SLAVERY IN THE REPUBLIC OF TEXAS

THESIS

Presented to the Graduate Council of the
North Texas State University in Partial
Fulfillment of the Requirements

For the Degree of

MASTER OF SCIENCE

By

Linda Myers Purcell, B.S.
Denton, Texas
May, 1982
Purcell, Linda M.  **Slavery in the Republic of Texas.**
Master of Science (History), May, 1982, 135 pp.,
4 figures, bibliography, 76 titles.

Slavery was established in Texas with the first Anglo-American settlement in 1822. The constitution of the Republic of Texas protected slavery as did laws passed by the legislature from 1836 to 1846, and the institution of slavery grew throughout the period. Slaves were given adequate food, clothing, and shelter for survival, and they also managed to develop a separate culture. Masters believed that slaves received humane treatment but nevertheless worried constantly about runaways and slave revolts. The Republic's foreign relations and the annexation question were significantly affected by the institution of slavery.

The most important primary sources are compilations of the laws of Texas, tax rolls, and traveler's accounts. The most informative secondary source is Abigail Curlee's unpublished doctoral dissertation, "A Study of Texas Slave Plantations, 1822 to 1865" written at the University of Texas in 1932.
TABLE OF CONTENTS

LIST OF ILLUSTRATIONS ............................................. V

Chapter

I. SLAVERY PRIOR TO THE REVOLUTION, 1821-1835 .............. 1

II. SLAVERY AS A LEGAL INSTITUTION IN THE
    REPUBLIC OF TEXAS ........................................... 27

III. GROWTH OF THE PECULIAR INSTITUTION ...................... 44

IV. CONDITIONS OF SERVITUDE AND THE TREATMENT
    OF FREE BLACKS ................................................ 73

V. THE SIGNIFICANCE OF SLAVERY FOR THE
    REPUBLIC OF TEXAS ........................................... 103

BIBLIOGRAPHY .......................................................... 129
LIST OF ILLUSTRATIONS

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Texas 1840</td>
<td>49</td>
</tr>
<tr>
<td>2.</td>
<td>Texas 1845</td>
<td>50</td>
</tr>
<tr>
<td>3.</td>
<td>Texas 1850</td>
<td>53</td>
</tr>
<tr>
<td>4.</td>
<td>Distribution of Blacks, 1840</td>
<td>55</td>
</tr>
</tbody>
</table>
CHAPTER I

SLAVERY PRIOR TO THE REVOLUTION, 1821-1835

The slaves brought by Austin's colonists in the 1820s were not the first persons of African descent to live in Texas. A 1777 census of Texas reported a total population of 3,103 persons. Of this number, 130 were not classified as to race, leaving 2,886 persons who were so designated. Only 20 of this number, less than 1 per cent, were Negroes, and 579 persons were classified as "de color quebrado," which translates as "of broken color." By 1790, the population was enumerated at 3,169 persons, of which 51 were not designated as to race. Of those remaining, 94 were listed as Negroes, accounting for about 3 per cent of the population. Those listed as "de color quebrado" constituted another 11 per cent of the total.¹

Thus, there were relatively small numbers of Negroes and "colored" people in Spanish Texas and even fewer, if any, slaves. African slavery was legal under Spanish

rule, and some of those listed as Negroes in the eastern areas of Texas around Nacogdoches may have been brought in as bondsmen. Even in that region, however, some of the Negro residents were fugitive slaves from Louisiana who had become Mexican citizens with Spanish names. In general, then, Negro servitude was not known to any important extent in Spanish Texas.  

Slavery in Texas came with the Anglo-American settlers. In January, 1821, Spanish authorities in San Antonio and Monterrey granted Moses Austin the right to settle a colony of Anglo-Americans on the banks of the Colorado and Brazos Rivers. It is interesting to note that neither Austin's petition nor the Spanish grant mentioned slavery. However, it was Austin's intention to draw his settlers from the southern portion of the United States and to do this would require the removal of slaves to Texas. 

The death of Moses Austin in June, 1821, left the leadership of the projected colony to his son, Stephen F. Austin, who immediately traveled to San Antonio and

---


received Governor Antonio de Martinez's approval to exercise his father's grant. His proposed plan for settlement, which was also approved by the governor, provided a liberal land grant for each household head, his wife, and each child. It further provided eighty acres for each slave. With the approval of this plan, the Spanish government, through her agent the governor, actually encouraged the establishment of slavery in Texas. Not a single acre of land was distributed according to this plan, however, because a general colonization law in 1822 offered more liberal terms for land distribution.

In the meantime in 1821, immigrants began to make their way to Texas accompanied by their slaves. One of the first and most important settlers was Jared E. Groce, who arrived early in 1822 with fifty wagons and ninety slaves. Shortly after the arrival of the new settlers, Governor Martinez informed Austin that the officials at Monterrey had refused to recognize his authority under his father's grant and advised him to

---


travel to Mexico, where the Mexican government resulting from the recently successful independence movement was formulating a colonization policy for Texas. Austin left for Mexico City, where he arrived on April 29, 1822, just in time to see Agustín de Iturbide named constitutional emperor of Mexico.  

Austin urged the confirmation of his grant in memorial after memorial to the Congress, where discussion concerning the settlement of Texas and California had been going on for several months. He was not alone in his appeal to the government for the right to settle in Texas. Benjamin Milam had petitioned for land prior to Austin's arrival, and applications from Andrew Erwin and Robert Leftwich of Tennessee and two Europeans had also been received by the Congress. General James Wilkinson, late of the United States Army, soon added his application.  

In an attempt to deal with these empresarios, it was proposed that a general colonization law be passed.

---


7 Barker, Stephen F. Austin, pp. 46-47.
by the government of Mexico. Slavery became an important issue in formulating this law. A few members of Congress even proposed a separate law to deal with the problem. Three colonization bills were presented. One declared that the new settlers could build towns only when they used the Spanish language and freed their slaves. A less liberal bill provided for immediate emancipation, but the bill reported out of committee provided that the slaves introduced by colonists would remain slaves for the rest of their lives and their children born in the empire would become free at age fourteen.  

The colonization bill was presented to the Congress on August 20, 1822. Debate ensued but little was said about the slavery clause. The bill was returned to committee with recommendations for change, none of which concerned slavery. Congress did not again debate the bill because it was disbanded by Emperor Iturbide on October 30, 1822. A forty-five-member Junta was established in the place of the Congress, and the bill was presented to the Junta in November. This time the colonization bill passed. The article relating to slavery read:

---


There shall not be permitted, after the promulgation of this law, either purchase or sale of slaves that may be introduced into the empire. The children of such slaves, who are born within the empire, shall be free at fourteen years of age.\(^10\)

The colonization law was promulgated by the Emperor on January 4, 1823. It was annulled after the overthrow of Iturbide in February of 1823. But Austin, by special decree of the new government, was allowed to receive his grant and establish his settlement in Texas under the provision of the annulled law. Thus, although the language was not perfectly clear, Mexico's first colonization law in 1822 apparently permitted the introduction of slaves in Texas so long as they were not involved in any sort of commercial exchange or slave trade.\(^11\)

Reports citing adverse slavery legislation had slowed immigration into Texas during Austin's absence. His return from Mexico early in August of 1823 with news of the immigration law dispelled these fears, and before the end of 1824 most of his three hundred families were established in Texas.\(^12\)

\(^{10}\) Bugbee, "Slavery in Early Texas. I," p. 394.


\(^{12}\) Bugbee, "Slavery in Early Texas. I," pp. 396-397; Richardson, Texas, p. 50.
The slavery question, however, was far from being settled. Mexico had not yet adopted a national constitution, and a constituent congress for that purpose met in November of 1823. A decree, passed on July 13, 1824, prohibited the slave trade, both domestic and foreign, and left no doubt as to the attitude of the congress. Severe punishments were established to enforce the law. This action could be interpreted as a prohibition of further introduction of slaves owned by settlers moving into Texas. Most Texans, of course, would choose to interpret the law as a restriction only on the slave trade. The federal constitution, itself completed on October 4, 1824, did not address the topic of slavery.\(^\text{13}\)

Meanwhile, Texans remained concerned about the future of slavery. A meeting was held in Austin's colony on June 5, 1824, to draw up instructions for their representative to the upcoming constituent congress for the state of Coahuila and Texas. This meeting considered the tobacco monopoly of the government and the slavery issue, and a memorial on each was addressed to the federal congress. The slavery memorial asked that the original three hundred families be exempted from any emancipation provision, and it appealed to the guarantee made by the colonization law of 1822. It

further laid emphasis upon the shortage of labor and assured the government that no slaves had been brought into Texas for speculative purposes.\textsuperscript{14}

The federal congress assembled under the new constitution did not immediately pass any law prohibiting slaves from being brought into Texas by settlers. But the attitude of the Mexican government, expressed in the decree of July 13, 1824, concerning the slave trade, became well-known in the United States, and few settlers were willing to jeopardize their valuable property by moving to Texas. Exaggerated rumors spread, and Austin was inundated by requests for definite information on the subject. Not even adverse rumors, however, could totally stem the flow into Texas of immigrants and their slaves. Furthermore, the Mexican authorities in Texas encouraged this immigration.\textsuperscript{15}

The constituent congress of the state of Coahuila and Texas met in August of 1824 and remained in session until June of 1827. A colonization law was approved March 24, 1825, under which all colonization contracts in Texas were made except for Austin's colony, which was already settled and consisted of 1,800 white settlers

\textsuperscript{14}Ibid.

and their 443 slaves by the fall of 1825.\textsuperscript{16} The state colonization law was extremely liberal in the granting of land and was directed at the Americans. The slave issue was dismissed as follows: "Article 46. In respect of the introduction of slaves, the new settlers shall subject themselves to the laws that are now, and shall hereafter be established on the subject."\textsuperscript{17} At this time, settlers interpreted this to mean that slavery and the importation of slaves would be tolerated, as the national law of July 13, 1824, did not pertain to slaves brought by their owners into Texas for their personal use and not as part of the slave trade.

Progress was slow in the writing of the state constitution, but it soon became apparent that the convention was hostile to slaveowners. During this period of rumors, some settlers made preparations to return to the United States. Panic ensued, and Austin took it upon himself to present a strong memorial to the congress on behalf of the slaveholders. Both American settlers and the established Spanish elements warmly supported Austin

\textsuperscript{16}Ibid., p. 402; Richardson, \emph{Texas}, p. 51; Barker, Stephen F. Austin, p. 88.

\textsuperscript{17}J. P. Kimball, trans., \emph{Laws and Decrees of the State of Coahuila and Texas, in Spanish and English, to Which Is Added the Constitution of the Said States} (Houston: Telegraph Power Press, 1839), p. 22.
in his effort. It is important to note the cooperation between these two divergent groups on this subject. Austin, at this time, believed that the slaves already in residence in Texas would remain slaves but that the importation of additional slaves would be prohibited.¹⁸

James Brown Austin, a brother of Stephen, was sent by him to Saltillo to work against the anti-slavery proponents. Upon his arrival, Brown Austin found the congress led by Carlos Antonio Carrillo almost unanimously against slavery. The sole defender of slave interests was the Texas representative, Baron de Bastrop. For some time it appeared that slavery would be abolished, but the efforts of Bastrop, Brown Austin, and a united Texas supporting Stephen F. Austin's petition restrained the demands of Carrillo. He withdrew his article concerning slavery. The exact content of this article is unknown, but conjecture provides a clause emancipating the slaves. The slaves already in Texas retained their status at this time, but the fundamental question was not settled.¹⁹

A settlement had to be reached on the status of children born of slaves already in Texas and on further importation of bondsmen. On these points the proslavery

¹⁹Ibid., pp. 404-406.
element of Texas did not fare well. Brown Austin argued for the services of the children of slaves, pointing out that their support would be a loss to the owner who should reasonably expect to receive some compensation in the form of servitude until age twenty-one or twenty-five. The hostility of the congress was so apparent that Bastrop and Austin made no attempt to fight for the introduction of new slaves. 20

On March 11, 1827, the final draft of the thirteenth article was adopted as follows:

Article 13. From and after the promulgation of the Constitution in the capital of each district, no one shall be born a slave in the state, and after six months the introduction of slaves under any pretext shall not be permitted. 21

Six months later this constitutional provision was put into effect along with several regulations which worked to benefit the conditions of those already held as slaves. All slaves in Texas were to be listed by the ayuntamientos and careful records kept concerning births and deaths. The ayuntamientos were also charged with providing an education for emancipated children. Ownership could be changed only by inheritance and a tenth

20 Ibid.
21 Kimball, trans., Laws and Decrees of the State of Coahuila and Texas, p. 314.
of the slaves at that time were to be freed. About two months later, another law passed providing that a slave could change masters so long as the new owner compensated the old.22

Although the constituent congress of Coahuila and Texas took a strong stand against slavery, that same congress granted many privileges and temporary exemptions. It seems likely that the newly-independent citizens of Mexico opposed only the abstract idea of slavery because the age-old system of peonage was still common there. It was not long before slave owners were again crossing the border with their black labor force. The law prohibiting further introduction of slaves was conveniently evaded by using the Mexicans' own system of debt peonage.23

The state congress, being favorably disposed toward Texas, passed a decree on May 5, 1828, which effectively circumvented the constitution on the issue of slavery. The decree read:

The congress of the State of Coahuila and Texas, attending to the deficiency of working men to give activity to agriculture and the other arts, and desiring to facilitate their introduction into the state, as well as the growth and prosperity of the said branches, has thought proper to decree:

All contracts, not in opposition to the laws of the state, that have been entered into

22 Ibid., pp. 78-79, 92.
in foreign countries, between emigrants who come to settle in this state, or between inhabitants thereof, and the servants and day laborers or workingmen whom they introduce, are hereby guaranteed to be valid in said state.  

With the passage of this law the importation of black labor was ensured. Prior to leaving the United States, slaveholders appeared before a notary or other official with their slaves, and a contract between the owner and each bondsman was drawn up. The document stated that the Negro was a slave under the existing laws of the state in which the paper was drawn. It further stated the worth of the slave and his desire to accompany his master to Texas. Upon arrival, the slave would gain his freedom but would compensate his master the sum at which he was valued. The slave agreed to pay off this debt by his labor, but the cost of his upkeep was to be deducted from his wages. A blank form found among Austin's papers placed the yearly wage of a slave at $20.00. The children of the slaves also were to serve on the same terms as the father, and their wages were to begin at age eighteen. Children born in Texas were to serve until age twenty-five without wages. After age twenty-five these children were to serve on the same

24 Kimball, trans., Laws and Decrees of the State of Coahuila and Texas, p. 103.
basis as their father until all debts were paid. Of course, it was improbable that the debts would ever be paid. Under this contract, de facto slaves were freely brought into Texas and received the sanction of the Texas government.\(^{25}\)

The next attack against the institution of slavery came in the form of a decree of general emancipation signed into law on September 15, 1829, by Vicente Guerrero, the president of the Republic of Mexico. The author of this bill, José M. Tornel, had worked for its passage for two years.\(^{26}\) Guerrero had been granted extraordinary powers by Congress to deal with the threat of invasion by Spain, and Tornel took advantage of this situation and persuaded the president to extend the traditional freeing of a few slaves during the Independence Day celebration to the freeing of all the slaves of the Republic.

