

Bills Introduced by 19<sup>th</sup> Century African American Legislators  
43<sup>rd</sup> General Assembly, 1883

**HB 12 – GA 43, 1883 (McElwee--Normal School education for blacks)**

[*On cover*]

House Bill No. 12

A Bill to be entitled an act to amend an act entitled an Act to provide for the establishment and to prescribe rules for the government of a State Normal School and schools

Passed and approved March 23<sup>rd</sup> 1875

P – 1. R Jany 5.

Com on Education & Common Schools

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Rec for rejection

P – 2. R. Jany 16

spo. Jany 23

spo Feby 13 – 11 a.m.

spo Feby 15 – 11 a.m.

Laid on table Feby 18

McElwee.

[*Inside fold, in the same elegant script as the bill*]

S. A. McAlwee [*note alternative spelling, probably written by clerk*]

[*Text*]

A Bill To be entitled an act to amend an act entitled “An Act to amend an act To provide for The establishment and to prescribe rules for the government [*sic*] of a State Normal School or schools passed and approved March 23<sup>rd</sup>, 1875.

**Sec 1<sup>st</sup>.** Be it enacted by The General Assembly of the State of Tennessee that The words “[\$10,000] ten Thousand dollars” be struck out of Sec, 2<sup>nd</sup> of an act passed April 5<sup>th</sup> 1881 and approved April 6<sup>th</sup>, 1881, and entitled “An Act to amend an act to provide for The establishment and to prescribe rules for the government [*sic*] of a State Normal School or schools, passed and approved March 23<sup>rd</sup> 1875,” and the words [\$15,000] fifteen Thousand dollars” be inserted instead thereof.

**Sec. 2<sup>nd</sup>.** Be it further enacted That the first clause of Sec., 4<sup>th</sup> of the aforesaid Act be so amended as to read “That [\$5000] five thousand dollars shall be annually entrusted to the State Board of Education to be expended for the higher and normal education of the children of Tennessee of African descent,” etc.

**Sec. 3<sup>rd</sup>.** Be it further enacted That this Act take effect from and after its passage, the public welfare requiring it.

**HB 34 – GA 43, 1883 (Howard—Repeals Chapter 130, 1875)**

[On cover]

House Bill No. 34

~~Leon Howard~~

A Bill to be entitled an “Act to repeal Chapter CXXX of the Acts of 1875, passed March 23<sup>rd</sup> and approved March 24 1875, etc.

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P—1—R Jany 5

Refer to Judiciary Com

Rec to ~~gen table~~ rejected

Head Chm [*James Marshall Head, Jr., was a Democrat representing Sumner County. A graduate of the Law Dept. of Harvard University, he practiced law in Gallatin and Nashville and served as editor of the Nashville American, president of the board of directors of the Tennessee Industrial School, and member of the board of the Tennessee Centennial Exposition.*]

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Laid on table Feby 13

Howard

[Text]

A Bill to be entitled, An Act to repeal Chapter CXXX of the Acts of 1875 passed March 23<sup>rd</sup> and approved March 24<sup>th</sup> 1875 and entitled “An Act to define the rights, duties and liabilities of inn-keepers, common carriers, and proprietors of places of public amusements.”

**Sec. 1<sup>st</sup>** Be it enacted by the General Assembly of the State of Tennessee, That an Act passed by the General Assembly March 23<sup>rd</sup> 1875, and entitled “An Act to define the rights, duties and liabilities of inn-keepers, common carriers, and proprietors of places of public amusements,” abrogating The rule of a common law giving a right of action to any person excluded from any hotel, or public means of transportation, or place of amusement” etc. in certain cases. be and the same is hereby repealed and that that part of the common law sought to be repealed is hereby reenacted.

**Sec. 2<sup>nd</sup>** Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

## **HB 129 – GA 43, 1883 (Howard-- Miscegenation)**

[On cover]

H B No 129

An act to repeal sect, 2437a & 2437b of Thompson & Stegers code of Tennessee and to Prohibit the carnal illicit and sexual intercourse of white persons with negroes, mulatoes or persons of mixed blood decended [sic] from the negro race.

