CATTLE CAPITOL: MISREPRESENTED ENVIRONMENTS, NINETEENTH CENTURY
SYMBOLS OF POWER, AND THE CONSTRUCTION OF THE
TEXAS STATE HOUSE, 1879-1888

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State officials, between 1882 and 1888, exchanged three million acres of Texas Panhandle property for construction of the monumental Capitol that continues to house Texas government today. The project and the land went to a Chicago syndicate led by men influential in business and politics. The red granite Austin State House is a recognizable symbol of Texas around the world. So too, the massive tract given in exchange for the building, what became the “fabulous” XIT Ranch, also has come to symbolize the height of the nineteenth century cattle industry. That eastern and foreign capital dominated the cattle business during this period is lesser known, absorbed by the mythology built around the Texas cattle-trail period – all but at an end in 1885. This study examines the interaction of Illinois Republicans and Texas Democrats in their actions and efforts to create what have become two of Texas’s most treasured symbols.
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INTRODUCTION

The Austin State House, Texas’s Capitol, is a recognizable symbol of the state throughout the world. The XIT Ranch is a powerful symbol of Texas, too, and of the era of the great cattle ranches of the American West. Both symbols have endured for a century and a quarter – and mythology has grown around each. Focusing primarily on the years of active work on the Texas Capitol building project – 1879 to 1888 – this thesis presents a nuanced examination and evaluation of these parallel enterprises. Research on this topic shows that Constitutional Convention delegates and other Texas officials in 1875 were as little aware of the nature of much of western Texas as most everyone else in the United States. Still, the Texas Constitution of 1876 offered large segments of Texas public land to assist in restoring the state’s decrepit material infrastructure. Texans debated the relative worth of the three million Panhandle acres identified for the Capitol Reservation, both before and after the initial survey of 1879-80 delineated an area that clearly contained more than “other vast tracts [that] have, so far is known, no adaptation whatever to the wants of civilized man.” Still, reports of the survey team do seem exaggerated over what later visitors found and later events demonstrated.¹

Despite the well-trodden image of the “entrepreneurial, two-fisted Texan,” proud in his individuality, devoted to the principles of democracy, incorruptibly honest – confident in the Texas Way – a surprising number of historic examples portray events offering a somewhat different perspective on this image. One such example, the construction of the state capitol building in Austin, demonstrates the lengths officials went to symbolize Texas, often at the expense of Texas and Texans. In 1882, Texas politicians exchanged their responsibility for three

million acres of Texas land to a group of Chicago investors who promised to build them America’s finest state capitol. The Chicago “Syndicate” made the bargain for the land, sight unseen. Although the reports from the commissioner appointed by the state to survey and inspect the Capitol Reservation in 1879 generally presented a positive image of the acreage, other sources continued to characterize the area as “worthless” beyond its use as cattle range well into the commencement of the project.²

A minor debate has raged since regarding who got the better end of the deal. It was a lot of land. It is a fine building. By any account, at least some of the Chicago investors, and a number of associates, made a great deal of money on the venture that resulted in the creation of the XIT Ranch across ten Panhandle counties. For the principal investors, that took many years and brought wider cost than can be measured simply in monetary terms. Ask what Texas got from the deal, though, and the answer is less distinct.³

True, Texas’s elegant red granite state house stands out among the other state capitols in its height, area, and grandeur. The Austin Capitol symbolizes Texas on official stationery and many official publications, as well as on millions of postcards that have gone out over the years

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N.L. Norton, Texas, and Texas Capitol Building Commission, “Report of the Commissioner Appointed to Survey Capitol Lands,” 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), 60; United States 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. exdoc. 267 (Washington, DC, 1885). Norton’s report is detailed by surveyed league. The so-called Nimmo Report to Congress largely supports the western cattle business and discourages other agricultural pursuits. Norton was a founding member of the Texas Grange, the agrarian group that would go on to stir controversy on Texas land policies.

³ The Dallas Morning News was an early critic of Texas land policy and the motives of the XIT owners. Editorial commentary in the October 16, 21, and 23, 1885 editions of the newly founded newspaper probe the financial support and future plans of the Capitol builders. Governor John Ireland, inheriting the Capitol project, was also a critic of the original agreement. As shall be seen, his compromise with Abner Taylor regarding the stone used for the construction fully cemented the bargain and handed near-total control of the Capitol Reservation to the Chicago Syndicate three years before the building was completed.
throughout the world. In many ways, the building represents Texas, and Texans are justifiably proud of it. The XIT Ranch, too, has become a symbol of Texas pride. Texas officials in 1882 valued West Texas and Panhandle acreage at about $.50 an acre. After announcing the state’s plan for a new capitol, the allotted acreage immediately increased in price. At the time, various ranch outfits holding no official claims to the land utilized millions of its acres. The Capitol project sent stockmen in the Panhandle scrambling to claim a position for the strongest right to particular ranges, usually those associated with good water. Although only briefly examined in the present study, a closer examination of actions during that scramble would reveal little to suggest that Texas’s frontier settlement followed a pattern suggesting democratic principles, individuality, or honesty were being pursued.⁴

Unlike other western states, Texas, when originally admitted in 1846, maintained its title to all of its unclaimed vastness. Texas contributed none of its lands to the 1862 Homestead Act to encourage settlement of its open lands. The state allotted grants for various colonization projects, offered a generous homestead program of its own and sold unused public lands. Although generous in endowments for public education, the state also allotted more than 32 million acres to railroads. By 1880, Texas retained just over 17 million acres of its public lands. Beginning in about 1875 a few settlers drifted into the Panhandle to stake small claims. Most of these turned out to be hopeless. The cattlemen held that country and did not welcome those that might decide a cornfield, garden, and shack along a remote riverbank was their part of America. Despite a strong Grange presence in post-Reconstruction Texas, the state signaled its clearest intentions for its remaining public land when it agreed to transfer its ownership of a significant

⁴ W.M.D. Lee to William C. Walsh, February 1, 1881, Records of the Capitol Building Commission, Texas State Library & Archives, Austin, TX. Lee was the eventual purchaser of 50,000 acres in the Panhandle that were sold to finance the Capitol Reservation survey.
portion of them to the Capitol Syndicate. The distribution of Panhandle land would not come without conflict, controversy, and corruption. The allocation of Texas public land after 1880, through grants and sales, falls far short of an equitable division promoting a democratic ideal. In the Panhandle, by far the majority of the public land available in 1880 was, by 1900, controlled almost exclusively by large landholders. An even wider issue is whether some lands can or should ever be privately owned. An examination of the Texas state house construction reveals a flawed land policy that cost Texas many times the nearly $3.75 million attributed to the new Capitol construction when it was occupied in 1888.5

Looking back, Texas today can point to Amarillo and Lubbock as success stories in the Panhandle. A dozen other smaller towns of the area continue in relative prosperity. Recent agricultural developments, though, remind Texans of the limitations of the water source that has fed the recent cotton and corn production in the Panhandle. The men who built the Capitol spoke of grazing 300,000 cattle on their three million acres, but found they could barely support half that. The demand for acreage on what became the "fabulous" XIT Ranch, in the diminishing marketplace of a vanishing frontier, made that land profitable. Many of the people that first bought the land, perhaps seeing it at its best, saw it at its worst when, later, the clouds of Dust Bowl “black blizzards” carried off millions of tons of the best Panhandle dirt.6

5 Lewis Nordyke, Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT (New York: William Morrow and Co., 1949), 190; Joubert Lee Greer, “The Building of the Texas State Capitol, 1882-1888” (Master’s Thesis, University of Texas, 1932), 20, 49, 86-87. “Altogether, forty-three companies received 32,153,878 acres of the state's public land during the three decades. Although, as might be expected, this transfer of a large portion of the public domain into private hands involved a degree of political manipulation and fraud, the grants played a significant role in hastening railroad construction in Texas,” Roger A. Griffin, "Land Grants for Internal Improvements," Handbook of Texas Online, http://www.tshaonline.org/handbook/online/articles/mnl04 (accessed 11/24/2010).

Time, technology, science, government programs, and depopulation changed that for a time. Quickly forgotten when good weather and grain prices returned were many of the lessons learned from a decade of extreme hardship. Now, that time runs out. Realizing what water remains cannot continue to support pumping millions of gallons onto corn and cotton, cattle again have become more important to the Panhandle economy and environment. A few big outfits remain, but mostly there are smaller operators. A few hundred head of hybrid cattle make up most herds today. The science of cattle raising advanced significantly in the last one hundred years, improving production and efficiency in smaller herds. Nevertheless, still little more than a sustainable occupation, the cattle business continues to be a risky investment if wealth is the objective. Allowing plowed prairie to revert to former pasturing conditions promises to ease pressure on fragile top soils and help preservation of the essential water source supporting the country’s mid-section -- the Ogallala Aquifer. A positive note, perhaps, is that the land slowly reverts to something of what it once was – minus the Indians and most of the buffalo, of course.7

Hunters, too, have returned to the Panhandle. Not the Comanche and Kiowa pursuing buffalo, but urban dwellers from Dallas, Atlanta, and Charlotte willing to pay thousands to be shown to upland game birds, antelope, deer, and feral hogs at which they can aim their high-powered rifles and pretend to hunt. Windmills, too, have again become useful on the former Capitol Reservation. Farmers and small ranchers are building and maintaining the traditional water-pumping implement, but a newer device, more rightly called a “wind turbine” commonly rises in the distance across the plain. The towering aluminum, steel, and carbon fiber monoliths springing from the prairie make Texas the world’s leader in wind-power generation. We cannot

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7 Timothy Egan, though not specifically writing about Texas, examines this trend in “As Others Abandon the Plains, Indians and Buffalo Return,” New York Times, May 27, 2001. Although we are not likely to see Indians moving to the Texas Panhandle, there are indications that less intensive agricultural and increased pasturage use is taking place. Some areas are being rehabilitated to resemble earlier prairie environments.
know, of course, how the Panhandle may have developed had the state chosen a different method for funding its fine government house. When reviewing the arrangement, however, it is certainly appropriate to consider what might have been other possible outcomes.⁸

The laissez faire approach of Texas government in 1882, whether for antebellum political ideals or in reaction to Reconstruction-era policies, suggests a zealous approach to Jeffersonian (or, perhaps more correctly, Jacksonian) democracy. Ironically, as it would with much of its public lands, Texas abandoned its principles to seek a “Syndicate” to manage the lands exchanged for the state house. The officials responsible for building the Capitol felt an obligation to present the state a structure worthy of Texas’s past, her people, and her place within the United States. In its first mandated biennial report released in January 1883, the Texas Capitol Commission declared, “Architecture is an index of the civilization of all ages.” The motivation to build a “a fair reflex of the enlightenment of our age” prompted legislators who wrote the constitution ratified in 1876 to set aside three million acres of Texas land for the construction of a grand capitol building to replace the unsightly “corn crib” – the Old Stone Capitol – then standing on Capitol Square.⁹

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⁹ 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), 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,” (Master’s Thesis, University of Texas-Austin, 1990), 96. Moore, Weir, et al., quotes the November 12, 1881 of Texas Sifter after fire destroyed the old capitol building on November 9: “The architectural monstrosity that has so long disfigured the crown of the heaven-hissing hill at the head of Congress Avenue, in Austin, is no more.” The “corn crib” quote comes from this same reference. There is a problem, though, in that no Texas Sifter exists before 1895. No Austin Sifter exists before 1907. The authors actually refer to Texas Siftings, which did exist. The weekly magazine-style publication is the original source for the same article cited from Mabry later in this piece. Temporary Capitol quotes the entire article, and it is quite long; Mabry quotes only selections. At least one typographical error probably exists in the former. Mabry quotes part of the above sentence as “heaven-kissing hill,” which makes a bit more sense than “heaven-hissing hill.”

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Despite the civic pride that seemed to guide Texas leaders, these men also had a fiscal responsibility to the state and people they represented. Less obvious at the time, these elected officials, endowed by the people, were responsible for managing Texas’s resources, then and into the future. Texas’s greatest resource was its vast lands. Rather than manage and continue to benefit from that resource, Texas officials, in many cases, sought short-term gain by granting title to large parcels of its land, often to powerful and well-financed individuals and corporations. The businessmen responsible for the Capitol project owed a contractual obligation to the state. The construction project, however, served only as a tool in their quest to make money – a lot of it. Men with no clear concept of what they intended to do with three million acres they had only read about proceeded confidently on faith in their own ability to make money. Later in the project, some observers and officials, keeping an eye on the expanding demand for West Texas and Panhandle land on the open market, began to voice the opinion that maybe the contractors were promised more than they deserved in the first place.\(^\text{10}\)

Illinois businessman Abner Taylor, along with partners Amos C. Babcock and brothers John V. and Charles B. Farwell, formed the original “Capitol Syndicate” -- formally named Taylor, Babcock, and Company. The partners, in 1885, brought in a number of English investors in forming the Capitol Freehold Land & Investment, Co., Ltd. These men undertook an expensive and daunting obligation to create a public symbol – the state Capitol -- in exchange for the state’s promise to deliver Texas lands of questionable value into their hands. Taylor and his partners were shrewd and successful businessmen. They invested thousands of dollars of their

\(^{10}\) Abner Taylor to Amos C. Babcock, February 2, 1883, The XIT Papers, Panhandle-Plains Historical Museum, Canyon, TX. Conflicted views on the bargain have been commonly expressed. Most characterizations of the deal gives the upper hand to Texas. See Nordyke, *Cattle Empire*, 30.
own money based on a belief that three million Texas Panhandle acres assured them a substantial future return on that investment.

The story of Texas’s Capitol and the creation of the XIT Ranch provide an excellent example of Gilded Age concepts of wealth and power. As the granite symbol of Texas rose from an Austin hilltop, another symbol, directed by eastern capitalists and financed by foreign investment, rose in the Panhandle. The creation of the XIT marked a new phase for ranching in Texas and throughout the West. The Texas cattle trail and the state’s vast open range is an enduring image of America’s cattle business. Today, the XIT is a symbol of that image just as the Capitol is a symbol of Texas. Both are false, or at least fanciful, images. A Michigan architect designed the Capitol, a Chicago syndicate built it, and substantial amounts of the material and labor used in its construction came from outside Texas. The XIT came to the Panhandle as the Texas range cattle era ended. The Texas cattle business found itself deeply dependent on out-of-state investment. Texas gave up its right to determine the future use of significant parcels of its land in exchange for the biggest, most monumental state capitol in America. The Chicago Syndicate invested millions in creating an image of profitability in an unsustainable business in order to draw people and profit into a largely unsustainable environment. The winner in the bargain is far from clear.

The broader stories of the Texas Capitol and the XIT Ranch are familiar, especially in Texas. Premier Western historian J. Evetts Haley, a legend in his own right, provided the first lengthy historical account of the Capitol project with his *The XIT Ranch of Texas: The Early Days of the Llano Estacado*, first published in 1929. Because that story is inseparable from the story of the Capitol, details of the project weave throughout Haley’s text. A chapter from the book is devoted to the Austin project. Initial publication of Haley’s book brought legal action
crashing in upon him. The book apparently attributed unproven nefarious characteristics to a few former ranch associates who were still around and capable of convincing a lawyer of the libelous nature of the book. Originally privately published, the book was not widely distributed at first. Haley successfully defended it against various lawsuits. Haley, with charges settled and nearly all of the principals in the grave, republished a somewhat altered version of the book in 1953, four years after Lewis Nordyke published his book, *Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT*.

No study of the XIT is complete without the inclusion of the “big three”: Haley, Nordyke, and Cordia Sloan Duke. Nordyke’s book parallels Haley’s account, although the viewpoint from which each historian approached their work seems, at times, diametrically opposed. Nordyke is much less expressive of judgment regarding many of the characters and events of the story. In fact, a feud built up between the two historians regarding the XIT story. According to Nick Olson, curator of the XIT Museum in Dalhart, Texas, Nordyke refused to give his research regarding the XIT to the Panhandle-Plains Historical Museum, in Canyon, Texas, which houses the original XIT papers collected by Haley and donated to the museum. The museum may have shared some culpability in the feud, since Haley, it is rumored, attempted to have his substantial archival donation removed to his own museum in Midland, Texas, the Haley Memorial Library and History Center. Haley failed with regard to the official XIT papers. A substantial body of his research efforts on the XIT, and Texas cattle ranching in general, is there, as well as at the Southwest Collection of Texas Tech University. Nordyke’s archival records are sparse. Beyond his numerous other publications, Nordyke was also a frequent contributor to the

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Saturday Evening Post. Cordia Sloan Duke, widow of the last XIT ranch manager, R. L. Duke, published her memoirs in *6,000 Miles of Fence: Life on the XIT Ranch of Texas* in 1961. Assisted by Joe B. Frantz, this book is a digestion of Duke’s journals, her recollections of her time spent on the Buffalo Springs division of the ranch, and the stories told to her about life on the ranch before she got there.¹²

Many journal and newspaper articles, archival, manuscript and other materials document the exploits of the men and, sometimes, women associated with the XIT Ranch. Extensive evaluation of the vast quantity of archival material concerning the ranch and operations of the Capitol Freehold Land & Investment, Co., Ltd. represents a daunting task that few have dared. Outbound correspondence regarding the Capitol project (or the land) from the Chicago partners, primarily Taylor, between 1882 and 1885, numbers in the hundreds of letters. These documents represent only a fraction of the materials collected within the XIT papers. The rare guide produced by a future curator in 1953 should not be used to judge the full extent of the collection. Sources on the XIT permeate the archives of the Panhandle-Plains Museum, spilling over into Texas Tech’s Southwest Collection, and, of course, the records of the Capitol Board, maintained in The Texas State Library and Archives. A few copies of the three *Biennial Reports* of the Capitol Board are spread around a few Texas and out-of-state libraries.¹³

¹² Nick Olson, interview by the author, Dalhart, TX, June 25, 2009; Cordia Sloan Duke and Joe B. Frantz, *6,000 Miles of Fence: Life on the XIT Ranch of Texas* (Austin: University of Texas Press, 1961). Having already visited the Southwest Center, as well as the archives of the Panhandle-Plains Historic Museum, this was not the first anecdotal report of the feud encountered. Olson also gave me a copy of a diary entry Mrs. Duke did not include in the book. According to him, another person had saved the entries when Duke decided to burn her original diaries. When asked why, the old woman reportedly replied, “Everything interesting is in the book.” One wonders.

¹³ Seymour Vaughan Connor, *A Guide to the XIT Papers in the Panhandle-Plains Historical Museum* (Canyon, TX: Panhandle-Plains Historical Museum, 1953). Published reports from the Capitol Board are previously cited. The records of the Capitol Board, its Commissioners and secretary, and much correspondence constitutes about a meter of volume in the Texas State Archives. Within those archives is an extensive, hand-written report on the fire that destroyed not only the 1853 Capitol, but also a substantial amount of state and Republic records including most of the Capitol project records to that point.
Despite Connors’ assertion in his *Guide* that “students and scholars . . . should find scores of thesis topics almost at their fingertips in the XIT story,” other than Haley and Nordyke, and in occasional articles, references to the XIT papers remain somewhat rare. Few of the discussions and written material about the Capitol construction rely much on the XIT papers. Most published material leans on Capitol Board records and reports for primary sources, along with period newspaper accounts. A number of the most recent examinations of the Capitol project are Texas government publications. A 1995 Texas State Historical Association collection combines several past articles from *Southwestern Historical Quarterly*, providing, perhaps, the most definitive published accounts on the building project. Curiously absent from that collection is Frederick Rathjen’s April 1957 article, “The Texas State House: A Study of the Texas Capitol Based on the Reports of the Capitol Building Commissioners.”

Completed thesis topics on this subject are not abundant, either. Other writers, however, extensively cite at least two. Joubert Lee Greer's master's thesis at the University of Texas in 1932, “The Building of the Texas State Capitol, 1882-1888” is one. Greer, too, uses Haley’s *XIT*, but he is also close enough to the events to have corresponded with a number of participants in various aspects of the construction project. The signatures of Eugene C. Barker, Charles W. Ramsdell, and Charles A. Timm on the approval page lend some credence to Greer’s effort. The 200 pages of this work offer an extensive technical review of the project, along with candid, insightful views into the political climates prevailing at various stages of the project. Greer’s work hints at what my thesis hopes to present, albeit lacking the viewpoints of the Chicago

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partners and somewhat tinged with the perspective of a Texan not yet fifty years beyond his topic. Greer sees the irony of the deal, questions the bargain, but ultimately justifies the policies of the state.\(^\text{15}\)

The second thesis, completed for a Masters of Architecture degree in 1990 by Robert S. Mabry, is a four-volume tome that seeks to highlight the concept, design, and erection of the Capitol building itself. Although considerable historical background is included in Mabry’s writing, his primary goal is to place the Texas Capitol within the context of other elegant building projects, particularly governmental, in and beyond Texas. As is the case with most of the materials already discussed, Mabry depends on official Texas documents and newspapers for much of his primary sourcing. Only in those communications received by Texas officials are the Chicago men’s viewpoints on the subject examined. Enlightenment on the architectural aspects (and choice of an architect) of the project, as well as the extensive and detailed drawings of the Capitol and other buildings, some recreated or copied from hard-to-find sources, are the main benefit of this resource.\(^\text{16}\)

A number of sources speak to the broader issues described in this thesis. Written contemporaneously to Haley’s \textit{XIT, The Day of the Cattleman}, by Ernest Staples Osgood, is a surprisingly enlightened view of the range cattle industry. Primarily focused on the northern High Plains of Wyoming and Montana and written on the eve of America’s nightmarish “Dirty Thirties,” the book antecedes Walter Prescott Webb’s \textit{The Great Plains} in introducing a new way of understanding the environmental factors at work in that region. Said by the publisher to

\(^{15}\) Greer, “Texas State Capitol,” 49-51.

present “The legend of the Wild West viewed against the truth of History,” Osgood focuses on the tactics and practices that made the cattlemen of the West “the real exploiter of these areas.”

Of course, no study of the cattle industry in North America is complete without consulting Terry Jordan’s *North American Cattle-Ranching Frontiers*. The voluminous density of this book challenges readers as he dissects the origins and pathways of the beef industry today. The book shatters the idea that American cattle ranching developed primarily out of a Spanish system that migrated north along with the scrappy Andalusian bovine that eventually became the iconic Texas longhorn. Jordan’s position – and Osgood’s, too, for that matter – is updated and strengthened by Warren M. Elofson’s *Frontier Cattle Ranching in the Lands and Times of Charlie Russell*. Like Osgood, his focus is on the northern High Plains, including the Canadian West. Despite that, and despite Jordan’s clear dismissal of the preeminence of the Spanish-Texas origins of the industry, the role of Texas in cattle-raising throughout the North American West cannot be ignored. Reinforcement of that opinion is no better demonstrated than in Jimmy Skagg’s enlightening and entertaining study of *The Cattle-Trailing Industry*.

Also supporting this study, along with many other materials unmentioned here, is Carl Moneyhon’s *Texas After the Civil War* and Randolph Campbell’s *Grass-Roots Reconstruction in Texas*. These two books help to understand the conditions, political and social, in Texas that contributed to the actions and policies guiding the Capitol building project. Both also lend a hand to general origins of land use issues and attitudes prevalent in Texas at the time, some of

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which persist to this day. Additionally, while attempting to understand a conceptual framework for this thesis, a brief article in *Design Quarterly* inspired consideration of the role of “architecture devised by legislature” and the importance of “beacons on the landscape” – state capitols, particularly those of the post-Civil War West – in understanding the role government structures play in representing the ideology of particular groups of people.  

Supporting this concept on the importance of material symbols in defining a place and people, my study builds strength from works and exhibits on the role of architecture in a democracy. A varied lot of material and media such as *State Capitols: Temples of Sovereignty*, *Temple of Liberty: Building the Capitol for a New Nation*, and *Architecture and Democracy* elucidate an underlying theme of this thesis in elaborating on the role buildings play in representing the United States, or, in the present case, Texas.

