

# Mississippi Black Codes

*The status of former slaves in the South was the focal problem of Reconstruction. Slavery had been abolished by the Thirteenth Amendment, but whites in the South were determined to keep former slaves in their place – socially, politically, and economically. This was done by means of the notorious "Black Codes," passed by several of the state legislatures. Northerners regarded these codes as a revival of slavery in disguise. The first such body of statutes, and probably the harshest, was passed in Mississippi in November 1865. Four of the statutes that made up the code are reprinted below.*

Source, *Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, held in Jackson, October, November and December, 1865, Jackson, 1866*, pp. 82-93, 165-167,

## Rights of Freedman

Section 3: . . . [I]t shall not be lawful for any freedman, free negro or mulatto to intermarry with any white person; nor for any 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; and those shall be deemed freedmen, free negroes and mulattoes who are of pure negro blood, and those descended from a negro to the third generation, inclusive, though one ancestor in each generation may have been a white person.

Section 5: . . . 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: . . . All contracts for labor made with freedmen, free negroes and mulattoes for a longer period than one month shall be in writing, and a duplicate, attested and read to said freedman, free negro or mulatto by a beat, city or county officer . . . and if the laborer shall quit the service of the employer before the 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: . . . 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 . . .

## Vagrancy Law

Section 2: . . . All freedmen, free negroes and mulattoes in this State, over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawful assembling themselves together, either in the day or night time, and all white persons assembling themselves with freedmen, free negroes or mulattoes, or usually associating with freedmen, free negroes or mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, freed negro or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in a sum not exceeding, in the case of a freedman, free negro or mulatto, fifty dollars, and a white man two hundred dollars, and imprisonment at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months . . .

Section 5: . . . All fines and forfeitures collected by the provisions of this act shall be paid into the county treasury of general county purposes, and in case of any freedman, free negro or mulatto shall fail for five days after the imposition of any 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 and forfeiture and all costs . . .

## Penal Codes

Section 1. *Be it enacted*, that no freedman, free negro or mulatto, not in the military service of the United States government, and not licensed so to do by the board of police of his or her county, 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 . . .

Section 4. *Be it further enacted*, that all the penal and criminal laws now in force in this state defining offenses and prescribing the mode of punishment for crimes and misdemeanors committed by slaves, free Negroes, or mulattoes be and the same are hereby reenacted and declared to be in full force and effect against freedmen, free Negroes, and mulattoes, except so far m the mode and manner of trial and punishment have been changed or altered by law.

Section 5. *Be it further enacted*, that if any freedman, free Negro, or mulatto convicted of any of the misdemeanors provided against in this act shall fail-or refuse, for the space of five days after conviction, to pay the fine and costs imposed, such person shall be hired out by the sheriff or other officer, at public outcry (auction), to any white person who will pay said fine and all costs and take such convict for the shortest time. (Westport, Conn., 1972) Ark. Narr., Vol. 8, 175- 179.

## Apprentice Law

Section 1. *Be it enacted by the legislature of the state of Mississippi*, that it shall be the duty of all sheriffs, justices of the peace, and other civil officers of the several counties in this state to report to the Probate courts of their respective counties semiannually, at the January and July terms of said courts, all freedmen, free Negroes, and mulattoes under the age of eighteen within their respective counties, beats, or districts who are orphans, or whose parent or parents have not the means, or who refuse to provide for and support said minors; and thereupon it shall be the duty of said Probate Court to order the clerk of said court to apprentice said minors to some competent and suitable person, on such terms as the court may direct, having a particular care to the interest of said minors:

Section 2. *Be it further enacted*, that... Said apprentice shall be bound by indenture, in case of males until they are twenty-one years old, and in case of females until they are eighteen years old.

Section 3. *Be it further enacted*, that in the management and control of said apprentices, said master or mistress shall have power to inflict such moderate corporeal chastisement as a father or guardian is allowed to inflict on his or her child or ward at common law:

Section 4. *Be it further enacted*, that if any apprentice shall leave the employment of his or her master or mistress without his or her consent, said master or mistress may pursue and recapture said apprentice and bring him or her before any justice of the peace of the county, whose duty it shall be to remand said apprentice to the service of his or her master or mistress; and in the event of a refusal on the part of said apprentice so to return, then said justice shall commit said apprentice to the jail of said county, on failure to give bond, until the next term of the county court; and it shall be the duty of said court, at the first term thereafter, to investigate said case; and if the court shall be of opinion that said apprentice left the employment of his or her master or mistress without good cause, to order him or her to be punished, as provided for the punishment of hired freedmen, as may be from time to time provided for by law, for desertion, until he or she shall agree to return to his or her master or mistress.

### QUESTIONS:

1. What rights or positive gains do former slaves seem to make in these laws compared to their lives as slaves?
2. What “rights” are still fairly discriminatory or, as Northerners accused, “slavery in disguise”?
3. Briefly reflect on what you find most interesting, intriguing or incensing about these codes.