P 1 Rdg Jany 10

Rec to be indefinitely postponed –

Head chm [*James Marshall Head, Jr., was a Democrat representing Sumner County. A graduate of the Law Dept. of Harvard University, he practiced law in Gallatin and Nashville and served as editor of the Nashville American, president of the board of directors of the Tennessee Industrial School, and member of the board of the Tennessee Centennial Exposition.*]

Indefinitely postponed

Feby 20

Howard

[Text]

An Act to repeal section 2437a and Section 2437b of Thompson & Steger's code of Tennessee and to prohibit the carnal, illicit and sexual intercourse of white persons ~~and~~ with negroes, mulatoes and person of mixed blood decended [sic] from the negro race.

**Section 1<sup>st</sup>** Be it enacted by the General Assembly of the State of Tennessee That section 2437a and Section 2437b of Thompson and Steger's code of Tennessee, be and the same is are hereby repealed.

**Section 2<sup>nd</sup>** Be it further enacted that ~~hereafter~~ the carnal, illicit and sexual intercourse of white persons with negroes, mulatoes ~~and~~ or persons of mixed blood descended from the negro race is hereby prohibited.

**Section 2<sup>rd</sup>** [sic] Be if further enacted that the persons violating the second section of this act, upon conviction thereof, shall undergo confinement in the penitentiary of the state for any period not less than one nor more than five years in the discription [sic] of the Jury trying the case.

**HB 298 – GA 43, 1883 (McElwee – To allow corporations to increase the number of members on their boards)**

[*On cover*]

H.B. No. 298

An act entitled an act to amend an act entitles an act to provide for the organization of corporations, passed March 19, 1875 & approved March 23, 1875

P – 1 – R- Jan. 22

P – 2 – R- March 1

P – 3 – R- March 15.

P Mh 19

IP Mh 20 corp

Rej Mh 23

III Mh 23

Rec for passage

Enrolled, Mch 23.

S. A. McAlwee

[*Text*]

H. B. No. 298.

An Act to amend an “Act to provide for the organization of corporations,” passed March 19<sup>th</sup> 1875 and approved March 23<sup>d</sup> 1875.

**Sec. 1** Be it enacted by the General Assembly of the State of Tennessee, that subsection 3<sup>rd</sup>. of section 2<sup>nd</sup>. of an act passed March 19<sup>th</sup> 1875 and approved March 23<sup>rd</sup>. 1875, entitled an act to provide for the orgaization [*sic*] of corporations be and the same is hereby amended so as to read, that the Board of Directors may have the power to increase the number of Directors to fifteen or eighteen if they deem the interest of the corporation requires such increase.

**HB 341 – GA 43, 1883 (McElwee—Regulates fees of sheriffs)**

[*On cover*]

HB 341

House bill No.

An act to regulate and fix the fees of Sheriffs  
and other collecting officers.

P—1—R Feby 7

Laid on the table Mch 1

Judiciary Committee

Bill to be laid on the table

Head Chm

S.A. McAlwee

[*Text*]

An Act to Regulate and fix the fees of sheriffs and other collecting officers.

Be it enacted by the general Assembly of the State, that hereafter it shall be lawful for any sheriff or other collecting officers of the State to collect his regular Commissions on all executions from any of the Courts of the State, including Magistrates Courts and other Courts of inferior jurisdiction, on the money due when the execution is issued, and goes into the hands of any Sheriff or other collecting officer from any of the Courts as above stated he, the plaintiff [*sic*], is thereby made liable for said officers commissions, and the officer may proceed to collect the same off the defendant in the execution or sue the plaintiff and receive the same from him—

Be it further enacted that it shall be lawful for any Sheriff or other collecting officer who executed a receipt for any note or account, or other evidence of indebtedness, receiving the same for collection, to receive from the plaintiff or creditor two dollars per hundred on all money collected by him without judgment, or collected on judgment without execution to be retained from the money collected, or if the plaintiff or creditor receives the money from his debtor after having placed the same in the hands of the officer for collection, he is thereby made liable for same, the creditor being liable in every instance for the commission where no excusion [*sic*] is issued.

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

**HB 493 – GA 43, 1883 (Howard, 1883 – Asst. Superintendent)**

[*On cover*]

H. B. No. 493

An act to provide for the appointment of an assistant superintendent of public Instruction

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P – 1 – R – Feby 15

P. 2. R. “ 21

~~Committee on Education and Common schools~~ Ed &CS

Recommended ~~for~~ to lie on the table

Howard

[*Text*]

An act to provide for the appointment of an Assistant superintendant [*sic*] of public instruction.

**Section 1** Be it enacted by the general Assembly of the state of Tennessee that the office of Assistant state superintendent of public instruction be and the Same is hereby created.