Debate continued on what role might prove best for the Capitol Reservation and for remaining Texas public lands in general. Prevailing opinion at the time favored a syndicate backed by the financial resources necessary to exploit the region without further straining the state’s own treasury. It was believed this plan would further growth and development in the region favoring Texas in the long run. Texans split on whether future uses of the western lands should depend on colonization schemes or a strengthening and restructuring of the dimming role Texas played in the U.S. cattle industry. My research shows that the Chicago investors leaped at the opportunity in Texas. Despite knowing nothing of the country, fantastic tales of profit and

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potential that made their way east from the still-wild West fanned their desires. Books with titles like *The Beef Bonanza; or, How to Get Rich on the Plains* presented “optimistic and uncritical views” of the opportunities available in the West to anyone with good sense and ambition. When Taylor, Babcock, and the Farwells entered the bargain, the demise of the classical Texas cattle industry was not obvious. Eastern and foreign investment was at its zenith. These men clearly felt the land swap for construction deal favored their pocketbook. They also felt comfortable that their associations, political ties, and positions in society gave them the upper hand in dealing with the less cultivated and experienced Texans.  

Texas officials, however, demonstrated they were less naïve than the Syndicate men may have believed. As Texans came to the realization that they might have got the short end of the bargain and held few options in changing that, they held the Chicago partners firmly to the terms of their contract. State officials were eventually successful in bargaining for enhancements to the new Capitol beyond the contracted specifications. Legal proceedings regarding the land and the Capitol continued beyond the duration of the building project. Nevertheless, by the time the Texas government occupied the Capitol, comparable land in the Panhandle was selling for six times or more the amount the state had valued it at in the early Eighties. The Syndicate, now Capitol Freehold Land & Investment, reportedly had issued English debentures amounting to a $10 million investment in the operation. Despite a continued decline in the profitability of cattle over the next two decades, the XIT sent hundreds of thousands of beef to the eastern markets. The Syndicate installed experimental farms at various locations on the lands, created a network of “artificial water” resources, attracted railroads, created towns, and brought a new concept of

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ranch management to Texas and the West. The 20th century dawned on the XIT with the stage set for the next phase in the life of the Capitol Reservation.

By the time the XIT disposed of its last cattle in 1912, British investors had already been paid off. By 1905, an aggressive real estate business replaced cattle as the Chicagoans’ first priority. Lawsuits settled disputes among the first partners and their progeny. The Farwell family won those disputes and continued to sell holdings from the XIT until the last of it found a buyer in 1963. In the meantime, the hundreds of thousands of acres, bought in large parcels and small, continued to support cattle on fenced and overgrazed land. Much of the former XIT pastures were soon torn open by the one-way plows of hundreds of “nesters” eager to replace the native grasses that, for thousands of years, held the thin Panhandle soil in place. Later, when rain refused to fall, as many an old-timer of the area knew it would, the wheat that replaced the gramma and buffalo grass – too much grown by too many – failed in the market and in the field. With nothing holding down the soil, the most reliable resource of the Panhandle, wind, took the soil away. Ten years of human suffering finally stopped by millions of federal dollars and a world war saved some. Despite the wealth that has since been drawn from the region, the disaster of the Dust Bowl continues to present a lasting legacy to those areas not under systems capable of pumping water at thousands of gallons per minute onto thirsty crops.

Assessing the actions of individuals and governments of the past on today’s values often produces unfair judgment. Nevertheless, misguided principles and misrepresented environments demonstrated in this thesis highlight a lingering Texas policy characteristic that has often left the state culpable for long-term negative consequences in return for short-term gain. Intent on maintaining an image as the place most committed to the founding principles of American democracy, recalcitrant Texans have long given free reign to outside interests promising to
deliver the biggest and best of whatever service they offered. Cattle, railroads, petroleum, corporate farming – the list of industries lured to Texas by her vast area and resources, low costs, and loose regulation goes far beyond the most obvious. Past, and sometimes continuing, policy decisions in Texas have left lasting marks on the health of Texas citizens. The environmental impact of past decisions continues to threaten the state’s fragile resources.

In the Panhandle, some efforts at curbing water-use, regulating feedlots and processing plants, and restoring natural grasslands signal a change in attitude. So, too, in the West Texas oil fields where much of Texas wind-energy production is ongoing, in the refineries on Houston’s Ship Canal, Dallas’s cement refineries, and coal-fired power plants throughout the state, polluters are finding that time is running out for their destructive practices. Despite a strong “green” movement in the state, a distinctly libertarian mentality continues to resist wise land use practices enforced by reasonable regulations equitable and protective of the Texas people and its resources, as well as the business and industry that have helped make Texas a leader among the states and a symbol of America to people throughout the world. Perhaps not the beginning, nevertheless, the Capitol project undertaken in the 1880s is a heralding example of the state’s long history of activities costly to its environment and citizens alike, but friendly to moneyed interests, in and outside of Texas.

The story of the XIT Ranch is inseparable from that of Texas’s monumental Austin state house. Each represents a complex story, plenty of which could be covered on its own. The intersection of those two stories from 1879 to 1888, however, represents a dynamically interwoven sequence of events demonstrating an even larger question in Texas history – was state land policy, a policy that gave large amounts of land to powerful interests, equitable for the state and its people? The story of the XIT Ranch directly reflects this question.
This thesis examines the actions of the union of these two stories in three stages. Chapter 1 presents an introduction and overview of the early phases of the Capitol project and creation of the ranch. Main characters and background material essential to this project are introduced. In Chapter 2, the focus is upon actions during the period from 1882 to 1885 that substantially change – perhaps a better term might be define – the nature of the bargain for which the two parties committed themselves. The end of the formal relationship between the XIT Ranch and the Texas Capitol project is covered in Chapter 3.

In some ways, in 1885, things were just getting started. Capitol Square in Austin was still a shaved-top eyesore and the only cows on the yet unnamed XIT Ranch belonged to other people. The cogs had turned together, however, and so, a path determined, up went the radiant granite walls and XIT cattle spread across the Panhandle. The state got its Capitol and the Chicago capitalists that built it got their land. By 1888, the die was solidly cast. Beyond that is the story of one place or the other. The lesson of their relationship is my objective here. In concluding this thesis, I hope to summarize that lesson and attempt to answer who, if anyone, may have got the best end of the bargain.
CHAPTER 1

SYMBOLS OF DEMOCRACY, SYMBOLS OF POWER

When Texans, voting for the 1876 Constitution, authorized three million acres of northwest Texas for “a new State Capitol and other public building,” few people anywhere in “the skillet” or “back in the states” knew what was “out there” in the Texas Panhandle. The prospects for the country brightened for some as the last of the Comanche and Kiowa were simultaneous eliminated from the long fought over hunting ground. The buffalo were mostly gone by then, too. Within a year of the new Constitution’s adoption, the entrepreneurs who had already made the Texas cattle trail industry a success, led by Charles Goodnight, foresaw the demise of that industry in the push by northern market states like Missouri and Kansas to restrict the importation of Texas cattle and the expansion of railroads. Not exactly a wave, and not entirely cattlemen, either, settlement of the Panhandle is most often marked by Goodnight’s establishment of the JA Ranch in Palo Duro Canyon. Even before that, however, land speculators arrived to take advantage of Texas’s ignorance of its own public lands. Not unaware of this situation, Governor Oran Roberts pushed the legislature to fulfill the terms of the new Constitution regarding the Capitol. His first priority was to determine exactly what it was the state was offering for the task. A thorough identification, inspection, and survey of the prospective lands was proposed and authorized. This chapter describes that phase of the Capitol project. Beyond describing the state’s efforts at defining the Capitol Reservation, this chapter also sets the stage for what the future contractors faced in their efforts and introduces many of the main players taking roles in the story.
Waddies and drifters looked on curiously as the military ambulance accompanied by a squad of U.S. soldiers arrived on the main street of Tascosa, Texas in March 1882. Tascosa, the Panhandle’s second town – after Mobeetie 100 miles to the east – was about thirty-five miles northwest of present-day Amarillo. Tascosa thrived on cowboys, or “waddies,” as most called themselves. Drifters, often avoiding more populated areas with established legal systems, also frequented the remote settlement along the Canadian River. Oldham County had a sheriff, but little “law” existed beyond that wielded by the cattle outfits that had, since the end of the Civil War, established their dominance over the sweeping, arid range of the Texas frontier.

The ambulance, a luxury granted its occupant by a Fort Elliott commander eager to fulfill his orders to provide the man every convenience, bore Amos C. Babcock. The representative of wealthy and politically powerful Chicago businessmen, Babcock arrived before the regional surveyor’s office in the dusty frontier town as the herald of a new order in that part of Texas. Onlookers gawked at the troupe. Fortified with liquor, one leather pusher, encouraged by his drinking partners, drew laughter when he shouted at the escort asking whether Tascosa was experiencing a “goddam invasion.”

Technically not an invading force, the presence of the entourage was no less the signal of change. Cash-strapped Texas had contracted to have a new Capitol built in exchange for what it did not lack – land. Babcock’s group held the contract. He was there to inspect his and his partners’ property. William S. Mabry, Oldham County’s official surveyor, a mild-mannered ex-Alabaman, had no idea what was in his future as Babcock walked through his door. With some arrogance, Babcock introduced himself with a letter from the Texas State Surveyor’s Office. It explained Babcock’s position and instructed Mabry to show the man every courtesy. Familiar

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1 Lewis Nordyke, *Cattle Empire: The Fabulous Story of the 3,000,000 Acre XIT* (New York: William Morrow and Co., 1949), 5.
with the state’s plan for a new Capitol building, Mabry, nevertheless, was incredulous at the knowledge that anyone, never having laid eyes on the country before, was there to take ownership of three million acres of the roughest country Mabry had ever seen. Mabry knew the cowboys out front chatting up the soldiers of Babcock’s escort. They were enjoying a rare day off, most likely, from one of the handful of cattle outfits already there – George Littlefield’s LIT (Prairie Land Company), the LS, LE, LX, or Matador, for example. The surveyor inquired of Babcock his intentions for that much land. Indicating he was there to determine just that, Babcock, nevertheless, informed the local bureaucrats his group intended development of the lands. He expected Mabry to show it to him.2

Babcock’s story – that of the beautiful granite edifice in Texas’s capital city of Austin and the “fabulous” XIT Ranch in the Texas Panhandle – really began several years earlier. Texas voters, in early 1876, ratified Texas’s first post-Reconstruction constitution. Worked out by delegates during long sessions throughout the autumn of 1875, the document reflected their disgust with Reconstruction government and policy. It promoted libertarian ideals and sought limited government involvement in Texans’ affairs. Most delegates believed that previous Republican governments had misused and wasted public funds. In 1875, ranching and trail-industry interests joined railroads and a powerful Grange movement to create a document rededicating Texas to the founding principles of the United States and Texas. Typically reactionary, redeemed Democrats reasserted Texans’ image of themselves as a land of rugged,

rough, and ready individualism. Liberal land policies toward Texas’s millions of public land acres were popular. The delegates, however, carefully and wisely preserved some control over public lands, setting aside large parcels for insuring Texas citizens future opportunities for primary, secondary, and higher education. The document, derived from delegates’ perceptions of a hated and powerful central authority, thoroughly rejected government spending, authority, and growth. Albeit with many amendments, and despite some strong attempts to replace it, that same document guides Texas law today.³

The delegates, too, wanted to make another statement worthy of Texas. By 1875, The Old Stone Capitol, in service since 1853, had borne years of poor maintenance to earn its description as a “hideous hen coop.” The poor condition of the statehouse motivated delegates to the autumn convention to address its condition. The new Constitution included the following section:

> 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.⁴

State officials and legislators did not immediately set to the task, however. After the issue languished for three years, Governor Oran M. Roberts urged the legislature in 1879 to implement the terms of the Constitution. The Sixteenth Legislature did just that, passing laws establishing a five-person board headed by the governor to oversee identification and survey of suitable lands and approving use of those lands in funding the Capitol construction. Legislators

³ For further insight into the political environment leading up to the convention see, Randolph Campbell, Grass-Roots Reconstruction in Texas (Baton Rouge: Louisiana State University Press, 1997), 25-26; and Carl H. Moneyhon, Texas After the Civil War: the Struggle of Reconstruction (College Station: Texas A&M University Press, 2004), 199-201.

⁴ Texas Siftings, in Robert Smith Mabry, “Capitol Context: A History of the Texas Capitol Complex” (Master’s Thesis, University of Texas at Austin, 1990), 96; Texas, 1876 Constitution, Article XVI (General Provisions), Section 57.
voted for an additional 50,000 acres to be included as a means to pay for the survey work. The governor ordered an immediate survey of the Panhandle acres. Bid proposals solicited from across the state drew numerous responses. Officials eventually accepted Joseph T. Munson’s bid of $7,440. The governor and Board selected Nimrod L. Norton as the superintendent of the survey.  

Munson wrote Governor Roberts on July 17, 1879, acknowledging his acceptance of the position and outlining his immediate plans. From his home in Denison, Munson planned to travel to Tascosa via Fort Elliott. He intended to meet one of his survey crews there and expressed his intention to begin work in Oldham County on the north side of the Canadian River. Munson thanked the governor for offering the services of Texas Rangers, “though I anticipate no danger.” Published accounts of the survey events differ in consistency and depth of coverage. Munson began the survey before Norton’s arrival. Subsequent correspondence from Norton to the governor provides mystery not apparent in most versions of the survey activities. A closer examination of the period reveals that announcement of the Capitol building project launched a scramble among Panhandle land speculators and other interested parties. There is evidence of manipulation and fraud in land claims prior to and during the months the survey was underway. 

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6 J. (Joseph) T. Munson to Governor Oran Roberts, July 19, 1879, Records of the Capitol Building Commission, Texas State Archives, Austin, TX; Roberts to General Walter P. Lane, July 10, 1879, Records, Commission. Nearly the exact letter is transcribed in Texas, Report, 1883, on page 7 and addressed to Mr. 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. Munson, in the July 19 letter to Governor Roberts, acknowledges receipt of a letter on July 17, informing him of Norton’s appointment. See also Haley, XIT, 51; Nordyke, Cattle Empire, 23; N.L. Norton to Governor Oran Roberts, September 10, 20, 1879, October 2, 12, 20; William C. Walsh, Texas Land Commissioner to Roberts, October 21, 1879, Records, Commission; Douglas Hale, "Lane, Walter Paye," Handbook, http://www.tshaonline.org/handbook/online/articles/fla28 (accessed 11/12/ 2010).
The Capitol Reservation stretched from the northwest corner of Texas, at a point last officially surveyed and marked in 1858, 200 miles south on or paralleling the New Mexico territorial border and reaching an average of twenty-five miles in width. The survey crews measured their progress in Spanish leagues, the square of which represents 4,428 acres. The project statutorily required visible markers erected at two corners of each league. 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 worthless such as rock or sand, barren of grass should be surveyed . . . ,” the surveyors methodically pursued their instructions.7

A late start and severe drought inhibited the survey. Munson’s crew may not have found the land they were mapping worthless, but they did not find it worth much. The newcomers found the Panhandle environment challenging. They were not the first to do so – or the last. By early September, “sickness having [reduced] the survey party below a fair working capacity,” Norton allowed Munson to abandon the work until spring. Norton tried to relieve Governor Roberts of any anxiety that Munson would finish the job by the September 1880 deadline. “There is however 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.” Norton informed Roberts of his intention to inspect the areas surveyed prior to his arrival 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

7 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,” Records, Commission. Not all of 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, Commission. Numerous 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, http://www.tshaonline.org/handbook/online/articles/mgb02 (accessed 11/29/2010).
“other reasons [for allowing Munson to leave] which I will explain when I see you.” It is not clear when Norton next saw the governor, but he was back home in Salado on December 1, far from what was, reportedly, a hard Panhandle winter.8

Munson and Norton returned in the spring of 1880 to finish the job. The 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 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 Comanche he feared, but more likely cowboys.9

Perhaps not obvious to the casual observer, the cattle industry was undergoing big changes at the beginning of the 1880s. An excess of longhorn cattle gone wild from Spanish-style antebellum ranches of south and coastal Texas, along with increased beef demand in the North and East and increased railroad capacity and reach, launched one of the unique periods of American history. Most historians place the classical period of the western range between 1866 and about 1885 to 1890. Several incidents of cattle trailed west out of the state during the Civil War do not prevent using Charles Goodnight and Oliver Loving’s 1866 drive to Ft. Sumner, New Mexico as the starting point for the Texas cattle-trail industry. And, although many outfits, including the XIT Ranch, would continue driving herds of cattle onto northern pastures well into

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8 Norton to Roberts, September 20, 1879, Records, Commission. See also September 10 and December 1, 1879. Haley, XIT, 51; Nordyke, Cattle Empire, 23. Haley writes that the survey did not begin until autumn and the drought quickly drove the men from their task. Nordyke writes, “...the men finally had to resort to seepage from alkali lakes.” Continuing, he summarizes 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.

9 Munson to Roberts, March 5, 1880, Records, Commission.
the 1890s, the classic trail era – the rip-roaring cattle boom – was essentially over in 1885. Quarantines and civilization kept cattle off the trail, the spread of railroads limited the need to trail cattle, and an increase in the beef supply throughout the country slackened market values. By the time the XIT Ranch was named, the Chisholm and Western Trail were long replaced by railroad or restricted by barbed wire and Winchesters.10

For many years, much had been made of Spanish or Splenic Fever, a devastating livestock disease carried north in longhorns brought from South Texas. By 1885, a quarantine line ran through the middle of Texas delineating the boundary marking the extent from which cattle could be shipped or driven north. Most western states – Missouri and Kansas, most notably, due to their importance to the cattle industry – passed strict laws enforcing the exclusion of Texas beef. In other states, such as Texas, the quarantine was enforced by the stockmen themselves. The disease did not seem to be active in the winter months, so most restrictions spelled out a specific period during the year in which restrictions were in effect.11

The Department of Agriculture studied Spanish Fever for years. Annual reports reveal much concern and hard work toward finding a solution. It would be almost the turn of the century before scientists discovered that the disease was transmitted not from the cattle, but from the cattle tick, *Boophilus Annulatus*. The half-wild longhorns of coastal and southern Texas had long before developed immunity to the parasitic disease. The tick needed a warm climate to exist, which explained why northern cattle never got the fever in the winter. A ‘dip’ that would


kill the ticks was developed and after 1900, all Texas cattle from the affected area were treated for the pest prior to shipping north. Tick fever, prior to its eradication, split Texas cattlemen into two factions. Conflict grew between them as south Texas cattle operations suffered financially while those above the “tick line” drew outside investment and improved market accessibility.\textsuperscript{12}

Barbed wire, too, factored into the changing atmosphere of the Panhandle. The mid-1870s saw its sale spread throughout Texas, first to farms and established ranches in eastern areas of the state, and by 1879 to small ranchers, as well as farmers attempting to lay a claim in the more promising regions of northwest Texas. Goodnight, Littlefield, Lee, the Scotsmen of the Matador – all of the large ranches – used it, too, when it benefitted them. Most of the fencing was illegal. Panhandle ranchers built fences to support their own quarantine. Panhandle-raised cattle were beyond the established quarantine line and not restricted from northern range and feeding operations. Area ranchers wanted to make sure that everyone knew this and fencing out “coasters” – the southern longhorns – became the best way to represent that publically. When ranchers began putting gates across public roads (guarded by armed men) and restricting access to properties in the Panhandle, opponents raised an attack on the practice. This represented one aspect of the subsequent “fence wars” that culminated in 1884 with adoption of laws restricting certain fencing practices and prohibiting indiscriminate fence-cutting. These laws, in practice, did little to address problems in the Panhandle and barbed wire continued to lead to conflict throughout the remainder of the century, at least.\textsuperscript{13}


The knowledge, too, that another player was coming on the scene intensified the awareness, on the part of large ranchers especially, that the free-range period was ending. When the open range began to close, despite laws to the contrary, ranchers tried to enforce their own rule of first use in claiming the best lands on and near the Capitol Reservation. Powerful interests sent land agents to secure large tracts of land using the state’s permissive land laws. Fences enforced those claims – cut fences marked a questionable (or threatened) claim. Texas’s Land Commissioner at the time, William C. Walsh expressed the fears of many Texas officials when he wrote Governor Oran Roberts during the Capitol Reservation survey:

Dear Sir,

The enclosed letter of Col. Norton only confirms my fear that interested parties, in collusion with Dist Surveyors would cover all the best land in the reserve and date their entries back.

I am satisfied the same will be done the Debt Reserve after last legislature.14

Norton sent the governor several letters in the days prior to Walsh’s letter. In a mysterious report to the governor in the fall of 1879, Norton, “for reasons that can be satisfactorily explained [later],” suggested he had information that “would in all probability save the state money.” Norton trusted the governor to “regard this information as strictly confidential.” He later informed the governor that, “I only report facts as I find them without expressing any opinion.” In an equally mysterious letter to Norton from the mail superintendent covering the line from Tascosa to Ft. Bascom, New Mexico Territory, Edward Montgomery, the postal agent suggested his willingness to produce witnesses to “the land grab or rather water grab of G & M.” This and other correspondences suggest collusion among district surveyors in the prosecution of the Capitol Reservation survey. Surveyor Munson expressed frustration with the progress of his work and the gratefulness of his employers around the same time:

14 Walsh to Roberts, October 21, 1879, Records, Commission.
Sir:—
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.\(^{15}\)

It is not clear that suspicion on Norton’s part, or anyone else’s view, taints Munson in any way. Later correspondence indicates the two men maintained a friendly relationship. The tone in the above letter broadcasts the sense that Munson was irritated with requests from the Commission. It is not the last time he informed the Board that his initial bid was low. Nothing hinting at any disappointment in Munson’s work reveals itself. Other correspondence further sheds light on suggestions that there were dark forces at work against efforts to produce an honest survey. Norton pursued investigation of activities regarding the lands, but it is not clear that the governor or anyone else ever acted on the claims. Although future legal actions against the Chicago Syndicate sought to reclaim certain areas of the Capitol Reservation, it appears that any conflicting claims at the time of the survey were resolved without affecting the subsequent agreement with the Chicago men.\(^{16}\)

A struggle between cattlemen and settlers was underway in the Panhandle. The Capitol Reservation was right in the middle. Frank Sperling, a Panhandle merchant, wrote Norton reminding him of the exposure of a United States Marshal “and his gang,” and the tradesman’s unjust treatment by them prior to their exposure. “[Y]ou can imagine better than anyone down in the state, how much we were injured . . . our business . . . [left] to the mercy of strangers,” wrote Sperling. Alluding to speculators “determined to drive off every settler from this land,” the letter

\(^{15}\) Norton to Roberts, October 12, 1879; Norton to Roberts, October 20, 1879; Edward Montgomery to Norton, October 31, 1879; Munson to Roberts, November 10, 1879, Records, Commission.

