

Reconstruction and the Old Capitol Museum

Objectives: Students will learn about Reconstruction in Mississippi by exploring two documents that were passed in the Old Capitol Museum—the Mississippi Black Codes of 1865 and the 1868 Mississippi Constitution. Students will learn about the type of language used in these documents and how they both compare to our rights as citizens today.

Reconstruction and the Old Capitol Museum is adaptable for grades 8-12.

Curricular Connections		
Common Core Reading Literacy Standards	Grades 6—8	1, 2, 3, 4, 5, 6, 9
	Grades 9—10	1, 2, 3, 4, 6, 8, 9, 10
	Grades 11—12	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
Common Core Writing Literacy Standards	Grades 6—8	1a—1e, 3, 5, 8
	Grades 9—10	1a—1e, 3, 4, 5, 7, 8
	Grades 11—12	1a—1e, 3, 4, 5, 7, 8
Mississippi Social Studies Frameworks	8th Grade US History-Reconstruction	2d, 2e, 2f, 4a, 4b, 4d, 6a, 6b, 6c
	Mississippi Studies	1c, 1d, 1e, 4c
	US Government	3b, 5a, 5c
	US History Post-Reconstruction to Present	1a, 2b, 4a
	Sociology	2b, 2c, 3a, 3c, 5a, 5b
	Law Related Education	1a, 1c, 6a
	Minority Studies	1b, 2a, 2b, 2c, 2d, 2e, 4a
	Local Culture	1b, 3d
	African American Studies	1a, 1b, 1c, 1d, 7b

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Overview

The end of the Civil War brought tremendous challenges for Mississippi. As the state government tried to deal with rebuilding the economy and adjusting to the new status of black citizens, it clashed with the federal government over how the state would rejoin the Union.

The first step in Reconstruction was for Mississippi to write a new constitution. Although most white Mississippians wanted their lifestyle to remain the same, northerners were looking for evidence of a repentant South. Delegates wrote a new constitution in 1868 that granted voting rights to black men and helped Mississippi rejoin the Union in 1870. But although black Mississippians had made many economic and political gains their lives were governed by Black Codes, laws that restricted what property they could own, what public spaces they could utilize and how they could conduct business. Conservative whites continued to regain power over African Americans with the use of violence and economic intimidation through the end of the Reconstruction period.

The Old Capitol served as statehouse during this tumultuous time period, witnessing heated debates and the passage of dramatic legislation as well as the 1868 Constitution. Today, the Old Capitol Museum contains interactive exhibits that explain Reconstruction and its effect on Mississippi.

Activity 1: The Mississippi Black Codes

Objectives: Students will gain a better understanding of how language has changed over time and how it was used in the writing of the Mississippi Black Codes to keep black Mississippians subordinate to whites. Students will also begin to understand the significance of the 1868 Mississippi Constitution to black and poor white voters, but also how through intimidation like the Black Codes, many voters lost more and more rights as Reconstruction continued.

Materials: *Vocabulary Words: Cutouts; Vocabulary Words: Definitions; Mississippi Black Codes; dry erase or chalk board; Mississippi Black Codes Worksheet.*

Background Information

In 1865, Mississippi's legislature passed a series of laws that became known as the Black Codes. Several southern states enacted Black Codes, but Mississippi's were the first and harshest. The Black Codes set up laws that governed and regulated the lives of the former slaves, keeping them in a subordinate position. Northern whites saw the laws as evidence that Southerners were trying to bring back black slavery.

Procedures:

1. Cut-out the words found in the Mississippi Black Codes from the *Vocabulary Words: Cutout* worksheet. Fold and place in a box.
2. Have students draw a word out of the box and write the word on the board.
3. Have students see if they can determine the definition of the word without the assistance of a dictionary. Then, using the *Vocabulary Words: Definitions* worksheet, discuss with the class the true meaning of the word.
4. Select a section from the Mississippi Black Codes for the students to read and discuss as a class the language used and how it may have been interpreted by readers in the nineteenth-century.
5. Distribute *Mississippi Black Codes* worksheet to students for completion and then discuss the answers as a class.

