**TEXAS BLACK CODE (excerpt), 1866**

*Introduction*

*Black Codes were the name for legislation outlining the rights and duties of freedpersons passed by most Southern state legislatures in the immediate aftermath of the Civil War. They were written at a time when the federal government led by President Andrew Johnson allowed former Confederate leaders to serve as officeholders in post-war governments. Such leniency was soon overturned by radical Republicans in Congress, as were the Black Codes themselves.*

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

Chapter LXXX, An Act regulating Contracts for Labor. SEC. 2. Every laborer shall have full and perfect liberty to choose his or her employer, but when once chosen, they shall not be allowed to leave their place of employment, until the fulfillment of their contract, unless by consent of their employer, or on account of harsh treatment or breach of contract on the part of the employer, and if they do so leave without cause or permission, they shall forfeit all wages earned to the time of abandonment.

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

SEC. 9. [The employee] shall obey all proper orders of his employer or his agent, take proper care of his work-mules, horses, oxen, stock of all character and kind ; also, all agricultural implements; and employers shall have the right to make a reasonable deduction from laborers’ wages for injuries done to animals or agricultural implements committed to their care, or for bad or negligent work. Failing to obey reasonable orders, neglect of duty, leaving home without permission, impudence, swearing or indecent language to, or in the presence of the employer, his family or agent, or quarrelling and fighting with one another, shall be deemed disobedience. For any disobedience, a fine of one dollar shall be imposed on, and paid by the offender. For all lost time from work hours, without permission from the employer or his agent, unless in case of sickness, the laborer shall be fined twenty-five cents per hour. For all absence from home without permission, the laborer will be fined at the rate of two dollars per day… All difficulties arising between the employer and laborers under this section, shall be settled, and all fines imposed by the former ; if not satisfactory to the laborer, and appeal may be had to the nearest Justice of the Peace, and two free holders, citizens, one of said citizens to be selected by employer, and the other by the laborer….

SEC. 10. Laborers, in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day or night, and on all days of the week, promptly answer all calls, and obey and execute all lawful orders and commands of the family, in whose service they are employed, unless otherwise stipulated in the contract ; and any failure or refusal by the laborer to obey, as herein provided, except in case of sickness, shall be deemed disobedience, within the meaning of this Act. And it is the duty of this class of laborers to be especially civil and polite to their employer, his family and guests, and they shall receive gentle and kind treatment…

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

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

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

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

Questions:

Who do you think drew up the Texas Black Code of 1866?

What parties and persons did the Black Code apply to?

The very first section of the code above talks about testifying in court? What does it say? Why do you think that was put in?

What rights did laborers have under this code? What rights were they denied?

What were some of the work duties placed on the laborers?

How much freedom did the contract give laborers to run their own affairs? How did the code limit laborers’ freedom?

What rules were there determining how laborers and employers should interact?

What was the stuff in the code about person’s enticing laborers away about? Why was it put in?

What was the stuff about minors being apprenticed about?

Overall, what do you think the purpose of the code was?

And, though we have not read about slavery, how much do you think code resembles slavery practices?