

jim crow's emergence in texas

bruce a. glasrud

When C. Vann Woodward published his classic study of segregation, *The Strange Career of Jim Crow*, in 1955, he touched off renewed scholarly investigation of Jim Crow's origin and development in the South. Woodward argued that segregation was a modern phenomenon, a system that grew in importance after the Reconstruction era and culminated in extensive legislation around the turn of the twentieth century. Faced with the presence of freed blacks after the Civil War, white southerners, according to Woodward, borrowed the segregation tactic previously used in some northern cities.¹ Later, Richard C. Wade, in *Slavery in the Cities: The South, 1820-1860*, asserted that separation of the races in the South began much earlier; he traced the roots of Jim Crow to the ante bellum cities of the South.² Recently, August Meier and Elliott Rudwick, in "A Strange Chapter in the Career of 'Jim Crow,'" found that in at least one southern city both Woodward and Wade were accurate. Segregation was introduced before the Civil War in Savannah, Georgia, but due to black opposition, declined in the years after the War until renewed hostility on the part of whites early in the twentieth century overrode black opposition and reestablished the pre-war situation. Meier and Rudwick concluded "that perhaps Jim Crow, instead of having had a unilinear pattern of growth, may more appropriately be described as having had a cyclical development."³

In Texas, segregation began early in the Republic's history and emerged over the ensuing years into a mature institution of the State. Separation was maintained by a combination of social, economic and extra-legal sanctions, buttressed by an ever-evolving pattern of legislative and constitutional provisions. Jim Crow's growth in Texas appears to be more unilinear than cyclical. Generally, continued white pressure fashioned an increasingly segregated society, although for twenty or

twenty-five years during and after Reconstruction legislation did not require separating the races. However, *de facto* segregation existed even then. With the last decade of the nineteenth and the first decade of the twentieth century came the greatest expansion of Jim Crow legislation. What seems apparent from the Texas experience in Jim Crow as compared to that of other areas of the nation is that quite likely no one mold or pattern explains the entire nationwide use of segregation. It does seem apparent, though, that both *de jure* and *de facto* segregation have had a long and varied experience.⁴

Throughout Texas history, Jim Crow signified the way of life for white and black Texans socially, economically, politically and culturally, and white and black viewed the institution from widely differing perspectives. To William Pickens, a black writer of the 1920's, Jim Crow in Texas was "a contrivance to humiliate and harass the colored people and to torture them with a finesse unequaled by the cruelest genius of the heathen world."⁵ On the other hand, the white-operated *San Antonio Express* asserted that "certain rules and regulations with respect to segregation of the races . . . are essential to peace and good order, and are enforced under statutory laws."⁶ Segregation in Texas started before the Civil War, as evidenced by the black codes which restricted free blacks, the regulations governing behavior of slaves, and the human relationships which grew out of the slavery system.

Legal segregation began immediately after the successful Texas Revolution of 1835-1836. Earlier in Texas history, the primary racial question centered on whether or not slavery would be tolerated. When Anglos first entered Texas in the 1820's Spain recognized slavery but in fact no slaves lived in the area which would become Texas. After Mexico secured its independence from Spain, white Texans and the government at Mexico City debated whether to permit slavery in Texas; this issue became an important cause of the Texas Revolution. After the Revolution Texans set slavery firmly in their new Constitution and attempted to place the institution beyond the whim of future legislatures. The Constitution of 1836 prohibited manumission of slaves without legislative approval, provided that Congress could not emancipate slaves without compensating the owner, and forbade laws restricting the right of white immigrants to bring slaves into the State. The State Constitution of 1845 contained these same provisions in its slave code.⁷

Texans also regulated the existence of the free blacks⁸ in their midst by constitutional and legislative provision. The Republic's Constitution stipulated that free blacks could remain in the state only by grant of the legislature. In 1840 the legislature forbade the immigration of free blacks into the Republic upon penalty of enslavement. (These provisions generally remained in force until 1865 even though they were occasionally ignored by both white and black Texans.) Separation was

evident; if free blacks could not enter or remain in the state, whites would not come in contact with them.⁹

Other statutes further curtailed the movement and conduct of black Texans. In 1837 the legislature separated the races by enacting a miscegenation statute which stipulated "that it shall not be lawful for any person of European blood . . . to intermarry with Africans."¹⁰ Later legislatures sanctioned Jim Crow by forbidding adultery or fornication between the races and by outlawing card playing and similar games between white and black. Local ordinances also restricted intermingling of the races. The city of Galveston in 1839 attempted to regulate the behavior of free blacks by setting a curfew for ten p.m. and requiring them to register with the mayor. In Fort Bend County free blacks "were unable to associate either with whites or slaves."¹¹

The activities of free blacks were circumscribed in other ways even though their numbers were small—probably no more than 400 at any time before 1860. They could not vote, hold office, serve on juries, or testify against whites. Educational opportunities were virtually nonexistent. Black residents of the cities often lived in special sections, although residential segregation was not required by law. But some towns went even further and excluded free blacks from their limits.¹² Although the restrictions on free blacks were not always enforced, the effectiveness of the legal restraints probably contributed to the small number of free blacks in the state.¹³ The state and local ordinances which prior to the Civil War separated them from the rest of society were extended to include all blacks after the War, and new pieces of legislation expanded the legal separation of the races.