**Sec. 2** Be it further enacted that the assistant Superintendent of public instruction shall be appointed by the Governor. Shall be a colored citizen of African descent; and shall hold his office for the Term of two years dating from time of Appointment and shall receive for his services the Sum of twelve hundred dollars per annum to be paid quarterly out of the treasury of the State.

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

**HB 526 – GA 43, 1883 (McElwee—Requires equitable jury selection)**

[*On cover*]

H. B. No. 526

An Act to amend Section 4000 of the Code of Tennessee, and to affix a suitable penalty for wilfull and unjust discrimination in the selection of Jurors for the various Courts in this State.

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P—1—R. Feby 19

P. 2. R. “ 21

Committee Judiciary

Rec to be laid on the table

Head chm [*James Marshall Head, Jr., was a Democrat representing Sumner County. A graduate of the Law Dept. of Harvard University, he practiced law in Gallatin and Nashville and served as editor of the Nashville American, president of the board of directors of the Tennessee Industrial School, and member of the board of the Tennessee Centennial Exposition.*]

S. A. McAlwee

[*Text*]

An Act to amend Section 4000 of the Code of Tennessee, and to affix a suitable penalty for wilful and unjust discrimination in the selection of Jurors for the various Courts in this State.

Whereas in many counties in this State the Statutes relative to summoning Jurors is ignored or evaded, specially in regard to the summoning of colored citizens, the Sheriffs declining and refusing to summon colored persons, this being guilty of illegal and unjust discrimination against a race, who are struggling against adverse fortune, to rise to the dignity of true citizenship, but who are ignored as citizens in Every manner except when their roles are needed. And:

Whereas as at present administered, the law rendering colored men competent jurors is practically a dead letter : Therefore—

Be it enacted by the General Assembly of the State of Tennessee.

**Section 1.** That Section 4000 of Thompson & Stegers Code, be so amended as to make a willful neglect on the part of the Sheriff of the rules established for the Selection of Jurors a misdemeanor, for which upon conviction the Sheriff so offending shall be punished ~~by fine~~ for the first offense, by fine of not less than one hundred dollars nor more than Five hundred dollars at the discretion of the Court or Jury trying such offender. And for the second offense, shall forfeit his office, and be disqualified from holding office in the State of Tennessee for the period of ten years thereafter.

**Section 2.** Be it further enacted, That in all cases, Sheriffs in selecting jurors shall be controlled and governed by the estimation in which the citizens from whom the selection is to be made, are held by the community in which they live; Provided that such citizens possess [*sic*] the necessary qualifications of Jurors.

**Section 3.** Be it further enacted that the Sheriffs shall endeavor to make their selection of Jurors fall on all compitent [*sic*] persons alike.

**Section 4.** Be it further enacted, That the Grand Juries of this State shall have inquisitional power to investigate violations of this act, and may make presentments for all such violations without a prosecutor, And the Judges of the Circuit & Criminal Courts shall give this act in charge to their Grand Juries at each term of their respective Courts.

**Section 5.** Be it further Enacted, That this act take effect from and after its passage, the Public welfare requiring it.



**HB 556 – GA 43, 1883 (Howard—Penalizes discrimination)**

[On cover]

H. B. No. 556

An act to repeal so much of an act Entitled “An Act to define the Rights, duties and liability of Inn-Keepers, common Carriers, and proprietors of places of public amusement passed March 23<sup>d</sup> 1875 and approved March 24<sup>th</sup> 1875 as applies to common carriers and to provide a remedy for aggrieved parties.

P—1—Rdg Feby 20

P. 2. Rdg. Feby 21

Judiciary Committee

Return without recommendation

Head chm [*James Marshall Head, Jr., was a Democrat representing Sumner County. A graduate of the Law Dept. of Harvard University, he practiced law in Gallatin and Nashville and served as editor of the Nashville American, president of the board of directors of the Tennessee Industrial School, and member of the board of the Tennessee Centennial Exposition.*]

Howard

[Text]

An act to repeal so much of 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<sup>d</sup> 1875 and approved March 24<sup>th</sup> 1875 as applies to common carriers: and to provide a remedy for aggrieved parties.

**Section 1** Be it enacted by the general assembly of the State of Tennessee that so much of 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<sup>d</sup> 1875 and approved March 24<sup>th</sup> 1875 as applies to common Carriers be and the same is hereby repealed.

