

Bills Introduced by 19th Century African American Legislators
45th General Assembly, 1887

HB 5 – GA 45, 1887 (McElwee—Prohibits mob violence)

This bill is missing from the TSLA collection. It was in support of this bill that McElwee made his famous and passionate speech against lynching on February 22, 1887. The bill and a substitute offered by the Judiciary Committee were both laid on the table following a roll-call vote of 29-34.

HB 6 – GA 45, 1887 (McElwee—Regulates descent and distribution of estates in cases involving former slaves and their children)

[*On cover, Copy 1*]

Burney—

House Bill No. 6

A ~~Bill~~ Act to be Entitled An Act to amend
Article IV Chapter 4 of (M.&V.) Code of Tennessee
(Sec. 3285 to 3288) and to further regulate
the Descent and Distribution of Estates real & personal
in Certain Cases—

P.1.R Jany 7 JC

P—2—R. Jany 14 JC

Substitute bill for passage

Substitute HB 6

S. A. McElwee

[*Text, Copy 1*]

A Bill to be entitled An Act to amend Article IV of Chapter 4 of (M.&V.) Code of Tennessee (Sec. 3285 to 3288) And to further regulate the Descent and Distribution of Estates, Real and Personal, in Certain Cases—

Sec. 1 Be it enacted by the General Assembly of the State of Tennessee, That all persons born in slavery by slave parents (whether born in this state or out of it) shall inherit from said parents or either of them, as legitimate children now inherit by law in this State, and proof of marriage of the Parents shall not be necessary in such cases, but proof of recognition as his child by the reputed Father shall be sufficient evidence.

Sec. 2 Be it further enacted, That the foregoing section shall apply to the estates both real and Personal of all such former Slaves as have died or may hereafter die leaving property in the State.

Sec. 3 Be it further enacted, That this Act take effect from and after its passage the public welfare requiring it—

[*On cover, Copy 2 – substitute*]

Substitute for

HB 6

Recommd for Passage

P 1 R Jany 7

P 2 R “ 14

P 3 R Feb 24

Engrossed Feb 24th / 87

McElwee

[Text, Copy 2 – substitute]

An Act to amend the laws of decent [sic] and distribution, and to amend Sections 3285-3286-3287 & sec's 3288 of the revised code.

Be it enacted by the general assembly of the State of Tennessee that sec— 3285 of ~~the~~ revised Milliken & Vertrees Code be so ~~revised~~ amended as to include in its provisions [sic] persons of color who ~~having~~ have been living as man & wife in other states, and who may have moved to this state, and that sec. 3286, 3287-3288 of this code shall be applied to such persons and their issue whether born in this state or ~~otherwise~~ elsewhere.

[On cover, Copy 3 – Senate version]

H.B. No. 6

An Act to Amend the Laws of Descent and Distribution,
and to Amend Sections 3285, 3286, 3287, and 3288
of the Revised Code.

P_1_R_ Jan. 7th

P_2_R_ “ 14”

P_3_R_ Feb. 24”

P-1-R Feb 26

P-2-R Mch 3

J.C.

IIP “ 21

Enrolled March 22” 1887

Passage

[Text, Copy 3 – Senate version]

H.B. No. 6.

An act to amend the laws of descent and distribution, and to amend Sections 3285, 3286, 3287, and 3288 of the Revised Code.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That section 3285 of Miliken [sic] and Vertrees Code be so amended as to include in its provisions [sic] persons of color, who have been living as man and wife in other States, and who may have moved to this State; and that section 3286, 3287 and 3288 of Revised Code be applied to such persons and their issue whether born in this State or elsewhere.

