Online Appendix: Key Amendments and Statutes in Mississippi

|  |  |  |
| --- | --- | --- |
| **Title** | **Date** | **Text** |
| An Act for the protection and preservation of the rights and property of Married Women | 1839 | Sec. 1. *Be it enacted by the legislature of Mississippi*, That any married woman may be seized or possessed of any property, real or personal, by direct bequest, demise, gift, purchase, or distribution, in her own name, and as of her own property: *Provided*, the same does not come to her from her husband after coverture.Sec. 2. *And be it further enacted*, That hereafter when any woman possessed of a property in slaves, shall marry, her property in such slaves and their natural increase shall continue to her, notwithstanding her coverture; and she shall have, hold, and possess the same, as her separate property, exempt from any liability for the debts or contracts of her husband.Sec. 3. *And be it further enacted*, That when any woman, during coverture, shall become entitled to, or possessed of, slaves by conveyance, gift, inheritance, distribution, or otherwise, such slaves, together with their natural increase, shall enure and belong to the wife, in like manner as is above provided as to slaves which she may possess at the time of marriage.Sec. 4. *And be it further enacted*, That the control and management of all such slaves, the direction of their labor, and the receipts for the productions thereof, shall remain to the husband, agreeably to the laws heretofore in force. …Sec. 5. *And be it further enacted*, That the slaves owned by a feme covert under this act, may be sold by the joint deed of husband and wife, executed, proved, and recorded, agreeably to the laws now in force in regard to conveyance of the real estate of feme coverts, and not otherwise.” |
|  | 1846 | Married women gain the right to the profits of their lands and slaves, as well as a limited right to contract. The law “provided that, jointly with her husband, she might make any contract for the sale or hire of her slaves or for their necessary clothing, care maintenance and support, and for the employment of any agent or overseer for their management; and that all contracts for supplies for either the plantation or the slaves, made by either husband or wife, should bind both, and might be enforced out of the wife’s income.” This description comes from Mayes, “Judicial and Legal History,” 123.  |
| Revised Code of the Statute Laws of the State of Mississippi, Section V, On the Separate Property of Married Women, Articles 23–26 | 1857 |  “Art. 23: Every species and description of property, whether consisting of real or personal estate, and all money, rights, and credits, which may be owned by or belong to any single woman, shall continue to be the separate property of such woman as fully after her marriage as it was before, and all such property or rights, of whatever name or kind, which shall accrue to any married woman by will, descent, distribution, deed of conveyance, recovery, or otherwise, shall be owned, used, and enjoyed by such married woman, as her own separate property, and such property whether owned by her before marriage, or which may have accrued to her afterwards, shall not be subject or liable to be taken in satisfaction of the debts of the husband, nor shall such property, or any part thereof, be sold, conveyed, mortgaged, transferred, or in any manner encumbered by the husband, unless the wife shall join in the conveyance thereof, and acknowledge such conveyance in the manner directed by law for the acknowledgment of conveyances of real estate by married women. Provided, that any deed from the husband to the wife for her use, shall be void as against his creditors, who were such at the time of executing the deed; and no conveyance or incumbrance, for the separate debts of the husband, shall be binding on the wife beyond the amount of her income.” |
|  |  | Art. 24: The rents, issues, profits, products, and income, of either real or personal estate, or of both, owned by any married woman at the time of her marriage, or which may have accrued to her afterwards, shall also inure to the wife as her separate property, and shall not be liable to be taken in satisfaction of the debts of the husband. And any married woman may purchase property, real or personal, with her own money, which she may have had at the time of her marriage, or which may have accrued to her afterwards, either as rents, issues, or profits of her estate, or otherwise, and may take a conveyance thereof in her own name, and in like manner hold and enjoy the same as her separate property. … |
|  |  | Art. 25: Any married woman may hire out her slaves, rent her lands, or make any contract for the use thereof, and may loan her money and take securities therefor in her own name. And all contracts made by the husband and wife, or by either of them, for supplies for the plantation of the wife, or for the maintenance, clothing, care, and support of her slaves, and for the employment of an agent or overseer for their management, may be enforced, and satisfaction had out of her separate estate. And all contracts made by the wife, or by the husband, with her consent, for family supplies or necessaries, wearing apparel of herself and her children, or for their education, or for household furniture, or for carriage and horses, or for buildings on her land or premises, and the materials therefor, or for work and labor done for the use, benefit, or improvement of her separate estate, shall be binding on her, and satisfaction may be had out of her separate property, and her separate property shall be liable for debts contracted by her before marriage; and the husband shall not be liable for debts contracted by the wife before marriage, nor shall he be liable for debts contracted by her after marriage, if she hold separate property under this act. |
|  |  | Art. 26: In addition to the remedies now existing by the common law, by and against married woman, the husband and wife may sue jointly, or if the husband will not join her, she may sue alone for the recovery of any of her property or rights, and she may be sued jointly with her husband, on all contracts or other matters for which her individual property is liable, but if the suit be against husband and wife, no judgment shall be rendered against her, unless the liability of her separate property be first established. …” |
| Constitution of Mississippi, Article I, Sec. 16 | 1869 | “The rights of married women shall be protected by law in property owned previous to marriage; and also in all property acquired in good faith by purchase, gift, devise, or bequest after marriage; Provided, That nothing herein contained shall be so construed as to protect said property from being applied to the payment of their lawful debts.” |
| Revised Code of the Statute Laws of the State of Mississippi, Chapter 23, Article V. Property of the Wife | 1871 | Sec. 1778 updates the types of property that are included in a married woman’s separate property to include “the fruits of her personal service, and the fruits of suits for damages to her person.”Section 1780: “Any married woman may rent her lands, or make any contract for the use thereof, and may loan her money, and take securities therefor, in her own name, and employ it in trade or business And all contracts made by the husband and wife, or by either of them, for supplies for the plantation of the wife, may be enforced, and satisfaction had out of her separate estate; and when a married woman engages in trade or business as a *femme sole*, she shall be bound by her contracts, made in course of such trade or business, in the same manner as if she was unmarried.” |
| Revised Code of the Statute Laws of the State of Mississippi, Chapter 42 | 1880 | “Sec. 1167. The common law, as to the disabilities of married women, and its effect on the rights of property of the wife, is totally abrogated, and marriage shall not be held to impose and disability or incapacity on a woman, as to the ownership, acquisition or disposition of property of any sort, or as to her capacity to make contracts, and do all acts in reference to property, which she could lawfully do, if she was not married; but every woman now married, or hereafter to be married, shall have the same capacity to acquire, hold, manage, control, use, enjoy and dispose of all property, real and personal, in possession or expectancy, and to make any contract in reference to it, and to bind herself personally, and to sue and be sued, with all the rights and liabilities incident thereto, as if she was not married.Sec. 1168. Husband and wife may sue each other.Sec. 1169. A married woman may dispose of her estate, real and personal, by last will and testament, in the same manner as if she were not married.” |
| Constitution of Mississippi, Article III, Sec. 94 | 1890 | “The legislature shall never create by law any distinction between the rights of men and women to acquire, own, enjoy, and dispose of property of all kinds, or their power to contract in reference thereto. Married women are hereby fully emancipated from all disability on account of coverture. But this shall not prevent the legislature from regulating contracts between husband and wife; nor shall the legislature be prevented from regulating the sale of homesteads.” |