

## Legislative Session #42, 1881-1882

Session convened 3 January 1881

Roll call: “From the county of Tipton, **J. W. Boyd.**”

“From the county of Davidson, James Trimble, H. H. Harrison, **T. A. Sykes,**

J. W. Baker.”

“From the county of Shelby: J. H. Smith, Robert McKenna, H. B. Ramsey, **T. F. Cassels, J. W. Vernon, I. F. Norris.**”

Henry Bascom Ramsey of Shelby County was elected Speaker of the House on the fourth ballot.

Committee Assignments:

- **J. W. Boyd**
  - Immigration
  - New Counties and County Lines
  - Tippling and Tippling Houses
- **T. F. Cassels**
  - Education and Common Schools
  - Judiciary
  - Privileges and Elections
  - Public Roads
- **I. F. Norris**
  - Banks
  - Claims
  - Immigration
  - Public Grounds and Buildings
- **T. A. Sykes**
  - Claims
  - Penitentiary

Bills introduced by **J. W. Boyd**:

- 26 January: “**Mr. Boyd of Tipton**, introduced **House Bill No. 194**, An act to amend section 3192 of the Code. — Passed first reading and referred to the Judiciary Committee.”
- 23 February, a.m.: “House Bill No. 194, An act to amend section 3192 of the Code. Laid on the table.”
- 23 February, p.m.: “**Mr. Boyd of Tipton** introduced **House Bill No. 455**, To be entitled An act to amend an act passed March 3, 1879, entitled An act passed March 19, 1877, entitled An act to amend section 2108 of the Code to increase exemptions in hands of heads of families. — Passed first reading and referred to the Judiciary Committee.”
- 12 March: “**House Bill No. 455** . . . — Passed second reading.”

- 19 March: **House Bill No. 455** – Mr. Boyd of Lauderdale, offered [an] amendment — “The Speaker ruled the amendment out of order, not being german [sic] to the pending bill. — Mr. Coulter offered the following amendment: Strike out “one” and insert “two.” — Adopted. — Mr. Smith demanded the previous question, which was seconded, and the bill passed third reading by [a vote of 55-5]. — Mr. Smith moved to reconsider the vote passing the bill. — Mr. Norris moved to lay the motion on the table. Which prevailed.”
- 5 April: “The Speaker announced the signature of House Bills Nos. 183, 192, 289, 361, **455**, 544, and 549.”

Other legislative activity involving **J. W. Boyd**:

- Boyd voted in favor of HB No. 600, “To settle and compromise the bonded indebtedness of the State,” which passed 43-27. He offered this **explanation**: “MR. SPEAKER—In casting my vote for the passage of this bill, I do not do it because it entirely meets my views in its present shape, but because, as I believe, that this debt should be settled by this Legislature, believing, as I do, that four-fifths of the people of this State have, by their votes in the last election, said in terms unmistakable, that they desire this matter settled, and the faith and honor of our State maintained, and because, elected as a Republican, I do not feel at liberty to place myself in antagonism with the platform of my party, both national and State.”
- 30 March: “The following **protest**, by Messrs. Cassels, Norris, Sykes and Boyd of Tipton, to the rejection of House Bill to repeal “an act to define the rights, duties, and liabilities of inn keepers, common carriers and proprietors of places of public amusement,” passed March 23, 1875, was ordered spread on the minutes:
  - We, the undersigned members of the House of Representatives of the Forty-second General Assembly of the State of Tennessee, hereby enter our solemn protest against the action of this House in rejecting House Bill No. 70 [*proposed by T.A. Sykes*], for the following reasons:
  - 1. Because the said bill, No. 70, sought to repeal an act of the General Assembly of the State of Tennessee, passed at its session in 1875, being chapter 130 of said act, which pretends to annul the general law of the land, abrogate the common law, and is a palpable violation of the spirit, genius and letter of our system of free government.
  - 2. Because the said act of 1875, sought to be repealed by the said House Bill No. 70, authorizes railroad companies and their employes, unjustly, cruelly, wantonly, without just cause of provocation, and in violation of the common law and the laws of the general government, to oppress and discriminate against more than four hundred thousand citizens of the State of Tennessee, and the colored people of all other States who may desire to travel in Tennessee.
  - 3. Because the said act sought to be repealed, in violation of every principle of right and justice, wickedly, cruelly, and inhumanly attempts to deny to persons aggrieved by the provisions of the said act any remedy or redress of grievances in the State courts of Tennessee, thereby driving

