eugene H. “Skew” Johnson, to run a few cattle on the former XIT range. Johnson was a stock agent for the railroad at the time Cato and the XIT arrived. Johnson had come to Texas with his family at the age of eleven in 1857. After mustering out of the Confederate army in 1865 and not yet twenty years old, Johnson became one of the hundreds of young men joining the great cattle drives north. In the 1870s, he was running his own herd in Wyoming. He and another partner, C. D. Graham, established Johnson and Graham Ranch on the Powder River in Montana in 1880. The men sold out their operation in 1886, avoiding the effects of the following winter. In 1889, the Northern Pacific hired Johnson as a stock agent.¹¹

Cato was apparently not satisfied just to be partners with Johnson. Livestock agents, no matter their employer, were always men with long experience in the cattle business. Most started out as regular cowboys. Some had run their own outfits. Most were greatly respected where they worked. Law enforcement was a common trade for unemployed cowboys to try. In 1898, Cato, in something of a surprise finish, became the Custer County sheriff on his first attempt at an elected office. The *Weekly Yellowstone Journal* announced that it was “safe to say Gibbs [was] reelected,” referring to Cato’s opponent, incumbent John Gibbs. Cato topped Gibbs by eleven votes (178 to 167). Cato was one of only two Democrats elected in the county that cycle. The position represented a powerful county position. In addition to a regular salary, as a court officer the sheriff was reimbursed for his court service, warrants he served, and for hangings, should the opportunity arise. Despite a still-accurate cow town reputation, Miles City and Custer County

¹¹ Montana Historical Society Library, “Legislative Biographies,” v.1 (1897-1915), s.v. “Cato,” MHS; *Tribune* (Terry, MT), May 7, 1915; *Progressive Men of the State of Montana* (Chicago: A.W. Bowen, 1902), 242-243; *DYJ*, April 19, 1892, August 29, 1896; “It’s Twenty-Two Times,” *SGJ*, April 17, 1907.

rarely saw anything beyond petty crime and the occasional moral turpitude. Perhaps the sheriff's most important duty to the county included his assistance in reporting property tax information to the Board of Equalization.¹²

Possibly the most excitement in Cato's law enforcement career came before he had even been sworn into office. The sheriff's election in Dawson County returned Dominick Cavanaugh to his office. Before he could be sworn in for what would have been the well-liked officer's third term, on the night of December 23, 1898, he was bludgeoned to death within fifty feet of his own home. While a coroner's jury sat to consider the evidence, county commissioners met to appoint Cavanaugh's replacement. Cato was asked to come over from Miles City to assist with the investigation, despite not having taken his own office yet. Cavanaugh had no deputy at the time of his death. On December 27, county commissioners named Joseph C. Hurst as sheriff for the upcoming term. Hurst had been Cavanaugh's opponent in the late election. Mysteriously, the commissioners voted a second time on December 30, vacating the seat to appoint Alfred E. Aiken as the new sheriff.¹³

The mystery was exposed when, on January 10, 1899, the coroner's panel asked for an indictment of Hurst on murder charges. The inquest report was delivered on January 20. At a preliminary hearing, Hurst was bound over to the state district court and scheduled for trial on February 27. After picking a jury in the courtroom of Judge Charles H. Loud, the trial began on March 9. The jurors began deliberation on March 20 and delivered a guilty verdict twenty-two hours later. Loud scheduled sentencing for the following day, March 22. Hurst heard the judge's

¹² *Weekly Yellowstone Journal* (Miles City, MT), November 10, 1898.

¹³ *GI*, December 24, 31, 1898.

order that on May 19, 1899 he be taken to a private place established by Dawson County and there “to be executed according to the law, by hanging him . . . by the neck until he is dead.”¹⁴

But Hurst did not hang that day. With affidavits from jurors in hand, Hurst defense attorneys pleaded to Judge Loud that jury errors warranted a new trial, which Loud denied on June 12. Hurst waited a few more days for the Montana Supreme Court to agree to review his case on June 17. The high court issued its decision the following January, affirming the district court jury’s decision and upholding Loud’s sentence. Appeals to the governor went unheard, and Hurst mounted the gallows on March 31, loudly professing his innocence in word and letter. Letters left by the condemned man, even the last he wrote his wife, proclaimed Cavanaugh’s death a “mysterious murder” and that “Judge Loud has done me a great wrong.” According to the Catholic priest who attended Hurst on the gallows, however, the man had confessed to him in his cell. Urged to do so for authorities, Hurst replied, “damn them. They have thirsted for my blood and I won’t satisfy them to tell them.”¹⁵

Custer County experienced at least two murders under Cato’s watch, but the former cattle boss experienced none with the same lurid details. Still, he often had closer ties through the XIT to notable crimes in neighboring Dawson County. Reporting on some stray XIT cattle gathered in the 1899 beef roundup to George Findlay – the two continued to correspond regularly – Cato detailed the cattle theft charges he had made against a former XIT cowhand, Sam Eakers, then running a Glendive slaughterhouse. Along with the stock detective there, William Smith, a former Custer County deputy sheriff, Cato went to Glendive, where he discovered the hides of

¹⁴ *GI*, December 31, 1898, January 14, 21, 28, February 18, March 25, 1899.

¹⁵ *Standard* (Anaconda, MT), May 17, June 13, 1899; *Daily Inter Mountain* (Butte, MT), January 29, March 30, 31, 1900.

several butchered cattle along with eight that were still alive at the man's shop. Eakers was arrested but posted a \$1,000 bond before promptly skipping town.¹⁶

Cato actually enjoyed a mostly peaceful administration, but the occasional case appeared to challenge him. The cattle on the Big Open shared the range with pronghorns, whitetail and mule deer, Bighorn Sheep, wolves, and, perhaps, a few stray grizzly bears. But there was another commercial animal there before cattle. Even some of the biggest cattle ranches raised sheep to augment their livestock sales. Some of the most respected men of Custer and Dawson counties based their fortune on the woolies. The annual stock growers meeting always corresponded with the woolgrowers meeting. Old-time cowmen tolerated the beasts, if only out of respect for their owners. The many Basque herders that solitarily cared for the sheep for months on end warranted no such respect from drunken or vengeful cowboys, nor did their charges. Cato received a phone call in 1899 from a ranch south of Miles City reporting that a sheep herder and his flock had been attacked and nearly 2,000 sheep clubbed to death. According to the sheep herder, eleven men with burlap masks attacked his camp and held him at gunpoint while the others took ash clubs to the corralled sheep. Only twelve of the band escaped.¹⁷

Cato visited the site, interviewed witnesses, and confiscated the bloody clubs. When pressed by the owner, a long-time Wyoming sheepman named R. R. Selway, Cato declared that he would arrest the first man to come to his office to claim one of the weapons. The occasional

¹⁶ *Weekly Yellowstone Journal*, April 6, 1899; *Gazette* (Billings, MT), January 9, 1900; Cato to Findlay, August 25, 1899, XIT Papers, PPHM; *Gazette* (Billings, MT), August 29, 1899; *Standard* (Anaconda, MT), August 23, December 31, 1899.

¹⁷ Joseph Kinsey Howard, *Montana: High, Wide, and Handsome* (New Haven: Yale University, 1943), 112-113, 320; Mark H. Brown, *The Plainsmen of the Yellowstone: A History of the Yellowstone Basin* (New York: G. P. Putnam's Sons, 1961), 422-423; Jean Freese, John Halbert, et al., *Centennial Roundup: A Collection of Stories Celebrating the 100th Anniversary of the Incorporation of Miles City, Montana* (Miles City, MT: The Miles City Star, 1987), 67.

visitor would stop by Cato's office, examine the clubs and announce, "Well, you can't do anything to me. My club's not there." Cato's concern did not impress Selway, who offered a \$2,000 reward for information. It was probably well known around town who the perpetrators were. Possibly Cato knew as well. In any case, the reward remained unclaimed. Years later, \$15,000 was anonymously deposited in a Mile City bank in Selway's name. Selway refused the money, later unsuccessfully pursuing civil action against John B. Kendrick, the owner of the OW Ranch on the Tongue River. The only beneficiaries of the action seem to have been the nearby Cheyenne Indians, who scavenged the mutton massacre for days.¹⁸

While Cato struggled with his new responsibilities as a sheriff, a locoweed outbreak in the Texas Panhandle around the turn of the century attracted greater concern from Findlay and Boyce. Any grazing animal is susceptible to the neurotoxins in the plant found throughout the West. Not their first dining choice, the plant is most palatable to animals in the spring, but if other feed is limited, by drought or overstocking, they will turn to it at other times of the year. Ingestion first causes depression and lethargy in the animals, and they stop eating. Sometimes, if removed from where the locoweed is located, animals fully recover from the neurologic damage, although they become more susceptible to the plant's effects. Pregnant cattle can abort their calves or produce calves with birth defects. If left too long, the beasts become unable to comprehend feeding, become emaciated, and, finally, starve themselves to death.¹⁹

¹⁸ Howard, *Montana*, 112-113, 320; Brown, *Plainsmen of the Yellowstone*, 422-423; Freese, Halbert, et al., *Centennial Roundup*, 67; Mark H. Brown and W. R. Felton, *Before Barbed Wire: L. A. Huffman, Photographer on Horseback* (New York: Henry Holt and Company, 1956), 93, 221.

¹⁹ Findlay to Boyce, April 1, May 6, 9, 17, 1901, XIT Papers, PPHM; Charles Dwight Marsh, *The Loco Weed Disease of the Plains (June 1909)*, U.S. Department of Agriculture, Bureau of Animal Industry, Bulletin 112 (Washington, D.C.: Government Printing Office, 1909); Agricultural Research Service, "Locoweed," Department of Agriculture, USDA.gov, 2014 <http://ars.usda.gov/services/docs.htm?docid=9948> (accessed March 20, 2015).

