

and beg forgiveness For past offences and also ask if their lands Cannot be restored to them are these rebellious Spirits to be reinstated in their possessions And we who have been abused and oppressed For many long years not to be allowed the Privilege of purchasing land But be subject To the will of these large Land owners? God forbid, Land monopoly is injurious to the advancement of the course of freedom, and if Government Does not make some provision by which we as Freedmen can obtain A Homestead, we have Not bettered our condition.

We have been encouraged by Government to take Up these lands in small tracts, receiving Certificates of the same—we have thus far Taken Sixteen thousand (16000) acres of Land here on This Island. We are ready to pay for this land When Government calls for it, and now after What has been done will the good and just government take from us all this right and make us Subject to the will of those who have cheated and Oppressed us for many years God Forbid!

We the freedmen of this Island and of the State of South Carolina— Do therefore petition to you as the President of these United States, that some provisions be made by which Every colored man can purchase land, and Hold it as his own. We wish to have A home if It be but A few acres, without some provision is Made our future is sad to look upon, yess our Situation is dangerous, we therefore look to you In this trying hour as A true friend of the poor and Neglected race, for protection and Equal Rights, with the privilege of purchasing A Homestead—A Homestead right here in the Heart of South Carolina.

We pray that God will direct your heart in Making such provision for us as freedmen which Will tend to united these states together stronger Than ever before—May God bless you in the Administration of your duties as the President Of these United States is the humble prayer Of us all.—

In behalf of the Freedmen

Henry Bram
Committee Ishmael Moultrie,
yates, Sampson

Questions

1. How important is it for the petitioners to obtain land on Edisto Island, as opposed to land elsewhere in the country?
2. What do they think is the relationship between owning land and freedom?

94. The Mississippi Black Code (1865)

Source: *Walter L. Fleming, ed., Documentary History of Reconstruction (Cleveland, 1906-07), Vol. 1, pp. 281-90.*

During 1865, Andrew Johnson put into effect his own plan of Reconstruction, establishing procedures whereby new governments, elected by white voters only, would be created in the South. Among the first laws passed by the new governments were the Black Codes, which attempted to regulate the lives of the former slaves. These laws granted the freedpeople certain rights, such as legalized marriage, ownership of property, and limited access to the courts. But they denied them the right to testify against whites, serve on juries or in state militias, or to vote. And in response to planters' demands that the freedpeople be required to work on the plantations, the Black Codes declared that those who failed to sign yearly labor contracts could be arrested and hired out to white landowners. The Black Codes indicated how the white South would regulate black freedom if given a free hand by the federal government. But they so completely violated free labor principles that they discredited Johnson's Reconstruction policy among northern Republicans.

VAGRANT LAW

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.

CIVIL RIGHTS OF FREEDMEN

Sec. 1. . . . That all freedmen, free negroes, and mulattoes may sue and be sued, plead and be pleaded, in all the courts of law and equity of this State, and may acquire personal property, and chases 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. . . .

Sec. 2. . . . 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. . . . 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; 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. . . . 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....

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.... *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.

CERTAIN OFFENSES OF FREEDMEN

Sec. 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 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....

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.

Questions

1. Why do you think the state of Mississippi required all black persons to sign yearly labor contracts but not white citizens?
2. What basic rights are granted to the former slaves and which are denied to them by the Black Code?