

Bills Introduced by 19th Century African American Legislators
42nd General Assembly, 1881 [Includes bills from extra sessions, 1882]

HB 74 – GA 42, 1881 (Cassels – Shelby County taxes)

[*On cover*]

HB No 74

An act to Levy the taxes for the use of the
Taxing District of Shelby County, State of Tennessee
for the years, 1881 & 1882.

Introduced Jan 12, 1881. Passed 1st Reading and
Referred to committee on incorporations.

Feb. 22. 81. Laid on table on 2nd R

Rec. for rejection.

Jan. 14. 81

Cassels

[*Text*]

An act to Levy the taxes for the use of the Taxing district of Shelby County State
of Tennessee for the years 1881 and 1882.

Section 1st Be it enacted by the General Assembly of the State of Tennessee that an
annual tax is hereby levied on all of the taxable property including merchants capital and
all others who are assessed for advalorum taxes on capital invested, Bank stock and all
other stocks subject to taxation within the territorial limits of the Taxing District of
Shelby County, State of Tennessee, as follows towit:

25 cents on the one hundred dollars to defray the expenses of the police departments.

25 cents on the \$100. to defray the expenses of the fire department.

20 cents on the \$100. to defray the expenses of the public schools and maintenance of the
same.

20 cents on the \$100. for the purpose of purchasing real property and the erection thereon
of school buildings by the Board of Education of the Memphis City Schools.

8 cents on the one hundred dollars for the Hospital Services of said District, and 80 cents
on the \$100. for paving and repairing streets, building and repairing bridges, and market
houses and for the construction and repair of sewers and drains and for sanitary purposes
in said ~~dis~~ District.

Section 2nd Be it further enacted, that all laws now in force, or that may hereafter be
passed for the collection of ~~of~~ other State taxes shall be and are in force as to the
collection of these taxes. And that section 2 of an act commonly ~~known~~ called the
the [*sic*] Sewer Act, passed on the 23rd day of December 1879 at the extraordinary session
of the forty first General Assembly of the state of Tennessee, be and is also in force as to
these taxes in all respects so far as the same is applicable.

Section 3rd Be it further enacted, that this act take effect from and after its passage the
public welfare requiring it.

HB 135 – GA 42, 1881 (Sykes—Commission to establish Penitentiary)

[*On cover, Copy 1*]

HR No 135

An Act to Purchase a Site and new Penetentiary [*sic*] Buildings

Int/ Jan. 17/81 – P 1st R and referred to

T.A. Sykes

P. 2nd R. Mch 16 – recom

P. 3 R Mch 23

Penitentiary.

Rec^d for passage on 2^d reading
Smith chm

Rec^d for passage by Majority
Smith chm

Engrossed Mar 23^d 1881
M Grizzard, E Clk

[*Text, Copy 1*]

~~An Act to provide for the appointment of Commissioners whose duty it shall be to consider the expediency and ascertain the cost of removing the penitentiary from the limits of the city of Nashville.~~

[*Note attached in another hand*] Amend by striking out all after the enacting clause and inserting the following: Kennedy]

[*Note attached in another hand*] An act to provide for the appointment of Commissioners to examine and report to the next session of the General Assembly the [proximate?] costs &c. of removing the present and rebuilding a Penitentiary or to make improvements on the Penitentiary. Adopted.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Governor be and he is hereby authorized and requested to appoint three commissioners, one from each grand division of the State, whose duty it shall be to consider the expediency and ascertain the cost of removing the penitentiary from the limits of the city of Nashville.

Section 2. Be it further enacted, That if in the opinion of said commissioners the removal of the penitentiary is advisable and expedient, it shall be their duty to select a new location and may advertise for proposals in one newspaper in each of the grand divisions of the State.

Section 3. Be it further enacted, That if said Commissioners should be of opinion that the removal of the penitentiary is not advisable or expedient; and that some improvements are absolutely necessary, they are hereby empowered to authorize an expenditure of not more than ten thousand dollars for this purpose, or so much thereof as may be required to make the necessary improvements; to be paid for out of the fund derived from the lease of the penitentiary.

[*Note attached in another hand.*] But said sum nor no part thereof shall be appropriated for any repairs that the Lessees are bound to make under the 5th section of the act providing for the lease of the Penitentiary. Adopted.

[*Note attached in another hand.*] Amend the amendment ~~by making it~~ by striking out the words: "Report to the next General Assembly," and substitute the words: "Report to the next ~~special or general~~ session of the General Assembly."
Adopted Beasleys

Section 4. Be it further enacted, That it shall be the duty of said commissioners to make a thorough examination of the penitentiary, ascertain the cost of enlarging the building so as to make it adequate to the demands of the State, ascertain the cost of erecting a new penitentiary building at another place to be selected by them, and make a report to the next session of the General Assembly, giving all the information that may be necessary to enable that body to legislate intelligently and properly upon this important subject.

Section 5. Be it further enacted, That each of said commissioners shall receive for his services the sum of three hundred dollars and his actual traveling expenses, to be paid out of the Treasury upon the warrant of the Comptroller upon the filing of an itemized account.

Section 6. Be it further enacted, That this act take effect from and after its passage the public welfare requiring it.

[*The following sheets are attached to the bill at this point – they are in yet another handwriting; the paper is the same type as the bill, but more yellow.*]

~~An act to Purchase a Site and to Erect a New Penetentiary and other Suitable Buildings~~

Whereas the Penetentiary [*sic*] Buildings located in the city of Nashville "15th Ward" under an Act passed in the Year 1829 no longer furnish suitable accommodations [*sic*]

and are inadequate in extent to properly contain the number of convicts confined within its walls

Therefore

Sec. 1 Be it enacted by the General Assembly of the State of Tennessee that the Governor shall after the passage of this Act with the advice and approval of the Senate appoint Five (5) Persons as Commissioners a majority of whom shall be a quorum to transact all business hereafter mentioned.

Sec. 2 Be it further enacted that
Said Commissioners are hereby authorized and empowered to Select and Purchase a suitable Piece or Parcle [sic] of Land taking Title thereto in the name of the State not to exceed in quantity Fifty 50 acres and located not more than Two 2 Miles from the City of Nashville on which shall be erected suitable Buildings for the Confinement, Care and mental and Moral improvement of its inmates. And they shall have in view suitable drainage, Water supply, and all other matters that will have a bearing upon the Value of the property as a Penetentiary [sic].

[Written in the margin, next to Section 2.] Would respectfully suggest following changes: Limit quantity to 100 acres instead of 50. Entirely too close. Strike out Two (2) and insert twenty (20) miles from the city of Nashville.

Sec. 3 Be it further enacted
That said commissioners are hereby authorized and empowered to contract for and cause to be erected upon said land Buildings well adapted for the Safe Confinement of its inmates and for their proper employment and also in addition among the buildings shall be a Separate Hospital Building for the sick, a Chapel for Sabbath services, a School and Library and Reading Room all of which shall be properly enclosed but preliminary thereto they shall obtain by visitation or otherwise the best and most approved plans for said Buildings which plans shall be submitted to said commissioners for their approval or they may at their option advertise to recieve [sic] plans for said Buildings and they shall employ a skilled architect to supervise the erection of said Buildings.

Sec. 4 Be it further enacted
That the money \$ derived from the lease ~~money appropriated out of the fund set apart in~~ of the present State Penitentiary be kept separate [sic] and apart from all other revenues of the State and that out of the same and the proceeds of the present site and buildings thereon which said commissioners are hereby authorized and empowered to dispose of, There be appropriated a sufficient amount to pay and satisfy the Contracts of said Commissioners herein authorized to be made. The same to be paid out from time to time upon the warrant of the Comptroller and to be paid alone out of the fund, aforesaid and not otherwise.

Sec. 5 Be it further enacted
That the sum of \$_____ is hereby appropriated out of the fund set apart in Section 4 to be paid to Each of said Commissioners as compensation for his services the same to be paid Quarterly upon the warrant of the Comptroller and upon proper voucher.

Sec. 6 Be it further enacted

That should any Commissioner herein appointed for any reason fail to serve or to Continue in office after acceptance then it shall be the duty of the Governor to appoint a suitable person to fill such vacancy. Said Commissioners before entering upon the discharge of their duties shall severally take the following oath of office before some Judge or Justice of the Peace: I do solemnly swear or affirm that I will faithfully Execute the duties of my appointment as Commissioner under the Act for the Building of a State Penitentiary and will be governed by what I conceive to be the best interests of the People of the Whole State without fear or partiality and in all things will perform the duties of my appointment agreeably to law and to the best of my skill and ability.

Sec. 7 Be it further enacted

That said Commissioners shall make a full report of all their official Acts to the General Assembly during the first week of Each regular session of said body.

