Freedmen’s Colonies

FREEDMEN'S SETTLEMENTS

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*Thad Sitton*

**FREEDMEN'S SETTLEMENTS**. Freedmen's settlements were independent rural communities of African-American landowners and land squatters that formed in the eastern half of Texas in the years after Emancipation. These "freedom colonies," as blacks sometimes called them, were to a degree anomalies in a post-war Texas where white power elites rapidly resumed social, economic, and political control, and the agricultural system of sharecropping came to dominate.

Freedmen's strong desires for land, autonomy, and isolation from whites motivated formation of these independent black communities. The land redistribution discussions of Charles Sumner, Thaddeus Stevens, and other Radical Republicans and Special Field Order No. 15 issued by Union General William T. Sherman on January 16, 1865, that suggested the federal government consider providing all ex-slaves with "40 acres and a mule" proved baseless. Most freed persons remained in the countryside and took employments with white landowners as day laborers, sharecroppers, or share tenants. Another large group of ex-slaves moved to settle in segregated "quarters" adjacent to white towns. A minority of former slaves, however, set out to achieve the dream of forty acres and a mule quite on their own, and a remarkable number of them succeeded.

Landownership rates among African-American farmers in Texas rose rapidly from 1.8 percent in 1870 to 26 percent in 1890 to the all-time-high of 31 percent soon after 1900. Many of these new black Texas landowners resided in freedmen's settlements, informal communities of black farmers and stockmen scattered across the eastern half of the state. These were dispersed communities—"settlements," Southerners often called them—places unplatted and unincorporated, individually unified only by church and school and residents' collective belief that a community existed. Up in the sand hills, down in the creek and river bottoms, and along county lines, several hundred Texas freedmen's settlements came into being between 1870 and 1890. Many established themselves on pockets of wilderness, cheap land, or neglected land previously little utilized for cotton agriculture.

Some patterns of community origin are discernable, although their relative importance remains uncertain. As in the case of Barrett, Harris County, many settlements existed for years as squatter communities before residents formally purchased or preempted land. Ministers and their congregations took the lead in founding some communities, as at St. John Colony in Caldwell County. At County Line (now Upshaw), Nacogdoches County, and other places, groups of siblings formed the core pioneers of settlements. As at Shankleville, a single black family with unusual resources for land purchase might serve as patron for a black community, which then grew up around it. Motivated by paternal attitudes toward former slaves, friendships or blood relationships with former slaves, or simply the need for ready cash, whites occasionally assisted the origins of such settlements as Halls Bluffand Fodice, Houston County, Grant's Colony, Walker County, and Kendleton, Fort Bend County.

Freedmen's settlement families clung tenaciously to their lands, although these fragmented into smaller and smaller holdings across the generations. By the 1920s, many residents found it necessary to rent additional agricultural lands nearby, rent-farm for whites, or work in town. The sequential impacts of the Great Depression and World War II*qqv* led to the depopulation of many Texas freedmen's settlements, though some survived into the 21st century.

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# CHIRENO, TX

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*Randell G. Tarín*

**CHIRENO, TEXAS**. Chireno is on State Highway 21 sixteen miles west of San Augustine and eighteen miles southeast of Nacogdoches in Nacogdoches County. Spanish pioneers first settled north of the site in 1790 on grants they received from the Spanish government. About 1837 John Newton Fall, of Georgia, was the first Anglo settler to secure land from José Antonio Chirino, for whom the town was named. Fall was reportedly responsible for much of the town's early development. In 1837 [**Samuel Martin Flournoy**](https://tshaonline.org/handbook/online/articles/ffl41), of Mississippi, built a large two-story home that became Chireno's first post office. On May 22, 1846, the log and clapboard structure evolved into a stage stop known as the Halfway House. Other early Chireno families were those of Daniel Vail, brothers Randal and Sanford Wilson, G. W. Davis, William Stivers, and Joseph Stallings. By 1836 Chireno had several home schools with area ministers serving as teachers. The town organized the first public school by 1839. During the [**Civil War**](https://tshaonline.org/handbook/online/articles/qdc02), amid rumors of an impending Union siege to capture Galveston, all the men in Chireno that were not too old left their homes to aid in defending the coast. Andrew Jackson Mast operated a tanyard with Joseph Stallings. They worked for the Confederate government six months out of each year providing boots for the troops. An associate, Craig Wilson, made saddles, harnesses, and other leather goods.

