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HISTORY OF SLAVERY IN TEXAS AND THE SOUTHWEST
NUMBER 10
FREE NEGROES IN TEXAS TO 1860



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1963

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THE FREE NEGRO IN TEXAS TO 1860

BY

PRAIRIE VIEW A. AND M. COLLEGE STUDIES IN HISTORY

Alexander Thomas Martin Pratt

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A Thesis

HISTORY OF SLAVERY IN TEXAS AND THE SOUTHWEST

Requirement Number 10 Degree of

FREE NEGROES IN TEXAS TO 1860

in the

Graduate Division

oOo

of

Prairie View Alexander Thomas Martin Pratt College

Prairie View, Texas

May, 1963

75244

THE FREE NEGRO IN TEXAS TO 1860

by

Alexander Thomas Martin Pratt

A Thesis

Submitted in Partial Fulfillment of the
Requirements for the Degree of

Master of Arts
in the
Graduate Division

of

Prairie View Agricultural and Mechanical College
Prairie View, Texas

May, 1963

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A C K N O W L E D G E M E N T S

The writer wishes to express his deepest appreciation to Dr. George Ruble Woolfolk, his advisor and Professor of History at Prairie View A. & M. College, Prairie View, Texas, for his suggestions, criticisms, and supervision of this study.

The writer would like to acknowledge Mrs. Thompson Ulmer and Staff of the Texas Historical Room of the Houston Public Library; the Staff at the Texas State Archive; and the staff of the Reference center of the W. R. Banks Library.

A. T. M. P.

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<p>This paper is dedicated to my wife, Mrs. Mable Agnes Lee Pratt, and parents, Mr. and Mrs. V. O. Thompson.</p>	
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power, the planter aristocracy. Interpersonal and inter-
group relationship between the dominant anglo-white aristoc-
racy and the free Negro was important for the social

CHAPTER I

INTRODUCTION
compromise that law could not be all per-
vading in a community consensus that is necessary for even

Statement of Problem

the tolerable existence of any person or group prescribed
for who

The problem of this study is the result of endemic
difficulties presented by both documentation and method-
ology generally associated with the subject. The study of
the Free Negro has suffered more from the assumptions of its
motivations than from lack of evidence. Assuming that the
problem was regionally centered in the South alone because
of the existence there of the institution, student of the
problem of the Free Negro, swayed by the imtemperate
polemics of the propaganda on both sides of the slavery
question, has inhibited creative insights in this field
by straining their documentation and generalization through
class and race reactions to the institution of slavery.

Fruitful research has been further curtailed by the
disposition of students to seek a documentation that con-
firmed a myth of the Free that was presented by the arid
technicalities of the law. The legacy of this methodologi-
cal error has been a pattern of writing ignores the reali-
ties of human existence by seeking to see human relations
of an entire group through the security techniques of a
Dominate group with direct entree and access to community
full social freedom.

power, the planter aristocracy. Interpersonal and inter-group relationship between the dominant anglo-white aristocracy and the free Negro was important for the social compromise that law must make; but could not be all pervading in a community consensus that is necessary for even the tolerable existence of any person or group prescribed for whatever reason. Such a community consensus would be, by the very nature of human society, multi-dimensional and dynamic, tending to reflect not a monolithic, but a fluid status concept subject to the interplay of cultural factors dominant at the moment.

Free Negro studies have, in the hands of Southern students, presented a peculiar ambivalence in their evolution. The question of their status in a society where slavery was dominant has been transmitted to history by Southern students colored by some degree of "fear" and/or contemp-revulsion. U. B. Phillips understood the "fear" of planter aristocracy, but observed that it was not concerned with "the virtues and the vices of the colored freeman on their own score. . . ." ¹ He was also aware that different strata of society would have different reaction to Free Negroes as a group. Many that followed him were to forget

¹U. B. Phillips, American Negro Slavery (New York, 1952), pp. 452-453; History of Slavery in Virginia (Baltimore, 1902), p. 145. Ballagh is an example of the earlier objectivity on the status of the Free Negro when he comments "it has been a shifting through developing status of personal and political liberty, but not yet of full social freedom."

his tempered qualification that the root of the planter antipathy was the effect that Free Negroes might have upon slaves.²

While many were to feel that only the fear of the probable effect that the Free Negro might have upon the slave was the root of the dilemma of the people of color in the antibellum South, other students have felt it necessary to add to this fear an imputation of social dereliction which was to make of these people an object of disgust and contempt. The ambiguity of this position rests in the simple fact that if the Negro was degraded and an obvious social outcast, how could he at the same time be considered a dangerous menace to the institution of slavery. If he was ostracized by both white master and black slave, how could he possibly be an instrument of subversion. Later studies

²Outstanding examples of students who did not forget Phillips' objectivity are as follows: "It was class that was feared and not the individuals that formed it," Charles Sydnor, "The Free Negro in Mississippi before the Civil War," The American Historical Review, XXVII:4 (July, 1927), pp. 786-787; Charles Sydnor, Slavery in Mississippi (New York, 1933), p. 14; Avery O. Craven, "Poor Whites and Negroes in the Antbellum South," Journal of Negro History, XV:1 (January, 1930), pp. 1-25; Ralph Betts Flanders, Plantation Slavery in Georgia (Chaple Hill, 1933), p. 201, An outstanding balanced study originated in Texas in this same period: Harold Schoen, "The Free Negro in the Republic of Texas," The Southwestern Historical Quarterly, XLI: 1 (July, 1937), pp. 83-108. Schoen observes, "the attitude toward the class resulted from impersonal encounters and was embodied in the general laws; that toward the individual grew out of personal contacts and was enacted into numerous laws, or more often, expressed itself in an unwillingness to enforce the general law."

have gone a step further. While Phillips was to deny that there was anything personal in the Southern attitude toward the Free Negro, race hate has crept into recent studies to undergird a growing assumption of the complete hostility of his environment to the end that the existence of the free Negro was "miserable".³ Out of this pattern of writing has

³Caleb P. Patterson, The Negro in Tennessee, 1790-1865 (University of Texas Bulletin No. 2205, February 1, 1922--University of Texas Press, Austin), p. 174; Richard B. Morris, "The Measure of Bondage in the Slave States," Mississippi Valley Historical Review, XLI, No. 2 (September, 1954), pp. 238-250; Frederic Bancroft, Slave Trading in the Old South (Baltimore, 1931), pp. 17-18; Winston Coleman, Slavery Times in Kentucky (Chapel Hill, 1940), p. 271; Andrew Forest Muir, "The Free Negro in Harris County," The Southwestern Historical Quarterly, XLVI:3 (January, 1943), p. 214; Orville W. Taylor, Negro Slavery in Arkansas (Durham, N. C., 1958), p. 244; Earl W. Farnell, "The Abduction of Free Negroes and Slaves in Texas," The Southwestern Historical Quarterly, XL:3 (January, 1957), pp. 369-380. Farnell's judgement is typical for this entire school of thought; said he, "The position of the Free Negro in Texas was completely untenable, in both legal and social terms."

A softening of this growing dehumanization in this area is coming about through the creative search for data and the rational softening of interpretation. W. R. Hogan and E. A. Davis, William Johnson's Natchez: The Anti-bellum Diary of a Free Negro (Source Studies in Southern History, No. 1, Edwin A. Davis Editor, Louisiana State University Press, Baton Rouge, 1951), p. 4. The editors observe, "But in actual practice (as the diary shows) individual slaves in Natchez were sometimes allowed a status approaching that of freedom, and some of the laws regulating free Negroes were never strictly enforced against those with considerable property." See also the apology of James McBride Dabbs in The Southern Heritage (New York, 1958). Struck himself by the conclusion that the white South feared 250,000 Free Negroes in 1860 more than it did the 4,000,000 slaves, Dabbs says that the South's "main reason was that it did not know them," as unlikely an excuse as is to be found in the literature of the problem. But of course, Dabbs is a popular writer, even if his attitude is revisionary.

status of the free Negro from the early economic interpretation of Carter G. Woodson and Luther Porter Jackson

come the irrational image of a total monolithic brutal hostility verging on psychosis toward a tiny minority which, if true, would call into question the sanity of the dominant whites of the slave states.

Creative insights into the problem of the status of the free Negro have been inhibited further by a creeping bitterness in the writing of the neo-abolitionist literature of liberal orientated revisionist scholarship of northern white scholars⁴ and the angry tone of the scholarly and popular writings of Negro intellectuals in their bold thrust for full citizenship for their people.⁵ Armed with the rediscovered knowledge of ambiguity of the abolitionist position of fighting against slavery in the south while ignoring Negro proscription in the North and the tool of modern psychology, this body of writing has raised race

⁴N. D. Harris, The History of Negro Servitude in Illinois and of the Slavery Agitation in that State, 1719-1864 (Chicago, 1904), pp. 226-240. Work begun in older studies like this has been renewed and others. See Leon F. Litvock, "The Federal Government and the Free Negro, 1790-1860," The Journal of Negro History, XLIII:4 (October, 1958), pp. 261-278; D. G. Hill, "The Negro as a Political Issue in the Oregon Country," The Journal of Negro History, XXXIII:2 (April, 1948), pp. 130-145. Liberal stringencies follow: Naomi F. Goldstein, The Roots of Prejudice Against the Negro in the United States (Boston, 1948), p. 107; Kenneth N. Stampp, The Peculiar Institution: Slavery in the Antebellum South (New York, 1956), pp. 215-216. A body of popular writing on the subject of liberal-philanthropic origin is typified by Edwin R. Embree, Brown America: The Story of a Tenth of the Nation (New York, 1945), pp. 22-25.

⁵Negro writing has moved in its dealing with the status of the free Negro from the early economic interpretation of Carter G. Woodson and Luther Porter Jackson

hate against the Free Negro in the South to the level of dogma and has attributed it to a diabolical endemic perversity unredeemed by any aspects of humane considerations.

Purpose

The purpose; of this study is to present the free Negro in and to observe his status in a co-existent culture, also to arrive at a conclusion that will portray the true character of the free Negro in the Texas Community.

Scope

The scope of this study entails the coming of the Anglo-white, circa 1820, to the year of 1860 which marks the conflict between the North and South.

to the color prejudice thesis of the academicians and popular writers that follow them. Carter G. Woodson, The Negro in Our History (Washington, 1925), p. 243; Carter G. Woodson, Free Negro Heads of Families in the United States in 1830 (Washington, 1925), p. 33; Luther Porter Jackson, Free Negro Labor and Property in Virginia, 1830-1860 (New York, 1942), p. 9; Charles B. Rousseve, The Negro in Louisiana (New Orleans, 1937). The thesis of caste and color dominate the following: Lorenzo J. Green, The Negro in Colonial New England, 1625-1776 (New York, 1942), pp. 298-299; John Hope Franklin, The Free Negro in North Carolina, 1790-1860 (Chapel Hill, 1943); E. Franklin Frazier, The Negro in the United States (New York, 1951) pp. 76 et passim; Stanley M. Elkins, Slavery: A Problem in American Institutional and Intellectual Life (Chicago, 1959), p. 61; Earl E. Thorpe, The Mind of the Negro (Baton Rouge, 1961), pp. 146-147, 393; Carter G. Woodson and Charles H. Wesley, The Negro in Our History, 10th ed. (Washington, 1962), pp. 262-265. Typical of popular writing in this pattern is Saunders Redding, The Lonesome Road (New York, 1958), pp. 25, 54; Roi Ottley, Black Odyssey (New York, 1950), p. 116 et passim.

Method

The method that has been employed in presenting the "Free Negro in Texas" is topical. This method has been chosen because it enables the writer to group the information in such a category so as the reader may obtain a clear concept of the factors that are involved in this study.

Sources

The sources that are used in the study are comprised of census reports, petitions, deeds and records, state congressional journals, newspapers, biographies, general and special histories, and articles and essays found in the professional journals.

Definition of Terms

Culture. The sum total of the ways of life of a group of people.

Economic Freedom. Freedom to participate in the wealth acquiring activities of the community.

Emancipate. To free from bondage.

Free Persons. All free persons who have less than one-fourth African blood come within the meaning of the term "free white person" and all free persons who have that, or greater of African blood, comes within the meaning of the term "free persons of color".

Indenture. A contract by which an apprentice is bound to a master.

Manumit. To release from slavery, to liberate from personal bondage or servitude.

Mulatto. Any person of mixed Caucasian and Negro blood.

Negro. A person of African descent, or having a trace of African blood to a certain extent, as defined by law.

Personal Liberty. Extent of freedom of assertion with individual and groups.

Personal Security. Extents of freedom from coercion that extends to life and limb.

Private Property. The property which affects or relates to private persons, seen as ownership of wealth, both tangible and intangible, as distinguished from that which affects the public in general.

Slave. All such persons of African descent who are held in slavery by law.

Social Freedom. Freedom of association and mobility in an established community.

Texas. The name Texas comes from Tejas, meaning friend or allies.