\(^{16}\) Norton to Roberts, December 1, 2, 1879; Munson to Roberts, April 30 and July 20, 1880, Records, Commission. “I find the cost of doing the work will be about double my estimate . . . .”
also questioned the land dealings of “Gunter & M” and “Lee & Reynolds of Ft. Elliott; who said
they would drive off everybody next spring to give room to their cattle.” The references in both
this letter and the earlier Montgomery letter to “G&M” or “Gunter&M” refer to the Sherman,
Texas law firm of Jot Gunter & William B. Munson, “Dealers in Real Estate.” William Munson
was the successful founder of Denison and an older brother to the Capitol Reservation surveyor,
J. (Joseph) T. Munson. Although another brother was later partnered with William, his business
and that of J. T. Munson seem not to have been shared. Although no evidence suggests that the
state’s surveyor was influenced by his brother, questions about the relationship are
understandable. A resurvey of the area was performed in 1886 in recognition of errors in
Munson’s survey. Nothing so far reveals those errors to have been of a nefarious nature.
Nevertheless, the relationship, given the role of each in this particular event, may have drawn
scrutiny in today’s ethics-conscious political atmosphere.17

Norton delivered a detailed report of the survey and the land characteristics to the Capitol
Commission Board in January 1881. 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.
Norton’s notes offers detailed characteristics of many of the leagues. Specifics of concern for
those found inferior are not listed. One might conclude they fell within the governor’s
instructions.18

17 F. Sperling to Norton, February 11, 1880; Gunter and Munson to Roberts, November 25, 1880, Records,
Commission. Haley, XIT, 43. Haley discusses the state of ownership in Panhandle Texas at the time the lands were
surveyed. He refers to Munson, the land agent, on this page, but gives no first name or initials. See also, “Gunter,
9/22/2010)

18 Texas, Report (1883), 60-67; Greer, “Texas State Capitol,” 32.
In November of 1880, the Capitol Board received the first bids for purchase of the 50,000 acres set aside as payment for the survey. This first call solicited only three responses. A letter from Gunter & Munson came to the governor withdrawing the bid received from Lee & Reynolds, a Dodge City, Kansas company earlier implicated in fraudulent land “filings.” It was operated by a near-legendary pair of Indian traders, W. M. D. Lee and Albert Reynolds, influential men who also ran the LE Ranch headquartered up the Canadian River near the Texas-New Mexico border in Oldham County. The Board rejected the two remaining bids and readvertised the survey acreage. Apparently, in the next round, Lee, under the Lee & Reynolds letterhead, submitted the only bid. It came with a guarantee from Lucien and Lyman Scott of Leavenworth, Kansas, bankers and owners of another Panhandle cattle outfit, the LS. Their offer of $.55½ per acre matches what is widely reported as the winning bid on the parcel. It is not clear that the state was pleased with this offer. This highlights a curious set of circumstances. In December 1879, Norton wrote a lengthy assessment of the legal situation regarding the Capitol Reservation – as he saw it. Without naming anyone in particular, he assailed the efforts of “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.” Referring to questionable “square surveys” and citing “The Act of January 30, 1854,” 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.” It is clear from reading other correspondence addressed to Norton that he is referring to Gunter & Munson and, by implication, Lee and Reynolds as the prime suspects in questionable land dealings.\(^{19}\)

\(^{19}\) Gunter & Munson to Roberts, November 25, 1880; Norton to Roberts, December 1, 1879, Records,
A rift in their business relationship developed in 1879. The LE ranged beef cattle near the confluence of the Canadian River and Trujillo Creek. The Sperling Brothers, who were among Norton’s fraud witnesses, had first opened a general store near the same location in 1878. Like others already in the area, the state’s intentions for the Capitol Reservation threatened Lee and Reynolds. They scrambled to secure claims on territories about to be split up by a partnership gone bad. Reynolds’ unwillingness to sell his portion of the LE surprised Lee, and probably the Scott Brothers, too. The split upon which the men eventually agreed satisfied none of the parties. Men like the Sperlings sometimes got in the way of those disputes. Nevertheless, by the time Munson and Norton returned to the Panhandle in May 1880, little more discussion of fraud is found in Norton’s correspondence. In his efforts to prevent land fraud on the Capitol Reservation, Norton made several attempts to recommend a “friend & supporter of the land of the state,” Henry Kimball, a Tascosa blacksmith that “has the confidence of all the parties [and] is perfectly familiar with the Spanish language.”

What happened regarding questionable land practices along the Canadian River is unclear from the documents of the period. One only need examine a map of the Capitol Reservation and the XIT Ranch, however, to realize that something happened. The XIT later controlled much of the Canadian River valley to Tascosa. An angular area carved out at the point the river drops from New Mexico into Texas is excluded from the allotment. So, too, are most regions along the Punta De Agua, a major tributary. Maps of the period suggest a substantial portion of this belonged to the LE. Later land exchanges among the Chicago Syndicate and earlier area

Commission.

ranching interests, along with lawsuits that redrew lines, obscure the originally declared boundaries. Most 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 of the concerns he had expressed earlier. Although the Syndicate men did later spend time investigating historic land laws and earlier surveys, little concern shows at the time they purchased the Capitol building contract that they suspected suspicious land transactions may have deprived them of some of the lands originally intended as part of those ultimately awarded.\textsuperscript{21}

What may have happened is that Gunter & Munson (acting for Lee & Reynolds, among others), confronted by the state with charges of suspected fraud, withdrew their bid for the survey acreage. Publicly, this may have allowed the state to distance itself from a name associated with questionable land speculation practices. The state, nevertheless, faced a \textit{fait accompli} – the LE and other ranches were, after all, already there and were controlled by very powerful men. Rather than face lawsuits and political conflict, might not a bargain have been struck to maintain an illusion that the grand Capitol could be built for the $1.5 million originally projected? What are the chances that only one bid would come in for 50,000 contiguous acres of what is clearly among the best offered throughout the Capitol Reservation? Other nearby land was already rumored to be selling for twice the amount of the $.55\frac{1}{2} bid from Lee. Other than the sale price of the land, $27,750, half of that earmarked for the common education fund, and

\textsuperscript{21} The Syndicate first corresponds with W. M. D. Lee in August, 1882, discussing land and railroad plans “beneficial to all.” Taylor, Babcock, & Co. (TBC) to Lee, August 29, 1882, XIT Papers. Letters from Taylor in 1883 first highlight the land issues presented in the Panhandle. Taylor to Farwell, June 16, 1883; Taylor to C. Farwell, June 22, 1883; Taylor to J. Farwell, June 25, 1883, XIT Papers. When multiple letters from the same collection are subsequently cited consecutively, the source will appear after the last item. See also, 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, Texas State Archives; F. G Blau, “Oldham County Map, 1887,” digital image, http://texashistory.unt.edu/ark:/67531/metapth88877 (accessed 9/21/2010), The Portal to Texas History crediting Texas General Land Office, Austin, Texas.
the leagues sold, the official record is sketchy regarding the purchaser of the tract. The first official report of the Capitol Board is silent on the question. Lee’s bid can be found 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 report.22

Whatever the circumstances surrounding the survey, the governor and Capitol Board declared their satisfaction with the bargain and moved on. Having defined the scope of the state’s offer, the Board and Commissioners set themselves to obtaining a building design on which suitors for the land might base their bid. The state advertised a contest offering $1,700 to the winning design for a new Texas state house. The response was tepid. Architecture was still a bourgeoning profession, but the American Institute of Architects (AIA), established in 1857, was powerful enough to discourage many leading architects of the day from offering at the paltry prize. The design requirements for the contest reveal extensive specifications representing what would require a great deal of time and expenditure to prepare. The AIA seems justified in their viewpoint.23

The risk seemed worth it to eleven people, however, including one woman. The designs were identified by a nom de plume or motto to maintain anonymity in the selection process. Three of the designs were identified as “Architect.” Not having seen the designs, one entry, from “Woglosnop,” draws images of Harry Potter wizard castles to mind. Candidates were


allowed to enter more than one design and at least one well-known Austin architect is known to have submitted a design and been disappointed by the contest outcome.\textsuperscript{24}

The Capitol Commission decided it did not have the expertise to assess the various designs and so sought outside assistance. Despite pressure to select a local architect, the Board chose Napoleon Le Brun of New York City to assist in the selection of the winning design. Shortly before Le Brun’s arrival, the Commission’s construction superintendent, a noted architect on his own, from Austin, Jasper S. Preston, resigned his position. Some have suggested professional pique may have led to the abrupt departure. Some evidence points toward corruption accusations regarding another public project, but officials offered no explanation. Drawing a $3,000 fee and with all expenses paid, Le Brun accepted the position. After lengthy deliberation, the Board settled on the design identified as “Tuebor.” This design belonged to Elijah E. Myers, a Detroit architect of the period who had designed the recently completed Capitol of Michigan in Lansing.\textsuperscript{25}

The Capitol Board knew of Myers before it issued bid requests. He wrote Governor Roberts in 1879 that, “I am informed that your state authorities contemplate erecting a Capitol Building . . . .” Not a lot seems known about Myers personal life. He came originally from Philadelphia where he was an accomplished carpenter. Somehow displaced by the Civil War, historians find him in 1863 advertising his architectural skills in Springfield, Illinois. He would hone those skills focusing his expertise at courthouses and other public buildings in Illinois and Michigan. He felt confidently up to the role when Michigan advertised a design competition for

\textsuperscript{24} Mabry, “Capitol Context,” 109; Texas, \textit{Report}, 1883, 14-15; Frederick Ruffini bid on the new capitol and the Temporary Capitol, the design of which he was responsible. See also Bob Brinkman and Dan K. Utley, “A Name on the Cornerstone: The Landmark Texas Architecture of Jasper Newton Preston.” \textit{Southwestern Historical Quarterly} 110 (July 2006): 1-37.

\textsuperscript{25} J.N. Preston was the first of several construction superintendents for the Capitol Commission. Green, “Great Delicacy,” \textit{Selected Essays}, 40-41; Mabry, “Capitol Context,” 110.
their new state house. Winning the competition, Myers appeared to have been the model architect to the extended project, not completed until 1879. Certainly by then, Myers had not yet reached the stage where others could say about him, as one historian has, that he was “a talented, dishonest, hard-working, spiteful, clever, unbalanced, self-assured, self-destructive hypochondriac whose story must be pieced together from fragments.”  

Unquestionably, the state, members of the Capitol Commission Board, and the Board’s commissioners placed tremendous burdens upon Myers. As shall be seen, Myers developed a strained relationship with the Capitol Board, eventually resulting in his abandonment of the project. At this stage, however, Myers was its darling. After his unquestioned agreement to Le Brun's modifications, Myers accepted an additional $12,000 fee and an invitation to Austin to finalize the designs. In July of 1881, Building Commissioners Norton and Joseph Lee, a respected Texas lawyer, former judge, legislator, and public servant, announced the state’s intentions to seek bids “for supplying all material and completing every class of work required in the construction of a new State Capitol at Austin, Texas . . . .” The classic design of the building included sufficient room to accommodate the legislative, judicial, and executive bodies of the state and have apparatus for “light, heating, ventilating, plumbing, drainage, sewerage, elevators, and other appliances and conveniences of a complete modern State Capitol.” The final construction specifications are extensively detailed in the 280 line items delineated in the original contract. Land parcels were to be transferred as the construction progressed through thirty-five benchmarks.


27 Texas, Report, 1883, 21, 22, 102-105; L. E. Daniell, Personnel of the Texas State Government, With Sketches of Distinguished Texans, Embracing The Executive and Staff, Heads of Departments, United States Senators and Representatives, Members of the XXth Legislature (Austin: Press of the City Printing Company, 1887),
The design reflected the theme of the golden age of capitol building design. It reflected the tradition of the national Capitol, particularly after Myers exchanged his original tower design for the trademark dome that eventually would top the building. Post-Civil War capitols, many in the West, carried forward as a symbol of democracy certain characteristics – the classic columns, reaching porticos, and awe-inspiring rotunda. One person has called the capitols built from 1865 to 1900 “beacons on the landscape,” broadcasting that there stood the house of the people. Done in essentially the Renaissance Revival style established by Thomas U. Walter in the 1850s, if the design lacked originality, it did not lack in bold and pronounced expressions that Myers had developed in watching the Illinois Capitol go up and, of course, in his most recent triumph with the Michigan Capitol.  

On November 9, while the Capitol Commission Board met in a nearby room considering the plans and proposals thus far received, a poorly installed stovepipe ignited documents in a storage room of the Old Stone Capitol. Alerted to the fire, several of the Board members first attempted to extinguish the growing blaze, and then tried to retrieve state documents that appeared in the greatest peril. Timely Austin firefighters arrived to what at first appeared to be light damage and a controllable fire. Fire hydrants nearby, however, quickly lost pressure, and the firefighters found themselves unable to continue containment of the flames. By the end of the day, only a smoldering ruin remained.  

The fire intensified the work of the Board. Now not only were they tasked with choosing a contractor for their elegant new house, they also had to find temporary quarters around Austin


to house the government offices until completion of the building no one expected for another five years. Various departments immediately placed ads and the community responded. An investigation of the fire produced lengthy testimony from several of the Board members and other witnesses. Reports agreed that all had done what they could. Beyond the burden of displacement and the lament of losing many important papers, many observers expressed near glee at the conflagration. Newspapers had a field day mocking the hideous edifice while they bid it a not fond farewell. Years later, at the dedication of the new Capitol on May 18, 1888, State Senator Temple Houston, youngest son of the great Texas hero, praised the history that had passed within the limestone walls of the Old Stone Capitol. “Beneath its roof,” Houston told the crowd gathered, “. . . passed much over which the historian of Texas must ponder.” Much passed, indeed, but with little preserved, pondering is often all that can be done. 

Initially, most officials felt the state could make do with what they had. Governor Roberts called a special session of the legislature in April 1882. He proposed three solutions for the continued housing of government agencies. One, the Supreme Court and Treasury building could be moved, intact, to the east side of Capitol Square and used as temporary quarters until a new capitol could be completed; two, a temporary capitol could be built, salvaging the ruins of the burned capitol and material from the Supreme Court and Treasury buildings, or; three, existing buildings could be purchased throughout the city, refurbished for appropriate use, then resold upon completion of a new capitol. The legislature, not for the last time, handed the decision back to the Board in May. After weighing the alternatives, members appropriated $45,000 to build a temporary Capitol on an unused portion of the Capitol complex. Requests for

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proposals were promptly issued and seven proposals were received. The design selected was that of local architect Frederick Ruffini, a protégé of the former building superintendent, Jasper Preston. J. B. Smith won the building contract and began construction on May 30.31

Work progressed rapidly on the temporary building. D. J. Duhamel, the Commission’s superintendent who eventually replaced Preston, reported the mid-June completion of foundation excavation, measurements, and construction layout. In September, with construction of the temporary structure well underway, disaster struck in the form of an autumn Texas storm. On September 8, Duhamel wrote the Board “to report to you an accident which has occurred to the Temporary Capitol in so much as parts of the north and west walls have fallen.” The storm brought question about the stability of the structure. No significant delays stalled construction of the “very cheap affair,” however, and newspapers announced major finishing work on the temporary state house near an end in early January. Dedicated on January 1, 1883, it was occupied in March, just in time for spring storms. During one, legislators withdrew from their deliberations to move across the street to watch the wind blow down their chambers. A number were disappointed when the building withstood the fury, as it would continue to in various capacities until succumbing to the fate of its predecessor in an 1899 fire.32

The fire represented only a marginal delay for the effort to build the new permanent state capitol. While Myers took Le Brun’s recommendations back to Detroit to complete the working plans for the building, representatives of the Board fanned out to begin the selection of construction material for the project. Land Commissioner William C. Walsh traveled to Detroit and Lansing and “derived much valuable information.” Lee and Norton sought out quarries,

31 Mabry, “Capitol Context,” 120.
examined metal and wood samples, and sought testing of various stone, lime, and cement from the Smithsonian Institute and the federal arsenal at Rock Island, Illinois. The most important search, however, sought a suitable quarry from which they could obtain the limestone for the Capitol walls. From the beginning, Texans envisioned a structure truly representative of Texas. Obviously, choosing a non-Texan as their architect signaled a willingness to go beyond Texas for material and expertise, if necessary. Governor Roberts’s leadership allowed Commissioners to approach this issue pragmatically. Nevertheless, the state felt confident that most of the material and expertise actually required to build the Capitol could be acquired in Texas. Although there is certainly room for discussion, the overwhelming initial choice of stone for the buildings was limestone, if for no other reason than its nearby abundance.

An initial list of fifteen potential quarry sites eventually expanded to eighteen. Samples of some of the material were sent to the Smithsonian for analysis. Reporting their regret they could only thoroughly test one sample, the scientific institute reported chemical evaluations on sample “No. 2.” The Smithsonian called the sample “remarkably pure limestone.” The report went on to say it would be an excellent use “in the construction of the foundation of your State House,” but came with a caveat that “care should be taken to protect the portion beneath the ground from the action of the water.” The report concludes that “in the absence of better materials [it] can be very advantageously employed for superstructures.” This sample came from what would become the Oatmanville quarry, just on the outskirts of Austin. The question of the stone used for the building superstructure plagued the project for some time to come. Stonework was not yet, though, a source of conflict. Lee and Norton were also testing the various limes and cements to be used, generally reporting there to be “abundant and cheap” resources available...

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nearby. Competent experts, like Army general and engineer Quincy A. Gillmore, also tested the 
material. Regarding a sample from San Antonio, the general wrote, “Your Roman cement takes 
a very high rank among cements of its name and kind, being superior in quality to some imported
Portland cements offered from time to time in this market.” Kentucky cement identified by 
Taylor would eventually serve as the primary bonding agent used in the project. 34

The fire delayed the construction bid deadline to January 1, 1882. Lee and Norton, 
representing the entire Board, received only two bids. 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. According 
to Lewis Nordyke, Charles Farwell, a Chicago congressman, got wind of the 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 Abner Taylor and his father-in-law, Amos Babcock. 35

Ambitious in Illinois politics, Taylor was a respected contractor in Chicago. Babcock, 
too, could boast of his own influence in both state and national politics. These two had already 
corralled Schnell, who, having already 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

34 Texas, Report, 1883, 83-84 26-27, 88; August 29, 1883, Taylor to John T. Dickinson, Secretary of 
Capitol Board, August 29, 1883, XIT Papers; Greer, “Texas State Capitol,” 148.

35 Nordyke, Cattle Empire, 25-26; Haley, XIT, 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.”
was a builder, but regarding the ownership of more land than some can imagine, he had little clue. Schnell must have come to his senses. According to Nordyke, just prior to Christmas 1881, Taylor, Babcock, and the Farwells struck a deal with Schnell. He continued as the sole bidder on the project. Three-quarters interest in the project would be sold to them, the men agreed, should Schnell's bid be accepted. Burck and Schnell submitted their bids, along with a $20,000 bond, on December 31 and the Commissioners opened and examined them on January 1. Board members selected Schnell’s bid. Schnell and the two Building Commissioners, Lee and Norton, signed a contract January 10. The full Board accepted it 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, too. That date coincides with a telegram sent to the governor, Board, Norton, and Lee in which J. M. Beardsley, an influential Illinois lawyer with strong ties to the Republican Party there, informs them that “Schnells bond signed by men worth two million dollars. It will be there and work commenced on time.”

The contract called for ground breaking on February 1. Commissioners Lee and Norton were there to turn the first shovels of earth. No real work began until February 20. The governor and Board accepted Schnell’s bond February 7. A letter from Illinois Governor Shelby M. Cullom, penned February 1, offered glowing praise for Schnell and the others. On 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 altogether from two to three million dollars.” Apparently, that the guarantee came from a Republican did not dissuade the committed Democrat Roberts. Cullom also sent a telegram the day the bond was accepted. The

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Board recognized Taylor, Babcock, and the Farwells as owners of an undivided three-quarter share of the project February 11.\textsuperscript{37}

By this time most correspondence is signed “Taylor, Babcock, and Co.” (TBC). Named without reference to their involvement, the Farwells were equal, probably majority, owners of the Capitol adventure. Distrust and resentment toward northerners continued in Texas, and this arrangement was at least partially due to that attitude. Charles Farwell’s involvement in Illinois republican politics almost certainly led the men to minimize public attention to his involvement in the deal. Taylor and TBC took assignment of the entire contract on May 9. Schnell disappears after June 19 when Taylor, as TBC, demands payment of interest on a $1,500 payment Taylor made to Drake. “Send us this amount [$30.30] and the agreement you hold . . .,” Taylor writes, “. . . they are the propositions made when we let the contract to [Ed] Creary.” His tone does not broadcast warmth.\textsuperscript{38}

Before that, however, a curious series of letters from Abner Taylor adds mystery to the relationship among the Board, Schnell, Taylor, and the others. On April 26, he wrote Mistres Forster and Wennig of Chicago that, “We withdraw the authority given you . . . to buy for us the interest of Schnell, Burck, and Drake in the contract to build the Texas State House it does not look good.” On April 29, Taylor sent another letter rescinding the earlier letter that had already rescinded yet an earlier request. Were the Chicagoans beginning to question their involvement in the arrangement? Further mystery is added in a letter the same day to A. A. Burck, the losing


\textsuperscript{38} Taylor to Forster and Wennig, April 26, 1882; Taylor to Schnell, June 19, 1882, XIT Papers. The company of Creary & Haswell was initially contracted for the excavation work at Capitol Square.
bidder for the Capitol contract. “I am astonished,” wrote Taylor, “that you would send me the
dispatch you did without reasons other than those assigned.” Later in the same letter, Taylor
continues his upbraiding, writing, “whilst you are with us you must confine yourself to carrying
out orders.” The Drake mentioned in Taylor’s letter to Forster and Wellig appears earlier in
some of the documents provided by Schnell during the bidding process, but why is Burck
included as if he somehow had a partnership with Schnell? If that is the case, what does it mean
that he now appears working for TBC? 39

In the April 29 letter to Forster and Wellig, TBC instructed them to offer Schnell not
more than $15,500 for his interest in the contract. Taylor told them to offer no more than an
additional $5,000 to each Burck and Drake for their part of the contract. Obviously, the transfer
of the entire contract took place. As is the case in a number of instances in 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 Drake on June 6. Again adding
to the curiosity of the entire first six months of the project, two separate payments of $7,200 and
$5,300 between April 15 and May 18 appear for J. M. Beardsley. 40

James S. Drake and another man, Francis B. Foster, signed Schnell’s bond when he
submitted his bid. These men were probably investors, perhaps friends, of Schnell from Illinois.
Upon winning the bid, with a small window to the legislated construction date on February 1,
Schnell must have hired Burck as his superintendent in order to expedite the project. Schnell
must have bought Burck’s service with a financial interest. He earned the same as Drake in the

39 Taylor to Forster & Wennig, April 26, and April 29, 1882; Taylor to Burck, April 29, 1882, XIT Papers.
It is not clear from the original letters that “Forster & Wellig” are the names of these individuals. Both are faded,
smudged, or somewhat illegible, but an earlier researcher penned in “Mssrs Forster & Winnig.” Francis B Foster
and J. C. Welling of Chicago have been suggested as two additional possibilities.

40 Accounts, Ledgers, Taylor-Babcock, XIT Papers.
contract transfer. TBC maintained his services, at least for a time. No mention of Foster has turned up. Beardsley had vouched to the Board for the credentials of Taylor, Babcock, and the Farwell’s. His role in earning $12,500 from the Syndicate is unclear. Unraveling the communication and finances of this project are tricky. The influence of the Capitol project spread widely – for better or worse.41

Within a month of Taylor, Babcock, and the Farwell’s assuming majority ownership of the building contract, Amos Babcock was making his way to the wilds of northwest Texas. Political favors insured a safe journey across the Texas frontier and his arrival in Tascosa signaled a big change for that town and the hundreds of square miles around it. A much-debated plan launched by a reactionary body set aside three million acres of public land to build a noble edifice representative of Texas and her people. A survey plagued by rumors of strong-arm tactics and fraud defined the acres granted for the project. A questionable bidding process resulted in the sale of 50,000 acres to pay for a survey whose own commissioner raised questions about the honesty of the purchaser. 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.42

41 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.

42 Texas, Report, 1883, 27.
CHAPTER 2

THE SYNDICATE TAKES CHARGE

Signing a contract among parties does not guarantee the success of the contracted project. The state and the Chicago men spent much of the next three years defining among themselves what it was they all expected to get through their agreement and how they were going to go about getting it. This chapter examines events and actions revolving around the Capitol project from 1882 to 1885. Although focusing on developments regarding construction on the building, this chapter also examines the formative activities undertaken with regard to the future ranch.