such citizens of the State, against their desires and pecuniary interest, into the Federal Courts in order to procure a redress of grievances.

- 4. Because, while four hundred thousand people of the State of Tennessee are citizens *de jure*, under the provisions of the act sought to be repealed by House Bill No. 70, they are aliens *de facto*, and entitled to no rights that railroads, hotels, and theaters are bound to respect.
- Signed: T. F. Cassels, I. F. Norris, T. A. Sykes, J. W. Boyd”
- Leave of absence granted pp. 485, 581, 738, 953 [all because of sickness]

Bills introduced by **T. F. Cassels**:

- 11 January: “**Mr. Cassels** introduced **House Bill No. 32**, To repeal an act entitled An act to amend section 4542 of the Code relative to fees allowed district attorneys, passed March 12, 1897, and approved March 14, 1897. — Passed first reading and referred to the Judiciary Committee.”
- 12 January: “**Mr. Cassels** introduced **House Bill No. 73**, To repeal an act passed June 27<sup>th</sup>, 1870, being sections 2437a and 2437b of Thompson & Steger’s Code, and to prohibit the unlawful carnal intercourse of white persons with negroes, mulattoes and persons of mixed blood descended from the negro race, and to proscribe the punishment for violation thereof. — Passed first reading and referred to the Judiciary Committee.” [from Cartwright, *The Triumph of Jim Crow*, p. 175: “Unlike proscription of interracial dining by social custom, interracial sex was prohibited by law. Interracial marriages were rigidly prohibited in Tennessee throughout the eighties, although the antimiscegenation statute forbidding extramarital liaisons was usually invoked only in cases involving black men and white women. In light of this practice, a group of Memphis Negroes formed an organization in 1889 which proposed to ask for grand jury indictments against more than fifty Memphis white men who allegedly had black mistresses.”]
- 12 January: “**Mr. Cassels** introduced **House Bill No. 74**, To levy the taxes for the use of the Taxing District of Shelby county, Tennessee, for the years 1881 and 1882. — Passed first reading and referred to the Committee on Incorporations.”
- 17 January: “**Mr. Cassels** introduced **House Bill No. 137**, To amend the public road laws of the State, and to create the office of County Superintendent of public Roads and Bridges of the State. — Passed first reading and referred to the Committee on Public Roads.”
- 25 January: **House Bill No. 32** . . . “On motion of Mr. Eaton, the bill was recommitted to the Judiciary Committee.”
- 2 February: “**Mr. Cassels** introduced **House Bill No. 224**, An Act to be entitled An Act to amend the criminal laws of the State, and to repeal chapter 36 of an act to punish executors, etc. — Passed first reading and referred to the Judiciary Committee.”
- 17 February: “**Mr. Cassels** introduced **House Bill No. 312**, A bill to be entitled An act to repeal chapter 131 of an act passed March 19, 1879. — Passed first reading and referred to the Judiciary Committee.”
- 22 February: “**Mr. Cassels** introduced **House Bill No. 419**, A bill to be entitled An act to amend the laws of the State defining the duties of the Coroners of the