Texas boundry. The state has many natural boundaries, the Rio Grande on the South and the West, from the thirty-second parallel to the Gulf of Mexico, the Gulf shore line; and the Red River for approximately 300 miles on the north. The remainder consists of straight lines,

established by surveyors at one time or another in conformity with various treaties and agreement.⁶

Hypothesis

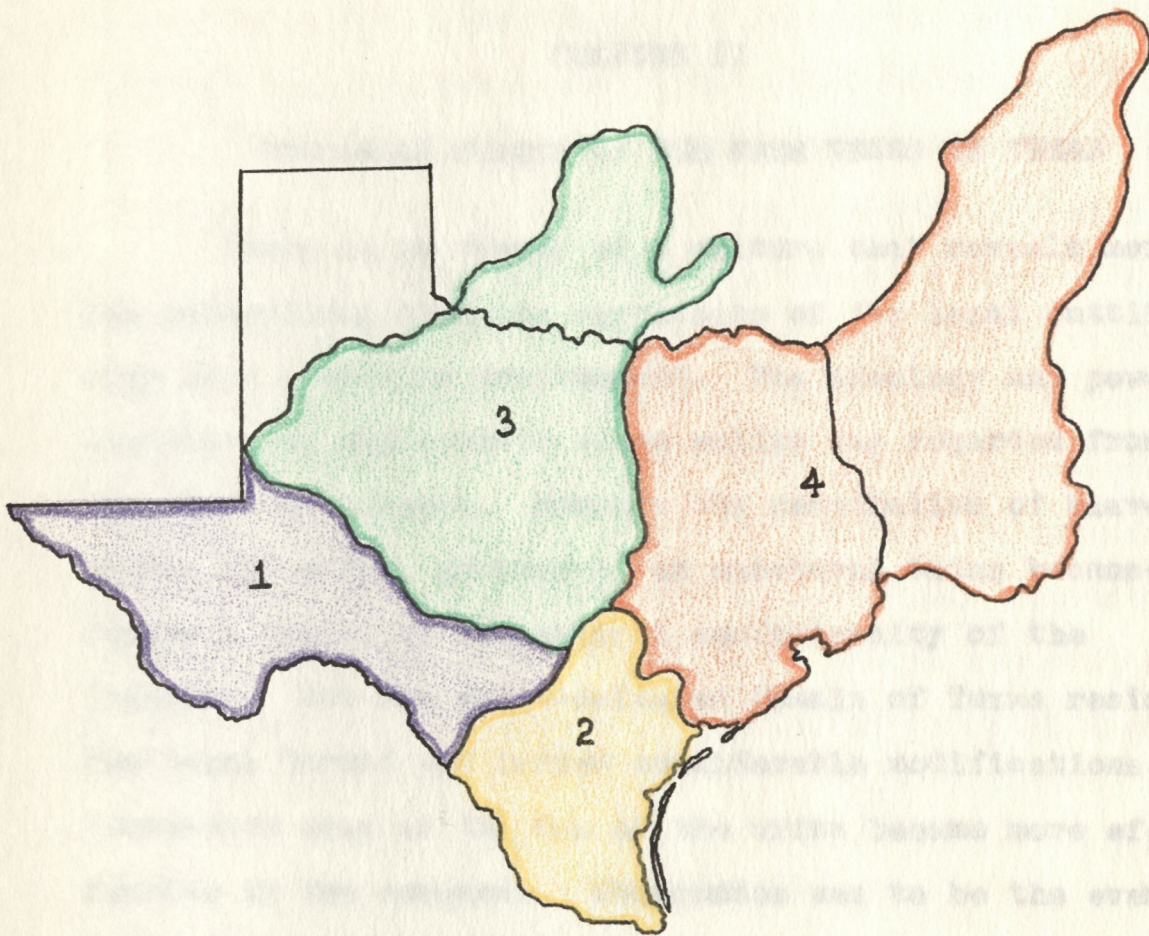
Since the central concerns of the students in this area of study have resulted in a monolithic concept which has communicated an image of a society brutalized by an irrational fear of race embalmed in law but unsupported by fact, revision of methodology and assumptions seem to be in order if new creative insights are to be forthcoming. The status of free persons of color must be seen in terms of a "community consensus" which truly reveals the multiple dimensional fluid aspects of interpersonal and intergroup relationships. In a plural society based fortuitously upon co-existent cultures, the escalators to freedom for any person or group of persons may move over different paths at different rates of speed, dispensing a rough social justice and equity at the grass-roots of interpersonal and intergroup relations.

The "community consensus" on the status of "Free persons of color" in the third through fifth decades of pre-war Texas History during the 19th Century would naturally be conditioned by the intermingling of the static class

⁶Williamson Oldom and George White, Digest of the General Statute Laws of the State of Texas (Austin: Marshall and Company, 1859), p. 562.

pattern brought in from the culture of the old South by the anglo-whites with the continuing tradition of Catholic equality which undergirded the latin cultural base indigenous to the region and the Indian mores, some ante-dating and others co-existent by means of migration. Needless to say, the anglo-white pattern would be weakened somewhat by the capacities of those who immigrated and the frontier environment into which the weakened cultural tradition of slavery had to be carried. The de facto status of the Free Negro in Texas is a synthesis of this total cultural complex and will take on the color of whatever set of cultural factors that are dominant in the "community" where that status must be determined.

The status of the free Negro, then, was progressively restricted with the penetration of plantation laws and mores into staging areas once occupied by the indian and Mexican cultures. The penetration was never complete because hostility of rear guard action and compromise made necessary by the force of human habit and daily encounter. The interpersonal and intergroup liaison necessary for day to day living developed a community consensus about an individual which is the only true test of the dimension of individual liberty and freedom. The plantation thrust offered some restriction in the areas of civil liberty and social action, but in whatever the pattern of the co-existent cultures, the status of the free Negro was remarkably higher than could be found elsewhere in the established areas of the old South.



CULTURAL REGIONS OF SOUTH: TEXAS

1. CENTRAL: SPANISH AMERICANS: EARLY SETTLED BY SPANISH AMERICANS, LATER SOUTHERN AMERICANS.

2. GULF: SPANISH AMERICANS: SOUTHERN SETTLEMENT, HIGH PROPORTION OF SPANISH AMERICANS, MEXICANS, AND FOREIGN BORN.

3. CATTLE TRAILS: SETTLED FROM OLD SOUTH AND BORDER, LARGELY NATIVE WHITES.

4. SOUTHWESTERN PLANTATIONS: SETTLED FROM OLD SOUTH, $\frac{1}{3}$ NEGRO, COTTON CULTURE.

BY DONALD D. FENNEL

personal security" and "the right of private property" were guaranteed. The large numbers of underprivileged individuals

CHAPTER II

that continued to exist after the redefinition of citizenship

THE LEGAL STATUS OF THE FREE NEGRO IN TEXAS

of their inferiority in terms of their dependance as persons.

There is no thrust of a culture that reveals more its aspirations than the aggression of its legal cutting-edge into a hostile environment. The ideology and power structure of anglo-white slave polity was regarded from the start as suspect. Somehow the cannibalism of slavery seemed all wrong, grotesque, an unnatural thing because it forced a denial of the natural confraternity of the frontier. But the multi-cultured domain of Texas resisted the legal thrust and forced considerable modifications and concession even as the run of the writs became more effective in the conquest. Compromise was to be the eventual modus vivendi, and the Free Negro was to find amelioration from the strictures of the anglo-white community and a welcome equality before the law in those co-existent with it.

There were concepts in the Anglo-white cultural thrust that found an easy compatibility with some of the basic frontier traditions. While the national tradition was dedicated to "the liberal ideal of an individualistic, mobile, progressive society," there was the development in the South of the idea that individual rights were safe in a hierarchical society if "personal liberty", "the right of

personal security" and "the right of private property" were guaranteed. The large numbers of underprivileged individuals that continued to exist after the redefinition of citizenship in the nation independent of status compelled a justification of their inferiority in terms of their dependence as persons. Therefore they could be excluded permanently from civil society without really violating any of their basic rights. Though the Free Negro enjoyed full civil status in the Mexican and Indian communities, given the known proscriptive character of civil polity in the old South, the mutations and concessions of the legal thrust into Texas can only be considered phenomenal and symptomatic of the cultural compromise which was to insure wide areas of personal freedom for the Free Negro.

Personal Liberty

The free Negro in seeking personal liberty found that the laws of Texas made somewhat a futile attempt to limit the Free Negro movement to the region of Texas. Free Negroes moved into the territory under Mexican rule. At the beginning of the Republic (1836) the government felt that the inflow of Free Negroes to Texas may create a threat because of the possibility of the free Negro attempting to associate themselves with the Mexicans or Indians. Such an attempt may be geared to the overthrow of the Anglo-white government and the recapture of Mexicans' territory. It was also felt that with a growing number of Free Negroes in

the State there may be an attempt of the Free Negroes joining or encouraging the abolitionist movement and incite an uprising among the slaves. It was decreed by the provisional government of Texas that it would be unlawful for any free Negro or Mulatto to enter the boundries of Texas.¹

Because Santa Anna had made an open bid for Indian and Negro support and Anglo-whites had some reason to believe some Negroes responded, the government felt that a selective principle was necessary in encouraging their residence in the state. The Senate and the House of Representatives passed a joint resolution stating that all Free Negroes who were residing within the Republic of Texas at the time of Independence would be granted the privilege of remaining in any part of the Republic so long as they chose on the condition of performing all duties required by them by the law. At the time of the enactment of this law it seemed simply stated, but in later years the law became complicated.²

Although there was a law stating that there was to be no migration of the free Negro to Texas, it seemed as

¹H. P. N. Gammel, *The Laws of Texas, 1822-1897*, Volume I (Austin: The Gammel Book Company, 1898), p. 172. The decreed that was issued in the Council Hall of San Felipe de Austin on January 1, 1846 stated that "it shall not be lawful for any free Negro or Mulatto . . . be found within the limits of Texas. . . . it shall not be lawful any free Negro or Mulatto to reside within the limits of Texas."

²Ibid., p. 1292.

though there was no hurry to enforce the letter of the law. It seemed as though the first major enforcement of the immigration law was enacted against the Free Negroes in Houston of Harris County.³

It was not until around 1840 that the laws of Texas became more specific in their language regarding what would happen to a free Negro who migrated to the state of Texas after it became a Republic. According to an act passed by the Republic of Texas the free Negro was entitled to a ten day notice; if he had not removed himself from within the boundries of Texas, he could be picked up and taken to an auction area where he would be exposed to bidders to be bought for a year. If at the end of a year he is not able to pay the bond of one thousand dollars, the free Negro is

³On April 10, 1839 an ordinance was enacted by the Mayor of Houston, Francis Moore, Jr., to rid the city of Free Negroes. "Resolve, by the mayor and city council, that if a free person of African descent, in whole or in part, be found within the city of Houston at the expiration of thirty days after the publication of this ordinance, it shall be the duty of the city constable to arrest said person. . . ." The Morning Star, April 13, 1839, p. 2, Volume I. In the same year (1839) eighteen or twenty free Negroes were brought before the recorder of the city of Houston for the violation of the ordinance of the provisional government which forbid such person to remain in the state. The case was discharged. The Morning Star, April 10, 1839; p. 2, Column 2 and 3. The Seventh Census of the state of Texas for the year of 1850 designates a group of Free Negroes living within the city of Houston.

sold into slavery for life.⁴

Sympathetic Sam Houston, President of the Republic at the time, in regards to the residence of the free Negro in Texas, allowed in one of his proclamations for the Free Negro to remain in Texas.⁵ It is also at this time, that there is an acceptance of petitions of free Negroes to remain in the Republic.⁶

⁴Gammel, op. cit., p. 549.

Although the law may have become specific in language, there were still some leniency towards the law in granting the free Negro permission to remain in Texas. An example of this leniency appeared when the government granted the petition of relief for William Ashworth and family December 12, 1840. Gammel, op. cit., p. 549. On December 15, 1840 Samuel McCullach was given permission to remain in the Republic of Texas. Ibid., p. 468.

⁵Sam Houston in his proclamation concerning free Negroes, in December, 1842, stated: . . . "it has been represented to me that there are a number of honest and industrious persons of that description who have been citizens of this country for a number of years, and have always heretofore conducted themselves so as to obtain the confidence and the good opinion of all acquainted with them, and are now anxious to be permitted to remain in the Republic for the next two years. . . . I, Sam Houston, . . . remitte the penalty of the law that otherwise be attached against them for remaining in the Republic. The Writings of Sam Houston, Volume II, July, 1814 to March, 1852, (Edited by Amelia W. Williams and Eugene C. Barker, Austin, Texas: The University of Texas Press, 1939), pp. 240 and 241. This information is also found in Gammel, op. cit., Volume II, p. 79.

⁶After Houston's Proclamation Ann Tucker (Deeds and Records of Harris County, Volume I, p. 60); Thomas Cevallos (Gammel, op. cit., Volume III, p. 1042); and Nancy Coleman (Ibid., p. 1045); applied and were granted permission to remain in Texas for a certain period.

As the administration of the Republic of Texas changed hands, and as the Republic status changed to a state in the United States, so did the feeling towards the free Negroes according to the law. In the year of 1856 laws were passed concerning the bringing of the free Negro into Texas by ship, and the emigrating of the free Negro to Texas.⁷ Laws of this calibre were being enacted up to the year of 1859.

Through the observation of the material, it has been noticed that the laws that were enacted against the liberty of the free Negro to move in, and about the state were not strictly enforced by the community in which the free Negro resided. There may have been sporadic movements to rid Texas of the free Negroes during this period but there were no movements that left Texas completely void of free Negroes in a representative amount.

The net effect of these laws upon the area of personal liberty of the free Negro is clear. The thrust of the law out of the old South demanded the quid pro quo of the empty right to accept or reject a person of color into or from anglo-white society. Security also demanded the presence of the coercive power to exclude free Negroes if

⁷Williamson Oldum and George White, Digest of the General Statues Laws of the State of Texas, (Austin: Published by Marshall and Company, 1859), p. 669. The law states "No free person of color can lawfully emigrate to, or remain in this state, except where special permission is given by the constitution and the laws of Texas."

they proved to be dangerous to the state. This is an empty gesture in an open society, and Texas remained open to free Negroes as long as there was freedom of associations with Mexicans and Indians.

Personal Security

In the development of the idea of "personal security" it is found that the laws which governed the Free Negroes in the multi-cultured setting often varied in letter, but the treatment given to the Negro differed as the community in which he resided differed. Although the letter of the law states what was supposed to happen to the free Negro person when he violates such laws set up by a pattern of culture, it is found at times the actual practice of the law made exception to the cases.