Activity 2: The 1868 Mississippi Constitution

Objectives: Students will learn about the 1868 Mississippi Constitution and the direction that Mississippi began moving at after its passage. Students will be able to explore the ideals set in place with the 1868 Mississippi Constitution and how those who were reluctant to accept the changes in the state learned to undermine it.

Materials: *The 1868 Mississippi Constitution Excerpts; The 1868 Constitution Worksheet.*

Background Information

Convention delegates adopted a new state constitution in May 1868. The third officially accepted constitution of Mississippi granted black men the right to vote. Not all Mississippians were pleased with this change. By the mid-1870s, the white Democratic Party sought to retake control of the state by winning state elections. They used violence and economic intimidation to keep African Americans away from polls and stuffed ballot boxes. By 1876, Democrats had “redeemed” the state, removing white and black Republicans from office. For nearly ninety years, approximately half the population in Mississippi would not vote or take part in the political process.

Procedures:

1. Have students read the *1868 Mississippi Constitution Excerpts* and begin to answer the questions on the *1868 Constitution Worksheet*.
2. Divide the class in half.
3. Choose 3 colors and 3 mascots for the class to vote on as class color and mascot and write them on the board.

Examples:

Colors—Blue, Green, Red

Mascots—Bear, Panther, Fox

4. Choose one of the halves to be a voting group. Do not allow the other half to vote in this election. After the first half of the class has voted, tally the votes and declare the winner for the entire class based only on this vote by one half of the class. Note the reactions in the class.
5. After the vote is complete, ask the class these questions.

The voting group:

- Are you happy with the results?
- How did it feel being able to vote when the other half did not have the chance?
- Do you think it was fair for half of the class to vote for the good of the WHOLE class?

The non-voting group:

- Are you happy with the results?
- How did it feel not being allowed to participate in the vote?
- Do you think it was fair for half of the class to vote for the good of the WHOLE class?

6. If you would like to have a more fair vote, allow the class at this point to all vote on the class color and mascot.
7. Allow students to complete the *1868 Constitution Worksheet* questions relating to the in-class vote.

Extension Activity:

Have students find a person from Mississippi Reconstruction to write about. Have students study the person's life, background, position before and after the war, how they expressed their beliefs with their actions, and what they feel that person contributed to Mississippi.

Vocabulary Words: Cutouts

Print, cut, and distribute to students. Use the Vocabulary Words: Definitions to properly define the terms.

indenture	apprentice	dirk
chastisement	sedition	vagrant
vagabond	juggler	pilferer
wanton	pauper	capitation
plaintiffs	prosecutions	routs

Vocabulary Words: Definitions

Use the following definitions to help students define the vocabulary words on the cut-out sheet.

Indenture: to bind into a contract of service to another

Apprentice: a person legally bound to another to learn a trade

Dirk: a dagger

Chastisement: to punish

Seditious: causing public disorder or rebellion

Vagrant: a wanderer lacking support or permanent residence

Vagabond: a wanderer lacking support or permanent residence

Juggler: someone who uses deception

Pilferer: someone who steals

Wanton: immoral

Pauper: someone extremely poor

Capitation: a tax or fee for a person

Plaintiffs: someone who brings legal action against another

Prosecutions: the act of bringing legal action against someone

Routs: a public disturbance, a riot

Mississippi Black Codes

Source:

Mississippi Black Codes, <http://chnm.gmu.edu/courses/122/recon/code.html> (accessed October 29, 2013).

Taken From:

Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, held in Jackson, October, November and December, 1965, Jackson, 1866, pp. 82-93, 165-167.

I. Apprentice Law

Section 1. *Be it enacted by the legislature of the state of Mississippi*, that 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 semiannually, at the January and July terms of said courts, all freedmen, free Negroes, and mulattoes under the age of eighteen within 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 minors:

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.