White attention in ante bellum Texas, however, was directed toward slaves since the vast majority of black Texans were slaves;¹⁴ by 1860 the Census reported 182,566 slaves in the Lone Star state.¹⁵ Most lived and worked in the rural districts of southeast Texas where their position was tightly restricted by codes governing behavior toward white masters, other whites and free blacks, even though the code in Texas was less stringent than in other southern states. Slave regulations generally restricted the right of slaves to sell goods, to purchase liquor, to move around freely, to carry weapons, to insult or injure whites in any manner or to hire out their own labor.¹⁶ The increasing number of slaves in the state seemed to lead to harsher laws, since later additions to the code were far more restrictive. By 1858 the legislature could conclude that "the right of the master to the obedience and submission of his slave, in all lawful things, is perfect."¹⁷ The slaves who lived on plantations near the Mexican border may have faced even sterner white disciplinary measures than slaves farther inland because the owners feared the possibility of their escape to Mexico.¹⁸

Urban slaves provided a different challenge to whites since they were often hired out and consequently somewhat freer from direct and con-

stant supervision of masters or overseers than rural slaves. Moreover, the relaxed and open nature of cities contributed to more favorable treatment and somewhat greater freedom of movement for the slaves. Some slaves in Galveston reportedly wore comfortable clothes, received time off for holidays and gained such special considerations as use of the master's horse and carriage. If a sale was unavoidable, favored slaves were even able to select their new masters.¹⁹

The increasing independence of the slaves worried many whites. The result, as Richard C. Wade remarked, was that whites "provided public control to replace dwindling private supervision of the master over his slave." The Texas slave code of 1858 indicated this major revision in public sentiment. The statute provided, for example, that "the insolence of a slave will justify a white man in inflicting moderate chastisement, with an ordinary instrument of correction, if done at the time when the insolent language is used."²⁰ The localities, too, resorted to public restraints on the slaves comparable to those on free blacks; a Houston ordinance in 1839 established an eight p.m. curfew for slaves.²¹ The slave codes, as well as the free black codes, provided a model for the Texas statutes regulating race relations from Reconstruction well into the twentieth century.

Despite the existence of legal codes which governed contacts between the races, racial patterns in Texas prior to 1865 derived primarily from a web of relationships among masters, slaves and nonslaveowners which dictated intricate and subtle forms of racial separation. These relationships established during slavery played a critical role in the later, more extensive, legalization of Jim Crow in the state.

Associations between master and slave were maintained on a quasi-personal basis. Few barriers stood in the path of physical contact since the master naturally concerned himself with the lives and labors of his slaves. Yet even on the self-contained plantation with its physical closeness black slaves were separate from the social and cultural world of the white planter.²² After the Civil War, the paternalistic former masters who previously accepted physical proximity with blacks as a daily occurrence found little reason to support extensive legal separation of the races. Then, when their hegemony was threatened by the Republicans, they used the general white clamor for segregation as a useful tool to reassert their dominance and drive a wedge between black and white political allies.

Although personal contact between master and slave was implicit in the institution of slavery, associations between slaves and nonslaveowners, a majority of the Texas population, were often limited. Such separation was not due to rigid application of segregation codes. Rather, the agricultural caste system retained blacks in isolated plantations, away from day-to-day contact with white society.²³ During slavery the white majority saw little necessity for numerous segregation statutes which

would separate and subordinate black slaves since the slaves already constituted an inferior and separate caste. But the ensuing gulf between white and black spawned by the rural nature of the slave institution and the psychologically inferior position of black slaves made the yeoman farmer, the poor white and many urbanites receptive to the perpetuation of white supremacy through segregation laws when the slave system was abolished. Ardent support for maintaining legal segregation after emancipation came from nonslaveowning whites who believed in white superiority and demanded separation of the races.

After emancipation and the breakdown of the patterns of behavior which had prevailed during slavery, an even more stringent form of segregation, enforced both legally and extra-legally, replaced slavery as the means of implementing white supremacy. Although Republican reconstruction²⁴ slowed the advance of segregation for a few years, the overthrow of reconstruction in 1874 brought new pressure to re-establish traditional hierarchies by separating white and black races. This was no sudden "capitulation to racism,"²⁵ but rather a continuation of legislation and practices already a part of the Texas interracial society. Jim Crow was the product of years of white support for the institution of slavery and allied segregation codes. White belief in the inferiority and depravity of blacks fostered further separation during the succeeding decades.