As the government of the Texas territory passed from Spanish hands to the Mexican government that had obtained their independence from Spain, it is found that although the Mexican government reluctantly tolerated slavery they had no intention to uphold the institution of slavery. The free Negro under the Mexican rule lived a rather undisturbed life.⁸

⁸There lives here, in Bexar, a free black man, who speaks English. . . . Though he is jet black he says the Mexican pays him the same respect as to other laboring people, there being no difference made here on account of color." Benjamin Lundy, Life, Travels and Opinions of Benjamin Lundy (Philadelphia: William D. Parrish, 1847), p. 48.

The treatment that the free Negro received under the Mexican rule can be considered excellent in contrast to the relationship which he maintained in the Anglo-white society. Laws were enacted to protect the Negro persons and to enable him to maintain his freedom.

With Texas obtaining its independence we find the "see-saw" attitude concerning the free Negro. At the beginning of the Republic it was the policy of the Government of Texas that it would be unwise to allow the free Negro to enter the state. It would be sold at a public auction as a slave.

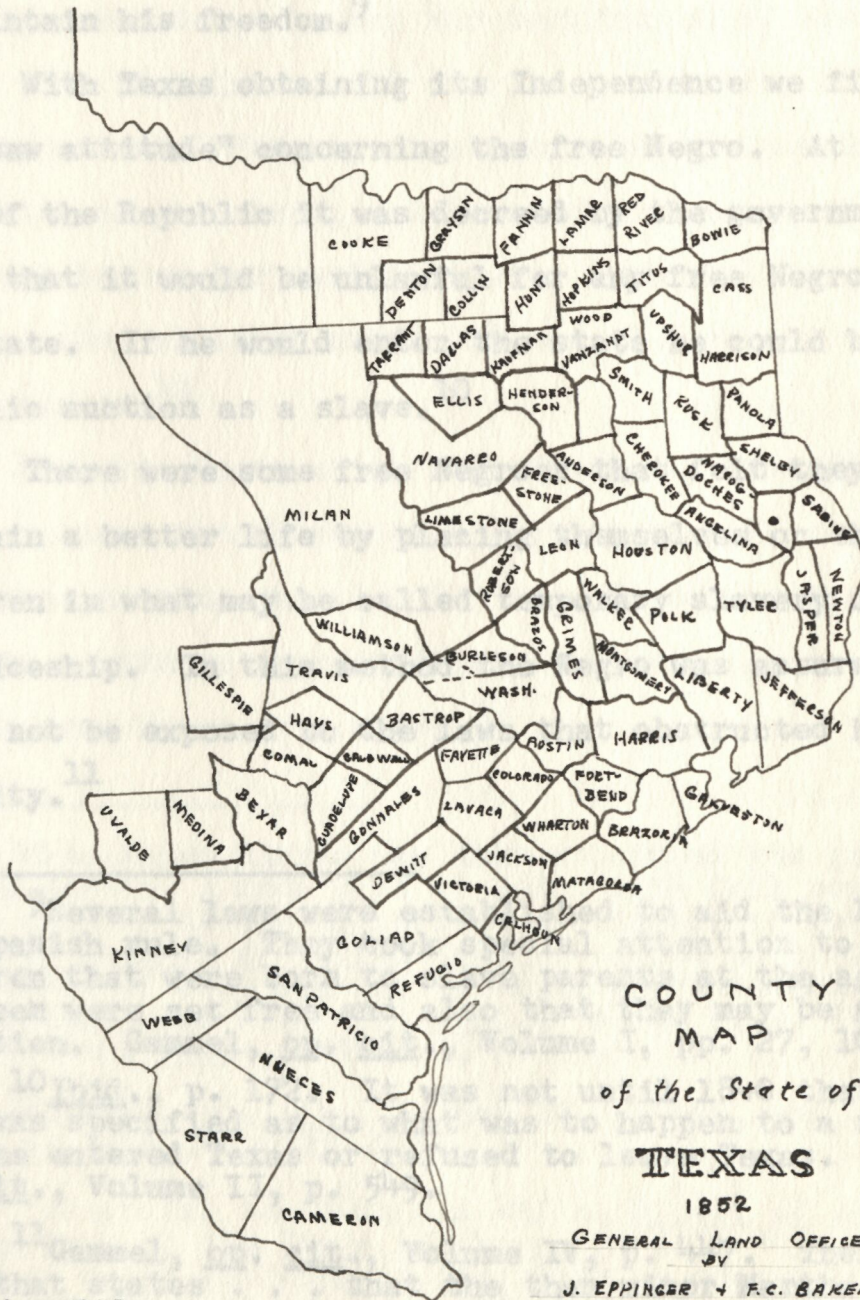
There were some instances where the free Negro was allowed to maintain a better life by practicing his trade. In what was then the practice of the state, the free Negro would not be allowed to practice his trade.

security. It was not until the late 18th century that the free Negro was allowed to practice his trade.

the Spanish laws provided the Negro under the laws of Texas that he was to be given an education. Volume 1, 105.

of Texas that he was to be given an education. Volume 1, 105.

fourteen years old and chose Wm. Jones Harris her guardian.



COUNTY
MAP
of the State of
TEXAS

1852
GENERAL LAND OFFICE
BY
J. EPPINGER & F. C. BAKER
BY
DONALD D. FENNELL

• SAN AUGUSTINE

The treatment that the free Negro received under the Mexican rule can be considered excellent in contrast to the relationship which he maintained in the anglo-white society. Laws were enacted to protect the Negro persons and aid him to maintain his freedom.⁹

With Texas obtaining its Independence we find the "see-saw attitude" concerning the free Negro. At the beginning of the Republic it was decreed by the government of Texas that it would be unlawful for any free Negro to enter the state. If he would enter the state he could be sold at a public auction as a slave.¹⁰

There were some free Negroes that felt they could maintain a better life by placing themselves or their children in what may be called temporary slavery or apprenticeship. In this method the Negro was assured that he would not be exposed to the laws that obstructed his personal security.¹¹

⁹Several laws were established to aid the Negro under the Spanish rule. They took special attention to see that children that were born to slave parents at the age of fourteen were set free and also that they may be given an education. Gammel, op. cit., Volume I, pp. 27, 105.

¹⁰Ibid., p. 172. It was not until 1840 that the laws of Texas specified as to what was to happen to a free Negro when he entered Texas or refused to leave Texas. Gammel, op. cit., Volume II, p. 549.

¹¹Gammel, op. cit., Volume IV, p. 447. There is a case that states . . . that the then minor Martha appeared before the Honorable Court of Harris County, January 3, 1838, representing herself a free person of color over fourteen years old and chose Mrs. Jones Harris her guardian

There have been reasons to think that there were free Negroes who were not satisfied with being free, but assumed that he could better his condition by becoming a slave. I have not found any evidence to the effect that a free Negro decided to enter the institution of slavery in Texas. The Legislature did enact a law stating that it shall be unlawful for any free person of African descent, not living in the state, and being over the age of fourteen to choose his or her master. . . . A special law was enacted so that children under the age of fourteen could become slaves.¹²

The free Negro as an individual was treated by the law just above the slaves to a certain extent, and below the whites in some extent. The free Negro was incapable of being a witness except if he was witness in the case of another free Negro or a slave.¹³

. . . Mrs. Jones Harris was then appointed the guardian of said Martha, a free girl of color with full power to act as such until she may arrive at the age of twenty-one. Deeds and Records of Harris County, Volume I, p. 204. Other cases of Free Negroes entering apprenticeship are that of Molly and Francois, Ibid., Volume F, p. 393, and Nelly Morris, Ibid., Volume E, p. 43.

¹²Gammel, op. cit., Volume IV, p. 447, and Oldum and White, op. cit., pp. 225-226.

¹³According to Oldum and White, Digest of the Texas Statutes Laws of the State of Texas, Article 805, a free person of color residing in the state in violation of the law is, in all respect, upon a footing of equality, as to his personal rights with a slave, Article 807. In every case of offense committed by slaves against the person of a free person of color, or a free person of color against the persons of slaves, the parties are deemed to stand upon

The free Negro was subject to three major types of punishments: (1) death, (2) whipping and branding, and (3) labor upon the public works of the county. The free Negro was subject to death as a punishment when he aided in an insurrection,¹⁴ kidnapped a white woman, when in a plot of conspiracy to murder a white person or maliciously shoot, stab, cut or wound, or by any other means cause bodily injury to a white person with the intent to kill, or if a free Negro carnally know a white female child under that age.¹⁵

The free Negro would be punished by whipping and branding for the use of provoking language or menacing gestures to a white person, where he punished a slave without the consent of the owner or manager; if he kept or carried firearms, sword or other weapons, or balls of ammunition. If he was guilty of being in a riot, unlawful assembly, the making of seditious speech, the selling, preparing or administering medicine, except in the use of his own family or the family of another free Negro or to slaves

terms of equality. Article 808. -- If it shall appear on trial of any slave, or free person of color for the killing of, or personal injury of a white person, that the person killed or injured was in the habit of association with slave or free Negroes, and by his general conduct placed himself upon equality with these classes of persons, the right of the slave or free persons of color are to be governed by the same rules which would apply if the offense had been committed upon the person of a slave or free person of color, except in the cases where the person is a minor. . . .

¹⁴Ibid., p. 561

¹⁵Gammel, op. cit., Sections 2-3, Volume VIII, p. 1300; Oliver Hartly, A Digest of the Laws of Texas (Philadelphia: 1850), p. 777.

with the permission of the slaves' master, he could be punished by a whipping or branding and in some cases could receive a prison term. He could be sentenced to hard labor for the county for the same offense.¹⁶

The only circumstance when a free Negro was tried on the same grounds as that of a white man is when he was charged with a crime that required the death penalty.¹⁷ As to the crime that required the death penalty there was a difference. A white person could commit adultery with a free Negro and if caught he would only be charged a fine. If the free Negro committed the same crime, he would be punished by death.¹⁸

Although the law in general was enacted to protect the whites from the free Negroes, the free Negroes did then have the right to be tried by a jury when the offense would exceed twenty-five dollars.¹⁹ The free Negro was also protected against the whites if there was an attempt to sell the free Negro.²⁰

The legal personal security of the free Negro was one of interpretation by the community. The laws that Texas enacted were usually laws that remained on paper; the action

¹⁶Gammel, op. cit., Sections 5-7, Volume VIII, p. 1300.

¹⁷Ibid., Section 2.

¹⁸Oldum and White, op. cit., p. 504.

¹⁹Ibid.

²⁰Gammel, op. cit., Volume III, p. 1503.

required to be carried out by the law was left to the local community. The whites in general respected the free Negro because some of the free Negroes were their relatives, fought side by side for the Independence of Texas, were manumitted by some popular whites in the community, were part of the economic system of the community, or liked as a person by the whites in the community. In the final analysis, the personal security of the free Negro in the Anglo-white community was threatened only when his acts constituted a threat to the superiority or the security of the dominant whites.

Private Property

One of the most curious blind spots in the proscriptive pattern of slavery was its failure to deny to the Free Negro the basic capitalistic right of private property. From the beginning there had been the understanding that to allow free persons of color to own property would be to encourage a status incompatible with the impossibility of assimilating the Negro into American society.²¹ The question that has to be answered at this point is "Was the right to

²¹ Leon F. Litwack, "The Federal Government and the Free Negro, 1790-1860," Journal of Negro History, XLIII:4 (October, 1958), pp. 261-278; D. G. Hill, "The Negro as a Political and Social Issue in the Oregon Country," Journal of Negro History, XXXIII:2 (April, 1948), pp. 130-145; The Civilian and Galveston Gazette, (July 22, 1851).

hold and use private property or wealth restricted at law to a degree as to make the economic status of the free Negro untenable?"

The legal thrust as the cutting edge of the culture brought from the old South the tradition of the respect for the property rights of the free Negro,²² a situation which was not to prevail in many areas of the free states and territories. To be sure there had been a tendency to restrict channels for the acquisition of wealth in the old South; but significantly few of the basic capitalistic instruments or avenues were closed. The Free Negro could sue and be sued. He could make a contract and inherit property. He could buy and sell.²³ He was not even restricted from the ownership of the species of property upon which white superiority and social control was based, land and slaves. There fore the cultural thrust of anglo-white plantation society into Latin-Indian cultural complex of Texas was

²²George Ruble Woolfolk, "Taxes and Slavery in the Antebellum South," The Journal of Southern History, XXVI:2 (May, 1960), pp. 180-200; Caleb Perry Patterson, The Negro in Tennessee, 1790-1865 (University of Texas Bulletin No. 2205, February 1, 1922), The University of Texas Press, Austin, pp. 174.

²³"Free Negroes, like slaves, had to have badges in order to work and had to pay additional taxes because of their status. Highest exactions fell upon free Negroes active in the skilled labor market. . . . Taxes also fell on the unskilled free Negro. . . . Some communities even regulated by ordinance the rate of pay. Taxes also fell upon those free persons of color engaged in the selling of produce or small wares. The badge demanded of slaves was also required of free Negro hucksters. . . ." George R. Woolfolk, loc. cit., p. 190.

forced to make few basic concessions as it entered the opportunity arena of a free society.

The major concession confronting the anglo-white thrust into Texas was the open acknowledgement of the ownership of real and personal property by women and slaves.²⁴ This was further complicated by the concession of letting the slave (chattel) choose his own master. The concession of primary importance to the free Negro was the absence in the anglo-white codes of the usual pattern of restrictions upon his economic activities. There are to be no badges or special exactions that are in any way different from the normal licenses that prevail for any other person engaged in an economic pursuit.²⁵ Though there were some minor restrictions in Galveston and San Antonio on the ownership of minor items by free Negroes,²⁶ generally speaking, after the threat to withhold the land safely passed in the period of the Republic,²⁷ regardless to the culture, the free Negro enjoyed a status in the area of private property in Texas unequalled anywhere in the old South or the nation.