HB 33 – GA 45, 1887 (Hutchins—Regulates contracts with attorneys)

[*On cover*]

HB No 33 —

An act to amend sections 2450 and 2451 of Chapt. 2 Art. 3 of Milliken and Vertrees code, regulating contracts between clients and attorneys —

P-1-R Jany 10

Judiciary Committee

P.2.R “ 14

Substitute adopted in lieu of this Feby 28

Williams of F

Rejected

S.L. Hutchins of Hamilton

[*Text*]

An act to amend sections 2450 and sections 2451 of Chapt. 2 Art. 3 of ~~Vertrees~~ Milliken and Vertrees code, regulating contracts between attorneys and clients.

Sec. 1 Be it enacted by the general assembly of of [sic] the state of Tennessee, that sections 2450 and 2451 of Chapt. 2 Art 3 of Milliken and Vertrees code, be so amended that any party plaintiff or intending to be plaintiff to any suit at law, or in equity may promise to pay or agree to give one half or less portion of money or thing in litigation upon the event of the suit, provided that any amount agreed upon which exceeds one half, shall make void such contract, and provided further that this act shall not be construed to extend ~~further~~ to other than client and attorney.

Sec. 2 Be it further enacted, that every such understanding, promise, or agreement (with the ~~exception~~ above exception as well as the exception contained in the ancient law) entered into between any practicing attorney or other person, and a plaintiff in any suit already brought or about, or afterwards to be brought shall be void and of no effect, and all laws and parts of laws in conflict with this act are hereby repealed.

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

HB 34 – GA 45, 1887 (Hutchins—Regulates activities of attorneys)

[*On cover*]

An act to prohibit practicing attorneys
from signing bonds becoming security for
in any suit at law or in equity.

HB 34

P-1-R Jany 10

Judiciary Committee

P @ R Jany 14

McCall

Rejected

Rejected Mch 1

S.L. Hutchins of Hamilton

[*Text*]

An act to prohibit practicing attorneys from signing bonds becoming security in any suit
at law or in equity.

Sec. Be it enacted [*sic*] by the general assembly of the state of Tennessee, that
it shall be unlawful for any practicing attorney to sign any bond or become security for
any party or parties litigant, in any suit at law or in equity, or who shall be charged with
any misdemeanor or other offense in violation of the laws of this state and every such
attorney who shall be guilty of violating [*sic*] this act shall be stricken from the list of
attorneys and shall pay a fine of one hundred dollars. ~~together.~~

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

HB 136 – GA 45, 1887 (Hutchins—Repeals Hamilton County poll tax)

[*On cover*]

H.B. No. 136.

An Act to repeal Sections 9 and 10
of Chapter 234 of the Acts of 1883.

P__ 1__ R_ Jan 12, 1887

P__ 2__ R_ “ 19, 1887.

P__ 3__ R_ Mch. 23, 1887

P Mch 24

PII “ 25

PIII “ 26

Enrolled Mch 26th

Hutchins

[*Text*]

An Act to repeal Sections 9 and 10 of chapter 234 of the Acts of 1883m entitled an Act to amend the charter of the City of Chattanooga, Tennessee and all Acts heretofore passed amendatory thereof.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, that Sections 9 and 10 of Chapter 234 of the Acts passed March 29- 1883 entitled An Act to amend the Charter of the city of Chattanooga, Tennessee, be and the same are hereby repealed.

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

HB 206 – GA 45, 1887 (McElwee—Adds language to Section 2490)

[*On cover*]

An act to amend section 5490 of M&V Code

House b No. 206

P 1 R Jany 18

P 2 R “ 19

JC

Recommended for passage

Thornbury

S.A. McElwee

[*Text*]

An act to amend section 5490 of M&V Code—

Be it enacted

by the General Assembly of the State of Tennessee that section 5490 of the code be amended so as to read after the word “shall” provided that the person, so disposing of the property, shall pay the cost in the suit—

Be it further enacted

that this act take effect from and after its passage the public welfare requiring it—

HB 360 – GA 45, 1887 (Gooden—Mileage for witnesses in court cases)

[*On cover*]

An act to amend Sec. 5299 of M & V Code*

No. HB 360
P 1 R Jany 25
P 2 R Feby 11
TWSM

To lie on table

M.W. Gooden

[*Text*]

An act to amend Sec 5299

M & V code

Be it enacted by the General Assembly of the State of Tennessee that section 5299 of the code be amended so as to read after the word “Per diem” and milage [sic] as witnesses in all State cases.”