In 1866 Texans wrote a new Constitution under instructions from President Andrew Johnson. This new Constitution and legislation enacted the same year indicated the direction white Texas would take in race relations. Blacks could not serve on juries, vote or hold office. Separate public services for blacks and whites were unequally financed or simply no appropriation for black institutions made at all. An elaborate and far-reaching public school system was established for whites; schools for blacks would have to be started from taxes collected in the black community. A "lunatic asylum" for whites was started; the legislation provided one for blacks which could possibly be funded in the future. Marriage between the races was outlawed, and railroads were required to add a separate passenger car for black travelers.²⁶ The Constitution stipulated that "persons of color shall not testify, except where the prosecution is against a person of color; or where the offense is charged to have been committed against the person or property of a person of color."²⁷ Even the northern forces in the state acquiesced in the new order; the army permitted putting unemployed black Texans to work without pay and set a curfew of nine p.m. for those blacks, and the Freedmen's Bureau allowed the use of vagrancy laws for regulating black labor.²⁸

These segregation provisions, embodying the sentiment of white Texans, remained operative until March, 1867, when the northern Con-

gress and local Republicans asserted control in the state. During these years of Reconstruction white Texans chafed under the few limitations on racial separation imposed by Republicans and struggled to replace the Republican government. The *Austin Tri-Weekly State Gazette* urged “uncompromising warfare upon Radicals in every shape and under every disguise, opposing negro suffrage, negro juries, and negro officeholding to the last.”²⁹ By January, 1874, the Redeemers were successful and the Conservative Democrats regained control of the Lone Star state.

Even though the Republican government stymied statewide segregation codes for a time, during the decade after the Civil War segregation reached new heights. Public entertainment and public lodging were off limits for the black populace. In Houston there were separate clubs, bands, and baseball teams. A student of the city’s history, David G. McComb, concluded that “segregation was entrenched in Houston by 1875.”³⁰ “Racial separation in Texas,” two recent writers point out, “was a basic fact of life during the years 1865 to 1877.”³¹

The pressures which led to the overthrow of Republican government in Texas and which were apparent in the many racial restrictions by 1875 and 1877 continued to increase in the following years as white Texans widened the gulf between the races. From the late nineteenth to the middle of the twentieth century³² Jim Crow dictated black-white contacts in the state. When the United States Supreme Court sanctioned “separate but equal” facilities in *Plessy v. Ferguson* (1896) and approved voter restrictions in *Williams v. Mississippi* (1897) even more Jim Crow legislation was precipitated in Texas.³³ Paternalistic whites found face in adhering to the separate-but-equal doctrine; less tolerant Texans emphasized separation to the detriment of equal facilities. Legal separation extended to every possible avenue of social or physical contact between white and black, e.g., marriage, family and sexual relationships, religion, residence, recreation, public institutions, civil rights, education, employment and transportation.

The fears and prejudices which led to segregation in Texas are most apparent in the miscegenation statutes³⁴ which were designed principally to alleviate white male fear of sexual relations between black males and white females. Texans usually had a law outlawing marriage between white and black; such a rule was passed as early as 1837; and others were enacted in 1854 and 1858. The legislature in 1858 went beyond forbidding marriage and declared that “every white person who shall live in adultery or fornication with a negro” would be subject to arrest and fine.³⁵ Immediately after the Civil War, Texans restated their devotion to separation of the races sexually by enacting another ban on interracial marriage.³⁶

Republican rule of the state and its subsequent overthrow failed to alter the ban against interracial marriage even though no new statutes

were enacted. Apparently the courts enforced the prohibition by using provisions of either the 1858 or 1866 statutes. Then in 1877 the courts voided the prohibition as a violation of the Fourteenth Amendment and the Civil Rights Act of 1875. Concerned citizens became increasingly alarmed, newspapers reported known instances of intermarriage and in 1881 the legislature responded with a new law which provided that an indictment could be brought against "a white person, and . . . a negro, [who] did knowingly intermarry with each other; or having intermarried did continue to live together as man and wife."³⁷ A later statute stipulated that, "it shall not be lawful for any person of Caucasian blood or their descendents to intermarry with Africans or the descendents of Africans. If any person shall violate any provision of this article, such marriage shall be null and void."³⁸ The defendants were also subject to criminal proceedings. However, to convict a party under the statute, the prosecution was required to furnish proof of marriage. The mere belief in a community that the couple was married was insufficient evidence.³⁹

Texas cities joined the state in passing legislation preventing intimate relations between white and black. Fort Worth enacted a law "making it unlawful for any white person and any Negro to have sexual intercourse with each other within the city limits." Texarkana instituted legislation prohibiting white males from visiting the homes of black females, with the exception of doctors, bill collectors, and deliverymen. The city of Houston in 1922 inaugurated an ordinance forbidding persons of Afro-American and Caucasian races to live together.⁴⁰

The concern with regulating family life went beyond miscegenation laws. In 1907 the state legislature passed a law stating that no white couple could adopt a black child and that no black couple could adopt a white child.⁴¹ Opposition to miscegenation was not confined to the nineteenth and early twentieth centuries. Texas Democrats, asked in a 1956 referendum whether they wished state laws against intermarriage, responded enthusiastically in favor of such a regulation.⁴²