²⁴Lubbock's Memiors, p. 136.

²⁵Systematic checks of the Odum and White, the Dallam, and Gamble's Statutes fail to show the existence of such restrictions.

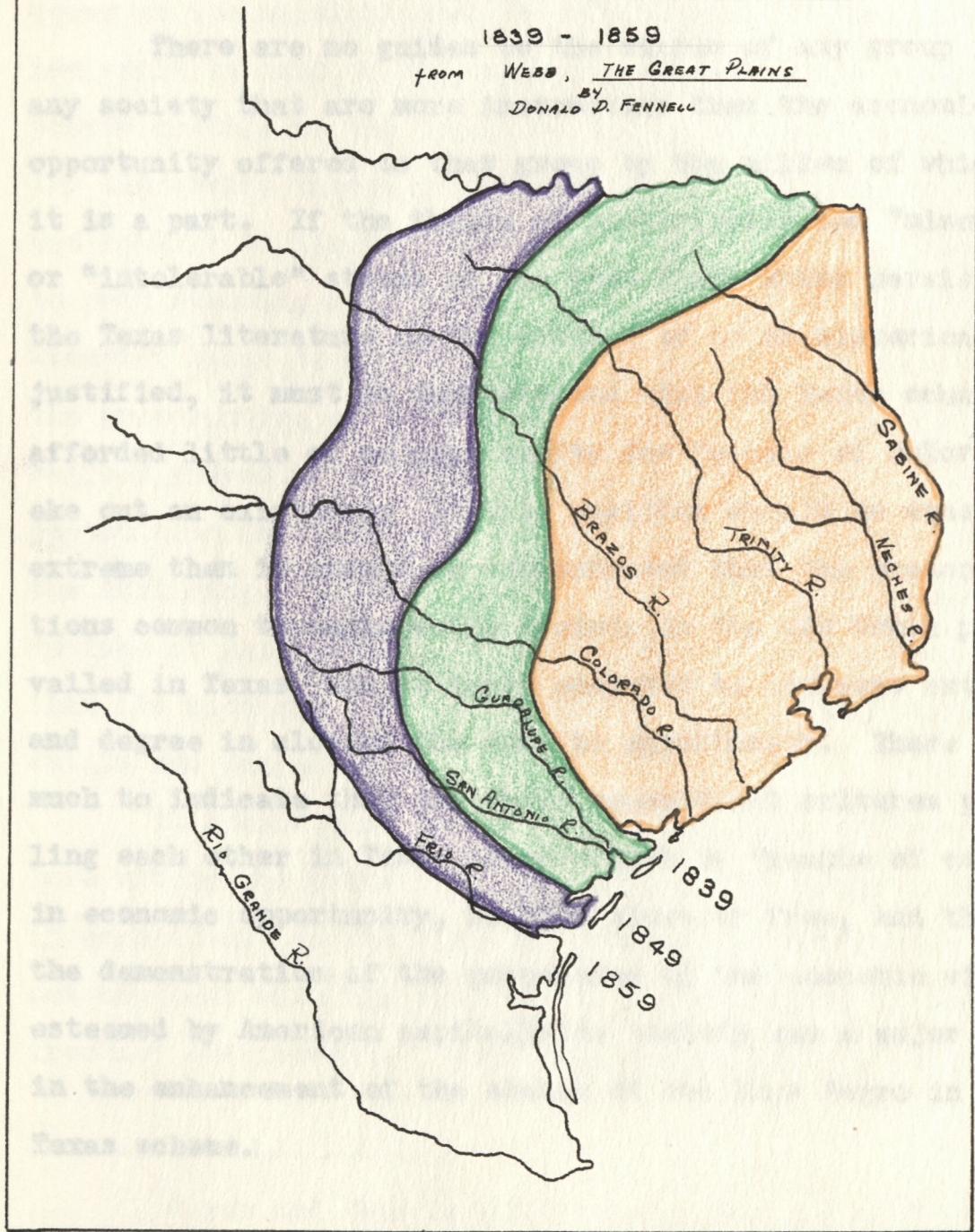
²⁶The Ordinances of Galveston and San Antonio.

²⁷Harold Schoen, "The Free Negro in the Republic of Texas: The Law in Practice," Southwestern Historical Quarterly, XL:4 (April, 1937), pp. 285; see also Haley V. Villeneuve and Wife, The Supreme Court reports of Texas, pp. 617-619.

THE EXPANSION OF THE COTTON KINGDOM

1839 - 1859

from WEBB, THE GREAT PLAINS
BY DONALD D. FENNEL



CHAPTER III

THE ECONOMIC STATUS OF THE FREE NEGRO

There are no guides to the status of any group in any society that are more instructive than the economic opportunity offered to that group by the milieu of which it is a part. If the thesis of proscription and "miserable" or "intolerable" status of the Free Negro which persists in the Texas literature on the subject is to be historically justified, it must be demonstrated that the Texas scheme afforded little or no opportunity for "people of color" to eke out an existence. If this position should be considered extreme then it should be demonstrated that the proscriptions common to anglo-white society in the old South prevailed in Texas, and at least operated to the same extent and degree in closing the door to opportunity. There is much to indicate that the three co-existent cultures paralleling each other in Texas offered much to "people of color" in economic opportunity, be they slave or free, and that the demonstration of the possession of the economic virtues esteemed by American capitalistic society was a major factor in the enhancement of the status of the Free Negro in the Texas scheme.

The economic status of the Free Negro in the old South continues to be one twilight zone from which emerges few insights of fundamental importance. Had the old prescriptions of the slave South been transmitted with full power to the multicultural frontier region of Texas little new could be said on the subject. However, just as Texas proved hostile to the legal and social system that came with the aggressive thrust of the Anglo-white culture, so also it was hostile to limitations on the capacity of the individual to seek economic opportunity. The multi-cultured pattern of Frontier Texas tended to water-down and provide escapes from the proscriptive economic patterns of the old South and Free Negroes proved to be alert in taking advantage of these opportunities for which many had come into the territory in the beginning. Whether the cultural pattern be Indian, Mexican or Anglo-white, the evidence refutes the thesis that the economic life of the free Negro was hopeless, futile and degraded.

It should also be noted that the Anglo-white culture bore within the pattern of its mores and ideology a built-in commitment to the right of private property which did not conflict with the traditional individualism of the frontier environment.¹ Therefore the Anglo-white cultural

¹Oscar and Mary Handlin, The Dimensions of Liberty, pp. 135-137.

thrust did little to impair the potential freedom² of the Free Negro. As it has been said by two current theoreticians concerning the American scene, so may it be said for ante-bellum Texas, "It may be posited as a working hypothesis that most of the difficulties in defining liberty that arose in the purely political sphere were eased by the underlying fluidity of the social structure which in turn was derived from the relatively high rate of social mobility."³ No better demonstration of the validity of this hypothesis can be found than in the economic condition of the Free Negro in Ante-bellum Texas.⁴

A legitimate inquiry of such a study as this could be whether place of origin might have any effect upon the economic pursuits of the Free Negro in Texas. Such a question would rest upon the assumption that there would be some relationship between occupations in Texas and opportunity for skills and aptitude cultivation at the place of origin.

²Christian Bay, The Structure of Freedom, p. 371. Bay elaborates potential Freedom thus: "Potential Freedom, especially against special interest manipulation, rescues the individual from becoming the willingly exploited tool of the interest of others, and it permits him both to be concerned with the development of his own needs according to their own dynamics and with acquiring the knowledge that facilitates their optimal satisfaction."

³Note 1 supra.

⁴Developed from an analysis of original reports of the 7th and 8th Census.

The dominance of agriculture in the economy of the old south would certainly not make unusual the number of free Negro farmers and farm laborers to be drawn from that region, nor would it be difficult to understand that they would settle in the east Texas region settled by the farming population of the old South.⁵ An interesting pattern of Free Negro cattlemen, drawn from the states of Alabama, Louisiana and Texas, were concentrated in Jackson, Jefferson, Angelina and Maverick counties. Since such an occupational category is not generally associated with the plantation tradition of the old South, the presence of Free Negroes in this category is significant.⁶ Approximately one fifth of the free Negro population was to be found in the farming pursuits either as entrepreneurs or laborers.

The position of the Negro in the domestic service of the old South is traditional and an important segment of the free Negroes that came into Texas followed this line of work.⁷ It should be pointed out that some of the free Negroes that came out to Texas from New England followed the same line of work. Few of these migrants settled in the

⁵The Counties settled were Angelina, Bexar, Burnett, Cherokee, Ellis, Henderson, Jackson, Jefferson, Limestone, Burleson, Smith, Washington, Hildago.

⁶Lubbock's Memiors reveal the training of slaves for the cattle industry and the existence of a slave who had a herd with a registered brand.

⁷The domestic category included housekeepers and cooks, servants and washers and ironers of various kinds.

east Texas farming area because slavery would have made their services unnecessary. Therefore they are to be found in those areas of Texas where the thrust of the plantation economy was not decisive.

The casual laboring group among the free Negroes was drawn mostly from the old South and Texas and seemed to have settled in Texas in a pattern which allowed no geographical generalization. The skilled labor group on the other hand was drawn from the old South, Texas, foreign nations and the northern United States. While the incidence of these free Negroes outside of the plantation areas seems dominant, their presence in the east Texas farming region is not difficult to understand. There would be the need for their services in all areas of the settled portions by Anglo-whites and the possibilities of remunerative employment would not be impossible.⁸

The Relationship of Color to Occupations

The relation of color to the occupational status of the Free Negro in Texas may be considered an unwarranted one since approximately three-fourths of the free Negro population was mulatto. However, this preponderance came

⁸ Skilled laborer category among the free Negroes were brick masons, house painters, tailors, seamstresses, nurses, engineers, dairyman, barbers, carpenters, blacksmith, wagoners and teamsters.

about, the generalization seems tenable that free Negroes that may be designated "Black" seem to settle in the fringe of the plantation economy and in South Texas, while the free Negro mulatto settled at will throughout the entire area even though he also seems to have a preference for the non-plantation area. There may be some significance in the fact that the plantation area of east Texas has an overwhelming preponderance of mulattoes in farm and stock operations. This may indicate that frontier situations modified the challenge to supremacy that such a situation might have implied in the old South. A few free male blacks in the skilled labor category in this area would also be in keeping with the plantation tradition.

Urban and Rural

The spread of the occupations may suggest a certain knowledgeability which is difficult to validate,⁹ and also makes it uncertain which were located in urban and rural areas. However the bulk of the free Negro population as recorded by the 7th and 8th Census was a rural population, and thus the occupational pursuits of the free Negro may be

⁹There would have been some insight gained had it been possible to test occupation status with literacy. Only the census of 1850 details this information, and that in terms of total adult group. Of the 235 adult free Negroes recorded in the 7th Census, 177 were said to be literate.

said to be dominantly rural. On the other hand, free Negroes had the tendency to settle in the urban areas on the periphery of the east Texas plantation farm area and in the towns of south and west Texas. As was true in the old south in the decade of the 1850's, free Negro urban movement increased, but especially in Texas in the southern and western areas of the state.¹⁰

The Sex Variable in the Occupational Pattern

The sex variable in the occupational pattern of the free Negro in Texas provides some unusual insights concerning the impact of the frontier upon the Anglo-white cultural thrust into the region. Tradition dictated that the division of labor in the free South would be duplicated here to a certain extent. Free Negro men dominate in the entrepreneurial and laboring groups, skilled or unskilled. Free Negro women dominate in the domestic service area. However, there are many free Negro women in the territory who were heads of families and were so recognized, moving freely in the territory and settling where they will. Other free Negro women had purchased their freedom from their own earnings, and some, like Fanny McFarland of Houston, could

¹⁰Free Negroes (according to the 7th Census) were found in Austin, Corpus Christi, Galveston, Houston, Lavaca, Marshall, McKinney and San Antonio. Ten years later Athens, Austin, Brownsville, El Paso, Galveston, Houston, Isleta, Roma, San Jacinta, Seguin, and Victoria were the towns of concentration.

be found in real estate buying and selling, or like Harriet Reynolds in raising pursuits indeed at variance with the plantation tradition of the old South.

The Ownership of Property

There has been for some time a growing awareness that economic freedom should be seen as a corrective to the impression made by the purely civil aspects of the life of the Free Negro in ante-bellum America.¹¹ Such a crucial rethinking would begin in Texas with the acceptance by students of the problem of the decisive nature of the recognized right in Texas of the Negro to own real and personal property, be he slave or free. It was possible for many Negroes in Texas to buy their freedom, as it was

¹¹W. R. Hogan and E. A. Davis, William Johnson's Natchez, p. 4, ". . . some of the laws regulating the Free Negroes were never strictly enforced against those with considerable property;" Carter G. Woodson was an early observer of this situation though somewhat mistaken in his conclusion about its meaning, see Free Negro Heads of Families in the United States in 1830, p. 33; Luther Porter Jackson in 1942 observed in his Free Negro Labor and Property in Virginia that during the strict period of Slavery in Virginia limitations upon the free Negro were many and largely legal and political. "Favorable economic conditions mitigated the force of law and enabled the free Negro to advance along with the general upward movement of the state," p. 9. Harold Schoen, "The Free Negro in the Republic of Texas," Southwestern Historical Quarterly, XL:3 (January, 1937), p. 198; No. 4 (April, 1937), p. 277.

in the old South;¹² but the right to own chattel property and money as a slave and the right to extensive land ownership in the rural and urban areas as free men and women constitutes a radical departure from common theory and practice in the old South and the rest of the nation.¹³

The most dramatic aspect of land ownership among the free Negroes was to be found in the rural areas. The Ashworth clan was a good example of this pursuit. Their land holdings were considerable, but much of the land was unimproved. Free Negroes usually had reasonably large numbers of horses and cattle and sometimes a few Negroes as slaves. Taxable value of such property was generally

¹²Lucille Free Papers, November, 1851, Deeds and Records of Harris County, Volume 0, p. 586; Eldred Rose, Purchase of Freedom, March, 1839, Deeds and Records of Harris County, Volume C, p. 449.

