

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations of eligibility for individual properties or districts. See instructions in *Guidelines for Completing National Register Forms* (National Register Bulletin 16). Complete each item by marking "x" in the appropriate box or by entering the requested information. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, styles, materials, and areas of significance, enter only the categories and subcategories listed in the instructions. For additional space use continuation sheets (Form 10-900a). Type all entries.

1. Name of Property

historic name Mississippi State Capitol, Old

other names/site number Old Capitol; Old Capitol Museum

2. Location

street & number E. side of State St. at the head of Capitol St.

N/A not for publication

city, town Jackson

N/A vicinity

state Mississippi

code MS

county Hinds

code 49

zip code 39201

3. Classification

Ownership of Property

- private
- public-local
- public-State
- public-Federal

Category of Property

- building(s)
- district
- site
- structure
- object

Number of Resources within Property

Contributing	Noncontributing
<u>1</u>	<u> </u> buildings
<u> </u>	<u> </u> sites
<u> </u>	<u> </u> structures
<u> </u>	<u> </u> objects
<u>1</u>	<u> </u> Total

Name of related multiple property listing: _____

Number of contributing resources previously listed in the National Register 1

4. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property meets does not meet the National Register criteria. See continuation sheet.

Signature of certifying official _____

Date _____

State or Federal agency and bureau _____

In my opinion, the property meets does not meet the National Register criteria. See continuation sheet.

Signature of commenting or other official _____

Date _____

State or Federal agency and bureau _____

5. National Park Service Certification

I, hereby, certify that this property is:

- entered in the National Register.
 See continuation sheet.
- determined eligible for the National Register. See continuation sheet.
- determined not eligible for the National Register.
- removed from the National Register.
- other, (explain:) _____

Signature of the Keeper

Date of Action

6. Function or Use

Historic Functions (enter categories from instructions)

Government: Capitol

Current Functions (enter categories from instructions)

Recreation/Culture: Museum

7. Description

Architectural Classification

(enter categories from instructions)

Greek Revival

Materials (enter categories from instructions)

foundation brick, stone

walls brick, stone

roof copper

other

Describe present and historic physical appearance.

Mississippi's Greek Revival Old Capitol dominates downtown Jackson from its site on an elevation at the head of Capitol Street, a broad thoroughfare that offers an axial view of the domed building from almost a mile to the west. Designed and built by English-born architect William Nichols between 1836 and 1840, the Old Capitol was the largest and most impressive Greek Revival structure ever constructed in antebellum Mississippi. Three blocks west of the Old Capitol stands the Governor's Mansion, also designed by Nichols and begun while the Old Capitol was being completed. (The Governor's Mansion was designated a National Historic Landmark in 1975.) The relationship of siting and design for the Old Capitol, the Governor's Mansion, and Capitol Street so closely parallels the relationship of the United States Capitol, the White House, and the Capitol Mall that architect William Nichols and Mississippi's elected officials obviously looked to the nation's capital for inspiration. Architecturally, the Old Capitol is a smaller scale Greek Revival interpretation of the United States Capitol in Washington, as it was completed by Charles Bulfinch, circa 1828.

The Old Capitol exhibits the characteristic "capitol form" described by architectural historians Henry-Russell Hitchcock and William Seale as exhibiting a vertical component (a dome) set between two symmetrical wings, with the facade dominated by a frontispiece (a portico) [*Temples of Democracy* (New York: Harcourt Brace Jovanovich, 1976)]. At the Old Capitol, the typical form is interpreted as a three-story, thirteen-by-five-bay building with a raised basement of coursed stone surmounted by two upper floors of brick. Unlike its inspiration, the United States Capitol, the Old Capitol has only one principal facade, which faces west and is a reflection of the building's situation at what was in the 1830s the eastern edge of the city. The front (or western) and side elevations were stuccoed and scored to resemble stone, but the more plainly detailed rear (or eastern) elevation was finished in natural brick. Remains of the original, deteriorated stucco finish were removed during a 1959-61 renovation and still await restoration.

8. Statement of Significance

Certifying official has considered the significance of this property in relation to other properties:

nationally statewide locally

Applicable National Register Criteria A B C D NHL Criteria #1

Criteria Considerations (Exceptions) A B C D E F G

Areas of Significance (enter categories from instructions)

Architecture

Politics/Government

Period of Significance

1836-1903

Significant Dates

1836-40

1839,

1865, 1870

NHL THEMES: XXXI-Social & Humanitarian Movements

C-Women's Rights

M-Civil Rights Movements

VII-Political & Military Affairs, 1865-1939

A-The Reconstruction Era, 1865-1877

Cultural Affiliation

N/A

Significant Person

N/A

Architect/Builder

Nichols, William (ca. 1777-1853)

State significance of property, and justify criteria, criteria considerations, and areas and periods of significance noted above.

INTRODUCTION

Mississippi's Old Capitol is nationally significant both for its architectural importance and for its associations with important events in the history of the United States during the middle and later years of the nineteenth century.

Architecturally, this fine Greek Revival edifice is notable as the most important surviving building designed by William Nichols, one of the South's leading architects of the antebellum period. Moreover, the Old Capitol, completed in 1840, and the Governor's Mansion (NHL), completed in 1841, constitute a unique pair, designed by the same architect, complimenting each other in style, and located with respect to each other in such a way as to reflect, on a smaller scale, the spatial relationship of the United States Capitol and the White House.

Historically, the building is noteworthy as the site of at least four important events which, taken together, establish the Old Capitol as a symbol of the struggle for civil rights in nineteenth century America:

1. The passage, in 1839, of the Married Women's Property Act, the first law passed by any state to protect the property rights of married women, which arguably influenced the passage of a similar law in Michigan in 1844 and a provision guaranteeing married women's property rights in the Texas State Constitution of 1845; demonstrably influenced the context of such a law passed in Maine in 1844; and set a precedent and an example for other states to emulate later in the nineteenth century.

See continuation sheet

9. Major Bibliographical References

See continuation sheet

See continuation sheet

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # _____
- recorded by Historic American Engineering Record # _____

Primary location of additional data:

- State historic preservation office
- Other State agency
- Federal agency
- Local government
- University
- Other

Specify repository: _____

10. Geographical Data

Acres of property about 1.5 acres

UTM References

A

1	5
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7	6	5	5	8	10
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3	5	7	6	9	7	5
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 Zone Easting Northing

C

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B

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 Zone Easting Northing

D

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See continuation sheet

Verbal Boundary Description

A square, 250 feet by 250 feet, the western edge of which is aligned with State Street and centered on the center axis of the Old Capitol building, located on the Old Capitol Green in Jackson, Hinds County, Mississippi.

See continuation sheet

Boundary Justification

This 250' x 250' square includes the Old Capitol Building and its immediate grounds, but excludes the nonhistoric buildings located to the north and south of the Old Capitol on the Old Capitol Green. (The War Memorial Building was built to the north in 1940 and the Department of Archives and History Building to the south in 1971-72.)

See continuation sheet

11. Form Prepared By

name/title Mississippi Department of Archives and History staff, with Professor Ray Skates
 organization Miss. Department of Archives and History date July 13, 1990
 street & number P. O. Box 571 telephone (601) 359-6940
 city or town Jackson state Mississippi zip code 39205

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The upper two stories of the Old Capitol are enlivened and divided into panels by pilasters which rest upon a stone belt course and support a full entablature with stone cornice. The entablature continues around the portico where it is supported by Ionic columns, but the entablature is expressed on the rear elevation only by corner returns. The slightly projecting end bays of the western facade are framed by paired pilasters and crowned by parapet walls with stone coping. The parapet wraps around all elevations of the building but is higher and more articulated at the end bays of the facade and at the side elevations, which are further enriched by central tablets flanked by stone volute buttresses. Decoratively carved stone lintels top the windows of the second and third stories on the front and side elevations, plainer peaked stone lintels are a feature of the windows on the rear elevation, and the basement windows of the front and side elevations are set into recessed panels. The windows are filled with twelve-over-twelve, double-hung sash on the basement and principal stories, but the lower height of the uppermost story is reflected in its twelve-over-eight, double-hung sash.