[**Reconstruction**](https://tshaonline.org/handbook/online/articles/mzr01) divided the community. The [**Freedmen's Bureau**](https://tshaonline.org/handbook/online/articles/ncf01) organized a branch in Nacogdoches, and by 1866 black soldiers had been sent to Chireno to ensure propriety in elections. In response, a chapter of the [**Ku Klux Klan**](https://tshaonline.org/handbook/online/articles/vek02) was organized in Chireno to keep black voters from the polls. By 1870 Texas returned to the Union, and the period of unrest gradually came to a close.

In 1866 the appearance of oil near Chireno prompted the drilling of one of the first oil wells in Texas. Other wells were unprofitable and were eventually abandoned. Chireno's first cotton gin, a small hand-turned operation, preceded Jack Moss's successful water-driven mill and gin near the Cottingham Bridge in 1872. In 1912 the Angelina and Neches River Railroad came to Chireno from Lufkin, carrying both logs and passengers. The Frost Industries Incorporated Lumber Tram, later a part of the Santa Fe line, was constructed northwest of Chireno and was still used for hauling timber in the 1940s, when Chireno's principal crops were cotton, corn, wheat, barley, and potatoes. Livestock also remained important in the local economy. The population of Chireno was 415 in 1990 and 405 in 2000.

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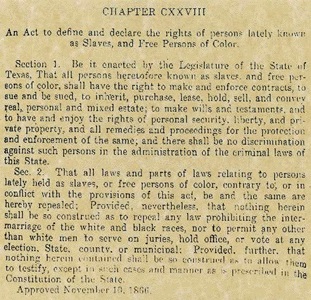
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# BLACK CODES

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*Carl H. Moneyhon*

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A portion of Texas's Black Codes. Image available on the [Internet](https://mulattodiaries.com/tag/texas/)and included in accordance with [Title 17 U.S.C. Section 107](https://www.law.cornell.edu/uscode/text/17/107).

**BLACK CODES**. Black Codes were the laws passed by Southern state legislatures to define the legal place of blacks in society after the [**Civil War**](https://tshaonline.org/handbook/online/articles/qdc02). In Texas the Eleventh Legislature produced these codes in 1866. The intent of the legislation was to reaffirm the inferior position that slaves and free blacks had held in [**antebellum Texas**](https://tshaonline.org/handbook/online/articles/npa01) and to regulate black labor. The codes reflected the unwillingness of white Texans to accept blacks as equals and also their fears that freedmen would not work unless coerced. Thus the codes continued legal discrimination between whites and blacks. The legislature, when it amended the 1856 penal code, emphasized the continuing line between whites and blacks by defining all individuals with one-eighth or more African blood as persons of color, subject to special provisions in the law.

A variety of sources provided the pattern of the new codes. Antebellum southern laws that regulated free blacks and the laws of northern states designed to do the same furnished the model for regulation of black civil rights, while directives of the [**Freedmen's Bureau**](https://tshaonline.org/handbook/online/articles/ncf01) and the legislation of other Southern states supplied examples of statutes that attempted to control black labor.

An "Act to define and declare the rights of persons lately known as Slaves, and Free Persons of Color" (1866) functioned as the keystone of the state's civil rights legislation. This law gave blacks, in common, basic property rights. They could make and enforce contracts; sue and be sued; make wills; and lease, hold, or dispose of real and personal property. The state further guaranteed blacks the rights of personal security and liberty and prohibited discrimination against them in criminal law. This act, however, specifically left in effect a variety of earlier legal restrictions. Blacks were not allowed to vote or hold office, they could not serve on juries, and they could testify only in cases involving other blacks. They could not marry whites.