The brief decree declared that slavery was abolished, that all Negroes were to be set free, and that at a later time restitution would be made to the

---


owners. Tornel's authorship showed a certain hostility to the United States. He said,

In the abolition of slavery is involved the important political object of establishing a barrier between Mexico and the United States, where slavery is maintained in open contradiction to the principles solemnly proclaimed in their Act of Independence of 1776.²⁷

Because of the reluctance of the Senate to pass such a bill, it appeared that Tornel's hostility to the United States was not generally accepted.

Don Ramon Musquiz, the political chief at San Antonio received the decree in a letter from Governor J. M. Viesca on October 16th. Musquiz did not consult with Austin but immediately withheld its publication and drew up a statement presenting his views on the subject. He argued that the right of the first colonists to hold slaves was guaranteed in Austin's contract and that subsequently both the federal and state colonization laws invited immigrants to Texas and provided that their right to property was guaranteed. He further elaborated that the colonists should not be deprived of the needed labor provided by their slaves. He also contended that the Negroes involved were slaves before their arrival in Texas and that Mexico had not placed them in that position. Musquiz conceded that the abolition of slavery was an act

²⁷Ibid., p. 649.
prompted by humanitarian interests but argued that the law protected the right of property. He estimated that Texas contained more than a thousand slaves and that public disorder would follow the publication of the decree; therefore, he begged the governor to petition the president to exempt Texas from the decree.\textsuperscript{28}

Governor Viesca saw the future progress of Coahuila tied to the colonization efforts in Texas. He agreed with Musquéz and declared that he would have requested an exemption for Texas even without prompting. In his petition to the president, Viesca declared that many enlightened nations had not been able to solve the problem of abolishing slavery and predicted disturbances in Texas if it was not exempted from the decree. He did not imply that the colonists were insubordinate but warned the president that any man faced with the loss of his property would take action to protect it.\textsuperscript{29}

Musquéz also wrote to Austin and suggested remaining silent on the subject until the result of his petition.

\textsuperscript{28}Eugene C. Barker, "The Influence of Slavery in the Colonization of Texas," \textit{Southwestern Historical Quarterly} 28(1924):19-20. It is doubtful that this number includes all the Negroes in bondage in Texas because all slaves brought in after September, 1827 were technically indentured servants.

\textsuperscript{29}\textit{Ibid.}, pp. 20-21.
was known. Somehow a copy of the decree fell into the hands of the alcade of Nacogdoches and raised quite a stir. John Durst, a prominent citizen, wrote Austin for advice. Austin advised him of the firm actions of Musquitz and Governor Viesca on the behalf of the Texas slaveholders. He urged the Ayuntamiento of Nacogdoches to oppose the decree and demand that constitutional rights be respected. Austin also wrote to General Manuel Mier y Terán, the commandant general of the Eastern Interior Province and military chief of Texas, expressing his dismay. He saw the decree as the negation of all his work to establish a growing colony in Texas. He predicted the ruin of individuals, development of an unwillingness to trust the government, and a loss of territory to the Indians. 30

Happily for the Texans, Governor Viesca's brother, Agustín Viesca, was President Guerrero's Secretary of Relations, and the Texas petition received prompt attention. Augustín Viesca wrote to his brother on December 2nd that the president acceded to his petition and that the Department of Texas was exempt from the decree of September 15, 1829. This letter was forwarded by Governor Viesca on December 12th to Musquitz who circulated it on December 24th, and in all probability it reached the colonists in Texas in a few days. 31

30 Ibid., pp. 21-25. 31 Ibid.
Austin received a letter from General Terán on December 29th, probably the same date Musquiz's letter arrived. Terán's letter was dated November 20, 1829, and informed Austin that in a private letter the president had decided to exempt Texas. The date of this letter indicated that the exemption decision had been made prior to the arrival of the Texas petitions and was not made under pressure from the colonists. 32

The end of 1829 saw a huge influx of settlers into Texas. Even Austin wrote his brother-in-law urging him to come and assuring him of the Mexican government's liberal stand on the issue of slavery. His optimism was not to last long. 33 General Terán reported to the federal authorities that along the border entire settlements of American colonists had been erected without any authority. These agitators, as Austin came to refer to them, had nothing to lose, and dissension against Mexico grew. It was this group that ultimately supported the Texas Revolution. Lucas Alaman, President Anastasio Bustamante's Secretary of Relations, believed that the only way to hold on to Texas was to prohibit any further immigration of Americans. His recommendation led to the federal law of April 6, 1830, which recognized existing

32 Ibid. 33 Ibid.
slavery but forbade further introduction of slaves and prohibited the future settlement of immigrants from the United States. Alaman felt that all slaves had been legally freed the moment they entered Mexico under the decree of July 13, 1824. Because this law was not enforced in Texas, the slave interest had developed freely, and he believed that emancipation of the slaves would lead to insurrection. Therefore, he recommended that the slaves in Texas should remain in bondage, but that no new slaves be brought in.\textsuperscript{34}

Austin took a position in support of the Mexican federal government's policy against slavery. He took this stand to strengthen his demand that the immigration provision in the law of April 6, 1830, be relaxed. If this could be done, the settlers, under state law, could still import indentured servants. Austin tried, with little success, to convince his fellow colonists of the wisdom of this approach. Undeterred, he continued to work for relaxation of Mexico's immigration restrictions. He discussed this subject with General Terán in February of 1831 and with Alaman, Secretary of Relations, on March 21st. Terán agreed that slavery would hasten the development of Texas but also was quick to point out that the system had many disadvantages. He did advise Austin.

\textsuperscript{34}Bugbee, "Slavery in Early Texas. II," pp. 660-661.
against raising the subject at that time because of the political upheaval in Mexico which resulted in the overthrow of President Bustamante and the growing power of Santa Anna. Alaman completely evaded the issue.35

In April of 1832, the legislature of Coahuila and Texas passed a new state colonization law which repealed the one of 1825. Slavery was touched upon in two of its articles. The first made immigrants subject to existing and future laws dealing with slavery; and the second limited indentured servants' contracts to ten years. Now the introduction of slaves into Texas was prohibited by both federal and state laws and the indentured servant loophole was narrowed. Although Austin was a member of the legislature that passed this law, his papers provide no insight into its passage.36

During the early 1830s, as the future of slavery in Texas appeared increasingly uncertain, numerous points of disagreement and friction developed between the American colonists and Mexican authorities. Texans were angered, for example, in 1832, when George Fisher, the


Mexican customs collector at Anahuac at the head of Galveston Bay, ordered all ships going to and from any Texas port to get clearance from him. This problem was soon alleviated, but others remained. The Texans held a convention in October, 1832 and petitioned the government of Mexico for several reforms including repeal of the immigration law of 1830 excluding American settlers from Texas, tariff reduction and exemption, more attention to Indian relations, revision of militia laws, and authorization of a state government in Texas separate from that of Coahuila. These petitions for some reason were not sent to Mexico City and another convention was held in April, 1833. Records for this convention are not available, but it appears to have repeated the efforts of its predecessor. Austin was dispatched to Mexico to present its requests to the federal government. During this trip, Austin wrote that although he was still adverse to the abstract principle, he now felt that circumstances and necessity dictated that Texas must be a slave country.\(^{37}\)

The application for separation was denied because of a lack of population and resources. A statistical report by Juan N. Almonte, a Mexican official, placed the total population of Texas at 24,700, including approximately

2,000 Negroes. Two travelers to Texas in the year 1834 estimated the population at 23,000, of which 2,000 were slaves. 38

In 1834, the Mexican Congress repealed the 1830 law and once more allowed immigration from the United States to Texas. The influx of Americans resumed, although that part of the law prohibiting the introduction of slaves remained in effect. Apparently many of the settlers brought their bondsmen as indentured servants. This practice was still permissible under state law, although the servants were supposed to be freed after ten years. Several other laws favorable to Texas also passed in 1834, and conflict between American settlers and the Mexican Government eased for the moment. Within a year, however, the Texans were engaged in a revolt that led quickly to independence. 39

The cause or origin of the Texas revolution of 1835-1836 has long been debated by historians. A pamphlet written at the close of the hostilities in 1836,


by the abolitionist, Benjamin Lundy, argued that the proponents of slavery engineered the revolution. He claimed that their design was the overthrow of the Mexican government in order to guarantee slavery and ultimately engineer the annexation of Texas by the United States.  

For many years this thesis went unopposed because of the obvious plausibility of the argument. The evidence cited seemed overwhelming. First, most of the settlers in Texas had migrated from the southern states, and this was seen as an attempt by the slavocracy to extend slavery in a westward direction to offset the growth of free western states. But perhaps the strongest argument was the fact that the immigrants successfully evaded all attempts by Mexican authorities to end slavery in Texas during the 1820s and early 1830s. And yet, by 1835, as we have seen, the further introduction of slaves was outlawed by federal and state law, children born to slaves already in Texas were to be set free, and the indentured servant loophole was limited to ten years. Further, as will be seen below, once the revolution

---

came, the Constitution of the Republic of Texas in 1836 guaranteed the right to hold slaves. Surely, the argument goes, the desire to protect slavery and secure its future in Texas was an important motive for the revolution.

All the facts concerning the actual revolution are not supportive of Lundy's thesis. The Texas Revolution began in 1835 as a result of an effort made by Santa Anna, the current political head of Mexico, to centralize the Mexican government. Many Texans at that time did not believe the move to be a threat to them. In fact, many people were loath to join the revolutionary movement because they believed that Texas land speculators, whose large grants made by the legislature of Coahuila and Texas had been annulled by the federal government, were leading the revolt for their own gain.41

The fatal blow to Lundy's thesis is the almost total lack of discussion in Texas concerning the slave issue both prior to and during the revolution. Only three contemporary references have come to light that indicate any connection between the Revolution and slavery. A Fourth of July speech given by Robert M. Williamson, a prominent radical, warned colonists that the Mexicans were coming to Texas to free their slaves among other

things. A broadside, issued on August 28, echoed Williamson's message and quoted H. A. Alsberry, who had recently returned from Mexico. The third source, a private letter written by Austin on August 21, revealed his recently acquired conclusion that Texas must be a slave country. These meager references provide feeble support for Lundy's theory of conspiracy. 42

Several other theses have been offered for the cause of the revolution. One historian compared the Texas revolt with the American Revolution and concluded that the cause of both was "a sudden effort to extend imperial authority at the expense of local privilege." He perceived the cause of the revolution to be the inherent racial and political difference between Mexico and the Anglo settlers of Texas. Another scholar of the period states that the fundamental cause of the revolution was the clash of two cultural patterns rather than the result of racial differences. 43

Although the issue will never be settled, it must be noted that there is little direct evidence to support  

the theory that slavery was the main issue or cause for which the Texas Revolution was fought. Perhaps, as was the case in the southern colonies during the American Revolution, slavery was a respected colonial institution in Texas, and a fight for "local privilege" necessarily involved the preservation of Negro bondage. The result of the revolution was the establishment of the Republic of Texas, whose constitution did legalize slavery. There can be no question that American colonists wanted to preserve slavery in Texas, but this does not prove that the institution caused the revolt.
CHAPTER II

SLAVERY AS A LEGAL INSTITUTION IN
THE REPUBLIC OF TEXAS

There was little doubt that the new Republic of Texas would be a slaveholding country. Political, social, and economic considerations dictated that the new constitution would protect and regulate Negro bondage. Most of the inhabitants of the new republic were from the slaveholding states of America and refused to relinquish a "local privilege" brought with them. The infant republic also wished to attract more settlers, and these new immigrants would most likely be drawn from the southern slaveholding states.

At the outset of their revolution, Texans called a meeting at San Felipe on November 3-14, 1835. This convention created a provisional government consisting of one representative from each municipality, which became known as the Permanent or General Council. This General Council enacted an ordinance calling a Plenary Convention to meet on March 1, 1836. The election to choose delegates for the Plenary Convention was held on the first day of February 1836. Only one restriction was placed on the convention delegates; the new
constitution would not become operative until it had been ratified by a majority of the voters.¹

The convention, composed of fifty-eight men, almost all of whom were originally from the southern states, met at Washington on the Brazos. The town of Washington was a frontier village of about a hundred souls and lacked a library and a printing press. The delegates had to provide their own books and materials from which to work. They met during a severe winter storm in an unfurnished wooden structure that lacked both doors and windows. Spectators entered and left at will. Added to these primitive conditions was the uncertainty of the delegates' fate. At any time they might have had to flee or even join the army to repel Santa Anna's forces.²

The president of the Constituent Convention was Richard Ellis of Red River County, and H. S. Kimble, late of Tennessee, was secretary. On Wednesday, March 2, the


second day of the convention, a motion was made and adopted which provided

that a committee be appointed consisting of one member from each municipality represented in the convention for the purpose of drafting a constitution for Texas, and that the same be reported as soon as practicable to this convention.  

President Ellis immediately appointed this committee. The first rough draft of the constitution was presented to the general body of the Convention on March 9. The land grant issue dominated discussion at this time, and finally on March 14 a committee was appointed to draft a revised provision on the subject of land. The land provision eventually presented to the voters was a compromise measure. Other significant changes made to the first draft concerned the election of the President, imprisonment for debt, and the importation of slaves.  

This first draft of the constitution provided that congress would forbid importation of slaves from Africa, but the final version prohibited the African slave trade and defined it as an act of piracy. Unfortunately, it is impossible to trace the debates or discussion concerning this issue. Most of the work was done in

---

3 Gammel, comp., Laws of Texas, 1:824-825.
4 Richardson, "Framing the Constitution," pp. 205-207.
committee of the whole and no records remain. In any case, the convention took a stronger stand than that originally proposed.

On March 14 the constitution was referred to a committee of five "to correct errors and phraseology." Thomas Jefferson Rusk, who chaired this Committee, probably did most of the work, but this draft was not at all final. The convention continued to amend the instrument while the Rusk committee worked on the final draft. In fact, the official convention record reported in H. P. N. Gammel's *The Laws of Texas, 1822-1897* does not show that the entire final draft was ever read for final approval. Portions had been approved section by section, but this by no means covered it all. In fact, the convention approved a Section Twelve of the constitution's "General Provisions" on March 16, but this part of the document as printed and approved by the voters in September has only eleven sections.

The official copy is not to be found in the office of the Secretary of State. Jesse Grimes, a member of the Convention, reported to John J. Linn, an elected member of the Convention who failed to attend, that the

---


constitution was "adopted at a late hour on the night of the seventeenth of March, but was neither engrossed nor enrolled for signature of the members prior to the adjournment next day."\(^7\) The secretary took the constitution to Nashville, Tennessee, where it was published and then reproduced by a Cincinnati paper. The *Texas Telegraph* of August 3 printed the constitution as published in the Cincinnati paper. This printed copy was recognized as official since no enrolled copy existed.\(^8\)

Section nine of the new constitution's "General Provisions" legalized slavery in the new Republic and set forth the fundamental laws dealing with the institution.