The demand for miscegenation statutes illustrated quite clearly the white phobia about intermingling of the races. However, separation of the races on public transportation was perhaps the most tightly regulated of all areas of black-white contact and depicted Jim Crow evolution in the state after 1865. According to one author, "the separation of the races on streetcars, buses, and trains was a symbol of the whole segregation system."⁴³

Segregated transportation in Texas began immediately after the Civil War. A law enacted in 1866 stipulated that railroads should provide a separate passenger car for blacks, but a Republican legislature repealed this act in 1871. White dissatisfaction, railroad discrimination and *de facto* segregation led to a new Jim Crow law in 1889 which *allowed* railroads to provide separate train accommodations if they de-

sired.⁴⁴ Two years later the legislature required “every railroad company . . . [to] provide separate coaches for the accommodation of white and negro passengers, which separate coaches shall be equal in all points of comfort and convenience.”⁴⁵ Equal facilities were not furnished. But the 1891 law formed the model for subsequent segregation in all areas of transportation and accommodations connected with transportation, such as waiting rooms and eating places.

The first decade of the twentieth century witnessed the culmination of Jim Crow transportation laws. Although agitation for segregated street cars was prevalent in the state legislature in 1903, not until 1907 did statewide legislation emerge.⁴⁶ In the meantime cities of the state took matters into their own hands; the cities of Austin, Dallas, Beaumont, Houston, San Antonio and Waco instituted separate streetcar seating. Of the major cities only Galveston had no Jim Crow law by 1906, although whites in that city were beginning to demand separate transportation.⁴⁷ In 1907 the state legislature declared that all forms of transportation for the public must provide separate coaches, compartments, or seating for white and black. Still more legislation was urged by whites, and in 1909 the railroads were told to maintain separate waiting rooms at depots. Two years later railroads were instructed to keep separate compartments for colored employees; moreover, “Negro porters shall not sleep in sleeping car berths nor use bedding intended for white passengers.”⁴⁸

Supplementary legislation appeared in 1935 and 1943. The legislature in 1935 codified the existing transportation laws so that all commercial vehicles maintained “separate coaches or compartments for the accommodation of white and negro passengers.” When traveling on buses without separate cars or sections, blacks must “take seats in the back or rear end,” according to the law of 1943.⁴⁹ Public transportation became wholly segregated. Although expensive for the railroads and other carriers, the cost was reduced by low-quality services and accommodations for black customers.

The inequities of Jim Crow transportation and the resultant humiliation of black Texans was succinctly described by William Pickens, a black writer who traveled through Texas in 1923. He found that blacks were only allowed to travel on one of the many trains that moved from El Paso to San Antonio and they were forced to endure many other inconveniences on their trip. According to Pickens:

the colored traffic is usually attached to the general service with the least possible expense: a small waiting-room in one corner of the station, generally unswept and otherwise uncared-for; a compartment in one end of the white man's smoker for all the colored people—men, women, and children—to ride in; generally no washbin and only one toilet for both sexes; with no privilege of taking meals in the diner or buying a berth in a sleeper.⁵⁰

Unlike transportation, residential segregation usually was not dependent upon legislation. The *de facto* separation of blacks characteristic of pre-Civil War society continued with little change. During most of the period no state or local statutes required the separation of the races in housing. Yet residential segregation existed in fact; newspapers continually spoke of black quarters, black districts, or black sections in all cities with black inhabitants. Finally, in 1916 the city of Dallas passed a law providing for segregation in residential areas, thereby setting off a chain of events which culminated in a state law giving cities the power to establish residential segregation ordinances.

Petition for the Dallas ordinance was begun by a group of whites known as the Deere Park Improvement League. The petition called for the referral to the citizens of Dallas of an amendment to the city charter. It was approved by the citizens of the city in April, and after numerous readings went into effect in August.⁵¹ The statute, as it eventually became law, provided that: "the City of Dallas shall have power, by ordinance duly passed, to provide for the use of separate blocks for residences, places of abode, places of public amusement, churches, schools and places of public assembly by members of the white and colored races."⁵²

Opposition to the amendment was strong but unavailing. *The Dallas Morning News* editorialized against the ordinance, black leaders fought the bill and in the election over 3,000 whites probably voted against the amendment. But the segregationists were victorious. The Dallas ordinance remained in effect for ten years, until legal proceedings instituted by property-minded whites who were concerned with making profits invalidated it. The Court of Civil Appeals at Dallas in *Liberty Annex Corporation v. City of Dallas* declared the ordinance to be a violation of the Fourteenth Amendment.⁵³

The nullification was followed immediately by pressure on local representatives in the state legislature to introduce a state-wide residential segregation act. Senator Tom B. Love and Representative George Purl acceded to the demands and introduced a segregation plan in the legislature which "would give towns and cities the right to withhold building permits to such firms or individuals as seek to build houses for negro inhabitants in white communities, or vice versa."⁵⁴ The bill became law in March, 1927, although clearly unconstitutional on the basis of previous judicial decisions.⁵⁵ Soon, the same objective was achieved by the use of private agreements known as "restrictive covenants" as well as informal pacts among neighbors or realtors.

