

# Foreword

I once watched a horse whisperer tame a young, wild mare. Foaled on the open range, she had run free until it came time to train her. Now she stood in a small holding stall. Bam! She furiously kicked the side. Yards away, safe behind a fence, I jumped back. Bam! She kicked again. And again. The gate flew open, and she came charging into the arena, all bucking and snorting, back arching, fiery-eyed, shaking her head, striding around the ring, stomping the ground, brimming with chaotic energy, daring anyone to approach.

The trainer stood in the center, a solitary, calm, commanding, two-legged stranger. She stared, turned and bolted, then stopped and stared again. Quietly, he laid a rope across the ground as she looked on curiously. In a few minutes, he taught her not to cross it, to stay on one side. Then he showed her the rope, stroking it over her side and legs, touching it to her face, overcoming her fear. Warily, slowly, her spirit calmed, she accepted a halter, she began to follow him.

She was more suspicious of a saddle, but after sniffing it and feeling it against her side, she allowed it to be laid on her back. And there she stood, head high, eyes bright, proud and still, now in control of the great spirit that had controlled her.

I thought of this experience reading this second book in Jim Haley and Marilyn Duncan's *Taming Texas* series. They tell of pioneers drawn to the Texas frontier by her offers of freedom and independence and the opportunities to own and settle the land, vast, open, and fertile. But Texas was also an empty wilderness, daring would-be settlers and civilization with Indian wars, conflicts with Mexico, harsh weather, difficult travel, and the constant threat of disease.

And Texas was lawless. Pioneers coming from states with

English and French legal systems confronted various Indian traditions, laws imported by early Spanish explorers, and laws Mexico was trying to impose on the resistant newcomers. All these inconsistent laws meant that Texas had no real law at all until independence and statehood.

Haley and Duncan write: “For law and order to take hold in any new country, it is essential that people accept it.” As Texas law began to develop, Texas courts played a key role in securing the people’s acceptance. Sheep herders and cattle ranchers warred. Claims arose over land, among businesses and customers, and against the railroads bringing their own problems along with the benefits of travel and commerce. Texas courts had to resolve these disputes and many others in ways that seemed fair, enforcing laws that seemed good. And courts had to assert their independence to protect the rights and liberties the pioneers treasured.

Law tamed the Texas frontier. This book tells how that happened, and how the courts helped.



**Nathan L. Hecht, Chief Justice**

*The Supreme Court of Texas*