- several counties of the State, and to repeal sections 5294*a* and 5296 of the Code. — Passed first reading and referred to the Judiciary Committee.”
- 23 February: “**House Bill No. 224**, To amend the criminal laws of the State. — Passed second reading and withdrawn by the author for amendment.”
  - 24 February: “**Mr. Cassels** introduced **House Bill No. 478**, To be entitled An act to provide compensation for injuries done to persons or property by mobs or unlawful combinations. — Passed first reading and referred to the Judiciary Committee.”
  - 12 March: “**Mr. Cassels** introduced **House Bill No. 588**, A bill to settle and pay off the indebtedness due by the late municipal corporation of Memphis to the police fire hospital and street officers and employees of the said corporation, and to those who furnished goods, wares and merchandise to it. — Passed first reading and referred to the Committee on Finance, Ways and Means.”
  - 12 March: “**House Bill No. 32** . . . Passed second reading.” No further references.
  - 12 March: “**House Bill No. 73** . . . Passed second reading.”
  - 19 March: “On motion of **Mr. Cassels House Bill No. 73** was made the special order for Thursday next at 10 o’clock a.m.”
  - 24 March: “SPECIAL ORDER The house fixed for the consideration of **House Bill No. 73**, To repeal sections 1 and 2 of chapter 39 of an act passed June 27, 1870, being sections 2437*a* and 2437*b* of Thompson & Steger’s revised Code of Tennessee, and to prohibit the unlawful carnal intercourse of white persons with negroes, mulattoes, and persons of mixed blood descended from the negro race, and to prescribe the punishment for violation thereof, having arrived, the same was taken up. — Mr. McTeer offered the following amendment: Amend by striking out the repealing clause repealing section 2437*a* and amend the caption so as to conform to this amendment. — Mr. Head offered the following amendment to the amendment: Insert after the figures ‘2437*a*’ the following, ‘and 2437*b*.’ — Adopted. — Mr. Lester moved to lay the bill and the amendment on the table, which motion lost by [a vote of 42-26].” — A series of explanations and amendments follow — “**Mr. Cassels** demanded the previous question on the passage of the bill, and the House refused to second the call. — The amendment offered by Mr. Cochran, as amended, was adopted. — Mr. Cooper moved to lay the bill, with the amendments, on the table. Which motion prevailed. — Mr. Butler moved to take the bill from the table. Which was lost, upon a call of the ayes and noes, by [a vote of 37-30].”
  - 23 March: “On motion of **Mr. Cassels**, the rules were suspended for the introduction of bills. **Mr. Cassels** introduced **House Bill No. 654**, To repeal sections 1776 to 1789 of the Code, inclusive, with regard to champerty and maintenance. — Passed first reading.”
  - 29 March: **House Bill No. 654** . . . Passed second reading. No further action.

Other legislative activity involving **T. F. Cassels**:

- 3 February: “**Mr. Cassels**, during the call of the roll [on Senate Joint Resolution No. 23], made the following **explanation** of his vote: “MR. SPEAKER—Believing as I do, that the expense authorized by the resolution is in violation of the

Constitution, while I am in favor of the investigation, I ask that my vote be recorded no. **T.F. Cassels**”

- 331 Leave of absence granted pp. 331, 581, 892, 934 [all because of sickness]
- 18 February: “The following petitions were received asking for the repeal of the four mile law, and referred to the committee on Tippling and Tippling Houses . . . By **Mr. Cassels**, From 42 citizens of Memphis, Shelby county.”
- 19 February: “House Resolution No. 38, To appoint a Committee on Constitution and Statutes. — Mr. Buquo moved the adoption of the resolution. — Mr. Eaton moved to lay the resolution on the table. — Lost — Mr. Cassels moved to refer the resolution to the Judiciary committee. — Lost.”
- Motions: pp. 457, 670, 702, 706, 708, 744, 846, 872, 873
- Cassels voted in favor of HB No. 600, “To settle and compromise the bonded indebtedness of the State,” which passed 43-27. He offered this explanation: “MR. SPEAKER—In explanation of my vote I desire to say that I was elected to the Legislature pledged to a settlement of the State debt on the best terms offered by the bondholders. I am of the opinion that the section making coupons receivable for taxes is unwise, but to vote against the bill for that reasons, would violate my solemn pledge to the people of Shelby county, often repeated during the canvass, when I was elected by a handsome majority.”
- 28 March: [To House Bill No. 200, “To regulate railroad freights and passenger tariffs, and to prevent unequal discrimination and extortion in rates and charges, and to create a board of commission and assessment”], “Section 3.—Mr. Cassels offered the following amendment: Add the following: ‘That it shall be unlawful for any railroad company operating and doing business in this State, or any agent or employe thereof, to discriminate against any person or persons on account of their race, color or previous condition of servitude.’”
- See 30 March, Other legislative activity involving J. W. Boyd, above
- 31 March: Explanation of his vote on House Bill No. 6: “MR. SPEAKER—I believe the bill to be unconstitutional, therefore I vote no.”