The Old Capitol dome is surmounted by a lantern with finial and multi-light windows framed by Grecian pilasters. Set beneath the dome is the building's dominant pedimented five-bay portico, the tympanum of which is lighted by a small circular window. The entablature of the portico is supported on the upper two stories by six fluted, Ionic stone columns echoed by a pair of unfluted antae that flank the sheltered portion of the facade. The columns are all linked by a delicate iron balustrade. On the basement level, the portico is supported by an ashlar-faced arcaded loggia.

The principal entrance to the Old Capitol is from the basement loggia, which has a groin-vaulted ceiling and three pairs of glazed doors opening into an entrance foyer. A secondary loggia entrance is located in the center bay of each side elevation and is defined by stone frontispieces composed of fluted Doric columns set in antis and supporting a full entablature. Each doorway is framed by scrolled pilasters that support a frieze with enriched cornice and consists of a pair of double-leaf glazed doors flanked by sidelights over molded panels.

Talbot Hamlin, in his landmark publication *Greek Revival Architecture in America*, described the interior of the Mississippi Old Capitol and compared it to its prototype, the United States Capitol: "In every way its plan was more direct

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and simple, its circulation more clear and logical. Nevertheless, it preserved much of the geometrical interest of the earlier building in the variety of its rooms. The whole was richly detailed in care and imagination" [Hamlin, p. 256]. C. Ford Peatross and Robert O. Mellown, in their catalogue and exhibit, *William Nichols, Architect*, state that the architect's "true mastery . . . reveals itself more on the interior . . ." than on the exterior [Peatross and Mellown, p. 27].

Like most historic capitols, the Old Capitol interior has undergone several renovations that were spurred by changing and expanding needs of state government. However, many of the building's most significant elements survive; the plan, so well described by Hamlin, much of the fine millwork, and the great rotunda, the Old Capitol's outstanding interior feature, remain unchanged. Peatross and Mellown say of the rotunda that "it represents one of the few Nichols interiors which remains intact" and that it is "probably his grandest" [Peatross and Mellown, p. 49].

Before a major renovation in 1916, plans and sections of the Old Capitol were drawn by E. L. Malvaney and photographs of the deteriorated interior were made by Theodore Laist. The integrity of the Old Capitol interior can be assessed by studying and comparing the building as it exists today with the pre-renovation drawings and photographs, a small number of other historic drawings and photographs, and government records of changes to the building.

The Old Capitol underwent a minor renovation in 1870-71 under the direction of Mississippi architect Joseph Willis. The renovation was directed by the Reconstruction legislature and was primarily restricted to the House Chamber to provide more room for an enlarged legislature. In 1916, a major renovation converted the main chambers into office space, but the rotunda and hallways were little disturbed. The 1959-61 museum rehabilitation preserved the surviving original fabric and sought to restore what was removed during the 1916 renovation.

The building's main entrance opens into a three-story foyer containing twin staircases that spiral to the two upper floors. From the foyer a round-arched opening leads to the rotunda. Lofty, barrel-vaulted corridors lead from the side entrances to the rotunda and are flanked by original, beautifully detailed office doorways with shouldered and battered architrave surrounds that are crowned

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by an enriched cornice with acroteria. The doorway design is derived from plate 26 of Minard Lafever's *Beauties of Modern Architecture*. The office doorways of the principal (second) story are similar but not quite as ornate.

On the basement level, the arched openings into the rotunda are interspersed with matching blind arches that contain apsidal, round-arched niches. The basement level has a richly detailed coffered ceiling with a wide oculus that provides a dramatic view of the upper levels and the richly ornamented and coffered dome high above. To the east (rear) of the basement rotunda is the Old Chancery Court Chamber, whose curved exterior wall projects outward from the rectangular mass of the building. The interior of the Old Chancery Court Chamber was restored 1959-61 on the basis of photographic documentation and is elaborated with a Corinthian columnar screen that spans the west side of the room.

The upper floors are accessed from the basement level by the restored spiral staircases, interrupted only by intermediate landings at floor level. On the western side of the second-story landing is a tall, single-leaf, glazed door opening onto the portico. On the eastern side is an arched doorway providing access into the second-story of the rotunda, where a balustrade encircles the oculus and the walls are crowned with a molded and enriched entablature. A hallway extends northward from the rotunda to the House of Representatives Chamber and southward to the Senate Chamber. Both chambers were restored based on photographic documentation.

The House Chamber is dominated by a colossal frontispiece composed of paired fluted Ionic columns which frame the Speaker's rostrum. The full entablature supported by the paired columns is continued around all elevations of the room, where it is carried on fluted Corinthian pilasters arranged both singly and in pairs. Rising from the entablature is an embellished coved ceiling. The paired columns of the frontispiece frame a molded rectangular panel set above an arched exedra with coffered semi-dome and recessed window. A gallery supported by attenuated cast iron columns wraps around the sides of the chamber and is guarded by a delicate cast iron balustrade. The restored House Chamber reflects the 1870-71 alterations undertaken by Mississippi architect Joseph Willis as directed by the Reconstruction legislature.

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The Senate Chamber is a large, essentially rectangular room with a curved recess on its north side. (The plan of the room is incorrectly shown as circular by Hamlin in *Greek Revival Architecture in America*, p. 257.) The focal point of the room is a circular peristyle that opens in the center to a gallery on the upper story and to a coffered saucer-dome in the ceiling above. The peristyle consists of fluted Corinthian columns supporting a full entablature and is surmounted by the paneled balustrade of the upper gallery. Turned-baluster railings extend from each Corinthian column to turned newels that frame passage openings into the peristyle. The shallow dome (which official records indicate presented maintenance problems from an early date) is encircled by a collar of coffered panels. Its curved surface was embellished by elegant octagonal coffering. Although the configuration of the dome and the coffered collar are correctly restored according to photographic documentation, the octagonal coffering was omitted because a photo illustrating this detail was not identified until years after the rehabilitation was completed.

Complementing the House Chamber to the north and the Senate Chamber to the south is the Supreme Court Chamber located within the central semi-circular pavilion on the east side of the building. A 1915 photograph documents the beautifully enriched cornice and Corinthian columnar screen of the Supreme Court Chamber which have been restored.

The upper drum of the rotunda, on the third-story level, is richly ornamented. Fluted Corinthian pilasters support a full entablature and frame circular windows set above molded panels with applied corner rosettes. Rising from the entablature is the elaborately decorated, coffered dome with its oculus filled with geometric-patterned glazing. No access is provided from the upper rotunda to the third-story rooms. The third story is plainly trimmed and contains the old State Library, a semi-circular room similar to the Supreme Court Chamber, and short corridors leading to the galleries above the Senate and House Chambers.

Although the Old Capitol has been altered through the years, as rehabilitated in 1959-61, it retains virtually all the significant features of its original design. The rotunda, hallways, and exterior detailing remain intact, and other rooms have been restored in accordance with photographic documentation.

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2. The passage, in 1865, of Mississippi's "Black Codes," which doomed the prospects of Presidents Lincoln's and Johnson's moderate Reconstruction policies in Mississippi and in the other Southern states and led to the passage not only of the first federal civil rights law, the Civil Rights Act of 1866, but also to that of the Fourteenth Amendment to the Constitution of the United States.

3. The election in 1870 of Hiram R. Revels to the United States Senate, which --since he was the first black to serve in either the House or Senate of the United States Congress--marked the beginning of active black participation in the federal legislature.

4. The passage of Mississippi's Constitution of 1890, which marked Mississippi as the first Southern state to formally disfranchise blacks without ostensible violation of the Fifteenth Amendment; formed the model, known as the Second Mississippi Plan, followed closely by other Southern states and by the national government in its formulation of America's foreign policy after the Spanish-American War; and, in order to dismantle these disfranchisement policies during the 1960s, made necessary the passage in Congress of the Voting Rights Act of 1965.

ARCHITECTURE

The Old Capitol is significant in American architecture as the most prominent surviving work of William Nichols, an English-born architect who carried out important commissions in North Carolina, Alabama, Louisiana, and Mississippi between his arrival in the United States in 1800 and his death in 1853. His works included the 1820-24 remodeling of the 1790s North Carolina State Capitol, the Alabama State Capitol at Tuscaloosa, built 1827-31, and the design of the Louisiana State Capitol at New Orleans in 1835, none of which survives.