While Findlay and Boyce contemplated a solution, Cato, his term as sheriff over, wrote to Findlay in the spring of 1901 to say that he was a bit bored and that it was about time the XIT in Texas sent some cattle to Montana. Prices were low again. Cato suggested that sending surplus stock north rather than at discounts to the feeders made more sense, and that he could easily run two or three times more cattle than his “small bunch” contained. Findlay put the question to the Farwells. The brothers, of course, who had worked in the same office and not spoken to one another in years, disagreed about the matter. The “Senator is quite averse to moving anything north,” Findlay wrote Boyce. John V. Farwell, along with his sons, who had by then assumed their own powerful positions in the organization, “appear to be strongly in favor of going north.” Findlay found it a puzzling situation. While Syndicate leaders pondered another change in their “method of operation,” Cato set out on an adventure. The *Billings Gazette* reported in April that the former XIT range boss “was on his way to Alaska, where he will try his luck in the placer mines.” The course of settlement advanced in the decade since the XIT invaded Montana. The local notice offered that several Miles City residents had located in the “northern country,” again challenging historian Frederick Jackson Turner’s ideas on the end of the westward movement of the American frontier.²⁰

John V. Farwell prevailed in the debate. The large land sales pushed the decision as much as the locoweed. Land previously leased to others had been sold. Cattle in those parcels would have to be sold or placed elsewhere. With cattle prices low at the time, it made seeming good business sense to send them north for range seasoning while they waited for improved prices. The company convinced many lessees to send their cattle to Montana. By April 1902, Findlay

²⁰ Findlay to Boyce, April 1, May 6, 9, 17, 1901, XIT Papers, PPHM; Dr. William Green, conversation with Author, March 12, 2014; Hamlin, *The Flamboyant Judge*, 169; Nordyke, *Cattle Empire*, 244-250; *Gazette* (Billings, MT), April 12, 1901.

had negotiated pacts with lessees and with three different railroad companies to carry cattle to Montana. He informed one rail executive that they would commence shipping from Texas on May 20, 1902, and load fifty cars per day until the chore was completed. Findlay estimated the job would require 450 to 500 cars in total.²¹

Findlay joined Cato in Montana in May 1902 as Boyce commenced shipping cattle from Texas. By the end of the month, nearly 11,000 cattle had been unloaded from fifteen trains in Glendive and Fallon. Findlay acknowledged that four cars of “XIT cattle” were included. The tally listed the cattle by shipper, presumably the lessees. The cattle of all different ages and varieties were loaded on Chicago, Rock Island and Pacific Railway cars in Dalhart, the Texas Panhandle town incorporated only weeks earlier at the point where the Rock Island crosses the Union Pacific’s Fort Worth and Denver road. Boyce continued to load cattle nearly to the end of June, although none matched the May arrivals in number. Possibly another 5,000 head went north. Capitol Freehold put more effort and cattle than ever into the Montana operation. Limited cow/calf operations undertaken in 1895 also recommenced. The now resident Evelyn Cameron recorded in one of her many diary entries on September 22, 1903 that during an outing she had passed many “fine shaped XIT cattle [of the] Angus blood.” By 1908, two-thirds of all XIT cattle sales came from the Montana operation. The other third divided nearly equally to market sales and sales to feeders and other ranches.²²

²¹ Findlay to H. R. McCullough, Chicago & Northwestern RR, Chicago, April 21, 1902, XIT Papers, PPHM.

²² Findlay to Cato, April 1, 1895, Findlay to Boyce, May 31, June 12, 1902, XIT Papers, PPHM; Evelyn Jephson Cameron Collection, Photographs Collection, and Evelyn Cameron, 1868-1928, Diaries (1893-1928), [September 22, 1903], MHS; Chicago Report prepared for Twenty-First Annual Meeting, dated October 14, 1908, XIT Papers, PPHM.

Despite the land sales and herd improvements, British creditors remained mostly disappointed in their investments. Many of those holding the long-matured bonds sold by Capitol Freehold from 1885 to 1889 chose to return them at discounts, some accepting as little as one-quarter the debenture par value, when the Syndicate began a buy-back campaign in 1903. The latter failed to convince all their investors to sell, however, and the terms for many of the land deals did not provide large upfront payments. Referring to his efforts to find debenture holders willing to accept a discounted buyback, a John V. Farwell Company employee in Liverpool, Jonathon Donnelly, wrote to John V. Farwell Jr. that “in no single instance have I received an offer that would warrant cabling you.” Donnelly offered Farwell little confidence that the program would be a success. Many of the holders were “moneyed people, & are not inclined to part with their holdings unless at a figure that would pay them for their waiting.” Thus, the cattle operation remained necessary for providing ready capital that would appease the thinning group of foreign investors.²³

The XIT’s return to Montana in 1902 became even more critical and central to the cattle operation as the Texas ranch began to look increasingly like a real estate conglomerate. Although Boyce had become an excellent “land man” and undoubtedly was making a lot of money, he decided to part ways with the company as the Texas cattle operation wound down. A few cows had been sent to Montana in 1895. The breeding operation there resumed after the return in 1902. Disenchanted with real estate and with little ranching left to do in Texas, Boyce retired in 1905. The company decided then to bring on F. W. Wilsey, the former Assistant Land Commissioner

²³ Willis to Findlay, August 23, December 1, 1904, Willis to Findlay, December 20, 1905, Jonathon W. Donnelly, John V. Farwell Co., Liverpool, to Findlay, May 18, June 13, 1906, [Treasurer, Chicago] to Donnelly, March 16, May 7, 1906, Donnelly to John V. Farwell Jr., April 25, 1906, XIT Papers, PPHM; Blodgett, *Bright Promise*, 58-59.

for the Northern Pacific Railway, to serve as Capitol Freehold's land commissioner in Texas. H. S. Boice and R. L. "Bob" Duke at the same time assumed Boyce's ranch duties. The great XIT manager ultimately was gunned down in Fort Worth by the cuckolded husband of his son's paramour. The killer then assassinated the home-breaking son on an Amarillo street. Three Texas juries refused murder charges against the Boyces' confessed killer, acknowledging openly the role that a man's honor played in his actions.²⁴

Amos Babcock had been the first of the original primary Syndicate members to pass, in 1899, leaving his widow, Margaret, to fight a protracted ownership battle against the Farwell's and other members of Capitol Freehold. The lawsuit, which had been initially commenced by Babcock against the Farwells in 1892, asked originally for \$750,000. The suit raged in courts in Texas and Illinois for two decades. At one point, representatives of the former partner's estate obtained a court order to take ownership of the Texas ranch property. Boyce met them with a loaded rifle at the door of the company's Channing, Texas headquarters. His threat to kill the first person there who tried to seize any ranch property or papers forced a pause in their actions. A counter-suit by the Syndicate quickly brought a court order rescinding the seizure. Initially resolved in Babcock's favor a decade later, a Farwell appeal had the case set aside in 1914. A

²⁴ Haley, *XIT Ranch*, 217; Nordyke, *Cattle Empire*, 247 Cordelia Sloan Duke and Joe B. Frantz, *6,000 Miles of Fence: Life on the XIT Ranch of Texas* (Austin: University of Texas Press, 1961), 180-183; *DYJ*, July 26, 1901. Boyce was never happy with the land sales aspect of his duties in Texas. W. S. Mabry, a surveyor and sometimes Syndicate employee, reported on Boyce's curmudgeonly attitude on the role, nevertheless reporting that Boyce would "make as good a land man as a cattle man." W. S. Mabry to Findlay, September 9, 1893, XIT Papers, PPHM; H. Allen Anderson, "Boice, Henry S.," *Handbook of Texas Online* <http://www.tshaonline.org/handbook/online/articles/fbo89> (accessed March 26, 2015). On the murder of the Boyces, see Bill Neal, *Vengeance Is Mine: The Scandalous Love Triangle That Triggered the Boyce-Sneed Feud* (Denton: University of North Texas Press, 2011).

related suit, called a “friendly,” in 1916 awarded Capitol Freehold \$1,788,550. This officially concluded the Syndicate relationship – the Farwell heirs – to their British investors.²⁵

Charles Farwell and Abner Taylor both died in 1903, the latter by then having been all but eliminated from Syndicate affairs. The beginning of the end for the XIT in Montana came in about the same fashion as when the cattle business failed in the 1880s – fickle weather. The winter of 1906-1907 in Montana left similar results to the Big Die-up two decades earlier – some say worse. It was the third killer winter of the new century. Bad winters in 1902-1903 and 1904-1905 caused many deaths among the cattle there. Loss claims by lessees against Capitol Freehold were later settled. After another bad winter came in 1906-1907 and John V. Farwell died in 1908, the XIT again began closing out its Montana operation. Company heirs by that time showed little interest in the cattle business.²⁶

Another legendary imperial ranch in Montana, the LU Bar, by then a Swift Packing Company partnership with L. W. Stacy managing, joined the XIT in closing out for good there the same year. The LU Bar, for many years led by H. R. Phillips, always had worked closely with the XIT men. In 1892, Phillips had partnered with Cato and Seth Mabry to contract the exclusive use of the Fallon ferry on the Yellowstone for the three outfits’ use during shipping

²⁵ *DMN*, November 19, 1892, July 31, 1901, February 2, 1916; Haley, *XIT Ranch*, 215; *Babcock v. Farwell*, 146 Ill. App. 307, LEXIS 359 [Ill. App. Ct. 1909]; *Babcock v. Farwell* [1913], 1, 1170, 1183; *Babcock v. Farwell*, 189 Ill. App. 279, 1914 LEXIS 316 [Ill. App. Ct. 1914].