On June 20, 1882, Taylor, Babcock, and Company, “the more effectually and properly to carry out the provisions [of the contract] . . . ,” assigned the entire Capitol building project to Abner Taylor as the principal contractor. The Syndicate was trying to minimize resentment that a non-Texas firm was to be responsible for construction of the Capitol. Hoping to mitigate this issue, the partners agreed to place their construction business interests solely in Taylor’s name. Apparently, they felt that the fewer non-Texas principals associated with the project, the less resistance there would be to their activities. This was no more than a political ploy, and Taylor realized little additional business influence in the partnership because of it. This is the first substantial contract modification, other than ownership, undertaken by the parties since the Board accepted Schnell’s bid. It would not be the last. Two main changes for the June 20 contract were a request to change the size of the individual foundation stones and to change the stone selection from the “no.4” stone to the “no.2.” A clarification of the foundation excavation specifications slightly delayed later conflict that developed regarding the foundation itself. More importantly, however, this marks the end of TBC’s investigation into the terms of the deal in
which they found themselves. Working out the details of their business relationship, TBC chose Taylor, a clearly competent and ambitious man, to manage the project. At the time, this was probably an easy decision. Exactly who was in charge later plagued Syndicate operations. In 1882, and for some time to come, however, the partners seemed to work well with one another, Taylor as the nominal chief of operations.¹

It is almost a cliché to offer the image up of the Gilded Age “self-made” man, but these men fit the role. The Farwells, as children, journeyed to Chicago with their family in a wagon during the city’s infancy. John V. Farwell had no knowledge of construction, but he was a sober businessman who started in the mercantile trade as an office boy. He once hired a clerk named Marshall Field and later helped finance Field in his own business. He helped a rancher by the name of B. H. Campbell finance a cattle operation in Indian Territory. He suffered setbacks, too, and, quite literally, raised his business from ashes. After recently completing construction on a thoroughly modern department store in 1869, fire consumed the structure. Quickly rebuilding, the younger Farwell brother was back in business just in time for the Great Fire of 1871. When the coals cooled on the ruins of his store, he simply started over again. His persistence continued to serve him well. One cannot say his brother Charles followed an easier path when he started his government and political career as a Cook County clerk. Even then, Chicago and Illinois politics followed a rough and tumble path. Nevertheless, Charles Farwell rose to the top to become a congressman and senator with aspirations and prospects for the presidency.²

¹ 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), 31, 187-188; Taylor to Thomas N. Anderson, May 27, 1882, The XIT Papers, Archives, Panhandle-Plains Historical Museum, Canyon, TX. Although the pursuit of investors would later intensify, particularly in England, this letter reveals the tentative approach the four men were taking toward responsibility for the project.

Taylor and Babcock, too, were not strangers to the Illinois political scene. The two met as fellow Union officers during the Civil War. Taylor apparently married Babcock’s daughter. The two were involved in numerous business ventures after the war, but Taylor gained much of his distinction as a contractor while rebuilding Chicago after the Great Fire. The least successful among the group, as measured in wealth and influence, Babcock was clever and innovative. Despite his usefulness, Babcock, chairman of the Illinois Republican Central Committee at the time, was never quite able to move beyond the status of stepper for more powerful associates. TBC sent Babcock to inspect the Capitol Reservation in the spring of 1882. Beyond the mainly optimistic and enthusiastic reports he took back to Chicago, he made quite an impression on the cowboys and other locals that escorted him on the tour. A new name for an old item cropped up in the Texas Panhandle. Many that gathered the buffalo and cattle droppings that augmented the sparse wood available as fuel to the cooks of cattle outfits took to calling the hardened flops “Babcock coal,” for the easterner’s fabled refusal to eat food cooked over the prairie patties.\(^3\)

Together, as one historian has put it, “these associates were all remarkable men, who, as worthy representatives of the golden age of American business, engaged in politics and finance, and promoted many great projects.” That is true. Their ability to maintain and improve on their capital position, sometimes at great risk, eventually was “successful.” At the time, though, the only experience any of these men had in the cattle business was John V. Farwell’s investment in the Kansas cattleman B. H. “Barbecue” Campbell, the soon-to-be manager of their Panhandle acreage. A clerk in the Farwell’s Chicago Office, George Findlay, the son of an immigrant farmer and experienced in ranching through his gentleman involvement in his father-in-law’s introduction of Aberdeen-Angus cattle to Indiana, eventually became the Syndicate expert on

cattle. He resided at the ranch later, securing the ranch management in a more financially sound business structure. Even with his “expertise,” the cattle operation stumbled, supported mainly by determination. Expenditures continued to outrun expenses until late in the 1890s when the company began to sell off parcels of the great spread.4

Activity on the Capitol picked up after Taylor assumed the principal contractor position. Obtaining a set of plans by which he and his men could work became the first order of business. The building plans became an object of concern throughout much of the project. Technology has made duplication a simple process today. In 1882, an office built on the construction site housed a small army of draughtsmen working on developing and tracing the working construction plans from Myers’s designs. Writing for Taylor, Reginald DeKoven, a Chicago aide, on July 7 complained to Lee and Norton that Taylor had instructed Burck on April 19 “to call upon you for detail drawings and plans” and that “we could not proceed much further without them.” By this time, the state’s Building Commissioners were usually in observance at the construction office, as was the state’s superintendent, E. J. Duhamel. W. D. Clark replaced Duhamel in October 1882, after criticism over the collapse at the Temporary Capitol.5

Exceptions to the on-site observation stipulation took place, of course, as the Commissioners, in particular, had duties that took them from the building site. Taylor, Babcock, and Company was often helpful to the state when these occasions arose. Taylor often requested special passes on the various railroads he used during his travels, often requesting the perquisite


while negotiating lower shipping rates. Commissioner Norton planned to go to Detroit to consult with Myers and to look at the Michigan state house. Taylor, then negotiating with Missouri Pacific Railroad general manager H. M. Hoxie about shipping rates and cooperation on building rail lines to assist in the construction, requested a pass for Norton to travel to St. Louis. Taylor wrote another railroad representative that “Norton wishes to come North in a few days . . . ,” and asking if since Hoxie had borne the man to St. Louis, whether he might “fix him the balance of the way.”

John T. Dickinson became the secretary of the Capitol Board in November 1881. Dickinson worked well with Taylor and for much of the project he served as the primary conduit to Taylor for communication with the Board. Among the first documented exchanges in this relationship, on August 11, Taylor apologized for not earlier acknowledging receipt of several important documents. On August 15, Taylor thanked Dickinson for the reports on the stone tested for use in the project. Dickinson became a critical link to the state for TBC and, perhaps, they felt his work worth rewarding beyond his service to the state. Correspondence in 1884 indicates TBC was helpful to Dickinson’s needs, too. Babcock wrote to an associate in Illinois:

I wish you would select a good buggy horse for the party I mentioned in Austin Texas. He wants a horse 6 to 8 years old. fair size and good style. fair roadster. Not particular about speed. Price $200. Ike do your best in making the selection for reasons I mentioned to you here. Ship horse to John T. Dickinson in Austin Texas . . . bill to Taylor Babcock & Co. here . . . write me a full description . . .

Taylor followed up with Dickinson several days later, informing the Board’s secretary that Babcock heard from his friend that he had found “a very fine mare” and Taylor supposed

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6 Taylor to Hoxie, August 10, 1882, Taylor to Gault, August 28, 1882, Taylor to Norton, August 31, 1882, XIT Papers.
7 L. E. Daniell, Personnel of the Texas State Government, With Sketches of Distinguished Texans, Embracing The Executive and Staff, Heads of Departments, United States Senators and Representatives, Members of the XXth Legislature (Austin: Press of the City Printing Company, 1887), 42; Texas, Report, 1883, 37, 194-196; Babcock to “Ike”, April 8, 1884, XIT Papers.
she would arrive any day. He goes on to propose that Dickinson could likely find a better buggy in Austin, and that he should let Taylor know his thoughts. Correspondence between TBC and state officials is occasionally present in both the Commission and TBC records. Commission records reveal nothing of this matter. Ethical oversight of gifts and other considerations to politically influential individuals was yet to reach the extent to it is regulated today – or perhaps it just garnered less scrutiny. This bit of correspondence does not strongly indict either Babcock or Dickinson. The mention of price suggests Babcock may have been passing along Dickinson’s requirements in obtaining a fine northern-bred horse. Nevertheless, evidence exists that influence peddling at some level took place throughout the execution of the Capitol contracts, beginning with the initial survey, as has already been demonstrated.  

By August of 1882, the excavation atop Capitol Square was nearly complete and Taylor advertised for bids to undertake the foundation work. The excavation of the site etched a 61,000 square foot divot out of a single solid piece of bedrock. The completed Capitol eventually rested on a 2.25-acre footprint. The city of Austin began to feel the stress of the project in May when blasting began. Local newspapers reported growing danger at the Capitol site, warning, “Large pieces of rock fall among private residences in that part of the city.” A voice for the city would continue to rise, first over the safety of the Temporary Capitol project after the accident there, then concerning the “frog and snake pond” that grew during the excavation and construction of the foundation. Rail right-of-way through the city to haul stone to the construction site would cause more conflict.

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8 Taylor to John T. Dickinson, April 15, 1884, XIT Papers.

9 Rathjen, “Texas State House,” SWHQ, 440-441; R. Platt (Acting Mayor, Austin) to Roberts, September 9, 1882; Roberts to R. Platt, Austin Street Commission, March 26, 1883, Records of the Capitol Building Commission, Texas State Library & Archives, Austin, TX; Taylor to W.A. Saylor, Mayor, Austin, January 19, 1883, XIT Papers.
Excavation contractor Ed Creary was not a favorite of Taylor. Gustav Wilke won the foundation bid awarded on August 31. Wilke would later go on to be a trusted associate in the project and assigned as chief contractor by TBC for the duration of the project. For now, the foundation work would entail any correction necessary to the excavated site, such as concrete work, as well as the quarrying of the limestone, the water table, sewerage, and foundation itself. In early September, Creary received a terse letter informing him of his loss of the foundation contract. “We received a much lower proposal,” Taylor informed Creary, “. . . and expect to award the contract on said proposal.”

Taylor had already determined that the quarry site initially selected by the Board, represented by sample no. 4, despite complete testing on sample no. 2, would not provide the quantity of rock necessary. The Board acknowledged this in August. This marks the beginning of difficulties regarding the various stone used in construction. Unsatisfied with the selections stipulated in the contract, Taylor went on to invest another $16,000 in dispatching his own experts to locate and secure quarries capable of supplying quality stone in sufficient quantities. The issue hindered progress on the building until 1886. Taylor, still waiting on a complete set of working plans, passed time contacting railroad officials to negotiate haul rates and a road from the Oatmanville quarry site.

With excavation complete, to Taylor’s thinking, TBC was due a land allotment. The contractor submitted papers to claim the first land certificate, one and one-half per cent of the three million acres. “Under the terms of the contract,” wrote Taylor to Commissioners Lee &

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11 Texas, Report, 1883, 33, Appendix O; Taylor to Dickinson, August 15, 1882, XIT Papers; Greer, “Texas State Capitol,” 91.
Norton on August 15, “all the payments and work has been done.” Another letter, apparently to an Austin banker, accompanied the foregoing message, summarizing a payment of $5,574.50 for Mr. Creary. A follow-up letter the next day to Burck elaborates on Taylor’s instructions to the bank, emphasizing that he should “furnish the bank with W. K. Finbaugh & Co. claim of amount due them. . . Also get from Creary his receipted pay roll and file with the Commission.” The Temporary Capitol collapsed within a month of this claim, and the consequences of that incident occupied the Commissioners’ attention. No further action took place until April 1883. TBC apparently had rocky relations with Creary although Taylor sought to fully justify TBC accounts through further attempts to obtain vouchers and receipts from Creary. Perhaps highlighting the dearth of expertise in projects of this scale, company ledgers for TBC show Creary was later assigned other projects, including clearing one of the quarry sites and work on the railroad bed from the quarry.12

Little correspondence reflects Taylor's probable frustration with the state’s inaction on his request to transfer the first land allotment. In the autumn of 1882, he filled his time with rail rate negotiations and land and investment inquiries. Several exchanges with Myers took place, one in which he proposed Myers delay a trip so that he might “be able to go south with you when you go.” The Board asked Myers to review the Temporary Capitol debacle. He replied by letter with lengthy recommendations on September 21. Draughtsmen worked in both Detroit and Austin completing copies of the Capitol plans. Myers, at first, made frequent trips to Austin to inspect progress there. His report on the Temporary Capitol does not make it clear that he visited that fall. A set of complete plans for use by the contractor was delivered in October. Myers may

12 Texas, Report, 1883, 102; Taylor to Lee and Norton, August 15, 1882; Taylor to [First National Bank], August 15, 1882; Taylor to Burck, August 16, 1882, XIT Papers; Babcock to Capitol Board, April 6, 1883, Records, Commission; Taylor to Lee and Norton, April 9, 1883, XIT Papers; Accounts, Ledger, Taylor-Babcock, 1882-1886, XIT Papers. TBC again requests payment of the first land parcel. Several earlier letters in the fall of 1882 also refer to Creary and his inaccurate and inconsistent accounting.
have been on hand to approve them. Already, Myers was revealing habits of excuses and delays that would later drive a wedge between him and the Board. Babcock’s presence in Austin in October “to secure railroad right-of-way” is well known. Taylor reported his “health poor,” during this time and his expectation that “Col Babcock will go to Austin in my place.”

Taylor spent much of his illness fielding the many inquiries regarding land. He began floating potential sales arrangements, possibly in hopes of taking advantage of the unprecedented Texas land boom of the Roberts administration. “We would not care to sell any part of our Texas land for less than $2.50 per acre,” he wrote Abner Morgan of New York. Taylor never offered the land for prices the state offered for similar parcels it continued to hold in West and Panhandle Texas, however. TBC, nevertheless, would be a target for the next governor, John Ireland, who sought to roll back the liberal land policies encouraged during the Roberts years. Unfortunately, for Taylor and his partners, Ireland would use the Capitol deal to influence public opinion against those policies. Unwittingly, though, the governor probably improved the TBC position. Not all the public opinion in Texas was going to change an airtight contract. Later, Taylor simply had to be patient while Ireland ranted about the inequities of the contract. Perhaps anticipating a looming need of capital, the fall of 1882 also saw Taylor first float the idea that the partners might seek investors in England.

When Ireland took office January 16, 1883, the Temporary Capitol was nearly ready for occupancy. North up the hill, foundation preparation had continued through the winter as the solid stone was prepared for the basement walls and sewerage routes were set. Equipment and materials were at the site by January 1. TBC continued to work toward securing right-of-way to

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13 Texas, Report, 1883, 37; Myers to Board, September 21, 1882, Records, Commission; Taylor to Myers, October 3, 1882, XIT Papers.

14 Taylor to Abner Morgan, October 20, 1882; Taylor to David Nobles Rowan, October 30, 1882; Taylor to Babcock, November 3, 1882, XIT Papers.
build a trunk line to the Capitol site. In December, Taylor, who had continued in his sick bed and restricted to Chicago throughout the fall, wrote to reassure Myers. The biggest hurdle to progress, he told the architect, currently, was the Austin city government. “[T]here has been no progress in the matter of obtaining the right of way, but Wilke is at work down there opening a quarry and preparing the foundation and Col. Babcock is still there and I think will obtain the right of way soon. I have not heard a word about the Commissioners.” Presumably, this last comment indirectly references the just-completed election and the turnover in Board membership. Surprisingly, little discussion of the political events of any particular period seems common among TBC correspondents although political maneuvering leave an aura of presence throughout much of the records of the Commission and the XIT papers. The city, protective of its main thoroughfare, Congress Avenue, granted right-of-way up East Avenue, then west seven blocks along Mesquite Street. Later, private landowners forced bitter negotiations for right-of-way from Oatmanville and the Burnet County quarries. A note to his foreman in August 1883, typifies the nature and difficulties faced in these efforts: “Your favor of the 23rd at hand. I think you had better pay Mrs. Glasscock the $100 for right of way as it will not pay to fight”

There were other obstacles to securing the means to get material to the building site. Taylor wrote an Austin lawyer, A. J. Peeler, requesting his services in defending the group from a suit for damages brought by an Austin citizen. Some details of the suit are revealed in a note to Turner, Taylor’s foreman:

Mr. L. Schlinger has commenced suit for damages to lot 1, block 143 [directly east of Capitol Square]. I sent the papers to Mr. A. J. Peeler and attorney, and asked him to look after the matter. Please call and see him and give him any information you can.

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15 Taylor to Myers, December 30, 1882, XIT Papers; 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), 33; Taylor to G.W. Turner, August 27, 1883, XIT Papers.
The property is just north of Mesquite Street, where the spur of the rail line ran. Damages from blasting during excavation on the building site were reported. It is not known what Schlinger claimed as his loss.\textsuperscript{16}

Plagued by all sorts of schemes from others who heard of the Texas land deal, Taylor engaged David Nobles Rowan in negotiations for several months. Little is known about the man, but Rowan was apparently an agent, perhaps British, and sought out the Syndicate, perhaps enticing them with promises of drawing European investors. “Will do as we talked and go to Europe with you,” Taylor wrote Rowan in October. The men needed some tangible proof of their holdings, however, to entice potential investors. The company, Taylor most of all, was elated when the Board finally granted the first installment of land on April 9, 1883 – 45,000 acres the Syndicate could really say was theirs. Members of the Syndicate, however, continued to waiver on the intentions for their investment. The men weighed ranching ideas against colonization schemes against just selling the whole affair as they secured the parcels of ownership. In a note to Babcock, Taylor, in frustration, writes, “Mr. C. B. Farwell returned yesterday. Says he does not want to get into the cattle business.”\textsuperscript{17}

A breakthrough in the Syndicate’s nebulous plans, however, came on March 13. Taylor recounted the meeting to Babcock:

> The two Farwells and myself had a conference this morning and agreed upon the following programme in relation to the land. \textsuperscript{1}\textsuperscript{st} that some one of us would go to London the last of this month and see what can be done to sell the land or put it in a stock company. The one to go will be J. V. Farwell or myself. \textsuperscript{2}\textsuperscript{nd} that we would commence immediately and fence that northern block of land of about 500,000 acres. and the one assigned to that is yourself . . .

\textsuperscript{16} Taylor to A. J. Peeler, Austin, TX, September 19, 1883; Taylor to Turner, September 19, 1883, XIT Papers.

\textsuperscript{17} Taylor to Babcock, November 11, 1882; Taylor to Rowan, October 30, 1882, XIT Papers; Dickinson to Board, April 9, 1883, Records, Commission; Taylor to Babcock, February 2, 1883, XIT Papers.
Our intention being if we do not sell any land before we have that fence we will arrange with B.H. Campbell to put his 8,000 head of cattle out there and sell the cattle and land together. You had better not let any one know what our intentions are, but let the people down about the Canadian River think we intend to fence all our land.\textsuperscript{18}

When Taylor wrote this, the Syndicate held title to not a single acre of the Capitol Reservation. A subsequent note to Babcock informed him of Taylor’s intention to go to New York and Farwell’s intention to sail for England May 9. Should Taylor fail in his New York efforts, he confided to Babcock, he planned to join Farwell in England until securing a suitable arrangement. The deal with Rowan seems to have fallen apart. Taylor, obviously irritated at Rowan’s slow pace in finding investors, wrote in January, “you have violated your pledge, and we decline to have any further communication with you.” Instead, the partners would look to friends and associates John V. Farwell cultivated in business and family trips to England and Europe. With Farwell already in Europe, Babcock even sought out the assistance of Charles Goodnight in introducing “your partner, Mr Adair,” a reference to the English aristocrat who had first loaned money to Goodnight for his Palo Duro Canyon ranch in 1877.\textsuperscript{19}

Taylor, instead of London, wound up in Austin continuing negotiations on railroad right-of-way, construction, and hauling rates. It was now clear to Taylor that the circumstances of a new administration in Austin required a ground level view and assessment of the project and politics. The main issue was the new governor’s rumored dissatisfaction with the plan to use limestone in the new Capitol’s superstructure. Ireland felt that more attractive and durable granite available close by was more representative of Texas. The proximity of any materials to be used was important. Railroads, despite grants from the state of Texas for something over 32

\textsuperscript{18} Taylor to Babcock, March 13, 1883, XIT Papers.

million acres of public lands, were not in the generous mood when it came to negotiating haul rates and other forms of cooperation on the state house project. Taylor began serious negotiations and bidding on material for the railroad he intended to build from the quarry.

Frugality was in Taylor’s nature. While he sought partners in constructing a trunk line from the Oatmanville quarry, he offered potential incentives to those willing to help the most. Seeking to minimize TBC’s dependence on the Missouri Pacific, Taylor sought to curry favor from someone who might be able to lure competition from other carriers:

I am trying to make an arrangement with H. M. Hoxie to haul our material for the state house at Austin, Texas. We will have about 20,000 cars of stone . . . our freight bill will be from $300,000 to $500,000. The quarry . . . [is] about 5 miles from the I. & G.N.R.R. a new road will have to be constructed that distance. We propose to grade and bridge a line and have Mr. Hoxie tie and rail it. this would open up a very valuable stone quarry and the only known one in Texas today. Mr. Hoxie is willing to [assist in building a spur to Missouri Pacific tracks] but his rate for doing the business is too high.

Mr. Farwell thinks you can assist us in obtaining a fair rate and fair treatment. If you can do this you will render us and the parties who own the Railroads a great service as we will then give them all the business.  

He continued seeking bids to construct a locomotive that would haul up to twenty-five tons of stone at a time. Taylor settled finally on Baldwin Locomotive Works of Philadelphia, although correspondence regarding the same machine took place with “Messrs. Burnham Parry Williams & Co.” Taylor gave notice to Baldwin Locomotive August 15 that “We telegraphed you today accepting your proposal of Aug 6/83.” Taylor ordered a November 15 delivery. On September 17, he wrote Burnham, Parry, et al. that “You can mark that Locomotive “Lone Star” instead of A. Taylor as you suggested.” On November 14, Taylor inquired of Baldwin, “When will the Engine you are making for us be shipped.” Still later, he again wrote Burnham and

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20 Taylor to William Henry Smith, June 23, 1883, XIT Papers.
company, enclosing a check for $7,350 and his apologies and an excuse for not paying for the engine sooner.  

He got a lead that the Houston and Texas Central Railroad had unused iron rails and sought to buy them from the company rather than have new rails cast and shipped from northern foundries. Taylor was searching for any way to save the Syndicate money. He wrote John V. Farwell, still seeking investors in London, that he hoped his partner would soon find “a hole large enough to get through,” referring to what was becoming an increasing burden – cash flow. The Syndicate finally settled on the Missouri Pacific to perform the actual work of laying the track. The road would intersect with International & Great Northern tracks in Austin, cross the city on their tracks, then switch to company tracks again on East Street and up to the Capitol site, the route approved by Austin’s city officials. TBC also arranged to purchase from and haul material for the road via the St. Louis company. “Mr. Hoxie wants the Oatmanville Road organized into a company,” he wrote his superintendent in early September. “You had better call it the Austin and Oatmanville Railroad,” Taylor concluded the message. By November, the materials were present and preparations completed on the roadbed. Taylor’s tone is anxious when he writes Hoxie on November 9:

I was in St. Louis yesterday to see you, but did not find you at home. The road bed to the quarry is now ready for the rails. and we have about two thousand car loads of stone ready for shipment and are very desirous to commence laying it at an early day. Please advise me when you can lay the track and be ready to commence hauling stone. You have not sent me a copy of that contract yet.  