Nichols also designed the Mississippi Governor's Mansion, built 1839-42. (The Governor's Mansion was designated as a National Historic Landmark in 1975.) The contemporarily of these two buildings and their having been designed by the same architect contribute to the architectural significance of both, for together they constitute a rare and possibly unique pair among the early state

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government buildings of the United States. Their spatial relationship is also distinctive. The placement of the Capitol at the east end of a broad avenue and of the executive mansion to the north of that avenue perpendicular to the capitol's axis and several blocks to the west replicates, at a smaller scale, the locational relationship of the United States Capitol and the White House.

The career of William Nichols and the buildings that he designed and constructed have been studied by C. Ford Peatross, curator of the Architecture, Design, and Engineering Collections at the Library of Congress. Peatross's search has revealed an amazingly talented and prolific architect whose career was previously largely unknown. In 1979 Peatross helped to design a museum exhibit on Nichols's work, and, with Robert O. Mellow, published *William Nichols, Architect* [Tuscaloosa: The University of Alabama Art Gallery, 1979] to accompany the exhibit.

When Nichols became Mississippi's state architect in 1835, he was fifty-three years old and had been practicing his profession for more than three decades. He had already served as state architect in North Carolina and Alabama, and although he never held the title, Nichols was in effect state architect in Louisiana for two years before coming to Mississippi. His stay in Louisiana was brief, but his career in North Carolina spanned twenty-seven years, from 1800 to 1827, and he worked in Alabama from 1827 to 1833. In both North Carolina and Alabama, Nichols spent much of this time on public buildings, but his official duties did not preclude extensive private commissions for the design of houses, fraternal lodges, private schools, and commercial buildings. When he arrived in Mississippi, Nichols was perhaps the foremost architect working in the American South. Although three-quarters of his buildings have perished as a result of demolition, fire, or war, those that remain furnish memorials to "one of the longest, most productive and least recognized careers in the history of American architecture" [Peatross and Mellow, p. 3].

Nichols was born (ca. 1780) in Bath, an English city of great distinction, and he immigrated to North Carolina in 1800 when he was about twenty years old. He lived and worked in various towns of the state for the next quarter of a century. In North Carolina Nichols developed into a professional architect skilled in the increasingly popular Greek Revival school, a style that was to be his mainstay for the rest of his career. Occasionally, Nichols delved into Gothic

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Revival, as in his design for the Mississippi penitentiary, but it was his Greek Revival buildings that made Nichols's reputation and still form the greatest part of his architectural legacy.

From 1817 to 1823 Nichols reached the zenith of his career in North Carolina. He worked in Fayetteville, then North Carolina's premier city, designing bank offices and houses for the town's leading citizens. In 1819 Nichols was appointed state architect, and while he continued an extensive private practice, Nichols transformed the old North Carolina state house at Raleigh into an imposing Greek Revival structure and supervised the construction of several University of North Carolina buildings at Chapel Hill.

Nichols came to Alabama in 1827 as state architect to design and construct buildings in a new state booming with the promise of flush times. Alabama had become the Union's twenty-second state in 1819. In 1826, one year before Nichols's arrival, the Alabama legislature established the state capitol at Tuscaloosa, a hamlet in west-central Alabama on the bluffs over the Black Warrior River. The new capital nestled inside the arc formed by the Black Belt, one of the most fertile plantation regions of the Old South. The area was an architectural blank slate. No state buildings had been put up; the University of Alabama, to be located in Tuscaloosa, had to be planned and built; rich Black Belt planters in the surrounding countryside had, as yet, no fine houses.

As state architect, Nichols had the greatest opportunity of his career--the chance not just to build a state house but to lay out a university, design the buildings, and construct them. Nichols spent four years working in and around Tuscaloosa, and they were the most productive years of his life. He designed the state house, the university and its buildings, and numerous houses. Nichols's plan for the University of Alabama featured a complex of buildings around a central park. Peatross calls the design "one of the outstanding, albeit unrecognized, architectural projects of nineteenth-century America." All but one of Nichols' buildings at the University of Alabama were destroyed by Union troops in 1865. Only the relatively modest Steward's House (Gorgas House) survives [Peatross and Mellow, pp. 18, 48].

The Alabama state house, built at Tuscaloosa between 1827 and 1831, was reminiscent of Nichols's design for its North Carolina counterpart. Ironically, the

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latter burned in 1831, the same year that his new Alabama capitol was completed. The state house at Tuscaloosa was obviously another step in Nichols's progression toward the Mississippi state house, Nichols's supreme achievement in capitol-building. The central rotunda, the grand front portico without steps, the circle of columns in the senate chamber, were all present in Nichols's design for the Alabama building. These features would be refined and repeated later in the Mississippi state house. (The Alabama capitol at Tuscaloosa was abandoned in 1847 when the seat of government was moved to Montgomery. The building was destroyed by fire in 1923.)

After Nichols completed the Alabama capitol in 1831, he was appointed state engineer. But he longed to return to architecture, and in 1833 he accepted appointment as assistant state engineer for the state of Louisiana. The title indicated engineering, but the duties were architectural. He redesigned the old Charity Hospital in New Orleans for use as a capitol, and he helped design the state penitentiary at Baton Rouge. Neither of these works survives.

Nichols remained in Louisiana for only two years before being named architect for the state of Mississippi, a demanding job which carried commissions for three major public buildings to be built simultaneously--the state house, the state penitentiary, and the governor's mansion.

"It was in Mississippi," writes Peatross, "that Nichols carried out his most mature works. Among them were two masterpieces: the Mississippi Capitol, the culmination of the functional development of a building type, and the Governor's Mansion, one of the finest expressions of the American Greek Revival style" [Peatross and Mellown, p. 27]. Talbot Hamlin, in his definitive study, *Greek Revival Architecture in America* [Oxford University Press, 1944, reprinted by Dover Publications, 1964, p. 256] made the following assessment of the Mississippi Capitol:

It was in one respect merely a smaller interpretation of the United State Capitol as completed by Bulfinch; yet in every way its plan was more direct and simple, its circulation more clear and logical. Nevertheless it preserved much of the geometrical interest of the earlier building in the variety of its rooms. The whole was richly detailed with care and imagination . . .

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Despite the fact that Nichols' most significant and influential works, and those most indicative of his career, were his public buildings, nearly all of these buildings have been lost, leaving only the Old Mississippi State Capitol, the much-altered Lyceum at the University of Mississippi, and an altered building at the University of North Carolina, as rare survivors, which the following list indicates.

Major Public Buildings by William Nichols

- *Old North Carolina State House (remodeled by Nichols 1820-24). Burned 1831.
- *Gerrard Hall, University of North Carolina (completed 1837). Altered by removal of portico, ca. 1900.
- *Old Alabama State Capitol (1827-31). Burned 1923.
- *Rotunda, University of Alabama (1828-30). Burned by Union troops, 1865.
- *Lyceum, University of Alabama (1828-30). Burned by Union troops, 1865.
- *Conversion of New Orleans Charity Hospital to Louisiana State House (1835). Demolished.
- *Mississippi State Capitol (1836-40). Survives.
- *Mississippi State Penitentiary (1836-41). Demolished ca. 1900.
- *Lyceum, University of Mississippi (1845-48). Survives, but enlarged and altered.

The Mississippi Governor's Mansion might also be considered a "public building," although it was designed to serve primarily as a residence and exhibits an essentially residential form, and as such is not truly representative of Nichols' major public works.

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Despite alterations through the years, the Old Capitol stands today as one of the great Greek Revival buildings of the South and the most important embodiment of the architectural abilities of William Nichols.

HISTORICAL ASSOCIATIONS

1. Married Women's Property Rights.

The 1839 Mississippi legislature, the first to convene in Nichols still unfinished Capitol building, insured that Mississippi would become the first state governed under the common law to grant married women control over their property. Most histories contend that the national movement towards married women's property acts began with the passage of New York's statute in 1848. This analysis, however, neglects to acknowledge the civil law of Louisiana, the acts passed by Mississippi (1839), Michigan (1844), and Maine (1844) and a provision in the Texas state constitution of 1845. Mississippi's "Woman's Law," as it was called at the time, has not received the prominence in American women's history that it deserves [Sandra Moncrief, "The Mississippi Married Women's Property Act of 1839," *The Journal of Mississippi History*, 47 (May 1985), p. 124 and Elizabeth Gaspar Brown, "Husband and Wife--Memorandum on the Mississippi Woman's Law of 1839," *Michigan Law Review* 42 (1944), pp. 1111-1113, 1116, 1118].