²⁶ Joseph Kinsey Howard, *Montana: High, Wide, and Handsome* (New Haven: Yale University, 1943), 164-166; Percy Wollaston, *Homesteading: A Montana Family Album* (New York: Penguin Books, 1997), 63; “History of Custer County [Winter of 1906-1907],” U. S. Work Projects Administration, Montana Writers Program Records, 1939-1941, MHS (Microfilm 250, Reel 18); William Floyd Hardin (1890-1974), “Reminiscence, 1951,” MHS, 98; Joseph M. Hartmann, “Our Snow Covered Trail: A Montana Freighter Recalls the Hard Winter of 1906–1907,” *MMWH* 61 (Winter 2011): 34-54, 94; *Babcock v. Farwell*, 190 1d 19580 [Ill. App. Ct. 1913]; Nordyke, *Cattle Empire*, 247; *Chicago Tribune*, February 26, 1899; “Obituary [C. B. Farwell],” *Daily Tribune* (New York) and *The Sun* (New York), September 24, 1903; “Ex-Congressman Abner Taylor [obituary],” *New York Times*, April 14, 1903; Bill McKern, “Abner Taylor,” *Find A Grave* [Online], Mar 15, 2008, <https://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=25294639> (accessed July 7, 2017).

season in the fall. The Big Open hosted extensive homesteading in the first decade of the new century. An old fence law banning public land enclosures began receiving renewed enforcement. And it was not just homesteaders, sheep had become part of many of the dwindling big outfits. The range had gotten too crowded as fences and fields broke up the landscape. In 1909, Cato sold off the last large number of XIT cattle in Montana – about 9,500 steers and 6,000 spayed heifers, cows, and bulls. The XIT sold what little land it owned in Montana, mostly to the men and their families who had run the operation for so many years. The Texas Panhandle was settling up, too, and the Syndicate finally found more profit in land than cattle. Few found great wealth in cattle ranching, but most of the XIT's most enduring associates left the ranch better off financially than when they came.²⁷

The company redeemed all its debentures by the end of 1909. The Syndicate – mostly the sons and other relatives of John V. Farwell by this time – reclaimed the company's shares from remaining British stockholders in 1915. The company, rebranded as Capitol Reservation Lands, continued actively leasing and selling land into the early 1940s. Farwell family heirs sold the last of their Capitol Reservation property in 1963. Still, many of those people who have heard of the ranch are surprised to learn it has not existed for over 100 years. The once great enterprise left a lasting mark on historical memory, although time has possibly burnished those memories.²⁸

²⁷ Agreement for Ferry and Corral Service, Seth Mabry, H. R. Phillips, O. C. Cato, and George Lennare [Larrabee?], May 2, 1892, "Mont Sales 1909 [Cattle Sales]," XIT Papers, PPHM; *Babcock v. Farwell*, 1913, 588; *Dawson County Review*, February 25, 1910, in Scherger, *Synopsis*, 324; Matt J. Roke, Foreman, Montana Cattle Co. to John T. Murphy, Helena, May 14, 1909, John T. Murphy Papers, MSH (MC 84 Box 5 Folder 22); *SGJ*, April 17, 1907, October 17, 1908.

²⁸ Notice, *London Standard*, April 6, 1907; John Young, Chairman, *The Capitol Freehold Land and Investment Company Limited Report of the Proceedings of the Twenty-Second Annual General Meeting of Shareholders* (London: Privately printed, December 31, 1909), 5, XIT Papers, PPHM; Haley, *XIT Ranch*, 73, 223; Dan Packard, "XIT's Home on the Range Moving," *Globe-News* (Amarillo, TX), April 13, 2008. For more on the land operation, see James D. Hamlin Papers, Southwest Collection, Texas Tech University.

The imperial ranch closed out the golden age of cattle ranching. Some of the big outfits hung on, diversified into farming and sheep raising, most of those today specializing in game ranching of one sort or another – upland birds, deer, antelope. The laws of the United States contributed the primary blow to the reign of ranches like the XIT. That policy, enshrined in the Homestead Act of 1862 and its successors, initially enacted land distribution measures based on the habits of the early settlers of the eastern woodlands to the Mississippi River. The laws did not fit the ecology of the Great Plains. Amended several times to address the features of an arid country, it could never quite fit the needs of range cattle operators or, for the most part, farmers on the Great Plains.²⁹

The Syndicate sold the last of their Texas cattle and leased the last of their pasturage to Shelton & Trigg in 1912. It is probably fitting to the XIT story that as the ranch's last manager, Bob Duke, reported the company's final cattle sales in 1912, he included nearly 500 steers, spayed heifers, and cows sold from the Montana ranges. In such a vast country, it is likely that an X-branded steer, cow, or wily bull was overlooked and managed to survive into old age on rich grass or hidden among the still numerous range cattle there, managing to elude the bi-annual roundups.³⁰

So, what is to be said of the deal that stirred – continues to stir – so much controversy in Texas. Delegates at the Constitutional Convention in 1875 endorsed an idea they hoped would

²⁹ Ernest Staples Osgood, *The Day of the Cattleman* (1929; reprint, Chicago: University of Chicago Press, 1957), 177-215.

³⁰ F. Morris Crisp, Acting Chair, *The Capitol Freehold Land and Investment Company Limited Report of the Proceedings of the Twenty-Sixth Annual General Meeting of Shareholders* (London: Privately printed, November 19, 1913), 5, XIT Papers, PPHM; R. L. Duke to Capitol Freehold, Chicago, June 24, August 16, 1912, XIT Papers, PPHM; Nordyke, *Cattle Empire*, 241. The actual Montana count is 460 steers, spayed heifers, and cows. An additional fifty-seven calves were not figured in the sales count, as was customary. For spaying info, see Ben Woodcock, "Cattle Spaying," Montana Writers Project, Reel 18, MHS; C. O. Netherton, *Cattle Spaying* (Gallatin, MO: Democrat Print, 1906) [at the XIT Museum, Dalhart, TX].

provide the state a suitable Capitol infrastructure and at the same time provide a means by which the state could be further developed without the extensive involvement of the state itself. Texas was land rich, the delegates did not really know what they were promising, and Texans were optimistic, glad to have Reconstruction behind them, and anxious to catch up with the rest of the country in exploiting the new-found benefits of resolved (?) political conflict and the final suppression of this now reconstructed United States of America's indigenous people. By the time delegates allocated three million Texas acres in exchange for the construction of a new Capitol in Austin, Ben Munson had already laid his eyes on the Panhandle and developed a plan for its occupation – by cattlemen. He, and his partner, Jot Gunter, worked that plan for five years prior to the definition of the Capitol Reservation – the XIT Ranch.

Although speaking specifically of the western mining industry, William G. Robbins described all the exploitive efforts of the west when he wrote:

To a significant degree, then, the emerging western industrial program was an extension of capitalist relations in eastern North America and in Europe where surpluses had accumulated. [This] did not come about as a natural consequence of evolutionary processes; rather, human agency effected the historical transformation of the West through conscious and deliberate decisions made in the capitalist marketplace. Clearly the agents of eastern U.S. and European capital . . . provided the vital ingredients driving . . . exploitation in the region.³¹

By 1884 the leaders of the country's beef business gathered in national congress to demand recognition by the government of their role in the industrial dynamism just then apparent in the country. They compared themselves, quite rightly, to the powerhouses of the Gilded Age. The cattleman himself, although part of a network of finance and commerce that permeated what had

³¹ William G. Robbins, *Colony and Empire. The Capitalist Transformation of the American West* (University Press of Kansas, 1994), 88-89.

already become a global economy, and despite resistance to his inclusion, became a spoke in a beef trust essentially controlled by a combine of the railroads and the meat packers.³²

The XIT Ranch, a tool of capitalism, fit the patterns of Gilded Age industry.

The Capitol Syndicate extended its financial resources over long distances to exert control of its territorial holdings and to influence the control and exploitation of resources there. The XIT Ranch practiced exclusionary tactics to impose company sovereignty on the places their cattle roamed. The Syndicate determined who and for what purpose their land reserves were to be used. The XIT Ranch, for a moment of history, stood among the greatest ranches of America's beef empire.³³

In 1882, when the Syndicate undertook the Texas Capitol project, none of the men had ever looked upon the land that became the XIT Ranch. They made their decision based on Nimrod Norton's report and, no doubt, the general hype surrounding the prospect of owning land out west. The Capitol project was costing real money – mostly the Farwells. The Syndicate hoped to quickly turn a profit from the land. For the Farwells, Taylor, and Babcock, as wealthy, politically connected individuals with other interests, the Capitol contract was just another opportunity for them to make money.

The Syndicate's actions often seem indicative of the recklessness of wealth characterizing the Gilded Age. Of course, the Syndicate did not turn a quick profit. The Syndicate, instead, sold gleaming-eyed investors, mostly in England, on the idea of operating a

³² Paul A. Kramer, "Power and Connection: Imperial Histories of the United States in the World," *American Historical Review* 116 (December 2011): 1354–1356, 1359–1361, 1365, 1376–1378, 1383; Robbins, *Colony and Empire*, 169–173. For another succinct summation of the end of the imperial ranch, see Terry G. Jordan, *North American Cattle-Ranching Frontiers: Origins, Diffusion, and Differentiation* (Albuquerque: University of New Mexico Press, 1993), 236-240.

³³ *FWG*, March 12, 1890.

cattle ranch until land sale prospects improved. And John V. Farwell managed to sell the British that plan for twenty-eight years. Under Farwell's leadership the XIT became part of an enterprise of finance and commerce, a leading and formidable competitor in the global beef marketplace. It returned little to British investors. The XIT ultimately represented the vision of John V. Farwell. His death really ended the dream – or the mirage. No one stepped forward to take his place.