Section 2. *Be it further enacted*, that the said court shall be fully satisfied that the person or persons to whom said minor shall be apprenticed shall be a suitable person to have the charge and care of said minor and fully to protect the interest of said minor. The said court shall require the said master or mistress to execute bond and security, payable to the state of Mississippi, conditioned that he or she shall furnish said minor with sufficient food and clothing; to treat said minor humanely; furnish medical attention in case of sickness; teach or cause to be taught him or her to read and write, if under fifteen years old; and will conform to any law that may be hereafter passed for the regulation of the duties and relation of master and apprentice:

Provided, that said apprentice shall be bound by indenture, in case of males until they are twenty-one years old, and in case of females until they are eighteen years old.

Section 3. *Be it further enacted*, that in the management and control of said apprentices, said master or mistress shall have power to inflict such moderate corporeal 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.

Section 4. *Be it further enacted*, that 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, until 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 to return to his or her master or mistress:

Provided, that the court may grant continuances, as in other cases; and provided, further, that 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 \$100, for the use and benefit of said apprentice, to be collected on execution, as in other cases.

Section 5. *Be it further enacted*, that if any person entice away any apprentice from his or her master or mistress, or shall knowingly employ an apprentice, or furnish him or her food or clothing, without the written consent of his or her master or mistress, or shall sell or give said apprentice ardent spirits, without such consent, said person so offending shall be deemed guilty of a high misdemeanor, and shall, on conviction thereof before the county court, be punished as provided for the punishment of persons enticing from their employer hired freedmen, free Negroes, or mulattoes.

Section 6. *Be it further enacted*, that it shall be the duty of all civil officers of their respective counties to report any minors within their respective counties to said Probate Court who are subject to be apprenticed under the provisions of this act, from time to time, as the facts may come to their knowledge; and it shall be the duty of said court, from time to time, as said minors shall be reported to them or otherwise come to their knowledge, to apprentice said minors as hereinbefore provided.

Section 7. *Be it further enacted*, that in case the master or mistress of any apprentice shall desire, he or she shall have the privilege to summon his or her said apprentice to the Probate Court, and thereupon, with the approval of the court, he or she shall be released from all liability as master of said apprentice, and his said bond shall be canceled, and it shall be the duty of the court forthwith to reapprentice said minor; and in the event any master of in apprentice shall die before the close of the term of service of said apprentice, it shall be the duty of the court to give the preference in reapprenticing said minor to the widow, or other member of said master's family:

Provided, that said widow or other member of said family shall be a suitable person for that purpose.

Section 8. *Be it further enacted*, that in case any master or mistress of any apprentice, bound to him or her under this act shall be about to remove or shall have removed to any other state of the United States by the laws of which such apprentice may be an inhabitant thereof, the Probate Court of the proper county may authorize the removal of such apprentice to such state, upon the said master or mistress entering into bond, with security, in a penalty to be fixed by the judge, conditioned that said master or mistress will, upon such removal, comply with the laws of such state in such cases:

Provided, that said master shall be cited to attend the court at which such order is proposed to be made and shall have a right to resist the same by next friend, or otherwise.

Section 9. *Be it further enacted*, that it shall be lawful for any freedman, free Negro, or Mulatto having a minor

child or children to apprentice the said minor child or children as provided for by this act.

Section 10. *Be it further enacted*, that in all cases where the age of the freedman, free Negro, or mulatto cannot be ascertained by record testimony, the judge of the county court shall fix the age.

II. Vagrancy Law

Section 1. *Be it enacted by the legislature of the state of Mississippi*, that all rogues and vagabonds, idle and dissipated persons, beggars, jugglers, or persons practising unlawful games or plays, runaways, common drunkards, common nightwalkers, 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, or habitually misspend their time by frequenting houses of ill-fame, gaming houses, or tipping shops, shall be deemed and considered vagrants under the provisions of this act; and, on conviction thereof shall be fined not exceeding \$100, with all accruing costs, and be imprisoned at the discretion of the court not exceeding ten days.