#### Bills introduced by **I. F. Norris**:

- 11 January: “**Mr. Norris** introduced **House Bill No. 33**, To repeal an act passed March 22, 1875, and approved March 23, 1875, entitles An Act to regulate contracts between employer and employee, and to impose a penalty for the violation thereof. — Passed first reading and referred to the Judiciary Committee.”
- 22 January: “**Mr. Norris** introduced **House Bill No. 166**, An Act to pay military force for services during the yellow fever epidemic in Memphis.—Passed first reading and referred to the Committee on Claims.”
- 15 February: “**Mr. Norris** introduced **House Bill No. 276**, An act instructing the Trustees of the Tennessee University, to make arrangements for persons of color who may be entitled to admission.—Passed first reading and referred to the Judiciary Committee.”
- 17 February: “**Mr. Norris** introduced **House Bill No. 308**, A bill to protect farmers in their productions.—Passed first reading and referred to the Committee on Agriculture and Manufactures.”

- 22 February: **House Bill No. 33** . . . passed second reading.
- 23 February: “**Mr. Norris** introduced **House Bill No. 457**, An act to prohibit justices from practicing as attorneys in certain cases.—Passed first reading and referred to the Judiciary Committee.”
- 23 February: **House Bill No. 166** . . . passed second reading with approval of an amendment recommended by the Committee of Claims. No further action recorded.
- 23 February: **House Bill No. 276** . . . passed second reading and referred to the committee on Education and Common Schools. No further action recorded.
- 25 February: **House Bill No. 33** . . . passed third reading by a vote of 38-25. “Mr. Eaton moved to reconsider the vote passing the bill on third reading.—On motion of Mr. Baker the motion to reconsider was laid on the table.”
- 26 February: “**Mr. Norris** introduced **House Bill No. 510**, A bill to be entitled An Act to repeal section 3 of Chapter XV, passed January 31, 1879, entitled An Act to secure the payment of wages of laborers.—Passed first reading and referred to the Judiciary Committee.
- 10 March: “**Mr. Norris** introduced **House Bill No. 563**, An act to amend section 4148a of the Code of Tennessee.—Passed first reading and referred to the Judiciary committee.”
- 11 March: “**Mr. Norris** introduced **House Bill No. 577**, An act to be entitled An act to repeal section 15 of chapter 83 of an act passed March 22, 1875, Entitled An act to require persons convicted of misdemeanors to work out the costs of conviction.—Passed first reading and referred to the Judiciary Committee.”
- 12 March: **House Bill No. 308** . . . passed second reading. No further references.
- 29 March: **House Bill No. 457** . . . passed second reading. No further references.
- 29 March: **House Bill No. 510** . . . passed second reading. No further references.
- 29 March: **House Bill No. 563** . . . passed second reading.
- 29 March: **House Bill No. 577** . . . passed second reading. No further references.
- 30 March: “**Mr. Norris** introduced **House Bill No. 682**, To prevent discrimination by railroad companies among their passengers who are charged and pay first class fare, and fixing penalty for violation of same.—Passed first reading.”
- 31 March: **House Bill No. 682** . . . passed second reading. No further references.
- 2 April: **House Bill No. 563** . . . “Mr. Beasley moved to lay the bill on the table. Lost.—The bill passed third reading by a vote of 40-18.—Mr. Gass moved to reconsider the vote passing the bill.—Mr. McKenna moved to lay the motion on the table. Which prevailed.”