The ranching side of the story of the XIT closes in 1912, but its part in the Texas Panhandle was not over. By 1920, hundreds of small farms dotted the former XIT pastures. Wheat, in heavy demand during World War I, began to lose its value after the war. Dry weather from 1917 to 1920 resulted in low production and grain prices were stabler. Rain returned to the Great Plains for the first few years of the twenties, but grain prices did not recover. The depth of what came next is illustrated by Donald Worster's groundbreaking *Dust Bowl* and journalist Tim Egan's terrifying *The Worst Hard Times*. Both are indictments of the land management practices in Texas and throughout the Great Plains and the environmental, social, and practical effects brought about by those actions. Worster and Egan describe the results of poor land use practiced by both states and the federal government, as well as land owners able to acquire large tracts of land on which they could speculate. Egan certainly is not troubled by casting considerable blame on Texas and the owners of the XIT Ranch for their role in establishing a human environment unprepared for the long-term natural conditions the Great Plains had to offer.³⁴

The huge tract was perfect for the nutritious native bunch grasses that had supported eons of migrating buffalo herds there. Its aridness and weather patterns had kept permanent settlement from it. Within ten years of the introduction of domestic cattle, overgrazing and persistent

³⁴ Donald Worster, *Dust Bowl: The Southern Plains in the 1930s* (Oxford: Oxford University Press, 1979); Timothy Egan, *The Worst Hard Time: The Untold Story of Those Who Survived the Great American Dust Bowl* (New York: Houghton Mifflin, 2006).

drought already had induced irreparable damage to the landscape. The windmill, for the moment, offered large-scale livestock operations their only hope of success. Indian lands in present-day Oklahoma provided some relief, but calls for the elimination of grazing leases for non-Indian stock growers began to draw political support, particularly from the cattle feeders on the central plains. Both presidents Grover Cleveland and Benjamin Harrison ordered white cattlemen out of Indian Territory and off other reservations in the west – not that it worked.³⁵

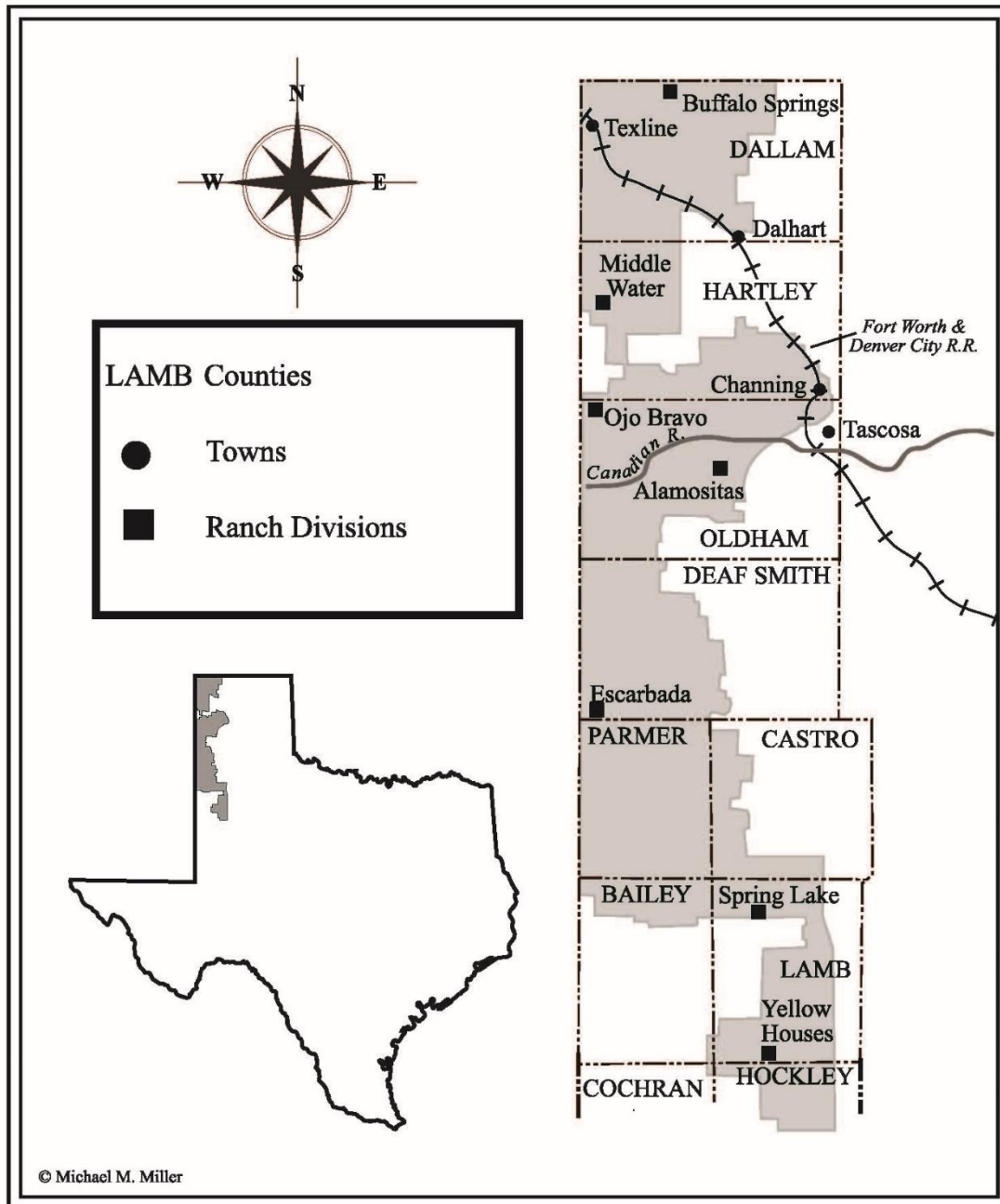
The XIT Ranch and the Capitol project certainly impacted Texas and its people. A project intended to provide the Lone Star State with a big new Capitol became much larger than that, affecting lives across the United States and even across the Atlantic Ocean. New sources of revenue were uncovered, railroads expanded, new towns grew, employment opportunities expanded. Many benefits can be found in the complex transaction undertaken by Texas leaders and the Illinois capitalist responsible for the great ranch's operation. The memory of the XIT continues to echo today as you can notice heading northwest out of Lubbock toward the old Yellow Houses division and passing businesses named for the ranch, or you happen to arrive in Dalhart on a particular August weekend for XIT Days. In Wyoming and Montana, reminders of the XIT appear at roadside attractions, in area museums, and on rural road signs. The brief ranch operation influenced settlement and land use where it operated. The XIT left a mark on local law enforcement, politics, ranching and farming, and, of course, on the landscape that supported its thousands of cattle. A dozen or more communities in Texas and Montana pay homage to the role the XIT played in their past. No less significant are the individuals involved with the XIT, the

³⁵ James C. Malin, *The Grassland of North America: Prolegomena to Its History* (Lawrence, KS: James C. Malin, 1947), 62-81; Walter P. Webb, *The Great Plains* (Lincoln: University of Nebraska Press, 1981), 29-33; Osgood, *Day of the Cattleman*, 217; Lewis, "Cattle Trail," 212; James Daniel Richardson, comp., *A Compilation of the Messages and Papers of the Presidents*, 10 vols. (New York: Bureau of National Literature, 1897), 9: 97-98.

cowboys, cooks, wranglers, windmill men, and wolfers who became inextricable from the social, cultural, and political fabric formed around the ranch in Texas and in Montana.

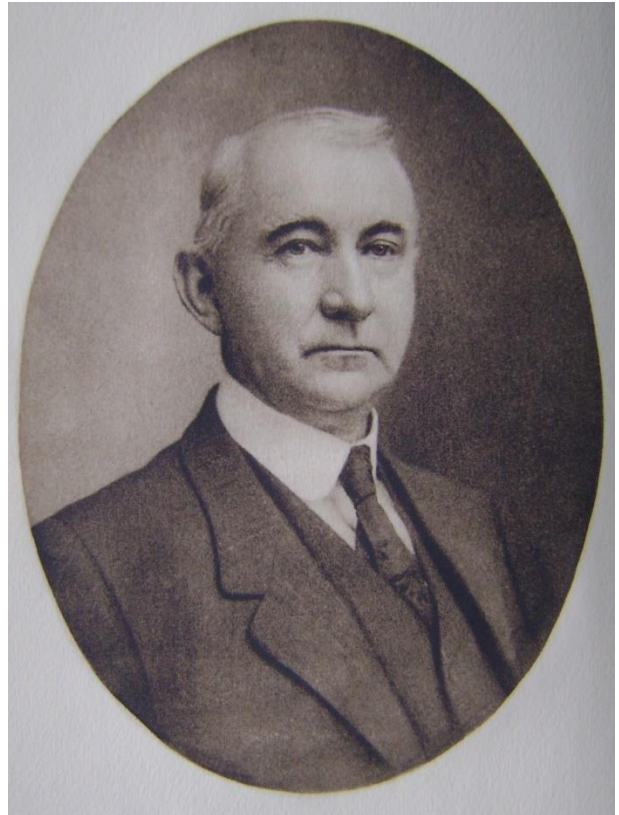
Restricting one's focus to the XIT's on-the-ground operations across the western plains, however, obscures a much larger story. Along with cowboys, cooks, and trail bosses, the XIT Ranch employed clerks, accountants, lawyers, and managers—men such as George Findlay—overseen by officers and a board of accomplished international capitalists. Its associates, owners, and employees engaged in nearly every level of government service. This Gilded Age model profoundly shaped cattle ranching and agriculture in the twentieth-century American West.

