The Passing of the Herds

Whenever a group of old Iowa settlers get together the chances are that sooner or later the conversation will turn to the herds of cattle that marked the first use of the prairies of Iowa by the white man. These herds appeared at the beginning of settlement, and from that time until about 1890 cattle were herded on such land as had not yet been taken into farms.

In the southeastern part of the State settlement progressed so rapidly that the herds lasted but a short time. To the west and north there was a longer period during which sections of land were still available for grazing, and consequently herding lasted longer. Settlement progressed across the State from southeast to northwest so that the same stage of development appeared from thirty to forty years apart in different sections of the State.

In Wapello County there were herds in the late fifties, but only for a few years, until settlement took up all the available grazing land. In Jasper County there were enough cattle to start herding between 1860 and 1862. Immediately after this, settlement was greatly slowed down for four years during the Civil War. In the late sixties there was still a good deal of unused land in Delaware County, but there seem to have been but few regular herds

on it. For the most part the cattle there ran loose on the prairie.

About 1870 the business of herding began to be more highly developed and herds were organized coöperatively by settlers in the older sections to make use of the free pasture still available for a good many miles to the west and north. In the *Iowa Homestead* in 1872 it was said: "Stock can be herded anywhere in the state, by good reliable herdsmen, at a cost not to exceed $2.00 per head for the season. In such case they can be salted and cared for, and be subject to the inspection of the owner at any time; while if turned loose, on the prairie, the time spent in hunting, together with the loss by straying, would amount to more than two dollars per head. . . . This is now becoming the practice in many counties where farmers have not range left in the vicinity of their home."

In Black Hawk County there were a few herds in the sixties, but during the seventies herding came to an end and cattle were driven from the neighborhood of Cedar Falls to Cerro Gordo and Kossuth counties for summer pasturing. Between 1875 and 1880 the same process of transition from keeping herds near home to driving them farther northwest was in progress in Lucas County and somewhat farther to the west along the Mormon Trail. In 1880 herds were being driven west and north from Fremont, Cass, and Dallas counties as well as from Black Hawk. By 1885 most of the land that was

not already in homesteads was being used for grazing by these herds, and the new comers generally had a hard time finding pastures. In the northwestern part of the State public land was available longer, and there a few herds were still to be found in 1890.

The herds were made up in the spring as soon as there was pasture, and were driven to the grazing ground. There the herder usually had a shack in which to live. He tended the herd on horseback during the day and generally, though not always, corralled the cattle at night to prevent straying.

Herds numbered from one to two hundred head. Sometimes they were much larger, and herds of four to six hundred were not rare. The herder who received from $1.50 to $2.00 per head per season, was fairly well off for a working man. In addition to these wages he often owned some of the cattle in the herd himself, if he were ambitious. There was a real opportunity in the business which some of the herders used to good advantage.

In 1879 Robison Baxter bought up a hundred calves in and around Delaware County and drove them to Ida County where he had recently settled. In addition to these he collected a large herd of cattle from the farmers of Ida County and tended them with the help of one other man. At one time the whole herd amounted to nearly fifteen hundred head. The Delaware County calves were run with the herd at very little expense until they were four years

old. Baxter was unusually fortunate because these calves were sold during the period of high cattle prices in 1883 at $6.50 per hundred pounds, bringing nearly $100 per head.

In all sections of Iowa it was realized that the practice of herding was to be shortlived and would come to an end as soon as enough settlers appeared to take most of the land into farms. The herds simply withdrew from each section as settlers moved in. But on the actual frontier of settlement there was frequently a conflict between herders and settlers whose crops were injured by the herds. In most counties, also, there was at some time a political battle for the adoption of the herd or fence law.

Along with the crops came fences. Strange as it may now seem, fencing was a much debated question in Iowa in the early years of its settlement. In the first place fencing material was scarce and expensive. Consequently there was an incentive to use it as sparingly as possible. As a general thing the men whose chief interest was in cattle felt little need for fencing. It was cheaper for them to herd their cattle or else to turn them loose on the prairie and round them up from time to time, at least in the fall.

On the other hand the small settler was ordinarily poor and did not have enough capital to own very many cattle. He was forced to get most of his income from crops or at least to raise as many acres of crops as he could handle. If a near-by herder was

careless of his charges for a single night the settler might wake up in the morning to find the greater part of his season's crop trampled down or eaten off. Consequently fencing of some sort was essential to the settlers, but it was a matter of considerable debate whether it was most economical to put the fence around the pasture to keep the cattle in or to put it around the crops to keep the stock out.

The lack of fences in the early communities was a serious obstacle to the improvement of the stock. In 1865 H. B. Hoyt said, "Until we have a more stringent law in regard to male animals roaming at large, those who would improve their stock, cannot." Consequently most of the more progressive farmers were heartily in favor of a law to compel herding or fencing, and preferably the latter.

But the argument was not all on one side. There were those who had invested what little capital they had in cattle. They soon discovered that the "poor man's rights" were being invaded. It was said by Warren Spurrier of Johnson County in a debate in the "Farmer's Club" of the legislature, "The poor man with eighty acres of land can keep as many cattle as the man with his many sections, as long as he is not required to fence them in."