The movement toward a more complete Jim Crow society was also glaringly evident in the development of the public and private eleemosynary institutions where patients, prisoners, juveniles and other inmates were either separated on the basis of race, or where blacks re-

ceived no care at all. The first step in the direction of a segregated welfare and penal structure came in 1866 when the state legislature decided to purchase property for a separate insane asylum for blacks. However, the decision was not implemented then and by 1910 the number of known black insane had increased to the point that Governor Thomas M. Campbell asked the legislature for funds to build a state institution for black Texans. The legislature, disregarding the governor, provided instead for additional black compartments and buildings at the insane asylum at Austin.⁵⁶

The segregated pattern spread to other public institutions. In 1887 the Deaf, Dumb and Blind Asylum for Colored Youths was established in Austin.⁵⁷ Later, in 1909 the Texas legislature “provided that the white inmates [of prisons] shall be kept, worked, and educated entirely separate from the inmates of other races, and shall be kept apart in all respects.”⁵⁸

The citizens of Texas did not overlook amusement and recreation houses. Although Texas did not by law *require* segregation in public accommodations of this nature, the state legislature provided in 1907 that an amusement place could either supply separate areas for black patrons or could refuse to admit them.⁵⁹ This law recognized a practice that had been established previously by many business concerns, and the policy rapidly gained adherents.

While state legal provisions appeared to govern racial separation in almost every area of potential contact, there were surprising omissions. These omissions were often rectified by broad interpretations of existing statutes, by social practice or by local ordinance. For example, a Houston city council provided separate water fountains for white and black in front of the city hall.⁶⁰ And a state law prescribing that black and white coal miners must be provided with separate bathing and locker facilities eventually was interpreted to include swimming pools and rest rooms for all the population.⁶¹ The lack of a specific state law separating the races from physical contact in these intimate areas furnished no barrier to white Texans, since they were also able to effect legislation by local action. No black Texan could use a white swimming pool or rest room during the first half of the twentieth century.

No area of potential contact, with the exception of the master-servant relationship, escaped the attention of white segregationists. Jim Crow effectively solidified the position of the black Texan in a lower caste. Legislation was the most important tactic for separation, sometimes setting a precedent, but often placing in the statute books customs that were already established. Legal separation of the races prevailed in public transportation, residences, public institutions, privately-owned establishments, courts—wherever black Texans might go, custom, prejudice, law or violence prevented their movement. The expense on both the state and the individual of maintaining two distinct cultures fre-

quently meant the lack of any, or at best inferior, provisions for blacks.

The pervasive system of Jim Crow that governed black and white Texas society was but a continuation of the racial laws and mores formed during slavery. Using this foundation, white Texans met the challenge of free blacks after the Civil War with a rigidly segregated society which reached fruition in the twentieth century. Even the Reconstruction period produced only a hiatus and not a reversal of the previous pattern of racial segregation. Whether the Texas experience is unique or conforms to a particular model can best be determined by comparing it with other state and local studies investigating the presence of Jim Crow in the ante bellum, or even colonial, South.

Although most states and localities have not been examined in such a manner, a few studies have been completed. The previously mentioned works of August Meier and Elliott Rudwick, "A Strange Chapter in the Career of 'Jim Crow,'" Richard C. Wade, *Slavery in the Cities*, and C. Vann Woodward, "The Strange Career of a Historical Controversy," are key starting points. Roger A. Fischer, in "Racial Segregation in Ante Bellum New Orleans," found evidence of an extensive system of segregation in that city prior to the Civil War. And in "Jim Crow in Georgia," John Hammond Moore traced racial separation from before the Civil War well into the twentieth century.⁶² Perhaps these investigations will encourage a closer look at Jim Crow's emergence in other southern states.

California State University, Hayward

footnotes

1. C. Vann Woodward, *The Strange Career of Jim Crow* (New York, 1955). Woodward has recognized the criticisms of his views, and has discussed the critics and modified his position in C. Vann Woodward, "The Strange Career of a Historical Controversy," *American Counterpoint: Slavery and Racism in the North-South Dialogue* (Boston, 1971), 234-260. See also, C. Vann Woodward, "The Birth of Jim Crow," *American Heritage*, XV (1964), 52-55, 100-103. For an analysis of Jim Crow in the North, see Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago, 1965), 97-112.

2. Richard C. Wade, *Slavery in the Cities: The South, 1820-1860* (New York, 1964), 266-277.

3. August Meier and Elliott Rudwick, "A Strange Chapter in the Career of 'Jim Crow,'" *The Making of Black America* (2 vols., New York, 1971), II:14-19.

