

## 16-4 Mississippi Black Code (1865)

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*In the aftermath of Emancipation, southern states passed a variety of laws known as "Black Codes". Although these codes varied from state to state, they were all aimed at tightly controlling the lives and labor of newly freed people. The codes angered Congress and the northern public, who viewed them as southern attempts to roll back Emancipation and subvert Reconstruction. The Civil Rights Act of 1866, the Fourteenth Amendment, and the Military Reconstitution Act of 1867 were all designed in part to counter the Black Codes.*

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### The Civil Rights of Freedmen in Mississippi

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, implead and be impleaded in all the courts of law and equity of this state, and may acquire personal property and choses in action, by descent or purchase, any may dispose of the same, in the same manner, and to the same extent 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.

Sec. 2. Be it further enacted, That all freedmen, free Negroes, and mulattoes may intermarry with each other, in the same manner and under the same regulations that are provided by law for white persons: Provided, that the clerk of probate shall keep separate records of the same.

Sec. 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; 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 of each generation may have been a white person.

Sec. 4. Be it further enacted, That in addition to cases in which freedmen, free Negroes, and mulattoes are now by law competent witnesses, freedmen, free Negroes, or mulattoes shall be competent in civil cases when a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants, also in cases where freedmen, free Negroes, and mulattoes is or are either plaintiff or plaintiffs, defendant or defendants, and a white person or white persons is or are the opposing party or parties, plaintiff or plaintiffs, defendant or defendants. They shall also be competent witnesses in all criminal prosecutions where the crime charged is alleged to have been committed by a white person upon or against the person or property of a freedman, free Negro, or mulatto: Provided that in all cases said witnesses shall be examined in open court on the stand, except, however, they may be examined before the

grand jury, and shall in all cases be subject to the rules and tests of the common law as to competency and credibility.

Sec. 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 . . . .

Sec. 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, attested and read to said freedman, free Negro, or mulatto, by a beat, city or county officers, or two disinterested white persons of the country in which the labor is to be performed, of which each party shall have one; and said contracts shall be taken and held as entire contracts, 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.

Sec. 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, and the same shall be paid by the employer, and held as a set-off for so much against the wages of said deserting employee.

Sec. 8. Be it further enacted, That upon affidavit made by the employer of any freedman, free Negro, or mulatto, or other credible person, before any justice of the peace or member of the board of police, that any freedman, free Negro, or mulatto, legally employed by said employer, has illegally deserted said employment, such justice of the peace or member of the board of police shall issue his warrant or warrants, returnable before himself, or other such officer, directed to any sheriff, constable, or special deputy, commanding him to arrest said deserter and return him or her to said employer, and the like proceedings shall be had as provided in the preceding section . . . .

Sec. 9. Be it further enacted, That if any person shall persuade or attempt to persuade, entice, or cause any freedman, free Negro, or mulatto to desert from the legal employment of any person, before the expiration of his or her term of service, or shall knowingly employ any such deserting freedman, free Negro, or mulatto, or shall knowingly give or sell to any such deserting freedman, free Negro, or mulatto, any food, raiment, or other thing, he or she shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars and not more than two hundred dollars and the costs, and, if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding two months' imprisonment in the county jail, and he or she shall moreover be liable to the party injured in damages . . . .

Sec. 10. Be it further enacted, That it shall be lawful for any freedman, free Negro, or mulatto to charge any white person, freedman, free Negro, or mulatto, by affidavit, with any criminal offense against his or her person or property and upon such affidavit the proper process shall be issued and executed as if said affidavit was made by a white person, and it shall be lawful for any freedman, free Negro, or mulatto, in any action, suit, or controversy

pending, or about to be instituted, in any court of law or equity of this state, to make all needful and lawful affidavits, as shall be necessary for the institution, prosecution, or defense of such suit or controversy.

Sec. 11. Be it further enacted, That the penal laws of this state, in all cases not otherwise specially provided for, shall apply and extend to all freedmen, free Negroes, and mulattoes . . . .

Approved November 25, 1865

1. Identify and explain the actual freedoms and rights that are granted under the Mississippi Black Code.
2. What restrictions and laws enacted by the Black Code effectively extend the racist doctrines of pre-Civil War slavery? What freedoms are notably denied under the Code?