The legal system of the United States was based on the English Common Law. The one exception was Louisiana, which had inherited its civil law system from its previous French and Spanish administrators. This civil law recognized community property (jointly-held property that was acquired during the marriage) and separate property that either spouse could hold in her or his own right. Under the common law, however, the woman's claim on any property she owned was relinquished to her husband upon marriage. The new wife lost all control over her property and it could be seized and sold to pay her husband's debts [Brown, p. 1111 and Moncrief, p. 110].

Prior to the Civil War, most states granted married women property rights only in extreme situations. Massachusetts in 1787 gave a married woman control of her property if her husband had deserted her. In 1836 Tennessee acknowledged a married woman's property rights only if her husband was

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declared insane. Ten years later, Vermont gave a wife control of her property if her husband was incarcerated in the state prison. It was not until 1855 that Pennsylvania legislators granted property rights to a married woman, but only if her husband refused or neglected to provide for her due to his alcoholism or his irresponsible behavior. The situation had improved slightly for Arkansas women in 1838 when their legislature passed a law protecting the wife's property from the debts her husband had incurred *before* the marriage. Two years prior to this, a legislator in New York had introduced a proposed married women's property act to the lower house, but it was not passed [Kay Ellen Thurman, "The Married Women's Property Acts," (Unpublished Master of Laws Thesis, University of Wisconsin, 1966), pp. 3, 18, 51, 61, 78].

Scholars agree that Mississippi was the first state to enact a statute generally granting property rights to married women. Seventeen other states would enact similar provisions for wives prior to 1850. Before the end of the Civil War, twelve more states would have some type of married women's property act. In the latter half of the nineteenth century, as southern states rewrote their statutes and western states developed their first constitutions, protection for the property rights of married women was included [Thurman, p. 3].

Why was Mississippi the first state to enact a Married Women's Property Act? The passage of such a law in Mississippi in 1839 resulted from the coalescence of certain national trends and regional and local circumstances.

Reforms were underway during the Jacksonian period which were designed to liberate an individual's efforts for the ultimate good of society. Mississippians, as a rule, solidly backed Andrew Jackson's political philosophy that the common man could play a vital role in society and the national government. The married women's property acts were a significant step in American women's struggle for equality. The realities of pioneer life, the increasing social freedoms enjoyed by American women and the sentimentality placed on their societal roles all combined to undermine a strict interpretation of the common law which put a wife and her property under the complete control of her husband [Brown, p. 1110 and Thurman, p. 67].

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The married women's property acts were also a response to hard economic times. The acts were, in large part, a significant new form of debtor relief. During the national panic of the 1830s and the ensuing depression, bank failures and the debasement of currency ran rampant. In Mississippi, the Indian Cessions of 1820, 1830, 1832, and 1837 opened up vast tracts of land to white settlement and spawned "flush times" in the state. The easy credit fueling these "flush times" was not backed by hard currency; consequently, Mississippi was particularly hard hit by the Panic of 1837. State legislatures throughout the country scrambled to find ways to preserve the family as an economic unit. One solution, found in Mississippi, was the statute granting property rights to married women, which protected their property from their husbands' creditors. The legitimate fear of these creditors that husbands could escape all of their debts merely by signing over their property to their wives was satisfied by a special provision excluding from the act property that came to the wife from her husband after marriage [Suzanne D. Lebsock, "Radical Reconstruction and the Property Rights of Southern Women," *The Journal of Southern History* (May, 1977), p. 202; Thurman, pp. 15-16; Moncrief, pp. 111-112; and *Laws of Mississippi, 1839*, pp. 72-73].

A desire to garner political popularity by granting some measure of debt relief in hard times was certainly not the only consideration at work here, however. In the South, at least, male legislators during the nineteenth century were inclined to grant women property rights not only because of economic realities, but also because of a well-developed sense of chivalry and a due regard for familial self-interest. They wanted to insure that the property they left to their widows or their daughters would not be squandered away by a profligate husband, but would be intact and available to their descendants, at least half of whom (on average) would be male [Lebsock, p. 198].

While these legislators were not noticeably motivated by belief in feminist principles, women themselves were well attuned to their own interests and actively supported the reform. Indeed, available evidence strongly suggests that two Mississippi women provided the impetus for the passage of the first married women's property act in the United States.

The first, Betsy Love, was the daughter of a mixed-blood Chickasaw chief. Her father, upon his death, left Betsy land and many slaves. Sometime before

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1830, this Indian woman married John Allen, a white man, according to the customs and laws of her tribe. Mississippi extended its laws over the Indians in January 1830, but the legislature made it clear at that time that all marriages recognized as valid by the Indians would be upheld by the state. According to Chickasaw custom, a husband acquired no rights to the property his wife had prior to her marriage, and she could do whatever she wanted with it [Moncrief, p. 113].

Betsy Love Allen deeded her slave, Toney, whom she had inherited from her father, to her baby daughter Susan on November 14, 1829. In August 1830, John Allen became indebted to a Mr. Fisher. When Allen defaulted on the debt, Fisher sued him for the slave, Toney. The Mississippi Supreme Court in January 1837, however, upheld the right of Betsy Love Allen to retain control of the slave left to her by her father. This decision rested on the recognized legality of Chickasaw tribal custom [Moncrief, pp. 113-114; *Second Mississippi Reports* (Howard) pp. 611-616 (1837)].

The Betsy Love Allen story may be one of the few--perhaps the only--example in this country of an Indian tribe's customs influencing a legislature's course of action. In other words, the first law in any common law state granting married women their property rights descended from Chickasaw tradition [Brown, p. 1117].

Piety Smith Hadley was the second Mississippi woman who influenced the passage of the Married Women's Property Act. Piety was the wife of Thomas B. J. Hadley, a State Senator who was himself in deep financial difficulty. Together, they operated a very popular boarding house a few blocks from the Capitol where state legislators stayed when sessions were being held. According to historian J. F. H. Claiborne, a contemporary of the Hadleys and a Mississippi politician of the period, Piety was assertive with her boarders about what bills she wanted passed, even to the point of serving short rations until they agreed with her. In this manner, she began to lobby for property rights for married women. Undoubtedly, Piety was influenced by Betsy Love Allen's case. Evidence, including Claiborne's account, also indicates that the Hadleys had lived in Louisiana at some point during the early 1830s. There, Piety was probably quite impressed with the provisions of the Louisiana Civil Code that applied to women's property rights [J. F. H. Claiborne, *Mississippi As A Province, Territory and State, with Biographical Notices of Eminent Citizens* (Jackson, Miss.:

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Power & Barksdale, 1880), vol. I, pp. 475-476; Moncrief, pp. 115-116, 119 and Brown, p. 1110, 1117-1118].

The bill "for the protection and preservation of the rights and property of married women" was introduced by Senator Hadley on Monday, January 21, 1839. The bill was read for the first time, two hundred copies were ordered to be printed, and the bill was laid on the table. On Saturday, January 26, Hadley moved to call the bill from the table. The Senate then resolved itself into a committee for debate of the bill. Strong feelings on both sides of the issue guaranteed a hot debate. In the end, however, the bill passed in the State Senate (by a vote of 19 to 9) on February 11, 1839 and was approved in the House of Representatives on February 15th [Moncrief, pp. 119, 121].

Five years passed before married women in two other states--Michigan and Maine--gained their property rights. Elizabeth Brown, a legal scholar, has speculated that the legislators from these states may have been influenced by the Mississippi law. Maine's law, for example, is very similar in content to Mississippi's but without the slavery clauses and, as Brown noted, "in its first draft the first section of the bill introduced in the Maine legislature was even more nearly identical with [the] final form of the first section of the Mississippi law" [Brown, p. 1120]. The Texas state constitution of 1845 included a provision granting married women control over their property. While the Texans were probably influenced by the civil law of Louisiana and of Mexico, it is also probable that they took into account Mississippi's Married Women's Property Act. In the early 1840s, many Mississippians who had experienced property losses due to the 1837 panic, moved to Texas in search of a fresh start. Among them were the Hadleys and many of their relatives, who settled near one another in what was called the "Smith Compound" near the Brazos River. Piety's brother-in-law, H. G. Runnels, a resident of the compound, was the representative for Brazoria County in the Texas Convention of 1845, which wrote a provision for married women's property rights into the new state's constitution [Brown, pp. 1113, 1118-1120 and Moncrief, pp. 123-125].