Section 2. *Be it further enacted*, that 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 nighttime, and all white persons so assembling 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 freedwoman, free Negro, or mulatto, shall be deemed vagrants; and, on conviction thereof, shall be fined in the sum of not exceeding, in the case of a freedman, free Negro, or mulatto, 150, and a white man, \$200, and imprisoned at the discretion of the court, the free Negro not exceeding ten days, and the white man not exceeding six months.

Section 3. *Be it further enacted*, that all justices of the peace, mayors, and aldermen of incorporated towns and cities of the several counties in this state shall have jurisdiction to try all questions of vagrancy in their respective towns, counties, and cities; and it is hereby made their duty, whenever they shall ascertain that any person or persons in their respective towns, counties, and cities are violating any of the provisions of this act, to have said party or parties arrested and brought before them and immediately investigate said charge; and, on conviction, punish said party or parties as provided for herein. And it is hereby made the duty of all sheriffs, constables, town constables, city marshals, and all like officers to report to some officer having jurisdiction all violations of any of the provisions of this act; and it shall be the duty of the county courts to inquire if any officers have neglected any of the duties required by this act; and in case any officer shall fail or neglect any duty herein, it shall be the duty of the county court to fine said officer, upon conviction, not exceeding \$100, to be paid into the county treasury for county purposes.

Section 4. *Be it further enacted*, that keepers of gaming houses, houses of prostitution, all prostitutes, public or private, and all persons who derive their chief support in employments that militate against good morals or against laws shall be deemed and held to be vagrants.

Section 5. *Be it further enacted*, that all fines and forfeitures collected under the provisions of this act shall be paid into the county treasury for general county purposes; and in case any freedman, free Negro, or mulatto shall fail for five days after the imposition of any fine or forfeiture upon him or her for violation of any of the provisions of this act to pay the same, that it shall be, and is hereby made, the duty of the sheriff of the proper

county to hire out said freedman, free Negro, or mulatto to any person who will, for the shortest period of service, pay said fine or forfeiture and all costs:

Provided, a preference shall be given to the employer, if there be one, in which case the employer shall be entitled to deduct and retain the amount so paid from the wages of such freedman, free Negro, or mulatto then due or to become due; and in case such freedman, free Negro, or mulatto cannot be hired out he or she may be dealt with as a pauper.

Section 6. *Be it further enacted*, that the same duties and liabilities existing among white persons of this state shall attach to freedmen, free Negroes, and mulattoes to support their indigent families and all colored paupers; and that, in order to secure a support for such indigent freedmen, free Negroes, and mulattoes, it shall be lawful, and it is hereby made the duty of the boards of county police of each county in this state, to levy a poll or capitation tax on each and every freedman, free Negro, or mulatto, between the ages of eighteen and sixty years, not to exceed the sum of \$1 annually, to each person so taxed, which tax, when collected, shall be paid into the county treasurer's hands and constitute a fund to be called the Freedman's Pauper Fund, which shall be applied by the commissioners of the poor for the maintenance of the poor of the freedmen, free Negroes, and mulattoes of this state, under such regulations as may be established by the boards of county police, in the respective counties of this state.

Section 7. *Be it further enacted*, that if any freedman, free Negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the 6th 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 taxpayer to anyone who will pay the said tax, with accruing costs, giving preference to the employer, if there be one.

Section 8. *Be it further enacted*, that any person feeling himself or herself aggrieved by the judgment of any justice of the peace, mayor, or alderman in cases arising under this act may, within five days, appeal to the next term of the county court of the proper county, upon giving bond and security in a sum not less than \$25 nor more than \$150, conditioned to appear and prosecute said appeal, and abide by the judgment of the county court, and said appeal shall be tried de novo in the county court, and the decision of said court shall be final.

III. Civil Rights of Freedmen

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, 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 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.

Section 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.

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

Section 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.

Section 5. *Be it further enacted*, that every freedman, free Negro, and mulatto shall, on the second Monday of January 1866, and annually thereafter, have a lawful home or employment, and shall have a written evidence thereof, as follows, to wit: if living in any incorporated city, town, or village, a license from the mayor thereof; and if living outside of any incorporated city, town, or village, from the member of the board of police of his beat, authorizing him or her to do irregular and job work, or a written contract, as provided in Section 6 of this act, which licenses may be revoked for cause, at any time, by the authority granting the same.