Sec. 8 Be it further enacted

That nothing herein shall be taken or accepted as in any manner invalidating or infringing upon the Contract heretofore made with the lessees of the present State prison and any Act of the said Commissioners that tends to modify or impair the obligations of said contract must be done only with the full and free Consent of said Lessees.

[*Note in margin of Section 8*] refers to present Lessees.

Sec. 9 ~~Be it further enacted~~

~~That said Commissioners are authorized to effect and Carry out the arrangements now proposed by the heirs of — Boyd from whom the State purchased the present site and to whom the Title to Said property was to revert when the same was no longer used as a State Penitentiary whereby a Title in Fee Simple thereto is to be made by said heirs in the event of the purchase of a new site and to take Title in the name of the state to said Property.~~

[*Note in margin of Section 9*] regarding takeing [*sic*] title to present site

Sec. 10 Be it further enacted

That this Act take effect from and after its passage the public welfare requiring it.

[*On cover, Copy 2*]

H.B. No. 135

An Act to provide for the appointment of Commissioners to examine & report to the next Gen'l. Assembly, the propriety, costs &c. of removing the present, and rebuilding a Penitentiary, make improvements on the Penitentiary.

P. 1st R. Jan 17th 1881.

“ 2” “ Mar. 16” “

“ 3” “ “ 23” _____.

P – 1 – Mh 26

PP Mh 28 – Penn

Rej April 4
T.A. Sykes

[Text, Copy 2]
H. B. No 135.

An act to provide for the appointment of Commissioners to examine and report to the next session of the General Assembly, the costs &c. of removing the present, and rebuilding a Penitentiary.

Sec. 1 Be it enacted by the General Assembly of the State of Tennessee. That the Governor be, and he is here-by authorized, and ~~requested~~ directed to appoint three commissioners, one from each grand division of the State, whose duty it shall be to consider the expediency, and ascertain the costs of removing the Penitentiary from the limits of the City of Nashville.

Sec. 2 Be it further enacted. That if in the opinion of said Commissioners. the removal of the Penitentiary is advisable and expedient it shall be their duty to select a new Location. and may advertise for proposals in one newspaper in each of the Grand Division of the State.

Sec. 3 Be it further enacted, That if said Commissioners, should be of opinion that the removal of the Penitentiary is not advisable or expedient, and that some improvements are absolutely necessary. they are here-by empowered to authorize an expenditure of not more than ten thousand dollars for this purpose, or so much thereof as may be required to make the necessary [sic] improvements, to be paid for out of the fund derived from the lease of the Penitentiary, but said sum, nor no part thereof, shall be appropriated. for any repairs that the Lessees are bound to make under the 5th section of the act providing for the lease of the Penitentiary..

Sec. 4 Be it further enacted. That it shall be the duty of said Commissioners (to make a thorough examination of the Penitentiary, ascertain the costs of enlarging the building, so as to make it adequate to the demands of the State,) ^to ascertain the costs of meeting a new Penitentiary building at another place, to be selected by them, ^and also what the present buildings ~~and~~ grounds and property of every kind belonging to the State can be sold for, and make a report to the next session of the General Assembly, giving all the information that may be necessary [sic] to enable that body to Legislate intelligently and properly, upon this important subject.

Sec. 5 Be it further enacted, That each of said Commissioners, shall receive [sic] for his services, the sum of three hundred dollars, and his actual traveling expenses, to be paid out of the Treasury. upon the Warrant of the Comptroller. upon the filing of an itemized account.

Sec. 6 Be it further enacted. That this act take effect from and after its passage, the public welfare requiring it.

HB 137 – GA 42, 1881 (Cassels—Supt. of Public Roads & Bridges)

[*On cover*]

HB No 137

An act to ~~regulate~~ amend the Public Road Laws of the State, and to create the Office of County Superintendent of Public Roads and bridges in the ~~various~~ several counties in the state +c. Int. Jan 17. 81. Pas 1st R and referred to ~~Refer to Judiciary~~ Commit. on Public Roads

Recommended to lay on the table

Cassels

[*Text*]

A Bill to be entitled

An act to ~~better regulate~~ amend the Public Road ~~system~~ Laws in the several counties of the State, To create the office of superintendent of Public Roads and bridges in the several counties, to define his duties, to provide for his election, qualification and compensation, and to authorize ~~the quarterly courts of the various several counties of this State to work~~ the county convicts to be worked on the public Roads and bridges of the several counties, under the supervision of the Superintendent ~~of Public Roads and bridges,~~ of Public Roads & Bridges.

Sec. 1st Be it enacted by the General Assembly of the State of Tennessee, That the public Roads of ~~this state~~ the several counties in this State Shall be ~~designated~~ described and worked as herinafter [*sic*] provided.

Sec. 2 The Quarterly courts, of the several counties in this State, shall, at the April term thereof, 1881, and thereafter at the January term of each year, elect a competent man, who is a citizen of the county for which he may be elected, who shall be over the age of twenty five years, and who shall hold his office for the term of one year, or untill [*sic*] his successor is elected and qualified, to be styled “County Superintendent of Public Roads and Bridges, Provided that the superintendent to be elected at the April term, ~~as herinbefore provided,~~ under the provisions of this act, shall hold his office till the January Term 1882.

Sec. 3rd Be it further enacted, that the Superintendents of Public Roads and Bridges, before entering upon the duties of his office Shall execute a bond with two or more sufficient Surities [*sic*], to be approved by the Chairman of the County Court, in the penal sum of two thousand dollars, and payable to the county, conditioned that he will well and faithfully perform the duties of his office according to law and account to and turn over to the county court, at the expiration of his term of office all monies and other property belonging to the county by virtue of the provisions of this act.

Sec. 4 Be it further enacted that the superintendents elected and qualified under the provisions of this act shall devote the whole of his time to the duties of his office and receive [*sic*] for his services such compensation as shall be fixed by the quarterly court, not to exceed one hundred dollars per month, payable monthly out of the county treasury.

Sec. 5 Be it further enacted, that the Superintendent of Public Roads and Bridges have the supervision of the various Overseers of public Roads in the several counties of this state; Shall see that the several Overseers, perform the duties of their office according to law, shall see that all the public Roads and bridges of his county are put and kept in good condition and repair; and shall cause to be prosecuted, under the Law now in force all overseers, who shall ~~fail~~ wilfully [*sic*] fail neglect and refuse to perform the duties of Overseer of Public Roads as now defined by law.

Sec. 6 Be it further enacted, that the Superintendent first elected and qualified under the provisions [*sic*] of this act, shall as soon as practical after his election and qualification, ~~designate~~ describe or cause to be ~~designated~~ described public Road of his county, by name, giving to each public Road of his county, the name by which it is commonly and generally known, to those roads not known by any name, he shall give such names as he may deem must just; Shall make or cause to be made a discription [*sic*] of each Public Road of his County, giving its length, width, class, its direction and the points from which and to which it runs; he shall also divide or cause to be divided each of the public Roads of his county into sections, of not to exceed six miles each, which sections ~~he~~ of each Roads shall be numbered 1, 2, 3, +c. And such description when fully completed [*sic*], shall be filed by the superintendent with the clerk of the County Court, who shall record the same in his office. The object of this act being that the county court and Superintendent of Public Roads and Bridges may be informed as to the carious roads, sections thereof, and overseers of ~~of~~ sections of roads in their county.

Sec. 7 Be it further enacted, that at the January term 1992 and at the January term of the Quarterly Court for each year thereafter [*sic*] The Superintendent of Public Roads and Bridges ~~shall~~ of the several counties in the state, shall report in writing to the court, the condition ~~of all the roads viz~~ of each road and each section thereof, the condition of each Public Bridge in his county, what Roads or Bridges have been repaired during his term [of] office, How repaired, and the amount of expenditures of such repairs and how expended, and shall report to the court the name [of] a suitable man on each section of ~~all~~ ~~the~~ every public Road of his county, which person ~~shall~~ may be appointed by the court as overseer ~~of~~ for the ensuing year, according to Law now in force.

Sec. 8 Be it further enacted, that should it become necessary to ~~build any new bridge across any water course, on any Public Road in any county in the State,~~ or to repair any bridge, it shall be the duty of the Superintendent and Justices of the district in which the bridge is situate. to cause the same to be builded or repaired and upon the Joint certificate [*sic*] of the Superintendent that the bridge has been ~~built or~~ repaired and that the cost of the same is Just and reasonable, the County Court shall order the same paid out of the county Treasury.

Sec. 9 Be it further enacted, that whenever it becomes necessary to build any new bridge across any water course on any of the public Roads of any of the several counties

of the state, the superintendant [*sic*] shall draw plans and specifications therefor – and the work thereon shall be done under his supervision.