J. W. Cessna of Nevada said in the *Iowa Homestead* that the free pasture would be lost by the herd law, to the serious injury of the man of moderate means. "As it is he can invest every spare dollar in young stock, turn them out on the unbounded

pastures of Iowa, and by a few dollars thus expended, he would receive a greater return with less labor than from all the rest of his farm. But deprive him of this privilege by your herd laws, and compel him to herd his cattle through thick and thin, at cost of $2.00 per head, and you have taken away one of the greatest inducements to men of small capital, in the East, to emigrate to Iowa."

In 1871 it was said concerning cattle running at large that "it is a part of our peculiar civilization which demands that stock shall be free commoners, and any law to the contrary will work an injury instead of a blessing."

As the State filled up with settlers the arguments in favor of the herd law increased in number and urgency. Consequently in 1870 the legislature passed a law making owners of live stock running at large liable for any damage done by them. The owner of any cultivated land was given a lien on any wandering stock, and means were provided by which he could collect from the owner for any damage done. The enforcement of the law was left to local option.

The board of supervisors of each county was given authority to determine each year whether the county should vote on the adoption of the law. In 1872 the local option feature was extended to the township, which was to vote on adoption of a petition signed by one-third of the voters of the township. In 1874 the features of the law were extended

so that on a petition signed by one-fourth of the voters of a county, or on their own initiative, the county supervisors might submit to a vote the restraining of stock from running at large, or of restraining them between sunset and sunrise, or between such dates as might be named in the ballot.

The local option feature did not seem to please any one very much. "In many cases adjoining counties voted in opposite directions upon it, and the border wars which have ensued, make matters worse than before. We have need of a general statute or nothing, and it is the duty of our representatives to put this matter at rest this winter. Petitions for such a law will not be wanting; the whole bent and tendency of civilization is in its favor, and there is nothing opposed to it but the vestiges of a very early condition of things, which still lingers about the timber, and looks with ill concealed dislike upon those who are toiling to make homes upon the prairie, and by making them are 'spiling the range'.

"What more direct argument in favor of the herd law, in an economic point of view, personal to every farmer in the northwest, are the columns of the *Homestead* filled as they are every week with estray notices of cattle and horses which have been turned into space in the fashion common here, and who have wandered aimlessly off, to be recovered only at an expense, as often as any way, equal to their value."

On the whole, it seems that the local option feature was at this time one of the most valuable features of the law. Some sections of the State were already well settled and in need of the protection to crops which the herd law gave. In other sections, still relatively unsettled, there were two reasons for leaving the prairies unfenced. In the first place, it was cheaper to fence the few small areas in crops. In the second, to compel the fencing of the pastures would have diverted an important part of the scarce capital of the owners of live stock into a relatively less productive use than the enlargement of their herds. Thus the herd law moved westward along with increasing density of settlement.

In the eastern and central parts of Iowa there was but little conflict between the settlers and the herders. Of course, a large number, perhaps most of the herds, were coöperative and belonged to the settlers. But even the herds owned by cattle men rather than farmers generally moved whenever settlers became numerous. As long as they could secure other grazing land at little or no cost there was no reason for their staying in a neighborhood where their cattle were likely to stray into settlers' crops and cause unpleasantness.

Even the much discussed fence laws were not aimed at the herds which were regularly tended on the prairies, but rather at the straying cattle of other settlers who did not bother to fence them in. However, the fence laws put the herders at a disad-

vantage to some extent by forcing a closer watch of the stock and by putting the responsibility more definitely on the herders. Consequently the business came to have more and more unpleasant features as time passed.

The settlers, protected by the fence laws, and with a growing sentiment against live stock running at large, were inclined to plant their crops with little or no fence. If the cattle of a near-by herd wandered into a settler's corn field the peace of the neighborhood was pretty likely to be broken. If a herder unwittingly drove his herd into a patch of wild hay that a settler intended to cut for his winter's forage, an argument was likely to occur in which each party considered himself fully in the right.

This was by no means a new cause of trouble in the settlement of the country. In the early settlement of New England it is said that the straying of cattle from the settlements into the Indian's corn fields was among the most frequent causes of trouble. The Indian liked beef as well as venison, however, and had less compunction about shooting the trespassing cow than did the white settler in Iowa over two hundred years later.

In Iowa the herders and the settlers seemed to come into actual conflict only in the last years of herding. At this time, however, the relationship between the adherents of the two systems of production became very unpleasant. In Pottawattamie County during the late seventies and early eighties

encounters occurred between armed groups of settlers and herders whose cattle had ranged over the unenclosed wild hay and occasionally broken into the crops.

At last the herders had no place to go. The country to the east was already settled. To the west was the Missouri River and across it in Nebraska the country was rapidly filling up with settlers. Consequently they were inclined to insist more stubbornly than before on staying where they were. The herders were warned to take their herds out of the neighborhood. They protested vigorously, but finally complied. A few of the herds crossed the river at various places and moved on westward with the frontier into Nebraska and the Dakotas. But most of them "went west" in another sense. The herds were gradually disbanded and simply ceased to exist.

JOHN A. HOPKINS, JR.