Section 9. All persons of color who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude; provided, the said slave shall be the bona fide property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their slaves into the republic with them, and holding them by the same terms by which such slaves were held in the United States; nor shall Congress have power to emancipate slaves; nor shall any slave holder be allowed to emancipate his or her slave or slaves without the consent of Congress, unless he or she shall send his or her slave or slaves without the limits of the republic. No free


\(^8\) Ibid.
person of African descent, either in whole or in part, shall be permitted to reside permanently in the republic, without the consent of congress; and the importation or admission of Africans or negroes into this republic, excepting from the United States of America, is forever prohibited and declared to be piracy.

Thus slavery had stronger guarantees in the fundamental law of the Republic of Texas than it had in the Constitution of the United States. Various laws to govern the institution of slavery were passed under this basic constitutional provision. These laws affected all members of society and established rules concerning the conduct of whites, slaves, and free persons of color. Actually, in some important ways, all Negroes whether slave or free were subject to the same laws and rules of conduct.

The Texas legislature passed an act in 1837 "To Provide for the Punishment of Crimes and Misdemeanors Committed by Slaves and Free Persons of Color." This act in effect set forth a separate criminal code for Negroes. Section one listed offences that were punishable by death when committed by a slave or free person of color. It was an extensive list, including insurrection or an attempted insurrection, poisoning or its attempt, rape or attempted rape of a white female, assault on a

---

9Wallace and Virgness, eds., *Documents of Texas History*, pp. 104-105.
white person with the intent to kill, or with a weapon which in all probability would produce death, maiming of a white person, arson, murder, and burglary. All of these offenses were to be tried in a district court and conviction would produce a death sentence. Section Six ordered slaves and free persons of color not to use insulting or abusive language or to threaten any white person. Upon complaint, a justice of the peace could arrest such Negro, and upon conviction, sentence him to stripes not in excess of one hundred nor less than twenty-five.10

This law dealing with slaves and free Negroes was racial in nature. There were never any laws passed to protect slaves and free persons of color from other members of their own group.

In at least one important respect then, free Negroes in the Republic of Texas were placed on the same level as slaves. And even when accorded a higher status, they were decidedly unwelcome in the new nation. The Constitution of 1836 stated that "no free person of African descent, either in whole or in part, shall be permitted to reside permanently in the Republic without the consent of Congress."11 A joint resolution

10 Gammel, comp., Laws of Texas, 1:1292.
11 Wallace and Vigness, eds., Documents of Texas History, p. 104.
was soon forthcoming on June 5, 1837, providing this congressional consent for all free Africans or descendants of Africans residing within the Republic of Texas at the date of the Declaration of Independence. Their natural issue were also to receive this privilege. One condition was imposed on them; they were to perform all duties required of them by law.12 But this resolution was not to be the last word on the subject.

The Fourth Congress, which met in 1840, passed an act on February 5 regarding free persons of color. While sections One through Nine dealt with the immigration of free Negroes, the tenth section of this act negated the joint decree of June 5, 1837. All free persons of color in the Republic were commanded to remove from Texas before the first of January, 1842. This allowed two years for those without the permission of Congress to remove themselves. Those remaining after the allotted time would be arrested and sold.13

The first nine sections of the same act provided that it was unlawful for free persons of color to immigrate to Texas. New arrivals would be given ten days notice before their arrest. A bond of $1,000 was

12 Gammel, comp., Laws of Texas, 1:1292.
13 Ibid., 2:325-327.
required for their release. If this could not be paid, the new arrival would be indentured for a period of one year, during which he had to pay his bond. If the bond could not be paid, then he would be sold at public auction and would remain a slave for life. A fine of $1,000 and up to $10,000 was imposed upon persons importing or in any other way assisting in the importation of free persons of color into the Republic. This provision was one of the few that sought to protect the free person of color and his fragile freedom. A few free persons of color did receive permission from the Congress to remain in Texas, but this required a specific act of Congress concerning each case.14

Severe penalties were placed on free persons of color if they were convicted of aiding or assisting a runaway slave. The law provided that a free person of color upon conviction of this offense be fined the value or values of such slave or slaves. Failure to pay this fine would result in the transgressor being sold as a slave for life.15

Thus, free Negroes were subject to a number of laws meant primarily to protect slavery; the slaves themselves, as would be expected, faced even broader

14 Ibid., 2:184, 325. 15 Ibid., 1:1385-1386.
restrictions. The 1837 act concerning criminal conduct by Negroes in Texas, in addition to listing the many offenses punishable by death, went ahead to provide that all lesser crimes and misdemeanors committed by slaves would be tried in county courts. Conviction would be punishable at the court's discretion and would not threaten life or limb. Complaints against slaves could be made upon oath to any member of said court and a special term would be called for the trial of each. In these cases, it was not necessary for a bill to be found by a grand jury. Fifteen jurors were to be called, and if because of failure to attend or challenges, twelve could not be attained, then the vacancies would be filled with bystanders.\textsuperscript{16}

An act passed in February, 1840 provided that no slave could carry a gun or deadly weapon without written permission from his master, mistress, or overseer. Without this permission the gun or weapon could be confiscated by any person and forfeited to same if its value was less than $10.00. An owner could, however, reclaim such property by paying $10.00 to the person who removed it from the slave.\textsuperscript{17} This act also prohibited slaves from selling items such as cotton, corn, or other

\textsuperscript{16}\textit{Ibid.} \textsuperscript{17}\textit{Ibid.}, 2:345-346.
valuable articles without the written consent of their master, mistress, or overseer. The penalty resulting from such a transaction was placed on the buyer and ranged from $20.00 to $200.00 plus the value of the property sold to be paid to the slave owner. This, of course, was to protect the slave owner against stealing, but it also restricted the sale of products produced in the slaves' "free time."\(^\text{18}\)

Other rules regulated the life of the slave, but these were imposed by his owner and local tradition and not by the Republic of Texas. The act discussed previously concerning firearms provided no punishment for the slave but a penalty for the owner in not controlling his property. It seems only logical that some form of punishment awaited a slave in such circumstances. The everyday regulation of the slave by his owner will be taken up later.

Slavery required not only laws regulating the conduct of bondsmen and free persons of color; the system also necessitated special rules governing whites in their relationships with Negroes. The first such law, passed on December 21, 1836, made it illegal for a person of European blood and his or her descendants to marry an African or a descendant of same. Any such marriage would be

\(^{18}\) Ibid.
declared null and void, and both people involved would be
guilty of a high misdemeanor. Penalties for this
infraction were not set forth in the act passed by
Congress. 19

According to the 1840 act concerning slaves, the
same law that restricted the possession of firearms and
the sale of crops by bondsmen, white persons could not
sell spirits or liquor to slaves, and conviction of such
carried a fine of not less than $20.00 nor more than
$200.00. This 1840 law also placed several limitations on
the treatment of slaves by whites. Any person who abused
or unreasonably or cruelly treated a slave could be sued
in any court of competent jurisdiction. Conviction
carried the penalty of $200.00. The murder of a slave by
such person was to be handled as in other cases of
murder. 20 These protections were provided only on paper.
The problem of who was going to decide what was unreason-
able or cruel destined the law to be inoperable. Even in
the case of murder, the law often provided no important
deterrent. Nicholas Doran Maillard recorded a trial
concerning the killing of a slave by a white man. The
defendant acknowledged the killing, but the court did not

20 Ibid., 2:345-346.
consider it to be murder. The legal dispute was over the worth of the slave.21

In 1839, Congress passed a law that made harboring or helping a runaway slave a crime. The punishment designated a fine of at least $500 and a prison sentence of not less than six months nor more than one year. In 1841, this act was revised. The fine remained the same, but the term of imprisonment was reduced to one calendar month but not exceeding six calendar months. The culprit was also now liable for damage to the injured party.22

These penalties were mild in comparison to the fate that awaited a free Negro judged guilty of the same offense. No white person faced being sold into slavery. In a few cases, however, the penalty for crimes perpetrated by whites against slavery were indeed severe. For example, the death penalty was prescribed for those convicted of slave stealing or of piracy, which was the introduction of slaves into Texas from anywhere except the United States where they had previously been held in slavery.23

23 Ibid., 1:1292.
Extensive regulations regarding the recovery of runaways were also passed in 1841. After a runaway was committed to jail, a description of the said slave was to be published weekly in one of the newspapers for one month. Also the jailor of the slave had to endeavor to ascertain the owner and to notify him by mail twice, giving him a full description of said runaway. If after six months from the first public notification, the owner did not claim the slave, the sheriff would sell the slave at auction.24

Thirty days notice was given prior to the sale by posting advertising in at least two public places. The sheriff was entitled to the same commission as allowed in cases of execution. After all fees of maintenance, advertising, etc. were paid, the balance would be turned over to the county treasury. If the original owner appeared within three years, the amount paid to the treasury would be paid him as a way of compensation and the slave in question would remain the property of the new owner.25

Persons apprehending a runaway slave and returning him to his owner or turning him over to a sheriff earned a reward of $10.00 plus expenses.26 A supplement to this act in 1841 increased the reward to $50.00 if the slave

24 Ibid., 2:649-650. 25 Ibid. 26 Ibid.
was apprehended west of the San Antonio River. If the person recovering the slave delivered him to the owner's residence, he also would receive a travel voucher in the amount of $2.00 for every thirty miles traveled both coming and going. This travel allowance was also extended to slaves apprehended in the rest of the Republic. If the slave was not claimed, the sheriff was to pay the reward due. 27

Several laws defined slaves solely as property. An act passed in 1838 provided the terms under which mortgages held on Negroes and other personal property could be foreclosed. Another act prohibiting the forced sale of slaves under execution was extremely short-lived. It was passed on January 27, 1841, and repealed December 30 of the same year. 28

Slave owners were also subject to a direct tax on their slaves. The first such tax law was passed on June 12, 1837, and provided an ad valorem tax of one-half of 1 per cent on all "real, personal, or mixed" property. Minor changes were made through the years, but this basic rate prevailed. Taxable property included land, slaves, horses over two in number, cattle over twenty-five in number, pleasure carriages, clocks, and watches. The

27 Ibid., 2:950-951. 28 Ibid., 1:1482, 2:515.
1838 law required a tax of $1.00 per head on all slaves under fifteen years of age and $3.00 for those from fifteen to fifty years. By 1842, this tax had been lowered to $0.25 for all slaves under ten years of age; and $0.75 for all slaves between the ages of ten and sixty. 29

In summary, then, the constitution of the Republic, written mostly by southerners, sought to guarantee the future of slavery in Texas. It legalized the institution, prohibited the African slave trade, and prohibited the residency of free persons of African descent without the consent of congress.

Laws passed under these constitutional provisions concerning slavery affected all segments of society; whites, slaves, and free persons of color. Interestingly, there were really few laws directed solely at slaves. Regulations pertaining to whites and free blacks were more numerous. And in several important ways, free Negroes were lumped with slaves under criminal laws. For example, the list of capital offenses was much more extensive for slaves and free persons of color than for whites. There were some legal restrictions on the actions of whites against blacks, but in general, just

29 Ibid., 1:1319, 2:185, 190, 697, 779.
as the Republic's constitution sought to guarantee slavery in Texas, its laws worked to secure that guarantee on a day-to-day basis.
CHAPTER III

GROWTH OF THE PECULIAR INSTITUTION

Although the slavery issue did not precipitate the Texas Revolution, the Peculiar Institution was clearly vital to the new Republic. The constitution and laws of Texas from 1836 to 1846 reflected a determination to maintain black servitude; an examination of slavery's growth during those years further indicates just how important it was to the fledgling nation's expansion and development. When annexation came in 1846, Texas was fully prepared to join the Old South and its society dominated by slaveholders and slaves.

Reliable information on the expansion of slavery from 1836 to 1846 is not readily available. Estimates made by Texas residents and travelers in the state offer varying statistics that are difficult to substantiate. The Republic of Texas never conducted a true population census. The United States Census of 1850 was the first thorough enumeration undertaken, but it came nearly four years after annexation. Under these circumstances, county tax rolls are the best available source of data on the slave population during the Republic period.
The tax rolls, compiled annually, listed all property owners and assessed their taxable property. Slaves, as personal property, were recorded and evaluated. These records, therefore, provide information on the number and location of the slave population that is not available in any other source. It is interesting to note that while the tax rolls counted all slaves, they listed only the property owner and gave no information on his family. It is possible, therefore, to construct a more complete census of the black population than of white Texans during the period of the Republic.

Pre-revolutionary estimates of the number of slaves in Texas are difficult to evaluate for several reasons. Observers were usually biased one way or another, and many slaves were technically indentured servants. The most frequently cited "census" taken near the end of the colonial period was the work of Colonel Juan N. Almonte, a Mexican official who made a tour of inspection through Texas during the summer of 1834. His report divided Texas into three political units. The Department of Nacogdoches encompassed what is now known as east Texas. This area, according to Almonte, had a total population of 10,600, of which 1,000 were Negroes. The Department of the Brazos, which encompassed Austin's Colony, was estimated at 10,100, which included 1,000 Negroes. The
Bexar Department was south of Austin's Colony and was largely populated by four thousand Mexican nationals.\(^1\) Almonte's report thus showed a total population of 24,700 of which 2,000 (about 8 per cent) were Negroes. This probably underestimates to some extent both the total population and the number of Negroes, but it is the best estimate available. Almonte probably estimated the number of Negroes rather than slaves because of the indentured servant status of many of the bondsmen.\(^2\)

In 1836, six months after Texas declared independence, President Andrew Jackson sent Henry M. Morfit to investigate conditions in the new country. Morfit estimated the Republic's population at 52,670. This number included 30,000 Anglos, 5,000 Negroes (slightly less than 10 per cent), 3,470 Mexicans, and 14,500 Indians.\(^3\) Morfit's estimate provides the closest thing

---


to a census that is available for the first year of the Republic.

