

from
BLACK CODES OF MISSISSIPPI
1865

Mississippi State Legislature

Immediately following the end of the Civil War, several former Confederate states, including Mississippi, enacted black codes. The codes were a body of laws that were highly punitive and restrictive of freed blacks. They were an attempt by Southern legislators to return blacks to a condition as close to their former servitude as possible, creating a supply of low-paid workers who had few rights.

READING FOCUS:

In what specific ways did the Black Codes of Mississippi attempt to maintain poor conditions for African Americans in the South after the Civil War?

CHAPTER III

Section 9

Be it further enacted, ...that in case a freedman is committed and either he or his employer fails for five days to pay his fine or penalty the sheriff shall hire such freedman to any person who will pay such fine and costs...and in case the fine and costs are paid by the employer he may retain it out of any wages then due the freedman....

CHAPTER IV AN ACT to confer Civil Rights on Freedmen, and for other purposes.

Section 1

Be it enacted by the Legislature of the State of Mississippi, That all freedmen, free negroes and mulattoes may sue and be sued, ...in all the courts of law and equity of this State, and may acquire personal property...by descent or purchase, and may dispose of the same, in the same manner, ...that white persons may: Provided that the provisions of this section shall not be so construed as to allow any freedman, free negro or mulatto, to rent or lease any lands or tenements, except in incorporated towns or cities in which places the corporate authorities shall control the same.

Section 2

Be it further enacted, That all freedmen, free negroes and mulattoes may intermarry with each other....

Section 3

Be it further enacted, That all freedmen, free negroes and mulattoes, who do now and have heretofore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes. That it shall not be lawful for any freedman, free negro or mulatto to intermarry with any white person; nor for

any white person to intermarry with any freedman, free negro or mulatto; and any person who shall so intermarry shall be deemed guilty of felony, and on conviction thereof, shall be confined in the State penitentiary for life,...

Section 5

Be it further enacted, That every freedman, free negro and mulatto, shall, on the second Monday of January, one thousand eight hundred and sixty-six, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof....

Section 6

Be it further enacted, That all contracts for labor made with freedmen, free negroes and mulattoes, for a longer period than one month shall be in writing and in duplicate...and if the laborer shall quit the service of the employer, before expiration of his term of service, without good cause, he shall forfeit his wages for that year, up to the time of quitting.

Section 7

Be it further enacted, That every civil officer shall, and every person may arrest and carry back to his or her legal employer any freedman, free negro or mulatto, who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause, and said officer and person, shall be entitled to receive for arresting and carrying back every deserting employee aforesaid, the sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery, [to] be paid by the employer....

CHAPTER VI AN ACT to amend the Vagrant Laws of the State.

Section 5

Be it further enacted, That...in case any freedman, free negro or mulatto, shall fail for five days after the imposition of any fine or forfeiture upon him or her for violation of any of the provisions of this act, to pay the same, that it shall be, and is hereby made the duty of the sheriff of the proper county to hire out said freedman, free negro or mulatto, to any person who will, for the shortest period of service, pay said fine or forfeiture and all costs: Provided, a preference shall be given to the employer, if there be one, in which case the employer shall be entitled to deduct and retain the amount so paid from the wages of such freedman, free negro or mulatto, then due or to become due....

CHAPTER XXIII AN ACT to punish certain offences therein named, and for other purposes.

Section 1

Be it enacted by the Legislature of the State of Mississippi, That no freedman, free negro or mulatto...shall keep or carry fire-arms of any kind, or any ammunition, dirk or bowie knife, and on conviction thereof, in the county court, shall be punished by fine, not exceeding ten dollars, and pay the costs of such proceedings...and it shall be the duty of every civil and military officer to arrest any freedman, free negro or mulatto found with any such arms or ammunition, and cause him or her to be committed for trial in default of bail.

Section 2

Be it further enacted, That any freedman, free negro or mulatto, committing riots, routs, affrays, trespasses, malicious mischief, cruel treatment of animals, seditious speeches, insulting gestures, language or acts, or assaults on any person, disturbances of the peace, exercising the function of a minister of the Gospel, without a license from some regularly organized church, vending spirituous or intoxicating liquors, or committing any other misdemeanor...shall, upon conviction thereof, in the county court, be fined, not less than ten dollars, and not more than one hundred dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days....

Approved November 29, 1865.

The Civil Rights Record, Black Americans and the Law, 1849-1970,
edited by Richard Bardolph (New York: Thomas Y. Crowell Company, 1970),
pp. 37-41.

Analysis Questions:

1. How does Chapter III, Section 9, infringe on the rights of African Americans?
2. How does Chapter XXIII, Section 1, infringe on the Constitutional rights of African Americans?