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21 Taylor to Baldwin Locomotive Works, August 15, 1883; Taylor to Burnham Parry Williams & Co., September 17, 1883; Taylor to Baldwin Locomotive, November 14, 1883; Taylor to Burnham, et al., February 1884, XIT Papers.

22 Taylor to J. Waldo, VP, Houston & Texas Central RR, August 16, 1883; Taylor to J. V. Farwell, June 25, 1883; Taylor to Hoxie, November 9, 1883, XIT Papers.
A decision about the type of cement to use in the foundation and a dispute over the concrete depth presented continued delays, too. Nevertheless, begun in May, foundation concrete was poured and curing by November. Sewerage proved yet another obstacle of frustration late in the year. The original plan called for sewer lines placed and foundation poured around them. The Board was demanding that Taylor install the specific numbers of connections and pipes called for in the plans, which was not useful to the construction as it was progressing. He displayed his frustration at the various parties meddling in his business. An associate of Myers, William Richardson, had directed the drilling of several test holes in the excavated site earlier in the project. TBC intended to do the same thing and Taylor had discussed it with Myers. Richardson, in Austin, apparently represented himself as Myers’ agent to the Board’s commissioners and convinced them to order the testing. Taylor resented the circumvention of his own authority. “I intend, he wrote in an angry letter to Norton, “to eradicate Wm Richardson influence from that Board before I proceed much further with this building.”

Taylor felt that he worked hard to follow the contract and deliver the best possible work – at the least possible cost to TBC. The demands of the Capitol Board and Commissioners often tested Taylor’s patience. The position of the Board on sewerage issues raised Taylor’s ire. He wrote Secretary Dickinson a long letter on December 19:

Dear Sir,
Your communication of the 7th . . . is before me. And I wish to take exceptions to the report of the Commissioners and the action of the Board to matters in my communication [regarding sewerage connections in initial plans]. The position taken by the Commissioners that the contract compels me to put in these connection I am confident cannot be maintained.

23 Greer, “Texas State Capitol,” 93, 148; Taylor to Babcock, March 7, 1883; Taylor to Norton, August 29, 1883, XIT Papers.

24 Taylor to Dickinson, December 19, 1883, XIT Papers.
Still frustrated by the Board, he wrote again December 31 to say “... I fail to find anything [in the contract specifications] that would compel me to put in sewerage not shown on the plans.” Obviously, a deficiency existed in either the construction or the plan. Taylor likely was motivated, as he was often, by cost concerns. Just then, he was expecting to gain possession of another land installment for completing the second stage of the project’s benchmarks. A hint of what, or who, might have been part of the problem came a few days before in a letter Taylor sent Myers. “I returned from Austin yesterday and want to see you,” he wrote, sounding something like a school principal. “I want to have a long talk with you about matters at Austin,” he went on, “I think your letter done you great damage there ...” Although, Texas officials frustrated Taylor, they were becoming more frustrated with Myers’ unresponsiveness to their inquiries and requests to see him.\(^{25}\)

Myers did show up in Austin in January 1884. His timing was poor. The legislature was just commencing a called session to address the state’s worsening fence-cutting controversy. Board members, especially the governor, had their attentions there and gave Myers little notice. The Board had recently announced the hiring of General R. L. Walker of Richmond, Virginia to succeed the former superintendent, W. D. Clark. Clark, recommended for the job by Myers, may have been the source of the beginning of the sewerage dispute. He had called attention to deficiencies in the sewer plan in October, but Myers was able to provide the Board an acceptable explanation. It apparently was not acceptable to Clark. He resigned on December 7. It is not clear whether Clark or Myers created the trouble for Taylor, but these events help provide an explanation for Taylor’s later exchanges with Dickinson – and, possibly, later disputes Myers

\[^{25}\] Taylor to Dickinson, December 31, 1883; Taylor to Myers, December 13, 1883, XIT Papers; Goeldner, “Designing Architect,” Selected Essays, 54-55. Myers tried to balance several projects simultaneously during this period, including courthouse buildings in Nebraska and Ohio, and application for appointment as the U.S. Treasury Department’s supervising architect, which he did not receive.
had with the Board. Walker would not arrive to fill the superintendent vacancy until February.

Still, from TBC’s perspective, Myers appearance in Austin worked to their advantage. The architect declared the concrete work the best he had seen. This, apparently, was sufficient to prompt the Board to grant the second installment of the Capitol Reservation, another 45,000 acres, for which Taylor applied February 1, 1884. The Board approved the conveyance in April, withholding 7,500 acres from the allotment until the sewerage issue was resolved.  

While all this was going on for Taylor, Amos C. Babcock, guided by his belief that artesian wells beneath the Panhandle prairies would help create a future Eden, put his efforts toward improvements on the lands. To direct these tasks, Babcock often engaged the regional surveyor, the formerly introduced William S. Mabry, along with the Oldham County Clerk in Tascosa, C. B. Vivian. Babcock’s visit in March 1882, did give him the most experience regarding the Syndicate’s decisions about the land and he continuously pushed his ideas on colonization.

Babcock, with the guidance of Mabry and Vivian, had begun his 1882 inspection seeking the northern-most boundary of the Capitol Reservation. It followed the boundary of unsettled territory – today’s Oklahoma Panhandle – to where it met the New Mexico territory boundary to the west. Babcock’s tour marked the beginning of some resentment toward the new owners of the Capitol Reservation. Babcock was out of place in this country. He ordered men about smartly, spoke with few but Mabry, refused to eat the same food as the men, and mistrusted the guidance of Mabry and Vivian, complaining incessantly. When he discovered that other outfits’ cattle fed across the Capitol Reservation, he vowed to put an immediate stop to the practice. One

cowboy enlisted to ride for the journey expressed his desire to teach a lesson to the haughty easterner, but was soothed by Mabry who reminded the lanky puncher that Babcock was “fresh from the big city and knew nothing of range customs.”

After a few days on the prairie, a dust storm stopped the expedition’s progress. Babcock gathered Mabry and Vivian around Norton and Munson’s survey maps. He declared the party hopelessly lost. Mabry protested that they were only a few miles from Buffalo Springs, an important water source that marked the northern reach of the Capitol Reservation. Mabry and Vivian had to prove it to Babcock before he would agree to proceed. The two men rode out in blowing yellow dust and reached Buffalo Springs by noon that afternoon. Not having borne supplies in what they were sure would be a short journey, Mabry and Vivian were nonetheless happy to find an old adobe hut outfitted with provisions by cowboys from the Prairie Land Company, one of the larger outfits that ranged cattle in the Panhandle. The men ate and rested their horses, setting out to return to Babcock’s camp after dark. The windstorm had settled and they were back by about midnight. Babcock was greatly relieved. He even pulled a bottle of good whiskey from his store and offered Mabry and Vivian a drink.

The company made Buffalo Springs the next day. Babcock was overjoyed at what he saw. As they came onto the view of Buffalo Springs, a green-carpeted valley stretched before them. They crossed a clear, cool stream. Babcock’s entire attitude seemed suddenly changed. He became friendly, even began eating the cook’s sourdough biscuits, which he had greatly enjoyed prior to his introduction to Babcock coal. Buoyed by what he saw, Babcock turned the caravan west in search of a “large cedar post with a deep trench around it” that marked the

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27 Nordyke, *Cattle Empire*, 38.

28 Haley, *XIT*, 60.
western border separating Texas from New Mexico. They found a sandstone marker and then another. A couple miles beyond, they found the cedar post. They found four more markers, too. From this confusion, a long dispute would rage, settled only by New Mexico’s acceptance as a state in 1912. The XIT saved Texas a half-mile strip, hundreds of miles long, by their insistence that the agreement with the State of Texas voided New Mexico’s claim on the land. Texas and the XIT won.29

The green valleys of Buffalo Springs were a distant memory by the time the caravan had turned south and trudged the blown sand back to the Canadian River. A late snowstorm drove them to shelter. Babcock, perhaps lonely, warmed to his company, even inviting the cook and cowboys into his tent where he told them about life in Chicago. Babcock held no illusions, but he constantly was evaluating what he saw, documented what features he observed and what it all meant for business. He often questioned the range practices as the corps encountered small groups of wandering cattle. He did not display similar irritation, however, when he found a squatter farming near a place called Las Casas Amarillas, or “the Yellow Houses,” near the southern reaches of the Capitol Reservation just northwest of present-day Lubbock.30

Indeed, what the man had discovered about growing crops intrigued Babcock, particularly since he discovered that Buffalo Springs represented a rare oasis in an otherwise mostly dry country. Babcock might have been somewhat fooled by the spring face the land showed. He was witness to the aftermath of a small range fire, though, and he quickly grasped the nature of the devastation a fire could bring to the countryside. Babcock might have been overly optimistic, however, when he later advised that the country provided plenty of water for

29 Nordyke, Cattle Empire, 43.; Haley, XIT, 60, 65-67.
30 Nordyke, Cattle Empire, 46-47.
cattle ranching. The early herds brought in, once stocking had begun, suffered near tragedy when thirsty cattle driven on to the southern Capitol Reservation late in the summer struggled to find widely spaced drying waterholes. While the ranch hands pushed herds further north to find better water, this also exposed the new cattle to more varied weather conditions. The Syndicate’s lack of preparation in their southern lands proved costly when dry summers and cold winters presented newly arriving cattle with scarce grass and a climate to which they were unaccustomed.

It would be three years, however, before their own stock arrived. At the end of this journey, Babcock was only imagining the full potential of the lands. They would run cattle and sheep. They would promote the lands to farmers; even go to Europe to pursue whole groups of people to colonize the country. As he completed his trek, he made one last stop with a Quaker community that had grown up just east of the Capitol Reservation. There he received statements from Dr. W. M. Hunt and the postmaster, C. W. Singer, attesting to their experiences in the colony. There were, perhaps, eighty people living there – raising sheep and growing corn, oats, millet, some potatoes, and melons. Babcock felt their experiences from the settlement of Estacado could serve a promotional value in the future.³¹

Mabry and Babcock parted here. Mabry and most of the others returned to Tascosa. Babcock continued to Colorado City, then one of the main supply points for all of West Texas and served by the Texas and Pacific Railroad. He soon returned to Chicago to meet Taylor, who had his own report to make regarding the building of the Capitol. The Farwell brothers were already arranging meetings with certain influential parties interested in investment in a cattle ranching venture. The dealings of the Capitol Syndicate were not easy to keep quiet. British

³¹ Nordyke, Cattle Empire, 49.
interest in American cattle ranching had become a booming industry. American cattlemen were
eager to solicit British investment in their operation. British companies organized and operated
ranches throughout the West. Cattle strains developed in Great Britain and imported to the
American West were rapidly changing the look of the herds. In Texas, these domesticated
breeds, developed for their beef production and ease of handling, were introduced among the
lean and tough Texas longhorns that had developed almost feral from Spanish-introduced cattle
centuries early. This fact, too, brought change to the range. The introduced cattle strains greatly
increased beef production, but they also demanded greater attention. Increased investment and
increased cost demanded tighter business practice and closer control of the investment. At the
height of this change, perhaps because of it, beef supply in the country outpaced demand and
prices fell.  

As 1883 drew to a close, excavation for the water table at the Capitol and preparation for
the laying of the basement walls was underway. An artesian well, drilled through the bedrock of
Capitol Square several years earlier, was cleared and initially routed to supply built-in cisterns.
The original design called for this deep-spring waterpower to operate the structure’s elevators.
Other technology changed this plan, but the spring was made accessible and continues to operate
on the grounds today. March 1884 saw the completion of the trunk line from Oatmanville and
up to the summit of Capitol Square. The “Lone Star” hauled the first dressed limestone
excavated for the superstructure up to the job site. The new building superintendent, General R.
L. Walker, immediately rejected it for use on the outer Capitol walls. Walker said it did not meet

the color consistency of the contract. “[W]hilst I am sure this stone will make a . . . satisfactory foundation and basement,” the General informed Board members, “. . . color . . . will render its use [for exterior cut stonework] impracticable.” Despite Taylor’s assurances to Farwell in the summer of 1883 that the “stone question is settled,” the resulting controversy took over a year to resolve.

Governor Ireland came to office determined to make changes in Texas land policy and in the course of the Capitol project. He immediately began public lobbying for a change in the superstructure specifications. Ireland’s preference was for black or red granite from quarries operating near Burnet, northwest of Austin. Opening the 1884 legislature, the governor lamented, “It is greatly regrettable that the contract did not provide for the use of granite, as there is no doubt of its great superiority to the material called for, and is quite as accessible.” Its accessibility was a matter of much debate, but an untapped reserve of “town mountain” granite was offered the state free of charge as early as 1882. “[R]ailroad communication has been established with the town of Burnet,” Commissioners Norton and Lee wrote in the Commission’s first biennial report. They continued:

Propositions … to supply [the granite] free of cost, have been repeatedly made. Having no authority to entertain a question already settled by the law and the contract, we have been unable to give any assurance of their acceptance.

The contract, when concluded, was the best for the State which could have been made. The means of transportation, since secured, could not then be anticipated . . . .

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33 T. Lindsay Baker, Building the Lone Star: An Illustrated Guide to Historic Sites (College Station [TX]: Texas A&M University Press, 1986), 9-11; Texas, Report, 1886, 4-5; Taylor to Burnham Parry Williams and Co., September 17, 1883, XIT Papers; Mabry, “Capitol Context,” 125; Taylor to J. V. Farwell, June 25, 1883, XIT Papers.

That Norton held a stake in the proposed quarry seemed not to bother the governor. Ireland was not one to have anything as trivial as the law or contract stand in his way. Walker, of course, worked for the governor. Most employees follow the direction of their leadership, but there is no evidence the governor influenced Walker to reject the stone. Taylor, undoubtedly, was discouraged. With sixty tons of quarried and cut stone on his hands, he did not spend much time protesting Walker’s decision. Taylor does write the general, “recommendation for your son received, and I will do everything I can to find him a place and think I will be able to do so.” There are no signs that this offer was anything more than a friendly gesture. Taylor had the utmost respect for Walker. Taylor also contacted an apparent friend of Walker’s in Richmond, to offer the opportunity of bidding on a “granite” contract. He wrote Myers, “give [Cutshaw and associates] all the information you can, as they are Genl Walkers friends.” Again, the actions of individuals in the past cannot really be viewed fairly through our modern lens, although perhaps corruption in plain sight is a better option than corruption out of sight. Instead, he sought other stone resources around the country, not just for the superstructure, but for the basement and water table, too. Specifications called for varied stonework in the different phases of the construction. They used some cut and dressed stone at each stage, along with “rubble” stone in the foundation, basement, and water table. Several feet beyond the foundation and basement edges, like the outer wall of a medieval moat, the water table was an additional wall intended to strengthen the foundation and reduce erosion effects from seepage at the base of the structure.35

Granite rubble was already being hauled up from Burnet in large wagons and Myers had specified several black marble columns at the entrance of the building to come from sources there. Taylor, having already thoroughly investigated known stone resources, was well aware of

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35 Taylor to Walker, April 16, 1884; Taylor to W. E. Cutshaw, Richmond, VA, April 8, 14, 1884; Taylor to Myers, April 14, 1884, XIT Papers

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the Granite Mountain site several miles south of Burnet at Marble Falls. Building Commissioner
Norton was a shareholder in the property and undoubtedly referred it to Taylor. Despite the
presence of the Austin & Northwestern at Burnet, Taylor was not anxious to build another rail
spur more than three times longer than what he had just undertaken for the Oatmanville road. To
some measure, Taylor seemed to ignore Ireland’s objections to limestone and the rejection of the
first stone. He was already petitioning to use granite from Missouri on the water table. In April,
TBC sent out eleven proposal requests to companies around the country for bids to put up the
Capitol walls. None were sent to Texas. In responses to inquiries from those offered the
opportunity to bid, Taylor named the source of the stone as the Oatmanville quarry each time.
As late as April 1885, he informed a prospective bidder, “Our Stone quarry is about ten miles
from Austin.”

Taylor initially gained approval for use of the Missouri stone in the water table and
basement. After initially informing the Missouri source of his intentions to use their stone,
Taylor suddenly reversed himself and agreed to use the Granite Mountain stone. Wagons
brought the rough-cut stone to Burnet where any necessary cutting or dressing took place. Once
prepared, wagons or the narrow gauge Austin and Northwestern carried the stone on to Austin.
By September, Taylor was calling on the state for the third land installment, marking the “walls,
exterior and interior . . . completed within ten feet of the top of the first floor line . . . .” Work on
the remainder of the building’s lowest level continued to completion in November. From
 correspondence, it does not seem that Taylor was opposed to the use of granite in the building’s
superstructure. He wrote Dickinson, Myers, and Babcock on several occasions throughout the

36 Taylor to Robert Greenlee, Denver, CO, and others, May 15, 1884; Taylor to James Applegood, Lansing,
MI, May 23, 1881, Richard Glaister, Lansing, MI, May 25, 1884, Taylor to Greenlee, May 28, 1884; Taylor to
Charles E. Williams, Buffalo, NY, April 25, 1885, XIT Papers.
remainder of the year suggesting steps should “the State [have] any thought of trying to have the State House built of granite . . . .” The state, led by Walker’s experienced supervision, was also requesting changes in the foundation supporting the building’s dome, and questioning structural specification in the basement’s ironwork. Questions to Myers, from both the Syndicate and the state, increased and responses became less frequent and helpful.37

It certainly must have been obvious to Taylor that Ireland was determined to have his way. Even the citizens of Burnet seemed assured of the use of the nearby stone, it being reported in February newspapers that “[Workers from the Austin and Northwestern RR] immediately went to work locating the road . . . to the granite quarries. . . . Our citizens are wild over the good and glorious news.” Taylor proceeded as if that were not the case, although he sent both Amos C. Babcock and Gus Wilke to Detroit to meet with Myers regarding various changes in the building. Wilke was responsible for the Oatmanville quarry, was of great assistance on building the railroad, and TBC had recently awarded him the contract for the Capitol’s interior walls. Identifying the cost impact of changing to granite from a structural and logistical viewpoint was their primary consideration. Walsh, reporting before that year’s legislative session, used the plan and estimates worked out by them in announcing a cost increase of $613,865. Both houses of the legislature sent the report to committee, but both houses adjourned without taking final action on their preference in the matter. Left in the hands of the Board, the men debated the question into the spring. Taylor, however, realizing that his continued hope to use the Oatmanville stone for the exterior walls was hopeless, located a limestone quarry in Bedford, Indiana. In May, he wrote the Commissioners:

37 Taylor to W.R. Allen, St. Louis, MO, June 7, 1884, Taylor to Dickinson, June 10, 1884; Texas, Report, 1883, 103; Taylor to Babcock, September 16, 1884, Taylor to Myers, December 2, 24, 1884, Taylor to Dickinson, December 26, 1884, XIT Papers.
. . . I have come to the conclusion that you will not receive the Oatmanville limestone in sufficient quantities to construct the building, and believing it will not be possible to procure stone in Texas that will be acceptable to you, I submit a specimen of limestone from the Bedford quarry, Indiana . . . This stone has been used in the construction of many fine buildings, among them the cotton exchange in New Orleans, the city hall, Chicago; and the statehouse in Georgia is contracted to be constructed of it.\textsuperscript{38}

The Commissioners sent this “specimen” to Superintendent Walsh for his opinion. Walsh pronounced the Bedford sample “superior in every respect to the sample from the Oatmanville quarries.” Upon this report, on May 6, the Commissioners wrote TBC of their tentative approval of the stone. They reported their findings to the Governor and other Board members the same day:

While we are as solicitous as any one to construct the exterior walls of our capitol building of native stone, we do not believe it expedient for the best interests of the State to sacrifice to this solicitude a matter of more vital importance, viz: the construction of the building as soon as practicable, of the very best material, even though it should come from another State . . . \textsuperscript{39}

Ireland’s lengthy reply, drenched in cordiality and diplomatic backhanding, hints at what Taylor would face if he continued his reluctance in accepting Ireland’s position:

I have no doubt . . . there may be stone obtained at Oatmanville equal to the sample called for in the specification . . . but whether in sufficient quantity is a question that I cannot determine . . . Under the contract, the State is not required to answer such questions; but it has reserved the right to inspect and determine the suitability of all material . . . I hope . . . you . . . inform Colonel Taylor that you admit into the building any stone that comes up to the sample called for, even if it comes from Oatmanville. . . . I have to say that the State is anxious to have the house built according to contract; but upon its failure because of a want of stone of the quality called for, I have to suggest – in which I suppose you and the Capitol Board will concur – that permission will be given the contractor to make the building of red Burnet granite, with such modifications of the style of architecture as would allow the use of granite.\textsuperscript{40}

\textsuperscript{38} Greer, “Texas State Capitol,” 108-109, 113-124; Taylor to Wilke, December 31, 1884; Babcock to Taylor, January 6, 1885, XIT Papers; Texas, \textit{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.

\textsuperscript{39} Texas, \textit{Report}, 1886, 15.

\textsuperscript{40} Texas, \textit{Report}, 1886, 16.
Ireland knew Taylor would not continue quarrying stone from Oatmanville without assurances of its acceptance. Taylor responded in an even longer letter. He reviewed the obstacles he faced throughout the project and highlighted the efforts to which he had gone out of his way to please the state. With rational logic, he laid out a scenario in which he delivered acceptable quality stone from one quarry sufficient to build half of the walls. In that case, Taylor proposed he could then go to another quarry and obtain stone equal to the specified sample, but still unmatched to the shade and consistency of that used for the first half of the building, nevertheless acceptable to the specifications. Most people have experienced attempts at matching paint in a room where wall repairs were made. One can get close, but never quite right. Taylor described the same thing happening at the Capitol. He needed a single source for all the stone he would need. He told the Board this and once again provided more evidence of the Indiana stone’s quality. The Commissioners decided to have the stone tested. Positive reports and acknowledgement that nothing contractually prohibited its use compelled them to recommend that the Board accept Taylor’s proposal to use the Bedford limestone. After meeting throughout June on the stone issue, as well as regarding changes to the ironwork specifications, a contract modification proposed accepting the use of the Indiana limestone. The Board approved it on July 1 over the protests of two of the five members, including Governor Ireland. When it sent to Chicago for Syndicate approval, Taylor, surprisingly returned the modification unsigned on July 16, claiming the Syndicate’s costs would significantly increase should they accept the new terms. Taylor countered with three proposals he did find acceptable. One proposed to use the Burnet granite. Final details on a contract were quickly worked out.41

41 Texas, Report, 1886, 32-33; Greer, “Texas State Capitol,” 117.
In exchange for red Texas granite, the new contract called for some significant concessions to the contractor. Gone were the east and west porticoes of the building, although the north portico was enhanced. The dome construction was modified (not the first or last time), steel, cheaper than iron at the time, was substituted in several instances, a number of finishing specifications were eliminated for the basement, and limestone wainscoting was replaced by wood. The contract extended the time allotted for finishing the building from January 1, 1888 to January 1, 1890. A contract was drawn in which the state acknowledged the “free” use of the Granite Mountain stone. The state was to use all its influence in retaining right-of-way for a sixteen-mile rail line between the quarry and Burnet. The state also agreed to furnish up to 500 convicts to work on the railroad and in the quarries. The most significant concession, however, emerged from the state’s agreement to lease the entire three million acres of the Capitol Reservation to TBC immediately. Signed July 25, more than three years after groundbreaking on the project, the changed contract removed several obstacles to progress for both the building and the land. Although virtually no work atop the hill of Capitol Square took place again until January 5, 1886, few future changes requested by either the state or contractor represented further significant delays in the project.\(^{42}\)

Ireland – and, presumably, all Texans – got what he wanted. The Syndicate, too, got what it wanted and, perhaps, the better end of the bargain – again. By May 1885, the Syndicate held title to nearly 400,000 acres of the Capitol Reservation. The new contract allowed the men to lease the remainder at six cents per acre until completion of the contract. The Syndicate would only be liable for lease payments should it fail to complete the building, and then only for those portions for which it had not yet gained title. The additional cost estimates for TBC on the

\(^{42}\) Texas, Report, 1986, 195-205.
project were eventually calculated at just over $500,000. For the land lease, Taylor placed a bond of $50,000. Possession of the land was a key accomplishment for TBC. Parceled by the state based on performance, lacking secure title to the entire Reservation limited the Syndicate’s ability to draw investors. Continually plagued with cash flow issues, the lease clearly signaled to eager, though careful, British investors that the game was afoot. Cash immediately began to reach the company’s accounts. On August 31, Taylor wrote to one of their British capitalists to accept his position as a Director of Capitol Freehold Land and Investment Company, Limited. By fall, advertisements for debentures in the company appeared in British newspapers. English friends were writing about the favorable reception of the stock and its promised seven per cent return.  