The first tax rolls for the Republic of Texas were recorded in 1837. There were twenty-four original counties, and the numbers of slaves taxed in thirteen of these are available for the year 1837. Gonzales County reported no slaves. The other twelve; Bastrop, Bexar, Brazoria, Harris, Jackson, Jasper, Jefferson, Nacogdoches, Sabine, San Augustine, Shelby, and Washington reported a total of 3,360 slaves. Abigail Curlee's research done at an earlier date provides figures for two more counties, Austin and Liberty. The addition of these two brings the total number of counties to fifteen out of a possible twenty-four and the number of slaves to 4,042. Morfit's

---

4Fred Pass, ed., Texas Almanac and State Industrial Guide, 1978-1979 (A. H. Belo Corporation, 1977), pp. 257-267; Records of the Comptroller of Public Accounts, Ad Valorem Tax Division, County Real and Personal Property Tax Rolls, Archives Division, Texas State Library, Austin, Texas, Dallas Public Library, Dallas, Texas. Herein after these records will be cited by appropriate county with the appropriate year. County Real and Personal Property Tax Rolls, Austin, Bastrop, Bexar, Brazoria, Colorado, Gonzales, Goliad, Harris, Houston, Jackson, Jasper, Jefferson, Liberty, Matagorda, Milam, Montgomery, Nacogdoches, Red River, Refugio, Sabine, San Augustine, Shelby, Victoria, and Washington Counties for the year 1837; Abigail Curlee, "A Study of Texas Slave Planatations, 1822 to 1865" (Ph.D. diss., University of Texas, 1932), pp. 15-16. Not all of the tax rolls are available for 1837 at this time. Curlee gives a combined figure for some of the counties in 1837, and I have provided the available figures at this time for others.
1836 estimate of five thousand slaves seems reasonable when compared with these partial records. The counties missing in 1837 are Colorado, Goliad, Houston, Matagorda, Milam, Montgomery, Red River, Refugio, and Victoria. Of these counties, Colorado, Matagorda, Montgomery, and Red River probably had large numbers of slaves because of their locations in or near the areas of slave concentration, which will be discussed later in the chapter. Because of the loss of these particular records, the 1837 figure, using fifteen out of twenty-four counties, must indeed bias downward the number of slaves in Texas reported on tax rolls.\(^5\)

By 1840, there were thirty counties, and the records of twenty-five are available. (See Figure 1, page 49.) These rolls enumerated 11,998 slaves in Texas. Of the missing counties, only one, Matagorda, probably contained any significant number of slaves. There were sixty-nine counties by 1846, the last year of the Republic. (See Figure 2, page 50.) Only the records of three counties are unavailable. The other sixty-six recorded 27,992

\(^5\) County Real and Personal Property Tax Rolls, Austin, Bastrop, Bexar, Brazoria, Colorado, Gonzales, Goliad, Harris, Houston, Jackson, Jasper, Jefferson, Liberty, Matagorda, Milam, Montgomery, Nacogdoches, Red River, Refugio, Sabine, San Augustine, Shelby, Victoria, and Washington Counties for the year 1837.
Fig. 2--Texas 1845
slaves for tax purposes. Nacogdoches and Smith county tax rolls are unusable because the listing for slaves is unreadable. The other missing county is Tyler. It was organized in 1846, but its tax records begin in 1847. Neither Smith nor Tyler were large slave holding counties at the time, but Nacogdoches was one of the largest in the Republic. The figure for Nacogdoches (including Rusk) was 1,173 slaves in 1845 and 1,228 slaves in 1847. Using these available records, it is logical to assume that at least 1,000 slaves resided in Nacogdoches in 1846. Adding this derived number to the figure of 27,992 slaves from the available 1846 tax rolls, there appear to have been at least 29,000 slaves in Texas by the end of the Republican period, according to the tax rolls.6

Four years later the first true census was taken in Texas. The United States census listed 58,161 slaves in the eighty counties of the state. (See Figure 3, page 53.) The Report of the Comptroller, however, lists only 48,287 slaves on the 1850 tax rolls. The discrepancy between these two figures amounts to 9,874 slaves, the census enumeration being 20 per cent greater than the tax roll report. Because the Comptroller's Report is a tax list, it is only natural that this number should be smaller than the census figures. It is only human nature to want to pay the least amount of tax, and it is only logical that some infants, the aged, and infirm were not reported. Moreover, tax rolls were based on property held on January 1, while censuses were taken sometime after June 1.7

Fig. 3--Texas 1850
In summary, then, an examination of the tax rolls for the Republic taken from 1837 through 1846 provides proof that the institution of slavery grew rapidly. From approximately 5,000 slaves in 1837, the slave population grew to roughly 29,000 in 1846. These figures show a phenomenal increase of 480 per cent. The total number of slaves was probably greater than indicated, as the United States Census of 1850 suggests. Even though the tax roll figures are probably on the low side, the percentage of increase during the Republic is probably roughly correct. An examination of these tax rolls also can provide us with a profile of where these slaves lived and define areas of concentration and the greatest growth.

In 1836, there were three areas containing large numbers of bondsmen.8 (See Figure 4, page 55.) The first area included Austin's Colony and was composed of Washington, Austin, and Montgomery Counties. The second was located on the gulf coast and included the counties of Matagorda, Brazoria, Harris, Galveston, and Liberty. The third area existed in extreme east Texas and included Nacogdoches, San Augustine, Shelby, and Sabine. A fourth region of slave concentration grew up

---

Sources: Manuscript tax lists for the individual counties, in the Texas State Archives, States were listed as taxable property. White population was estimated by multiplying the number of taxpayers by five. Raw map designed and statistical data compiled by Terry G. Jobson.

Fig. 4--Distribution of blacks, 1840
a few years later along the Red River in the northeastern corner of the Republic. These four areas of concentration accounted for 79 per cent of the 1840 slave population. In 1846 this percentage decreased slightly to 78 per cent and by 1850 decreased even further to 71 per cent. As can easily be seen, however, at least two-thirds of the slave population lived within these four areas throughout the Republican period.⁹

The area of concentration around Austin's Colony is the best documented. The early census records of this settlement provide a starting place to examine the growth of slavery there. In 1825, the slave population was 443. By 1834, according to Juan N. Almonte's estimate, the number of bondsmen had more than doubled to 1,000.¹⁰ Tax records for the three original counties in this area begin in 1837, but only the records for Washington are available for that year. Using the 1838 tax roll figures for Austin (325) and Montgomery (216), there were a


total of 1,124 slaves in this area at the beginning of the Republican period.\textsuperscript{11}

By 1840, these same counties contained at least 2,010 slaves. Unfortunately, a large portion of the 1840 records for Washington is missing, so this figure is low. On the basis of the data available for the area, there appear to have been only eleven slaveholders who owned more than twenty slaves and can be defined as planters. The slaves living on these plantations constituted only a little more than 19 per cent of all bondsmen, so only one out of every five slaves in this area lived on a plantation.\textsuperscript{12}

By 1846, the region of Austin's Colony consisted of Austin (1,162), Washington (1,581), Montgomery (555), and Brazos (101) Counties, which reported a total of 3,399 slaves on their tax rolls. The United States Census of 1850 recorded a total of 8,940 slaves in Austin (1,549), Washington (2,817), Burleson (500), Brazos (148), Grimes (1,680), Walker (1,301), and Montgomery (945) Counties, which then occupied this geographical area. The Austin

\textsuperscript{11} County Real and Personal Property Tax Rolls for Washington, 1837, Austin and Montgomery, 1838.

\textsuperscript{12} County Real and Personal Property Tax Rolls, Washington, Austin, and Montgomery, 1840; White, ed., 1840 Census, pp. 1-11, 108-119, 205-211. The letters R through Z are missing from the Tax Roll for Washington.
Colony area contained almost 17 per cent of the slaves reported on the tax rolls for 1840, but by 1846 this had dropped to 12 per cent. By 1850, this figure had grown to 16 per cent, using the more accurate census records. This area consistently contained between 10 and 20 per cent of the slave population during the Republic.13

Of the five counties, Brazoria, Matagorda, Harris, Galveston, and Liberty, making up the coastal region of concentration, the tax records of only two are available for 1837. Brazoria (892) and Harris (236) reported 1,128 slaves for that year. The tax rolls for 1840 provide us with the figure of 2,746 slaves for Galveston (156), Brazoria (1,665), Harris (393), and Liberty (532) Counties. The records for Matagorda are missing. This number was almost 23 per cent of all slaves reported in the Republic. Of these slaves, 1,081 lived in Liberty, Galveston, and Harris, where there were only four planters who owned twenty slaves or more. Only 8 per cent of the slave population lived on these plantations. The remaining 1,665 slaves resided in Brazoria County. Of the 308 entries on Brazoria's 1840 tax rolls, ninety-six were slaveowners. Twenty-two of these, nearly one-quarter,

can be defined as planters. In Brazoria, then, in contrast to the other counties of this region, 807 slaves, or almost 50 per cent of the slave population, lived on plantations. 14

In 1846, with these same five counties, Brazoria (2,520), Galveston (497), Harris (773), Liberty (780), and Matagorda (648), plus newly-formed Polk (414) reporting; the total number of slaves on the tax rolls was 5,632. By the 1850 census, Tyler (418) County was added to Brazoria (3,507), Galveston (714), Harris (905), Liberty (892), Matagorda (1,208), and Polk (805), and the number of slaves had risen to 8,449. This coastal area contained about 23 per cent of all Texas slaves reported on the tax rolls available for 1840 and not quite 22 per cent by 1846. Even though the census figure for 1850 showed an increase in numbers, there was a dramatic decrease in the percentage of slaves to about 12 per cent. In short, the coastal region had a large increase in the number of slaves during the years of the

14 County Real and Personal Property Tax Rolls, Brazoria, Matagorda, Harris, Galveston, and Liberty Counties, 1837, 1840.
Republic, but there was a decline in its share of all the slaves in Texas.  

In east Texas, another concentration of slaves grew up. In 1837, Nacogdoches (385), San Augustine (520), Sabine (114), and Shelby (186) Counties reported 1,205 on the tax rolls. By 1840, Nacogdoches reported 940 slaves, San Augustine, 991; Sabine, 534; and Shelby, 367; making a total of 2,832 slaves in the area. Only fifteen planters who owned a total of 405 slaves were listed on the tax rolls in 1840, which means approximately 13 percent of the slaves in the area lived on plantations.

Between 1840 and 1846, a great amount of change occurred in the area. The number of counties in the area more than tripled. The available tax rolls for 1846 listed 6,879 slaves for Dallas (62), Henderson (57), Upshur (87), Cherokee (270), Angelina (142), Rusk (344), Harrison (2,625), Panola (574), Shelby (615), San Augustine (1,436), and Sabine (667) Counties. The records of Smith and Nacogdoches are not legible. This

15 County Real and Personal Property Tax Rolls, Brazoria, Matagorda, Harris, Galveston, and Liberty Counties, 1840; Polk, 1846; DeBow, comp., Compendium of the Seventh Census, pp. 308, 314; White, ed., 1840 Census, pp. 1-212.

16 County Real and Personal Property Tax Rolls, Nacogdoches, San Augustine, Sabine, and Shelby Counties, 1837, 1840; White, ed., 1840 Census, pp. 120-136, 164-190.
is regrettable because Nacogdoches was one of the largest slaveholding counties. The figures for both Nacogdoches (1,228) and Smith (168) are available for 1847, and these total 1,396 slaves. If the 1846 figures and the 1847 figures for Smith and Nacogdoches are added, a total of 8,275 slaves resided in the area. By 1850, the number of counties had increased by two. The counties of Dallas (207), Henderson (81), Smith (717), Upshur (682), Cherokee (1,283), Angelina (196), Rusk (2,136), Nacogdoches (1,404), Harrison (6,213), Panola (1,193), Shelby (961), San Augustine (1,561), Sabine (942), Van Zandt (40), and Kaufman (65) reported 17,681 slaves on the 1850 United States Census. The slave concentration in east Texas accounted for more than 23 per cent of the available slave figures for 1840. By 1846, this had increased to 30 per cent and remained at this level in 1850 according to census figures. This area showed a decided increase in the proportion of the slaves in Texas. In fact, this area accounted for one-fourth of the slave population in 1840, and by 1846, almost one-third of all the slaves in Texas resided here.17

The last slave concentration to grow up was located just to the north of the fast-growing east Texas area in the region along the Red River. Red River County was organized in 1837, and Fannin was organized from it in 1838. Early records for the area unfortunately are missing. The 1840 tax rolls list 1,789 slaves in Red River and 92 in Fannin, making a total of 1,881 slaves in the area. According to these records, there were twenty-one slaveowners who held twenty or more slaves. These planters held 756 slaves, or more than 42 per cent of the total slave population. 18

By 1846, the number of counties in the Red River area had grown to eleven. Denton (2), Grayson (109), Collin (68), Fannin (92), Hunt (5), Lamar (565), Hopkins (71), Red River (1,042), Cass (722), Titus (243), and Bowie (1,013) Counties reported 3,932 slaves according to 1846 tax rolls. In 1848, Cooke County was created. The 1850 United States Census reported 7,555 slaves in Denton (10), Grayson (186), Collin (134), Fannin (528), Hunt (41), Lamar (1,085), Hopkins (154), Red River (1,406), Cass (1,902), Titus (467), Bowie (1,641), and Cooke (1) Counties. The Red River area accounted for a

---

18 Pass, ed., Texas Almanac, pp. 293, 341; County Real and Personal Property Tax Rolls, Red River and Fannin Counties, 1840; White, ed., 1840 Census, pp. 31-41, 137-156.
little less than 16 per cent of the available slave population figures for 1840 based on tax records. By 1846, just over 14 per cent of the slave population was located here. According to 1850 census figures, this number had further decreased to not quite 13 per cent of the slaves reported in the Republic. Although this area of concentration was the last to grow up, it accounted for 10 to 20 per cent of all the slaves in Texas.\textsuperscript{19}

The institution of slavery showed constant growth during the Republic and between annexation and 1850. Morfit's estimate of five thousand slaves in Texas in 1836 is supported by the tax rolls of fifteen out of the twenty-four original counties, which reported 4,042 slaves in 1837. By 1840, this number had risen to 11,998 according to tax rolls. By the time of annexation in 1846, the number of slaves had grown to at least 29,000 according to the tax rolls. This figure shows an increase of 480 per cent. The 1850 figure reported by the Comptroller showed 48,287 slaves on the tax rolls, but the United States Census of 1850 tallied 58,161 slaves. These figures for 1850 are not as incompatible

as they seem because tax figures are usually somewhat less than census records. Because this is usually the case, the slave figures for the Republic are probably too low. 20

The growth of the white population cannot be charted as closely as that of the slave population during the Republic, but a few figures are available. Henry Morfit's estimate of 5,000 slaves in 1836 also included an estimate of 30,000 Anglos and 3,470 Mexicans. Given these figures, the slave population accounted for approximately 13 per cent of the total population excluding Indians. The 1847 state "census" gives 102,961 as the total white population for that year with 38,753 slaves listed and 295 free Negroes reported. By this time then, slaves accounted for 27 per cent of the population excluding Indians. The 1850 United States Census indicates that although the number of slaves again greatly increased so did the white population. This census lists 212,592 as the total population of which 58,161 were slaves. These figures once again place the percentage of slaves at a little over 27 per cent. It seems apparent, then, that although great growth was experienced from 1836 to

20 Curlee, "A Study of Texas Slave Plantations." Appendix A.
1850, it was actually during the Republican period that the percentage of slaves greatly increased.\textsuperscript{21}

These slaves represented a large capital investment. Sources for a systematic study of slave prices are limited, but probate records often contain appraisals of slave owners' estates. Examination of these records in Brazoria County provides some insight as to what slaves were worth in the Republic. Brazoria was chosen because of its great concentration of slaves which would logically increase the amount of data available. Brazoria was an original county, so records for the entire period from 1837 to 1845 could be examined.

An examination of the available probate records of Brazoria for the years 1837-1845, located the estates of fifteen slaveholders. The smallest slaveholder owned two slaves and the largest seventy-three bondsmen. Among the group is the estate of James F. Fannin, the revolutionary hero. There were 275 slaves listed in the records, and their worth was listed at $147,325. Thus,

the average value of each slave was $536, regardless of age, sex, or condition.22

During 1837 and 1838, the first years of the Republic, prime male slaves in Brazoria County were generally valued at $1,000 to $1,100. A prime male slave was defined for the use of this study as ranging in age from sixteen to forty years. Women ranged from $600 to $900, and women with children were appraised at a few hundred dollars more. Children increased in worth as they grew older. Conversely, adults decreased in value as they got older.23

By 1840, the value placed on prime male slaves had decreased to an average of $680. Women had dropped to $500 to $600. The average value for a prime male was $600, and women were valued at an average of $567 according to a 1841 probate record. Two wills probated in 1844 and 1845 show that prime hands had decreased again to an average of $515.24

The decreased value of slaves from 1839 through 1845 probably can be attributed to the Panic of 1837 in


23Ibid., pp. 5, 32, 36, 50, 59, 88, 95, 154, 163, 164.