APPENDIX
ILLUSTRATIONS

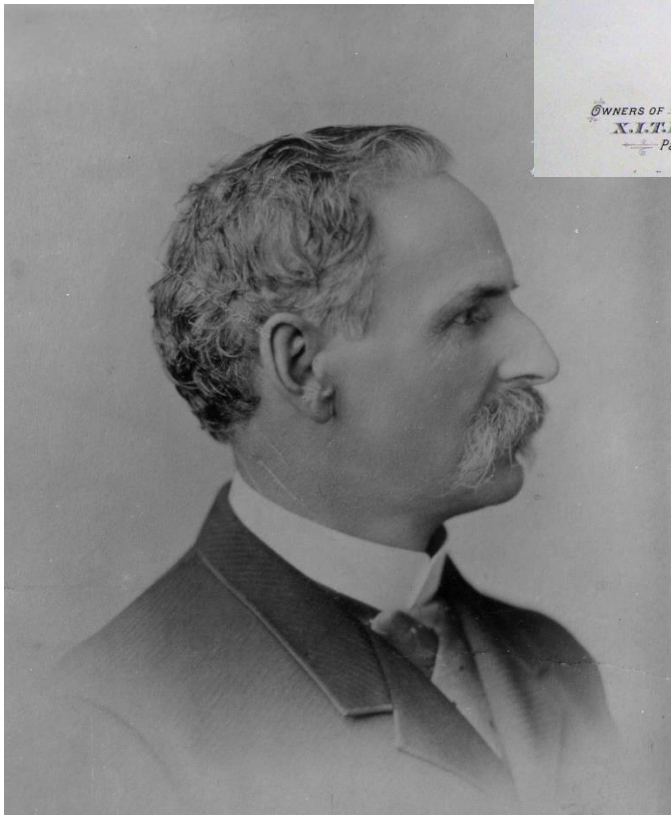
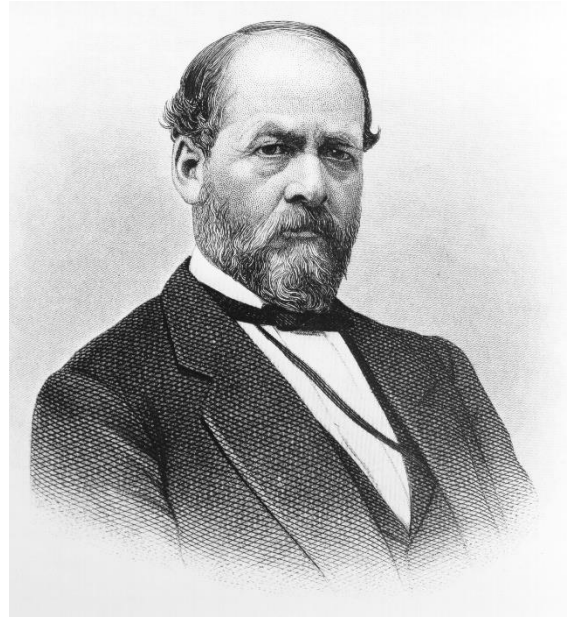


The XIT Ranch of Texas

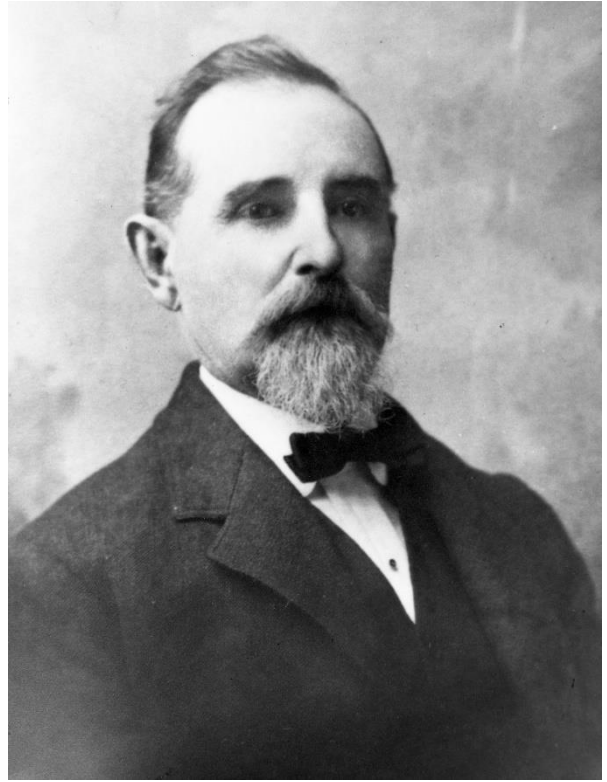
Long rumored to be named for the ten Texas counties over which it spanned, the XIT Ranch got its name, instead, from the cattle brand that Barbecue Campbell, the first ranch manager, and Ab Blocker, a legendary cattle drover who brought in the first cattle purchased to stock the Capitol Reservation, fashioned in hopes of discouraging would-be rustlers. The brand was said to be nearly impossible to “run” – change. Despite that, the ranch lost many cattle to thieves, and attempts to demonstrate how the brand could be changed became something of a challenge for witty cowmen throughout the Great Plains.



Jot Gunter (I) and Ben Munson, see chapter 2, Crooked Lines. From Donald Joseph and Mary Tonkin Smith, *Ten Million Acres: The Life of William Benjamin Munson* (Denison, TX: Mary Tonkin Smith, 1946), 60, t.p.



Clockwise from upper left, John V. Farwell, Charles B. Farwell, Company letterhead, Abner Taylor. J. V. Farwell photo from Abby Farwell Ferry, *Reminiscences of John V. Farwell* (Chicago: Ralph Fletcher Seymour, 1928), t.p., C. B Farwell photo courtesy U.S. Senate Historical Office, letterhead and Taylor photo from XIT Papers, PPHM.



Clockwise from upper left, George Findlay, A. G. Boyce, O. C. Cato. Photos courtesy of Haley Memorial Museum and Library, Midland, TX, JEH.I.H.48, PPHM, Photo Archives, 799-1_001, and Range Riders Museum, Miles City, MT.



SPURLING BROS.,

-DEALERS IN-

General Merchandise,

Trygillo, (Pan Handel,) Texas.

Feb'y 11th 1870.

W. L. Norton Esq
Solado, Texas

Dear sir

You will think it strange to receive a letter from a man, that you have met under rather peculiar circumstances, as a prisoner of the U. S. Marshall, but I suppose you know, that the affair ended with the exposure of the Marshall and his gang, but you can imagine better than anyone down in the state, how much we were injured by being dragged away from our business for almost three months leaving the same to the mercy of strangers. Although this was a severe shock for our business, we have overcome it & prospects are favorable to a good trade in future, as people are coming into this country rapidly to settle down. The immigration to this country would increase considerable, if the land question was somewhat near favorable to settlers; but in the contrary it appears as if this waste country was held by a few



SPERLING BROS.,

-DEALERS IN-

General Merchandise,

Trujillo, (Pan Handel,) Texas.

187.....

speculators, who are determined to drive off every settler from this land and these people once deserted by the state of Texas, will naturally leave her soil for some other state. I understand, that Guntter & M., has sold the Trujillo, Agua Piedra & the Canadian from the line of New Mexico down to the mouth of the cañon de Romero to Lee & Reynolds of Ft Elliott, who said they would drive off everybody from their land by next spring to give room to their cattle, they are going to put them by that time, they are said to have a patent from the state. Now, I can hardly believe that Texas would slaughter her land that way, and almost give away her water to one or two men, leaving the high land to settlers, which is absolute worthless & will be controlled by the owners of the water. If Texas wants to keep out immigration, a better way to proceed could not be found, than the aforesaid, but she wants people to settle on her soil and for that reason I have my doubt to the legality of G & M's patents. But not

being certain in this respect I address myself to you
& your knowledge of the land claimed by G. & M. & beg
you to inform me whether this party holds legal
patents to this land & if so, have they a right to
move settlers from this land at once? Is there
any probability that the state will enter suit against
G. & M. to set aside their surveys? If you would
give me any information about this, you will
greatly oblige a friend of yours, who will take
every opportunity to return thanks for any advice you
will give him on this subject.

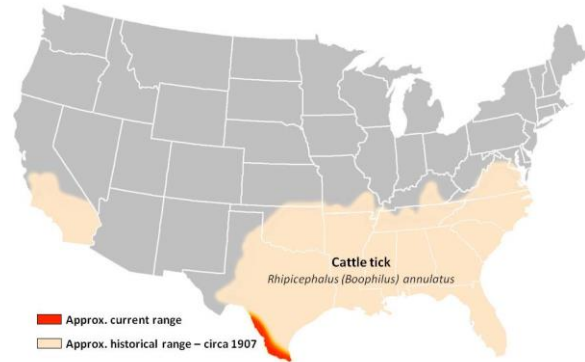
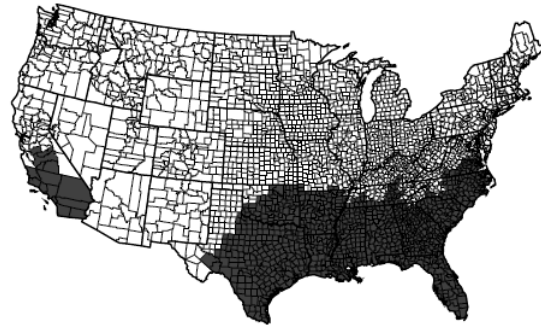
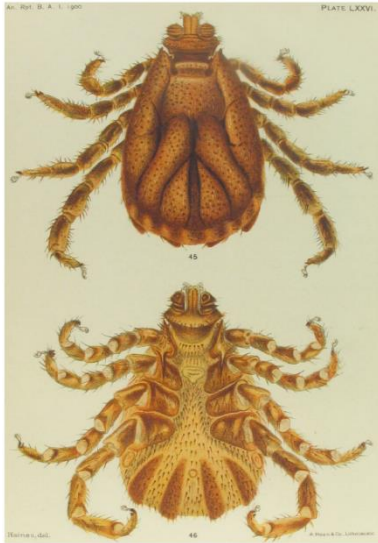
With much respect

