

## 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 . . . 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. 4. . . . 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, 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. 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 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: *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 of 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.

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## Mississippi Vagrant Law

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 unlawfully 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. . . .

Sec. 7. . . . If any freedman, free negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the sixth section of this act, it shall be *prima facie* evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free negro, or mulatto or such person refusing or neglecting to pay such tax, and proceed at once to hire for the shortest time such delinquent tax-payer to any one who will pay the said tax, with accruing costs, giving preference to the employer, if there be one.

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## 4. Penal Laws of Mississippi

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.

Sec. 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 intoxicating 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.

## REVIEW QUESTIONS

1. Which crime carried the harshest penalty? Why?
2. Summarize the regulations related to employment of freed slaves. How did they represent a form of slavery?
3. The Black Codes were criticized for their vagueness. Cite an example of such vagueness, and note ways in which the codes could be interpreted or manipulated.

## JOURDON ANDERSON

### Letter to My Old Master (1865)

*The Civil War gave some four million slaves their freedom, but freedom wasn't quite so simple. Where would the former slaves live? How would they put food on the table? If those issues weren't challenging enough, freed slaves also had to contend with former owners who were not happy about what the war had done. Some ex-Confederates refused to acknowledge that defeat meant emancipation. They tried to force their slaves to stay under their control because they still needed help planting and harvesting their crops. Having become accustomed to the benefits of enslaved workers, most of them balked at paying their former slaves a living wage. Consider the example of Jourdon Anderson, who, like many slaves, had adopted the surname of his owner, Colonel P. H. Anderson of Big Spring, Tennessee. In 1864, as Union troops took control of Tennessee, Jourdon Anderson and his wife and children had seized their freedom and eventually relocated to Dayton, Ohio. Four months after the war ended, Colonel Anderson learned of Jourdon's whereabouts and sent him a letter*



*urging him to return to work on the farm, promising to treat him well. Jourdon's tongue-in-cheek reply reveals both the complexities of emancipation and the resilience and courage that many freed slaves displayed.*

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"Letter from a Freedman to His Old Master," *New York Daily Tribune*, August 22, 1865.

The following is a genuine document. It was dictated by the old servant, and contains his ideas and forms of expression. [Cincinnati Commercial.]

DAYTON, Ohio, August 7, 1865.

*To my Old Master, Col. P. H. ANDERSON, Big Spring, Tennessee.*

SIR: I got your letter and was glad to find that you had not forgotten Jourdon, and that you wanted me to come back and live with you again, promising to do better for me than anybody else can. I have often felt uneasy about you. I thought the Yankees would have hung you long before this for harboring Rebs, they found at your house. I suppose they never heard about your going to Col. Martin's to kill the Union soldier that was left by his company in their stable. Although you shot at me twice before I left you, I did not want to hear at your being hurt, and am glad you are still living. It would do me good to go back to the dear old home again and see Miss Mary and Miss Martin and Alion, Esther, Green and Leo. Give my love to them all, and tell them I hope we will meet in the better world, if not in this. I would have gone back to see you all when I was working in the Nashville Hospital, but one of the neighbors told me Henry intended to shoot me if he ever got a chance.

I want to know particularly what the good chance is you propose to give me. I am doing tolerably well here; I get \$25 a month, with victuals and clothing; have a comfortable home for Mandy (the folks here call her Mrs. Anderson), and the children; Milly, Jane and Grandy, go to school and are learning well; the teacher says Grandy has a head for a preacher. They go to Sunday School, and Mandy and me attend church regularly. We are kindly treated; sometimes we overhear others saying, "Them colored people were slaves" down in Tennessee. The children feel hurt when they hear such remarks, but I tell them it was no disgrace in Tennessee to belong

to Col. Anderson. Many darkies would have been proud, as I used to was, to call you master. Now, if you will write and say what wages you will give me, I will be better able to decide whether it would be to my advantage to move back again.

As to my freedom, which you say I can have, there is nothing to be gained on that score, as I got my free-papers in 1861 from the Provost-Marshal-General of the Department at Nashville. Mandy says she would be afraid to go back without some proof that you are sincerely disposed to treat us justly and kindly—and we have concluded to test your sincerity by asking you to send us our wages for the time we served you. This will make us forget and forgive old sores, and rely on your justice and friendship in the future. I served you faithfully for thirty-two years, and Mandy twenty years, as \$25 a month for me, and \$2 a week for Mandy. Our earnings would amount to \$11,680. Add to this the interest for the time our wages been kept back and deduct what you paid for our clothing and three doctor's visits to me, and pulling a tooth for Mandy, and the balance will show what we are in justice entitled to. Please send the money by Adams Express, in care of V. Winters, esq., Dayton, Ohio! If you fail to pay us for faithful labors in the past we can have little faith in your promises in the future. We trust the good Maker has opened your eyes to the wrongs which you and your fathers have done to me and my fathers, in making us toil for you for generations without recompense. Here I draw my wages every Saturday night, but in Tennessee there was never any pay day for the negroes any more than for the horses and cows. Surely there will be a day of reckoning for those who defraud the laborer of his hire.

In answering this letter please state if there would be any safety for my Milly and Jane, who are now grown up and both good looking girls. You know how it was with poor Matilda and Catherine. I would rather stay here and starve and die if it