The cornerstone of the building, to great fanfare, was laid on March 2, 1885, forty-nine years after Texas independence. Taylor wrote apologies for his absence to the chairman of the cornerstone celebration:

> Regret my duties to my state prevent me from being present to participate in laying the cornerstone of the most magnificent State House on this continent being erected in one of the grandest states where destinies are wielded in a manner that must be commended by the long line of heroes who bought her liberty with their blood.  

A list of the items left for posterity inside the dressed stone shows among the contents “the roll of the Austin Hook and Ladder Company No. 1,” “Brief statistical account of the Swede Ev. Lutheran congregation in Austin with photo of church,” “Old Texas Treasury notes,” “Confederate notes,” “Photograph of Jeff Davis,” “Ode to Texas by a young lady,” “Roll of membership of Innocent’s Abroad by W. H. Stacy,” “History of the gavel used in laying the cornerstone.”

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43 Taylor to Dickinson, September 22, 1885; Taylor to Wm. C. Prescott, London, August 31, 1885, XIT Papers; Haley, XIT, 72-73; Advertisement, Glasgow Herald, Glasgow, Scotland, October 13, 1885; Advertisement, The Daily News, London, November 21, 1885; Reginald DeKoven to C.B Farwell, September 29, 1885, XIT Papers.

44 Taylor to J.A. Hooper, Chairman, Cornerstone Celebration, March 1, 1885, XIT Papers.
cornerstone,” and “Tooth powders by Dr. Stodard.” The state, however, refused to pay for the work. Contractor Wilke declined the offer of $400 for his work on the elaborately cut, dressed, and polished granite block. The cost was $1,545.  

Although Taylor would continue to insist into the summer that a change to Texas granite was just too costly, the resignation of Commissioner Norton on March 9 signaled headway in the granite controversy. To this point, Norton’s partnership in the Slaughter survey at Granite Mountain had not been an impediment, despite the use of stone for the water table walls from there already. More intensive development of the location’s stone resources, however, might have brought questions about Norton’s involvement with the group supplying material to the Capitol project. Norton worked on the project a long time and it might have just been time to go. Still, three months reduced chances of associating Norton with any accusations of profiteering, even though he and his partners offered the actual stone to the state free of charge. M. H. McLaurin, a former superintendent of the Temporary Capitol construction, quickly replaced Norton. Norton’s role in the story does continue, however, as John V. Farwell later informed him his assistance was needed helping officials who were resurveying the Capitol Reservation. Farwell also wanted the former Commissioner to provide his observations on the property to British investors and offer his opinion on the water situation of the land. Norton became the postmaster of Granite, using an office established at the quarry site. 

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Resolution of the granite issue represented passage of another milestone in the Capitol project and signaled new circumstances. Like the period before formal construction commenced on the building, the three years since were filled with questionable practices and mysterious actions. From TBC’s assumption of the building contract, the involvement of all the Illinois men, right up to the governor, is curious. What manner of deal was struck between Schnell and the Syndicate men that allowed them to so quickly take charge of the affair? The answer might never be known. To be sure, some sleight-of-hand was at worked, evidenced by Burck’s later court challenge and Schnell’s terse departure. Creary and Burck were hastily dispatched as Taylor stamped the project with his authority. Astute at political gamesmanship, Taylor sought to direct the project architect and influence the Capitol Commissioners and Board. He sought close relationships with the men he did business with, including government officials. He recognized the importance of discretion, evidenced by his order to subcontracters G. W. Turner and Gus Wilke that “I wish you and Wilke would both keep out of Brown’s Saloon.” Apparently, it was the wrong place to find your lips loosened by alcohol. As we have seen with Dickinson, Walker, and even Norton, Taylor was not above helping with their personal needs.47

More mystery rests in the land. The men had no clear plan in mind when they undertook the project. Despite Babcock’s enthusiasm and positive reports, as late as 1885, the Syndicate had not settled one hundred per cent on operating a ranch on all the land. Although Taylor – and the Farwells, too – were tight-fisted money managers, cash flow was a problem as early as 1883. Although the disposition of the land parcels is clear from the contract, Taylor always seemed to chafe at the idea the group did not gain immediate control of the land. As soon as the first conveyances of land passed into Syndicate hands, Taylor, through Babcock, immediately

47 Taylor to Turner, February 15, 1884, XIT Papers.
impressed ownership upon whatever parcels they held. Chapter 3 looks closer at this practice. It is amazing to look at the correspondence and imagine the dealing taking place in even 1883, at a point when the Chicago men held title to less than two per cent of their future holdings.

Taylor probably did not bargain on a man like Ireland spoiling whatever plan he had prior to the election. No doubt, at the pace the project was progressing, Taylor might have finished construction much earlier than when it was eventually completed. Even before the election – upon the completion of the Austin and Northwestern – a granite superstructure was put up for public and official discussion. Taylor could not have been deaf to it. And Ireland began lobbying for its use immediately in January 1883. Viewing the controversy play out, speculation regarding the point at which Taylor realized the stone issue was resolved is understandable. If he were truly committed to the limestone, from either Oatmanville or Bedford, right up until signing the change to granite on July 25, why did he spend so much time investigating the issue? In Chapter 3, I will back up a few years to review activities related to the Reservation itself. While the granite controversy was building steam, land negotiations in England were heating up as well. Taylor wrote his superintendent in October 1883 that “I do not want the work pushed fast, but want to go slow. I want to reduce the expectation there . . . until we do something with our land.” Limestone or granite, Taylor may have seen a way to the end of the rainbow simply by doing nothing. Ireland could fume and stump all he wanted. Taylor still had a contract. Moreover, he sensed British relief was near. For a year and a half the men tested each other’s will. Taylor pushed the contract and pushed the contract and then he sprang his trap. Taylor maneuvered the governor, with some willingness from Ireland himself, into creating a situation where it seemed that the only equitable resolution to the question was for the state to grant full
Ireland, beyond his demand for granite on the Capitol walls, from the beginning criticized not just the Capitol Reservation land swap, but also the entire land policy of his predecessor. He expressed a number of times publically that the state could have sold the lands, built the Capitol itself, and come out far ahead. Even in making the final contract, his tone hints at the hope of failure and abandonment of the project by the Syndicate. The governor, a politician after all, needed to maintain his image. Truthfully, however, the Syndicate held the upper hand. The Capitol granite walls stand not because of the stubbornness of Governor Ireland, but because Taylor decided the Syndicate could do it. When the new contract was adopted herds of cattle from across Texas were just being gathered and turned toward the Capitol Reservation pastures around Buffalo Springs. The Syndicate began purchasing cattle in 1884. It does not seem possible these seemingly intelligent men would have proceeded without some assurance of having adequate control over the lands to allow them to begin stocking. Perhaps the lease solution was suggested earlier – a secret agreement between Taylor and Ireland that allowed one to promote his policies and one to promote the land. We may never know. Ireland was trying to stop the wholesale giveaway of Texas public lands, and so perhaps much of this is part of his larger policy. In this case, although he knew there was little he could legally do regarding the Capitol contract, it certainly gave him the raw material to use the project as an example of what he was trying to stop.

The formative years of the ranch correspond to the remainder of the Capitol construction and by the end of the decade both had become powerful symbols for Texas. The focus of the

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48 Taylor to Turner, October 6, 1883, XIT Papers.
Chicago men turned almost exclusively toward the Panhandle in 1885. A few notable controversies came up in the following months and years with regard to the state house. The Syndicate sublet the contract to Wilke. The architect, Myers, was threatened with legal action and eventually dismissed by the Capitol Board. Even more controversy followed the selection of granite. But as the Capitol project wound to its inevitable conclusion, another story was beginning across three million acres of northwest Texas. The next chapter reviews the Syndicate’s operations with regard to the land during the years prior to resolution of the granite issue and formally introduces the establishment of the XIT Ranch. It further traces the controversies still faced in the completion of the state house and the continued interaction of these two stories up to the completion of the new Capitol in late 1888.
CHAPTER 3

BOOKKEEPERS AND BALANCE SHEETS

After settlement of the granite controversy and leasing of the Capitol Reservation in 1885, the Chicago Syndicate began to focus nearly all of its attention on the Panhandle. This chapter documents the establishment of ranching operations at the XIT, the relationship initially established with foreign investors in the company, and the settlement of managerial and organizational controversies with regard to the ranch. It also summarizes the remaining controversies that developed over the last years of the Capitol’s construction, concluding with the state’s final acceptance of its magnificent State House on December 8, 1888.

Amos C. Babcock, nominally spearheading activities in the Panhandle since his visit in 1882, continued efforts toward developing “artificial water” sources. Investigation of these sources included consideration of windmills, excavated dams, irrigation ditches, and a rain-catch system using wood, concrete, and earthen troughs. Babcock, after returning from his inspection, enlisted C. B. Vivian, one of the men that accompanied him on his tour of the Capitol Reservation, to begin investigating potential well and dam sites on the property. The first land conveyance the following spring intensified the Syndicate’s effort in the Panhandle. Vivian supervised crews sinking test wells and helped locate fencing crews. William S. Mabry found more survey work to supplement his official salary when TBC employed him to lay out fence line for these first acres. The Syndicate also sent down assorted crop seeds, instructing Mabry to begin testing agriculture prospects at the Buffalo Springs site. Taylor remained in charge, however, despite Babcock’s presence. Although he trusted Babcock’s decisions, he frequently delivered advice and instructions dictating Babcock’s actions. When a full-time, onsite manager
for the operation arrived in 1885, Babcock’s role in affairs there diminished while Taylor’s – and John V. Farwell’s, too – increased.

The language of business, found in ledgers and balance sheets, is not always grasped by all the parties involved in an operation. The Chicago men were professional businessmen, and the Syndicate maintained its accounts obsessively. Those working for them were not always as disciplined as Taylor and the rest liked. The Chicago office was continually demanding the receipts and accounts of its Austin contractors. Sometimes weeks would pass in frustration at the lack of reports of any kind from men like Ed Creary, A. A. Burke, and G. W. Turner. “Are you dead,” Taylor inquired of his Austin project manager, Turner. “If you are not dead,” he continued, hopefully, “will you take the time to write and tell us how the work is progressing.” Taylor sent a terse telegram to Turner in October 1883: “have you sent your report why do you not answer our letters.” Having received their reports, it got no easier for the employee. “Your statement of Oct 22nd . . . ,” Taylor opened a letter to Turner, “does not agree with the bank account.” He ordered Turner to address the discrepancy and closed by demanding he hunt down receipts for payments to Creary, the building site excavator in the early days of the project.\(^1\)

The men working for them in the Panhandle were not immune to the Syndicate’s demands for accountability. Vivian, the county clerk and one-armed war veteran, failed them completely in this regard. Vivian, contracted by TBC to locate water wells, sent drafts for reimbursement of about $420 in late 1882. Someone in the Chicago office replied refusing to honor them. “We have repeatedly asked for a statement and none have been furnished. We shall pay no more drafts until we know where the money is going.” The tone is Taylor’s, although the true authorship is unclear in the correspondence, which is signed, simply, “Taylor, Babcock, and

\(^1\) Abner Taylor to G. W. Turner, October 6, 20, 30, 1883, XIT Papers, Panhandle-Plains Historical Museum, Canyon, TX.
Co.” Babcock was pursuing the matter, still, in the spring of 1883. “[H]ave devoted some time to your various accounts rendered,” Babcock began, in a four page letter, “and find so many discrepancies and apparent double charges that I am unable to arrive at a satisfying conclusion as to them” With such a sparse population in the area, the Syndicate, having few associates in which they could place any measure of trust, continued to use Vivian’s service into the summer. With better grasp of the situation, and other resources to call upon, the Syndicate reached a decision on Vivian:

Mr. Babcock informs us that he employed you to superintend the construction of the wells and presumed your labor for us would cease upon completion of same. The wells having been completed long since. We have no need of your service longer.2

Despite frustrations caused them, Chicago continued to hold Vivian in their favor, and continued to call upon his service as well, although they limited his accounting responsibilities. The company continued to depend on the other half of the Tascosa team, Mabry, as their man on the ground in the Panhandle. Despite his continued service as the district surveyor, judging from correspondence aimed at the man, TBC affairs occupied a sizable amount of his attention. A Confederate veteran from Alabama, Mabry worked well with the Chicago men and maintained a long association with the group. TBC even called upon him to assist Vivian in justifying his accounts. “Please render him such assistance as in your power . . .,” Babcock wrote the surveyor. From Babcock’s visit, the Syndicate called on Mabry repeatedly for information or assistance. While he was primarily responsible for supervising the fencing parties, continued investigation of the Reservation’s agricultural qualities also filled his time. He began experimenting with corn and other crop forms in 1883 near Buffalo Springs. Information, however, may have been his most valuable contribution. His familiarity with land ownership

2 Taylor, Babcock, & Co. to C.B. Vivian, November 15, 1882; Amos Babcock to Vivian, May 10, 1883; TBC to Vivian, July 28, 1883, XIT Papers.
and operations in the region was invaluable to the Syndicate. Through Mabry, they learned who the major players of the country were and how things worked among those players. Babcock and the others sent many instructions and requests:

Have you obtained information in reference to boundaries of the various cattle Ranches in the Pan Handle showing that fenced and unfenced, giving names of proprietors of each ranch and their brand or brands, & c.[?]3

Abundant fraud schemes marked this period of western expansion. There is no reason to believe that Vivian’s fumbled accounting was anything more than incompetence, but there certainly were plenty of others trying to make the most of the situation. Proposals bombarded the Syndicate. It was not restricted to interests in the Panhandle, either. Many people wanted to sell them land – as far away as Missouri. Most of the proposals, however, sought to purchase some or all of the Capitol Reservation land or to partner in with Taylor and the rest to form a “stock” company. A pitfall of the documents regarding these proposals is that sometimes “stock company” is used synonymous to “cattle company” and sometimes the reference is to a company financed by “stock” – as in stock market. The distinction is probably not that important – perhaps not even that distinct. In fact, most proposals fit the latter category. Would be titans from across the country wrote the men of their plans for making money. More often than not, when pushed by the Syndicate to show cash backing up their proposals, the potential capitalists faded from the action. Rowan, discussed in the Chapter 2, was but one of the many tempters. The Syndicate, too, generated its own enticements to potential investors. The following letter went to at least six different parties – in May of 1882!

Col. A. C. Babcock returned on the 19th inst and [illegible] the policy of placing cattle and sheep on our entire [ranch]. On considering the matter, if we determine to do so, our

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3 Babcock to Vivian, September 19, 1883; Babcock to W.S. Mabry, January 2, 188[5]; Babcock to Mabry, May 10, 1883; Babcock to Mabry, March 6, 1884, XIT Papers.
land will not be for sale. May conclude to stock a portion and dispose of the balance; if we adopt the latter course, will confer with you as to colonization project.

The lack of clarity in the Syndicate’s intentions for the land was discussed earlier. Despite the vagueness of their plans, they were aggressive marketers. The company distributed pamphlets and delivered prospectus throughout the country. Approaches from less than reputable parties probably did not surprise them. Taylor’s intent focus on accountability protected the company, for the most part, from ill-advised associations. Despite dalliances with American investors, domestic financing was not forthcoming and the partners agreed to seek European resources.4

While John Farwell and Taylor pursued British sterling, Babcock guided the ship in Austin and, especially, in the Panhandle. The state issued another land allotment in the spring of 1884, granting them clear title to about 75,000 acres. The company advertised for bidders on the fencing contract for the first stretches of what became a contiguous 1,500-mile barbed wire enclosure. They investigated shipping rates and sought the best value on Glidden wire and fencing accessories. Rail service near the Reservation was still in the future. Much of the material used in the northern section of the range, where the first development took place, was freighted by train to Colorado or New Mexico, and then loaded on ox- or mule-drawn freight wagons. Even posts, mostly wood and steel, came from somewhere else. Prairie coal, the fuel of the Plains, substituted for wood in a cook’s fire, but the rare groves of cedar and cottonwood hardly filled the fencing need. In addition, construction of ranch dwellings and outbuildings, corrals, and cattle chutes needed addressing. A former buffalo hunter, Bill Metcalf, filled that

need. Someone, probably Babcock himself, discussed the scope of a proposed agreement in a lengthy letter to Metcalf in the spring of 1884:

We regret the delay of receipt of our letter . . . and fear you will not have time this spring to experiment successfully on a crop. If we understand your proposal . . . you will fence from the place where the “Dobies” are, four miles east and one mile wide, which will comprise six miles of fence for $240.00 per mile, you to furnish first class cedar posts . . . We to furnish the wire at rail stations on Santa Fe RR as we may select (it may prove cheaper to ship wire to Dodge) paying you 1½ cents per pound per hundred miles haul . . . and you agree to put in 100 acres Each of Oats and Corn at your expense, you to have the proceeds of the crop, also what hay you may be able to get off the tract this year. Your proposition [earlier] was to fence as above at $190.00 per mile. [We will proceed] at the same figure. In your proposition for building [the] house . . . [it] could be built cheaper of rock then of “Dobies.” Our Mr. Babcock thinks the corrals on the ground with but little repair should answer the present purpose.

If you desire to do the work of fencing have memorandum of contract drawn out and submit to us for above amount . . . and if you expect us to advance $500.00 we would require first class security, you being a stranger to us . . . As regards building the house write full particulars . . . The house we can reserve for after consideration . . . your first labor should be devoted to the fencing and raising of the crops.

We have consulted with stockmen in the Pan Handle and learn the customary price for hauling wire is our cost per pound per hundred miles, which is all we’d be willing to pay . . .

We will probably fence a large tract not less than 500,000 acres this summer. Our Mr. Babcock says his men report they found large quantity of cedar timber for posts about 12 miles N.W. Buffalo Springs.5

Metcalf took the deal and fence work began immediately, as did the planting experimentation. Other progress there came within a month when Taylor took up serious negotiations with Barbecue Campbell to take over part of the ranch. Taylor instructed Campbell to contact Mabry in Tascosa “who knows all about our lands and could go with you and show it to you.” Further evidence of the Syndicate’s quickening interest in the property was delivered in May to Mabry. Covering politics, rustling, Campbell, and artesian wells, Babcock displays to Mabry his thorough absorption with affairs on the yet unnamed “ranch”:

5 TBC to B. Metcalf, Coltapa, Colfax Co., NM, April 1, 1884, XIT Papers. The “Dobies” is the adobe house ruin at Buffalo Springs, the place located by Mabry and Vivian when Babcock feared they were lost on his maiden expedition to the property.
Am pleased to hear you have invested yourself with Judge McMasters in trade and hope your most sanguine anticipation will be realized. I think it more than folly to issue bonds for building a new Court House and Jail as it is only a question of time when the county seat [Oldham County] will be moved at or near the center of the county. . . .

We are informed that the detective employed by the Cattle Association for purpose of protecting the cattle interests from theft & c. give the Chadbourn, who has been there the longest, a bad reputation . . . the detectives say the Chadbourn referred to has been buying stolen cattle. . . .

Please give our confidentially [sic] all the information you may hear or are able to acquire as to the truth of the reports . . . .

Mr. B. H. Campbell . . . contemplates soon visiting our lands . . . .

What point on Staked Plains would you select as the most feasible and desirable to sink an artesian well. Also what point north of Canadian River. Is there any parties in the Pan Handle or vicinity engaged in boring for Artesian water . . . What do you know as to Artesian at Toyah on line of Texas Pacific in Pecos Co. . . .

Babcock pursued investors, too, and began scheduling inspections using Mabry as his agent. Word of tense negotiations in England and the imminent return of Taylor and the younger Farwell caused Babcock to place a hold on negotiations with some parties. Their return on April 8 began a curious stage in the men’s pursuit. A simple message appears in the company archives, probably a transcribed telegram: “April 16, 1884 Sheldonel London Tigress”.

Taylor and Farwell’s efforts in England seemed to have borne fruit. Early in the year, communications opened with one E. L. Sheldon, Esq., of London. Sheldon visited the United States, possibly even the Panhandle, in late 1882, and contacted the Chicago men. A man named George Greig of Blackfoot, Idaho and Leadville, Colorado, was an associate of Sheldon’s. Intense negotiations on the potential of forming a “cattle company” took place through Greig in early 1883. Nothing appears to have come of those talks at the time. Greig is little more heard from, but contact with Sheldon picked up again in early 1884. The parties took steps to keep whatever they were discussing a secret. A series of coded messages followed the “Tigress”

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6 Nordyke, Cattle Empire, 68; Babcock to Mabry, May 12, 1884, XIT Papers.

7 Babcock to Mabry, March 6, 1884; Babcock to R.G. Ingersoll, Washington, DC; Babcock to J.A. Hubbell, Houghton, MI, March 25, April 8, 1884; Sheldonel, London, April 16, 1884, XIT Papers.
telegram. Perhaps not coded, on April 17, simply “no” went into the message. On the 18th, “Confession. Deadordan. Rivilicats. Rivelatore. will then give further time,” was the missive. At the bottom of the letter book page containing this message is the probable translation of the code: “I have no confidence in. will have to make a deposit $250,000. will then give further time.” The careful Chicago men again sensed deceit on the part of suitors. Whatever Sheldon wanted, the Syndicate refused to proceed until shown the money. “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,” went the Taylor, Babcock signed indictment, “...we have no offer and have entered into no arrangement.” The author is probably Taylor. The diatribe closes 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.”

The Syndicate, indeed, had other irons in the British fire. A Manchester group, Mr. John Stuart and Company, engaged the attention of the Chicago men in the winter of 1883. TBC spelled out their proposal just after Christmas. The company seemed to take a special interest in this group and even recommended them to assist Sheldon in arranging a financial deal. Sheldon apparently spurned his countrymen, but the Stuart agency continued as a negotiation partner until September. By then, yet another London agent had gained the attention of the Syndicate men:

John H. Maugham Esq
Beaconfield Club
Pall Mall
London, S.W.