**Section 2** Be it further enacted that all common carriers or person engaged in running Carrs [*sic*] on any Rail Road, ~~or any steam Boat~~ or any kind of a Vehicle for the purpose of carrying passengers for pay be and they are hereby required to reseive [*sic*] all well behaved persons who apply for and pay for first class Carrs, ~~Steam Boats~~ or Vehicles as the case may be.

**Section 3** Be it further enacted that any person ~~so engaged as a C~~ or persons or corporations so engaged as Common Carriers who may make any distinction of persons who have paid first class fare except that separate apartments may be exclusively used Ladies and their attendants shall for such offense forfeit and pay the sum of Two hundred dollars to each party so aggrieved who will sue for the same in any Court having Jurisdiction in damage cases to that amount.

**Section 4** Be it further enacted that in case any person so aggrieved should bring suit in any Court of this state for the receiving of such penalty and shall by the proof in the case establish his or her right to a Recovery, said Court in which the suit may be brought shall render Judgement [*sic*] in favor of such plaintiffs for said amount of two hundred dollars as aforesaid as also for cost of suit.

~~**Sec 5** Be it further enacted that this act take effect from and after its passage the public welfare requiring it.~~

**Sec. 5** Be it further enacted that all laws and parts of laws or acts or parts of acts in conflict with this act be and the same are hereby repealed.

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

**HB 663 – GA 43, 1883 (Boyd—Penalizes discrimination by railroads)**

[*On cover*]

H. B. 663.

An Act to prevent discrimination by railroad Companies among passengers.

P. 1. R. Feb 27.

P. 2 R Mch 1

P. 3 R “ 24

P Mh 26

PP Mh 27

Boyd

[*Text*]

House Bill No 663

An act to prevent discrimination by railroad companies among passengers who are charged and pay first class passage and fixing penalty for violation of same.

**Sec 1.** Be it enacted by the General Assembly of the State of Tennessee, That all railroad companies located, and operated in this state shall furnish to all persons holding first class tickets and paying first class passenger rates of fare, first class cars.

**Sec 2.** Be it further enacted, that upon the failure of any rail road company operating in this state to have the provisions of this act strictly enforced by their employees, then such company shall forfeit and pay to the party aggrieved [*sic*] two hundred and fifty dollars, and all cost incident to the collection of the same, said sum to be recoverable before any court having jurisdiction thereof, Provided that the railroad corporations may comply with the provisions of this act, by furnishing seperate [*sic*] cars for different classes of passengers, and may and are hereby fully clothed with the power to set apart one car for the exclusive use of passengers, and another to another class, and to prevent any one of one class from entering the car set apart for another class.

**Sec 3.** Be it further enacted, that all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect from and after its passage the public welfare requiring it.

**HB 666 – GA 43, 1883 (Howard—Compulsory school attendance)**

[*On cover*]

House Bill No. 666

An act to regulate the attendance of  
children at the public Schools of the  
Taxing District of Shelby County

P—1—R Feby 28

P – 2 – R. Mch 1

Com. Education & School

Howard

[*Text*]

An Act relating to the attendance of children at the public schools of the taxing District of Shelby County.

**Sec. I** Be it enacted by the General Assembly of the State of Tenn that every person residing in the Taxing District of Shelby County having under his or her control a Child between the ages of eight & twelve years shall annually cause such Child to attend some public school in the Taxing District at least twelve weeks.

**Sec. II** Be it further enacted that for every neglect of such duty the party offending shall forfeit to the use of the public schools of the Taxing District a sum not less than five nor more than twenty Dollars.

**Sec. III** Be it further enacted that if the party so neglecting was not able by reason of poverty to send such Child to School or such child has attended a private school approved by the School Commissioners of said Taxing District for a like period of time or is regularly attending any private School also approved by them, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable the penalty before mentioned shall not be incurred [*sic*]

**Sec. IV** Be it futher [*sic*] enacted that it shall be the duty of the scool [*sic*] Commissioners of the Taxing District to inquire into all cases of neglect of the duty prescribed in the preceding section and ascertain [*sic*] the reasons if any therefor and said Commissioners or any one of them shall proceed in the name of the taxing District any person liable to the penalty provided for in this act.

**Sec. V** Be it further enacted that this act take effect in forty days after its passage the public welfare require [*sic*] it.