The Old Capitol is a symbol of American women's struggle for equality in this country. The passage of the Married Women's Property Act at the Old Capitol made Mississippi's married women the first of those in any common law

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state to have significant property rights. Mississippi set a precedent and an example for other states to emulate later in the nineteenth century.

2. Mississippi's Black Code of 1865.

Mississippi also set the stage, if unwittingly, for the nation's first civil rights law and for passage of the Fourteenth Amendment.

Within six months after Appomattox the state had written a new constitution and formed a government, seemingly leading the other Southern states toward reconciliation with the Union. Even as the last Confederate armies were surrendering, two respected Mississippi Unionists, William L. Sharkey and William Yerger, met with President Andrew Johnson to ascertain the terms of Mississippi's Reconstruction. Johnson advised them--and the Constitutional Convention which they would help to lead--to renounce slavery by ratifying the Thirteenth Amendment and to extend the franchise to all blacks who could read and write English and who owned property valued at not less than \$250. Soon after, the President appointed Sharkey Provisional governor to serve until an elected government could be put into place [James W. Garner, *Reconstruction in Mississippi* (Gloucester, MA: Peter Smith, 1964 [orig. publ., 1901]), pp. 75-76, 82-84, and 88-89 and William C. Harris, *Presidential Reconstruction in Mississippi* (Baton Rouge: LSU Press, 1967), pp. 42-43, 52, and 54].

Elections to the Constitutional Convention of 1865 were held on August 7, and--the first to do so in the vanquished South--it convened in the capitol a week later. The delegates were overwhelmingly prewar Whigs who accepted the results of the war and desired quick accommodation with the national government. They were also well aware that the eyes of the nation were on them and were fully conscious of the significance of their actions. Nonetheless, they failed to do the things that President Johnson considered necessary to undercut the growing power of the congressional radicals; they equivocated and temporized on the abolition of slavery, debating the prospect of compensation and questioning the legality of the Emancipation Proclamation. Refusing to grant even token civil rights to the freedmen, they left the question of the freedmen's franchise to the legislature which would sit later that year [Garner, pp. 82-94 and Harris, pp. 50-60].

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On October 7, 1865, former Confederate Brigadier General Benjamin G. Humphreys was elected governor, and in the same month a new state legislature gathered in the Old Capitol. The new government was under the illusion that "Reconstruction" had been accomplished and wished to concentrate on economic recovery in the mistaken belief that the states, not the national government, would be allowed to set the status of the freedmen. Therefore, anxious to control the newly fluid and numerous black labor force of the state, the legislature of 1865 proceeded to pass the first of the "Black Codes" of the postwar South. Though the Acts did confer some civil rights on Freedmen with respect to the courts, personal property, marriage, et cetera; they were, on the whole, very restrictive laws which, as William C. Harris observed, sought to define the place of blacks in Mississippi society. Among other things, this Black Code 1) required all blacks to have, each January, written evidence of employment for the coming year, 2) stipulated that any black leaving his job before his contract expired would forfeit the wages he had *already* earned and, as under slavery, could be arrested by any white citizen, 3) stated that whoever attempted to hire a laborer already under contract risked imprisonment or a fine of \$500, 4) forbade blacks to rent land in urban areas, 5) punished vagrancy (which encompassed the idle, disorderly, and those who "mispend what they earn") by fines or involuntary plantation labor, 6) defined other criminal offenses, including "insulting" gestures or language, "malicious mischief" and preaching the Gospel without license, and 7) reenacted all of the penal and criminal laws pertaining to slaves, unless specifically altered by law [Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), pp. 199-200; Garner, pp. 94-96 and 109-115; Harris, pp. 130 and 135-140; and John R. Wunder, "Black Codes," in *Encyclopedia of Southern Culture*, ed. by Charles R. Wilson and William Ferris (Chapel Hill: University of North Carolina Press, 1989), p. 819].

South Carolina's Black Code, passed soon afterwards, was just as severe as Mississippi's and perhaps even more discriminatory. Together these Black Codes caused an uproar in the North. They were reprinted in numerous northern newspapers, one of which, the *Chicago Tribune* of December 1, 1865, commented: "We tell the white men of Mississippi that the men of the North will convert the state of Mississippi into a frog pond before they will allow any such laws to disgrace one foot of soil in which the bones of our soldiers sleep and over which the flag of freedom waves." Abolitionists saw these laws as severe violations of the freedom of blacks and, with the Radical Republicans in Congress, concluded

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that Mississippi and South Carolina were attempting to restore slavery, in fact, if not in law. Even conservative northern Democrats were upset, a reaction aggravated by Mississippi's refusal to ratify the Thirteenth Amendment. All of this undermined President Johnson's Reconstruction policies because both Radical and Moderate Republicans in Congress wanted "loyal" government, a free labor economy in the South, and protection of the freedmen's basic civil rights. Equally important, both groups were also committed to preserving the integrity and ascendancy of the Republican Party, which would be threatened if such unreconstructed Confederates who had passed the Black Codes of Mississippi and South Carolina were allowed to triumph throughout the South. The Radicals used these Black Codes as a weapon with which to destroy Johnson's moderate Reconstruction policy and then (by March 1867) adopted their own, including disfranchisement of many former Confederates and Confederate office holders, enfranchisement of blacks, temporary military rule, and the adoption of a black civil rights agenda by the Republicans in Congress [Foner, pp. 199-200, 241; Garner, pp. 115, 117; Harris, p. 141; Wunder, p. 819; and C. Vann Woodward, *The Burden of Southern History* (Baton Rouge, LSU Press, 1960), pp. 77-78 and 94-95].

The most important and permanent of these, in the long run, was the latter. In response to Mississippi's and South Carolina's Black Codes, Senator Lyman Trumbull, Chairman of the Judiciary Committee, introduced a Civil Rights Bill into Congress in 1866. Trumbull, in discussing his bill, referred to these two states' codes and vowed "to destroy all these discriminations." His purpose was to use the power of the United States government to secure the fundamental rights of black Americans, an action which the Black Codes had proven was necessary. Henry J. Raymond, editor of the *New York Times* and a New York Congressman, described the legislation as "one of the most important bills ever presented to this House for its action" [Foner, pp. 243-244].

Both Moderates and Radicals within the Republican Party soundly rejected the concept of laws differentiating between blacks' and whites' access to the courts and penalties for crimes. Trumbull's Civil Rights Bill defined all persons born in the United States (except Indians) as *national* citizens and listed the rights they possessed, regardless of race, such as making contracts, bringing lawsuits, and equal protection of person and property. Historian Eric Foner describes this Civil Rights Bill as "the first statutory definition of the rights of

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American citizenship," adding that it "embodies a profound change in federal-state relations . . ." which protects the civil rights of every citizen and effects Northern as well as Southern states [Foner, pp. 243-244].

The other Southern states learned from this reaction to the Black Codes of Mississippi and South Carolina and made no reference to race in their new constitutions in order to avoid the appearance of discrimination and to comply with the federal Civil Rights Act of 1866. Even so, despite the modified language, the underlying purpose of many of the new statutes passed by these states in 1865-66 was to keep the freedmen in their place. These and other laws which shaped race relations in these states for many years afterwards (including the Mississippi Constitution of 1890 and the constitutions of the other Southern states passed between 1890 and 1910 and which formally disfranchised blacks) remained a part of Southern political, social, and economic life until the Civil Rights Movement of the 1950s and 1960s and, in an inverse sort of way, were clearly influenced by Mississippi's Black Code of 1865 and by the political firestorm which followed its passage [Foner, pp. 200-202; Neil R. McMillen, *Dark Journey: Black Mississippians in the Age of Jim Crow* (Urbana: University of Illinois Press, 1989), pp. 38-39 and 40; C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: LSU Press, 1951), pp. 321-322, 341, and 344; and Wunder, p. 819].

