

Enclosure/Fence Laws

In England, owners of farm animals were required to fence them in; if an animal damaged someone else's property, the owner of the animal was liable in court. In comparatively thinly-settled colonial America, however, animals were allowed to run free, and farmers had to build fences around their crops or gardens; if an animal damaged property without a fence around it, the owner of the animal was not guilty of a tort. As settlement patterns became more dense, however, movements to adopt the English system of "stock laws" spread.

Proponents of stock laws maintained that they would conserve increasingly scarce land and timber and produce better supervised and healthier farm animals. Proponents of "fence laws" claimed that forests and farmland were still plentiful and that requiring animals to be fenced in would hurt the landless or land-poor. Both sides were correct at different times and in different places.

In the postbellum South, the more intensively-farmed lowland areas and those near cities began to adopt the stock law system by referendum or by special state laws. Only late in the 19th century did struggles over this question come to rapidly-developing Appalachia. The struggles were often bitter because even within counties that would generally benefit from the stock law, many voters, especially livestock raisers, would suffer in the short run.

Although some historians have treated these battles as cultural or class conflicts, others have convincingly shown that they chiefly turned on material self-interest, which did not divide men neatly into economic classes.