Sec. 10 Be it further enacted, that upon the requisition of the superintendent, the county court shall furnish to him such tools and other impliments [*sic*] as may be necessary to properly work the roads and build and repair bridges in his county, and he shall have full control and charge of and be responsible to the county court for the same.

Sec. 11 Be it further enacted, that should any public road in his county, or any section thereof, at any time, be and become broken and out of repair, the Superintendent shall order the Overseer thereof, in writing to put the same in repair, as by law he is bound to do, and should such overseer wilfully fail, neglect and refuse so to comply with such written order, then and in that event it shall be the duty of the superintendent to proceed against such offending overseer as provided in Section 4 of this act.

Sec. 12 [*Note: Sections 12 and 13 are X-ed out.*] Be it further enacted that all the Public Roads of the several counties in this State shall be worked under the supervision and according to the directions and plans of the County Superintendent of Public Roads and bridges thereof.

Be it further enacted that the overseers of the various sections of the several Public Roads in the county, whenever he deems it necessary or has received notice ~~in proper repair~~ from the county Superintendent to put his road in proper repair, shall proceed to work ~~the~~ his road under existing laws.

Sec. 13 [*crossed out*] Be it further enacted, that when necessary, the overseer, or Superintendent shall notify any person on any road or section thereof to bring with him a team and plow or team and cart to work on any section of any road in his county, and on compliance of such person with such notice, upon the Joint certificate of the overseer and superintendent ~~if~~ such person shall be entitled to and recieve [*sic*] one dollar for each day such team may have worked to be paid out of the county Treasury.

Sec. 13 Be it further enacted, that all persons confined in work-house and compelled to work upon the ~~public~~ Roads, ~~streets, alleys~~ and building bridges under the provisions of Section 5 of an act passed march 22, 1875 and approved March 23rd, 1875, entitled an act to work out the costs of convictions, shall be under the control and supervision of the Superintendent of Public Roads and bridges, who shall ~~be~~ have all the powers and shall be responsible in like manner as the Superintendent of the work-house under the provision of that act.

Sec. 14 Be it further enacted, that all acts and part of acts in conflict with this act, be and the same are hereby repealed. ~~be it further enacte~~

Sec. 15 Be it further enacted, that this act take effect from and after its passage the public welfare requiring it.

HB 166 – GA 42, 1881 (Norris—Pays Memphis’ debts to Military)

[*On cover*]

H.B. No. 166

A Bill to be entitled,
“An Act to pay Military Police force for
services, during Yellow Fever epidemic
in Memphis.

Int. Jan 22./81 P 1st R and

Refer Co. on Claims

P. 2nd R Feby 23.

P. 2nd R Feby 23.

recommended to be amended by substituting \$100. for \$150 to Cameron,
and so amended. it was adopted

Norris

[*Elsewhere on cover*]

Submitted to Sub. Com of Driver and Higgins

[John Maclin Driver, 1833-1892, was a Democrat who represented Humphreys and Benton Counties in the 41st and 42nd General Assemblies, 1879-1883; George W. Higgins, 1831-1897, was a Democrat representing Lincoln County. Both men had served in the Confederate Army: Driver, a surgeon, was taken prisoner; Higgins, appointed captain the day of his enlistment, was active in veterans’ groups for many years.]

[*Text*]

A Bill to be entitled “An Act to pay Military Police force for services during Yellow Fever epidemic in Memphis.

Whereas the Governor of Tennessee in July 1879, during the Yellow Fever epidemic in the Taxing District of Memphis, called into service two Military Companies, commanded by Capt. J.E. Glass and Capt. R. T. Brown respectively and the whole force placed under the command of Col. J. F. Cameron, who was commissioned by the Governor July 19, 1879 for that purpose.

And whereas the muster rolls of said Companies are now on file in the Adjutant General’s Office.

Therefore

Section 1. Be it enacted by the General Assembly of the State of Tennessee that the Comptroller be and he is hereby directed to issue his Warrant to Col. John F. Cameron for his pay from July 27th to Sept. 30th 1879 at the rate of One hundred ~~and fifty~~ Dollars

per month; to the Captains of said Companies at the rate of Seventy Five Dollars per month; to the 1st Lieutenants at the rate of Fifty Dollars per month; Second Lieutenants Forty, and third Lieutenants Thirty Dollars per month; Sargeants [*sic*] \$15.00 Corporals \$12.00 and the privates at the rate of \$10.00 per month in full pay for their services, and according to said Muster roll.

Section 2. Be it further enacted that this Act take effect from and after its passage, the public welfare requiring it.

HB 194 – GA 42, 1881 (Boyd—Provides security for cost of lawsuits)

[*On cover*]

HB No 194

An Act to Amend Section 3192 of the Code.
Int. Jan. 26/81 and referred to

refer to Judiciary Com/
Laid on the table Feby 23

Rec to be laid on table
Poston

Boyd of Tipton

[*Text*]

An act to amend section 3192 of the Code of Tennessee, limiting the bringing of suits without giving security for costs.

Section 1 Be it enacted by the General Assembly of the State of Tennessee. That Section 3192 of the Code be amended by inserting before the words “any person” the following: “and suits for divorce in which the husband is complainant.”

Section 2 Be it further enacted That this Act take effect from and after its passage, the public welfare requiring it.

HB 224 – GA 42, 1881 (Cassels—Amends criminal code)

This bill is missing from the TSLA collection.

HB 276 – GA 42, 1881 (Norris, 1881 – UT admissions)

[*On cover*]

HB No 276

An act instructing the Trustees of the Tennessee University to make arrangements for persons of color who may be entitled to admission

Int. Feby 15. 81

P 1st R and referred to

Judiciary

P 2^d R Feb 23 & referred to the Com on Ed&CS

Rec to be referred to the Committee on Education & Common Schools.
Poston. [*William Fletcher Poston, a Republican representing Haywood County, was a lawyer and served as U.S. District-attorney for the Western district of Tennessee and temporary speaker of the Tennessee House of Representatives; a member of Governor Robert L. Taylor's staff, he was a delegate to three national conventions.*]

Recommended to be laid upon the table Mch 28/81

LuB Eaton, Chairman [*Lucien Bonaparte Eaton, a Republican representing Fayette and Shelby Counties, was born in New Hampshire in 1837; he served in the Union Army; a wealthy planter, he was a lawyer and the editor of the Memphis Daily Post.*]

I. F. Norris

[*Text*]

1. Whereas an act accepting on the part of the State of Tennessee a grant of of [*sic*] lands made, by the United States to the several States and Territories, Which may provid [*sic*] Colleges for the benefit of agriculture and the machanic arts.
2. and Whereas the State of Tennessee did accept the land grant donated by the united States to the Several States, and Territories approved July 5th, 1862 entitled an act donating public lands to the Several States and Territories for the benefit of agriculture and the machanic arts.
3. and Whereas agriculture and the machanic arts are much needed among all classes of our Citizens øf in the great State of Tennessee and whereas the above named grant of land on scrip land scrip having been recieved [*sic*] and invested in 6 per cent Interest

bearing Bonds of this State, the Interest of which is to defray the expenses of the agriculture and machanic arts of the Tennessee University in the State of Tennessee.

4. Whereas Sec 306.0 of the statutes of Tennessee says that Three Students from each County in the State of Tennessee, Shall at all times be entitled to receive free tuition in said College; said students to be nominated by the Several Representatives to the Legislature from each County in the State, and preference being given; first to the children of deceased federal soldiers; ~~second~~ second to children of those who lost their lives on account of their loyalty; and Third, to those who excel in public schools; it being understood, that in all Cases, prior claims shall be given to those whoes [sic] circumstances especially requir [sic] it.

5. And Whereas Sec 306.v of the Statutes of Tennessee, says no citizen of this State, otherwise Qualified, shall be excluded from the privileges of said university, by reason of his race or color, provided that it ~~sh~~ shall be the duty of the trustees of said university, to make such provisions as may be necessary for the separate accommodation or instruction of any persons of color who may be entitled to admission.

and Whereas Section 12th of art. 11th of the Constitution of Tennessee line 22ent provides that no School established or aided under This section shall allow White and Negro children to be received as Scholars together in the same School.

[Written in same hand, different ink]

Sect. 1 Therefore, be it enacted by the general assembly of the State of Tennessee. That the Trustees of the Tennessee university at the City of Knoxville, are hereby requested to make arrangements for a separate School for persons of color at the earliest practicable moment.

Sect. 2 Be it further enacted that all laws or parts of laws now in use contrary to this act be and the same is hereby repealed and that this act shall take effect from and after its passage the public welfare requiring it.

HB 289 – GA 42, 1881 (Sykes, 1881 – Schools for the Blind & Deaf)

[*On cover*]

HB 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 to be provided for them—

Int Feby 16.81

P 1st R & referred to Com on Ed & CS

Judiciary Committee

Rec—to be referred to Committee on Education & Common Schools.