Even clearer in retrospect is that the single most important result of this firestorm--indeed, a result which empowered the federal government to intervene in the South in the 1960s to once again protect black civil rights--was the passage and ratification by 1868 of the Fourteenth Amendment. As Eric Foner pointed out in his recent book on Reconstruction, this amendment became the law of the land because of "the growing consensus within the [Republican] party . . . [to take] strong federal action to protect the freedmen's rights . . . [and] to abrogate the Black Codes and eliminate any doubts as to the constitutionality of the Civil Rights Act" of 1866 [Foner, p. 257]. This connection between the passage in Mississippi and South Carolina of the Black Codes and the civil rights agenda of the Radical Republicans and, by extension, that of the federal government during the 1960s could not have been made plainer than by C. Vann Woodward in *The Burden of Southern History*. He wrote:

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Responding to provocation of Southern aggression against Negro rights [the Black Codes] and to inducement of political gains as well, . . . [the Radicals] proceeded to make equality as much the law of the land as freedom. In the Civil Rights Act of 1866 they gave sweeping protection to the rights of Negroes as citizens . . . When the President vetoed the bill, they passed it over his veto. When doubt was cast upon its constitutionality, they enacted most of its provisions into the Fourteenth Amendment. When the South balked at ratification, they stipulated its adoption as a condition of readmission to the Union. Later they extended Federal protection to the Negro franchise by the Fifteenth Amendment. They re-enacted the Civil Rights Act, implementing protection of voters, and followed that by another bill to carry out rights established by the Fourteenth Amendment [Woodward, *The Burden of Southern History*, pp. 77-78].

It is one of the ironies of American history that a set of laws intended, as was Mississippi's Black Code, to oppress and control blacks should have produced results so radically contrary to their original purpose. And yet the passage of this Code in Mississippi's Old Capitol did, in fact, however much by indirection, lead to actions and laws which laid the groundwork for the civil rights revolution which America encouraged near the end of her second century. This event, fraught as it was with consequence, should be recognized through the National Historic Landmark program as one of American history's pivotal moments.

3. Election of Hiram Revels to the United States Senate, 1870.

A significant event of American history which emerged from the controversy surrounding the passage of Mississippi's Black Codes was the election, in January 1870, by the Mississippi legislature, sitting in the Old Capitol, of Hiram Rhodes Revels, a black, to the United States Senate to fill the unexpired term of Jefferson Davis [Garner, p. 271 and Julius Eric Thompson, "Hiram R. Revels, 1827-1901: A Biography," (Unpublished Ph.D. Dissertation, Princeton University, 1973) pp. 60-61].

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Revels, at the time of his election a relatively obscure and reluctant political figure, had been born of free parents in North Carolina. He attended a school for blacks in Fayetteville and, about the year 1844, went to a Quaker school in Union County, where he was the only black student; he was ordained a minister in the African Methodist Episcopal Church at Baltimore, Maryland, in 1845. While lecturing and preaching to blacks in Indiana, Illinois, Kansas, Kentucky, Tennessee, and Missouri, Revels also attended classes at and graduated from Knox College in Bloomington, Illinois. A pastor of an A. M. E. church in Baltimore at the beginning of the Civil War, he assisted in the organization of the first two black regiments in Maryland. In 1863 he moved to St. Louis, Missouri, where he founded a large school for freedmen and helped to recruit still another black regiment. By 1864 Revels had moved to Mississippi to work with the Freedmen's Bureau and taught and preached in both Vicksburg and Jackson, establishing several churches and schools there [*Biographical Directory of the American Congress, 1774-1927* (Washington: U. S. Government Printing Office, 1928), p. 1454; George A. Sewell, *Mississippi Black History Makers* (Jackson: University Press of Mississippi, 1977), pp. 15-17; and Thompson, p. 41].

Revels was in Kansas, serving as the pastor of a church in Leavenworth, when the Mississippi legislature passed its Black Codes but returned to Mississippi to help establish the Zion Chapel A. M. E. Church in Natchez in 1866. He was still residing in Natchez when the Radical Republicans in Congress passed the Fifteenth Amendment, providing the franchise and the right to hold office to black Americans. He was teaching and preaching at the Zion Church when Congress passed the Military Reconstruction Act in 1867 and when, in 1868, General Adelbert Ames, Mississippi's Provisional Governor, appointed him an alderman of the City of Natchez. John R. Lynch, another talented black leader who would later serve in Congress, encouraged him to enter politics. He did so reluctantly and, after being selected by his party as a compromise candidate for the state Senate, was elected by an overwhelming margin by the new black voters of Adams County. The newly elected state senator was one among thirty-five black state legislators (out of a total of 130) who gathered at the Old Capitol in January 1870 [*Biographical Directory of the American Congress*, p. 1454; McMillen, *Dark Journey*, p. 37; Sewell, pp. 16-17; Thompson, pp. 45-57; and Woodward, *The Burden of Southern History*, p. 78].

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Upon his arrival at the Old Capitol for Mississippi's first Republican and integrated legislative session, Revels was called upon to deliver the prayer opening the Senate session. So eloquent was the prayer that it brought Revels immediate respect and fame, and according to Lynch, his colleague from Adams County, the prayer made Revels a United States Senator. The legislature had to select three men during that session to fill Mississippi's vacancies in the United States Senate. Two were to complete unexpired terms from before the war and the third was to fill a regular term to start on March 4, 1871. These elections were to complete the process of Mississippi's readmission into the Union and, by prior agreement, Davis' seat was to go to a black. The first choice for this seat was the Rev. James Lynch but, since he had just become Mississippi's Secretary of State, he could not accept the honor. Supported by Governor James L. Alcorn, Revels, whose work was known to the legislature and who had so impressed the members with his prayer on opening day, was chosen in Lynch's place by a vote of 39 to 18 [*Biographical Directory of the American Congress*, p. 1454; Foner, p. 352; John R. Lynch, *The Facts of Reconstruction* (New York: Neale Publishing Company, 1913), p. 44; Sewell, p. 17; and Thompson, pp. 60-61].

Revels' selection took the country by surprise and, as the time when he would take his seat approached, the nation's press followed the story with intense interest. He arrived in Washington on January 30, 1870. A three week debate regarding both Mississippi's reentry into the Union and Revels' credentials followed, in which the fact of his race was an issue. Senator Charles Sumner of Massachusetts finally brought this debate to a close in Revels' favor when he declared, "All men must be equal before the law, regardless of color . . ." [quoted from Sewell, p. 20], reminding the Senate of what he and his Republican colleagues had fought for when they repudiated Mississippi's Black Codes with the Civil Rights Act of 1866 and the amendments to the Constitution which secured its principles in American constitutional law. Hiram Rhodes Revels of Mississippi "became the first black to serve in Congress when he took his seat in the Senate on February 25, 1870" [The Honorable Ronald V. Dellums, Chair, Congressional Black Congress, "Introduction" in *Black Americans in Congress, 1870-1989* by Bruce A. Ragsdale and Jack D. Treese (Washington, D.C.: U. S. Government Printing Office, 1990), p. 1]. This event, the beginnings of which occurred in Mississippi's Old Capitol, marks the beginning of active black participation in the federal legislative process [McMillen, *Dark Journey*, p. 37; Sewell, pp. 18-21; and Thompson, pp. 63 and 76]. Joseph Rainey, a Congressman

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from South Carolina and the first black to serve in the U. S. House of Representatives, took his seat on December 12, 1870 [*Biographical Directory of the American Congress, 1774-1961* (Washington: U. S. Government Printing Office, 1962) p. 1493].

4. Mississippi's Constitution of 1890.

Senator L. Q. C. Lamar had predicted in 1879 that disfranchisement of the black voter in the South was a "political impossibility," but by 1890 that process, begun by the Redeemers in 1875, was complete in Mississippi. Formal disfranchisement of blacks was effected for the first time in Mississippi's new constitution of 1890. This constitution was the brainchild of Senator James Zachariah George, the chief architect of the Second Mississippi Plan, who believed that the primary duty of the convention was to "devise such measures . . . as will enable us to maintain a home government, under the control of the white people of the state"[McMillen, *Dark Journey*, p. 41). This aim had to be achieved, however, without ostensibly violating the fifteenth amendment to the federal constitution. The finished document was not explicitly discriminatory since it never mentioned race; it provided a set of voter qualifications which, in theory, could prevent whites as well as blacks from voting. These included a residence requirement, the poll tax, voter registration, disqualification for conviction of certain crimes, and a literacy requirement (for which could be substituted proof of an ability to understand the meaning of the constitution).