Yours truly

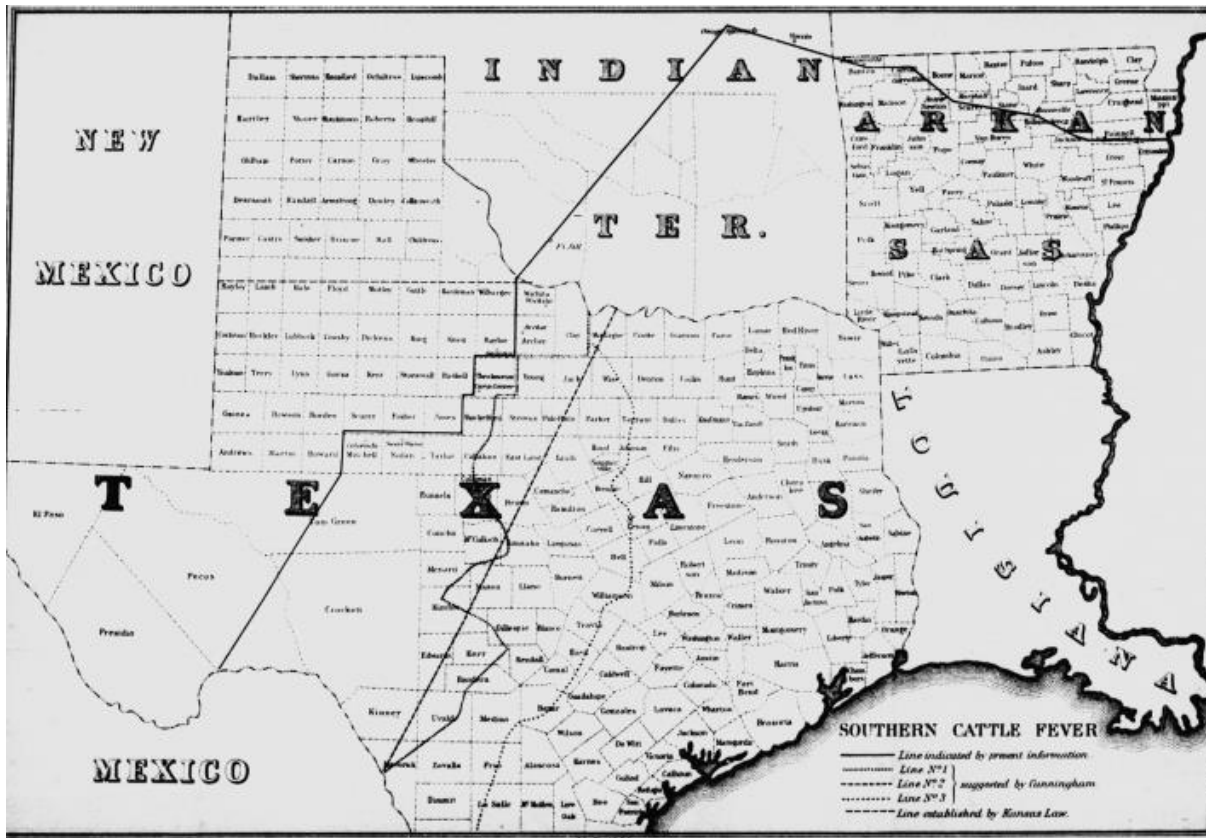
F. Spurling
Trygills
Oldham Co
Texas

The Spurlings' letter to N. L. Norton as
detailed in chapter 2, Crooked Lines.
From the Capitol Commission Papers,
TSLA.

A letter from them to G. & M. in which they say they
know the state holds a patent for the land
of G. & M. & that they have no objection to
them settling on the land as long as they
do not interfere with the state's interest & they
will give them a certificate of title.



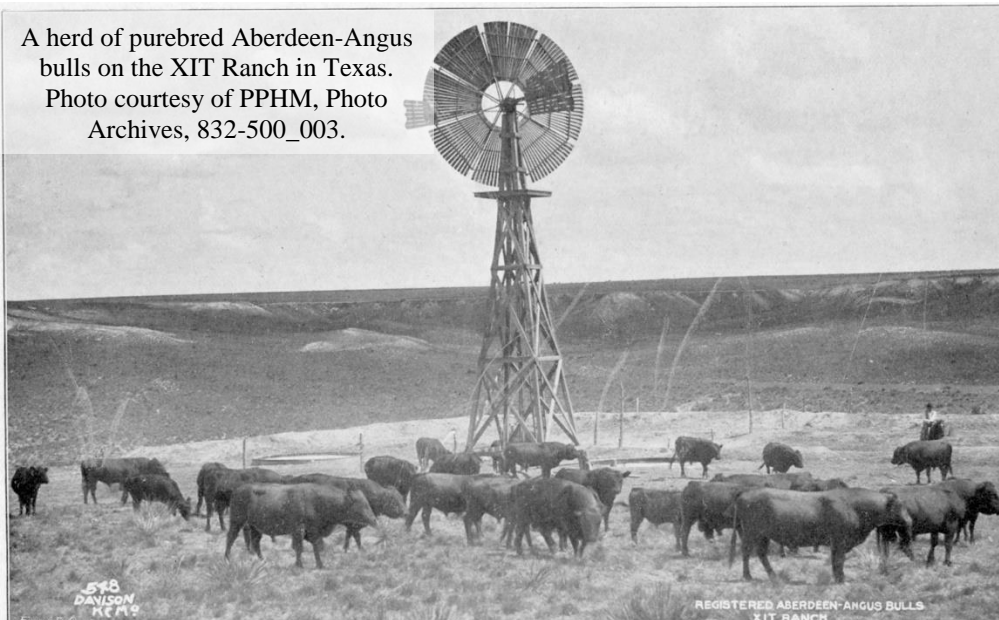
Coastal Cattle Tick, *Rhipicephalus (Boophilus) annulatus*. Cattle fever quarantines in 1885 (below) and 1907. Center map shows present area of quarantine in red. U.S. Department of Agriculture, Bureau of Animal Industry.

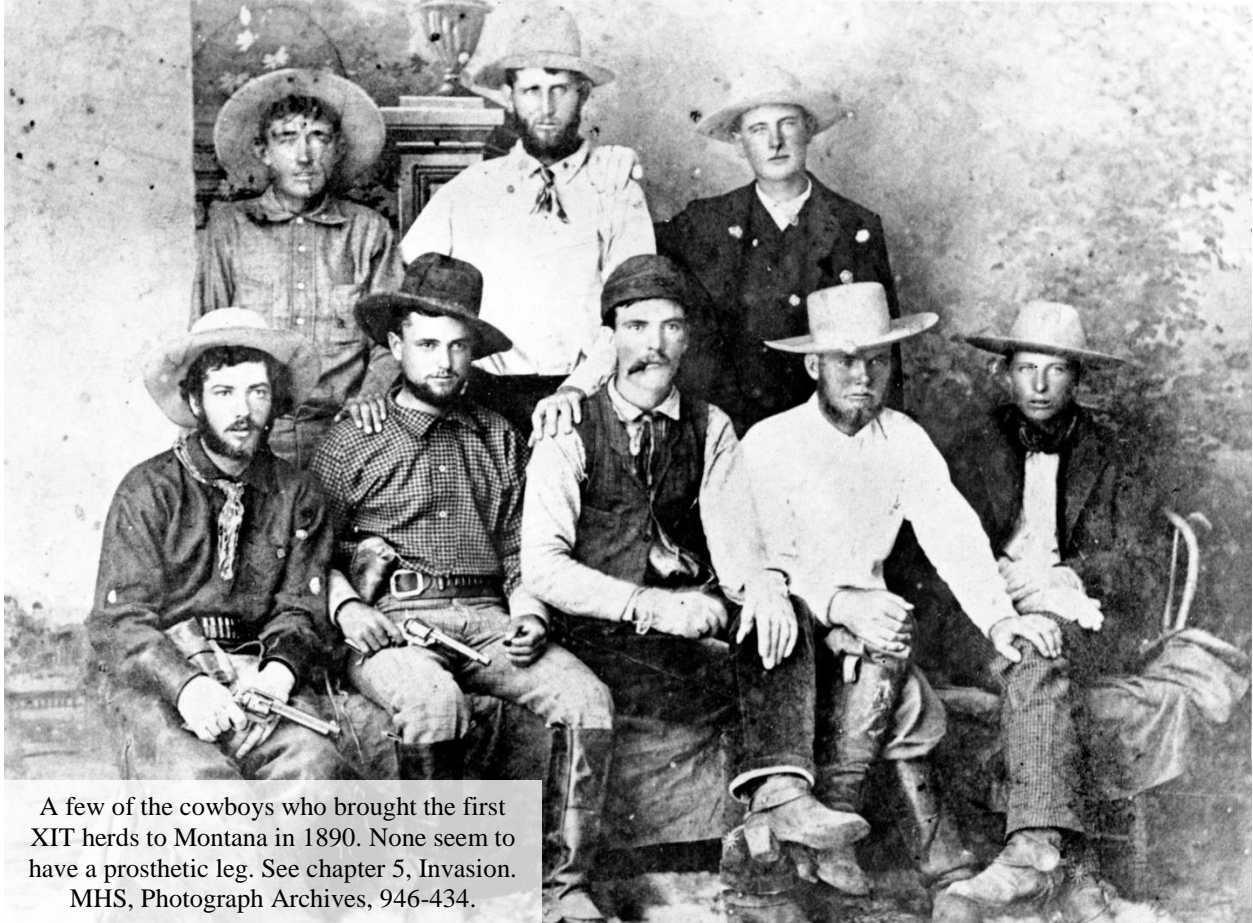


Dipping cattle in Texas to kill parasites like the cattle tick became common toward the end of the nineteenth century.
Project Gutenberg.



A herd of purebred Aberdeen-Angus bulls on the XIT Ranch in Texas.
Photo courtesy of PPHM, Photo Archives, 832-500_003.





A few of the cowboys who brought the first XIT herds to Montana in 1890. None seem to have a prosthetic leg. See chapter 5, Invasion. MHS, Photograph Archives, 946-434.