Poston. [*William Fletcher Poston, a Republican representing Haywood County, was a lawyer and served as U.S. District-attorney for the Western district of Tennessee and temporary speaker of the Tennessee House of Representatives; a member of Governor Robert L. Taylor's staff, he was a delegate to three national conventions.*]

Recommended for passage.

LuB Eaton, Chairman [*Lucien Bonaparte Eaton, a Republican representing Fayette and Shelby Counties, was born in New Hampshire in 1837; he served in the Union Army; a wealthy planter, he was a lawyer and the editor of the Memphis Daily Post.*]

P 3rd R Mch 20-1881

Engrossed Mar. 30th, 1881.

L. Buchanan, As't Eng. Clk.

Sykes of Davidson

The chairman is authorized to report this bill & recommend its passage.

J. M. Coulter [*James M. Coulter, party affiliation unknown, Gibson County*]

W. C. Houston [*William Cannon Houston, D, Cannon & Coffee counties*]

J. W. Baker [*John Wales Baker, R, Davidson County*]

T. F. Cassels [*Thomas Frank Cassels, R, Shelby County*]

J. C. McAndrew [*Joseph C. McAndrews, R, Jefferson County*]

James Trimble [*James S. Trimble, R, Davidson County*]

W. R. Jones [*William R. Jones, D, Rutherford County*]

J. A. Manson [*James A. Manson, D, Hardeman County*]

G. H. Hash [*George H. Hash, D, Warren County*]

[Text—Note: The sections between asterisks ** have been crossed out.]

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 to be prepared for them.

** Whereas there is now established at Nashville a school for the Blind, and at Knoxville a school for the Deaf and Dumb persons of the State, and said schools are carried on at the public expense of the State, but students of the white race only are under the present laws of the State entitled to admission in said schools since there are no separate accommodations for students of the colored race, and

Whereas the colored race constitutes about one fourth of the entire population of the State, and it is most proper and correct that the State should provide suitable schools for the blind and deaf persons of the colored race, therefore**

Section 1— Be it enacted by the General Assembly of the State of Tennessee that the sum of ~~three thousand~~ twenty five hundred dollars is hereby appropriated for the purpose of establishing proper and suitable separate accommodations for and for the support of colored students to be admitted into the School for the Blind at Nashville, and the sum of ~~three thousand~~ dollars is hereby appropriated for establishing proper and suitable separate accommodations for and for the support of colored students to be admitted into the School for the Deaf and Dumb at Knoxville.

Section 2— Be it further enacted that, the Comptroller of the State shall draw his warrants on the Treasurer of the State, ~~to be paid in~~ for said respective sums payable to the order of the president of the Boards of Trustees of either said Schools, such warrants to be paid by the Treasurer out of any funds in his hands not other-wise appropriated.

Section 3— Be it further enacted that said trustees shall use the the [sic] herein directed to be paid to them in erecting, on the grounds ~~now~~ on which said schools are established or in purchasing other grounds if ~~them~~ it is not practicable to build on the present grounds, suitable and proper accommodations for such colored students as may be admitted under the terms prescribed in this act, provided said accommodations shall be in all respects similar and equal to the accommodations now provided for white students.

Section 4 3— Be it further enacted that the terms of admission for said colored students unto such separate accommodations shall be the same as now prescribed for white students.

Section 5— Be it further enacted that the sum of _____ dollars is hereby appropriated for the maintenance of such separate accommodations for colored students admitted into said schools for the nex [sic] 2 ensuing years – being the sum of _____ dollars for each.

Section 4— Be it further enacted that this act shall take effect from and after its passage the public welfare requiring it.

HB 308 – GA 42, 1881 (Norris—Permits selling cotton by the bale)

[*On cover*]

House Bill No. 308

A Bill to protect Farmers in their

Productions.

Intr Feby 17-81. P 1st R and

Referred [sic] to Agriculture &

Manufacture

Recommended to be laid on the Table

P 2^d R Mar 12th

Norris

[*Text*]

An Act to protect farmers in their productions.

Sec. 1 Be it enacted by the General Assembly of the State of Tennessee
That hereafter
it shall be unlawful for any corporation or municipal authorities to prevent any
person or persons from selling cotton by the Bale or in any other way they may chose
[*sic*] to whomsoever they please, not otherwise encumbered.

Sec. 2^d Be it further enacted. That if any corporation company person or pesons
[*sic*] shall violate the provisions of this act they shall be liable to the injured Party for
damages which may be recovered in any court having jurisdiction, said damages to be
fixed by the court.

Sec 3^d Be it further enacted. that this act take effect from and after its passage the
public welfare requiring it

HB 312 – GA 42, 1881 (Cassels – Repeals law in re selling cotton)

[On cover]

House Bill No. 312

A Bill to be Entitled an act to repeal Chapter 131 of an act passed March 19-1879-

Int Feby 17-1881. P 1st R and referred to the
refer to Judiciary Com.

Rec for passage

Poston. [*William Fletcher Poston, a Republican representing Haywood County, was a lawyer and served as U.S. District-attorney for the Western district of Tennessee and temporary speaker of the Tennessee House of Representatives; a member of Governor Robert L. Taylor's staff, he was a delegate to three national conventions.*]

P 2^d R March 28

Cassels

[Text]

A Bill to be entitled an act to repeal ~~an act entitled~~ Chapter 131 of an act passed March 19, 1879 entitled an act to punish any person who buys or raises cotton, tobacco or other produce merchandise, on property, and procures an advance thereupon, and fails to deliver it, or otherwise disposes of it, and to define the Jurisdiction of the courts in such cases.

Sec. 1 Be it enacted by the General Assembly of the State of Tennessee that Chapter 131 of an act passed March 19th 1879, entitled an act to punish any person who buys or raises cotton, tobacco, or other produce merchandise, or property, and procures an advance thereupon, and fails to deliver it, or otherwise disposes of it, and to define the Jurisdiction of the courts in such cases, be and the same is hereby repealed.

Sec. 2 Be is further enacted that this act take effect from and after its passage the public welfare requiring it.

HB 326 – GA 42, 1881 (Sykes—Admits blacks to U.T.)

[*On cover*]

H.B. No 326

An act requiring the Trustees of the University of East 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 scrip granted to the State by Congress.

Int. Feby 7. 1881 P 1st R and referred to

Refer to ~~Judiciary Com~~ Committee on

Education and Common Schools

Recomended [*sic*] to be laid upon the table

Mch 28/81 LuB Eaton, Chmn [*Lucien Bonaparte Eaton, a Republican representing Fayette and Shelby Counties, was born in New Hampshire in 1837; he served in the Union Army; a wealthy planter, he was a lawyer and the editor of the Memphis Daily Post.*]

Sykes of Davidson

Tabled Mar 29

[*Text*]

An Act requiring the Trustees of the University of East 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 sale of certain land scrip granted to the State by the Congress of the United States –

Whereas by an Act of the Congress of the United States passed July 2nd 1862, a certain amount of public land scrip was granted to the State of Tennessee, the proceeds of the sale of which were to be used, under certain terms and conditions prescribed in said act for the purpose of endowing Colleges for the benefit of Agriculture and the Mechanic Arts –

And whereas by an Act of the General Assembly of the State of Tennessee passed February 2 1868, said grant was accepted on behalf of the State of Tennessee, subject to the terms and conditions prescribed in the Act of Congress, and said scrip was received, sold and the proceeds of sale invested in the Bonds of the State, subject to the direction of the General Assembly – and

Whereas by a subsequent Act of the General Assembly said bonds, having six per cent per annum payable semi-annually, were directed to be paid over to the trustees of the ~~said~~ University of East Tennessee upon said trustees completing buildings for the accommodation of two hundred and seventy five students, and furnishing the same with

appropriate school furniture, and suitable land not less in extent than two hundred acres, all worth at least twenty five thousand dollars, and upon their agreeing, among other things, that three students from each county in the State should be entitled to receive free tuition in said University, and upon their further agreeing that, no citizen otherwise qualified, should be excluded from the privileges of said University, by reason of his race or color, provided that it should be the duty of said trustees, to make such provisions as may be necessary for the separate accommodation and instruction of any persons of color who may be entitled to admission, and

Whereas said terms and conditions were complied with and agreed to by said parties, and said bonds were accordingly paid over to, and accepted by them – and

Whereas the colored population of the State consists of about one fourth of the entire population, and in justice one fourth of the number of free students entitled to enter said University belong to the colored race, and

Whereas said trustees have failed to provide suitable accommodations for colored students by said act of the General Assembly and as agreed to by them, Therefore

Section 1 – Be it enacted by the General Assembly of the State of Tennessee that, of the number of two hundred and seventy five students entitled to attend said University free of all charge for tuition, the number of seventy five of said scholarships are hereby reserved and declared to colored students – and such a number of colored students are entitled to enter said university under the same terms and conditions as white students.