Other legislative activity involving **I. F. Norris**:

- Motions, pp. 283, 393, 659, 663, 669, 670, 782, 802, 865, 899, 953, 957, 988
- 12 March: Leave of absence granted on account of sickness
- Norris voted in favor of HB No. 600, “To settle and compromise the bonded indebtedness of the State,” which passed 43-27. He offered this explanation: “MR. SPEAKER—I arise to explain my vote, and to give reasons for voting for the bill. Wanting this debt settled, that it might be out of politics, that the minds of

- the people may not be disturbed again with such a question. The bill does not come up to my expectations, but believing, as do others, that the present proposition offered by the bondholders, now pending, is the best that can be had, I, for the sake of the honor and credit of the State, cast my Vote for the bill.”
- 24 March: Explanation of his vote on House Bill No. 399: “MR. SPEAKER—I vote aye on the passage of this bill because I believe it will be to the best interest of the State. As amended, the convicts are not permitted to work on public roads, farms, or railroads, in competition with honest labor.”
  - 25 March: Explanation of his vote on House Bill No. 91: “MR. SPEAKER—I believe the bill to be unconstitutional, therefore I vote no.”
  - 26 March: “By consent, **Mr. Norris** presented a petition asking for the establishment of a normal school for colored teachers.—Referred to the Committee on Education and Common Schools.”
  - 29 March: “**Mr. Norris** entered the following protest against the passage of House Bill No. 29 [To amend the several acts creating taxing districts, etc.]: ‘MR. SPEAKER—Before voting on this bill I desire to have my protest spread upon the Journal. I believe, in voting against this bill, that I am casting a vote that is in keeping with at least 30,000 noble-hearted Memphians, and the expressed opinion of our ancestors, that the will of the majority, freely expressed, shall be the law of all, and that only through the ballot box can be expressed.’”
  - See 30 March, Other legislative activity involving J. W. Boyd, above

Bills introduced by **T. A. Sykes**:

- 11 January: “**Mr. Sykes** introduced the **House Joint Resolution No. 18**, To appoint a special joint committee of arrangements to conduct the inaugural ceremonies of the Governor elect.—Lies over.”
- 12 January: “**Mr. Sykes** introduced **House Bill No. 70**, To repeal an act entitled An Act to define the rights, duties and liabilities of inn keepers, common carriers and proprietors of places of public amusement, passed March 23, 1875.—Passed first reading and referred to the Judiciary Committee.”
- 14 January: “**House Joint Resolution No. 18** . . . Adopted.”
- 17 January: “**Mr. Sykes** introduced **House Bill No. 135**, An act to purchase a site and to erect a new Penitentiary and other suitable buildings.—Passed first reading and referred to the Committee on the Penitentiary.”
- 15 February, a.m.: “**Mr. Sykes** introduced House **Joint Resolution No. 48**, Directory to the Standing Committees on Penitentiary.—Lies over.”
- 15 February, p.m.: “**House Joint Resolution No. 48** . . . Laid on the table.”
- 16 February: “**Mr. Sykes** introduced **House Bill No. 289**, An Act to admit colored students into the school for the blind at Nashville and the school for the deaf and dumb at Knoxville, in separate accommodations provided for them.—Passed first reading and referred to the Judiciary Committee.”
- 17 February: “**Mr. Sykes** introduced **House Bill No. 326**, An act requiring the Trustees of the University of Tennessee, to comply with the terms of an act of the General Assembly of the State of Tennessee, granting to said University the proceeds of the sale of certain land script granted to the State by Congress.—

Passed first reading and referred to the Committee on Education and Common Schools.”