Section 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 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 expiration of his term of service without good cause, he shall forfeit his wages for that year, up to the time of quitting.

Section 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 \$5, and 10 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 setoff for so much against the wages of said deserting employee:

Provided, that said arrested party, after being so returned, may appeal to a 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 his 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.

Section 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; and it shall be lawful for any officer to whom such warrant shall be directed to execute said warrant in any county of this state, and that said warrant may be transmitted without endorsement to any like officer of another county, to be executed and returned as aforesaid, and the said employer shall pay the cost of said warrants and arrest and return, which shall be set off for so much against the wages of said deserter.

Section 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 \$25 and not more than \$200 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 \$50 and not more than \$1500 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,

Section 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.

Section 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.

IV. Penal Code

Section 1. *Be it enacted by the legislature of the state of Mississippi*, 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 \$10, 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 for trial in default of bail.

Section 2. *Be it further enacted*, that 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 \$10 and not more than \$100, and may be imprisoned, at the discretion of the court, not exceeding thirty days.

Section 3. *Be it further enacted*, that if any white person shall sell, lend, or give to any freedman, free Negro, or mulatto any firearms, 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 \$50, and may be imprisoned, at the discretion of the court, not exceeding thirty days:

Provided, that any master, mistress, or employer of any freedman, free Negro, or mulatto may give to any freedman, free Negro, or mulatto apprenticed to or employed by such master, mistress, or employer spirituous or intoxicating liquors, but not in sufficient quantities to produce intoxication.

Section 4. *Be it further enacted*, that all the penal and criminal laws now in force in this state defining offenses and prescribing the mode of punishment for crimes and misdemeanors committed by slaves, free Negroes, or mulattoes be and the same are hereby reenacted and declared to be in full force and effect against freedmen, free Negroes, and mulattoes, except so far m the mode and manner of trial and punishment have been changed or altered by law.

Section 5. *Be it further enacted*, that 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 such convict for the shortest time.

The 1868 Constitution Excerpts

Article I. Bill of Rights

Section 1. All persons resident in this State, citizens of the United States, are hereby declared citizens of the State of Mississippi.

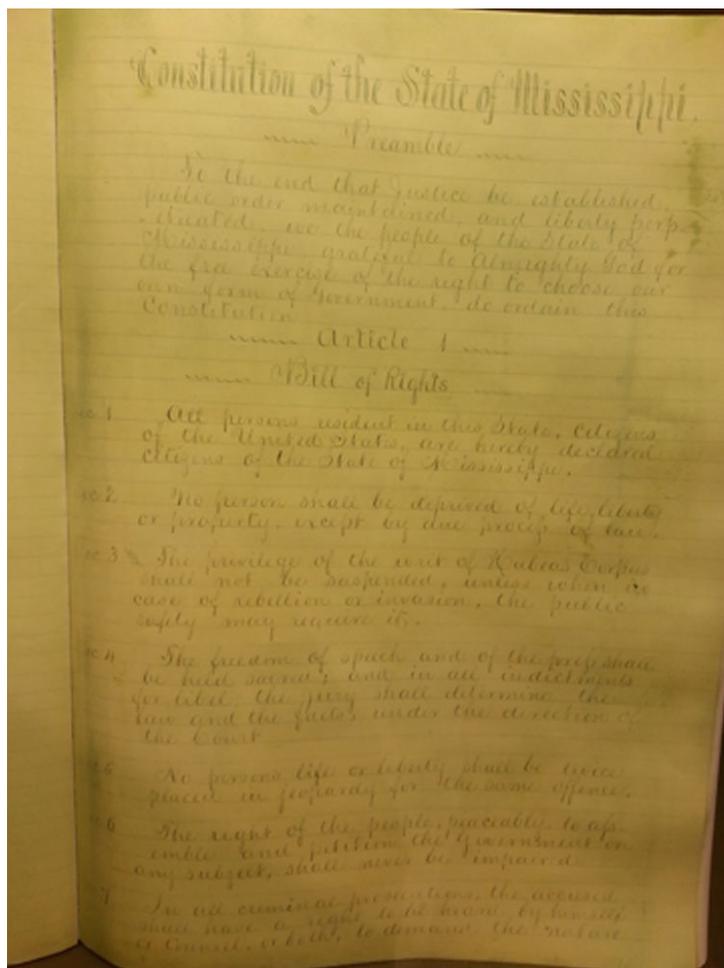
Section 6. The right of the people peaceably to assemble and petition the Government, on any subject, shall never be impaired.