¹³In the Oregon State Constitutional Convention of August of 1959, besides suggesting that Negroes, Chinamen and Mulattoes should not vote and that Negroes and Indians should be excluded from the common schools, was the idea that Free Negroes should not hold any real estate or make any contracts. See D. G. Hill, "The Negro as a Political and Social Issue in the Oregon Country," Journal of Negro History, XXXIII, No. 2 (April, 1949), pp. 141-142. The Journal of the Fourth Congress of the Republic of Texas (Senate Journal) details the action upon the Petition of Wyly Martin to manumit his slave Peter. Mr. Jones of Austin introduced the bill, and stated that he had known both men for 16 years. Peter had been faithful to his master and accumulated a fortune of \$16,000. Lubbock's Memiors also records, "But my best cowboy and most exoert rider and horse-breaker was Willis, or Cy. Brought up by a Louisiana Stockman who gave him many privileges, he had a brand of his own and possessed a small number of horses and a good herd of cattle," p. 136. The presence of slaves in the cattle pattern of Texas is in need of further investigation. These two slaves are examples of the freedom allowed under the old rules on the frontier.

modest in pre-war Texas, and the individual totals in the Ashworth clan seldom exceeded \$7,000 in value. Crops ran to Indian corn, beans and peas, Irish potatoes, orchard and rice.¹⁴ The significance of land holding in the prestige of these people can hardly be overstated.

Negroes inherited land from white fathers as the memorial of William Primm already mentioned above indicates. The Negro children were his only children and he wished for them to have his estate. The Deeds and Records of Harris County, Volume H, p. 515, shows similar action by Merit M. Coats who had kept the slave Violet and her child Carter (the woman as wife) and instructed his attorney to see to it that they got all of his property.

Possibilities in Real Estate transactions by a free Negro woman, who had four children as slaves can be seen in the case of Fanny McFarland. By "Industry", "Prudence," and "Economy" she had gathered a little property indications of which may be found in the following Deed Records of Harris County, Volume A, p. 456; Volume N, p. 585; Volume P, p. 441, 227; Volume Q, p. 151. The same source has materials for Ann Tucker, Volume I, p. 62. Some Free Negroes held large sections of land that came to them for their services in the Texas revolution. Frontier Times, Volume XV, No. 1 (October, 1937), pp. 42-43 has an article on "Hendrick Arnold, Negro, a Texas Patriot" by J. Marvin Hunter. Arnold was a guide in the army and finally settled in Bexar County. He was given 1920 acres of land for his serving as guide and under Commander F. W. Johnson at the battle of San Jacinto and as a member of the Deaf Smith spy company.

¹⁴Census of 1850, Schedule 4, Production of Agriculture in Jefferson County: Table 1, Free Negro Farmers in Jefferson County, Texas, 1850; W. Patridge, Assessment for Jefferson County, The Comptroller Archives, Austin, Texas. Only the holdings of this clan in Jefferson County are shown.

Occupations

Free Negroes also participated in various forms of skilled and unskilled labor which enabled them to earn quite well. Negro mechanics were in demand everywhere and paid high wages.¹⁵ Wagoners and Mariners were to be found in the group, the former with a special reputation for efficiency.¹⁶ There were free Negroes in farm labor,¹⁷ though the plantation in east Texas and Mexican labor in South Texas seem to have been some barrier here. Negro nurses seemed to have done quite well and, where efficient, were much in demand and appreciated as Negro barbers.¹⁸ Washer-women seemed to have been in an excellent position to make money. They were in great demand, and like "seamstresses," "pick up a good living" and "flourish like vines and fig trees."

¹⁵Ramsdell, "The Natural Limits of Slavery Expansion," Mississippi Valley Historical Review, XVI:2 (November, 1929), p. 155. Ramsdell's statement about Negroes not in cattle is obviously open to question.

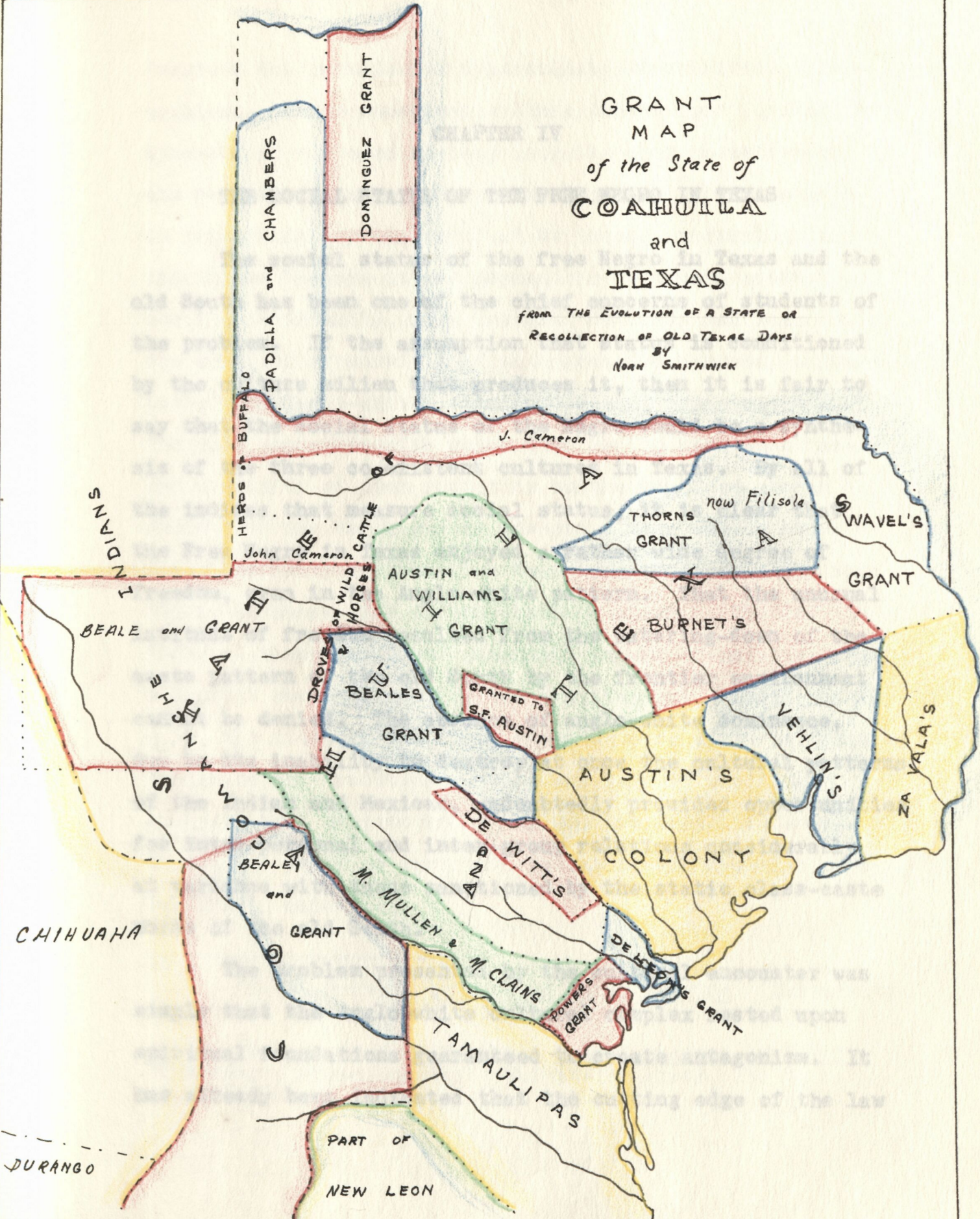
¹⁶Reid's Tramp, p. 71-72, "The Negroes had a special knack in driving oxen. . . ."

¹⁷Telegraph and Texas Register, March 6, 1839. This paper advertises for Negro farm labor and promises high wages. Ramsdell on the other hand said that Negroes had difficulty getting farm labor in the Mexican labor areas in South Texas because Mexican labor was even cheaper than slave labor.

¹⁸An act to Permit Mary Madison to remain in the County of Galveston, in this state, December 3, 1851, Gammel Laws, Volume III, Chapter IX.

GRANT
MAP
of the State of
COAHUILA
and
TEXAS

FROM THE EVOLUTION OF A STATE OR
RECOLLECTION OF OLD TEXAS DAYS
BY
NOAH SMITHWICK



CHAPTER IV

THE SOCIAL STATUS OF THE FREE NEGRO IN TEXAS

The social status of the free Negro in Texas and the old South has been one of the chief concerns of students of the problem. If the assumption that status is conditioned by the culture milieu that produces it, then it is fair to say that the social status of the Negro would be a synthesis of the three co-existent cultures in Texas. By all of the indices that measure social status, it is clear that the Free Negro in Texas enjoyed a rather wide degree of freedom, even in the Anglo-white pattern. That the unusual latitude of freedom resulted from the watering-down of the caste pattern of the old South by the frontier environment cannot be denied. The absence of Anglo-white dominance, due to its inability to destroy at once the cultural patterns of the Indian and Mexican, undoubtedly provided opportunities for inter-personal and inter-group relations considerably at variance with those sanctioned by the static class-caste mores of the old South.

The problem presented by the cultural encounter was simply that the Anglo-white cultural complex rested upon spiritual foundations guaranteed to create antagonism. It has already been indicated that the cutting edge of the law

foretold the infusion of a parochial, chauvinistic, hierarchical, status conscious culture intent upon forcing the dynamics of a closed society into the open societies of the Mexican-Indian complex. The frontier situation made it impossible for Anglo-whites to impose internal ethnic discipline because it was impossible to escape contact, hostile or friendly, with Indians, Mexicans and Negroes.¹ The question of survival of an aggressive minority culture, pushed the Anglo-whites into fundamental concessions with the open societies with which they had to come to terms. The proximity of open societies to the would-be closed society of the Anglo-whites ensured a free choice and a social mobility for the Free Negro not enjoyed to the same degree anywhere else in the cotton kingdom.² The definitions of human worth and potential in the co-existent open societies were offended by the sanctions of a legal-social myth, the ideology and mores of which were alien to frontier realities and traditions. What was left in the final analysis is a progressively hollow, artificial deference to the old order as part of a social ritual symbolic of a culture in mutation.

¹H. E. Driver, Indians of North America (University of Chicago Press, 1951), p. 603.

²Oscar and Mary Handlin, The Dimensions of Liberty (Cambridge, Massachusetts: University Press, 1961), pp. 128-131.

In Anglo-America it was very different. Indian governments in the area were much more democratic and allowed much more freedom to the individual. Men spent most of their time hunting and fighting and preferred to die fighting for their way of life than to yield to a conqueror. Furthermore, Anglo-Americans colonists stemmed from more democratic parts of Europe and in some instances (as with the Pilgrims) from near the bottom of the European class structure, where few persons desired to regiment a group of persons beneath them. Add to this the Christian religion, with its ethnocentric self-righteousness, and the heathen Indian became an impediment in the path of progress of Christianity and European culture. Therefore (though French friendly) other Europeans were hostile toward Indians. They disregarded land claims and other rights of Indians in their westward expansion.

From Whence do they come?

The most significant fact about the movement of the Negro into Texas is the revelation of an authentic westward movement. For many years students who wished to relate the Negro to the westward hypothesis of Turner fame had to be content with the movement of slaves with their masters in response to the endemic land hunger of the planter economy.³

³A. A. Taylor, "The Movement of the Negroes from the East to the Gulf States from 1830 to 1850," The Journal of Negro History, VIII:4 (October, 1923), pp. 357-384; W. Sherman Savage, "The Negro in the Westward Movement," Journal of Negro History, XXV:4, pp. 531-539.

However the difficulties in established society that resulted in the flight of the unsuited to lands beyond the reach of present difficulties operated to force free Negroes as well as whites beyond the reach of socio-economic prescription into areas where they were sure there would be freedom to develop and achieve security.

Southern planter and northern abolitionist alike were sensitive to the problem presented by the difficulties of assimilating Negroes into Anglo-white society and in the early days of the Republic openly advocated expulsion. The dictum of Thomas Jefferson is well known, and southern planters translated ideas similar to Jefferson's into schemes to send the Negro back to Africa.⁴ While many northern sympathizers with the plight of the planters went along with African colonization schemes, there was always a body of thought among them which favored sending Negroes to either the tropical islands adjacent to the United States or settling them in vacant lands beyond the alleghanies or the Mississippi River. Benjamin Lundy was among the serious sympathizers who were eventually to look to Texas as an ideal place for free Negroes to take asylum.⁵

This "Look-to-the-west" was inspired in the free Negro after the waning of the revolutionary generation

⁴H. N. Sherwood, "Early Negro Deportation Projects," Mississippi Valley Historical Review, II:4 (March, 1916), pp. 484-508.