4. For an investigation of Jim Crow in Texas see Leonard Brewster Murphy, "A History of Negro Segregation Practices in Texas, 1865-1958" (Unpublished Master's thesis, Southern Methodist University, 1958). In order to determine who should be segregated, Jim Crow statutes defined the composition of the black population. In a 1911 Texas law, for example, "the term 'negro' include[d] . . . a person of mixed blood descended from negro ancestry from the third generation inclusive, though one ancestor of each generation may have been a white person." Pauli Murray, ed., *States' Laws on Race and Color* (Cincinnati, 1952), 444; *Penal Code of the State of Texas: Adopted at the Regular Session of the Thirty-ninth Legislature, 1925*, article 493.

5. William Pickens, "Jim Crow in Texas," *Nation* (August 15, 1923), 155.

6. *San Antonio Express*, September 23, 1917.

7. Lester G. Bugbee, "Slavery in Early Texas," *Political Science Quarterly*, XIII (1898), 398-412, 648-668; Eugene C. Barker, "The Influence of Slavery in the Colonization of Texas," *Southwestern Historical Quarterly*, XXVIII (1924), 1-33; H. P. N. Gammel, ed., *The Laws of Texas, 1822-1897* (10 vols., Austin, 1898), I:1079; II:1296.

8. For discussions of free blacks in Texas see the following articles by Andrew Forest Muir: "The Free Negro in Fort Bend County, Texas," *Journal of Negro History*, XXXIII

(1948), 79-85; "The Free Negro in Harris County, Texas," *Southwestern Historical Quarterly*, XLVI (1943), 214-238; "The Free Negro in Jefferson and Orange Counties, Texas," *Journal of Negro History*, XXX (1950), 183-206; and "The Free Negro in Galveston County, Texas," *Negro History Bulletin*, XXII (1958), 68-70. Also see Harold Schoen, "The Free Negro in the Republic of Texas," *Southwestern Historical Quarterly*, XXXIX (1936), 292-308; XL (1936-1937), 26-34, 85-113, 169-199, 267-289; XLI (1937), 83-108; Alexander T. Pratt, "Free Negroes in Texas to 1860" (Unpublished Master's thesis, Prairie View University, 1963); and Virginia C. Moorer, "The Free Negro in Texas, 1845-1860" (Unpublished Master's thesis, Lamar State College, 1969). Racial attitudes in pre-Civil War Texas have been studied by Billy D. Ledbetter, "White Over Black in Texas: Racial Attitudes in the Ante-Bellum Period," *Phylon*, XXXIV (1973), 406-418.

9. Gammel, I:1079; II:325; Bugbee, "Slavery in Early Texas," 661-662, 668; Muir, "Fort Bend County," 79; Muir, "Harris County," 214-238; and Muir, "Jefferson and Orange Counties," 183-206. Yet Frederick Law Olmsted, visiting some east Texas whites, reported that "they know of no law excluding free Negroes from the State; if there were any such law, no one here cared for it." Frederick Law Olmsted, *The Slave States*, ed. Harvey Wish (New York, 1959), 165.

10. Gammel, I:1294-1295.

11. Gammel, IV:1037, 1459; Muir, "Harris County," 215; Muir, "Fort Bend County," 85; Kenneth W. Wheeler, *To Wear a City's Crown: The Beginnings of Urban Growth in Texas, 1836-1865* (Cambridge, Mass., 1968), 73.

12. Muir, "Jefferson and Orange Counties," 183; Muir, "Harris County," 214; Wheeler, 24; Gammel, I:1385-1386; II:325; III:1298-1301; IV:466.

13. Muir, "Harris County," 214-238; Muir, "Fort Bend County," 79-85; Muir, "Jefferson and Orange Counties," 183-206; Wheeler, 147-148. Exceptions existed to this general description of free blacks in Texas. Muir pointed out that in Jefferson and Orange counties blacks acquired both land and slaves. Muir, "Jefferson and Orange Counties," 195. In a recent study, A. E. Keir Nash, "The Texas Supreme Court and Trial Rights of Blacks, 1845-1860," *Journal of American History*, LVII (1971), 622-642, asserted that black Texans could receive equitable treatment from the state Supreme Court in the years before 1860. And in San Antonio, as Wheeler (25) pointed out, free blacks were more readily accepted into the mainstream of society, perhaps due to the influence of the Spanish-American community.