*The Code of Tennessee : being a compilation of the statute laws of the state of Tennessee, of a general nature, in force June 1, 1884 / by W. A. Milliken and John J. Vertrees. Nashville, Tenn. : Marshall & Bruce, 1884.

HB 413 – GA 45, 1887 (Hutchins—Limits testimony of convicted felons)

[On cover, copy 1]

HB 413

An act to prevent persons from other states, ~~from testifying~~
convicted of crime from testifying in the courts of the state.

P 1 R Jan 28

P 2 R Feb 12

P 3 R Mch 10.

Judiciary Committee

passage

Engrossed 10th Mch.

S.L. Hutchins of Hamilton

[Text, copy 1]

An act to prevent persons convicted of crime in other state from testifying in the courts of this state.

Be it enacted by the general assembly of the state of Tennessee, that no person who shall have been convicted of any infamous crime in any other state shall hold any office of trust in this state, vote, or be competent to testify or give evidence in the courts of this state; a certified copy of the record of the court wherein such person shall have been convicted or a transcript thereof duly certified to by the judge of such court, whose signature shall be certified to as to its genuineness, by the clerk of such court thereto attached shall be sufficient evidence of the fact of conviction – Provided such person may be restored to citizenship – as though he had been convicted in this state—

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

Hutchins

[On cover, Senate copy of bill]

H.B. No. 413

An Act to Prevent Persons from other
States Convicted of Crime from Testifying
in the Courts of this State.

P—1—R—Jan. 28th

P—2—R—Feb. 12th

P—3—R—Mch. 10th

P Mch 11
IP “ 16
J.C.

Rejection

Hutchins

[Text, Senate copy of bill]

An Act to prevent persons convicted of crime in other States from testifying in the courts of this State.

Sec. 1 Be it enacted by the General Assembly of the State of Tennessee, That no person who shall have been convicted of any infamous crime in any other State shall hold any office of trust in this State, vote or be competent to testify and give evidence in the courts of this State; a certified copy of the record of the court wherein such person shall have been convicted, or a transcript thereof duly certified to by the judge of such court whose signature shall be certified to as to its genuineness by the clerk of such court with the seal of said court thereto attached shall be sufficient evidence of the fact of conviction; Provided, such person may be restored to citizenship, as though he had been convicted in this State.

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

HB 447 – GA 45, 1887 (Hutchins—Regulates prisons & workhouses)

[*On cover*]

H B 447

A bill to be entitled an act to regulate, govern,
work and confine convicts and distribute convicts
Sentenced to penal servitude in the penitentiary of this state
P1R Feby 9
P2R “ 12
~~Judiciary committee~~
Penn

Recommended for rejection by comt.

S. L. Hutchins of Hamilton County

[*Text*]

A bill to be entitled an act to regulate, govern, work and confine convicts and distribute convicts sentenced to penal servitude in the penitentiary of this State.

Sec. 1 Be it enacted by the general assembly of the state of Tennessee, that all convicts sentenced to penal servitude in the penitentiary of this State for the violation of the laws of this state, or who may after the passage of this act be sentenced to confinement at hard work in this state for any term of years, shall be imprisoned and confined in the county workhouse in any one or more of said counties, then it shall be the duty of the county court Judge of said county or counties, and justices thereof, to confine said convict in the county workhouse or workhouses of any other county or counties; provided, that all convicts sentenced to penal servitude in the penitentiary shall not be confined in the various county workhouses of this state for a longer period than ten years; but in no case shall convicts be carried beyond the limits of this state.