Section 2 – Be it further enacted that it is the duty of said trustees to provide suitable and proper accommodations for such colored students, similar and equal in all respects to the accommodations now provided for white students – and that such accommodations shall be prepared and in proper condition to receive said colored students within one year from the passage of this act/

Section 4 – [*sic*] Be it further enacted that, unless said trustees shall comply with this act in the manner and time herein prescribed, then in such case said trustees are hereby required to surrender and deliver up to the Comptroller of the State said bonds immediately, and all interest therein shall cease –

Section 5 – Be it further enacted that, should said trustees refuse and fail to give up said bonds ~~are~~ as herein required, then in such case the Comptroller and Treasurer are hereby forbidden to pay any interest to said trustees on said bonds, and it shall be the duty of the Attorney-General for the State to institute proper legal proceedings for the recovery of said bonds from said trustees, and when recovered to pay the same over to the Comptroller, who shall hold them subject to the direction of the General Assembly.

Section 6 – Be it further enacted that, this act shall take effect from and after its passage the public welfare requiring it.

HB 419 – GA 42, 1881 (Cassels—Duties of coroners)

[*On cover*]

H.B. 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 5294a and 5296 of the Code.

Int. Feby 22. 81. P 1st R and

refer to Judiciary com

P 2d R Mch 29th

Rec. to be tabled.

T.F. Cassels

By request

[*Text*]

A Bill to be entitled

An act to amend the laws of the State of Tennessee ~~and to rep~~ defining the duties of coroners and to repeal Sections 5294a and 5296 of Thompson and Steger's Code.

Section 1 Be it enacted by the General Assembly of the State of Tennessee That hereafter It shall be the duty of the coroners of the several counties of the state of Tennessee, to record in a well bound book, kept for the purpose and properly indexed, the name and place of finding of every dead body ~~over~~ upon which he shall have held an inquest; the virdict [*sic*] of the Jury of inquest; The names of the Jurors, ~~and~~ the name and place of residence of each witness examined and the costs of such inquest.

Section 2. Be it further enacted that that Section5303 of Thompson and Steger's Code be so amended as to read "he may also Summon as a witness any Surgeon or physician to make examination of the body, and give a professional opinion as to the cause of the death, whose fee shall not exceed ten dollars ~~and~~ which shall be taxed and allowed in the bill of costs.

Section 3rd Be it further enacted that Section 5294a and Section 5296 of Thompson and Steger's Code of Tennessee, be and the same is hereby repealed.

Section 4th Be it further enacted that this act take effect from and after its passage the public welfare requiring it.

HB 455 – GA 42, 1881 (Boyd—Increases exemption from attachment)

[On cover, Copy 1]

House Bill No. 455
to be entitled

An Act to amend an act passed March 3, 1879
entitled an act to amend 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.

To Judiciary Committee
Intro. Febr 23rd pssd 1st rea & ref
P2R Mar 12th
Rec for passage
Poston
P3R March 19
Engrossed Mar. 19, 1881
M. Grizzard, Eng/ Clk.

J.W. Boyd of Tipton
212

[Text, Copy 1]

A Bill to be entitled An act to amend an act passed March 3, 1879 entitled an act to amend an act passed March 19, 1877 entitled an act to amend Section 2108 of the code to increase exemptions in the hands of heads of families.

Section 1st Be it enacted by the General Assembly of the State of Tennessee that an act passed march 3rd 1897, entitled an act to amend an act passed March 19, 1877, entitled an act to amend Section 2108 of the code to increase exemptions in the hands of heads of families be and the same is, so amended that, hereafter, in addition to the articles therein enumerated, there shall be further exempt from execution, seizure or attachment in the hands of heads of families, ~~one~~ Two hundred bushels of cotton seed.

Section 2nd Be it further enacted that this act take effect from and after its passage the public welfare requiring it.

* * * * *

[On cover, Copy 2]

H.B. No. 455
To be entitled an Act to amend an Act passed
March 19th, 1877, entitled an Act to amend
Section 2108 of the Code to increase exemptions

in hands of heads of families

Int. Feb. 23rd
Passed 1st Reading & Ref. to
Judiciary Com.
P. 2 R. Mar. 12, 1881
P. 3rd R. “ 19, 1881

Senate: P—1—Mh 22
 P II—Mh 25 JC
 P III—April 4

Enrolled April 4, 1881.
L. Buchanan, As't Eng. Clk.

J. W. Boyd of Tipton Co.

[*Text, Copy 2*]
H. B. No. 455.

A Bill to be entitled An Act to amend an act passed March 3rd, 1879, entitled an act to amend an act passed March 19, 1877, entitled An Act to Amend Section 2108 of the Code to increase exemptions in the hands of heads of families.

Sec. 1st Be it Enacted by the General Assembly of the State of Tennessee, That an Act passed March 3rd 1879, entitled an Act to amend an Act passed March 19th, 1877, entitled an act to amend Section 2108 of the Code to increase exemptions in the hands of heads of families be and the same is so amended that, hereafter, in addition to the articles therein enumerated, there shall be further exempt from execution, seizure or attachment in the hands of heads of families, two hundred bushels of cotton seed.

Sec. 2nd Be it further Enacted that this Act take effect from and after its passage, the public welfare requiring it.

HB 457 – GA 42, 1881 (Norris—Justices of the peace)

[*On cover*]

House Bill No. 457

An Act to prohibit Justices of the peace from practicing as

Attorneys in certain cases.

Intr. Feb. 23rd Pssed 1st rea + referred

P. 2nd R March 29

Judiciary Comty.

Return without Recommendation

Poston

Norris

[*Text*]

An Act to prohibit Justices of the peace from practicing as attorneys in certain cases __

Section 1” Be it enacted by the General Assembly of the State of Tennessee that no Justice of the peace shall be allowed in any case to appear as attorney or Counsel in any case pending before any Justice of the peace of the County to which said Justice belongs, or before any mayor, corporation magistrate or president of any Taxing District or any other Court in said County except Courts of record. A violation of this act shall be sufficient cause for removing the offending Justice of the peace from office__

Section 2” Be it further enacted that this act take effect from and after its passage the public welfare requiring it__

HB 478 – GA 42, 1881 (Cassels—Compensates victims of mob violence)

[*On cover*]

House Bill No. 478

To be entitled

An act to provide compensation for injuries done to persons or property by mobs or unlawful combinations

Intro Feby 24 Psd 1st reading referred

Refer to Judiciary Committee

Rec to be laid on the table by comm

Poston. [*William Fletcher Poston, a Republican representing Haywood County, was a lawyer and served as U.S. District-attorney for the Western district of Tennessee and temporary speaker of the Tennessee House of Representatives; a member of Governor Robert L. Taylor's staff, he was a delegate to three national conventions.*]

P 2d R Mar 12

T. F. Cassels

[*Text*]

A Bill to be entitled

An act to provide compensation for injuries done to persons or property by mobs or unlawful combinations.

Sect 1st Be it enacted by the General Assembly of the State of Tennessee that hereafter, in all cases where any individual is injured in his person or property by the unlawful act of a mob or of a combination of persons acting without authority of Law ~~war~~ or warrant of the Law such individual shall have a right of action against the county, city or town, Jointly or severally, where such act is done, and shall recover damages therefor from such county, city or town as is here in after provided.

Section 2nd Be it further enacted that the right of action herein given by section one of this act shall belong to the person injured if he ~~or she~~ be alive, and if he ~~or she~~ be dead then such right of action shall vest in his administrator or executor for the exclusive benefit and use of his widow and next of kin, and suits shall be brought and prosscited [*sic*] substancially [*sic*] in accordance with the provisions of the cord, Sections 2291 and 2292.

Section 3rd Be it further enacted that if the injury done by a mob or a combination of persons acting without warrant or authority of Law as contemplated in the first section of this act, result in the death of the person injured then the jury trying the case shall give such damages for such death in its discretion may be Just, and proper in the particular

case; provided that in no case shall the damages for the death of a person be so caused be placed by the Jury at Less ten thousand dollars, nor more than fifty thousand dollars, and if the injury done result in the total or partial destruction of property the Jury shall give the value of such property, and such additional sum as may in its discretion be necessary to afford the person injured adequate compensation for the injury sustained. And if the person injured be not killed or do not die from the injury sustained, then the recovery to be had shall be governed by the rules of law that would apply were the suit against the persons who in fact perpetrated the injury.