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8 TBC to Geo. Greig [sometimes Garig], January 26, February 9, 10, 26, 27, May 10, 1883; TBC to E. L. Sheldon, London, February 22, 1888; Sheldonel, Telegram, April 17, 18, 1884; TBC to Sheldon, May 3, 1884, XIT Papers.
Dear Sir,
We cabled you on the 9th and directed the cable according to your instructions. 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.9

That any of the men, probably Taylor here, could bear their tasks with humor, while balancing such monumental planning and ongoing projects is remarkable on its own. In another letter, he wrote the recipient, another potential land bargainer, excusing his rejection of the offer because “we have all the Texas lands we can handle at present.” One thinks drudgery would develop in the daily pursuit of their objectives, but the Syndicate men attacked their endeavors with gusto. Their focus seemed to grow sharper upon the developments in the Panhandle and excitement built as activities regarding the land intensified. It is notable that developments with the Syndicate’s land prospects jumped at just the time that the granite controversy was building to a climax. It is difficult not to sense a relationship. Activities at one venue played heavily with circumstances at the other. TBC confidence in a solution to their cash supply predicament was so high that by the winter of 1884, they had enlisted Barbecue Campbell to begin purchasing stock for delivery on the ranch in the summer of 1885. Even Taylor and Farwell, while in London, negotiated cattle delivery contracts. The Syndicate men, between Campbell, Taylor, and Farwell, originally contracted over 60,000 head for delivery in the summer of 1885.10

It is not clear whether either Stuart or Maugham played a role, but a “Memorandum of Association” registered in England on June 25, 1885 predated the amended Capitol contract by exactly one month. English investment became a fact. This raised further resentment in Texas, of course, although unlike many western ranches, the British stockholders in Capitol Freehold


10 Taylor to Campbell, January 3, 1885, XIT Papers.
Land and Investment Company, Limited, did not retain an active role in operations in the Panhandle. The Capitol Company, the original Syndicate partners, instead leased the land back from Capitol Freehold, at least attempting to maintain an appearance of American control. The Americans, in fact, always maintained managerial control, although financial leverage can be very effective in expressing one’s opinion. That said, the Syndicate – soon, mainly, John V. Farwell – reserved decisions about operations on the ranch for itself. Capitol Freehold intended to raise big money fast and payoff generously over time. Debentures, essentially bonds, began issuing in both England and the United States in the fall. At the first stockholder’s meeting in October, the chairman, the Marquis of Tweeddale, announced that $2,000,000 in bonds had been offered and already drawn $1,460,000 in capital. The timing of the arrangement was fortuitous.\textsuperscript{11}

As if cued, 2,500 cattle dragged into the northern reaches of the Capitol Reservation in late July. Another 2,500 was close behind. The first herd arrived at Buffalo Springs led by Abner P. Blocker, a legendary Texas cowpuncher said to have “sighted the North Star down the backs of more longhorn steers than any man, dead or alive.” The Syndicate dispatched Barbecue Campbell to oversee the arrival of cattle on the Capitol Reservation. A decision regarding a permanent manger for the operation would not been made until late August. Campbell was short of men and supplies. Not familiar with the country, he initially depended on Mabry and other Syndicate associates to help find men to help with the stock influx. He was woefully unprepared for the arrival of what could be as many as 60,000 cows. Upon Campbell’s closer observations, expectations of future better pricing, and the pace of work on ranch infrastructure, a number of initial cattle contracts were cancelled. This action, perhaps, as shall be seen, saved the new

\textsuperscript{11} Haley, \textit{XIT}, 71-72; Nordyke, \textit{Cattle Empire}, 75; Editorial, Dallas Morning News, October 21, 1885.
operation from an early disaster. In the short-term, Campbell planned to buy any excess supplies brought in by the trail men as the cattle arrived. He vowed to hire any man who wanted to stay. Blocker declined Campbell’s offer of work, but it was customary that the trail drivers assist in branding the incoming cattle with the herald of the purchaser. Campbell confessed that he had not yet had much time to consider the brand that should be placed on the critters. The owners in Chicago had overlooked that detail as well.12

The two cowmen, surrounded by a dozen or more waddies ready to get to work, pondered the dilemma. Each etched designs in the dust as cowboys looked on offering suggestions of their own. The brand was important. Not only did it show ownership, it introduced the bearer as the product of the place and people represented by the brand. It had to be distinctive, but it mainly had to be resistant to the running irons of rustlers very experienced at changing a horse or cow’s brand. After a while, Blocker paused in thought, smoothing the dust beneath his boot. He dug his boot heel in the ground and slowly etched out the letters X I T. Barbecue liked it. Everyone tried to change it, but none could. It was so simple. Five strokes of a 5-inch red-hot iron. Everyone went to work and 2,500 cattle became the first of thousands to bear the legendary brand.13

Within ten days, 22,000 head had arrived, been branded, and thrown across the 400,000 acres Metcalf was surrounding by barbed wire. As the cattle settled into the pasture, Campbell

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continued his work to bring the southern half of the XIT range under control. The ranchman continued to fret about the water problem he knew they faced south of the Canadian River. Taylor took up Babcock’s interest in the quest for artesian wells and sent a large steam-powered drilling rig and crew to begin locating these sources in the southern reaches of the ranch. Water exploration crews were already out drilling test wells across the prairie. With the season’s cattle work mostly settled, he put many of the cowboys normally accustomed to working from the platform of a horse at work digging an irrigation ditch. A well followed, and soon the men were swinging hammers and twisting wrenches to raise the first of what became hundreds of windmills rising above the XIT pastures.  

Taylor and Charles B. Farwell soon made a visit to the ranch, touring its reaches with Campbell, seeing and hearing first hand the problems and potential the ranch faced. Whatever the men saw, it did little to curb their enthusiasm. Taylor continued to push his plan for artesian wells, although Campbell remained skeptical. Farwell ordered that fencing continue into the southern reaches of the ranch and that stocking of up to 300,000 head continue forward. He also endorsed the continued farming experiments undertaken around the ranch, mainly under the direction of Mabry at the behest of the Chicago partners. A mowing machine arrived at the ranch in August and more complaining cowboys found themselves practicing “Granger” ways, cutting hay in the meadows where Mabry had planted small fields of alfalfa.  

Charles Farwell and Taylor left, but John Farwell was soon back with one of the English investors, there to bear witness for the nervous group across the Atlantic, eager to see progress and a return on their finances. T. A. Denny, the Englishman and a long-time friend of Farwell,  

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14 Haley, XIT, 79; Nordyke, Cattle Empire, 85-90.  
15 Nordyke, Cattle Empire, 88, 92-93.
was impressed by his visit to the ranch. The visit fortified Farwell’s planning and the men enjoyed a pleasant and confidence-inspiring visit. Farwell, a devout and religious man, surprised many of the ranch employees he called together one Sunday morning just before returning to Chicago. As he began talking, the men, casting furtive glances at one another, each began to remove their hats, realizing that they were listening to a sermon. Farwell read from the Bible and warned his listeners of their sins and the need to maintain Christianity even in this hostile land. Previously firm in their belief that these wealthy and powerful men had no concern about the lives of ordinary cowboys, the men’s eyes and ears widened at the thought that this man cared about their souls. They were even more surprised—and right then more committed to religion—when Farwell suggested that God had meant Sundays to be a day of rest and that he felt that his and other ranches violated the Sabbath by doing work on them. This was good news to the men, but Barbecue Campbell nearly swallowed the cigar he was chewing on.16

Campbell himself was a religious man and abided by no drinking or gambling from his men while they were on the ranch. Nevertheless, he knew from experience that it was ludicrous to expect that the operations of this or any other ranch simply cease just because it happened to be Sunday. He diplomatically explained this to Farwell, who reconsidered his proposal. The men agreed that the XIT would do its best to abide by Christian practices, and when emergencies arose, Sabbath observances could be suspended in order to properly care for the cattle. In fact, Campbell followed up Farwell’s sermon by producing a set of twenty-two rules by which employees were expected to adhere. The third rule on the list was “Sunday will be observed as a day of rest by all employees if it does not conflict with round-up work in which our neighbors are interested, nor to the detriment of the interest of the ranch.” At the top of the list, a rule

16 Nordyke, Cattle Empire, 98, 100-102.
banning most firearms from the ranch dispels the myth that every cowboy’s best friend was his six-shooter.¹⁷

Though many of the rules spelled out the expected behavior of the cowboys, many dealt with the insistence on the proper treatment of ranch stock. Campbell could not abide cruelty to person or beast – less so for cattle and horses. In fact, when Blocker branded the first XIT steer, his men roped the creature and rudely threw the bellowing beast to the ground before scorching on the oversized brand. “That’s the way we brand cows in Tom Greene County [Texas],” Blocker reportedly announced. Campbell pointed at the narrow cattle chutes he had constructed and replied to Blocker that his methods had no place on the XIT. Horse or cattle were never to be run if possible, and spurs and quirts were to be used lightly, if at all, and never to the front of the saddle. Any man seen striking a ranch animal was promised immediate dismissal. The rules were printed and posted for every employee to read and read to those that could not.¹⁸

The work of the developing ranch continued at a pitched pace after Farwell and Denny left. Barbed wire stretched further around the ranch enclosure. Test wells continued to be sunk, and men began excavating earthen troughs – “tanks,” as they were commonly called -- where rain and runoff could be collected. Campbell continued to plan for and purchase cattle to fulfill the company’s orders to begin stocking the southern pastures of the ranch. A hectic pace continued into the winter, but near Christmas, Campbell was preparing for a needed break to spend time with his family in Kansas. The night before he was to leave, some men coming in from work noticed a dull glow in the sky north of Buffalo Springs.¹⁹

¹⁷ Haley, XIT, 116, 241; Nordyke, Cattle Empire, 101, 264. These were modified and reissued by Boyce and Findlay in 1888.

¹⁸ Haley, XIT, 78; Cordia Sloan Duke and Joe B. Frantz, 6,000 Miles of Fence: Life on the XIT Ranch of Texas (Austin: University of Texas Press, 1961), 136; Nordyke, 264.

¹⁹ TBC to Campbell, December 2, 1884, XIT Papers; Nordyke, Cattle Empire, 103-106.
Blistering cold weather had come to the Panhandle and Campbell hurried to pull on his heavy coat as he rushed to roust men from the bunkhouse. A prairie fire had started and was rushing toward ranch headquarters. Every cowboy feared a prairie fire and the report of one meant every man dropped whatever he was doing and got to the fire line. In those days, the most common measure for fighting range fires was for someone to kill and half-skin the largest available cow they could find. A rope attached to a front and back hoof of the unfortunate creature allowed two men on horses to drag the bloody mess across the leading edge of the fire, dousing the flames. This was dangerous for the men and, especially, the horses. The horses used for this task, particularly those forced to run at the back edge of the fire were changed frequently. Most used in this capacity were not ridden again that season, if ever. The XIT maintained a large horse pasture in which they were turned out in hope of a full recovery.\footnote{Nordyke, Cattle Empire, 106-108; Ward, Cowboy at Work, 18. XIT employees used XIT stock. If a hired hand owned his own horse, that horse was released in the horse pasture and never used during the cowboy’s work. Cowboys did share a special regard for the horses they used and rode. Mrs. Duke’s book provides any number of examples: Duke, 6,000 Miles, 115-138, 219-220.}

Other men beat at the fire’s hotspots with shovels and brooms. As the leading edge of this fire neared the ranch buildings and corrals, the men were able to take advantage of the water there to help divert the onrushing flames around the ranch structures. They saved the buildings and corrals, but the fire was hardly slowed as it continued its southeasterly progression. It eventually burned itself out in the rough breaks of the Canadian River, many miles south of its origin. Neighboring ranches that lost cattle in the blaze accused XIT fence crews of sparking the blaze, but others claimed the fire had started far to the north of XIT property.\footnote{Haley, XIT, 173.}

Campbell was surveying the blaze effects before the fire was out. It had devastated the pasturage for miles around. Surviving cattle, disoriented by their experience, wandered...
aimlessly on the blackened plain bellowing their distress. The ranch boss could think of only one thing to do with cattle that would soon be starving. He ordered his men to drop the wire of the fences on the west side of the ranch. They drove 4,000 cattle onto the open range of neighboring New Mexico to fend for themselves. The remainder were thrown across what still was essentially open range, despite the Syndicate’s legal claims to the ground, on the south side of the Canadian. It was a bad blow for Campbell and the Syndicate. What had started as a year of great prospect for the Capitol Reservation investors ended in disaster. Other fires struck at other places on the ranch and the remaining winter was harsh. All Campbell and his men could do was go back to preparing for the next year and hope that they had better luck.  

The spring of 1886 saw the last of the great Texas round-ups and the last time that large numbers of other outfits’ cattle would feed from XIT grass. Traditionally, range round-ups occurred in the spring and fall of each year. Each large ranch sent one or more crews out. Each crew had a chuckwagon and cook, the trail boss, a wrangler to care for the horses – the *remuda* – and eight to ten cowboys. Smaller ranches used ‘dinner reps’ -- individual cowboys that went from camp to camp checking for their cattle and, hopefully, begging a meal from a generous cook. The men, called variously hands, punchers, leather pushers, waddies and cowboys, represented a varied lot of men from all backgrounds and nationalities. Most seemed to have some education and most willingly chose their career. With cowboy etiquette, lest willing to raise the suspicions of a hunted murderer, asking a stranger his name was not thought polite. Criminals and men wanted for many reasons found anonymity in the cow camps. For the most part, though, they were just regular, hard-working, often pious men trying to make an honest living. Though often young, there was no age restriction on who could be a waddie. If you had

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it in you to jump on a half-wild bronc and chase to the front of a panicked herd of longhorn cattle, you could be a cowboy. Experience was important among the cowboys. Those with the least experience usually got the worst jobs, but duties on the range were mainly shared. Regular cowboys made $25 a month, mostly. The cooks got more than regular cowboys and the trail boss got as much as a $100. The food was good and regular.  

Roundup crews began by forming a huge circle, covering many miles of range. The men would “work” the cattle, no matter whose brand, toward central locations. Sometimes they would locate and herd the cattle in the morning and cut out and brand the cattle of each outfit in the afternoon. More often, especially in the spring, they brought all of the cattle to central locations, separated them, and branded them there. In earlier years, cattle brought together from off the range were branded, tallied, and simply released back to the range. But the range was going away. In 1886, the XIT was not completely unique except, perhaps, in size. Barbed wire had been in use for sometime. Big business had come to the Texas range. Owners were marking their part of that range with fences and deeds. There were becoming far too many people and far too few resources to continue to share. By the next year, more of the Capitol Reservation, as well as the rest of Texas, would be fenced. Sixteen thousand XIT cattle made it to spring that first year. Within eighteen months, that number expanded to over 100,000 and fence enclosed the entire ranch.  

In Austin, although work immediately began on opening the Granite Mountain quarry, Taylor and the rest of the Syndicate men quickly lost interest in the building in Austin in favor of efforts toward the ranch. Although Taylor continued to take a direct role in the Capitol project

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23 Duke, 6,000 Miles, 77-87, 133; Haley, XIT, 150-160. Mrs. Duke was the wife of one of the last ranch managers of the XIT. She kept a journal while living at the Buffalo Springs ranch, and recorded the firsthand accounts of many former XIT cowboys.

24 Ward, Cowboy at Work, 19-41; Nordyke, Cattle Empire, 135; Haley, XIT, 81, 83, 86-89.
up to the end, the Syndicate sublet the job to Gustav Wilke. Wilke agreed to take over the project for $2.3 million. A full review of the fiscal twists of the Capitol project and a full financial accounting of it remains undone, a challenge to researchers in its complexity. In any case, the Board accepted the transfer to Wilke, his bond was retained, and the contract was duly amended.\textsuperscript{25}

The Syndicate sought convict labor on the project as early as 1883. The amended contract included an agreement with the state penitentiary board spelling out the terms of the prisoners’ assignment. Numerous public protests rose over this arrangement. In particular, the Granite Cutters’ International Association of America sharply denounced the plan. Wilke, a German-born Chicagoan, matched his employers in his efforts to keep costs under control. He had already antagonized organized labor by hiring workers on the project at three-quarters the rate union leaders had targeted for work on the Capitol. Throughout the project, labor unions boycotted the construction. When the convicts actually began quarrying and cutting granite, the boycott resulted in a shortage of qualified stonemasons to train and oversee the prisoners’ work. Unable to retain local expertise at wages the contractor was willing to pay, the Syndicate sought to import master stoneworkers from Scotland. Local and nationwide stoneworker unions protested the immigrant labor. A federal law restricting immigrant labor had recently gone into effect and federal agents greeted 86 Scottish masons destined to Austin as they disembarked in New York. Several of the men returned immediately to Scotland, after discussing the issue with

\textsuperscript{25} 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), 42-43; Greer, “Texas State Capitol,” 88. Babcock to Taylor, January 6, 1885, XIT Papers. Indications of the Syndicate’s interest in Wilke taking over the contract emerge as early as August 30, 1884 in a letter from Taylor to Wilke. Greer indicates Wilke’s “services” were $362,000. One presumes that Wilke agreed to do the project for $2.3 million and realized personal earnings at the former figure. Remember, Wilke takes over in late 1885. It is not clear that any money beyond Wilke’s salary ever changed hands or that Wilke controlled spending on the project. The Syndicate took faith in his day-to-day decisions, but continued to maintain the purse strings.
labor representatives also there to greet them. The majority, however, eventually got to Texas. Their problems did not end, nor did the company’s. Wilke, in the name of Taylor, Babcock, and the Farwells, was able to delay legal proceedings. Initially, Wilke incurred fines totaling about $64,000 for violating federal laws. Political pressure delayed execution of the penalty through the completion of the Capitol, however. Wilke wound up paying a modest settlement of $8,000 to conclude the case in 1893. The complete story of the stonemasons and of the work at the quarries deserves further attention, but is limited in the present study.26

The Capitol Board appears to have stayed out of the employment practices of their contractor. In many ways, however, they were responsible for it. The limitations of the original contract and the limits it placed on land conveyances encouraged the contractors to find cost-saving measures whenever possible. The allowance for convict labor in the amended contract represented a huge cost-savings for the Syndicate, ostensibly offsetting the cost of using the Texas granite. The state made no effort whatsoever to encourage the company to hire locally or to bargain with labor groups. The quarries were not the only aspect of the project to utilize prison labor. Faced with the prospect that much of the ironwork contracted to go in the building would come from northern or European foundries, the Board supported the selection of the state penitentiary at Rusk for some of the work. TBC readily agreed to the choice, particularly when

the state agreed to urge lower hauling rates from the railroad shipping the material to the building site. 27

Architect Myers had enough by the time fruitful progress once again became recognizable at the summit of Capitol Square. Always agreeable in the early days of the project, the demands of the Board under Ireland’s leadership, along with his numerous other projects, pressed the Designing Architect. His troubles surfaced with the resignation of Superintendent Clark, Myers’ own choice for the job. Clark almost certainly was a victim of the architect’s growing disinterest in his Texas project. The appointment of General Walker as the Board’s superintendent hastened Myers’ divorce from the project. The general, as has been discussed, was a formidable overseer of the work. His opinions weighed mightily on the Board’s decisions. Walker identified many flaws in the original design and requested many changes, most fully acceptable to the contractor. Design changes, however, contractually needed the consent and approval of the Designing Architect – Myers. That became more and more of a problem.

Taylor, Babcock, and Company supported the architect as much as they could, and they even covered for him. At one point, while seeking bids for stonework, probably addressing rumors of Texas’s dissatisfaction with Myers, Taylor assures the prospect that “Mr Myers is still the architect of the building and I think will continue so until it is completed.” On several occasions, TBC found itself mediating differences between the Capitol Board and the Detroit architect. Animosity also built between Wilke and Myers. Taylor wrote Myers in late 1883 that “I think your letter done you great damage there [in Austin] and would advise you not to write any more such letters.” This suggestion stems from the growing sewerage controversy. Superintendent Clark suffered from Myers’ scapegoating. Wilke also seemed to be a target for

27 From the State Capitol, Dallas Morning News, October 27, 1885.
blame when Myers faced questions from the Board. Taylor, earlier in the year, declared to Myers his support for Wilke. In a long dress-down to Myers in July, the contractor alluded to usurping forces apparently at work in Austin:

Yours of July 14th to Mr. Farwell in relation to the work done by Mr. Wilke . . . was forwarded to me at Austin . . . I learned that Gov Ireland, Secty Dickinson and Supt Clark each had a similar letter. I am very much surprised to learn this, and am confident if you had reflected you would not have written these letters, as I know you would not intentionally wrong anyone. . . .

With your knowledge of us, you must know we would not let a contract to any person of the magnitude of the contract Wilke has until we knew all about him. . . .

. . . I know why this attack is made, what it is made for, and the parties who are doing it, and I will do you the justice to say that you are not one of them . . . .

I want to say to you and through you to the parties who are instigative that it must stop, and it must stop now. I have known of their scheme for some time . . . but I fear the parties have taken my silence for ignorance, they had better understand that . . . any further attempts will justify me in striking back.

. . . I shall stand by [Wilke] and a fight on him is a fight on me . . . .

Taylor may have known the parties, but their names are not in the records. One might suspect the previously mentioned William Richardson remained a source of intrigue at the Texas capital, however. Taylor again directed advice and protection to Myers during the granite controversy. Walker and the Commissioners long sought Myers’ assistance on requested changes to the iron framing in the Capitol basement and the structural support for the majestic dome. Taylor wrote Babcock, in Austin, on February 27, 1885: “. . . [Myers] is here today and has wired a dispatch to his son in Detroit to be sent to Dickinson withdrawing his letter.” A copy of the wired withdrawal request accompanies this letter. The parties exchanged more letters, however. On March 18, the Board wrote Myers regarding strengthening the carrying capacity of iron beams supporting basement stairways and landings, as well as questioning the design for a wall that apparently had no support structure whatsoever. The 1886 Commissioner’s report calls

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28 Taylor to Robert C. Greenlee, Tiffin, Ohio, May 28, 1884; Taylor to Myers, December 13, 1883; Taylor to Myers, July 30, 1883, XIT Papers.
Myers reply of March 31 “irrelevant and evasive,” prompting the Board to post further requests to him on April 6 and 11.  

Myers collected and spent any compensation from his work on the Texas Capitol long since. To some extent, the Board and Commissioners sympathized with Myers, but the contract was clear about his role in approving changes in the construction. Myers had too many other concerns and the Board knew it. A short window for delivery of plans in a competition for the design of Colorado’s new capitol presented Myers a July 1885 deadline. He once again applied as the Treasury Department’s supervising architect in the new Cleveland administration, but the president retained the former appointee. He was also completing the Douglas County Courthouse in Omaha and bidding on another courthouse in Ohio. Myers avoided demands from the Capitol Board to appear in Austin by July 1 when his son offered the excuse that continued illness prevented his father’s travel. Unhappy with continued delays caused by Myers, the Board asked the Attorney General to investigate a breach of contract suit. The Texans appeared ready to move on. Beginning with the amended contract of July 25, 1885, steps eliminating the Designing Architect from a role in decision-making allowed the Commissioners and the contractor to approve and make changes regarding future design changes. 

TBC, too, seems to have been frustrated with the whole affair. Although friendly, a note from Taylor to his Michigan neighbor on August 11 lacked collegial warmth:

Dear Sir:
Your former of Aug 10th at hand. We changed the material for the Texas State House to granite to be built in accordance with the plans and perfections sent down by you. In making this change we had to eliminate some things from the interior in order to reduce the expense so as to pay us in part for the change. I enclose a copy of the contract by

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29 Taylor to Babcock, February 27, 1885, Myers to John T. Dickinson, Secretary of the Capitol Board, February 28, 1885, XIT Papers; Texas, Report, 1986, 11.

which the aforesaid change is made. I shall be at all times glad to give you any
information you may require in the matter.