- 22 February: “**House Bill No. 70** . . . Passed second reading.”
- 23 February: “**House Bill No. 289** . . . Passed second reading.”
- 10 March: “**Mr. Sykes** introduced **House Bill No. 560**, An act to regulate the appointment of jurors with the circuit and criminal courts of Tennessee, and to increase the duties of tax assessors and county court clerks.—Passed first reading and referred to the Judiciary Committee.”
- 10 March: **House Bill No. 70** . . . was rejected on third reading by a vote of 31-29. “Mr. Owings entered a motion to reconsider the vote rejecting the bill on its third reading.”
- 16 March: “Mr. Smith, Chairman of the Committee on Penitentiary, reported as follows: MR. SPEAKER—I am directed by the Committee on Penitentiary to report **House Bill No. 135**, with the recommendation that it be passed on second reading, and be re-referred to said committee for further consideration. J. H. SMITH, Chairman. – Rules Suspended. – On motion of **Mr. Sykes** the rules were suspended and **House Bill No. 135**, To purchase and erect a new penitentiary, and other buildings, was taken up. – Passed second reading and recommitted to the Committee on Penitentiary.”
- 18 March: “On motion of **Mr. Sykes**, **House Bill No. 135** [*there is a misprint in the text, and the bill named is actually 185*] was made the special order for Wednesday next, at 2 o’clock p.m.”
- 23 March: “SPECIAL ORDER. – **House Bill No. 135**, To purchase a site and erect a new penitentiary and other buildings, being the special order for this hour, was taken up. – **Mr. Sykes** moved to strike out section 9 of the bill. Which prevailed. – Mr. Buchanan offered the following amendment: Insert ‘not further than two and half miles from Lawrenceburg, in Lawrence county.’ Laid on the table.” [*Discussion follows of a Senate recommendation, a committee to select the location of the penitentiary, and details about a hospital within the penitentiary, pp. 711-714.*] – “Mr. Butler offered the following amendment: Amend the caption so as to read as follows: An act to provide for the appointment of commissioners to examine and report to the next session of the General Assembly the propriety, cost, etc., of removing the present and rebuilding a penitentiary and make improvements on the penitentiary. – Adopted. – Mr. Vernon demanded the previous question on the passage of the bill as amended, which was seconded, and the bill passed third reading by [a vote of 41-20]. – **Mr. Sykes** moved to reconsider the vote passing the bill. – Mr. Vernon moved to lay the motion to reconsider on the table. Which prevailed.”
- 29 March: “**House Bill No. 326** . . . Laid on the table.”
- 29 March: “**House Bill No. 560** . . . Passed second reading.” No further references.
- 30 March: “**House Bill No. 289** . . . Passed third reading by [a vote of 59-1]—Mr. Eaton moved to reconsider the vote passing the bill. – On motion of **Mr. Sykes** the motion to reconsider was laid on the table.”
- 5 April: “The Speaker announced the signature of House Bills Nos. 183, 192, **289**, 361, 455, 544, and 549.”



Other legislative activity involving **T. A. Sykes**:

- Motions, pp. 48, 111 [see 15 January], 621, 661, 714, 843
- 15 January: “On motion of **Mr. Sykes** Senate Joint Resolution No. 12, To appoint a committee on inauguration, was taken up.—Mr. Cole moved to amend by filling the blank with the word ‘three.’ Which prevailed.—Mr. Cole moved to amend by striking out the work ‘exercises; and inserting the word ‘ceremonies.’ Which prevailed.—On motion of Mr. Cole, the resolution as amended was concurred in.—The Speaker announced the appointment of Messrs. Pillow, Poston and **Sykes** as the Committee on Inauguration, on the part of the House.” [*This was for the inauguration of John Price Buchanan as governor.*]
- 16 February: “By **Mr. Sykes**, A petition of A. D. Creighton, Justice of the Peace of Davidson county, for compensation while acting as coroner.”
- Amendments offered, pages 711 and 713.
- See 30 March, Other legislative activity involving **J. W. Boyd**, above