Section 4th Be is further enacted that on the trial of the action by this act it shall be necessary for the plaintiff to prove only the fact ~~that of the on~~ injury by the mob or combination of persons acting without authority of Law, and the locality of the of the [sic] commission of the injury. And where the act is done partly in one county, city or town and partly in another, the plaintiff shall have a right of action and a recovery as herein provided against each. On actions for injuries to property, the plaintiff shall also prove the value of the property destroyed, or where it is not entirely destroyed, the extent of the injury to it.

Section 5th Be it further enacted that nothing in this act shall be be [sic] so construed as to prevent a recovery by the person injured, against the persons committing the injury, as allowed by law nor shall any recovery that may be had in the action given by this act in any way mitigate or reduce the recovery who had ~~against~~ in an action against such persons or any of them, and any county city or town satisfying to any extent any Judgement [sic] that may be recovered against it in any action brought under ~~this act~~ the provisions of this act, shall have a right of action against such and ~~every~~ every person constituting a part of the mob or combination doing the injury for which the recovery was had against it, and may in such action recover not only the sums paid out for or on account of the Judgement [sic], but all the sums paid out by it in the defense of the action including counsel fees.

Section 6th Be it further enacted that whenever any recovery is had against any county, city or town under the provisions of this act, it shall be the duty of the circuit or other court ~~Judge~~ rendering such Judgement [sic] to cause its clerk to transmit to the County Court, or the municipality government as the case may, of the proper county, city or town a duly certified copy of such Judgement [sic] including a copy of the declaration or other proceedings showing the ground of the suit and thereupon such county court or municipal government shall proceed at its next levy of taxes to levy a tax sufficient in amount to pay such Judgement [sic] and cause the same to be collected in money and to be paid over towards the satisfaction of the said Judgement [sic] as fast as collected. And if any county or municipal government shall fail to levy ~~the tax~~ and collect such tax as above required, then the circuit or other court having Jurisdiction may compel the levy and collection of the same in the manner provided in the code Sections 534 to five 537. [sic]

Section 7th Be it further enacted that the terms individual and persons as used in this act shall include corporations in proper cases.

Section 8th Be it further enacted that all actions against counties cities and town [sic] given by this act shall be brought within one year after the cause of action occurred and not afterward.

Section 9th Be it further enacted that where the same mob or combination injures an individual in his person ~~on~~ as well as his property, he may combine in one suit against a county, city or town both rights of action.

Section 10th Be it further enacted that in actions under this act the conduct of the person injured by the mob or combination shall not be considered by the Court or Jury for any purpose whatever and the court shall not permit any evidence to be given on the trial of such conduct.

Section 11th Be it further enacted that this act take effect and be in force from and after its passage the public welfare requiring it.

HB 510 – GA 42, 1881 (Norris—Laborers and wages)

[*On cover*]

H.B. No 510

A Bill to be entitled

An act to repeal Section 3rd of Chapter XV, passed January 31st 1879 entitled an act to secure the payment of the Wages of Laborers.

Int Feby 26 P 1st R and referred

Refer to Judiciary Comm.

P 2nd R March 29

Return without Recommendation

Poston. [*William Fletcher Poston, a Republican representing Haywood County, was a lawyer and served as U.S. District-attorney for the Western district of Tennessee and temporary speaker of the Tennessee House of Representatives; a member of Governor Robert L. Taylor's staff, he was a delegate to three national conventions.*]

Norris

[*Text*]

A Bill to be entitled

An act to repeal Section 3 of chapter XV of an act passed January 31st 1879, entitled an act to secure the payment of the wages of laborers.

Section 1st Be it enacted by the General Assembly of the State of Tennessee, that Section 3rd of chapter XV of an act passed January 31st 1879 entitled an act to secure the payment of the wages of laborers be and the same is hereby repealed.

Section 2nd Be it further enacted that this act take effect from and after its passage the public welfare requiring it.

HB 560 – GA 42, 1881 (Sykes—Fair jury selection)

[*On cover*]

HB No 560

An Act to regulate the appointment of Jurors in the Circuit & Criminal Courts of Tenn and to increase the duties of tax assessors & County Court Clerks

Intr Mar. 10 – P 1st R and
ref to
P 2nd R March 29

Judiciary

Returned without Rec

Poston. [*William Fletcher Poston, a Republican representing Haywood County, was a lawyer and served as U.S. District-attorney for the Western district of Tennessee and temporary speaker of the Tennessee House of Representatives; a member of Governor Robert L. Taylor's staff, he was a delegate to three national conventions.*]

T. H. Sykes
Davidson

[*Text*]

An Act to regulate the appointment of jurors for the Circuit & Criminal courts of Tenn. and to increase the duties of tax assessors and County Court clerks.

Be it Enacted by the General Assembly of the State of Tenn, that hereafter it shall be the duty of the tax assessors for ~~the~~ each civil District ~~of~~ in every county of the State and of every ward of all incorporated cities & towns of the State to prepare a list at least once each year of all persons in their district or ward who are qualified under the laws of Tenn to serve as jurors and shall return such list under oath to the Clerk of the County Court of the County in which this district or ward is located.

Sec 2 It shall be the duty of the County Court Clerk of each County to prepare a list ~~of~~ containing all the names returned to him by the tax assessors as provided for in the 1 sec of this act, without regard to alphabtical [sic] order. And at least 30 day [sic] before the ~~meeting~~ first day of each term of the circuit or Criminal Court in each county he shall furnish a copy of this list so made out to the sheriff of said County.

Sec 3 And it shall be the duty of the sheriff of each county 21 days before the ~~meeting~~ first day of each term of the Criminal or Circuit Court of his County to select from the list furnished him according to the preceding section of this act three times as many names as

are required for a panel of the Jury for said term, taking as nearly as possible an equal number of names from each civil district & ward of his County – and he shall place such names so selected in a box from which they shall be drawn one name at a time ~~by him~~ until a sufficient number are drawn to form the regular panel for said court. The names to be drawn by a child under 10 years of age said child to be blindfolded while so drawing the names for said panel.

Sec 4. The sheriff shall then proceed to summon the jurors so drawn as now provided by law.

Sec 5. That this Act take effect from and after its passage the public welfare requiring it, and that all laws and parts of laws in conflict with this one and the same are hereby repealed.

HB 563 – GA 42, 1881 (Norris—Deputizing of constables)

[*On cover, copy 1*]

HB No 563

A Act [*sic*] to Amend Section 4148.a.
of the code of Tennessee
Ref Judiciary

Intro mar 10 – P 1st R & Ref
P 2^d R March 29
Return without Recommendation
Poston

P 3^d Reading
April 2nd 1881

Engrossed April 2^d 1881
Mollie Grizzard, Eng. Clk.

Norris

[*Text, copy 1*]

An Act to amend Section 4148.a. of the Code of Tennessee

Sec 1 Be it enacted by the General Assembly of Tennessee that Section 4148.a., of the Code, be so amended as to read as follows.

A Justice may in writing specifically depute any citizen who is now, and was at the last general election a voter in the district in which the Justice deputing him was Elected, not being a party to the suit pending, to perform any particular duty devolving by law upon a Constable if no Constable is at hand and the business urgent, but no magistrate shall make such special deputation unless one of the parties to a suit pending or his or her Attorney shall make oath before the Magistrate and file the same in writing, stating that to the best of their information there is no regular officer at hand, and that the business is urgent.

[*On cover of Senate copy of bill.*]

H.B. No. 563

To amend section 4148.a of the Code of Tennessee

P 1st R, Mar 10th 1881

“ 2” “ , “ 29” “

“ 3” “ , April 2” “

P – April 2

PP April 4

Norris

[Text]

H.B. No. 563

An Act to amend Section 4148.a. of the Code of Tennessee.

Sec. 1 Be it enacted by the General Assembly of the State of Tennessee, That section 4148.a. of the Code, be so amended as to read, as follows. –

A Justice may in writing specially depute any citizen who is now, and was at the last general election, a voter in the district in which the Justice deputing him was elected, not being a party to the suit pending, to perform any particular duty, devolving by Law, upon a Constable; if no Constable is at hand, and the business urgent, but no magistrate, shall make such special deputation, unless one of the parties to a suit pending, or his or her Attorney, shall make oath before the Magistrate, and file the same in writing, stating that to the best of their information, there is no regular officer at hand, and that the business is urgent.

HB 577 – GA 42, 1881 (Norris—Court costs for misdemeanors)

[*On cover*]

H.B. No. 577.

An act to be entitled an act to repeal Section 15
of Chapter 83 of an act passed
March 22^d 1875. entitled an act to
require persons convicted of misdemeanors to
work out the costs of conviction.
Intr. Mch 11 P 1st R and referred

Judiciary

Returned without recommendation

Poston

P 2nd R March 29

Norris

[*Text*]

An act to be entitled

An act to repeal section 15 of chapter LXXXIII of an act passed March 22nd 1875m
entitled an act to require persons convicted of misdemeanors, to work out the costs of
conviction.