Sec. 2 Be it further enacted that all convicts confined as prescribed in the foregoing section of this act, in the various county workhouses of this state work out their respective terms of penal servitude at hard labor upon the public roads bridges and causeways of the counties aforementioned. But no convict shall work the public road who shall have been sentenced for a longer period than ten years; Such convicts as are or may be sentenced for a longer period than ten years, shall be confined within the walls of the penitentiary, to work at such trades, labor or industries as the general assembly shall provide by law, until the expiration of such term of service. And all convicts who shall be sentenced for a period less than ten years, shall work out their terms of service, for which they are or may be sentenced, upon the various public roads, bridges, and causeways of the counties of this state.

Sec. 3 Be it further enacted that this act shall in no event apply to convicts now leased or interfere with the present lease or Lessees of this state, but no convict shall be leased under the present lease, who may be sentenced [after] passage of this act; and at

the expiration of the terms of convicts farmed out to lessees, all convicts shall be remanded and returned within the prison walls of the penitentiary to work out their sentences as the law directs; provided, the counties from which said convicts, so remanded, were sentenced, shall pay the expenses of feeding, clothing, guarding etc, till their terms expire, but the state shall reimburse the counties for such expense from the proceeds of convict labor within the prison walls of the penitentiary.

Sec. 4 Be it further enacted, that the counties receiving the benefit of convict labor shall defray all expenses of medical aid feeding clothing, guarding etc of all convicts sentenced to county workhouses. Recapture, transportation, jail fees, etc shall be paid by the county or counties receiving the benefit of such labor.

Sec. 5 Be it further enacted, that the county courts of the various counties of this state, shall prescribe rules, regulations and discipline for the government and control of convicts and county workhouses, which shall be secure and substantial, and of adequate and sufficient strength and comfort to forestall escape and protect life and health of convicts confined within county workhouses. they shall have exclusive jurisdiction, over ofthe [*sic*] discipline, regulation, government and management of convicts and county work houses; and shall exercise inquisitorial power over the same.

Sec. 6 Be it further enacted, that it shall be the duty of the Judge of the county court and such Justices as the county court shall nominate to visit and inspect such workhouses as may be under their immediate care, and to bring up for the consideration of the county court such matters as need their attention.

Sec. 7 Be it further enacted that there shall be a county workhouse superintendent for each of the various county workhouses, who shall be chosen by the county courts of the counties of this state, who shall enter into and execute a bond for the faithful performance of their official duties, with two approved sureties in the sum of not less than ___ dollars nor more than ___ dollars, subject to the approval of the county court, who shall before approving said bond, require the sureties to justify; Said superintendents shall take and subscribe to an oath for the faithful performance of their official duties.

Sec. 8 Be it further enacted that any guard or other person having in his custody or under his care and control, any convict, who shall wilfully [*sic*] or negligently aid assist or suffer such convict to escape shall be guilty of a felony; and upon indictment and conviction in the circuit court having jurisdiction of the same shall be confined at hard labor for a term of not less than two years nor more than five years in the county workhouses of the county wherein said offense is committed.

Sec. 9 Be it further enacted than any guard or other person having in his custody, or under his care and control any convict or convicts, who shall maltreat, abuse or beat any convict or convicts, shall be guilty of a misdemeanor; and upon conviction of this offense, shall pay a fine of five hundred dollars, and be confined in the county workhouse at hard labor for a term of six months. Either or both of these penalties may be inflicted

at the discretion of the court trying the cause [*sic*]; but no justice of the peace shall try a said offense, except as a committing court.

Sec. 10 Be it further enacted that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 11 Be it further enacted that this act take effect from and after its passage the public welfare requiring it.

S. L. Hutchins

HB 765 – GA 45, 1887 (Gooden—Sets guidelines for fair elections)

This bill is missing from the TSLA collection.

