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Texas Black Codes

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Annotation: After the Civil War, every southern state enacted laws that defined the rights of the former slaves. These laws extended certain basic rights, including the right to make contracts and wills, to sue and be sued, and to lease, own, and dispose of real and personal property.

These laws also imposed a variety of restrictions on African Americans. Under Texas's Black Code, blacks were not allowed to vote, hold office, or serve on juries. Nor could blacks marry whites. Railroads were required to provide separate cars for blacks. Not only was the state prohibited from providing public land to blacks, it was also barred from supporting schools for blacks out of the state's public school fund.

The black codes also defined labor relations. Vagrancy laws allowed local courts to arrest individuals deemed idle, to fine them, and force them to work if they could not pay the fines. Employers were given the power to deduct the wages of an employee guilty of theft, disobedience, absence, or destruction of property. Any appeals would be heard by a local justice of the peace and two landowners. Under Texas's code, minors could be apprenticed until the age of 21, with parental consent or by order of a county court. Masters were allowed to impose corporal punishment to force an apprentice to work.

Document: Chapter LIX, Section 1 . . . 3rd. Persons of color shall not testify, except where the prosecution is against a person who is a person of color ; or where the offence is charged to have been committed against the person or property of a person of color. . . .

Chapter LXXX, An Act regulating Contracts for Labor. SEC. 2. Every laborer shall have full and perfect liberty to choose his or her employer, but when once chosen, they shall be allowed to leave their place of employment, until the fulfillment of their contract, unless by consent of their employer, or on account of harsh treatment or breach of contract on the part of the employer, and if they do so leave without cause or permission, they shall forfeit all wages earned to the time of abandonment.

SEC. 8. In case of sickness of the laborer, wages for the time lost shall be deducted, and, when the sickness is feigned, for purposes of idleness and also, on refusal to work according to contract, double the amount of wages shall be deducted for the time lost and, also, when rations have been furnished, and should the refusal to work continue beyond three days, the offender shall be reported to a Justice of the Peace or Mayor of a town or city and shall be forced to labor on roads, streets and other public works, without pay, until the offender consents to return to his labor.

SEC. 9. [The employee] shall obey all proper orders of his employer or his agent, take proper care of his work-mules, horses, oxen, stock of all character and kind ; also, all agricultural implements; and employers shall have the right to make a reasonable deduction from laborers' wages for injuries done to animals or agricultural implements committed to their care, or for bad or negligent work. Failing to obey reasonable orders, neglect of duty, leaving home without permission, impudence, swearing or indecent language to, or in the presence of the employer, his family or agent, or quarrelling and fighting with one another, shall be deemed disobedience. For any disobedience, a fine of one dollar shall be imposed on, and paid by the offender. For all lost time from work hours, without permission from the employer or his agent, unless in case of sickness, the laborer shall be fined twenty-five cents per hour. For all absence from home without permission, the laborer will be fined at the rate of two dollars per day ; fines to be denounced at the time of the delinquency. Laborers will not be required to labor on the Sabbath, except to take necessary care of stock, and other property on the plantation or to do necessary cooking or household duties, unless by special contract for work of necessity. For all thefts of the laborer from the employer, of agricultural products, hogs, sheep, poultry, or any other property of the employer, or willful destruction of property, or injury the laborer shall pay the employer double the amount of the value of the property stolen, destroyed or injured, one-half to be paid to the employer, and the other half to be placed in the general fund, provided for in this section, No live stock shall be allowed to laborers without the permission of the employer. Laborers shall not receive visitors during work hours. All difficulties arising between the employer and laborers under this section, shall be settled, and all fines imposed by the former ; if not satisfactory to the laborer, and appeal may be had to the nearest Justice of the Peace, and two free holders, citizens, one of said citizens to be selected by employer, and the other by the laborer...

SEC. 10. Laborers, in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day or night, and on all days of the week, promptly answer all calls, and obey and execute all lawful orders and commands of the family, in whose service they are employed, unless otherwise stipulated in the contract ; and any failure or refusal by the laborer to obey, as herein provided, except in case of sickness, shall be deemed disobedience, within the meaning of this Act. And it is the duty of this class of laborers to be especially civil and polite to their employer, his family and guests, and they shall receive gentle and kind treatment. Employers, and their families, shall after ten o'clock at night, and on Sundays, make no calls on their laborers, nor enact any service of them which exigencies of the household or family do not make necessary or unavoidable.

Chapter LXXXII. SECTION 1. ...any person who shall persuade, or entice away from the service of an employer, any person who is under a contract of labor to such employer, or any apprentice, who is bound as such, from the service of his master, or who shall feed, harbor, or secrete, any such person under contract, or apprentice who has left the employment of employer or master, without the permission of such employer or master, the person or persons so offending shall be liable in damages to the employer or master, and shall, upon conviction, be punished by fine, in a sum not exceeding five hundred dollars, nor less than ten dollars, or by imprisonment in the county jail, or house of correction, for not more than six months or by both such fine and imprisonment.

An Act establishing a General Apprentice Law, and defining the obligations of Master or Mistress and Apprentice. SECTION 1. ...It shall be lawful for any minor to be bound as an apprentice, by his or her father, mother or guardian, with their consent, entered of record in the office of the Clerk of the county of which the minor is a resident, or without such consent, if the minor, being fourteen years of age, agree in open Court to be so apprenticed ; Provided, There be no opposition thereto by the father or mother of said minor.

SEC. 2. It shall be the duty of all Sheriffs, Justices of the Peace, and other civil officers of the several counties of the State, to report to the Judge of the County Court of their respective counties, at any time, al indigent or vagrant minors, within their respective counties or precincts, and, also, all minors whose parent or parents have not the means, or who refuse to support said minors ; and thereupon, it shall be the duty of the County Judge to apprentice said minor to some suitable or competent person, on such terms as the Court may direct, having particular care to the interest of said minor.

SEC. 6. That in the management and control of an apprentice, the master or mistress shall have power to inflict such moderate corporeal chastisement as may be necessary and proper.

Chapter XCII. An Act to prohibit the carrying of Fire-Arms on premises or plantations of any citizen without the consent of the owner.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person or persons to carry fire-arms on the enclosed premises or plantation of any citizen without the consent of the owner or proprietor other than in the lawful discharge of a civil or military duty and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars or imprisonment in the county jail not less than one day nor more than ten days, or both, in the discretion of the Court or jury before whom the trial is had.

Chapter CXXVIII. An Act to define and declare the rights of persons lately known as Slaves, and Free Persons of Color.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That all persons heretofore known as slaves, and free persons of color, shall have the right to make and enforce contracts, to sue and be sued, to inherit, purchase, lease, hold, sell, and convey real, personal and mixed estate; to make wills and testaments, and to have and enjoy the rights of personal security, liberty, and private property, and all remedies and proceedings for the protection and enforcement of the same and there shall be no discrimination against such persons in the administration of the criminal laws of this State.

SEC. 2. ...nothing herein shall be so construed as to repeal any law prohibiting the inter-marriage of the white and black races, nor to permit any other than white men to serve on juries, hold office, vote at any election, State, county, or municipal; Provided, further, that nothing herein contained shall be so construed as to allow them to testify, except in such cases and manner as is prescribed in the Constitution of the State.

Chapter CLXXXVI. An Act to revive and amend an Act entitled "An Act to provide for the organization of the Militia of the State of Texas."

SECTION 1. ...every able-bodied free white male inhabitant of this State between the ages of eighteen and forty-five years, shall be liable to perform military duty