Sec. 1st. Be it enacted by the general assembly of the State of Tennessee, that
section 15 of chapter LXXXIII of an act passed March 22nd 1875 entitled an act to require
persons convicted of misdemeanors, to work out the costs of conviction, be and the same
is hereby repealed.

Section 2nd. Be it further enacted that this act take effect from and after its passage the
public welfare requiring it.

HB 588 – GA 42, 1881 (Cassels—pays Memphis’ debts to employees)

[*On cover*]

HB No 588

A Bill to settle and pay of [sic] the indebtedness ~~of the~~
due by the late municipal corporation of
Memphis to the police, fire, Hospital and Street
officers and employes of the said corporation
and to those who furnished goods, wares,
and merchandise to it.

Intr Mar 12 P 1st R & Ref
Finance Ways & Means

Cassels by request

[*The text of the bill is professionally printed, unlike most other contemporary bills, which were hand-written.*]

A Bill to Settle and Pay off the Indebtedness due by the late Municipal Corporation of Memphis to the Police, Fire, Hospital and Street Force, Officers and Employes of said Corporation, and to those who furnished goods, wares and merchandise to it.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, that a tax of ~~—mills~~ 3 cents on each \$100 is hereby levied on all taxable property, real and person, including merchants; capital and all others who are assessed for advalorem taxes on capital invested, bank stock and all other stocks subject to taxation within the territorial limits of the Taxing District of Shelby County, Tennessee, late City of Memphis, for the year 1881, which said tax is for the specific purpose of paying the several amounts due by the late municipal corporation of Memphis, to the officers and members of the police, fire, hospital and street force at the time of its dissolution by an Act of the General Assembly of Tennessee entitles An Act to repeal the charters of certain Municipal Corporations, and to remand the territory and inhabitants thereof to the Government of the State, passed January 29th, 1879, and approved by the Governor January 31, 1879, as well as the several amounts then due by said corporation to those who had furnished it goods, wares and merchandise for the use of the several departments of the said corporation, and said tax is hereby expressly appropriated for such purposes, and for none other.

Sec. 2. Be it further enacted, that said tax shall be collected by the County Trustee in lawful money of the United States, as other taxes of the Taxing district, late city of Memphis, are collected, and is by him to be kept separate and apart from all other funds and is to be paid out in settlement and payment of the debts hereinbefore specified, upon the joint warrants of [*word missing*] the fire and police commissioners of the Taxing district of Shelby County.

Sec. 3. Be it further enacted, that the several amounts due the police, fire, hospital and street force employes, and for goods, wares and merchandise sold and delivered said late municipal corporation of Memphis, shall, for the purpose of this settlement, be taken from the ledger of said corporation and the pay rolls of said departments, and from no other sources, and the commissioners shall issue their warrants predicated on said ledger, balances and payrolls to those to whom amounts appear to be due and in the several amounts so due.

Sec. 4. Be it further enacted, that nothing in this Act shall be construed so as to in any wise make the Taking District of Shelby County, Tennessee, late City of Memphis, liable for any debts or obligations of the late municipal corporation of Memphis, other than those herein recognized and this only so far as is herein provided and no further or otherwise.

Sec. 5. Be it further enacted, that claims herein provided for shall be paid alone in the manner herein set forth and not otherwise, and the holders thereof shall be entitled to no share in the distribution of the assets of the late corporation of Memphis, and an acceptance of the benefits of this Act shall be a waiver of any right to receive in any such distribution any amount whatsoever to which they might otherwise be entitled.

Sec. 6. Be it further enacted, that this Act take effect from and after its passage, the public welfare requiring it.

HB 654 – GA 42, 1881 (Cassels—Repeals law *in re* champerty)

[Champerty: A sharing in the proceeds of a lawsuit by an outside party – for example, the litigant’s attorney – who has promoted the litigation.]

[On cover]

HB #654

A Bill to be entitled An Act to repeal
Sections 1776 to 1789
of the Code, inclusive with regard to
champerty and Maintenance

Intr. Mar 23^d P 1st R

P 2nd R March 29

Judiciary Committee

T.F. Cassels by request

[Text]

A Bill to be entitled

An Act to repeal Sections 1776 to 1789 inclusive of the Code of Tennessee, being the acts with regard to champerty and maintenance.

Section 1st Be it enacted by the General assembly of the State of Tennessee that sections 1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789 of Thompson and Steger’s Code of Tennessee, be and the same are hereby repealed, and that no suit now pending or hereafter instituted in any of the Courts of this state shall fail by reason of any thing in these sections.

Section 2nd Be it further enacted that this act take effect from and after its passage the public welfare requiring it.

HB 682 – GA 42, 1881 (Norris 1881 – Chapter 130, 1875)

[*On cover*]

H. B. 682

An Act to prevent discrimination by Rail Road Companies among their passengers who are charged and pay first class fare and fixing penalty for Violation of same

Int March 30 & P. 1st R

P. 2 R March 31

Norris

[*Text*]

An Act to prevent discrimination by Rail Road Companies among Passengers who are charged and pay first class passage and fixing penalty for the violation of same.

Whereas. It is the practice of Rail Road Companies located and operating in the state of Tennessee to charge and collect from colored passengers traveling over their roads first class passenger fare and compell [*sic*] said passengers to occupy Second class cars. where smoking is allowed and no restrictions enforced to prevent vulgar or obscene language. Therefore—

Sect. 1. Be it Enacted by the General Assembly of the State of Tennessee That all Rail Road Companies located and operated in this State. Shall furnish separate cars or portions of car cut off by partition wall in which all colored passengers who pay first class passenger rates of fare. may have the privilege to to [*sic*] enter and occupy, and such apartments Shall be kept in good repair and with the same conveniences, and subject to the Same rules, governing other first class cars, preventing smoking and obscene language.

Sect. 2. Be it further Enacted that upon the failure of any Rail Road Company operating in this State Shall fail to have the provisions of the 2nd Section strictly enforced by their employe'e's [*sic*]. Then such Rail Road Company Shall forfeit and pay the sum of one hundred dollars recoverable before any Court having jurisdiction thereof. One half to be paid to the person sueing [*sic*] and the other half to go to the Common School fund of the State.

Sect. 3. Be it further Enacted that this act take effect from and after its passage. the public welfare requiring it.

SB 342 – GA 42, 1881 (Compromise bill for HB 682)

[*On cover*]

S.B. No. 342

An act to prevent discrimination by rail road Companies among their passengers who are charged and pay first class passage and fixing penalty for violation of same.

P __ Mh 26

TP Mh 28

RR

THP April 1st

Passage

Perkins [Thomas Perkins, Jr., was a Democrat representing Williamson and Maury Counties. A Confederate veteran with a distinguished record, he held office in both Masonic and veterans organizations. He owned and operated a farm in Williamson County and served for a time as county court clerk and clerk and master of chancery court.]

[*Text*]

An Act to prevent discrimination by Rail Road Companies among passengers who are charged and pay first class passage, and fixing penalty for the violation same [*sic*].

Whereas it is the practice of Rail Road Companies located & operated in the State of Tennessee to charge and collect from colored passengers traveling over their roads – first class passenger far, And compell said passengers to occupy second class care, where smoking is allowed, And no restrictions enforced to prevent vulgar or obscene language. Therefore—

Sec. 1. Be it Enacted by the General Assembly of the State of Tennessee That all Rail Road Companies located and operated in this state, shall furnish seperate [*sic*] cars, or portions of car cut off by partition wall – in which all colored passengers, who pay first class passenger rates of fare, may have ~~to enter~~ the privilege to enter and occupy, And such apartments shall be kept in good repair and with the same conveniencies [*sic*], and subject to the same rules governing other first class cars, preventing smoking and obscene language.

Sec. 2. Be it further Enacted that upon the failure of any Rail Road company, operating in this State, shall fall to have the provisions of the 2nd Section of this Act strictly enforced by their employees, Then such Rail Road company shall forfeit and pay the sum of one hundred dollars, recoverable before any Court having jurisdiction thereof, one half to be paid to the person suing and the other half to go to the Common School Fund of the State.

Sec. 3. Be it further Enacted, that this act take effect from, and after its passage the public welfare requiring it.

HJR 18 – GA 42, 1881: (Sykes—Inauguration of governor)

[*On cover*]

House Joint Resolution No 18

T.A. Sykes

For the appointment of a Special Joint Committee of Arrangements to conduct the ceremonies of the inauguration of the Governor elect.

Offered Jany 11. 1881. Lies over.

Adopted Jany. 14 –

Engrossed Jan 14th 1881

M Grizzard E. Clk.

[*Text*]

Resolved, by the General Assembly of the State of Tennessee, that a committee of three be appointed, by the Speaker of the House, and two by the Speaker of the Senate, to conduct the inauguration ceremonies of the Governor elect.