⁵Merton L. Dillon, "Benjamin Lundy in Texas," Southwestern Historical Quarterly, XXIII:1 (July, 1959), pp.46-62.

brought a steady erosion of his political, social and economic status.⁶ Economic competition, fear, prejudice, and other hostilities too subjective and psycho-social to be measured operated to force free Negroes out of the North and South Atlantic seaboard and the middle west into the trans-Mississippi. Two-hundred and fifty thousand had migrated to Mexican territories by 1812, and many, like those who had escaped to the Seminole Indians in Florida, went along with the Indians upon their removal westward. The great majority of free Negro mulattoes that fled to Texas came for the most part out of South Carolina and the Gulf South. There

⁶Endemic problems created by the presence of free Negroes in the United States, North and South are as follows: Frederick Bancroft, Slave Trading in the Old South (Baltimore, 1931), pp. 17-18; Lorenzo J. Greene, The Negro in Colonial New England (New York, 1942), pp. 298-299; N. Dwight Harris, History of Negro Servitude in Illinois (Chicago, 1904), pp. 238-290; Hogan and Davis, William H. Johnson's Natchez (Baton Rouge, 1951), pp. 12-13; S.C. Sydnor, Slavery in Mississippi (New York, 1933), pp. 14-15; James T. Adams, "Disfranchisement of Negroes in New England," American Historical Review, XXX:3 (April, 1925), pp. 543-574; Richard B. Morris, "The Measure of Bondage in the Slave State," Mississippi Valley Historical Review, XLI:2 (September, 1954), pp. 219-230; C. S. Sydnor, "The Free Negro in Mississippi Before the Civil War," American Historical Review, XXXII:4 (July, 1927), pp. 769-788; Louis R. Mehlinger, "The Attitude of the Free Negro Toward African and Colonization," Journal of Negro History, I:3 (July, 1916), pp. 276-301; E. Horace Fitchett, "Origin and Growth of the Free Negro Population of Charleston, South Carolina," Journal of Negro History, XXVI:4 (October, 1941), pp. 421-437; Leon F. Litwack, "The Federal Government and the Free Negro, 1790-1860," The Journal of Negro History, XLIII:4 (October, 1958), pp. 261-278; Charles S. Wesley, "The Negro Struggle for Freedom in its Birthplace," Journal of Negro History, XXX:1 (January, 1945), pp. 63-81; Roger W. Shugg, "Negro Voting in the Ante-Bellum South," Journal of Negro History, XXI:4 (October, 1936), pp. 357-364.

were some who found the proscription of New England, the mid-Atlantic and middle west so difficult until they too sought a new day in Texas. Many of the free Negroes made the relatively short run from Louisiana and Mississippi to Texas.

Where do they settle?

The free Negroes that finally settled into the Texas regions after a long treke across the South and middle west entered into the fluidity of a multi-cultured milieu which was for them the same kind of open society that anglo-whites were to find for themselves in the American free west. Those who came west sometimes settled among the Indians, finding their way of life, as did Sam Houston, a temporary haven for a troubled life. Like those who came in the military colony of the Seminole Chief Wildcat, many lived permanently with the Indians.⁷ Many free Negroes had come into Texas territory in the early days before the revolution when the latin ideals were dominant against the slave power. Texans were never sure of the allegiance of these Negroes because they understood that Mexican freedom would be preferable to anglo-white proscription. Many of the mulattoes from the old South, still under the spell of the

⁷Kenneth W. Porter, "Negroes and Indians on the Texas Frontier, 1831-1876," Journal of Negro History, XLI:3 (July, 1956), pp. 186-287.

status pattern of anglo-white planterism, would naturally seek the plantation pattern of east Texas. However, most of the migrating Negroes preferred the integrating culture pattern of Mexican and Anglo-white of South Texas as the area assuring him the dignity and security. Is it strange then that often free Negro, Mexican and Indian found it necessary to band together to defend the freedom of their life from the aggression of the planter culture?

Status Factors Social

A legitimate question at this point is whether color played an important role in the social status of the free Negro. There is some evidence that the predominantly mulatto population of the free Negro in Texas made for an ease of movement in white cycles. There would naturally be some difficulty in detecting Negroness, and then as now the temptation to "pass" might be strong.⁸ Whites were of several minds on the meaning of the half-breed,⁹ but their

⁸Noah Smithwick, The Evolution of a State, pp. 156. There is told here the story of a well dressed elderly man and his son who were seeking investment opportunities in a community. These two mulattoes were at a party and were only detected by the warning of the mulatto maid who called her young mistresses attention to them. Nevertheless, they were graciously treated until the end of the party.

⁹"The Mulatto of the Fourth Degree, unless bred back into pure white or black, cannot reproduce himself. Hence, the law of God stamps disease and death as the penalty for amalgamation," The Texas Almanac for 1858, pp. 132-133.

acceptability, as in the case of the Ashworths of plantation east Texas,¹⁰ did not depend entirely upon the lightness of their skins.

While neither skin color or race seems to have been of signal importance among the Mexicans or the Indians,¹¹ race at least seems to have accounted for something in the Anglo-white community. Texas law had said that anyone with less than one fourth Negro blood in their veins could be called caucasion, a broad enough gate for the escape of many mulattoes. However, there can be little doubt that the anglo-white community from the old South felt that "place" should prevail for Negroes even on the Frontier where its empty symbolism was sorely tried. The case of one Webber, a white man who had married a Negro woman, "Puss", demonstrates a general situation.¹² Such a marriage was legal under Mexican law, but any white or Negro who married in the anglo-white community could expect the censure and harrassment of his neighbors. The Ashworths were to discover that this was sufficient to drive them from the state back into Louisiana.¹³

There seems to have been considerable respect for the free Negro who attempted to respect and maintain the

¹⁰F. L. Olmsted, A Journey Through Texas, p. 386.

¹¹David B. Edwards, History of Texas, p. 120.

¹²Noah Smithwick, op. cit., pp. 224-226.

¹³F. N. 3 supra.

family relationship. The petitions of the 40's and 50's indicate that the anglo-whites, as well as the Mexicans and Indians, had some respect for the family tie. Olmsted found Negroes marrying into the best families of the Mexicans and there was certainly no difficulty of establishing family relations with Indians. Free Negro men often had wives that were slaves and the white community was reluctant to see them separated. There was also a feeling among the Anglo-whites that mulatto offspring should enjoy the inheritance of mixed marriages or concubinage even though the marriage itself was frowned upon. The anglo-white community was proudest of the free Negro who married his own kind and lived together in the accepted pattern which Protestant or Catholic morality and religion dictated.¹⁴

One of the oldest myths in the unofficial Southern tradition is the freedom of the Negro woman. True or not, free Negro women enjoyed a remarkable mobility and freedom in all aspects of the social life of frontier Texas. Traditions of the old South might have dictated a more modest role than head of family, possessor of property, active entrepreneur, breadwinner and garner of surplus wealth. Yet the free Negro woman enjoyed all of these roles. She bought

¹⁴The petitions present various cases and instances whereas Negroes or other benefactors in relationship to the Negro were seeking to preserve family ties. Petition of David Wood; Newell Sands, January 5, 1853; Jean Batiste Matusin.

the freedom of herself and children, managed estates without guardians, bought and sold town property, and showed a general competence in the anglo-white community on her own that is one of the most amazing aspects of free Negro existence in ante-bellum Texas.¹⁵

Community Acceptance

The question, "was community acceptance an important factor in regards to the social status of the free Negro in Texas," is a very important one. In the study it is found that you have three categories in which to gage the acceptance of the free Negro in the Anglo-white community. Those categories which are discussed are civil, economic, and social.

Looking at the civil point of view as a means of community acceptance, there are two outstanding questions that prevailed. These two prevailing questions are: "did the free Negro serve in the defense of his country during the Texas Revolution, or did he aid in the protection of the government and its people from any other infringing groups. To answer this question, it is found when such persons as Joseph Tate,¹⁶ William Goyens,¹⁷ Pleasant

¹⁵Deeds and Records of Harris County, Volume A, p. 456; Volume N, p. 585; Volume P, p. 227; Volume P, p. 441; Volume Q, p. 151. The volumes and page numbers of the records give the detail of the transaction of buying and selling property.

¹⁶Petition; Joseph Tate, November 13, 1839.

¹⁷Petition; William Goyens, September, 1840.

Bious,¹⁸ and William Ashworth,¹⁹ free persons of color petitioning the state government of Texas for relief from expulsion, incorporated the fact that these brave deeds should be proof of their patriotism to Texas and its laws. Many whites supporting their petition agreed that the government should pass laws so that they may remain in the state legally.

The next civil question that seemed to be asked by anglo-white community was, "Is the free Negro a law abiding citizen?" The discussion of this point brings about the acknowledgements of those whites who inscribe their names to documents vouching for the validity of certain free Negro law abidingness. A perfect example of this is the character reference of Nelson Kavanaugh which was signed by thirteen prominent citizens of the community. The reference states "he should be allowed most of the privileges of a white man, such as having real estate, selling and buying and the rights to sue in court."²⁰ These and other references are prominently seen in the petition of free Negroes to remain in Texas.

Acceptance of the free Negro in the community from the social standpoint of view, involved several characteristics. One of these is non-subserviveness in his dealing

¹⁸Memorial; Pleasant Bious, November 5, 1841.

¹⁹Petition; William Ashworth, etc.

²⁰Certificate of certification; Nelson Kavanaugh, April 12, 1838.

with the anglo-white in regard to the accepted social pattern. The free Negro while living in the anglo-white community came into contact with slaves and abolitionist who were seeking to dissolve the slave pattern of Texas, with Mexicans who were attempting to cause disorder within the state after it received its Independence, and with indians who were not in favor of the whiteman's encroaching upon his hunting grounds. In order for the free Negro to maintain his status as being free and permitted to remain a residence of Anglo-white community, he had to show with no shadow of a doubt his non-alignment to any person or persons who were involved in any type of subversiveness to the Anglo-white pattern of culture.²¹

In the Mexican pattern of culture, it is found that the Negro was treated on a equal footing with anyone else. There was no restriction on his person in regard to his

²¹Petition; Henry Tucker. Henry Tucker of Houston received the signatures of thirty-eight prominent citizens to the proof of his non-subversiveness in his petition to the Texas government, for permission to remain in the state. Those who did not conform to the rule that the anglo-white community had set up were forced to leave. Frederick Law Olmsted, A Journey Through Texas, p. 386, mention that he was told that were a group of "mulattoes from Louisiana that had married some good-for-nothing white people, but could not live in Texas after it." White-Negro mixed marriage was supposed to have been unlawful. The Austin Papers, p. 190, Volume III, states in a letter to Stephen F. Austin "the Negroes on the Brazos made an attempt to rise . . . near 100 had been taken up many whipped nearly to death, some hung. . . . This would give an idea as to the possible effects of the abolitionist among the Negroes. The case of a combination of Mexican-

color. His advancement in the predominantly Mexican community is geared to his own initiative.

When the Negro found himself in the Indian pattern of culture he would be treated according to the circumstances which brought the two together. If he was captured he would be treated as any other captive would have been treated. In total his treatment among the Indians was not as such that would be dictated because of his color.

Social--Humble. One of the most noted characteristics that a free Negro must have in order that he may be able to remain a resident in the Anglo-white community is humbleness. The question may arise as to what is being humble? The research material has revealed that usually the term humble is related to the free Negro maintaining an allegiance to the slave regime, no alliance in terror or insurrection with Indians and Mexicans, and of all in no form or fashion should the Free Negro find himself associated casually or intimately with white woman.²²

The term of the Negro being "faithful" is one that is synonymous to Anglo-white community loyalty. To the Anglo-whites, if a free Negro did not associate with abolitionist

Negro subversiveness was deep rooted in Anglo-white fear. A letter from Thomas J. Pilgrim to S. F. Austin, Ibid., p. 162, states that there would be great danger from the Negroes if the Mexican forces were to come up the Brazos.

²²Noah Smithwick, The Evolution of a State, p. 226, gives a prime example of humbleness. The case involves white ladies who visited Dr. J. F. Webber and his Negro

or abolitionist movements, and in no way degrade the white women, and did as he was told as prescribed by white community, he was considered a faithful Negro. To the Mexican the main contention was that he was to remain in the thinking of the Mexican cause. The Indians' criteria of faithfulness is centered around the contention of the Negro being a brave warrior, and fighting for their cause, be it to annihilate Anglo-whites or Mexicans who were infringing on the redman's hunting grounds.²³

Being that Texas was too considered a frontier area at this time, the feat of heroism becomes a factor that is placed in high honor in Anglo-white, Spanish and Indian cultures. Undermost circumstances, be it against the Texas law, in the Anglo-white community, whenever the feat of heroism is done in the safeguarding a white person's life, the Negro be he a slave would in some instances would be granted his freedom by his master. Be he a free man of

wife, Puss. "At such times she flew around and set out the best meal which her larder afforded; but, neither herself nor her children offered to sit down and eat with her guests." Petition of Zylpha Husk, December 16, 1841, states that she had always been obedient and respectful of the laws, therefore should be granted relief.

²³ It is stated in Yoakum's History of Texas, Volume I (New York: Gedfield, 1856), p. 378, "that William Goyens at all occasions proved himself . . . faithful to the Texans." In the petition of Joseph Tate, he is cited as being faithful in the fight for Texas Independence. Evidence of his tour of duty in the Republic's Army is found on Muster Roll of Captain Cheshier.

color, the deed of bravery may win him the privilege to remain in the community regardless of the law.²⁴

Since the Negro in the Spanish community was given the same rights as other citizens governed by Mexican law, his recognition of bravery had to derive from mainly fighting the Indians or the Anglo-white. The Spanish forces readily received Negroes within fold, especially if it was thought they could be used against the encroaching whites.²⁵

Negroes among the Indians were often sighted accompanying Indians' war parties on their rampage to alleviate the "paleface". Time and time again evidence has displayed the bravery of the Negro in his effort to obtain a position of a brave warrior.²⁶

²⁴A case in which a slave named Tom was given his freedom for being faithful to his master when they were on a hunting trip and finding themselves pursued by Indians. Tom was given his freedom and never again wanted for anything that was in the power of Synder to furnish. A. J. Soell, "The Herorism of a Faithful Negro Slave," (February 24, 1937), pp. 4-9.

²⁵In the work of J. W. Wilbarger's Indian Depredations in Texas (Austin: The Steck Company, 1935), p. 156. It was cited that a Free Negro named Tom was captured while fighting with the Mexicans and Indians against the Anglo-whites stated that "he would not acknowledge any allegiance to the Texas Government, on the contrary maintained a hostile allegiance towards the Texans." He was later shot to death by the Texans.