14. Studies of slavery in Texas include Barker, "The Influence of Slavery in the Colonization of Texas"; Bugbee, "Slavery in Early Texas"; Ralph A. Wooster, "Notes on Texas' Largest Slaveholders, 1860," *Southwestern Historical Quarterly*, LXV (1961), 72-79; Earl W. Fornell, "The Abduction of Free Negroes and Slaves in Texas," *Southwestern Historical Quarterly*, LX (1957), 369-380; Abigail Curlee, "A Study of Texas Slave Plantations, 1822-1865" (Unpublished Ph.D. dissertation, University of Texas, 1932); Abigail Curlee, "The History of a Texas Slave Plantation, 1831-1863," *Southwestern Historical Quarterly*, XXVI (1922), 79-127; Lillie E. Atkinson, "Slavery in the Economy of Colorado County, 1822-1863" (Unpublished Master's thesis, Prairie View University, 1954); Marcus E. Freeman, "Taxes and Slavery in Texas, 1845-1860" (Unpublished Master's thesis, Prairie View University, 1956); Johanna Rosa Engelking, "Slavery in Texas" (Unpublished Master's thesis, Baylor University, 1933); and Karl E. Ashburn, "Slavery and Cotton Production in Texas," *Southwestern Social Science Quarterly*, XIV (1933), 257-271.

15. Curlee, "A Study of Texas Slave Plantations," 22. The number of slaves in Texas had increased rapidly from 38,753 in 1847 to 58,161 in 1850, and then to 182,566 in 1860. *Ibid.*, 21-22.

16. Rupert N. Richardson, Ernest Wallace and Adrian N. Anderson, *Texas: The Lone Star State* (3rd ed.: Englewood Cliffs, N.J., 1970), 161. Gammel, II:345-346, 1501; III:870-872; IV:499, 1058-1061. See also W. E. Lockhart, "The Slave Code of Texas" (Unpublished Master's thesis, Baylor University, 1929).

17. Gammel, IV:1058.

18. Richardson, Wallace and Anderson, *Texas*, 161. Runaway slaves in Texas are discussed in Marjorie B. Hawkins, "Runaway Slaves in Texas from 1830-1860" (Unpublished Master's thesis, Prairie View A&M College, 1952); Ronnie C. Tyler, "Slave Owners and Runaway Slaves in Texas" (Unpublished Master's thesis, Texas Christian University, 1958); and Ronnie C. Tyler, "Fugitive Slaves in Mexico," *Journal of Negro History*, LVII (1972), 1-12. Slave opposition to the institution can also be seen in Wendell G. Addington, "Slave Insurrections in Texas," *Journal of Negro History*, XXXV (1950), 408-434, and William W. White, "The Texas Slave Insurrection of 1860," *Southwestern Historical Quarterly*, LII (1949), 259-285.