24Ibid., pp. 219, 356, 408, 596, 666.
the United States. This panic was shortlived, but it placed a damper on the cotton market. A bumper cotton crop in 1839 also contributed to the decline in cotton prices that lasted through 1845. This must have greatly affected the price of slaves and cotton in Texas, too. In fact, according to two Brazoria probate records, cotton was valued at $75 a bale in 1837 but only $36 in 1839.25

One probate record was of special interest because Africans were listed among the slaves. The estate of James F. Fannin, who fell at Goliad in March of 1836, was probated December 2, 1839, after the death of his widow. Forty slaves were listed. Eight were described as African males. One was valued at $400, while the other seven were valued at $700 each. Fannin came to Texas in 1833 with a letter of introduction to Samuel May Williams, Stephen F. Austin's former secretary and partner. The letter described Fannin as an "enterprising man" wishing to enter the Cuban trade. In 1835, Fannin reported to a friend that he had brought 152 African slaves from Cuba into Texas. Apparently he and Joseph

Mims had formed a partnership arrangement whereby Fannin imported the slaves, and Mims opened a plantation and trained the slaves not sold immediately. Judge Scott of the Probate Court of Brazoria County advertised the sale of thirty-four slaves along with other property jointly owned by Mims and Fannin. The Fannin estate sold for $22,100.26

A probated will for Mims is also recorded in Brazoria. It was filed on February 22, 1845, but it makes no mention of Africans among the seventy-three slaves listed. In another way, however, the Mims estate is also among the most interesting ones found in the Brazoria County probate records. This is because it listed the slaves according to family. Twelve families accounted for fifty-nine of the seventy-three slaves recorded in the inventory. Fourteen additional male

slaves were not listed as members of families and all but two of these were of prime age; the exceptions being a boy of seven years and a man listed as forty-seven years of age. This inventory of Joseph Mim's slave property is included here as an example of probate data at its best.

Estate of Joseph Mims, 1845

<table>
<thead>
<tr>
<th>Family Composition</th>
<th>Age</th>
<th>Value in Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Man</td>
<td>55</td>
<td>500</td>
</tr>
<tr>
<td>Wife</td>
<td>--</td>
<td>400</td>
</tr>
<tr>
<td>Girl</td>
<td>8</td>
<td>200</td>
</tr>
<tr>
<td>Girl</td>
<td>5</td>
<td>150</td>
</tr>
<tr>
<td>Man</td>
<td>25</td>
<td>500</td>
</tr>
<tr>
<td>Wife</td>
<td>20</td>
<td>400</td>
</tr>
<tr>
<td>Two children</td>
<td>--</td>
<td>200</td>
</tr>
<tr>
<td>Man</td>
<td>28</td>
<td>500</td>
</tr>
<tr>
<td>Wife</td>
<td>25</td>
<td>400</td>
</tr>
<tr>
<td>Girl</td>
<td>8</td>
<td>200</td>
</tr>
<tr>
<td>Boy</td>
<td>6</td>
<td>200</td>
</tr>
<tr>
<td>Boy</td>
<td>4</td>
<td>150</td>
</tr>
<tr>
<td>Girl</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Man</td>
<td>40</td>
<td>500</td>
</tr>
<tr>
<td>Wife</td>
<td>25</td>
<td>400</td>
</tr>
<tr>
<td>Girl</td>
<td>8</td>
<td>300</td>
</tr>
<tr>
<td>Girl</td>
<td>6</td>
<td>250</td>
</tr>
<tr>
<td>Girl</td>
<td>4</td>
<td>150</td>
</tr>
<tr>
<td>Girl</td>
<td>1-1/2</td>
<td>100</td>
</tr>
<tr>
<td>Man</td>
<td>45</td>
<td>500</td>
</tr>
<tr>
<td>Wife</td>
<td>34</td>
<td>400</td>
</tr>
<tr>
<td>Boy</td>
<td>8</td>
<td>250</td>
</tr>
<tr>
<td>Girl</td>
<td>6</td>
<td>200</td>
</tr>
<tr>
<td>Boy</td>
<td>3 weeks</td>
<td>50</td>
</tr>
</tbody>
</table>

27Brazoria County Probate Records, p. 356.
<table>
<thead>
<tr>
<th>Family Composition</th>
<th>Age</th>
<th>Value in Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Man</td>
<td>32</td>
<td>500</td>
</tr>
<tr>
<td>Wife</td>
<td>22</td>
<td>500</td>
</tr>
<tr>
<td>Boy</td>
<td>6</td>
<td>250</td>
</tr>
<tr>
<td>Boy</td>
<td>4</td>
<td>200</td>
</tr>
<tr>
<td>Two Infants</td>
<td>1-2 yrs. old</td>
<td></td>
</tr>
<tr>
<td>Man</td>
<td>26</td>
<td>600</td>
</tr>
<tr>
<td>Wife</td>
<td>22</td>
<td>400</td>
</tr>
<tr>
<td>Boy</td>
<td>4</td>
<td>200</td>
</tr>
<tr>
<td>Girl</td>
<td>3</td>
<td>100</td>
</tr>
<tr>
<td>Man</td>
<td>50</td>
<td>500</td>
</tr>
<tr>
<td>Wife</td>
<td>38</td>
<td>400</td>
</tr>
<tr>
<td>Boy</td>
<td>15</td>
<td>550</td>
</tr>
<tr>
<td>Girl</td>
<td>18</td>
<td>500</td>
</tr>
<tr>
<td>Boy</td>
<td>12</td>
<td>300</td>
</tr>
<tr>
<td>Girl</td>
<td>10</td>
<td>300</td>
</tr>
<tr>
<td>Girl</td>
<td>8</td>
<td>200</td>
</tr>
<tr>
<td>Boy</td>
<td>5</td>
<td>250</td>
</tr>
<tr>
<td>Boy</td>
<td>2</td>
<td>150</td>
</tr>
<tr>
<td>Girl</td>
<td>4 mos.</td>
<td>150</td>
</tr>
<tr>
<td>Man</td>
<td>27</td>
<td>600</td>
</tr>
<tr>
<td>Wife</td>
<td>21</td>
<td>600</td>
</tr>
<tr>
<td>Boy</td>
<td>5</td>
<td>150</td>
</tr>
<tr>
<td>Boy</td>
<td>3</td>
<td>125</td>
</tr>
<tr>
<td>Man</td>
<td>23</td>
<td>600</td>
</tr>
<tr>
<td>Wife</td>
<td>21</td>
<td>500</td>
</tr>
<tr>
<td>--</td>
<td>5</td>
<td>250</td>
</tr>
<tr>
<td>Man</td>
<td>25</td>
<td>400</td>
</tr>
<tr>
<td>Wife</td>
<td>21</td>
<td>500</td>
</tr>
<tr>
<td>Woman</td>
<td>15</td>
<td>400</td>
</tr>
<tr>
<td>Girl</td>
<td>10</td>
<td>250</td>
</tr>
<tr>
<td>Boy</td>
<td>8</td>
<td>250</td>
</tr>
<tr>
<td>Man</td>
<td>25</td>
<td>600</td>
</tr>
<tr>
<td>Wife</td>
<td>19</td>
<td>600</td>
</tr>
<tr>
<td>No Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>22</td>
<td>600</td>
</tr>
<tr>
<td>Male</td>
<td>22</td>
<td>600</td>
</tr>
<tr>
<td>Male</td>
<td>20</td>
<td>600</td>
</tr>
<tr>
<td>Male</td>
<td>25</td>
<td>600</td>
</tr>
<tr>
<td>Male</td>
<td>47</td>
<td>600</td>
</tr>
<tr>
<td>Male</td>
<td>18</td>
<td>500</td>
</tr>
</tbody>
</table>
An economic profile of Brazoria County shows that a few slaveholders owned almost half the slaves in the county in 1840; nevertheless the ownership of slaves was not as restricted as this might suggest. Almost one-third of the property owners of Brazoria County in 1840 were taxed on one to twenty slaves. From probate records, it was learned that a prime age male was worth about $1,000 in 1837 but by 1845 a prime age male was only valued at $600. Prices decreased throughout the period of the Republic, but the number of slaves in the area increased. The average price of a slave regardless of age, sex, or condition over the years from 1837 to 1845 was $536. Comparing the price of slaves with the values listed in probate records for other property such as a gold watch listed at $10 and river front land on the Brazos at $5 per acre, one can easily see that most of the available capital of the Republic was tied up in the institution of

<table>
<thead>
<tr>
<th>Family Composition</th>
<th>Age</th>
<th>Value in Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>19</td>
<td>500</td>
</tr>
<tr>
<td>Male</td>
<td>19</td>
<td>500</td>
</tr>
<tr>
<td>Male</td>
<td>18</td>
<td>300</td>
</tr>
<tr>
<td>Male</td>
<td>24</td>
<td>600</td>
</tr>
<tr>
<td>Male</td>
<td>36</td>
<td>600</td>
</tr>
<tr>
<td>Male</td>
<td>22</td>
<td>600</td>
</tr>
<tr>
<td>Male</td>
<td>22</td>
<td>450</td>
</tr>
<tr>
<td>Boy</td>
<td>7</td>
<td>225</td>
</tr>
</tbody>
</table>
slavery. In fact, slave labor was definitely the most expensive factor of agricultural production in Texas.

It is impossible to gauge just how profitable slavery was in the Republic because evidence such as production records is not available. However, if slavery was not economically beneficial then why was there an ever increasing demand for slaves in Texas? It is quite apparent that a great many of these slaves had to have been imported by Texas slaveowners, and a great number must also have been transported along with their owners to Texas. Either way, this growth indicates a strong demand for slaves. The Texas owners had to have money with which to pay for the imported slaves and the influx of newcomers and their slaves shows a belief that Texas would provide a better living than the older areas from which they came. The growth of the Anglo population and the capital represented by the great increase of the number of slaves from 13 per cent of the population in 1836 to more than 27 per cent by 1847 would indeed indicate that the application of slave labor to agricultural production in the Republic of Texas was economically successful.

28 Ibid., pp. 32, 88.
CHAPTER IV

CONDITIONS OF SERVITUDE AND THE TREATMENT OF FREE BLACKS

The entire society and economic system of the Republic was based on the institution of slavery, and yet it is difficult to ascertain the conditions under which the slave population lived. Probably the most important aspect of the institution was the effect it had on human lives. Although slavery affected the lives of the entire white population in some ways, the lives of the Negroes held in bondage were even more completely controlled by the institution.

Most slaves were illiterate, and the only written accounts of how they lived during the years of the Republic were recorded about them, not by them. Diaries, letters, plantation records, and travelers' accounts are the best sources. Sometimes court records, bills of sale, and newspapers also provide insights. All of these records, however, were created by whites, and the historian must take into consideration the probable bias of their authors. Because these records are so sketchy, it is difficult to make generalizations. A study of the slave law does not tell the story either, for laws are rarely
carried out to the letter in any society. A closer examination is required to find out what custom and not law dictated.

The basic fact concerning the conditions of servitude was that slaves were legally defined as property. The treatment of slaves depended on this one fact. Every slave must have known that he could be bought or sold. Nicholas Doran Maillard recorded an auction at which a family of four were separated. The mother and an infant were sold to one planter, a four-year-old boy to another, and the father to a third. The father was then sent by his new master to live with a woman and her three children.¹

The slaves must also have been aware that they could be hired or loaned out. James F. Perry, for example, received a letter dated November 15, 1844, from his son-in-law, M. A. Bryan, noting the hiring of a woman for $7.00 per month and two Negro men for $100.00 each per year. Some slaves were hired out year after year. Indeed, the practice was so common that at times it was softened by compassion for those involved. For example, a man from Galveston hired out two slaves to James Perry

for less than he could have gotten elsewhere so as not to separate a slave family.²

In some cases, slave hiring was carried to the extreme of allowing bondsmen to hire their own time from their owner and then seek employment for themselves at whatever pay they could command. An interesting example is provided by a Negro named Sam, who belonged to Channncy Goodrich but was placed in Ashbel Smith's charge in 1837. Sam was supposed to pay Smith $7.00 per week by hiring his own time. If he failed to make the payments, Smith was instructed to hire Sam out. Smith sublet Sam to William Crosses of Houston the next year. Sam soon defaulted on his payments, thus ending the hiring of his own time. In 1839, he was hired to Circuit Judge John Scott. Later, in 1843, George Smith took Sam to Memphis, Tennessee, where he was hired to the Appeal Printing Office for $125.00. Sam was shortly sold to Judge Scott. A letter from Houston in 1845 informed Ashbel Smith that Judge Scott was well, and Sam was taking good care of him.³


Slaves also knew that as property they were subject to the discipline of their owners. Whipping was undoubtedly the most common punishment, but it was rarely mentioned in contemporary accounts. Instead, observers tended to record only punishments that were uncommon or unusually severe. Nicholas Doran Maillard described one such incident in detail. A woman slave complained of being ill and was struck by the planter with his fists; then her husband was instructed to administer a cow-hiding. Other forms of punishment included handcuffing and solitary confinement. The isolation of the plantation provided a great deal of freedom concerning the type of punishment meted out. The slave was indeed at the mercy of the owner or overseer and his personality.  

As would be expected, some slaves were treated with greater harshness than others. There were cases of extreme cruelty such as that described by Maillard, but there were also owners interested in humane treatment for their bondsmen. For example, Charles W. Tait in his plantation rules forbade any overseer to strike a slave when angry and urged the use of moderation and fairness in all dealings with his Negroes. Moreover, there was a

law, passed in 1840, that sought to protect slaves from cruel treatment and murder. Its effectiveness was limited, of course, because the courts often were run by the planter class and because slaves could not testify against whites.  

Minor offenses, violations of plantation rules, and unsatisfactory work were punished by slaveowners, but actual crimes were handled by the courts. The issue of property rights versus the punishment of guilty slaves was never resolved, and the result in some instances was the evasion of the slave codes. Usually a slaveowner preferred to punish slaves in cases of theft. On the other hand, slaves who dared attack a white person were killed instantly or executed immediately after a swift trial. One slave was tried in ten minutes after he allegedly attempted to poison his master, and was hanged three days later.  


The isolation of many Texas plantations worked to the advantage of the slave. Because of the frontier conditions and the need for labor in Texas, slaves were very valuable. Rather than lose a bondsman's services, owners in isolated areas were tempted at times to allow the slave codes to go unenforced. Mary Austin Holley, a relative of Stephen F. Austin writing in 1835, felt that because there were no large concentrations of slaves in Texas, bondsmen there enjoyed more freedom than did slaves in the United States.  