²⁶Ibid., p. 217. Among the Indians there was a Negro man who had run away from his master and joined them. Wishing to perform some feat that would give him new friends an exalted opinion of his prowess, he advanced to the house and began to climb up the wall, in order that he might fire upon the inmates through an open window, unfortunately he was discovered.

Honesty in relationship to the Free Negro in Texas is a term often used in cases determining the acceptability of the Free Negro in the Anglo-white region and culture. His dealings with the Anglo-white Mexicans, and Indians in every day situations was usually rewarded by the community acceptance of said Negro.²⁷

An industrious Free Negro was an acceptable Negro under most circumstances in the Tri-cultures of Texas. It was felt that if the Negro was an industrious one, he would not become a burden or a loafer in the community which he earned a living. His ability to seek out an existence, and maintain it to the degree that he was able to support himself and family gave him recognition and acceptability which provided for social acceptance in the various cultures of Texas.²⁸

²⁷It is noticed that in a number of the petitions of the free Negroes for relief to remain in the state the word honesty is used time and time again in pointing out the character of the Free Negro. Such evidence in such sample petition as the one of William Goyens where his honesty played a vital part in keeping the Indians and the Anglo-white at peaceable terms in sections of East Texas. Other such evidence seem prominent when anglo-whites sought to describe some particular Free Negro in his community. In a letter to a Mr. Washington, who was in the lawmaking body of Texas, a Mr. Lewis states that a Free Negro by the name of Mericer "is perfectly honest".

²⁸In the Petition of Edward Webster (no date) signed by a number of the citizens of Brownsville, stated that Edward "is an useful and industrious man." Other evidence may be found in the Petition of Henry Lynch, December 18, 1840. Also in the Petition of William Ashworth, Abner Ashworth, Aaron Ashworth, Elisha, Eliga Thomas, Heirs of Moses Ashworth, Henry Bird, John Bird, and Aaron Nelson

The Free Negro secured in both person and property was apt to find himself inbedded firmly in community acceptance. This economic situation in a society which was economic minded did not hold this characteristic true only to the Free Negro, but to anyone, be he Anglo-white, who sought to establish himself in the community. These factors are seen over and over in the evidence as to the reason why the free Negro should be granted permission to remain in Texas.²⁹

Economic--Occupation needed in community. The Free Negro, if he is able to prove himself useful in the community that he resides, irregardless will find that the Anglo-white citizens of the community will not make an attempt to enforce the state law which demands his removal from within the boundry of said state. In so much as his

"discharged the duties of good and patriotic citizen (as the record of the War Office will show) and since that time is an industrious and orderly citizen." This petition was signed by three commissioners, persons of the county board of Jefferson County and twenty-six citizens of the community.

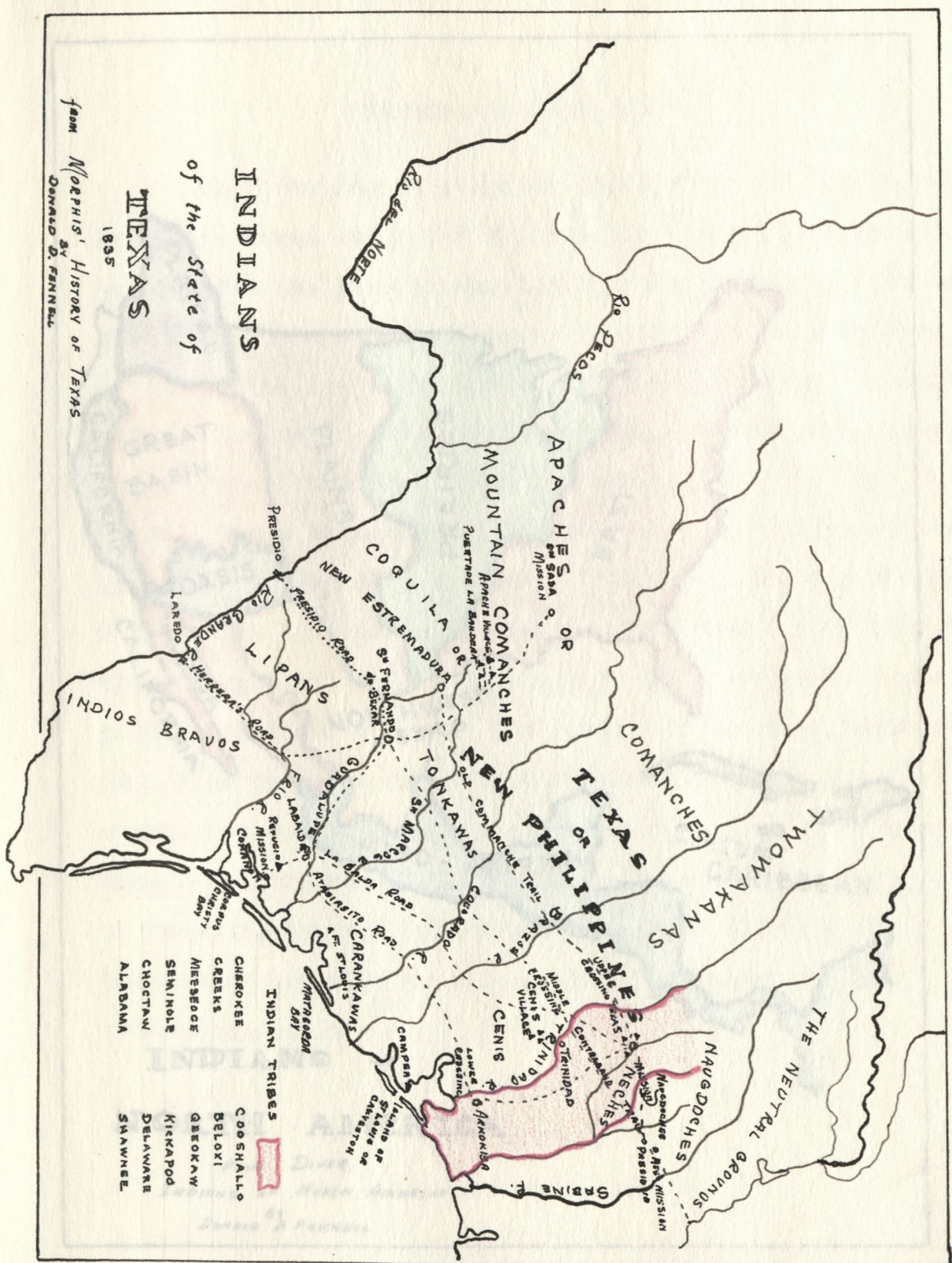
²⁹The Petition of Louisa states she was "secure in person and property . . . and should be granted relief to remain in Texas." Often the Free Negro was asked to give security for his good behavior as found in the Petition of Moses Bryant Olmsted, Frederick Law, A Journey Through Texas (New York: Dix, Edwards and Company, 1857), p. 386 stated that there are many mulattoes who own many Negroes and large stocks.

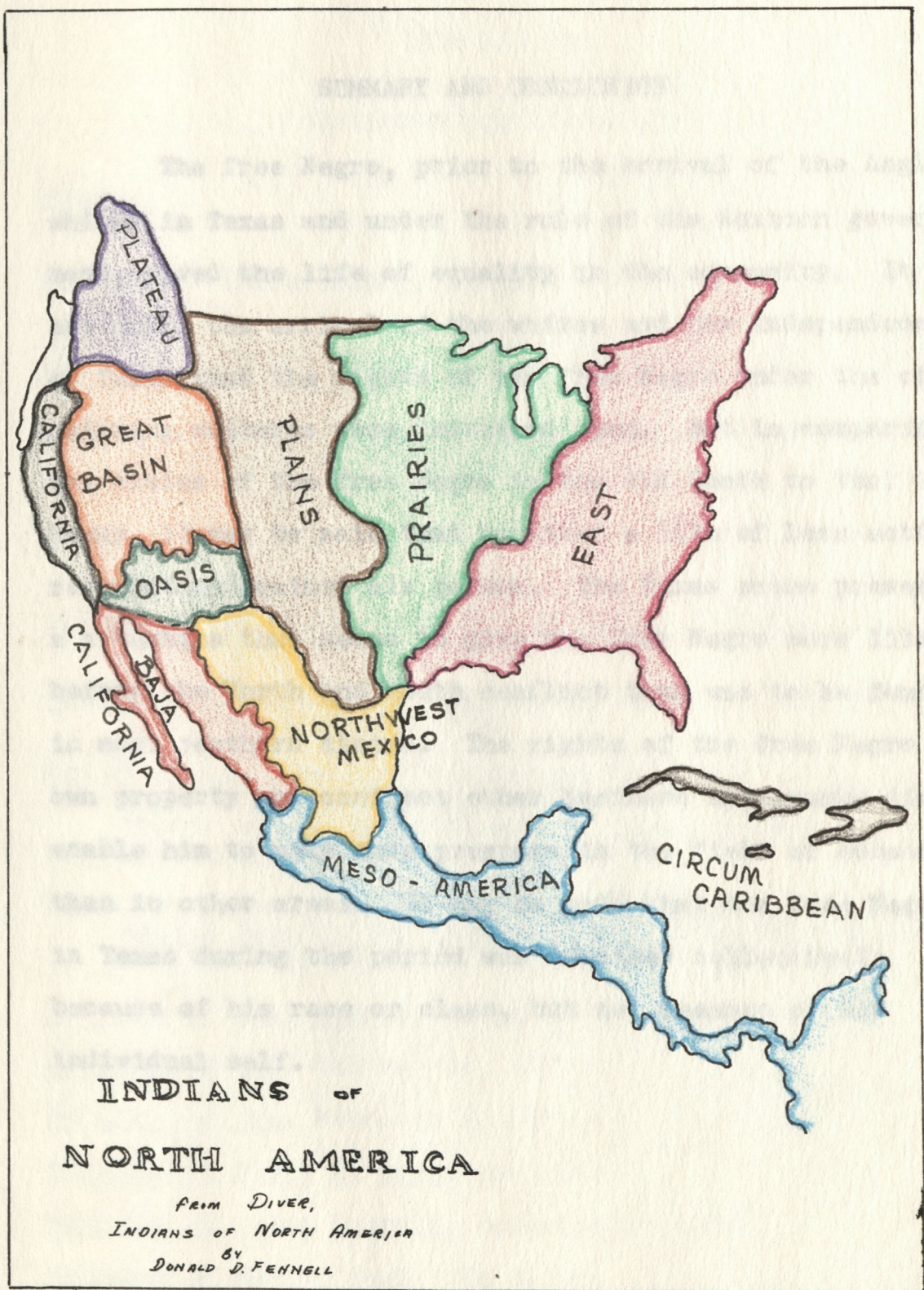
occupation remains a definite value, the Anglo-whites will seek means to protect the Free Negro by petitioning the government to make a special law regarding permission for the Free Negro to maintain his residence in the State unhampered by laws seeking his removal.³⁰

³⁰In the petition of Henry Tucker, who is a barber, to the Government of Texas, the citizens of Houston stated that "this community is really benefited by his labour. They therefore most cheerfully recommend by the Honorable Congress the passage of a law for the special benefit of the said Henry Tucker permitting him to remain and continue within the limits of the Republic of Texas." Other evidence that cited the usefulness of the free Negro may be found in Charles Hooton's St. Louis Isle or Texians (London: Published by Semmonds and Ward, 1949), p. 57. Also in the Petition of Mary Madison.

from *Norris' History of Texas*
1835
DONALD D. FANNELL

INDIANS of the State of TEXAS





INDIANS of
NORTH AMERICA

from DIVER,
 INDIANS OF NORTH AMERICA
 by
 DONALD D. FENNEL

SUMMARY AND CONCLUSION

The free Negro, prior to the arrival of the Anglo-whites in Texas and under the rule of the Mexican government, lived the life of equality in the community. It is not until the arrival of the whites and the Independence of Texas that the rights of the free Negro under the other existing cultures were infringed upon. But in comparing the status of the free Negro in the old South to that in Texas, it may be said that he lived a life of less active restriction against his person. The Texas scene presents a situation that seems to give the free Negro more liberty before the North and South conflict than was to be found in most southern states. The rights of the free Negro to own property and contract other business agreements did enable him to make more progress in the field of economics than in other areas. It may be said that the free Negro in Texas during the period was despised collectively because of his race or class, but not because of his individual self.

Petition of 1837.

Petition of 1838.

Petition of 1839.

Petition of 1840.

Petition of 1841.

60

Petition of Edward Melcher, (No date).
Petition of Henry Melcher, October 30, 1840.
Petition of George Archer, August 11, 1852.
Petition of Henry Melcher, December 5, 1853.
Petition of Henry Melcher, December 15, 1840.
Petition of Henry Melcher, December 5, 1842.

BIBLIOGRAPHY

Government Publications

Federal

The United States Census of 1850 (7th Census of the United States.)

The United States Census of 1860 (8th Census of the United States.)

The United States Census of 1850, Schedules 4; Production of Agriculture in Jefferson County.

State

Journal of The Sixth Congress, Republic of Texas 1841-1842, Volume I, Senate Journal, 1940.

Journal Sixth Congress, Republic of Texas 1841-1848, Volume II, House Journal, 1940.

Map of Texas, Compiled from Surveys recorded in the General Land Office by J. Eppinger and F. C. Baker, 1852.
(Found in the Texas Historical Room, Houston Public Library).

Oldum, Williamson and White, George. Digest of the General Status Laws of the State of Texas. Austin: Marshall and Company, 1859.

Petition of Bill Andrew, December 4, 1840.

Petition of Bob, October 22, 1857.

Petition of Cox, February 5, 1850.

Petition of Davis S. Wood, (No date).

Petition of Diana Leonard, December 14, 1840.

Petition of Edward Teal, (No date).