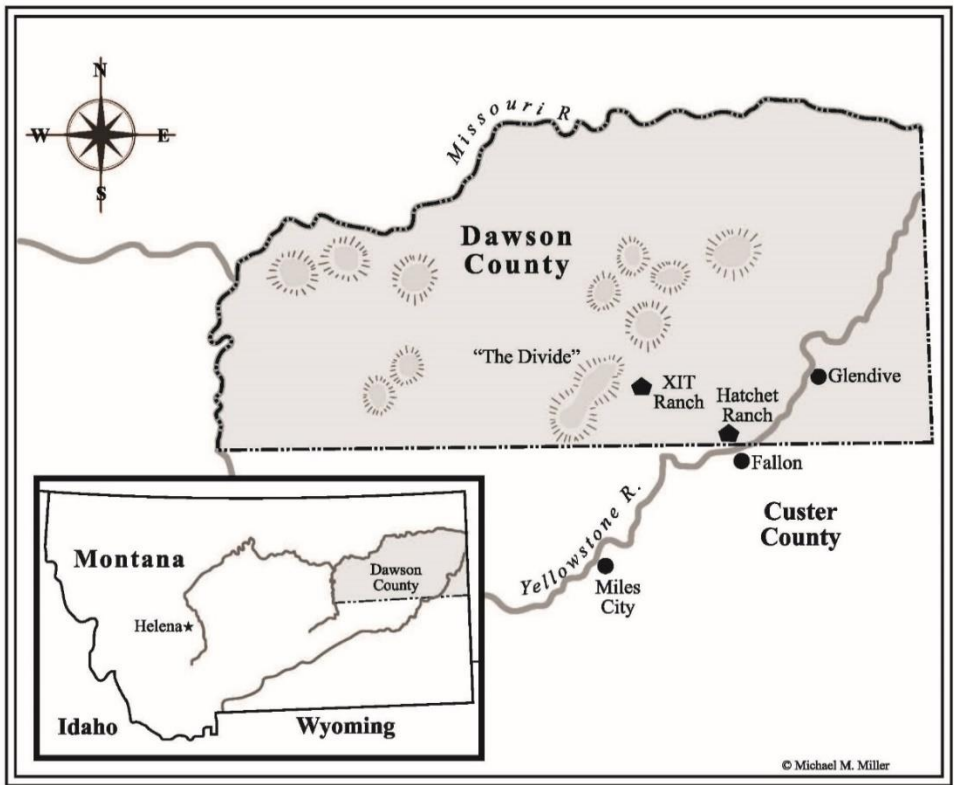
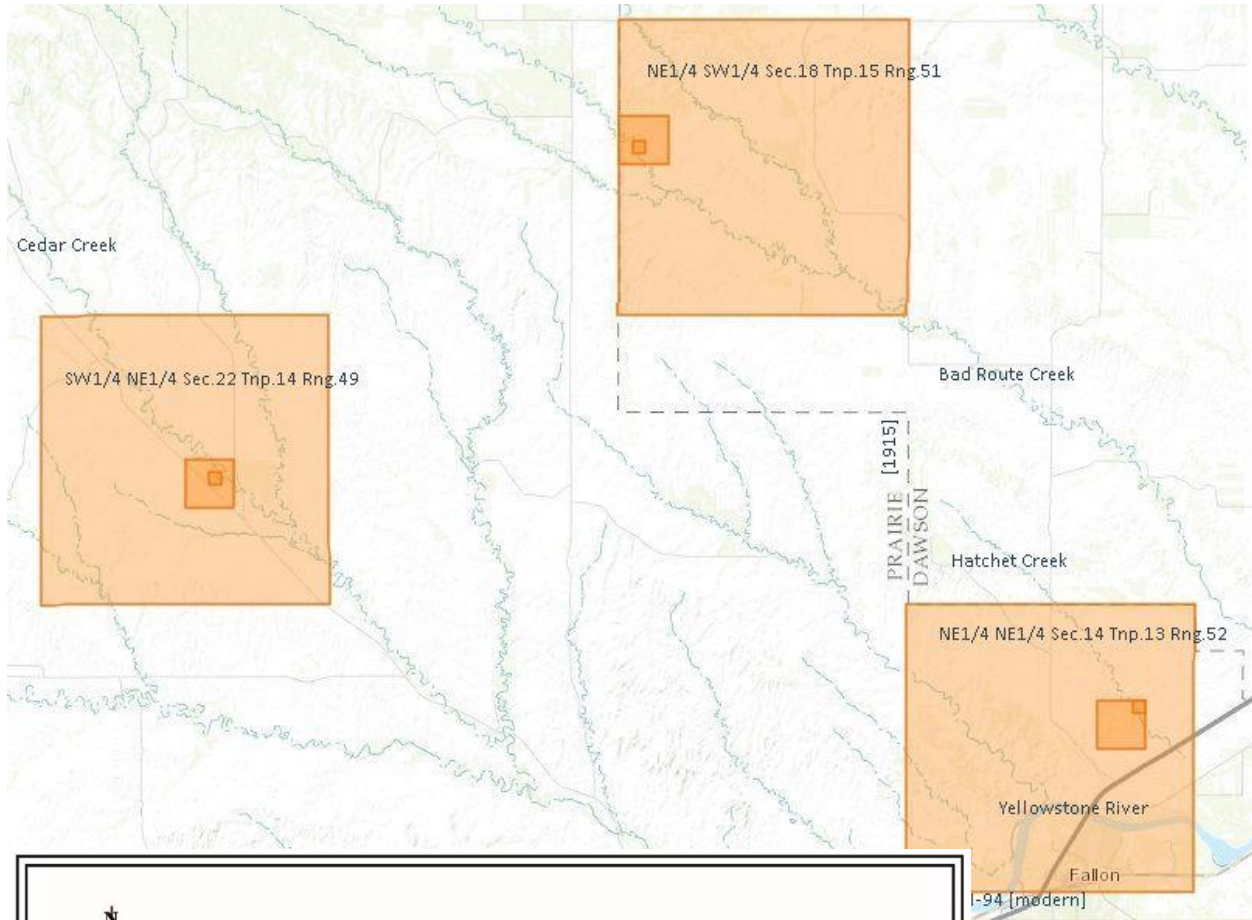
122	D. Trail Expense 5 '91		
May 5	Cash & CKs to A.B. Brings for		
	incidental expenses on drive	20000	
9 6	D ^o to Jas. P. M. Larcado	20000	
9 8	D ^o to Huff. Coats do.	20000	
9 14	D ^o to Mich. Whipple do	20000	
9 11	CK to H.P. Overbay, Sheriff of		
	Beaver Co. O.T. for Court Exp ^s in		
	arrest of Trail bosses	5115	
9 "	CK to Robt. H. Clark, Dep.		
	Inspector for inspecting		
	5000 head leaving O.T. C ^o	15000	100115
14	D ^r J.T. Farwell Co.		
June 4	Cash deposited by Geo. Finley		100745

Account entry for first XIT herds trailed all the way from Texas to Montana in 1891. Payments are to herd bosses mainly, but note legal expenses and inspection fees for crossing Oklahoma Territory. From the XIT Papers, PPHM.



XIT cowboys and horses disembark from the Fallon ferry in this Evelyn Cameron photo (above). Courtesy of Range Riders Museum. "It was the last trip of the XIT Cattle Co waggon," photographer G. V. Barker wrote of his 1908 photograph (below). Courtesy MHS, Photo Archives, 946-379.

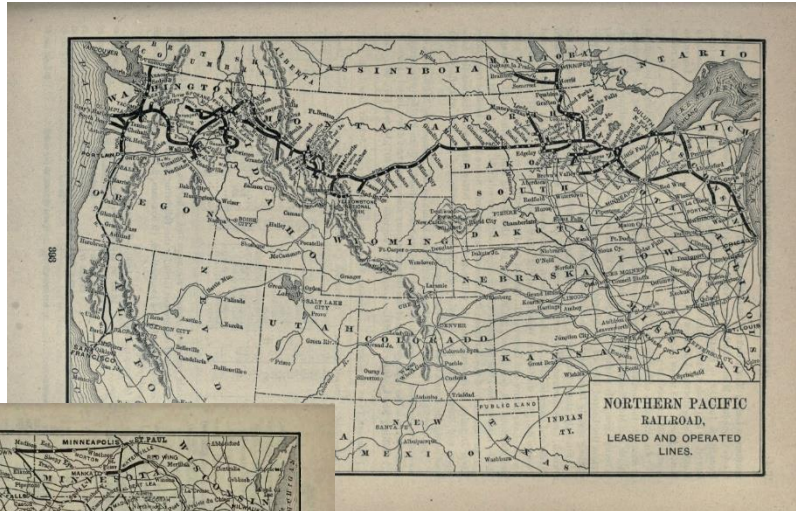




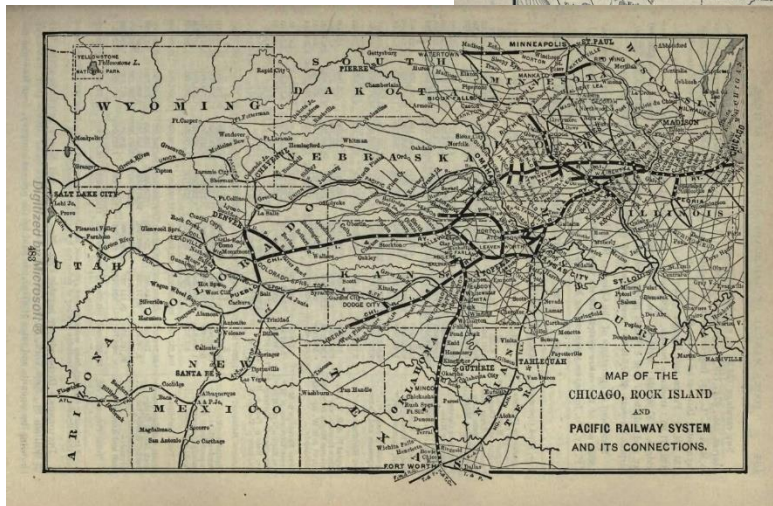
Although some members of the Capitol Syndicate claimed control of two million Montana acres, no evidence supports the claim. Records do indicate that the XIT owned about 400 well-watered acres in strategic areas and surrounded by mostly unsurveyed open range. The above map was made using resources of the Bureau of Land Management, *Federal Land Records Site*.