HB 868 – GA 45, 1887 (Hutchins—Ownership of public animals)

[*On cover*]

An act to amend sec 2758 of Art. 4 of Milliken & Vertrees Code

HB 868

P1R Mch 15

Refer to Judiciary Committee —

S. L. Hutchins of Hamilton

[*Text*]

An act to amend sec. 2758 of Art. 4 of Milliken and Vertrees Code —

Be it enacted by the general assembly of the state of Tennessee that sec/ 2758 of Art. 4 of Milliken and Vertrees Code be so amend [*sic*] as to read as follows:

Any person keeping a stallion, jack, bull or boar for public use shall have a lien on the offspring of the same. provided that it shall be a misdemeanor for the owner or any other person to sell of dispose of said offspring before the expiration of the time prescribed by law, during which such lien is to be enforced, and any person guilty of this offense shall pay a fine of not less than twenty five nor more than fifty dollars —

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

Hutchins

HR 9 – GA 45, 1887 (McElwee—Provides payment to House staff)

[*On cover*]

House Resolution No. 9

Taken up under Suspension of rules
& adopted Jany. 7.

Enrolled Jan. 7th /87.

[*Text*]

Resolved by the House of Representatives, That the treasurer is hereby instructed and authorized to pay William E. Brown, N. T. Dulaney, and B.F. Jones, who acted as sergant-at-arms [*sic*] and assistant sergant-at-arms during the organization of the House, the sum of twenty four dollars each.

Be it further resolved that he be instructed to pay James Dawson, Phillip Rees the sum of eighteen dollars each and Frank Harris the sum of twenty one dollars for services rendered, as porters, during the organization of the House—

And that Wm. Trager and Henry Wood be paid six dollars each for services as porter for two nights each.

HR 10 – GA 45, 1887 (McElwee – Provides members with \$5 of stamps)

This bill is missing from the TSLA collection.

HR 37 – GA 45, 1887 (McElwee – Directs clerk to prepare a calendar)

[*On cover*]

37

House resolution No.

Adopted

Jan 18

Enroll

enrolled Jan. 18th 1887.

S.A. McElwee

[*Text*]

Resolved by the House of Representatives that the clerk be and is hereby directed to prepare and cause to be laid on the desk of each member of the House on every Monday morning a revised Calendar of the House showing the business [*sic*]—every resolution, bill, by whom introduced and the action of the House thereon.

HR 108 – GA 45, 1887 (Hutchins – Committee membership)

[*On cover*]

HR 108

Withdraw

Hutchins

[*Text*]

Resolved by the House of Representatives that Hon. S. A. McElwee of Haywood be added to the sub-committee to visit charitable institutions.

Hutchins

HR 126 – GA 45, 1887 (McElwee – Expresses gratitude for a concert)

[*On cover*]

House resolution
No ~~425~~ 126

Adopted Feby 18

Enrolled Feb. 18th 1887.

S.A. McElwee

[*Text*]

Whereas, the complimentary concert given last night by the Alliance Club to the Members of ~~the 45th General Assembly~~ of this body—was in every respect a success and very much enjoyed by those who were present, therefore

Be it resolved by the House of Representatives that ~~the thanks of this body is~~ we do hereby ~~tendered~~ our sincere thanks to the members of the Club for the very interesting and successful concert, and that it is the sense of this body that they deserve great credit for the advancement that they have made in music.

We cheerfully commend them to the favorable consideration of the public and bespeake for them a bright future—

HR 159 – GA 45, 1887 (Hutchins – Authorizes sale of railroad bonds)

This bill is missing from the TSLA collection.

**HJR 33 – GA 45, 1887 (McElwee—Commending the World’s
Exposition for Colored People in Birmingham, Alabama)**

[*On cover, Copy 1*]

33

House joint resolution No

Adopted Jany 12

engross

Engrossed Jan 12th 1887.

