

Mississippi Department of Archives and History  
**Learning Lagniappe: Educator Extras**

# 1817 Constitution of the State of Mississippi

Series 549: State Constitutions, 1817-1890

[http://www.mdah.ms.gov/arrec/digital\\_archives/series/constitutions](http://www.mdah.ms.gov/arrec/digital_archives/series/constitutions)

The 1817 Constitution of the State of Mississippi was the original constitution for the newly formed state of Mississippi. It is based on the United States Constitution and reflects the attitudes of the time. This constitution written in Washington, Mississippi, near Historic Jefferson College favors the white land-owners. The 1817 Constitution was the first of Mississippi's four constitutions and lasted until 1832 when there was a change the state itself. By 1832 Mississippi had gained possession of the entire state from the Native Americans and their attitude towards non-land owning whites had changed, but the treatment of women's rights and the institution of slavery were still firmly entrenched in Mississippi.

## Subjects that can be addressed within this Digital Archive:

U. S. Government, Territorial Mississippi, and civil rights.

*For more lessons and activities based on the 1817 Constitution Digital Archive and other collections visit the Classroom Materials page on our website at*

<http://www.mdah.ms.gov/new/learn/classroom-materials/lesson-plans-and-teaching-units/>

## Navigating the 1817 Mississippi Constitution Digital Archive

The *1817 Mississippi Constitution* was scanned page by page. It is listed under the *Constitutions of the State of Mississippi* digital exhibit on the Digital Archives homepage.

- ◆ You can search the images of the 1817 Constitution by following the steps below.
  - ◆ Click on **Browse Images**
  - ◆ Click on **1817**
  - ◆ Click **next** to go page by page or
  - ◆ You can type the number of the page you are looking for in box below the image.

## Outline of the 1817 Constitution of the State of Mississippi

Page 2	Title	Pages 26–30	<b>Article V</b> Judicial Department
Pages 3–4	<b>Preamble</b>	Pages 29–30	Impeachments
Pages 4–9	<b>Article I</b> Declaration of Rights	Pages 30–42	<b>Article VI</b> General Provisions
Page 9	<b>Article II</b> Distribution of Powers	Page 34–35	Slaves
Pages 9–18	<b>Article III</b> Legislative Department	Page 36	Mode of Revising the Constitution
Pages 18–26	<b>Article IV</b> Executive Department	Pages 36–42	Schedule
	Pages 25–26 Militia	Page 42–43	<b>Ordinance</b>

*You can find a transcript of the 1817 Constitution at the following link from the Mississippi History Now website.*

<http://www.mshistorynow.mdah.ms.gov/articles/100/the-mississippi-constitution-of-1817>

**Teacher Discussion Guide on Reverse**

## Teacher Discussion Guide

Use the images of pages from the 1817 portion of the MDAH Digital Archive entitled “Constitutions of the State of Mississippi” (found at [http://www.mdah.ms.gov/arrec/digital\\_archives/series/constitutions](http://www.mdah.ms.gov/arrec/digital_archives/series/constitutions)) to lead your class in a discussion. Analyze and interpret the following images in the online collection.

1. **Article I**, (Declaration of Rights) Sections 3 & 4, pages 4–9

**Article VI**, (General Provisions) Sections 6 & 7, pages - 31–21

These sections of the 1817 Mississippi Constitution discuss the role of religion in the state and within it's government. What do they say and how do they seem to relate to and/or contradict one another?

**Article I** sections provide the right of freedom of religion without discrimination for all freed persons in the state, and no preference shall be given to by law to any religious sect or mode of worship. While the **Article VI** sections state that “No person who denies the being of God, and the future state of rewards and punishments, shall hold any office in the civil department of this state,” while stating that they prevent a minister or priest of any denomination from becoming a member of the Legislature.

2. **Article VI**, (General Provisions) Slaves, Section I, page 34

When it comes to slaves, the state government has little right to control the fate of individual slaves. What does the 1817 Mississippi Constitution say that the legislature can do with the institution of slavery?

They can emancipate slaves who have performed a distinguished services to the state, but they have to compensate the owners. They have the ability to pass laws allowing owners to emancipate their slaves if they are not in debt or will become a public charge. They have full power to prevent slaves from being brought into the state as merchandise. They are able to “oblige” owners to treat their slaves humanly and provide them clothing and food.

3. **Article I**, (Declaration of Rights) page 4–9

a. In Section 1 of the **Article I** (page 4) who is guaranteed these rights and what does that tell you about who was running the state in 1817?

All freemen. Free men = white men

b. Within the Declaration of Rights (pages 4-9) the people of the state are mentioned in several ways. What pronouns are used? Identify and discuss the meaning behind the choice in words

Freemen, men, people, persons, citizen. Pronouns-Him, himself

People, persons, general people.

Citizen - people in the states with rights.

Freemen or men = white men in charge

Him and himself - no consideration that women would play any part in the government.

4. **Article VI**, (General Provisions) Section 17, pages 33–34

What does the 1817 Constitution say about divorces of its citizens? How does this compare to today?

Must be taken to the Chancery Court and then approved by  $\frac{2}{3}$  of each branch of the General Assembly (Legislature).