

### Lesson Objectives

- Predict the advantages and disadvantages of free-range ranching
- Identify the stakeholders in the “Texas Fence-Cutting War”
- Create a visual representation of how the stakeholders’ interests came into conflict
- Develop a law to address the fence-cutting issue

### Suggested Grade Levels

8-12

### Time Frame

Three to four 45-minute periods

### National Standards for History

United States History Standards  
Era 6 (1870-1900), Standard 1C  
(See Appendix)

### Handouts

- “I’m Going to Leave Old Texas Now”  
(1 overhead)
- Texas Fence-Cutting War Background  
(1 copy per student)
- Texas Fence-Cutting War Stakeholders Worksheet  
(1 copy per student)
- Texas Fence-Cutting War Primary Resources  
(1 copy per student)
- Texas Fence-Cutting Law of 1884  
(1 copy per student)

# Don’t Fence Me In!

## Background for Teachers

This lesson explores one of the many ways industrialization affected agriculture in the late 19th century. By studying the “Texas Fence-Cutting War,” students will discover how industrialization generated tensions between participants in old and new economic systems.

## Setting the Stage

1. Show overhead of the “*I’m Going to Leave Old Texas Now*” lyrics. Ask students if they know the larger story behind the song. Explain that the song tells of the end of the free-range ranch life in Texas. The end of this way of life was brought about by barbed wire, a cheap new form of fencing that allowed people to control access to resources once available to all.

## Lesson Procedure

1. Explain that free-range ranching developed on the Great Plains in the middle of the 19th century. Ranchers grazed and watered their cattle on public lands. The land they used belonged to the state or federal governments, not to the ranchers. As a class, brainstorm who would benefit from a free-range system. Then brainstorm what the disadvantages of this system might be.
2. Explain that the transition from free-range ranching to fenced-stock farming occurred rapidly in Texas with the introduction of barbed wire, a new product of industrialization. The transition was difficult for those who counted on the free range for a living. If a rancher could not afford to buy land, he either had to work for a land-owning rancher, find a new way to make a living, or maybe head to Mexico like the cowboy in the song. Ask students: *Can you think of any other economic transitions that have been difficult for some Americans?* (Examples include destruction of Native Americans’ traditional resources, industrialization of manufacturing work in the 1900s, decline of family farms, current globalization of the workforce.) *How do you think you would react if your way of making a living was threatened?*
3. Divide students into groups of two or three. Distribute a copy of the *Texas Fence-Cutting War Background*, *Texas Fence-Cutting War Stakeholders Worksheet*, and the *Texas Fence-Cutting War Primary Resources* to each student. Review the instructions on the worksheet with the class. Assign groups to read the background information and primary resources and complete the worksheet.
4. Assign groups to discuss how the claims of the stakeholders came into conflict. Each group should create a visual representation (e.g., web, diagram, picture) to illustrate these conflicts. Encourage students to be creative. Ask groups to share their analysis of the conflicts with the class.

## Student Product

1. Explain that the Texas legislature met in emergency session in 1884 to find a solution to the fence-cutting crisis. Assign each group to develop a law to address the conflict. Groups should begin by defining who, if anyone, has the right to use the free range. They should set penalties for those who violate their law. Remind students that their law will help determine which economic system prevails.
2. Ask groups to share their laws with the class. Distribute a copy of the *Texas Fence-Cutting Law of 1884* to each student. As a class, identify how the law impacted the “stakeholders” in the fence-cutting war. Ask students: *Who was granted access to resources and who was denied? Was the legislature’s solution was fair? Why or why not? Do you like any of your own laws better? Why?*

## Lesson Extensions

1. Review the lyrics to “*I’m Going to Leave Old Texas Now.*” Assign students to work in pairs to write lyrics for a song about the closing of the free range in Texas. The song can represent the point of view of any of the stakeholders. If students are musically inclined, they can write a melody for their song, too.
2. Examine disputes over access to public resources today. (Examples include wilderness designation, grazing on public lands, mineral development on public lands, fishing rights, and access to beaches.) Are there any examples from your state? Who are the stakeholders and what are their claims? Can the claims of the stakeholders be balanced? Who should get to decide who gets access to public resources?
3. Submit students’ visual representations of the fence-cutting conflict and/or song lyrics to the hosts of *Between Fences* for inclusion in the local exhibition.

## "I'M GOING TO LEAVE OLD TEXAS NOW"

I'm going to leave Old Texas now,  
They've got no use for the long horn cow.

They've ploughed and fenced my cattle range,  
And the people here are all so strange.

I'll take my horse, I'll take my rope,  
And hit the trail upon a lope.

Say adios to the Alamo,  
And turn my face toward Mexico.

— Traditional cowboy song

## TEXAS FENCE-CUTTING WAR BACKGROUND

Fence cutting in Texas in the summer and fall of 1883 was a part of the conflict between landless cattlemen who wanted to retain practices of the open range and those who bought barbed wire to fence the land to establish themselves on permanent ranches. The fence war was precipitated by the drought of 1883, which made it all the harder for the cowman without land of his own to find the grass and water necessary for his herds.