By 1892, Mississippi's new constitution had reduced a clear black majority of 167,205 black male voters over the age of twenty-one to a tiny minority of only 8,615 (as compared to a reduction in the white electorate from 110,100 to 68,127). This exclusion of many Mississippi voters from participation in self-government as prescribed under the fifteenth amendment was to persist until the enactment of the Voting Rights Act of 1965 [V. O. Key, Jr. *Southern Politics in State and Nation* (New York: Alfred A. Knopf, 1949), pp. 536-538; Neil R. McMillen, "Black Enfranchisement in Mississippi: Federal Enforcement and Black Protest in the 1960s," *The Journal of Southern History* 43 (August 1977) pp. 351-352; McMillen, *Dark Journey*, pp. 38-42; and Woodward, *Origins of the New South*, pp. 321 and 344].

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The Second Mississippi Plan (manifested in the 1890 state constitution) attracted attention throughout the South, though most states were slow to follow suit out of fear that the North would quickly reimpose the black franchise. Such fears proved unfounded. Tennessee passed a poll tax restricting the franchise in 1890; Mississippi's new constitution survived a state court challenge in 1892; and Arkansas enacted their poll tax in 1893. None of these actions had elicited a hostile northern reaction by 1895, when South Carolina promulgated a new constitution with suffrage provisions very similar to those of Mississippi. In 1898 the U. S. Supreme Court, in *Williams v. Mississippi*, ended the South's fears of federal reprisal when it approved the Second Mississippi Plan and unanimously "concluded that the laws of Mississippi did not contravene federal safeguards because 'they reach weak vicious white men as well as weak vicious black men' and 'they do not on their face discriminate between the races'" [McMillen, *Dark Journey*, p. 42]. During the next twelve years other southern states passed their own disfranchisement provisions, all of which were indebted to the Mississippi model. These states included Louisiana (1898), North Carolina (1900), Alabama (1901), Virginia (1901-1902), Texas (1902), Georgia (1908), and Oklahoma (1910) [Key, pp. 538-539; McMillen, *Dark Journey*, p. 42; and Woodward, *Origins of the New South*, pp. 321-323].

Interest in Mississippi's approach to race policy was not confined to the South. "The North," as C. Vann Woodward wrote in *The Origins of the New South*, "had taken up the white man's burden, and by 1898 was looking to southern racial policy for national guidance in the new problems of imperialism resulting from the Spanish War" [Woodward, *Origins of the New South*, p. 324]. Woodward cited the *Nation's* comment regarding the "coincidence" of the Supreme Court's rendering the *Williams* decision at a time when the United States was pondering the idea of "taking in a varied assortment of inferior races in different parts of the world"--races "which of course could not be allowed to vote" [quoted from Woodward, *Origins of the New South*, p. 324]. Woodward observed that events in Hawaii and the Philippines demonstrated that the Second Mississippi Plan had become the "American Way," and quoted the *Boston Atlantic Monthly*: "If the stronger and cleverer race is free to impose its will upon 'new-caught, sullen peoples' on the other side of the globe, why not in South Carolina and Mississippi?" Professor John W. Burgess of Columbia University asserted, similarly, that "the Republican party, in its work of imposing the sovereignty of the United States upon eight million Asiatics, has changed its view in regard to

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the political relations of races and has at last virtually accepted the ideas of the south upon that subject" (quoted from Woodward, *Origins of the New South*, p. 325).

This encouraged further disfranchisement of blacks in the South, a policy which continued unhampered until after World War II--a war that awakened the conscience of the nation regarding its policy of oppressing its minorities and led it to abandon the tenets of the Mississippi Plan. When discrimination persisted in the South, the federal government, under pressure from the civil rights movement, was finally forced to act. ". . . not until passage of the Voting Rights Act [of 1965]," wrote Neil McMillen, "did the effectiveness of federal safeguards of Negro rights approach even those of the post-Civil War period" [McMillen, "Black Enfranchisement . . .," p. 354; SEE ALSO p. 351). In summary, the Redeemers's repudiation of Radical Reconstruction--of black equality under the law--was first formalized by the Second Mississippi Plan with the passage in the Old Capitol of Mississippi's Constitution of 1890; was then adopted by other Southern states; within less than a decade was adopted as national policy by the Supreme Court of the United States and by the Republican Administration; and was, finally, after seventy-five years, reversed by the Voting Rights Act of 1965, which secured for all Americans without regard to race the right to self-government through the suffrage.

Mississippi's Old Capitol Building--which was replaced as the State Capitol in 1903 due to the growing spatial requirements of state government and which has served since its restoration in 1959-61 as the State Historical Museum, operated by the Mississippi Department of Archives and History--stands as a symbol of the struggle for the civil rights of women and blacks during the nineteenth century because of its association with these and related events that transpired within its walls. Each event exerted a demonstrable and consequential influence upon the eventual establishment of the right of all Americans to the equal and full enjoyment of the civil and political privileges of American citizenship.

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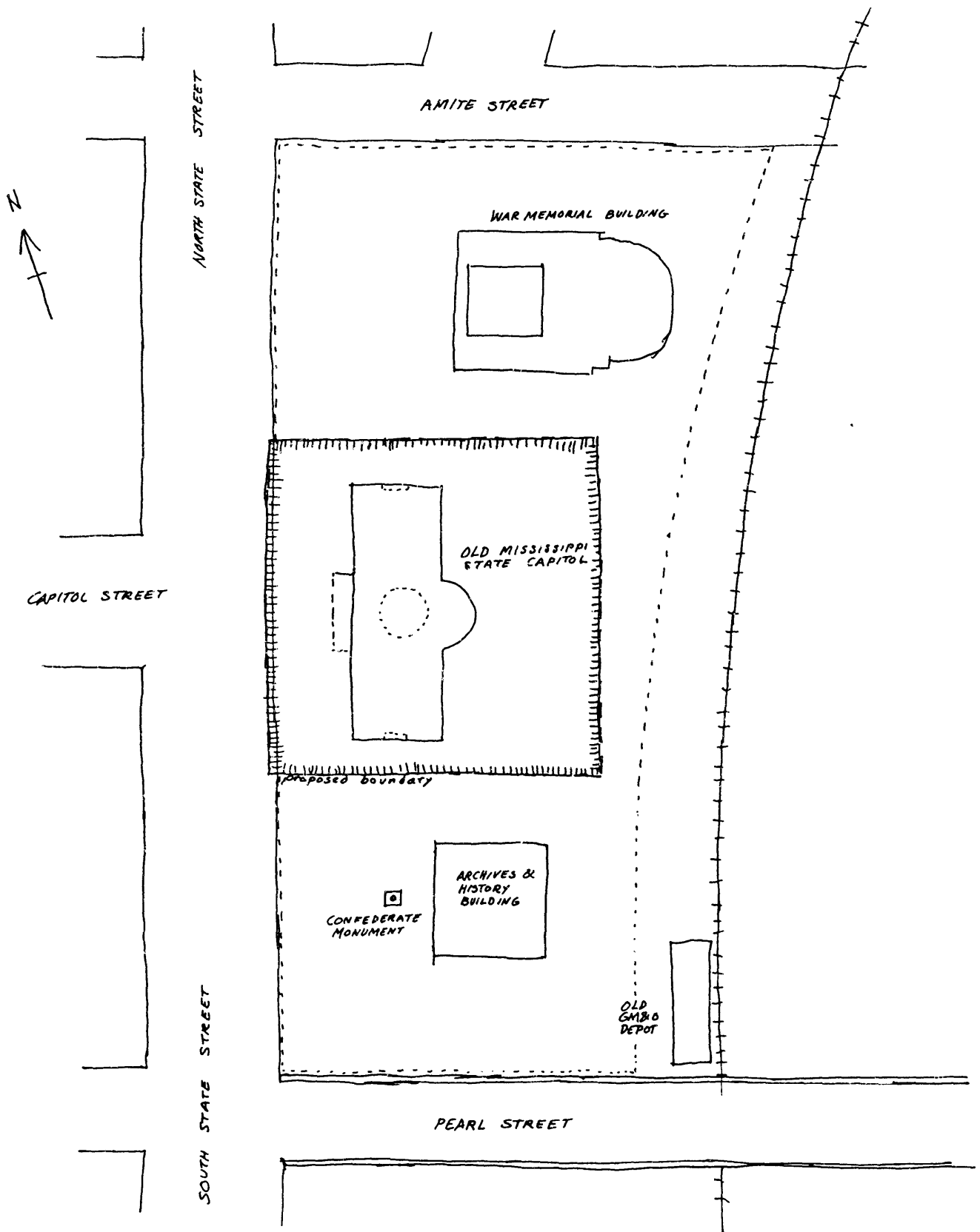
United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