- Petition of Edward Webster, (No date).
- Petition of Fanny McFarland, October 30, 1840.
- Petition of George Tucker, August 31, 1852.
- Petition of Harriet Newell Sands, January 5, 1853.
- Petition of Henry Lynch, December 15, 1840.
- Petition of Henry Tucker, December 3, 1842.
- Petition of James Richardson, October 10, 1840.
- Petition of John Biro and Henry Biro, September 20, 1846.
- Petition of Joseph Tate, November 13, 1839.
- Petition of Lewis Jones, October 8, 1837.
- Petition of Louis Edmundson, November 30, 1853.
- Petition of Madison (free woman of color), (No date).
- Petition of Moses Bryant, December 30, 1852.
- Petition of Nelson Kavanaugh, (No date).
- Petition of Pleasant Bious, November 5, 1841.
- Petition of Robert Thompson, (No date).
- Petition of Samuel McCullough, (No date).
- Petition of William Primm, (No date).
- Petition of Wyly (Peter), November 5, 1839.
- Senate Journal, Republic of Texas 4th Congress 1839-1840,
Volume I.
- Petition of Zelia Husk and Daughter Emily, December 14, 1841.
- Texas Indian Papers, 1844-1845, Edited from the Original
Manuscript copies in the Texas Archives by Dorman H.
Winfes (Austin, Texas: State Library, 1960).
- Local
- Deeds and Records of Harris County, Volumes A, C, E, F, H,
I, L, M, O, P, R, T, X; Material found in the Harris

County Court House, Houston, Texas.

Galveston City Sexton Records.

Charter and Digest of Ordinances of the City of San Antonio
Approved July 18, 1857, San Antonio: Printed at the
Ledger Office, 1857.

Charter and Revise Code of Ordinances of the City of Gal-
veston, Passed in the Year of 1856-57. (Galveston:
The Civilian Book and Job Office, 1857.

Newspapers

The Civilian and Galveston Gazette, Galveston, Texas.

The Morning Star, Houston, Texas.

Telegraph and Texas Register, Columbia, Texas.

Biographies, Memoirs, and Writings of Public Men

Braman, D. E. E. Braman's Information About Texas, Carefully
prepared by D. E. E. Braman of Matagora, Texas.
(Philadelphia: J. B. Lippincott and Company, 1858).

Brown, Frank. Annals of Travis County, Chapter 7, p. 53.

Diary of William Pitt Ballinger, Galveston.

Edwards, David B. History of Texas or, The Emigrant's
Farmer's Politicians Guide to the Charter, Climate,
Soil, and Production of that Country from Personal
Observation and Experiences. (Cincinnati: Published
by J. A. James and Company, 1836).

Lundy, Benjamin. Life, Travels and Opinions of Benjamin
Lundy (Philadelphia: Published by William D. Parish,
1847.

Manuscript loose leaf book containing historic notes of
Galveston from its beginning, kept by J. O. Dyer, a
nephew of Isadore Dyer, giving selections of various
institutions and happenings of the city. Index at
the end. First date: 1815, last date, 1915.

Olmsted, Frederick Law Olmsted. A Journey Through Texas:
Saddle Trip on the Southwestern Frontier (New York:
Dix Edwards and Company, 1857).

The Papers of Merabeau Buonarte Lamar, Edited by Charles A. Gulick Jr., Volume II, Austin: Baldwin and Sons Printers, 1921.

Reid, John C. Reid's Tramp of a Journal of the Incident of Ten Months Travel Through Texas, New Mexico, Arizona, Sonora and California. Selmi, Alabama: John Hardy and Company, 1858.

The Writings of Sam Houston, Volume II, July 1814 to March 1842. Edited by Amelia W. Williams and Eugene C. Barker, Austin, Texas: The University of Texas Press, 1939.

William Johnson Natchez: The Ante-Bellum Diary of a Free Negro, Edited by W. R. Hogan and E. Davis--Louisiana State University Press, Baton Rouge, 1951.

General Histories

Cabeza de Vaca's Adventures in the Unknown Interior of America, Edited by Cyclone Covey, New York: Crowell Collier Publishing Company, 1961.

Hesseltine, William B. The South in American History, New York: Prentice Hall, Inc., 1943.

A History of Mexico (Third Edition Revised and Enlarged), Henry Bamford Parkers, Boston: Houghton Mifflin Company, 1960.

Simkins, William B. The South Old and New: A History 1820-1947, New York: Alfred A. Knopf, 1949.

Special Histories

Aptheker, Herbert, American Negro Slave Revolts. New York: Columbia Press, 1943.

Bancroft, Fredric, Slave Trading in the Old South. Baltimore: J. H. Frust and Company, 1931.

Coleman, J. L. Slavery Times in Kentucky. Chaple Hill: The University of North Carolina Press, 1940.

Croven, Avery O. The Growth of Southern Nationalism, 1845-1861. A History of the South, Volume VI, Baton Rouge:

Louisiana State University Press, 1953.

Dabbs, James McBride. The Southern Heritage. New York: Alfred A. Knopf, 1958.

Flanders, Ralph Betts. Plantation Slavery in Georgia. Chaple Hill: University of North Carolina Press, 1933.

Franklin, John Hope. The Free Negro in North Carolina 1790-1890. Chaple Hill: The University of North Carolina Press, 1943.

Frazier, E. Franklin. The Negro in the United States. New York: The Macmillan Company, 1951.

Greene, Lorenzo J. The Negro in Colonial New England, 1625-1876. New York: Columbia University Press, 1942.

Harris, N. Dwight. The History of Negro Servitude in Illinois and of the Slavery Agitation in that State, 1719-1864. Chicago: A. C. McClurg and Company, 1904.

Hooton, Charles. St. Louis Isle or Texians. London: Published by Semmonds and Ward, 1849.

Driver, Harold E. Indians of North America. Chicago: The University of Chicago Press, 1961.

Jackson, Luther Perter. Free Negro Labor and Property in Virginia 1830-1860. New York: D. Appleton Company, 1942.

Foreman, Grant. The Last Treke of the Indians. Chicago: The University of Chicago Press, 1946.

Newcomb, W. W. Jr. The Indians of Texas from Prehistoric to Modern Times. Austin: University of Texas Press, 1961.

Phelon, Mason. History of Methodism in Texas 1817-1866. Cokesbury Press, Importers Publishers, 1924.

Phillips, Ulrich Bonnel. American Negro Slavery. New York: Peter Smith, 1952.

Redding, Saunders. The Lonesome Road: The Story of the Negro's Part in America. New York: Doubleday and Company, 1958.

Relations Between Negroes and Indians within the present Limits of the United States. Washington, D. C.: The

Association for the Study of Negro Life and History, Inc.

Richardson, Rupert Norval. Texas: The Lone Star State. New York: Prentice-Hall, Inc., 1943.

Roemer, Ferdinand. Texas. San Antonio: Standard Printing Company, 1935.

Rousseve, Charles. The Negro in Louisiana. New Orleans: The Xavier University Press, 1937.

Sydnor, Charles. Slavery in Mississippi. New York: D. Appleton and Century Company, 1933.

Taylor, Orville. Negro Slavery in Arkansas. Durham, North Carolina: Duke University Press, 1958.

Tilling, Moritz. German Element in Texas. Houston: Published by Mortiz Tilling, 1913.

Thorpe, Earl E. The Mind of the Negro: An Intellectual History of Afro-Americans. Baton Rouge: 1961.

Webb, Walter Prescott. The Great Plains. Boston: Ginn and Company, 1931.

Weatherford, W. D. Negro Life in the South. New York: Association Press, 1915.

Wilbarger, J. W. Indian Depredations in Texas. Austin: The Steck Company, 1935.

Woodson, Carter. The Negro in Our History. Washington, D. C.: The Associate Publisher, 1925.

Yoakum, H. History of Texas, Volume I. New York: Redfield, 1856.

Yoakum, H. History of Texas, Volume II. New York: Redfield, 1856.

Articles and Essays in Periodicals, Annuals
and Publications of Learned Societies

Adams, James Truslow, "Disfranchisement of Negroes in New England," The American Historical Review, XXX:3 (April, 1952).

- Addington, Wendell G. "Slave Insurrections in Texas," Journal of Negro History, XXXV:4 (October, 1950).
- Barker, Eugene C. "The Influence of Slavery in the Colonization of Texas," Mississippi Valley Historical Review, XI:1 (June, 1924), 3-36.
- Barker, Eugene C. "Notes on the Colonization of Texas," The Mississippi Valley History Review, XI:2 (September, 1923).
- Biesele, R. L. "The German Settlers and the Indians in Texas, 1844-1860," Southwestern Historical Quarterly, XXXI:2 (October, 1927).
- Buck, Paul H. "The Poor Whites of the Ante-Bellum South," The American Historical Review, XXXII:1 (October, 1925).
- Craven, Avery O. "Poor Whites and Negroes in the Ante-Bellum South," Journal of Negro History, XV:1 (January, 1930).
- Dillon, Merton L. "Benjamin Lundy in Texas," Southwestern Historical Quarterly, LXIII:1 (July, 1959).
- Farnell, Earl W. "The Abduction of Free Negroes and Slaves in Texas," South Historical Quarterly, LX:3 (January, 1957).
- Fitchett, Horace E. "Origin and Growth of the Free Negro Population of Charleston, South Carolina," Journal of Negro History, XXVI:4 (October, 1941).
- Frontier Times, "The Heroism of a Faithful Negro Slave," February, 1937: By A. J. Sowell in El Paso Times.
- Hill, D. G. "The Negro as a Political and Social Issue in the Oregon Country," Journal of Negro History, XXXIII:2 (April, 1948).
- Hirsh, Leo H. Jr. "New York and the Negro, 1783-1865," Journal of Negro History, VII:4 (October, 1931).
- Hunter, Marvin. "A Texas Patriot," Frontier Times, Volume XV, Dondera: Published by J. Marvin Hunter, October, 1937.
- Brewer, Mason. "The Negro in Texas History 1846-1936," Centennial, Dallas, 1936.

- Litwock, Leon F. "The Federal Government and the Free Negro, 1790-1860," Journal of Negro History, XLIII:4, October, 1858.
- Mehlinger, Louis R. "The Attitude of the Free Negro Toward African Colonization," Journal of Negro History, Volume I, January, 1961.
- Morris, Richard B. "The Measure of Bondage in the Slave States," The Mississippi Valley Historical Review, XLI:2.
- Muir, A. F. "The Free Negro in Fort Bend County Texas," Journal of Negro History, XXXIII:1, January, 1948.
- Muir, A. F. "The Free Negro in Jefferson and Orange Counties, Texas," Journal of Negro History, XXXV:2 April, 1950.
- Muir, Andrew Forest. "The Free Negro in Harris County," XLVI, The Southwestern Historical Quarterly, Austin: The Southwestern Association, 1943.
- Nelson, M. A. D. "People of Color in Louisiana," Journal Negro History, 1:361-76; 2:51-87, October, 1961; January, 1917.
- Nelson, M. A. D. "Transplanting the Free Negroes to Ohio," Journal of Negro History, Volume I:302-17, July, 1916.
- Porter, Kenneth W. "Negroes and Indians on the Texas Frontier, 1831-1876," Journal of Negro History, XLI:4 July, 1956, 185-214 and XLI:4, October, 1956, 285-310.
- Porter, Kenneth W. "Relations Between Negroes and Indians within the Present Limits of the United States," Journal of Negro History, XXII:3, July, 1902.
- Ramsdell, Charles W. "The Natural Limits of a Slavery Expansion," Mississippi Valley Historical Review, XVI:2, September, 1929.
- Savage, Sherman W. "The Negro in the Westward Movement," Journal of Negro History, XXV:4, October, 1956.
- Shugg, Roger Wallace. "Negro Voting in the Ante-Bellum South," Journal of Negro History, XXI:4, October, 1936.
- Smith, Harriet. "English Abolition and the Annexation of Texas," Southwestern Historical Quarterly, XXXII:1 January, 1929.

Sydnor, Charles S. "The Free Negro in Mississippi before the Civil War," The American Historical Review, XXXII:4, July 1927.

Taylor, Alrutheus A. "The Movement of the Negroes from the East to the Gulf States from 1830 to 1850," Journal of Negro History, VII:4, October, 1923.

Texas Historical Quarterly, Volume XV, July, 1911 to April, 1912. Hook to Palmerston, April 30, 1841.

Texas Historical Association Quarterly, July, 1912 to 1913. Elliot to Addington, Galveston, November 15, 1942.

Wesley, Charles J. "The Negroes Struggle for Freedom in its Birthplace," Journal of Negro History, XXX:1, January, 1945.

White, William W. "The Texas Slave Issurrection in 1860," Southwestern Historical Quarterly, No. 3, January, 1949.

Miscellaneous

Gammel, H. P. N. The Laws of Texas, 1822-1897, Volumes I, II, III, IV, V, VI, VII, VIII, Austin: The Gammel Book Company, 1898.

The Dimensions of Liberty, Oscar and Mary Handlin Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1961.

Hartley, Oliver. A Digest of the Laws of Texas, Philadelphia, 1850.

Miller, Kelly. Race Adjustment, New York: The Neal Publishing Company, 1909.

Murray, Pauli. State Law on Race and Color. Compiled and Edited by Pauli Murray; Cincinnati: Woman's Division of Christian Service, 1950.

The Structure of Freedom Christian Bay, Stanford, California: Stanford University Press, 1958.

Texas Almanac for 1857 with Statistics, Galveston: Printed and Published by Richard and Company, 1856.

Texas Almanac for 1857 with Statistics, Galveston Printed and Published by Richard and Company at the News Office, 1856.

Texas Almanac for 1859 with Statistics, Galveston: Printed and Published by Richardson and Company at the News Office, 1858.

Woodson, Carter G. Free Negroes Heads of Families in the United States, 1830. Washington D. C.: The Association for the Study of Negro Life and History, Inc., 1925.