In some instances, considerable responsibility was placed on individual slaves. Several travelers recorded incidents in which Negro drivers or an old, trusted slave were left in charge of plantations when the owner was away. This was not in contradiction of Texas slave codes but was in violation of those of Louisiana. Gustav Dresel, a German traveler, was nursed back to health by unsupervised slaves in one instance and procured food from slaves throughout his journey in Texas. This last

---

was in direct violation of Texas slave codes. The fact that slaves were given responsibility must have been an incentive for good behavior and work well done.

The slaves as property were held primarily for their labor. Work was the key aspect of their everyday existence. A great number of the slaves in Texas belonged to farmers who owned fewer than twenty bondsmen and did not live on large plantations. Many times these slaves worked alongside their masters in the fields. Unfortunately, little remains to form a sketch of these slaves' lives.

Nearly all plantation records, letters, and diaries recorded the conditions on the larger plantations. Labor on most Texas farms and plantations revolved around the cotton or sugar cane crop. According to the rules of the

---


William Tait plantation near the coast, the slaves from October to April were to start work by daylight and were allowed a lunch break of thirty minutes to one hour. From April until October, work started at sunrise, but a break of one to two and a half hours was allowed for lunch and rest because of the longer working hours during the summer heat. On the Ashbel Smith plantation on Galveston Bay, Jon Bauer, an overseer, allowed the slaves a two-hour break in the middle of the day but required that the time be made up by extending the hours of work. Most plantations operated on the gang system, and the usual stopping time was dusk. This, however, did not end the work for the day. Evening chores such as cooking supper and feeding the animals were still to be performed. The slaves were generally given Sunday off, and on some plantations, they also had Saturday afternoon to pursue such activities as gardening.\(^{10}\)

During planting and harvesting, the work load was greatly increased and sometimes the slaves near the Brazos worked on Saturday afternoon and Sundays and were usually paid a dollar a day or given the cotton picked for the

day to sell. Field hands, in good weather, could pick one thousand pounds of seed cotton in one week. Staple food crops were also grown, and the care of cattle, hogs, and other livestock was required.

On small farms the owner generally worked with his slaves, but on the larger plantations an overseer was often required. Overseers handled business matters, managed the slaves, and grew a profitable crop. Finding and keeping a good overseer was of prime concern to a plantation owner and of extreme importance if the plantation belonged to an absentee owner. The turnover rate was high, and the care of slaves was of extreme importance to the owner. The overseer played an important part in the life of a plantation slave. The living conditions of a slave depended upon the overseer's temperament and his philosophy of handling slaves. It was not illegal in Texas for a trusted slave to be left in charge of a plantation, and at times this occurred. 

---


12 Letters, George Smith to Ashbel Smith, November 28, 1840, John Bauer to A. Smith, December 26, 1842, Smith Papers; Roemer, Texas: With Reference to German Immigration, p. 60, 163.
Sometimes slaves were loaned or borrowed during rush periods on plantations. Friends and relatives generally borrowed from each other when help was needed for a short period of time. For example, W. P. Rose, who lived in Harrison County, loaned John W. and Preston R. Rose, his two sons, two mules, and five slaves in 1847.¹³

The slaves usually received three holidays during the year. These were the "laying by" of the crops, the end of harvest, and Christmas. A week of celebration at Christmas for the slaves was traditional in the South. Most families had the opportunity to be together on Christmas. Some slaves also participated in the amusements of their owners. Other slaves enjoyed these pastimes on their own, and some entertainment was organized just for the amusement of the slaves. William Bollaert recounted one Christmas Ball. It was a subscription ball but near midnight, it was thrown open to the public. One dollar was the price of admission. Bollaert described the participants as well-dressed and orderly. At midnight a supper was served, and the ball

lasted all night. At daylight everyone returned to the plantations from which some had traveled great distances.\footnote{Maddox, "Slavery in Texas, 1836-1860," p. 71; Curlee, "A Study of Texas Slave Plantations," p. 278; Bollaert, \textit{William Bollaert's Texas}, pp. 299-300.}

The actual material existence of the slaves must have varied a good deal from owner to owner, but an examination of available evidence does provide an idea as to prevailing conditions. The slaves' existence could be easily described as on the subsistence level. Food, clothing, and housing were at least adequate for survival because of the great property value of the slave. Economics also played a part in health care because the loss of work by a sick slave was expensive, and the amount of capital invested in slaves was a good incentive to keep them healthy.

Usually on Saturday, the weekly rations for the slaves were distributed. William Tait's Plantation Rules give an idea of how bondsmen fared on a large slaveholding unit.

Serve out to every working hand once a week from two and a half to three and a half pounds of bacon according to circumstances. If milk & butter is plenty then less meat; if molasses is served out then one quart in place of one pound of meat. Of dried beef five or six pounds is the weekly allowance; also one less
peck of meal. When potatoes are served then less meal. Lying-in women to be allowed one quart of sugar, & fed from the overseer's kitchen 2 weeks.\textsuperscript{15}

In many cases, slave diets depended more completely on corn and pork with much less variety than was available on Tait's plantation. The amount of work a prime male field hand could do in one day was the basic unit of measurement. Women, children, and others considered inferior were rated as three-quarter, one-half, or one-quarter hands. For example, if a man could do a full day's work, his wife three-quarters, and their three children could each accomplish half the work of their father, then the food allotment for the family would be three and one-fourth food allotments. Some plantation owners did not allot food for slave children but fed them from the main kitchen, where their fare was usually a mush-type concoction eaten with a spoon from a communal trough-like container.\textsuperscript{16}

Slaves were usually allotted a small piece of land on which they could grow vegetables and cotton. This allowed the slave to earn a little money and supplement the monotonous diet based primarily on pork and corn.


This fare was indigenous to the frontier and, even visitors complained of the monotonous food they were served. Crop conditions also affected the diet of the entire population. 17

House servants were probably better fed because they were served from the master's kitchen. Refined white flour was not on the slave menu, and a biscuit or piece of cake from the owner's kitchen was considered a great treat. Ferdinand Roemer estimated that $20.00 was required to feed a slave for a year and $10.00 to clothe him. 18

The clothing of a slave was designed to be durable. On large plantations, clothing was made for the slaves, but on the smaller plantations such as Ashbel Smith's, clothing was purchased. Linsey-woolsey was commonly used for winter clothing for slaves, and cheap cotton was used for summer. The shoes purchased for slaves were called "brogans" and were made of heavy reddish leather.


Sizes for shoes were never listed when ordering them, so it appears that a great many slaves wore ill-fitting shoes.19

Usually a slave received two new outfits of clothes a year. One of winter weight and one for summer were provided. One blanket and a pair of shoes were also provided each year. Some owners, such as William Tait, required that all his slaves were to report to work on Monday morning in clean clothes. He also required that all cabins be inspected weekly for cleanliness.20

Tait's reference to slave cabins provided one of the few instances where slave housing is described. Some travelers referred to log houses or cabins, but only William Bollaert described them as single-family dwellings.21

It is quite amazing that many planters believed that Negroes were immune to fevers and could work in the fields of the lowlands near the coast. Negroes were

---


21Holley, Texas, p. 133; Bollaert, William Bollaert's Texas, p. 271.
susceptible to fevers, chills, and communicable diseases, just like the whites. Most slaveowners summoned a doctor to protect their investment and also administered home remedies. A medical supply order by James Perry dated July 5, 1837, was quite extensive and included everything from Epsom Salts to Laudanum.  

Slaves were also subject to accidents. A slave on the Perry plantation was killed by the falling of a piece of a cotton press in 1844. A few years later, James Perry received a letter from Thomas H. Borden, who had developed a greatly improved sugar mill that included an apparatus that would not break and, consequently, not harm the slave using it. Not all accidents were work-related. On Ashbel Smith's Evergreen Plantation, one slave accidentally shot another while examining a gun belonging to the overseer.  

Because the birth of a slave meant an increase in the owner's capital and a return on his previous investment, it was a matter of importance. The extra rations


allocated in the Tait Plantation Rules attest to the fact that special care was given to an expectant or new mother. At times, slave women received better medical care at the time of delivery than did their white counterparts.  

Although the lives of the slaves were closely proscribed by the institution of slavery, they still managed to develop a culture of their own. This culture provided support to the slaves and helped them deal with the conditions under which they were required to live. Religion provided spiritual guidance, and strong family ties provided much needed support. Slave resistance to the institution took many forms. The most common methods were poor work, feigned illness, wastage, and broken tools. The more drastic methods were rebellion and running away.

The religious life of slaves depended on the attitude of their masters. In rural areas, church services were held in homes and schools, and the slaves were permitted to stand outside or on the porch. White preachers emphasized scripture that defined the relationship of the master and slave. Blacks were also allowed to travel and attend camp meetings. In the more populous areas,

---

churches held separate services for whites and slaves. The names of a few slaves are found on the membership rolls. The Methodists were quite active in the eastern counties, and William Bollaert recorded a Negro parody on a Methodist hymn. No names of free Negroes are to be found, and it is possible that they were not welcome at either service.\(^\text{25}\)

Very little is known about slave family life during the Republic. William Bollaert did record the existence of slave nurseries. While the parents worked in the fields and at other jobs, the young children were left in the care of an old "aunty." While most masters probably hated to separate families, it was financially necessary at times. For example, in 1839, James Perry received a boy and a girl, aged twelve or thirteen years, as payment for some land on Mill Creek.\(^\text{26}\)

Because a slave was defined as property, it seems likely that some families were separated because of debtor laws. Until January, 1841, slaves were subject


\(^{26}\)Bollaert, William Bollaert's Texas, p. 271; Letter, A. Sommervell to James Perry, January 17, 1839, James F. Perry Papers, University of Texas Archives, Austin, Texas.
to mortgage and foreclosure like any other personal property. This 1841 debtor relief law exempted slaves from forced sale to satisfy debt except under court decree. The Texas Congress bowed to political pressure and repealed the relief law that same December. Because of the nature of these laws, it seems highly probable that some slaves families were split apart to settle debts.\textsuperscript{27}

Marriages between slaves on different plantations were discouraged, but marriages between friends were common. The children of such a union belonged to the owner of the mother. Problems could easily arise if one of the couple had to be sold or moved. Masters tried to avoid the separation of a slave family because of moral and disciplinary reasons. In such cases, many families fought to stay together.

Slaves frequently ran away to be near their families. In 1839, James F. Johnson hired out Esther and her child to Ashbel Smith in Houston. Jepe, Esther's husband, ran away from his owner in Travis County and headed for Houston where Esther was residing. Johnson wrote Smith with a plan to apprehend Jepe by telling Esther that Johnson would sell Jepe to someone in the vicinity of

\textsuperscript{27}Gammel, comp., \textit{Laws of Texas}, 1:515, 697.
Houston; then when he appeared, Smith could take him into custody and return him to Johnson. Jepe was apprehended about two months later but managed on the way back to Travis County to escape again and head back for Houston.28

Evidence of broken families can be found in newspaper advertisements for runaway slaves. An advertisement for Jesse, another one of Ashbel Smith's slaves, stated that Jesse's wife lived at Millet's tavern, and it was presumed that he was headed in that direction.29

Many times a slave ran away to avoid punishment or in reaction to a whipping or other punishment. Usually the slave fled to the woods and returned in a few days. On Nassau Plantation, an inexperienced overseer tried to whip an accomplished blacksmith as if he were a field hand. The slave returned home only upon the assurance that he would not be punished.30

Other slaves disappeared into the woods for short periods for a brief vacation or to go hunting, but they almost always returned home in a few days. Most owners

28Letters, James F. Johnson to Ashbel Smith, June 27, 1839, August 27, 1839, Smith Papers.
29Houston Morning Star, 13 July 1839.
30Roemer, Texas: With Reference to German Immigration, pp. 163-164.
gave their fugitive slaves a few days to return of their own volition. If a slave did not return, then a search of the neighborhood was conducted. When this search failed, law officers in the vicinity were notified and advertisements were run in the newspapers. These advertisements included fairly detailed descriptions. They usually gave the slave's name, age, height, shade of skin, and any unusual physical characteristics or mannerisms. Descriptions of clothing, and any other information, such as which way the slave might be headed, were also included.\textsuperscript{31}

Fugitive slaves worried the entire white population who feared unsupervised blacks. When a slave became a runaway, he worried his owner, but being a runaway was a traumatic experience for the slave. He had to leave food, shelter, and friends, and enter a world of uncertainty where his color immediately marked him as a fugitive. Slaves generally had little knowledge of geography or the hardships to be endured to reach their destination.

There were severe penalties for harboring or helping a runaway. An 1839 law provided a fine of $500 to $1,000 plus a prison term of up to a year for

\textsuperscript{31}Henson, "Development of Slave Codes," pp. 143-144.
harboring or helping a runaway. Even stiffer penalties awaited a free Negro who aided a runaway. The good samaritan faced a fine equal to the worth of the slave, and the failure to pay resulted in the sale of the offender himself. 32

Slaveowners feared the escape of their slaves to Mexico. During 1842, Ashbel Smith's Albert escaped and joined the Mexican troops. He became disillusioned, however, and contritely returned. Seven slaves, in the summer of 1843, fled from the Brazos to Mexico. During the Christmas holidays of 1844, a mounted and armed band of twenty-five slaves left Bastrop for Mexico. Sheriff H. McCullough of Gonzales County captured seventeen of them near the Guadalupe River. 33

To discourage this Rio Grande traffic, Congress in 1844, authorized a bounty for the capture of such runaways. A reward of $50.00 plus $2.00 for each thirty miles traveled coming and going was authorized for runaways caught west of the San Antonio River. 34 The


34Gammel, comp., Laws of Texas, 2:950-951.
apprehension of runaway slaves was advertised in the newspapers in order to collect the rewards. Professional slavehunters roamed the areas and captured any blacks, some of whom were free.

The white population feared the threat of rebellion by their charges, but there is little evidence that this was a real threat in most cases. However, a few isolated cases of rebellion by individuals, such as the two slaves in 1841 who reportedly poisoned their masters, were recorded. There was never a law passed by the Republic against Negroes assembling, but towns often passed ordinances designed to control the movement of blacks. In Nacogdoches in 1841, things reportedly got out of hand, Negroes were seen riding their masters' horses at all hours of the night, and dances were held two or three times a week. A local slave patrol was quickly formed to end these nocturnal wanderings and re-establish authority, since there were no provisions for such patrols passed by the Republic. 35

Free Negroes were also considered a threat to society by the white population. They were unwelcome reminders who disproved the myth of black inferiority. The conditions under which they lived were better than those of the slaves but were definitely worse than the circumstances of whites. Texas law dictated that anyone of African descent, either in whole or in part, was considered a Negro regardless of his skin tone. Free blacks were always a very small minority. Harold Schoen, in his study of "The Free Negro in the Republic of Texas," estimated that there were only about 150 in residence at the time of Texas independence.36

Free blacks were restricted even before Texas independence had been secured. The Grand Council of the provisional government passed an ordinance on January 5, 1836, to prevent the immigration of free Negroes into Texas. This same ordinance did, however, grant citizenship to the free Negroes already in Texas. The Constitution required congressional approval for free blacks already in Texas or newly emancipated slaves to remain. The prohibition against the free blacks was lifted in June, 1837 by a joint resolution of the House.

and Senate. This resolution stated that all free Africans, or descendants of Africans, who were residing in Texas when the Constitution was adopted, were allowed to remain in the Republic as long as they performed all duties required by law.\textsuperscript{37}

Relative peace was enjoyed by free blacks from 1837 to 1840. They were denied the right to vote, but they could and did own personal property.\textsuperscript{38} This liberal attitude did not last long. Free Negroes were probably not too popular with whites under any circumstances, but they were an especially suspect class under slavery.