These restrictions were supplemented by other legislation. The state required railroads to provide separate accommodations for blacks, thus establishing the precedent for segregation in public facilities. An education law specifically excluded blacks from sharing in the public school fund. The state's homestead law prohibited the distribution of public land to blacks.

Laws designed to reestablish control over black workers were more complex, since the legislature faced the problem of securing this goal without restoring [**slavery**](https://tshaonline.org/handbook/online/articles/yps01). The result was a set of interrelated statutes that gave local authorities and landowners the ability to coerce free labor with the threat of forced labor. Although many of these laws made no specific mention of race, they were primarily aimed at and enforced against blacks. The first law passed to accomplish the legislature's goal was the apprentice law. This act made possible the apprenticing of minors, either with parental consent or through the order of the county court. They required masters to provide food, clothing, medical attention, humane treatment, and education for some trade or occupation, which could include farm labor. In turn, a master had the use of the apprentice's labor and the power to inflict corporal punishment to ensure work. The law allowed masters to pursue runaways and levied heavy fines against persons who interfered with apprentice obligations. Exclusive jurisdiction over enforcement of this law rested with the county court.

The contract law also strengthened the position of local economic interests. Under it, all labor agreements that involved work for more than one month had to be in writing and filed with the county court. Workers were given a lien on half a crop to ensure the payment of wages. Employers, however, were given strong guarantees for the delivery of labor, particularly in the power to deduct wages for such contract violations as disobedience, waste of time, theft or destruction of property, or absence from home without permission. Local control over contract issues was certain, for authority over these matters was given to a court consisting of a local justice of the peace and two landowners.

A vagrancy law allowed local courts to arrest people whom they defined as idle, fine them, and contract their labor if they could not pay the fine. Under this law minor vagrants could be apprenticed. Local courts received the power to put such convicts to work at any type of labor until the fine was paid. Local authorities received even more power by a law that authorized them to put to work at any employment persons sentenced to county jails for any misdemeanor or petty offence. The vagrancy law and the convict-labor law provided the key means of intimidating freedmen into either apprentice or contract labor.

The black codes never fully accomplished their goals. On January 3, 1867, Gen. [**Joseph B. Kiddoo**](https://tshaonline.org/handbook/online/articles/fki42) of the Freedmen's Bureau declared the contract law biased against freedmen and prevented its enforcement. This made the other labor codes useless. Restrictions on civil rights crumbled with the beginning of congressional [**Reconstruction**](https://tshaonline.org/handbook/online/articles/mzr01) in March 1867 and the registration of blacks as voters. Only segregation survived, despite attacks upon the practice throughout Reconstruction. The most immediate effect of the codes thus had been not to accomplish any of their intended results, but to hasten the end of presidential Reconstruction and lead to new federal intervention under the direction of Congress.

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# FREE BLACKS

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*Douglas Hales*

**FREE BLACKS**. Free blacks in Texas experienced freedom under four different governments-those of Spain, Mexico, the [**Republic of Texas**](https://tshaonline.org/handbook/online/articles/mzr02), and Texas as the twenty-eighth state of the Union. Free blacks were never a large population in Texas; in the 1860 census they numbered less than 400, but may have been twice that many. Free blacks, nevertheless, made a significant contribution to the early history of Texas. Blacks often accompanied Spanish expeditions to the Texas area. It was not uncommon for succeeding expeditions to find people of African and mixed ancestry living within Indian communities. In permanent settlements established in Texas by the Spanish, blacks and persons of mixed ancestry constituted a large segment of the outposts. As of 1792 the black and mulatto population constituted 15 percent of the 2,992 people living in [**Spanish Texas**](https://tshaonline.org/handbook/online/articles/nps01). Within the Spanish empire, the legal status of free blacks resembled that of the Indian population. The law required free blacks to pay tribute, forbade them to carry firearms, and restricted their freedom of movement. In practice Spanish officials ignored such restrictions, often encouraging the manumission of slaves. The small number of Spanish subjects in Texas and the vast distances between settlements also brought about the intermarriage of whites, blacks, and Indians. While most free blacks in Texas before 1800 were born there, thereafter an increased emigration to Texas of free blacks and some escaped slaves from the southern United States began to take place. After the [**Mexican War of Independence**](https://tshaonline.org/handbook/online/articles/qdmcg) (1821), the Mexican government offered free blacks full rights of citizenship, allowing land ownership and other privileges. Mexico accepted free blacks as equals to white colonists. Favorable conditions for free blacks in Texas in the 1830s led one noted abolitionist, [**Benjamin Lundy**](https://tshaonline.org/handbook/online/articles/flu10), to seek authorization for the establishment of a black colony from the United States. While the Mexican government expressed interest in the idea, opposition from whites in Texas and the United States precluded its implementation. Free blacks, as did other frontiersmen, continued to emigrate to Texas seeking an opportunity for advancement and a better life. One such free black was [**William Goyens**](https://tshaonline.org/handbook/online/articles/fgo24), who migrated to Texas from North Carolina in the early 1820s and later became a prominent blacksmith near Nacogdoches. From 1835 to 1838 Goyens would act as an interpreter for [**Sam Houston**](https://tshaonline.org/handbook/online/articles/fho73) with the [**East Texas**](https://tshaonline.org/handbook/online/articles/rye01) Indians.

