Foreword

It is with special pride that I introduce this volume of readings. When the Texas Supreme Court Historical Society was established in 1990, the board of trustees identified several tasks that needed immediate attention: revitalizing the dormant Judicial Portrait Collection, interviewing retired justices, and preparing a narrative history of the court. With this book, we have taken the first step toward fulfilling the last of those objectives, an achievement of which our members may be justifiably proud.

Few states are favored with a history society dedicated solely to their state supreme court. This society is among about twenty such organizations in the country, and of those, it is one of the few that relies entirely on private donations. The society celebrates its twentieth anniversary on January 13, 2010, a date that links back to the morning in 1840 when the Supreme Court of the Republic of Texas heard its first case. Describing the work of that court and its successors, down to the present, is a responsibility the society has shouldered on behalf of the state.

I believe you will discover that this book about antebellum laws regarding slaves and free blacks in Texas accomplishes that objective admirably. The articles reprinted here rank among the best examples of Texas legal history. Thoroughly researched, thoughtfully organized, and exceptionally well written, each article has retained its relevance and integrity across the decades. Alongside the articles are noteworthy Supreme Court cases, which offer rare glimpses into the life of the litigants, as well as fifty-four years of constitutional provisions, decrees, and laws. All together, they make up an exemplary source of primary materials and historical analyses on this issue.

We could have filled another volume—on the same topic—with all the material uncovered in the course of our research, not to mention the other types of litigation that arose between 1820 and 1870, five of the most exhilarating decades in Texas history. It is no wonder this particular half century in the court's history

remains a perennial favorite among the state's legal historians. But these years constitute only a fraction of the state's three centuries of legal history. Despite years of accumulated research, we still know relatively little about the court and its operation during the nineteenth century, especially in comparison with the more complete legal histories that have been written for some other states. And practically nothing has been written about the evolution of the court during the twentieth century. These more recent stories are, in my opinion, every bit as interesting and relevant as those covered in this book. Having enjoyed a long and privileged association with the Supreme Court of Texas, I have witnessed or participated in many of the changes the court has undergone in personnel, organization, and judicial philosophy over the past seven decades. It is a rich and important history, worthy of study.

This book may be a first step down a very long road, but it is a journey that is much needed and long overdue. With the continued support of our members and contributors, the society will still be en route long after we are all gone. I am proud to have been there at the outset.

Joe R. Greenhill
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