An Act of February 5, 1840, repealed the June, 1836, law granting amnesty to these freedmen. Free black emigrants to Texas would be arrested and required to post a bond of $1,000.00 secured by a Texas citizen guaranteeing their removal. If a free Negro could not post this bond, his labor for one year would be auctioned off, during which time he could post his bond. At the end of the year, he was allowed six months in which to leave the Republic or he would be sold as a slave. Anyone bringing free Negroes into Texas faced a fine up to $1,000.00. The free Negroes already residing in Texas


\textsuperscript{38} Henson, "Development of Slave Codes," p. 93.
were allowed two years to leave the Republic or face the auction block. The law did stipulate that they could remain if they obtained special permission from Congress to do so.

Newspapers printed both the law and a Proclamation by President Mirabeau B. Lamar warning free blacks to leave Texas before January 1, 1842. There appear to be no editorials on the subject, so evidently the measure met with approval. It was not long, however, before free blacks with the support of white friends and patrons began to petition Congress to exempt them. One of the two free blacks emancipated by Congressional action, Cary McKinney, received permission to remain. William Goyens, a Texas resident for twenty years, also petitioned Congress asking permission to remain. Thomas J. Rusk drew up the petition and fifty-four citizens of Nacogdoches, such as Adolphus Stern and Haden H. Edwards, signed it. Congress approved this petition, and a law was passed to that effect on November 25, 1840. These petitions plus others must have had an effect on Congress because on December 12, 1840, it passed an act which allowed all free persons of color who were residing in

---

Texas on the date of the Declaration of Independence an exempt status from the Act of February 5, 1840.40

Other petitions were not as successful as McKinney's and Goyen's and time ran out on January 1, 1842. Sam Houston, then President of the Republic, was unwilling to remove the free blacks from Texas. He could not cancel an act of Congress, but as President, he could issue pardons. On February 5, 1842, he published an official proclamation remitting in advance any punishment meted out under the law against free Negroes for the next twelve months. This totally destroyed the effectiveness of the law. To relieve the situation further, Houston lowered the bond required by free blacks arriving in Texas and extended the time limit to February 5, 1845, to raise the money required.41 By 1845, annexation was under consideration, and the removal of free blacks was forgotten.


It is difficult to estimate the number of free blacks these various laws affected. As noted above, Harold Schoen estimated that there were about 150 free blacks residing in Texas at the time of independence. Free Negroes appeared on the tax rolls of the Republic, but they were just listed as property owners and were not designated as to their race. The 1847 State Census recorded 295 free persons of color. Using these meager figures, it appears that the free black population of the Republic was indeed small even though it doubled during this time. The United States Census of 1850 listed 397 free Negroes in Texas. All of these figures are suspect though because sometimes those of Mexican descent were listed as free persons of color.42

William Goyens, a prominent citizen of Nacogdoches, was a mulatto. The tax records of that county show that he was himself a slaveowner. According to the returns for 1840, he owned six slaves under fifteen and three

between the ages of fifteen and fifty. The 1842-1843 returns list him as owning no slaves, though. His business at times required him to own slaves because he borrowed, loaned, and traded money and goods. Loans in Texas were generally payable in cash, land, or slaves. Other free Negroes also owned slaves. One large family of five brothers, named Ashworth, made their home in Jefferson County prior to the Texas Revolution. Two petitions were presented to Congress to permit them to remain in Texas, and both were passed with little dissent. Two years later, a traveling land board refused to issue patents for their land because the law did not cover persons of their color. However, this board and over seventy citizens of the community petitioned Congress to issue the patents. Again the Ashworths were victorious, and the patents were issued.

The United States Census of 1850 listed sixty-three free Negroes in Jefferson County. Of these, thirty-eight were named Ashworth. Three of the original brothers were still in residence at that time. Aaron Ashworth was a

---

43 Nacogdoches County Court House Records, Civil Cases, List of Taxable Property, 1840, Box 1, Reference 126, 1842-1843, Box 1, Reference 97, located in Stephen F. Austin Library, Nacogdoches, Texas.

44 Henson, "Development of Slave Codes," pp. 185-189.
farmer who estimated his real property at $3,764.00 plus six slaves. Abner Ashworth was also a farmer, and he listed his assets at $400.00 in real estate plus three slaves. William Ashworth, a farmer, valued his holdings at $7,205.00, and he owned two slaves. Five second-generation families were listed, and one slave was owned by Joshua Ashworth.  

It is interesting to note that Abner's wife, Rosalia, was white. William and Henderson Ashworth also had white wives. Among the other free Negroes in the county, two women were married to white men, and another free black had a white wife. Interracial marriages were illegal in the Republic of Texas, but the 1850 Census provides proof that miscegenation did occur in Jefferson County. It was also evident in Nacogdoches because the mulatto, William Goyens, had a white wife.

In summary, accounts of the conditions of slavery in the Republic were written about and not by slaves. The fact that slaves were considered property was the

---


basis on which their treatment evolved. As property, the slaves were held for their labor; therefore, the work they contributed was of key importance to their condition. Although slaves lived on a subsistence level, they generally were not starved or ill-treated because of their value as property. In spite of all the restrictions slavery placed on these Negroes, they managed to establish a culture of their own.

Free Negroes were an unwelcome segment of Texas society. At times they were tolerated, but their status in the Republic was always changing. The conditions under which they lived were better than that of the slaves but definitely worse that those of the white citizens of the Republic.
CHAPTER V

THE SIGNIFICANCE OF SLAVERY FOR
THE REPUBLIC OF TEXAS

Negro slavery was the most important domestic institution in the Republic of Texas. Legislation concerning slavery affected all Texans, slaveholder, and nonslaveholder alike. Runaways and the threat of insurrection were the concern of all. Antislavery feelings were not tolerated, and abolitionists met with hostility. The populace was generally racist, and the great majority were afraid of Negro liberation and its consequences.

Slavery also played a major role in Texas' international relations from 1836 through 1845. First, recognition by England was a long and drawn-out proposition in part because the English were working to rid the world of slavery and the recognition of a slaveholding Republic did not fit into these plans. Second, slavery was an important factor in the question of annexation by the United States.

Many slaveholders were drawn to Texas because of glowing accounts of the great productivity of cotton land there plus the small expense of supporting slaves in such a setting. Rosy accounts were found in books of
the era and also in personal letters. George Williams Bonnell and William Bollaert both painted such pictures for their readers. Bollaert even cited an instance where an immigrant had in only a few years become a plantation owner with a number of slaves. James Perry of Peach Point Plantation wrote a friend in 1839 that the land near the coast was excellently suited for both cotton and sugar. James P. McKinney also wrote a friend in 1837 urging him to come to Texas and try his hand at farming. McKinney suggested hiring Negroes, which he said could be done on good terms, and theorized that in a few years, a farmer could live off the work of his slaves.¹

A. B. Lawrence, on the other hand, in his handbook for Texas immigrants, disagreed with this picture and described most planters as being poor and in debt. In fact, a great number of debt-ridden planters were drawn to Texas because of the general stay law, which was a means to protect property from legal prosecution of debt.

for five years. In early 1841, a debtor relief law was passed that exempted slaves from forced sale to satisfy debts except those under court decree. Adolphus Sterne, a resident of Nacogdoches, observed a great many more immigrants and their slaves pouring into Texas. The editor of the Houston Telegraph felt that the law provided needed relief because the great depreciation of currency following the Panic of 1837 had left many planters bankrupt. He also reported that many planters were recovering their losses under the new law. This law, however, was short-lived; for it was repealed in December of that same year. Nevertheless, this law was of significance because of the immigrants drawn to Texas under it, and it is also quite probable that many others reached Texas unaware of its repeal.2

Slaveholders were not the only settlers drawn to Texas. Travel accounts and other records show that there were more small farmers who tilled their own soil than there were planters, but the planters had much greater

social standing in the community. Most farmers wished to possess slaves because of the prestige they afforded plus the economic wealth they represented. Texas women also wanted house servants to relieve them from household drudgery.³

Texas immigrants also adopted this prejudice and acknowledged the elevated social standing of the slave owners. Negroes were used as a means of exchange and formed the basis of gauging a person's wealth. Planters had more time than did most citizens to perform civic duties required by the Republic. Because of the freedom obtained as a result of their wealth, they were the dominant force in both society and politics. They were jurors, legislators, soldiers, politicians, and the benefactors of schools and churches.⁴


Most of the white immigrants to the Republic brought their racist views with them. These racist attitudes were revealed in various ways. Many Texans believed that only Negroes were immune to fevers and could work in the lowlands near the coast. Other slaveholders maintained that the Negro was intellectually inferior. Nicholas Doran Maillard even referred to one slaveholder who believed that Negroes belonged to the baboon species. Mrs. Matilda C. Houstoun felt that slaveholders kept their chattels in ignorance and a degraded position to justify servitude. Racism was thus a part of everyday life, but, at the same time, the lives of the slave and the slaveowner were entwined. Paternalism at times resulted in a close family-type relationship; for slaveholders referred to their white family and also their black family. In fact, sometimes members of their black family were truly family. For example, in 1845, two white men, admitting their "human failings," petitioned Congress to free their mulatto children. The petition was refused.5

Paternalism existed on one side while harshness and cruelty existed on the other. The slaves left no records concerning their treatment, but it is only logical to assume that they were not as content as the planters wished to believe. On the other hand, it is also just as logical to assume that they were not as cruelly treated as the abolitionists claimed.

Most whites felt that their slaves were humanely and kindly treated. Travelers' accounts also generally reflect this attitude. Mary Austin Holley reported in 1836 that Texas slaves received more liberty and less abuse than their counterparts in the United States. Mrs. Matilda Houstoun, a Britisher, felt that they were well-treated but less efficient than English servants. Arthur Ikin, also from England, published a book on Texas in 1841 and observed that the Texas slaves were well-clothed and fed, easily worked, and treated kindly. William Bollaert, also from England, regarded most slaves as "family negroes" and felt that they were well-treated because of the paternalistic concern of their owners. Viktor Bracht, a German, felt that the slave's lot was better than that of many servants and most factory workers in Europe. William Kennedy, an

Englishman who remained in Texas and owned land, painted a glowing picture of slavery in his book on the Republic of Texas published in 1841.6

These descriptions of the mildness of the institution must be questioned because none of these travelers were actually slaveowners nor were they from slaveholding areas, so they had nothing with which to make an adequate comparison. In fact, these travelers might have been comparing actual conditions with the conditions cited in abolitionist tracts. If this was indeed the case, it was no wonder they described the institution of slavery in Texas as "mild." However, one traveler, Prince Carl of Solms-Braunfels, detested the slave system and left a fiery account of its evil. He characterized overseers as brutal and detestable and felt that the true condition of slavery depended not on the law but on these overseers.7

At times the actions of the planters seem to support the majority of these travelers. In advertisements for

---


7Solms-Braunfels, Texas, 1844-1845, p. 51.
runaways, slaveowners expressed bewilderment at the desertion of a well-treated bondsman. Many times they felt that the slave had been stolen or enticed away.\textsuperscript{8} Although there were never a great number of runaways, each occurrence was a disappointment to the owner of the runaway slave. Every time a slave became a runaway, a statement of protest against the institution of slavery was made.

Runaways were a problem, but the planters’ greatest fear was insurrection. One of the best known panics about slave rebellion occurred during the Texas Revolution. It contributed to the famous "runaway scrape." The threat of military action along the Brazos in 1835 threw the residents into a panic. In July, Benjamin Milam warned that Santa Anna planned "if possible, to get the slaves to revolt." Horatio Allsberry repeated this warning, and Thomas J. Pilgrim also felt that the real danger lay not in military action but in the opportunity afforded the slaves to revolt. In fact, a slave revolt did occur a few days after fighting began. B. J. White wrote to Commander-in-Chief

\textsuperscript{8}Margaret Swett Henson, "Development of Slave Codes in Texas, 1821-1845" (Master's thesis, University of Houston, 1969), pp. 112-113.
Austin that the Negroes on the Brazos made an attempt to rise, that about one hundred had been taken up, and that many received severe punishment.  

Fear of insurrection spread among the slaveholders in the area. Henry Austin wrote James F. Perry to flee from his Peach Point Plantation because of the threat of a Negro rising. It seems likely that the great concentration of Negroes near this area did add impetus to the mass exodus that followed the outbreak of the fighting.

Several incidents reported in 1841 indicated unrest among the slaves. The *Houston Telegraph and Texas Register* reported on September 15, 1841, that the citizens in several eastern counties were alarmed over incidents concerning their slaves. Several slaves ran away in San Augustine, and their masters felt that they had been abducted. In Nacogdoches, the nocturnal movement of the

---


10 Letter, Henry Austin to James F. Perry, March 5, 1836, Stephen F. Austin Papers, University of Texas Archives, Austin, Texas.
slaves concerned the white population to such an extent that a meeting was held to form patrol companies.\textsuperscript{11}

As has been seen before, slave codes were many times not enforced until some event demanded rigid control. But enforced they were whenever the planters felt threatened by such events. Slaves who dared to assault white persons were killed instantly or given swift trials followed by equally swift punishment. For example, one slave accused of poisoning his master was tried in only ten minutes and was hanged three days later. There were also other reports of unrest recorded in 1841. Several slaves were executed about this time, but the causes are unclear. In San Augustine, however, two slaves were hanged after confessing to poisoning their masters, the Hydes.\textsuperscript{12}

Several incidents were reported in 1844 on the Brazos River plantations. One such case concerned an attack on the masters and overseers by the slaves with knives and clubs. On January 15, 1845, a group of

\textsuperscript{11} \textit{Houston Telegraph and Texas Register}, 15 September 1841.

twenty-five Negroes were reported as runaways from Bastrop. This rebellion was only partly successful. Seventeen of the runaways were recaptured on the Guadalupe a few days later. The few who remained at large were feared to have escaped to Mexico. 13

The people of Texas had little tolerance for liberal ideas concerning slavery. With the demise of the Mexican laws governing Texas, pro-slavery ideas became fixed in the laws of the new Republic. The very discussion of slavery in Texas was considered a breach of good manners. Mrs. Houstoun observed that in Galveston the inhabitants refused to discuss the matter. One townsman opposed to abolition but willing to listen to a discussion on the topic was silenced and sent off the island. Several visitors, after facing stiff opposition to their antislavery views, shifted their attention from the slaves to the effect slavery had on their white owners. Mrs. Houstoun, in particular, found the effect to be detrimental. She felt the institution caused the slaveholders to become indolent and despotic. 14


14 Bollaert, William Bollaert's Texas, pp. 94-95; Houstoun, Texas and the Gulf of Mexico, pp. 244-245; idem, Hesperos, 2:121.
Nicholas Doran Maillard wrote that the suspicion of abolitionists operated like the plague in Texas. Benjamin Lundy, an abolitionist, made his first two trips to Texas incognito, and on a third trip shortly before the Texas Revolution almost found himself tarred and feathered at San Felipe. An organized abolitionist movement did appear in 1842 influenced by Captain Charles Elliot, who was the British chargé d'affaires at Galveston. Elliot hoped to keep Texas independent and abolish slavery by emancipating the slaves and indemnifying the owners $200.00 for each Negro. These funds were to be provided by a British loan. The local abolitionist society grew with this type of encouragement. Stephen Pearl Andrews, a respected lawyer and civic leader in Houston, was the leader of the Texas group. Most Texas slaveholders did not favor the scheme, and Andrews was forced to leave Galveston hurriedly in August of 1843. Andrews fled to Houston, but after his house was mobbed, he left for Europe. Most of the members of the society scattered; but one unidentified gentleman, disclaiming membership, argued for the principle of free speech. He, too, was sent to the mainland and warned not to return.  