**HR 10 – GA 43, 1883 (McElwee—Provides payment to House staff)**

[*On cover*]

~~R~~ HR No 10

~~McAlwee S. A.~~

adopted Jany 5 —

Enrolled Jany 6<sup>th</sup> 1883

McElwee

[*Text*]

Whereas, Wm. B. Pickering, Principal Clerk, C.C. Plummer, Assistant Clerk, B. J. Headley assistant seargeant-at-arms [sic], J. A Sparrow Porter and Mureay Lewis Assistant Porter, of the House of the Forty-Second General Assembly, have been in attendance upon this House during the organization, for which they ought to be Compensated; therefore, be it Resolved by the House of Representatives, That they be allowed the regular pay per diem for their services, which shall be provided for in the general appropriation bill —

**HJR 59 – GA 43 (1883): (McElwee—Encourages fed. aid for education)**

[*On cover*]

House joint resolution No 59

Taken up under a suspension of the rules and adopted –

~~Me~~ Reconsidered Jany 16 –

Adopted Jany 16

Engrossed Jan. 16<sup>th</sup>.

[*Text*]

~~Whereas, the late last census discloses some very alarming facts in regard to the Educational status of our country, therefore,~~

Be it resolved by the General Assembly of Tenn. that we urge and request, our senators and representatives, in Congress to vote and use their influence, for the bill granting national aid for schools, to the different states in proportion to their illiteracy. Be it futher [*sic*] resolved that we request the Secretary of State to furnish at once our senators and representatives with a copy of this resolution —

**HJR 92 – GA 43, 1883 (Boyd—Offers a reward for a murder)**

[*On cover, copy 1*]

No 92

House Joint Resolution:

authorizing the governor to offer a reward for the apprehension [*sic*]  
and conviction of the murderer of Ephraim Grundy  
of Murfreesboro, Rutherford County Tennessee.

Taken up under a suspension of the rules -- & adopted – Feby 12

(Engross)

Engrossed Feb. 12<sup>th</sup>

J.W. Boyd

[*Text, copy 1*]

House Joint Resolution Authorizing the governor to offer a reward for the apprehension  
and conviction of the murderers of Ephraim Grundy of Rutherford County Tennessee.

Whereas on the 27 day of January 1883, in the town of Murfreesboro [*sic*] while quietly  
walking along the public streets in company with some colored ladies, one, a peacable  
[*sic*] colored man named Ephraim Grundy was foully murdered by two unknown white  
men, without cause or provocation. And whereas the perpetrators of the said foul  
murderers are still at large now therefore be it resolved by the General Assembly of the  
State of Tennessee, that the Governor is hereby authorize [*sic*] to offer a reward of one  
thousand Dollars for the apprehension and of said murderers to be appropriated out of  
any money in the treasury not otherwise appropriated for the apprehension and conviction  
of the men who committed the before mentioned foul murder.

[*On cover, Senate copy*]

H.J.R. No. 92.

Authorizing the Governor to offer a reward for the  
apprehension and conviction of the  
murderers of Ephraim Grundy  
of Murfreesboro, Rutherford, Tennessee.

Tabled Feby 13<sup>th</sup>

Rejected Feb 21

J.W. Boyd.

[Text]

H.J.R. No. 92

Authorizing the Governor to offer a reward for the apprehension and conviction of the murderers of Ephraim Grundy of Rutherford County Tennessee.

Whereas on the 27<sup>th</sup> day of January 1883, in the town of Murfreesboro, while quietly walking along the public streets in company with some colored ladies, one, a peacable [sic] colored man named Ephraim Grundy, was foully murdered by two unknown white men, without cause or provocation.

And whereas the perpetrators of the said foul murder are still at large, now therefore be it resolved by the General Assembly of the State of Tennessee, that the Governor is hereby authorized to offer a reward of ~~one thousand~~ Five Hundred dollars to be appropriated out of any money in the treasury not otherwise appropriated, for the apprehension and conviction of the men who committed the before mentioned foul murder.



**HJR 126 – GA 43, 1883 (Boyd—Prohibits convicts from farm work)**

[*On cover*]

HJR 126 \_\_  
House Joint Resolution  
In regard to releasing  
the Penitentiary

Rejected Mar 5

Boyd

[*Text*]

House Joint Resolution No  
In regard to releasing the Penitinary [*sic*]

Resolved by the General Assembly of Tennessee That in the event the ~~Penitentiary~~ is lease  
by this General Assembly the bill shall provide that the convicts shall not be allowed to  
work on farms.