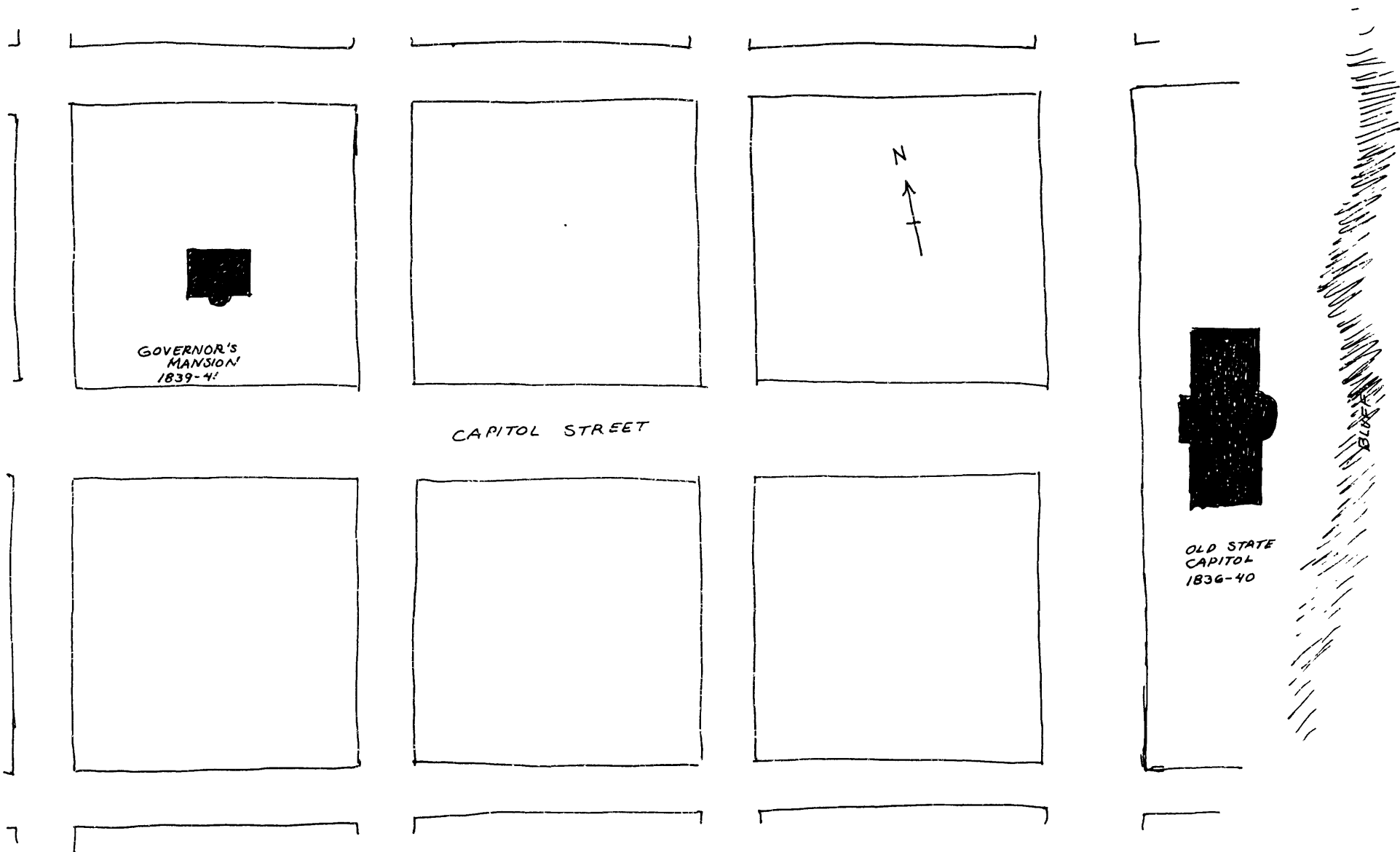
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Site Map of Old Capitol



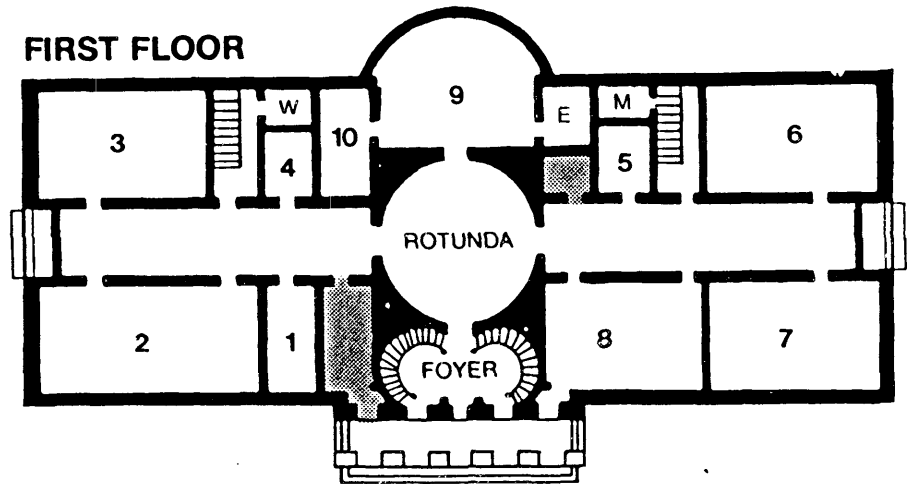
Spatial Relationship of Old State Capitol and Governor's Mansion

EXHIBITS AND HISTORIC ROOMS

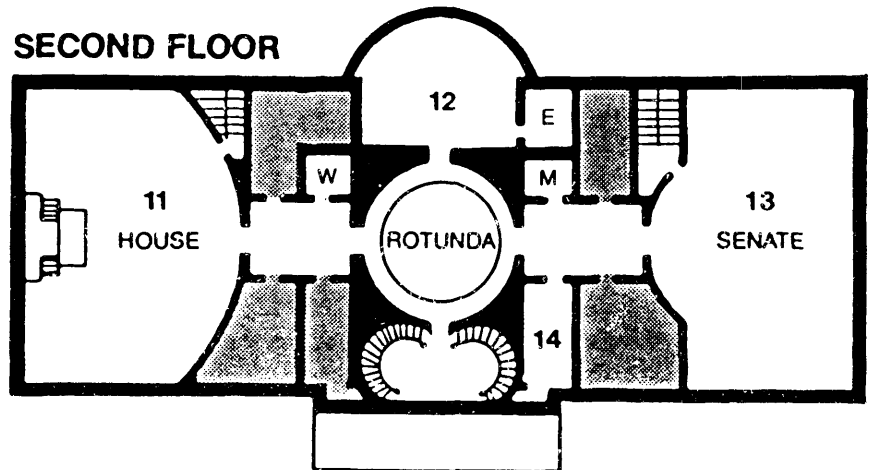
1. "The Old Capitol"
2. "Indians"
3. "Foreign Dominion"
4. "The Young State"
5. "Jefferson Davis"
6. "Mississippi in the Confederacy"
7. Governor's Office
8. "Mississippi in the Twentieth Century"
9. Hall of Flags, Old Chancery Court
10. Sales Shop
11. House of Representatives Chamber
12. High Court of Errors and Appeals
13. Senate Chamber, Auxiliary Exhibits
14. Jefferson Davis Library Replica
15. House of Representatives Gallery
16. Old State Library "Civil War"
17. Senate Gallery "Pioneer Life"

- E — Elevator
- M — Men's restroom
- W — Women's restroom
- — Staff offices and collection files

FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