Most of the ranchmen owned or leased the land they fenced, but some of them enclosed public land when they enclosed their own, and others strung their wire about farms and small ranches belonging to other persons. Often the fences blocked public roads; in some instances they cut off schools and churches and interfered with the delivery of mail. This unwarranted fencing led some men whose land was not actually fenced in to join in the nipping [malicious fence cutting]. As the cutting continued, it became less discriminate and attracted rougher elements; soon no ranchman's fence was safe.

Wrecking of fences was reported from more than half the Texas counties and was most common in a belt extending north and south through the center of the state, the ranchman's frontier of 1883. Much of the cutting was done at night by armed bands who called themselves such names as Owls, Javelinas, or Blue Devils. Often those who destroyed fences left warnings against rebuilding, but these were usually disregarded. In some instances, pastures of the fencers were burned. Some owners defended their property, and at least three men were killed in clashes between fence cutters and ranchmen.

. . . By the fall of 1883 damage from wrecking of fences in Texas was estimated at \$20 million—at more than \$1 million in Brown County alone. The *Fort Worth Gazette* asserted that fence troubles had caused tax valuations to decline \$30 million. The clashes discouraged farming and scared away some prospective settlers. Politicians shied from the explosive issue . . .

Source: *Handbook of Texas Online*, s.v. "FENCE CUTTING"

<http://www.tsha.utexas.edu/handbook/online/articles/view/FF/auf1.html>

(Note: "s.v." stands for sub verbo ("under the word").)

## TEXAS FENCE-CUTTING WAR STAKEHOLDERS WORKSHEET

As you read the statements of different people who were involved in or observed the “Texas Fence-Cutting War,” use this worksheet to identify the different stakeholders in the conflict. You should also record the interests of these stakeholders. (Interests are the things the stakeholders want.) Finally, record any arguments the stakeholders use to justify their positions. There is room for three stakeholders on this sheet. If you identify additional stakeholders, record them on the back of this paper.

### Stakeholder 1

Interests

Arguments

### Stakeholder 2

Interests

Arguments

### Stakeholder 3

Interests

Arguments

## MABEL DAY TO J.M. BOOTH, SEPTEMBER 27, 1883

*Mabel Day owned a large ranch in Coleman County and was attempting to sell a portion of her land to men from Kentucky.*

I have, however, a new trouble. My fence is being cut all to pieces on the south side. Over five miles already destroyed . . . I'd sooner the friends would come and burn my house down than cut my fence. I own all the land within its enclosure and I if want to let 'Northern Capitalists' come and make fortunes in a few months or years, it is my affair . . .

It does not matter to me whether these men to whom I have sold it live in Texas or not, just so I am satisfied with the price they pay me. But I think it a shame the property cannot be protected. My fence cost \$240 per mile (\$24,000). But the cost of the fence is nothing. My grass is excellent. The cattle from outside are taking possession . . .

This fence cutting may be my ruin, as those Kentucky men are trembling anyway. And I fear they will back out sure enough now.

Source: James T. Padgitt, "Mrs. Mabel Day and the Fence Cutters," *West Texas Historical Association Year Book*, vol. 26 (October 1950).

## TEXAS RANGER IRA ATEN TO CAPTAIN L.P. SEIKER, RICHLAND, TEXAS, AUGUST 31, 1888\*

The fence cutters here are what I would call cowboys or small cowmen that own cattle from 15 head all the way up to perhaps 200 head of cattle and a few cow ponies, etc. Some have a hundred acres of land, and some more, and some not so much and perhaps a little field in cultivation. They hate the Granger as they call them for it is the Granger (or farmer) that have the pastures . . . In fact they hate anybody that will fence land either for farming or pasture. They are a hard lot of men in here, and they are thieves as well as fence cutters . . .

Now for the good citizens, what do they deserve? I will simply state this, that a great many good citizens that don't own one half as much as the parties that has been the instigator of all this fence cutting in this section have had their fence cut from around their little horse pasture and even in several instances have had it cut from around their cultivated lands where corn and cotton was planted . . . Small pastures that would not support but milk cows and work horses for a very small farm have been cut time and again until the owners have not the means to put up the wire any more.

\*For a few years after the Texas Fence-Cutting War of 1883, fence cutting flared up in various spots around Texas, although not with the same ferocity.

Source: Walter Prescott Webb, *The Great Plains* (Ginn and Company, 1931).

## NOTE LEFT BY FENCE-CUTTERS ON A FENCE THEY HAD CUT, PUBLISHED IN THE *GALVESTON NEWS*, AUGUST 9, 1883

You are ordered not to fence in the Jones tank, as it is a public tank and is the only water there is for stock on this range. Until people have time to build tanks and catch water, this should not be fenced. No good man will undertake to watch this fence, for the Owls will catch him. There is no more grass on this range than the stock can eat this year.

Source: Wayne Gard, "The Fence-Cutters," *Southwestern Historical Quarterly*, vol. L1, no. 1 (July 1947).