Section 18. No property or educational qualification shall ever be required for any person to become an elector.

Section 19. There shall be neither slavery nor involuntary servitude in this State, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

Article VII. Franchise

Section 2. All male inhabitants of this State, except idiots and insane persons, and Indians not taxed, citizens of the United States, or naturalized, twenty-one years old and upwards, who have resided in this State six months, and in the county one month next preceding the day of election at which said inhabitant offers to vote, and who are duly registered, according to the requirements of Section 3 of this Article, and who are not disqualified by reason of any crime, are declared to be qualified electors.



Page from the 1868 Constitution. Image courtesy of MDAH Archives and Records Division.

Name _____ Date _____

The 1868 Constitution Worksheet

After reading the excerpts from the 1868 constitution, answer the following questions.

1. What is the significance of Section 1 of Article I. Bill of Rights?

2. Under Section 18 of the Bill of Rights, Mississippians do not have any educational or property requirements to vote, and Section 2 of Article VII. Franchise, grants all male inhabitants of the state 21 and older the right to vote. What group was still left out of the voting process?

3. The 1868 constitution allowed Mississippi to rejoin the Union, but the seeds of animosity were still present. While the Black Codes were no longer valid, there were still ways that many of the rights and laws listed in the constitution were undermined. How do you think Mississippians who were against the rights of the freedmen would have undermined the constitution?

4. Think honestly about your vote in the classroom voting exercise. Do you feel that you were influenced by the votes of your peers? If you were, explain how people's votes during Reconstruction could be influenced negatively or positively on a larger scale by their peers.

5. On a much smaller scale, did the first vote give you a glimpse into how it would have felt not to have the right to vote and voice your opinion for your state before the Civil War and at the end of Reconstruction? Explain.

6. On the back of this page, explain whether or not you feel that Reconstruction in Mississippi was a success or failure.

**MISSISSIPPI DEPARTMENT OF HISTORY LESSON PLANS
TEACHER EVALUATION**

COMPLETE BOTH SIDES AND PLEASE MAIL OR FAX TO THE ADDRESS ON THE NEXT PAGE. THANK YOU!

TEACHER NAME _____

SCHOOL NAME & ADDRESS _____

EMAIL (OPTIONAL) _____

TOTAL NUMBER OF STUDENTS _____ GRADE LEVEL _____

LESSON TITLE ***Reconstruction and The Old Capitol Museum*** _____

1. In your opinion, did this unit elicit better than average student response; if so, how?
2. Which segments of the unit exceeded your students' attention span?
3. Will this unit be of assistance to you in developing future classroom activities; if so, how?
4. How did this unit add to your earlier teaching on the same subject?
5. Would this teaching unit be handier to use as a:
___multi-day unit ___multi-week unit ___other
6. Were the activities and lessons appropriate for your students? How?

Please rate the following lesson materials and activities by circling the appropriate number.

4=excellent, 3=good, 2=average, 1=inadequate

<u>Directions and notes</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Curricular Connections</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Student worksheets</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Interactive activities</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>References and resources</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Activity One - The Mississippi Black Codes</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Activity Two - The 1868 Mississippi Constitution</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Extension Activity</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Overall unit</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>

We would appreciate any additional comments on this teaching unit and any suggestions for improvement. Comments may be entered in the space below.

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