S. A. McElwee

[*Text, Copy 1*]

Whereas, There will be a World’s Exposition held by the Colored people of the U.S. at Birmingham, Ala. commencing Sept. 22nd 1887 and continuing four months for the purpose of illustrating the progress of the colored race by a display of works of art, live stock, field products, machinery, manufactures, and all other articles raised, fabricated, produced or owned by colored people, especially throughout the U.S. of America, and inclusive of the colored race in all parts of the World; and whereas This Exposition would advance the interest of the race ~~and tend~~ in many respects and would also redound to the interest of the whole country, therefore

Be it resolved by the General Assembly of the State of Tennessee that we commend the project to the favorable consideration of the public, as one fraught with great interest to the colored race and the country at large.

Be it further resolved that we request our senators and representatives in Congress to consider favorably any measure which may come before that body looking to the advancement of the Exposition by appropriation or otherwise—

Be it further resolved that the Secretary of State be ~~requested~~ directed to forward a copy of these resolutions to our members in Congress—

[*On cover, Copy 2*]

H.J.R. No. 33.

Relating to Worlds Exposition to be Held by the Colored Race.

Adopted Jan. 12th 1887

Concurred in Jan’y 14

Enrolled Jan. 18th 1887.

McElwee

[Text, Copy 2]

Whereas, There will be a World's Exposition held by the colored people of the United States, at Birmingham, Alabama, commencing Sept. 22nd 1887, and continuing four months, for the purpose of illustrating the progress of the colored race by a display of works of art, live stock, field products, machinery, manufacturies [*sic*], and all other articles raised, fabricated, produced or owned by colored people, especially throughout the United States of America, and inclusive of the colored race in all parts of the world; and

Whereas, This exposition would advance the interest of the race in many respects, and would also redound to the interest of the whole country; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That we commend the project to the favorable consideration of the public, as one fraught with great interest to the colored race and the country at large.

Be it further resolved, That we request our Senators and Representatives in Congress to consider favorably any measure which may come before that body looking to the advancement of the exposition by appropriation or otherwise.

Be it further resolved, That the Secretary of State be directed to forward a copy of these resolutions to our members in congress.

HJR 83 – GA 45, 1887 (McElwee—Relating to colored cadets)

[*On cover, Copy 1*]

HJR 83

House joint resolution No.

Ref Com on Ed & CS Jany 29,

Recommended for rejection

Adopted Mch 14

Cooper Chairman

Refd com on Ed & CS Feb 17.

Recommended [*sic*] again for rejection

Engrossed 14th Mch

S.A. McElwee

[*Text, Copy 1*]

Whereas, Colored Cadets are not received at the University of Tennessee and they cannot under our constitution be educated in the same schools and classes along with white cadets; and, Whereas, Fisk University, ~~Central Tennessee College, Roger Williams University~~ and Knoxville College are institutions established for the benefit [*sic*] of the Colored people of he State, and are located with reference to their convenience, therefore, Be it resolved by the General Assembly of the State of Tennessee that the trustees are directed and hereby instructed to pay to the Colored Cadets through the Presidents of either of these institutions the sum allowed cadets as tuition in the University of Tennessee.

Be it further resolved that the trustees of the University of Tennessee, in their biennial reports, to the Legislature be required to give the number of colored cadets in attendance upon these schools, the post office address of each and the name of the member of the legislature by whom appointed.

[*On cover, Copy 2*]

H.J.R. No. 83

Relating to Colored Cadets

Adopted March 14th 1887

Concurred in “ 19 1887

Enrolled 19th Mch.

McElwee.

[Text, Copy 2]

Whereas, colored cadets are not received at the University of Tennessee, and they cannot under our constitution be educated in the same schools and classes along with white cadets; and

Whereas, Fisk University and Knoxville College are institutions established for the benefit of the colored people of the State, and are located with reference to their convenience, therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Trustees of the University of Tennessee are directed and hereby instructed to pay to the colored cadets through the Presidents of either of these institutions the sum allowed cadets as tuition in the University of Tennessee.

Be it further resolved that the Trustees of the University of Tennessee, in their biennial reports to the Legislature, be required to give the number of colored cadets in attendance upon these schools, the post office address of each, and the name of the member of the Legislature by whom appointed.