19. Earl Wesley Fornell, *The Galveston Era: The Texas Crescent on the Eve of Secession* (Austin, 1961), 115-125.

20. Wade, *Slavery in the Cities*, 278; Gammel, IV:1059.

21. David G. McComb, *Houston: The Bayou City* (Austin, 1969), 82.

22. Curlee, "A Study of Texas Slave Plantations," 237-239.

23. *Ibid.*
24. Studies of Texas during Reconstruction include Ernest Wallace, *Texas in Turmoil*, Volume IV of *The Saga of Texas*, edited by Seymour V. Connor (Austin, 1965); Charles W. Ramsdell, *Reconstruction in Texas* (New York, 1910); W. C. Nunn, *Texas Under the Carpet-baggers* (Austin, 1962); Edgar P. Sneed, "A Historiography of Reconstruction in Texas: Some Myths and Problems," *Southwestern Historical Quarterly*, LXXII (1969), 435-448. For a study of Jim Crow in Texas during Reconstruction see Barry A. Crouch and L. J. Schultz, "Crisis in Color: Racial Separation in Texas During Reconstruction," *Civil War History*, XVI (1970), 37-49.
25. Woodward, *Strange Career of Jim Crow*, entitled one of his chapters "Capitulation to Racism" and emphasized the weakening of restraints in the South after Reconstruction as the basis behind the renewed segregation laws.
26. Gammel, V:860-861, 882-884, 1015, 1049, 1125.
27. *Ibid.*, V:977.
28. McComb, *Houston*, 84; William S. McFeely, *Yankee Stepfather: General O. O. Howard and the Freedmen* (New York, 1968), 153.
29. *Austin Tri-Weekly State Gazette*, April 29, 1868.
30. Crouch and Schultz, "Crisis in Color," 47; McComb, *Houston*, 86.
31. Crouch and Schultz, 49.
32. For studies of black Texans during these years see Lawrence D. Rice, *The Negro in Texas, 1874-1900* (Baton Rouge, 1971); and Bruce A. Glasrud, "Black Texans, 1900-1930: A History" (Unpublished Ph.D. dissertation, Texas Tech University, 1969).
33. *Plessy v. Ferguson*, 163 U.S. 537 (1896); *Williams v. Mississippi*, 170 U.S. 213 (1897).
34. The growth of miscegenation statutes in Texas is apparently little understood. Every work I have looked at which considers the question gives an incomplete or incorrect description.
35. Gammel, I:1294-1295; III:1510; IV:1036-1037.
36. *Ibid.*, V:1049.
37. Rice, *Negro in Texas*, 149-150; Gammel, IX:154.
38. *Revised Civil Statutes of Texas*, 1925, annotated by C. H. Jenkins, II (Austin, 1926), article 4607. In addition to nullifying the marriage, "if any white person and negro shall knowingly intermarry with each other in this State, or having so intermarried in or out of the State shall continue to live together as man and wife within the State, they shall be confined in the penitentiary not less than two nor more than five years." *Penal Code of the State of Texas: Adopted at the Regular Session of the Thirty-ninth Legislature, 1925*, article 492.
39. *Penal Code of the State of Texas, 1925*, article 494; Charles S. Mangum, *The Legal Status of the Negro* (Chapel Hill, 1940), 243, 257.
40. Mangum, 240; *Strauss v. State*, 173 S.W. 663 (1915); *Ex parte Cannon*, 250 S.W. 429 (1923); *Brown v. State*, 266 S.W. 152 (1924); McComb, *Houston*, 160.
41. Murphy, "Negro Segregation Practices in Texas," 13; *General Laws of the State of Texas*, regular session, 1907, chapter XLVII, section 1; Mangum, *Legal Status of the Negro*, 271.
42. Murphy, "Negro Segregation Practices in Texas," 13-14.
43. *Ibid.*, 210.
44. *Ibid.*, 211-213; Rice, *Negro in Texas*, 145-148; Gammel, V:1015; VI:97; VII:18; VIII:16; IX:1160-1161. The act stated that "railroad companies . . . are authorized and empowered to make provision to transport passengers of different colors in separate coaches."
45. Gammel, X:46-47, 167. Not all white Texans enthusiastically pushed for the law. Governor James S. Hogg, for example, refused to sign the bill although he did allow it to become law without his signature rather than to commit political suicide by vetoing it.
46. Murray, *States' Laws On Race and Color*, 453-454; *The Dallas Morning News*, February 9, 1903.
47. *The Galveston New Idea*, March 31, 1906; *The City Times* (Galveston), July 22, 1905; *Houston Daily Post*, September 1, November 1, 2, 1903; McComb, *Houston*, 160. For a discussion of segregation of transportation and black Texas response in some Texas cities, see August Meier and Elliott Rudwick, "The Boycott Movement Against Jim Crow Streetcars in the South, 1900-1906," *Journal of American History*, LV (1969), 756-775.
48. *General Laws of the State of Texas*, regular session, 1907, chapter XXXVI; second called session, 1909, chapter XIII, section 1; regular session, 1911, chapter XCV, rules 64, 65; Murphy, "Negro Segregation Practices in Texas," 214; *The Dallas Morning News*, July 12, 30, 1907.
49. Murphy, "Negro Segregation Practices in Texas," 215-216; *Texas Annotated Penal Code* (Kansas City, 1957), III:703-705.
50. Pickens, "Jim Crow in Texas," 155.
51. *The Dallas Morning News*, January 21, 26, April 4, 5, 11, 20, August 12, 1916.
52. *Ibid.*, January 26, 1916; Murphy, "Negro Segregation Practices in Texas," 26.

53. *The Dallas Morning News*, April 4, 5, 11, 20, 1916; Murphy, "Negro Segregation Practices in Texas," 24; *Liberty Annex Corporation v. City of Dallas*, 289 S.W. 1067 (1927). Eventually, other cities in the state enacted ordinances establishing residential segregation; the city of Lubbock passed such a statute in 1923. Lubbock, *City Council Minutes*, April 27, 1923, cited in Lawrence L. Graves, ed., *A History of Lubbock* (Lubbock: West Texas Museum Association, Texas Technological College, 1962), 442.

54. *The Dallas Morning News*, February 9, 24, 1927.

55. *Ibid.*, March 16, 1927; *General Laws of the State of Texas*, regular session, 1927, chapters 1-3. The United States Supreme Court, ten years before, had struck down a similar statute in *Buchanan v. Warley*, 245 U.S. 60, 74 (1917), but the Texans seemed undaunted by that fact.

56. Murphy, "Negro Segregation Practices in Texas," 57; Gammel, V:1125; *General Laws of the State of Texas*, third called session, 1910, chapter III; *The Dallas Morning News*, February 11, 1910.

57. Gammel, IX:948-9; *The Dallas Morning News*, October 25, 1900.

58. *General Laws of the State of Texas*, regular session, 1909, chapter LVI, article 2949.

59. *General Laws of the State of Texas*, regular session, chapter XIV, section 1.

60. McComb, *Houston*, 159.

61. Murray, *States' Laws on Race and Color*, 452; *General Laws of the State of Texas*, regular session, 1915, chapter LI, section 1.

62. Meier and Rudwick, "A Strange Chapter in the Career of 'Jim Crow,'" 14-19; Wade, *Slavery in the Cities*, 266-277; Woodward, "The Strange Career of a Historical Controversy," 234-260; Roger A. Fischer, "Racial Segregation in Ante Bellum New Orleans," *American Historical Review*, LXXXIV (1969), 926-937; and John Hammond Moore, "Jim Crow in Georgia," *South Atlantic Quarterly*, LXVI (1967), 554-565.