Numerous free blacks fought for Texas independence-some fearing Anglo retribution if they did not serve, and others sharing Anglo beliefs about the Mexican government. Free black [**Samuel McCulloch, Jr.**](https://tshaonline.org/handbook/online/articles/fmc36), appears to have been the first casualty of the [**Texas Revolution**](https://tshaonline.org/handbook/online/articles/qdt01), receiving a shoulder wound when the Texans captured the Mexican fort at Goliad in October 1835. **[Hendrick Arnold](https://tshaonline.org/handbook/online/articles/far15)** served with [**Erastus (Deaf) Smith**](https://tshaonline.org/handbook/online/articles/fsm10) at the capture of San Antonio and later in the [**battle of San Jacinto**](https://tshaonline.org/handbook/online/articles/qes04). **[Wyly Martin](https://tshaonline.org/handbook/online/articles/fma64)**'s slave Peter gained his freedom after he voluntarily carried military supplies with his own wagon. Several landed free black families contributed money and supplies to the cause. Even with these and many other sacrifices, free blacks in Texas saw many fundamental changes in their lives after the revolution. While the Mexican government treated free blacks as equal citizens and began to pursue the [**abolition**](https://tshaonline.org/handbook/online/articles/vaa01) of [**slavery**](https://tshaonline.org/handbook/online/articles/yps01), the Republic of Texas sought to restrict the freedoms they already enjoyed and strengthened the institution of slavery. The [**Constitution of the Republic of Texas**](https://tshaonline.org/handbook/online/articles/mhc01) designated people of one-eighth African blood as a separate and distinct group, took away citizenship, sought to restrict property rights, and forbade the permanent residence of free blacks without the approval of the [**Congress of the Republic of Texas**](https://tshaonline.org/handbook/online/articles/mkc01). Interracial marriages were also legally prohibited. Ironically, local communities and legislators that favored the new provisions often did not want them enforced within their districts. Documents show that prominent whites were known to intercede on behalf of free blacks in danger of being prosecuted by the new regulations. A stricter law passed in 1840, which gave free blacks two years to leave Texas or risk being sold into slavery, was effectively postponed by President Sam Houston. Throughout the 1840s and 1850s manumitted slaves who remained in Texas without seeking legal sanction from the legislature formed a third category of blacks in Texas-those who were neither free nor enslaved. After [**annexation**](https://tshaonline.org/handbook/online/articles/mga02), the legislature passed stricter laws governing the lives of free blacks. These new laws called for harsh punishments usually reserved only for slaves, including branding, whipping, and forced labor on public works. In 1858 the legislature even passed a law that encouraged free blacks to reenter slavery voluntarily by allowing them to choose their own masters. The increased restrictions and the rise in white hostility resulted in a virtual halt to additional free black immigration to Texas and may have caused a reduction in the Texas population of free blacks. The United States census reported 397 free blacks in Texas in 1850 and 355 in 1860, though there may have been an equal number of free blacks not counted.

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