



The Toll Collectors

oil on board, 1913, courtesy Montana Historical Society, Mackay Collection, Helena, Montana

THE FIRST CATTLE HERDS

With the Blackfeet Reservation north of the Missouri and the Crow Reservation south of the Yellowstone, central Montana was a “no-mans land,” subjected to continual Indian raids, blizzards, infested with wolves and outlaws - but a paradise of free grass.

Cows were first moved into the Judith Basin in 1878, some from southwest Montana, and others from Texas via the Bozeman Trail. To acquire a portion of this empire, the stockmen inserted a notice in the nearest weekly newspaper listing his brand and the extent of his range. Montana law recognized this “customary” range, but without fences or clear title to the land, maintaining this empire was another matter. Some ranchers filed land claims along the streams and rivers but most relied on customary range.

In the book *Montana, High, Wide and Handsome*, author Joseph Howard Kinsey tells this story:

*“A Montana cattleman, riding his range one day, found a sheepherder camped upon it, with his flock. He ordered the herder to get off. Returning the next day, he found the lamblicker still there. Again he demanded that the interloper quit his range. The herder looked up calmly at the mounted stockman. ‘You own it pardner?’ he asked. The cattleman admitted he didn’t. ‘But its my range,’ he retorted ‘and I want you off!’ The herder got up slowly, drawing a Winchester rifle as he did so. ‘Listen friend, I just got out of prison for shooting one sonofa ___ like you, and I would just as soon go back for shooting another. Looking into the barrel of that gun, you know I realized for the first time that I did not own that range...and by God, I didn’t even have a gun on me!’”**

Granville Stuart stated “There was no way of preventing the overstocking of the range as they were free to all. The range business was no longer a reasonably safe business; from this time on it was a gamble, with the trump cards in the hands of the elements.”

*(Joseph Howard Kinsey, *Montana, High, Wide And Handsome*, Yale University Press, 1943, p. 112-113.)