

The Mississippi Black Codes (passed 1865)

[1] Civil Rights of Freedmen

Section 1. ... That all freedmen, free Negroes, and mulattoes [person of mixed race] may sue and be sued, ... may acquire personal property ... and may dispose of the same in the same manner and to the same extent that white persons may ...

Section 3. ... 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 [their children] 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 8. Upon affidavit made by the employer ... that any freedman, free negro or mulatto legally employed by said employer has illegally deserted said employment ... any sheriff, constable or special deputy ... [shall] arrest said deserter, and return him or her to said employer ...

[2] Apprentice Law

Section 1. ... That it shall be the duty of all sheriffs, justices of the peace, and other civil officers ... to report to the Probate courts ... all freedmen, free Negroes, and mulattoes under the age of eighteen ... 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 ... Provided, that the former owner of said minors shall have the preference ...

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 ...

[3] Vagrant Law

Section 2. ... That 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 unlawfully assembling themselves together either in the day or nighttime, and all white persons so assembling with freedmen ... shall be deemed vagrants; and, on conviction thereof, shall be fined in the sum of not exceeding, in the case of a freedman, free Negro, or mulatto, \$50, and a white man, \$200, and imprisoned at the discretion of the court, the free Negro not exceeding ten days, and the white man not exceeding six months ...

[4] Penal Code

Section 1. ... 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 firearms of any kind, or any ammunition, dirk [dagger], or Bowie knife; and, on conviction thereof in the county court, shall be punished by fine, not exceeding \$10, and pay the costs of such proceedings ...

Section 5. ... 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, to any white person who will pay said fine and all costs, and take said convict for the shortest time.

Discussion Questions:

1. What rights do these laws recognize as belonging to African Americans?
2. What kind of a labor system do these laws create?
3. How were Southern states able to enact and enforce so-called "Black Codes" after their defeat in the Civil War?