Very truly yours
A. Taylor

The Capitol Board received an August 16 notice from Myers that he accepted the design
changes on the building and would appear in Austin in October to address the Board’s concerns.
A brief visit due to “pressing professional engagements” allowed him to address only a few of
the Board’s questions. The pressing engagements were his obligations to the State of Colorado,
which selected his plan and demanded more and more of his attention. With continued excuses
and delays as responses to their questions, in January 1886, the Capitol Board renewed calls for
Attorney General John T. Templeton to prepare legal action against Myers. By that time, Myers
had renewed finger pointing, with Wilke as his main target. TBC continued to favor Wilke, and
Myers’ protests drew no favors from Chicago. Templeton asked for advice again six months
later. It seems the Board simply decided they no longer needed the architect’s services and
simply chose to ignore him. The state never took action against Myers. His design, along with
that of the Michigan and Colorado state houses, are the work of a talented individual. He has
many other buildings around the country demonstrating that as well. Unfortunately, a reputation
for low-ball estimates, missed deadlines, and inattentiveness was catching up to him. Colorado
soon chose the same course as Texas and determined his services were of little value beyond his
initial concept and design. As one chronicler of the man described him, “[Myers] was a talented,
dishonest, hard-working, spiteful, clever, unbalanced, self-assured, self-destructive

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31 Taylor to Myers, August 11, 1885, XIT Papers.
hypochondriac whose story must be pieced together from fragments.” Myers’ career and reputation slowly dimmed until his death in 1909.32

Two other controversial actions, although neither delayed activity at the Capitol or on the ranch, cast a shadow over the entire Capitol project. Statutorily in possession of the Capitol Reservation upon their conveyance by the Board, Taylor sought official recognition of the parcels in the form of patents issued by the Texas General Land Office. He wanted these in order to show further proof of the land holding to English investors. The Chicago man became livid when the agency’s longtime head, William C. Walsh, insisted he would gladly 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 for the second time. “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 latter sought to rescind this fee, the Syndicate ultimately paid more than $10,000 for official Texas land patents.33

On January 11, 1887, Taylor signed a contract with state officials acknowledging errors in the initial survey discovered in 1885. The state contracted with Mabry for resurveying on much of the Reservation. The new contract made the Syndicate responsible for payment and acknowledged, “the original survey ... through error [was] made to cross the 103rd Meridian and encroached upon the territory of New Mexico to the extent of about 16,000 acres.” The state’s solution at the time was to add further to the land from the Reservation’s eastern edge, stipulating that any additions would not surpass the three million acre total. As previously discussed, political pressure at the time of New Mexico’s acceptance as a state settled

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33 Taylor to Walsh, September 17, 1885; Taylor to A. J. Peeler, Austin, September 22, 1885; Taylor to Walsh, September 28, 1885, XIT Papers; Greer, “Texas State Capitol,” 162; Haley, XIT, 53-54.
discrepancies in the new state’s border with Texas. In 1918, Texas officials suddenly recalled the mistakes in the Capitol Reservation surveys and filed suit against the Syndicate to obtain excess lands. Courts eventually decided that the Capitol Company must return 57,840 acres to the state. Author J. Evetts Haley was baffled by the principle on which the state allowed the company to hold and develop the land for thirty years, collecting taxes all the while, and then ordered it returned to the state without compensation.34

A number of contract modifications addressing technological changes in a modernizing era were allowed. The dome construction also continued to be a source of concern, regarding both its support design and the material from which it should be composed. For the most part, however, the project continued forward with little controversy or delay. Land conveyances to TBC issued regularly by the Capitol Board document the progress on the State House. Workers completed the primary work at the quarries and on the superstructure by May of 1887. And, while the Capitol rose above Austin, so too did the XIT Ranch rise from the Panhandle plain. The spring round up in 1886 left the XIT with just over 16,000 of the 22,000 head thrown onto the ranch pastures the previous summer. John Farwell had purchased 100 Angus bull calves in Iowa the previous fall, but Campbell, fortunately, delayed shipping them until spring. An additional 65,000 cattle either were under contract or soon to be contracted for as the stocking of the ranch continued. The Capitol Reservation owners also undertook their first moves toward utilizing the “northern range.” For some time, southern cattle ranchers had experimented with trailing or shipping some of their cattle to areas of Dakota, Wyoming, and Montana to fatten on the lush, well-watered grass found in that country. Cattlemen claimed a Texas-born steer could

34 Resurvey of Capitol Lands, January 11, 1887, Records, Commision; Haley, XIT, 216-217.
gain an additional 200 pounds after two years up north than the same steer raised in Texas. The XIT sent a small herd to South Dakota that year to start investigating the possibility.\(^{35}\)

Addressing the mandate of the owners to begin stocking the southern half of the ranch, Campbell, still nervous about the water situation there, determined to relocate his headquarters to the Yellow Houses near the extreme southern boundary of the Capitol Reservation. The herds coming in the summer would supplement the losses from the winter. Pastures south of Buffalo Springs and the Canadian River accommodated most of these herds. Well drillers were to be aggressive in locating water in the south. Mabry was continuing his surveying and well-locating tasks as the fence builders followed behind him. By the end of the summer, 781 miles of fence had been strung. Fence riders followed 575 miles of outside fence in search of breaches. By the time they were finished, 1,500 miles of 4-wire fence would surround the XIT.\(^{36}\)

The winter of 1886-1887 was hellish for stockmen across the Great Plains and the XIT was not spared. Depicted in a famous drawing by a young Charles M. Russell, cattle starved by the thousands when early snows and cold temperatures persisted throughout the long winter. Freezing temperatures and blistering cold winds took a toll on XIT stock. They were spared any big fires, however. The ranch had started creating firebreaks. Men plowed a series of furrows around pastures and buildings. Eventually, a firebreak would surround the entire ranch. Men would be on the plow from August until the winter cold froze the ground and drove them off the plow in December. Although this practice certainly helped maintain fire control at the ranch, it did not prevent them, and devastating prairie fires continued to cause problems for the XIT.\(^{37}\)

\(^{35}\) Greer, “Texas State Capitol,” 154-159, 176; Babcock v. Farwell, 1d IL App. 190 19580 (1913); Haley, \textit{XIT}, 126.

\(^{36}\) Haley, \textit{XIT}, 87.

In 1887, a dry spring and summer throughout the central Panhandle left Campbell in a constant state of panic over water conditions in the south pastures. Thousands of cattle, some from nearby tick-free areas, and others of more suspicious origin were then, or soon would be, bound for the XIT. Cattle bearing the brand of at least thirty different ranches trailed to Yellow Houses to graze on XIT grass that summer. Men worked feverishly drilling wells and constructing cedar tanks. Panicked by water prospects for the oncoming herds, Campbell’s patience stretched to his limit when 2,700 head of cows from a neighboring ranch were driven onto XIT pasture on their way to Arizona. Their cattle grazed near a small waterhole. It was dry ahead and the trail boss refused to move until it rained. Campbell himself originally authorized the herd’s transit, but expected it done quickly. Campbell confronted the stubborn trail boss and tried to reason with the man. Eventually Campbell ordered the trail boss to get his cattle off of the XIT range, or he would return with more men and drive them from the property themselves. The cowboy did not seem shaken. The next day, returning with more hands, Campbell found that the herd had moved 6 miles east to another small waterhole – still XIT land. A cat-and-mouse game kept up for a couple of days as the trail boss slowly moved his charges from one small water hole to another. Rain did come and the trail boss moved his herd on. However, the incident was not forgotten. Inadvertent or not, granting a 700-mile long contiguous stretch of land to one party resulted in severe limitations on free travel over a well-defined trade route and increased conflict regarding use of the vast territory.38

The Chicago office received many letters from frustrated and angry ranch neighbors, as well as cattle contractors. Most were dealt with in a very business-like manner, and, generally,

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38 Haley, *XIT*, 98; Nordyke, *Cattle Empire*, 129.
management supported Campbell. After awhile, however, and upon renewed pressure from English investors to produce results, some reports began to raise eyebrows, prompting questions about management and operations at the ranch. Lawlessness and graft reported on the ranch implied that Campbell’s lax oversight was partially to blame. Others protested Campbell’s high-handedness in business dealings. Whatever the reason, the Chicago partners felt concerned enough to arrange for a Texas lawyer and former state senator, Avery L. Matlock, to investigate ranch operations. The company loaned money for a business venture to Matlock and a partner named Hill early in 1885. His former position in the legislature may indeed been of use just then, but rumors are all that exist regarding any other role he played in the Capitol project. Taylor informed Babcock that the men “feel under great obligations.” Without elaboration, he went on, “so, if they can be of any use to you in Texas, they will doubtless be glad to contribute.” Whatever happened earlier, by the summer of 1887, the Syndicate found a use for him. A company representative, long-time and trusted Farwell accountant George Findlay, accompanied Matlock.  

Campbell was apparently not told to expect the men, and the story of their meeting differs slightly depending on the source. All sources agree that upon their introduction, Matlock was quick to point out one of Campbell’s range bosses, Bill Ney, as an associate of rustlers. Matlock claimed that as District Attorney in the North Texas town of Vernon, he had saved the man from an angry mob on the condition Ney leave the state. Ney fired back that Matlock was just trying to get even with him for once testifying against thieves and murders the lawyer was defending. Campbell accepted Ney’s story, distrustful of this fast-talking stranger. Findlay hardly had a

chance to introduce himself, but he apprised Campbell of his orders with regard to the ranch.

Findlay seemed predisposed to give Campbell the benefit of the doubt in his observations and he found Matlock’s bluster to be somewhat unwarranted.\textsuperscript{40}

The fuse was lit, however, and burning fast. Matlock went off on his own to observe the men and operation. Findlay urged Campbell to help him get started on one of his top goals – an accurate count of the cattle. Cattle were coming in everyday and Campbell thought he had enough to do without having to look after these two visitors. That was fine with Matlock, who made his observations, and then returned to Montague County, whence he reported his findings to Chicago. Campbell got along well with Findlay, but he bucked at the accountant’s insistence that each cow be tallied and classified. For cowmen of the day, cattle tallies were sometimes more of an art than a science, and in a herd of two thousand, two cowboys counting off ten head at a time and knotting a saddle string felt good to be within a dozen or so of each other at the end of their tally. This was not the way of an accountant. Findlay wanted to point at each cow and mark it in his tally book. Campbell let him try. Nordyke described Findlay’s efforts: “His job was as hopeless as if he had been out there trying to count a skyful of stars.” While going about his business, Findlay often encountered A. G. Boyce, another legendary Texas cowboy and trail driver. Boyce trailed cattle for the Snyder Brothers, a nearby outfit supplying thousands of cattle to the XIT, and that summer was overseeing the arrival of Snyder cattle at the Yellow Houses. Findlay gained an immediate respect for Boyce’s knowledge and advice and he got plenty of his assistance while trying to complete his inventory of cattle.\textsuperscript{41}

\textsuperscript{40} Nordyke, \textit{Cattle Empire}, 1157-158; Haley, \textit{XIT}, 99. The tone of the individual authors changes somewhat at about this stage of the XIT story. Haley assumes a much more accusatory tone, particularly toward Campbell. Nordyke remains more objective. Mrs. Duke’s book is similarly critical of the Campbell reign.

\textsuperscript{41} Nordyke, \textit{Cattle Empire}, 159.
Meanwhile, Matlock’s message to Chicago, in which he reported that rustlers and other unsavory characters were employed by the ranch and taking advantage of Campbell, received a rapid reply urging Matlock’s return to take immediate charge of the general ranch management. Matlock immediately returned to the XIT. Campbell, continuing to try to balance the streams of cattle filling up XIT pastures and the work on fencing and water that was going on to support them, was becoming increasingly resentful of the messages he was receiving from Chicago. Letters went back and forth with accusations and justification, but finally, the Syndicate asked Campbell to resign. Some reports suggest that Campbell fled the ranch in disgrace, but there is little support for this assertion. Soon after, Campbell met with John V. Farwell in Chicago and amiably settled his interests in the company and returned to his family in Kansas.42

Before leaving, Campbell hired Boyce to help him deal with the problems he was having receiving cattle. Of course, Findlay had spent time with Boyce, but Matlock apparently had some acquaintance with Boyce, too, and upon Matlock’s return Boyce enlisted with the lawyer’s intention to clean up the ranch. With word of Matlock’s arrival and new position, Ney and five other cowboys drew their pay and headed west away from the XIT. Fierce in his belief that his sponsors were being cheated, Matlock fired nearly every man that remained at the Yellow Houses. Leaving Boyce in charge, Matlock started north broadcasting the news that there was to be change on the XIT. By the time he had finished a three-week journey to Buffalo Springs, he had fired half of the cowboys on the ranch. He had no problem finding seventy-five

42 Haley, *XIT*, 103; Nordyke, *Cattle Empire*, 161-166. Nordyke records a letter from Campbell to Chicago, just prior to his departure. He also suggests the Syndicate held no ill will toward Campbell, but simply felt it needed a firmer hand on activities across the ranch.
replacements as there were plenty of waddies eager to work for the XIT. On the contrary, “His problem was getting rid of those he discharged.”

His tactics did not leave many of the men in a forgiving mood, and a man’s memory can be long. It is doubtful that all the men fired were guilty of the crimes or personalities for which Matlock identified them, and it was quite likely that many were soon working again, probably for an outfit not far from XIT. One can imagine that some of these same men might do what they could to antagonize the XIT. Prairie fires and cut fences were prime options for a resentful cowboy’s revenge. Matlock’s purge did little to discourage rustling on the XIT, either. Trouble, for a while, became a feature on the XIT.

Trouble across the Atlantic Ocean kept up, too. By that fall, mostly with Boyce’s firm guidance, work on the ranch was progressing nicely. Windmill and well 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 arrived upon the XIT in 1887, bringing them to about 110,500 head of cattle, including 10,000 calves born that spring. Haley, documenting stocking on the XIT, wrote that, “No great movement of cattle to the ranch took place after 1887.” The company was not producing a single dollar in profit from the ranch operation. Once again, the British investors chose to send their own observer rather than trust the Farwells or Taylor, who had taken his turn at going to England to impress the British partners.

Taylor, watching the Capitol construction project wind down, sought to cement a role for himself in the ranch operation. He had recommended Matlock after developing a friendship with

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43 Nordyke, Cattle Empire, 165, 167. No explanation is obvious on how Boyce was to proceed in processing the inbound cattle when he had no employees.

44 Nordyke, Cattle Empire, 168.

45 Haley, XIT, 83; Nordyke, Cattle Empire, 168.
the man in Austin. The pressure of business, however, was straining their friendship. As the English prepared to send their representative, differences between Matlock and Taylor intensified. Matlock proved no better at soothing relationships with XIT neighbors than had Campbell, and he quite probably had more reason to fear for his life, too, after the uproar his activities created. A plan by Taylor to ship the first XIT cattle to Chicago markets in order to impress an English 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 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 even lower than expected prices, ordered Boyce return the remaining 300 beeves to the ranch.46

The Englishman, Henry Seton-Karr, arrived in October. He spent most of his time in the company of Boyce. The two men got along fabulously. Won over, once again, the Englishman reported glowingly to his colleagues in London. At home, differences between Taylor and Matlock reached a climax. Someone recommended Boyce's appointment as the ranch general manager. Taylor agreed. John V. Farwell asked Boyce to assume the responsibility with the assistance of Findlay as the ranch business manager. Boyce agreed. He would hold the position for the next eighteen years. Matlock did not disappear from XIT operations and continued to be involved in legal and political matters involving the ranch. The accommodation seemed suitable to all the parties. As Campbell had discovered, it was sometimes difficult to tell who was making the decisions for the company. Taylor was the central figure regarding XIT operations at this particular time. John V. Farwell asserted his authority. Babcock’s role diminished significantly once the granite controversy was resolved and the entire Reservation leased to the

Syndicate. Once the Capitol was completed, Taylor faced a similar fate with Boyce replacing him as general manager and reporting to Farwell.47

Boyce and Findlay were a good match. Despite his bookish appearance and city ways, Finlay was more experienced in the cattle business than most ever knew. In partnership with his father-in-law, in 1878, he imported and developed the first Aberdeen-Angus cattle herd in America. By the end of the year, both he and Boyce had made an 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 put more order into the water 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 the General Manager – Boyce. Findlay and Boyce both supplied monthly reports to Chicago, where, in turn, more reports would be supplied 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, the meticulous record keeping and continuous questioning from the business partners wore on Boyce’s patience. He mainly complied with all asked of him, however, and in return, he took a strong lead role in the ranch operation for most of his considerable reign.48

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

47 Nordyke, *Cattle Empire*, 173-175, 198; T. Fred Harvey, “George Findlay, General Manager of the XIT Ranch, 1888-1889” (Master’s 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.

48 Harvey, “Findlay,” 10; Nordyke, *Cattle Empire*, 118-120.
controversies rose around the Capitol dome. Engineers felt the weight of the structure was not properly supported. A redesign of the support structure allowed for lighter and stronger material than identified in the initial specifications. In many cases, steel replaced iron. The specification on the dome covering changed throughout the contract, eventually using copper as the covering. On May 1, 1888, the Capitol was dedicated in a solemn occasion marked by a long speech from Temple Houston. As the great Texas hero’s grandson droned on, a thunderstorm passed overhead. The roof leaked. This was only one of several small, but niggling issues that prevented completion of the project and the final thirty-fifth transfer of the Capitol Reservation. Taylor had become benevolent in the final stages of the project, however, and offered to warrant the construction for a fixed period from final acceptance of the building. That date finally came in December.
CONCLUSION

This paper is not the first to ask if certain places can or should ever be “owned.” Public land policy eventually has led to better administration, wider land protection, wider and more diverse use, and better planning for public lands. Progress in this area is laudable, but further understanding of factors in past practices of American land use should serve as further guide to even more effective and equitable policies. The history of government land policy in the United States is long and storied, much too vast for all but the briefest coverage here within. That story, however, is intertwined with the stories of yet other individual places that sometimes fell beyond the grasp of Congress and the rest of the people of the United States. Texas, as one may expect, looms large as an exception to the rule. For that, and many other things, Texans are proud. Justifiably so? Perhaps.

In 1880, Texas officials went in search of someone to build the state a new capitol building. Armed with millions of acres of the Texas public land granted to the state under the terms of its initial acceptance to the United States in 1846, they sought to trade a large portion of it for the construction of the grandest monument to American democracy throughout all the states, a rival to even The Capitol itself. It remains that to this day -- higher, larger, than capitols in any other state. All save the halls of Congress in Washington, D.C. pale before its grandeur and elegance. It dominates Austin with its Texas red granite walls, the copper dome, and its rich, classical design. The building is a true Texas symbol that proclaims “The Texas Way” to all that gaze upon it. Well, maybe to many.

Three million acres of Texas Panhandle land went for the original construction of the edifice. That is nearly a third of the entire Panhandle region. It included an area covering parts of ten counties from the northern Texas boundary south along the New Mexico territorial line
nearly to present-day Lubbock. A clear trait of Texans, forgive the generalization, is a stubborn insistence that Texans built Texas for Texans – “The Texas Way” of course. The circumstances of the construction of the Texas Capitol and the concurrent creation of The Capitol Freehold Land & Investment Company, Ltd – better known as “The XIT Ranch” – do not necessarily support that assumption. It is a widely held opinion expressed in nearly every printed resource that the people of Texas got a bargain in the exchange. This is certainly a question open to wide subjectivity, but, again, there is much to show this not to be the case. Even before the cornerstone was laid, evidence suggests that other Panhandle lands were selling for as much as five times the fifty-cent per acre price on which the builders of the Capitol and Texas lawmakers and officials agreed upon for the swap. By 1898, Capitol Freehold began selling the lands, having suffered too long the instability of the cattle business. As farmers and small ranchers sought more and more land beyond the remainder of the country’s ability to provide it free, they sought it in Texas, first squatting (a risky venture in that part of the country) and later paying higher and higher prices for land declared nearly useless and uninhabitable as late as 1884. But everyone sought their 160 acres of American paradise and Texas can look pretty good much of the time.

By 1912, the XIT Ranch was no more. Capitol Freehold became Capitol Reservation Lands and focused on selling the former XIT acres. Some larger tracts went to a few of the cattle operations that were managing to survive the business. The first to go, nearly 240,000 acres of the famed “Yellow Houses” division, became the property of George Littlefield, the legendary Panhandle rancher. Most of these areas, too, however, would soon be mostly gone to the plow. Farmers eager to reap the profits of a booming wheat market snatched up bits of the XIT until it was little more than a memory. Discovery of a vast underground reservoir of water seemed to
confirm the company’s earliest boasts about the Capitol Reservation land’s ability to be turned into a watered Garden of Eden. But that, too, served only to encourage the myth and hasten a looming disaster. An old cowboy, Melt White, from Dalhart, Texas, remembered an earlier Panhandle as he recollected on the Dust Bowl years of the 1930s: “God didn’t create this land around here to be plowed up. He created it for Indians and buffalo. Folks raped this land. Raped it bad.”

No one yet knows all the circumstances of what has been labeled, inarguably until the recent Gulf oil disaster, the worst environmental disaster known to the United States. The consensus of those that study these things puts the epicenter near the five-state intersection of the Texas and Oklahoma panhandles, Kansas, Colorado, and New Mexico. Many of the “black blizzards” that ravaged the Midwest during this time certainly got their start as a tumbling grain of what once had been XIT pasturage until the native grasses, overgrazed and depleted, were terminally torn from the ground in favor of wheat, sorghum, timothy, and alfalfa. Suitcase farmers came in waves, and left as suddenly when rain refused to fall, prices dropped, and banks folded under a generally collapsing American economy. It was already too late when a fellow named Hugh Bennett was hired by the second President Roosevelt to fix the problem. Though he made progress in improving America’s care for her land and resources, greed brought backsliding, and some of the same practices continue to plague the entire area that has yet to fully recover from “The Dirty Thirties.”

The story of the Texas Capitol construction highlights a critical moment in Texas history, while at the same time demonstrating an emblematic aspect of American society as it ebbed toward the twentieth century. State officials predicted that the Capitol project would create new

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growth and industry in Texas. They were right, for better or worse. Three hundred ninety two rooms, eighteen vaults, 924 windows, and 404 doors made up the nearly 350,000 square feet of floor space in the Capitol. Fifteen thousand carloads of Texas granite fronted its three full stories and bisected fourth. An equal amount of limestone from the Oatmanville quarry lines the interior. Over seven miles of oak, pine, cherry, cedar, walnut, ash, and mahogany went into the wainscoting and window trim. Millions of board feet of lumber were used in the structural construction, along with thousands of tons of steel and iron. The copper of the roof, 85,000 square feet, could cover the ground on which the building stands. Much of the material used did come from Texas.

If not always for reasons of their own, Taylor, Babcock, and Company proceeded cautiously and deliberately as well. In spite of any contracts to the contrary, then as today, as businessmen their responsibility and goal was to be profitable. They developed plans and approached those plans with efficiency and common sense. They made the most of available resources and resisted political and financial influence urging hasty decisions. In many ways, the Capitol project had the potential to turn out to be a great disaster for the person brave enough to undertake its demands. Taylor, along with Babcock and the Farwells, jumped at the opportunity. Taylor’s careful management and persistence successfully guided the Capitol project. Even those who had battled against Taylor on decisions recognized the capabilities he brought to this undertaking. Taylor, relegated to obscurity after completing the Capitol and serving a term in the House of Representatives, lacks the credit he deserved for both the fine building and the XIT operation. He built a beautiful structure symbolic of Texas. A productive region rose from the groundwork Taylor’s management laid in establishing the XIT. Texas came away with a fine building held still in immense pride. It experienced remarkable population growth and the XIT
Ranch lands ultimately provided some of the state’s richest agricultural output. Eventually under the sole control of the Farwells, the former Capitol Reservation would make them millions from the sale of those lands.

In the end, however, Texas abrogated responsibility for a significant portion of its lands in its zealously to avoid government involvement in private enterprise. Millions of acres beyond the Capitol Reservation went in similar arrangements. Governor Roberts, in particular, led a stampede of efforts at ridding Texas of the responsibility for maintaining its public lands, usually favoring schemes that sent the lands to syndicated, well-funded, or simply wealthy parties. Before the Capitol was complete, Taylor and his partners were demanding investments of seven to eight million dollars for joining their venture. Many operators that acquired other Texas lands at Texas prices turned the lands around quickly, often doubling their investment. Texas’s reluctance to engage in a practice that might have not only earned substantially more income, but also allowed a more diversified and resourceful approach to settlement and use of its public lands, demonstrated a shortsighted compulsion to reject government involvement and distrust the motives of any such actions. Texas did get what it asked for.
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