Because Negro slavery was the most important institution in the Republic of Texas, it naturally played a large part in the politics and diplomacy of the new Republic. This was especially true concerning the relations between Texas and the English, who by the use of treaties, were involved in securing the universal abolition of the slave trade.16 Even before the proposed constitution of the new Republic was voted on by the general populace, the President of the Provisional Government, David G. Burnet, issued the following proclamation on April 3, 1836:

Whereas the ninth article of the general provisions of The Constitution of the Republic of Texas provides that the importation or admission of Africans or Negroes into this Republic, excepting from the United States of America is forever prohibited and declared to be piracy, and

Whereas, the African slave-trade is equally revolting to the best feelings of our nature and to the benign principles of the Christian faith, is equally destructive to national morals and to individual humanity; and

Whereas, the most enlightened and powerful nations of Christendom are exerting both their


moral influence and physical force to suppress that odious and abominable traffic; and

Whereas, it is the imperative duty and the high privilege of the Government of Texas to contribute in all practicable and legitimate means to the effectual prevention in its own jurisdiction of a trade so atrocious and disreputable.

Therefore, I, David G. Burnet, President of the Republic of Texas, by and with the advice and consent of my Cabinet, and in accordance with the ninth article of the Constitution aforesaid, do command and require all officers, naval and military, and all collectors and other functionaries of the Government to be vigilant and active in detecting and defeating any attempt to violate said article, and to seize, and to arrest, and detain in safe custody, any person or persons that may be found violating or attempting to violate same; and to stop, seize, take possession of and detain any vessel or vessels with their equipment, tackle, and any boat or other water craft of any description attached thereto, on board of which any Africans or Negroes so attempted to be imported in contravention of the said ninth article may be found, and to detain any and all such Negroes wherever found until the further decision of the Government can be had in relation thereto; provided that any officer making such seizure, shall as soon as practicable, report the same with the relative facts to the Secretary of the Navy.\(^{17}\)

This proclamation, by including the stand of powerful Christians nations, was a statement of foreign policy concerning the slave trade for the new Republic. British interest was exhibited only a few months later when the House of Commons engaged in extensive debate on the policy to be followed regarding Texas. The main concern

\(^{17}\) Gammel, comp., Laws of Texas, 1:5-7.
was the matter of slavery. England endeavored to mediate a peace between Texas and Mexico and in so doing establish a strong argument against annexation. The English hoped through their influence and financial aid to eradicate slavery in Texas and halt its expansion in North America. But because of the uncertainty of the success of the Texas Revolution, no action was taken at this time.\textsuperscript{18}

In the United States, the expansionist movement pushed toward annexation, but the slave question and England's interest complicated the matter. In fact, the United States was divided on the matter. The southern states favored annexation because of the added strength Texas would provide the slave interests, but this same reason was used by some northern politicians to object to annexation.

While the annexation question was argued in the United States and Texas, the political leadership of Texas worked toward establishing official recognition of the new Republic by European nations. England was chosen as the logical place to start because she was the leading commercial nation, and she was deeply

involved with Mexico. On June 20, 1837, General J. Pinckney Henderson was accredited as the diplomatic agent of Texas to the governments of both England and France. He was also given credentials as minister to both countries to be used when he had secured the recognition of Texas. Lord Palmerston, Britain's Foreign Minister, received Henderson in London on October 13 and exhibited an interest in Texas affairs. He was doubtful of obtaining recognition for Texas but promised to place the question before the cabinet. Finally, on December 27, Henderson was informed that Texas could not be recognized at that time. The reason given for refusal was the doubt of Texas' ability to maintain her independence. 19

While in England, Henderson became more informed on the political situation. England was reluctant to imperil her commercial relationship with Mexico but more important was her stand on slavery, which was incompatible with slaveholding Texas. England also saw no reason to recognize Texas if her newly-won independence would voluntarily be surrendered to the United States. 20

19 Joseph Schmitz, Texas Statecraft, 1836-1845 (San Antonio: Naylor Company, 1941), p. 64.
20 Ibid.
the end of the year, Henderson realized that recognition by England was out of the question.

Although General Henderson failed to receive recognition from England in 1837, his trip to Paris the following year resulted in French recognition and a commercial treaty signed in September, 1839. In December of 1839, General James Hamilton of South Carolina was sent to England as the new Texas agent. His mission was to secure recognition, negotiate a commercial treaty, work with Britain to secure her position as mediator and to negotiate with the British holders of Mexican bonds. England decided reluctantly to recognize Texas. The United States, France, and the Netherlands by their recognition had established Texas as a nation. Annexation was not a real possibility at the time and recognition by England would be less likely to be used to support the annexation movement now.21

On November 13, 1840, Hamilton and Lord Palmerston signed a treaty of commerce and navigation. The following day a treaty was signed by which England agreed to mediate a peace settlement between Texas and Mexico. At the same time, a third treaty was signed that provided

for the suppression of the African slave trade. It was the last treaty that was the topic of considerable controversy.  

Certain waters were designated in which vessels of the British navy could search Texas vessels, and if found to be engaged in the slave trade, take them to specified ports for condemnation. The same authority was also issued to the Texas navy. The insistence upon this treaty is probably explained by the strong antislavery feeling in England at the time, and Lord Palmerston forced this concession in return for recognition. Other factors also supported England's insistence upon the treaty. Because of the weakness of Texas at this time, the treaty was easily attained, and England was in the process of obtaining as many such agreements as possible in an effort to force the United States to do likewise.  

The ratification of these treaties by Texas is very enlightening concerning the slave issue. The commercial treaty and the one authorizing England to mediate peace were sent to Texas with Arthur Ikin and quickly ratified by the Texas government. The slave trade treaty did not leave Europe until Albert T. Burnley, the financial agent

\[22\] Schmitz, Texas Statecraft, pp. 148-149.

\[23\] Ibid.
of Texas, returned to Texas in January of 1841. The
Texas Congress had already adjourned, and the Senate did
not act on the treaty until the following January. There
was some speculation by Lord Palmerston that Texas was
stalling, and he insisted on delaying ratification of
the first two treaties until all three could be exchanged
at one time.24

These complications resulted in the delay of
recognition by England for almost two years. The
treaties were signed in England in the fall of 1840 but
not consummated until the summer of 1842. This situation
presented serious diplomatic problems between the two
nations. Arthur Ikin, who had been appointed Consul at
London, could not be granted exequatur until Texas was
recognized. A complete standstill was the result. There
were hopes that the Peel ministry which replaced the
Melbourne ministry would allow the commercial treaty
or the mediation treaty to be put into effect, but the
Earl of Aberdeen, the new foreign secretary, refused to
ratify the first two treaties without the third. The
terms of the treaties themselves required the exchange
of ratification at London within nine months from the
date of signature. To prevent the first two from lapsing,

24 Ibid.
Hamilton and Lord Aberdeen signed a protocol to extend the date for exchange to August 1, 1842.\textsuperscript{25}

In Texas, a change in administration also produced a shake-up in the diplomatic and consular corp. Sam Houston, once again president, replaced Ikin with William Kennedy as consul-general. Ashbel Smith replaced Ikin as chargé d'affaires to England and France and arrived in London in May, 1842 to complete the ratification of the three treaties between England and Texas. This was accomplished on June 28, and full diplomatic relations were soon established.\textsuperscript{26}

Meanwhile, in the United States, the annexation party, headed by such men as John C. Calhoun and President John Tyler, was making the question of annexation an important political issue. Lord Aberdeen's stand on slavery supported their claims that British influence in Texas was opposed to the interests of the United States.

In July of 1842, Ashbel Smith was approached by an unofficial agent of the British government who suggested

\textsuperscript{25}Ibid.; Worley, "Diplomatic Relations," pp. 14-15. Schmitz gives the date as June 1, 1842, and Worley cites August 1, 1842.

\textsuperscript{26}Schmitz, Texas Statecraft, pp. 150-151. Schmitz explains that a second protocol was required before ratifications were exchanged on June 28, 1842. This could explain the difference in dates cited by Schmitz and Worley.
that slavery be abolished and that England underwrite the reimbursement of Texas slaveowners. An alternate plan called for the division of Texas along the Colorado River with the eastern part slaveholding and the western half free. Smith never took this proposal seriously, and the slave issue remained dormant into 1843. That summer, a general antislavery convention was held in London. Stephen Pearl Andrews, a Houston lawyer, attended the convention, and as a member of an abolition committee, met with Lord Aberdeen, who informed them that England would employ every legitimate means to attain abolition of slavery in Texas. The convention even suggested that England guarantee a loan to Texas to be used to reimburse slaveowners, and Lord Aberdeen was said to endorse the proposition. Smith quickly informed Lord Aberdeen that Andrews did not represent Texas in any official capacity and that Texas would not accept such an offer.27

The offer made by Lord Aberdeen aroused the attention of the Texas annexation supporters in the United States. He then quickly proclaimed that England would not interfere in the domestic affairs of Texas and sent a letter dated December 26, 1843, to that effect to

Richard Pakenham, the British minister to the United States. Pakenham did not deliver the letter to the United States government until February 26, 1844. By this time, Calhoun was Secretary of State and in correspondence dated April 18, revealed concern about England's goal of obtaining the general abolition of slavery. He made it clear that abolition in Texas would be injurious to the United States and that every effort would be made to preserve slavery there. At this same time, he informed Pakenham that he had negotiated an annexation treaty with Texas.28

It seems that England was surprised by the move toward annexation. It was well-known that President Houston held anti-annexation views. Apparently, however, Texas had decided that peace with Mexico was impossible and quickly accepted the unexpected offer of annexation in 1844. The annexation treaty received great attention in both England and France. In June, Lord Aberdeen offered to have England and France enter into a "diplomatic act" with Texas, the United States, and Mexico, which would set Texas boundaries and guarantee its independence if the United States Senate failed to ratify the

---

annexation treaty. France later faltered on following England's lead. 29

In the meantime, even Mexico changed her attitude. President Santa Anna was willing to recognize Texas with the Colorado River as the boundary. This was absurd but it admitted the principle of recognition. José Joaquin Herrera replaced Santa Anna in December of 1844, and the new government also offered recognition if Texas refused annexation. 30

Ashbel Smith, Texas Secretary of State, did sign a protocol with England and France on March 29, 1845, to the effect that Mexico was to recognize Texas, and in return, Texas would not consider annexation. The boundaries were to be decided later with a provision that the subject would be submitted to arbitrators if Mexico and Texas disagreed. To give Mexico time to consider this proposal, Texas was supposedly not to accept any annexation proposals for ninety days, but Smith in effect nullified this restriction by stating that his government might notify England and France to the effect that Texas would accept an annexation offer without breaching the agreement. On May 19, 1845, the Mexican government accepted this proposal. 31

29 Worley, "Diplomatic Relations," pp. 31-34.
30 Ibid.
31 Ibid.
Meanwhile, in the United States, the subject of annexation became a major political issue during the election of 1844. President John Tyler on October 15, 1843, had opened negotiations for annexation of Texas by treaty. A treaty was signed on April 12, 1844, but on June 8, the Senate of the United States rejected it. James K. Polk won the Democratic nomination from Martin Van Buren because of Van Buren's refusal to endorse annexation, and in the election Polk defeated his opponent, Henry Clay, who also opposed immediate annexation. President Tyler interpreted these events as a mandate for immediate annexation and he placed the matter before Congress. On February 28, 1845, a joint resolution was passed providing for annexation.  

The annexation movement had advanced too far for England's last-minute efforts to prevent it. On June 4, 1845, President Jones issued a proclamation informing the Texas populace of the Mexican proposal. An extraordinary session of the Texas Congress was called by Jones and met on June 6 at Washington, Texas. The Mexican proposal was rejected by the Senate and soon afterwards Congress adopted the annexation resolution. Jones also called a convention which met in Austin on July 4,

---

rejected the Mexican offer and approved the annexation resolution. This convention then turned to the matter of drafting a constitution to be submitted to the United States. The constitution of the new state provided for slavery, and on December 29, 1845, Texas legally joined the other slaveholding states.33

In summary, a number of planters were drawn to Texas because of glowing reports concerning the possibilities of slave agriculture. The institution of slavery was of vital social and political importance to the Republic of Texas. Planters dominated society and provided political leadership in the Republic. Most whites in Texas held racist views, and Negroes were treated both paternalistically and with cruelty. The discussion of slavery was considered in bad taste, and abolitionists met with hostility.

Slavery was also a large issue in international politics. In return for recognition, England insisted upon a treaty that provided for the suppression of the African slave trade. All her efforts were directed against the annexation of Texas by the United States, which would thwart her efforts toward abolition. The annexation supporters in the United States and Texas

33Ibid., pp. 36-37.
managed to push through the required legislation in both countries and the Republic of Texas became a slaveholding part of the United States.
BIBLIOGRAPHY

Primary Sources

Unpublished Material

Papers

(Austin.) Stephen F. Austin Papers, Archives, University of Texas.

(Perry.) James F. Perry Papers, Archives, University of Texas.

(Smith.) Ashbel Smith Papers, Archives, University of Texas.

Public Documents

Brazoria County Probate Records, Book A, County Clerk's Office, Brazoria County Courthouse, Angleton, Texas.

Nacogdoches County Courthouse Records, Tax Inventories, 1840, Civil Cases, List of Taxable Property, 1840, Box 1, Reference 126, Stephen F. Austin Library, Nacogdoches, Texas.

Records of the Comptroller of Public Accounts, Ad Valorem Tax Division, County Real and Personal Property Tax Rolls, Archives Division, Texas State Library, Austin (Microfilm), 1837-1845, Dallas Public Library, Dallas, Texas (Microfilm), 1846.

Published Material

Public Documents


Newspapers

The Brazoria Brazos Courier, 1839.

The Galveston News, 1900.

The Houston Morning Star, 1839, 1840, 1841, 1843.

The Houston Telegraph and Texas Register, 1837, 1841, 1845.

The San Felipe de Austin Texas Gazette, 1830.

Books


**Secondary Sources**

**Unpublished Manuscripts**


**Books**


Articles


Bugbee, Lester B. "Slavery in Early Texas. II." Political Science Quarterly 13(1898):648-668.