[*Note: This would have been Governor Alvin Hawkins. There are two copies of this resolution in the files.*]

HJR 48 – GA 42, 1881 (Sykes—Sanitation inspection at penitentiary)

[*On cover*]

H. J. Resolution No. 48

T.A. Sykes

Intr. Feby. 15/81 . Lies over.

Directory to the standing Committees
of Senate and House on Penitentiary

Laid on table Feb 16/81_

[*Text*]

Whereas a bill has been introduced in the General Assembly for the purpose of removing the present Penitentiary on account of its bad condition and whereas the Surgeon H. L. Turney has also represented the unhealthy condition of said institution ~~be it therefore resolved~~

Therefore be it resolved by the General Assembly of the State of Tennessee, that the Standing Committee of the two Houses on the Penitentiary be and they are hereby instructed to examine into the sanitary condition of the Penitentiary and its condition generally, and report the same to the General Assembly at the earliest practicable moment.

HB 3 – GA 42, ES 3, 1882 **(Sykes--Education/taxes)**

[*On cover*]

House Bill No 3.

An Act to exempt Educational Institutions from Taxations. and to repeal so much of the act of 1881 Chapter C.L.XXI as is in conflict.

Int. Apl. 6. 82 & P. 1st R

Passd 1st read Apl 6th/82

P 2nd R. Ap'l. 7. 82

Laid on the table Apl 18th/82

Education & Common Schools

Recommended by committee to be laid upon the table

April 12/82 L.B. Eaton Chr [*Lucien Bonaparte Eaton, a Republican representing Fayette and Shelby Counties, was born in New Hampshire in 1837; he served in the Union Army; a wealthy planter, he was a lawyer and the editor of the Memphis Daily Post.*]

T.A. Sykes

Tuesday 10

[*Text*]

An Act to amend Chapter C.L.X.X.I—of the Acts of 1881.

Being an Act for the assessment and collection of Revenue for State and County purposes.

Be it enacted by the General Assembly of the State of Tennessee, That all property belonging to any Educational Institution in this State shall be exempt from Taxation. And that so much of the act of 1881 Chapter C.L.XXI—as taxes all property of such institutions, in this Sate, in excess of \$50.000 fifty thousand Dollars be and the same is hereby repealed.

Be it further enacted that this act take effect from and after its passage the public welfare requiring it.

HB 1 – GA 42, ES 4, 1882 (Norris—Penalizes discrimination)

[On cover]

House Bill No. 1.

An act to amend an act, entitled “a act to prevent discrimination by railroad companies among passengers who are charged and paying first class passage, and fixing penalty for the violation of the same.”

Int & P. 1st R May 5. 1882

P. 2nd R May.10.82 & referred to Judiciary.

Amended & recommended for passage.

W.F. Poston Chairman [*William Fletcher Poston, a Republican representing Haywood County, was a lawyer and served as U.S. District-attorney for the Western district of Tennessee and temporary speaker of the Tennessee House of Representatives; a member of Governor Robert L. Taylor’s staff, he was a delegate to three national conventions.*]

P 3rd R. May 17. 1882

Engrossed May 17th 1882

Mollie Grizzard, Eng. Clk.

Norris, of Shelby.

[Text]

Insert Committee’s amendment as amended.

~~An act to amend an act passed April 7th 1881, entitled “An act to prevent discriminations by railroad companies among passengers who are charged and paying first class passage, and fixing penalty for the violation of the same.”~~

~~Section 1. Be is enacted by the General Assembly of the State of Tennessee, That Section 1 of an Act passed and approved April 7th 1881, entitled “An Act to prevent discriminations by railroad companies among passengers who are charged and paying first class passage, and fixing penalty for the violation of the same” be and the same is hereby amended by striking out of said Section 1 the words “seperate or portions of cars out of by partition walls.” Also strike out the word “colored” after all and before passengers.~~

~~Section 2. — Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.~~

[Second sheet, folded inside bill.]

Strike out all after the enacting clause and insert the following

Sec 1 Be it enacted by the General Assembly of the State of Tennessee that all persons who purchase tickets and pay therefor first class passenger fares rates, shall be entitled to enter and occupy first class passenger cars, and it shall be the duty of all rail road Companies located and operated in this State to furnish such passengers accomodations *[sic]* equal in all respects in comfort and convenience ~~and subject to the same rules governing other first class cars~~ to the first class cars in the train and subject to the same rules governing other first class cars.

Sec 2 Be it further enacted that upon the failure of any rail road Company located or operating in this State, to have the provisions of this act strictly enforced by their Employer, such railroad Companies shall forfeit and pay the sum of ~~1000~~ 300 (~~one thousand~~ three hundred dollars) to be recovered before any Court having jurisdiction thereof, one half to go to the party aggrieved by such failure and the other half to the Common School fund.

Sec 3 Be it further enacted that the act approved on Apl 7 1881 Entitled “an act to prevent discrimination by rail road companies among persons who are charged and paying first class passenger fares and fixing penalties for the Violation of the same,” be so amended as to be in conformity with the provision of this act, and that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec 4 Be it further enacted that this act take effect ~~and be in foree~~ from and after the passage hereof, ~~the public welfare requiring it~~

[Torn strip of paper attached to bill, written on back]

Amend by striking out of one thousand. See the clause which provides that one half the penalty shall go to the party aggrieved.

[Torn strip of paper attached to bill, written on front]

Strike out \$1000 in 2nd Sec and insert \$300.00 H

Adopted

[Second torn strip of paper attached to bill]

Section 4—Be it further enacted That this act shall take effect three months from the day of its passage.

Adopted.

Minutes from Special Session re HB 1 – GA 42, ES ¾, 1882

1882: Legislative Session #42, Extra Session No. 3/4

May 5, 1882

Mr. [Norris] introduced **House Bill No. 1**, To amend an act entitled an act to prevent discrimination by railroad companies among passengers who are charged and pay first-class passage, and fixing penalty for the violation thereof.

May 10, 1882

House Bill No. 1, To amend an act entitled an act to prevent discrimination by railroad companies among passengers who are charged and pay first-class fare, and fixing penalty for violation of same.

Passed second reading and referred to the Judiciary Committee.

May 17, 1882

House Bill No. 1, To amend an act entitled an act to prevent discrimination by railroad companies among passengers who are charged and pay first-class fare, and fixing penalty for violation of same.

The Judiciary Committee recommended the following amendment: Strike out all after the enacting clause and insert the following:

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all persons who purchase tickets for first-class passenger rates shall be entitled to enter and occupy first-class passenger cars, and shall be the duty of all railroad passengers accommodations, equal in all respects in comfort and convenience to first-class cars in the train, and subject to the same rules governing other first-class cars.

Sec. 2. Be it further enacted that upon the failure of any railroad company located or operating in the State to have the provisions of this act strictly enforced by their employees, such railroad companies shall forfeit and pay the sum of \$1,000 (one thousand dollars), to be recovered before any court having jurisdiction thereof, one-half to go to the party aggrieved by such failure, and the other half to the common school fund.

Sec. 3. Be it further enacted, That the act approved on April 7th, 1881, entitled an act to prevent discrimination by railroad companies among persons charged, and paying first-class passenger fares, and fixing penalty for the violation of the same, be so amended as to be in conformity with the provisions of this act, and that all laws and parts of laws in conflict with provisions of this act be and the same are hereby repealed.

Sec. 4. Be it further enacted, That this act take effect and be in force from and after its passage, the public welfare requiring it.

Mr. Butler moved to strike out section 4 of the amendment, which prevailed.

Mr. Martin, of Weakley, offered the following amendment to the amendment:

Sec. 4. Be it further enacted, That this act shall take effect three months from the day of its passage, which was adopted.

Mr. Haynes offered the following amendment to the amendment: Strike out “one thousand” in section 2 and insert “two hundred and fifty.”

Mr. Cassels moved to lay the amendment on the table, which prevailed.

Mr. Haynes moved to amend the amendment by striking out “one thousand” in section 2 and inserting “three hundred,” which was adopted.

Mr. Kennedy offered the following amendment to the amendment: Amend by striking out that part giving one half of the penalty to the prosecutor, and let the entire penalty go to the public school fund.

Mr. Vernon moved to lay said amendment on the table, which was lost on a call of the ayes and noes . . . [Names are listed.]

Mr. Eaton demanded the previous question on the adoption of the amendment as amended, which was seconded, and the amendment as amended was adopted.

The bill as amended passed third reading by the following vote:

Representatives voting aye: . . . 52 [Boyd, Cassels, and Norris vote aye.]

Representatives voting no: . . . 11 [Sykes votes no.]

Mr. Norris moved to reconsider the vote passing the bill. On motion of Mr. Vernon, the motion to reconsider was laid on the table.