## NOTE FOUND ON THE STREETS OF COLEMAN, TEXAS, PUBLISHED IN THE *FORT WORTH DAILY GAZETTE*, NOVEMBER 7, 1880

Down with monopolies, they can't exist in Texas and especially in Coleman County; away with your foreign capitalists, the range and soil of Texas belong to the heroes of the South . . . Give us homes as God intended, and not gates to churches and towns and schools and above all give us water for our stock.

Source: R.D. Holt, "The Introduction of Barbed Wire into Texas and the Fence-Cutting War," *West Texas Historical Association Year Book*, vol. VI, June 1930.



Fence-cutting reenactment, Nebraska, about 1900  
Photo by Solomon D. Butcher  
Courtesy Nebraska State Historical Society [nbhips 12299]

## WPA INTERVIEW #1

from Library of Congress, Manuscript Division, WPA Federal Writers' Project Collection

*This interview was conducted in 1938 as part of the Works Progress Administration Federal Writers' Project. The man being interviewed is John M. Hardeman. He was born in 1867, on a ranch in Robertson County, Texas. The words in brackets –[ ]– are words the interviewer could not make out clearly. The interviewer had to guess at what Hardeman said.*

"During the early '80s the first wire fencing of the range appeared in Williamson Co. After considerable fighting, fence cutting, and court trials over the fencing, the system of fencing the range became the rule. Many of the large ranchers then moved [?] where the range was still open.

"We had considerable trouble with the first fence in our Territory. The first fence was built by Taylor, and he put the fence up on his section line. This was absolutely within his rights. Some of the prominent citizens considered the act as detrimental to the welfare of the country. They perceived the disappearance of the open range and with it the cattle industry. Of course, those days the people's livelihood came wholly from the cattle. Therefore, some of the citizens decided to save the country from ruination. These people formed in a mob and destroyed the fence. Taylor replaced the fence and again it was cut down.

"However, the [depredators?] were caught in their second act of fence destroying. The culprits were arrested on a criminal charge and, also, had a civil action for damages filed against them.

"The cases were hard fought. The law was clearly against the defendants, but [to?] find a jury which would convict the accused was a problem the courts could not solve. But, the civil action was more successful and there [were?] some judgments rendered in favor of Taylor. The result of the court action did, however, cause a cessation of the depredations against fences."

Source: <http://memory.loc.gov/ammem/wpaintro/wpahome.html>  
(Keyword search: J.M. Hardeman)

## WPA INTERVIEW #2

from Library of Congress, Manuscript Division, WPA Federal Writers' Project Collection

*This interview was conducted in 1938 as part of the Works Progress Administration Federal Writers' Project. The man being interviewed is J.W. Hagerty. He was born in 1878, on a farm near Dallas, Texas.*

"Mr. Harpole had just about completed half of the fencing of his range when the trouble started. The majority of the ranchmen were opposed to fencing the range. They argued that to fence would destroy the cattle business, especially for the small rancher and those without sufficient funds to buy or lease land and build a fence.

"They were unable to prevent a rancher from fencing his range by going into court, because the law stated clearly that a property owner had the right to enclose his land with a fence. In fact, all cultivated lands were fenced. These cultivated tracts were small and located adjacent to the creeks or river bottoms, and were not interfering with the open range. As the opposers could not secure help from the law, they decided to use their own method to protect and maintain a free and open range.



"The men who were opposed to fencing organized a crew of fence cutters and went to work. These men cut each wire twice between each post, and cut each post about half way of its length out of the ground.

"Several miles of fence were destroyed when morning arrived. The posts and wire were rendered useless for further use.

"Harpole reported the act to the sheriff, who began a search for the deprecators, but those involved in the depredation were very secretive. The sheriff was unable to apprehend the culprits, but the rumor was that if the man were caught it would mean a penitentiary sentence for them.

"Harpole rebuilt the fence and it was guarded for about two weeks. During this time there was no attempt made to destroy the fence. Therefore, Harpole let up on his vigilance, thinking that the fence cutters had become fearful of the consequences that might result from this destruction of property.

"It was only a few days after Harpole had ceased to guard his fence till it was again destroyed."

Source: <http://memory.loc.gov/ammem/wpaintro/wpahome.html>  
(Keyword search: J.W. Hagerty)

## TEXAS FENCE-CUTTING LAW OF 1884

. . . on October 15, 1883, Governor John Ireland called a special session of the legislature to meet on January 8, 1884. After a deluge of petitions and heated debates, the legislature made fence cutting a felony punishable by one to five years in prison. The penalty for malicious pasture burning was two to five years in prison. Fencing of public lands or lands belonging to others knowingly and without permission was made a misdemeanor, and builders of such fences were to remove them within six months. Ranchers who built fences across public roads were required to place a gate every three miles and to keep the gates in repair.

These measures ended most of the fence troubles, although sporadic outbreaks of nipping [malicious fence cutting] continued for a decade, especially during droughts. Texas Rangers were sent after fence cutters in Navarro County in 1888, and for several years the rangers had occasional fence cases in West Texas.

Source: *Handbook of Texas Online*, s.v. "FENCE CUTTING"

<http://www.tsha.utexas.edu/handbook/online/articles/view/FF/auf1.html>

(Note: "s.v." stands for sub verbo ("under the word").)