

male citizen, whether refugee or freedman, as aforesaid, there shall be assigned not more than forty acres of such land, and the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years at an annual rent not exceeding six per centum upon the value of such land, as it was appraised by the state authorities in the year eighteen hundred and sixty, for the purpose of taxation, and in case no such appraisal can be found, then the rental shall be based upon the estimated value of the land in said year, to be ascertained in such manner as the commis-

sioner may by regulation prescribe. At the end of said term, or at any time during said term, the occupants of any parcels so assigned may purchase the land and receive such title thereto as the United States can convey, upon paying therefor the value of the land, as ascertained and fixed for the purpose of determining the annual rent aforesaid. . . .

1. *How does the Bill treat the issue of abandoned lands in the South? What hope did it offer freed people?*

17-4 Black Code of Mississippi, 1865

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 Reconstruction Act of 1867 were all designed in part to counter the Black Codes.

SOURCE: Henry Steele Commager, Documents in American History (1973); Laws of Mississippi, 1865, p. 82 ff.

BLACK CODE OF MISSISSIPPI, 1865

1. CIVIL RIGHTS OF FREEDMEN IN MISSISSIPPI

Sec. 1. *Be it enacted*, . . . 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 chuses in action, by descent or purchase, and 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 cities or towns, in which places the corporate authorities shall control the same. . . .

Sec. 3. . . . All freedmen, free negroes, or mulattoes who do now and have herebefore 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; 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. . . .

Sec. 6. . . . 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 officer, or two disinterested white persons of the county 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 the 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. . . . 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 employe 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 employe: *Provided*, that said arrested party, after being so returned, may appeal to the justice of the peace or member of the board of police of the county, who, on notice to the alleged employer, shall try summarily

whether said appellant is legally employed by the alleged employer, and has good cause to quit said employer; either party shall have the right to appeal to the county court, pending which the alleged deserter shall be remanded to the alleged employer or otherwise disposed of, as shall be right and just; and the decision of the county court shall be final. . . .

Sec. 9. . . . 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: *Provided*, if any person shall, or shall attempt to, persuade, entice, or cause any freedman, free negro, or mulatto to desert from any legal employment of any person, with the view to employ said freedman, free negro, or mulatto without the limits of this State, such person, on conviction, shall be fined not less than fifty dollars, and not more than five hundred dollars and costs; and if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding six months imprisonment in the county jail. . . .

2. MISSISSIPPI APPRENTICE LAW

(LAWS OF MISSISSIPPI, 1865, p. 86.)

Sec. 1. . . . 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 semi-annually, at the January and July terms of said courts, all freedmen, free negroes, and mulattoes, under the age of eighteen, in 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 minor: *Provided*, that the former owner of said minors shall have the preference when, in the opinion of the court, he or she shall be a suitable person for that purpose. . . .

Sec. 3. . . . In the management and control of said

apprentice, said master or mistress shall have the power to inflict such moderate corporal chastisement as a father or guardian is allowed to inflict on his or her child or ward at common law. *Provided*, that in no case shall cruel or inhuman punishment be inflicted.

Sec. 4. . . . 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, to 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 return to the service of his or her master or mistress: . . . if the court shall believe that said apprentice had good cause to quit his said master or mistress, the court shall discharge said apprentice from said indenture, and also enter a judgment against the master or mistress for not more than one hundred dollars, for the use and benefit of said apprentice. . . .

3. MISSISSIPPI VAGRANT LAW

(LAWS OF MISSISSIPPI, 1865, p. 90)

Sec. 1. *Be it enacted*, etc., . . . That all rogues and vagabonds, idle and dissipated persons, beggars, jugglers, or persons practicing unlawful games or plays, runaways, common drunkards, common night-walkers, pilferers, lewd, wanton, or lascivious persons, in speech or behavior, common railers and brawlers, persons who neglect their calling or employment, misspend what they earn, or do not provide for the support of themselves or their families, or dependents, and all other idle and disorderly persons, including all who neglect all lawful business, habitually misspend their time by frequenting houses of ill-fame, gaming-houses, or tippling shops, shall be deemed and considered vagrants, under the provisions of this act, and upon conviction thereof shall be fined not exceeding one hundred dollars, with all accruing costs, and be imprisoned at the discretion of the court, not exceeding ten days.

Sec. 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 unlaw-

fully assembling themselves together, either in the day or night time, and all white persons so 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, free 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 imprisoned at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months. . . .

4. PENAL LAWS OF MISSISSIPPI

(LAWS OF MISSISSIPPI, 1865, p. 165.)

Sec. 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, not exceeding ten dollars, and pay the costs of such proceedings, and all such arms or ammunition shall be forfeited to the informer; 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 to trial in default of bail.

2. . . . Any freedman, free negro, or mulatto committing riots, routs, affrays, trespasses, malicious mischief, cruel treatment to animals, seditious speeches, insulting gestures, language, or acts, or assaults on any person, disturbance of the peace, exercising the function of a minister of the Gospel without a license from some regularly organized church, vending spirituous or intoxi-

cating liquors, or committing any other misdemeanor, the punishment of which is not specifically provided for by law, 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.

Sec. 3. . . . If any white person shall sell, lend, or give to any freedman, free negro, or mulatto any fire-arms, dirk or bowie knife, or ammunition, or any spirituous or intoxicating liquors, such person or persons so offending, upon conviction thereof in the county court of his or her county, shall be fined not exceeding fifty dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days. . . .

Sec. 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.

1. *How did these laws limit the freedom of movement of ex-slaves? Why was this so important to the Mississippi legislature?*
2. *Apprenticeship laws provoked especially bitter complaints from African Americans. How would you explain this?*
3. *Why did the Black Codes pay so much attention to limiting the social lives of freed people, for example, sexuality, drinking, recreation?*

17-5 Frederick Douglass, Speech to the American Anti-Slavery Society, 1865

Congress approved the Thirteenth Amendment abolishing slavery in February, 1865, and the Union's final military victory over the Confederacy that spring assured the destruction of the slave system. The American Anti-Slavery Society, long in the forefront of the abolitionist movement, met in May, 1865, to discuss its future. Black leader Frederick Douglass addressed the Society, urging it not to disband but to continue the fight against racial discrimination.

SOURCE: Philip S. Foner, ed. *The Life and Writings of Frederick Douglass*, Vol. IV (1955).

. . . I do not wish to appear here in any fault-finding spirit, or as an impugner of the motives of those who believe that the time has come for this Society to disband. I am conscious of no suspicion of the purity and excellence of the motives that animate the President of this Society [William Lloyd Garrison], and other gentlemen who are in favor of its disbandment. I take this ground; whether this Constitutional Amendment [the thirteenth] is law or not, whether it has been ratified by a sufficient number of States to make it law or not, I hold that the work of Abolitionists is not done. Even if every State in the Union had ratified that Amendment, while the black man is confronted in the legislation of the South by the word "white," our work as Abolitionists, as I conceive it, is not done. I took the ground, last night, that the South, by unfriendly legislation, could make our liberty, under that provision, a delusion, a mockery, and a snare,