The Big Open

Railroads of the American West
Meat Empire



Northern Pacific Railway Company,
1897



Chicago, Rock Island, and Pacific
Railway Company, 1896

Atchison, Topeka, and Santa Fe Railway,
1888



Union Pacific, Denver and Gulf Railway
Company, 1892 (The Ft. Worth & Denver
City became part of Union Pacific in 1890)



DAWSON'S HEAVY TAXPAYERS.
Parties Who Pay More Than \$100.

Adams W T.....	\$ 130 02
Armstrong C O.....	111 98
Arthur A D.....	112 12
Bean C F.....	108 46
Boise H S.....	149 79
Battleman Nick.....	235 45
Brown C L.....	102 09
Coleman A M.....	318 86
Cavanaugh D.....	178 14
Dion Henry.....	238 26
Douglas & Mead.....	427 87
Day J S & Co.....	584 28
Flanders & Lancing.....	126 34
Glendive Masonic B'ld'g Asso....	103 25
Gleason Joel.....	151 83
Hodgson H.....	335 59
Hay S M.....	156 00
Hubbard & Sampson.....	1,378 68
Home Land & Cattle Co.....	7,671 55
Harpster Enoch.....	122 36
John, Kinney & Co.....	114 19
Krug & Eisenbart.....	124 42
Krug Chas.....	193 39
Kellog, McCoy & Rumsey.....	399 75
Lindsay, William.....	192 48
Morrison, M.....	170 60
Mendenhall, C B.....	473 16
Merrill & Libby.....	286 54
Mabrey & Carter.....	990 35
Murphy Cattle Co.....	292 50
Merchants Bank of Glendive....	208 17
McLain, Andrew.....	182 42
Newoomer, M.....	217 06
Otis, H W.....	184 48
Parsons, J W.....	146 38
Pratt Bros.....	123 49
Phillips Cattle & Land Co.....	540 26
Phillips & Slaughter.....	778 75
Smith, H F.....	102 82
Sampson & Fahnestock.....	1,147 04
Thurston, C A.....	111 82
Towers & Gudgell.....	240 06
Widmyer, J R.....	115 60
Whistler, K G.....	130 14
Webster & Sanford.....	108 50
Wibaux, Pierre.....	2,175 02
Yenson, Martin.....	120 53
X I T Cattle Co.....	1,998 43
Northern Pacific R R.....	5,346 38

Above, clockwise: Heavy Taxpayers, *Glendive Independent*, October 28, 1893; George Findlay to William M. Willis, *XIT Papers*, PPHM; Advertisement, *XIT Brand*, August 1939.

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Oct. 10th 90

Mr W. M. Willis
Macon, Cal., Mo. }

Dear Sir,

Seeing your ad. in *Oregon Journal* a few days ago, I write to say that this Company owns 2,000,000 acres of land in the Panhandle of Texas, lying in the Northwest corner of it & we are prepared to sell any portion of it. Kindly let us know what you are looking for, as I believe we can furnish it.

Yours truly
Geo. Findlay

XIT XIT XIT XIT XIT XIT XIT XIT

CONGRATULATIONS—

At this time we sincerely congratulate the Old Timers whose courage and vision made our modern life in the Panhandle possible.

We have Farm and Ranch Lands
out of the

Old XIT Ranch

in Dallam, Hartley, Deaf Smith
and Parmer Counties
for sale at

Reasonable Prices on Liberal Terms

SAMUEL ROBERTS
General Land Commissioner

Capitol Freehold Land Trust

Dalhart, Texas

XIT XIT XIT XIT XIT XIT XIT XIT

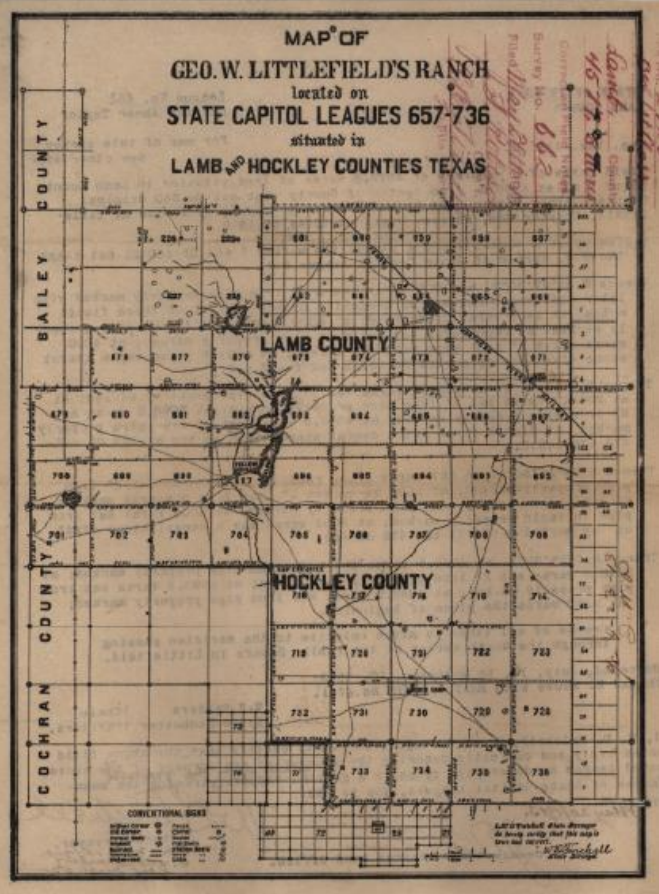
File 2868 Land 65/11
4120 65 700 Acres
FIRST CLASS.
 Abner Taylor
 Sur. A² 616
 Certificate No. 20
 Correct and map of Lamb County May 11/88
 G. W. Puffer
 Correct for patenting May 13/88
 Patent May 19/88
 M. H. McCall
 Mgr. 19443

CONTENTS.
 No. 1. Certificate.
 Nos. 2 and 3. Field Notes.
 No. 4.

Map at lower right is from records for Capitol Freehold land sold to George Littlefield in 1901. The other three documents represent Texas's conveyance of over 92,000 acres to Abner Taylor and the Syndicate at the time the new Capitol was dedicated. Courtesy Texas General Land Office.

No. 20
CERTIFICATE FOR CONVEYANCE OF LANDS Original
 FOR BUILDING
TEXAS STATE CAPITOL
 Austin, Texas, May 10th 1888
 We, Joseph Lee and M. H. McCall, Capital Building Commissioners of the State of Texas, do hereby certify that Abner Taylor, Contractor for building the Texas State Capitol, has fully complied with the requirements necessary for the conveyance to him of Lands, as set forth in the following provision of Article No. 19 of the Contract for the construction of said Capitol, to-wit: "Twentyeth. When all the iron stairs shall have been placed in position, three per cent of said lands plus 3518 acres reserved from Certificate No. 24"
 And, therefore, the COMMISSIONER OF THE GENERAL LAND OFFICE OF THE STATE OF TEXAS is hereby authorized to convey to said Contractor, Abner Taylor, Contractor, three per cent of the Leagues of Land of the Texas Capitol Reservation, numbered from 610 to 634 inclusive, being Three per cent of the Three Million (3,000,000) Acres of Land, less 530 acres reserved in accordance with the Proviso of Article No. 19 of the Contract.
 IN TESTIMONY WHEREOF, We have hereunto set our several signatures, this the 10th day of May, A. D. One Thousand Eight Hundred and Eighty-Eighth (1888).
 JOSEPH LEE
 M. H. McCall
 Capital Building Commissioners.

ORIGINAL
 Certificate No. 20
 CONVEYANCE OF LANDS
 Building Texas State Capitol
 Three per cent
 of THREE MILLION ACRES OF LAND, being Leagues Nos. 610 to 634 inclusive, plus 3518 acres reserved from Certificate No. 24 and less 530 acres reserved in accordance with the Proviso of Article No. 19 of the Contract amounting to 92,988 ACRES
 Austin, Texas May 10th 1888





Top, l-r, XIT Ranch Headquarters, Channing, TX, XIT Museum, Dalhart, TX. Middle, l-r, Escarbada Division HQ, XIT Ranch, at Ranching Heritage Center, Lubbock, TX, Range Riders Museum, Miles City, MT. Left, XIT Road, Route 253, Terry, MT. Photos by Author.

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Huffman, L. A. (Laton Alton). Photographs.

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Power, Thomas Charles. Papers.

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Newspapers

(Abbreviations for frequently used newspapers appear in parentheses)

Chicago Tribune

Daily Gazette, Fort Worth, TX (FWG)

Daily Inter Mountain, Butte, MT

Daily News, Dennison, TX

Daily News, Galveston, TX (GDN)

Daily News, London, UK

Daily Republican, Decatur, TX

Daily Tribune, New York, NY

Daily Yellowstone Journal, Miles City, MT (DYJ)

Dawson County Review, Glendive, MT

Enterprise, Malta, MT

Evening News, Waco, TX

Examiner, Waco, TX

Financial News, London, UK

Gazette, Billings, MT

Gazette, Las Vegas, NM

Globe-New, Amarillo, TX

Herald, Glasgow, Scotland, UK

Herald Democrat, Sherman, TX

Homestead, Des Moines, IA

Independent, Glendive, MT (GI)

Independent, Helena, MT (HI)

Morning News, Dallas, TX (DMN)

New York Times (NYT)

News-Argus, Lewistown, MT

News-Globe, Amarillo, TX

Press, Pittsburg, PA

River Press, Fort Benton, MT

Standard, Anaconda, MT

Standard, London, UK

Stock Growers Journal, Miles City, MT (SGJ)

Sun, The, New York, NY

Texan, Shamrock, TX

Union, Princeton, MN

Wallace's Farmer and Dairy Man, Des Moines, IA

Weekly Banner, Brenham, TX

Weekly Chronicle, Bozeman, MT

Weekly Crisis, Chillicothe, MO

Weekly Herald, Helena, MT

Weekly Statesman, Austin, TX

Weekly Yellowstone Journal, Miles City, MT

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