Legislative Session #44, 1885-1886

Session convened 5 January 1885 Roll call: Hamilton County

Haywood County Shelby County Haynes, W. C. Hodge, T. H. Davis S. A. McElwee T. J. Brogan, G. E. Evans, W. A. Fields, S. H.

J. W. Vernon

Although **David F. Rivers** is listed in the *Biographical Directory of the Tennessee General Assembly, Volume II, 1861-1901*, as a member of the 1885 General Assembly, he appears nowhere in the House Journal for that year.

On Tuesday, 6 January, James A. Manson, Democrat from Hardeman County, was elected Speaker of the House on the first ballot. The election, while brief, was historic:

"The election of a permanent speaker being in order, Representative Haynes, of Madison, nominated Hon. J. A. Manson, of Hardeman.

"Representative Butler [*R. R. Butler, who had been a Republican Senator from* 1868-1875; Butler, a judge from Taylorsville, represented Carter, Johnson, Unicoi, Greene, Sullivan, and Washington Counties in the General Assembly – his biography does not appear in the <u>Biographical Directory</u>.] nominated Hon. S. A. McElwee, of Haywood, and the first ballot was taken, and resulted as follows:

"For Mr. Manson 60

" McElwee 32

" Trousdale 1

"Representatives voting for Mr. Manson:

"Messrs. Aimison, Allen, Anderson, of Sequatchie, Barnhill, Beddow, Binns, Blackburn, Bonner, Britton, Browning, Bullock, Burke, Carmack, Cockrill, Crunk, Cummins, Dobson, Dulaney, Erwin, Fielder, Fisk, Fowlkes, Gordon, Hales, Hancock, Haynes of Madison, Jackson, Johnson of Williamson, Keeton, Lamb, Lashlee, Lassiter, Lewis of Henry, Lewis of Stewart, Love, McCauley, McElwee, McSween, Miller, Munford, Murrell, Neal, Rogers, Rushing, Skelton, Solomon, Steele, Sugg, Taylor, Trousdale, Vaughan, Wade, Warfield, Warren, Weems, White, Willis, Yancey, Young of Putnam, and Young of Tipton. 60.

"Representatives voting for Mr. McElwee:

"Messrs. Anderson of Henderson, Bearden, Beaty, Brogan, Browder, Brown, Butler, Colwell, Evans of Roane, **Evans of Shelby**, **Fields**, Guthrie, Haggard, Haynes of Shelby, Hanna, **Hodge**, Hodges, Idol, Johnson of Davidson, McKinney, Morgan, Reed, Redmon, Revelle, Ruhm, Shipley, Sims, Smith, Thornburgh, Tyler, Vernon, and Wooten. 32.

"Representative voting for Mr. Trousdale:

"Mr. Manson. 1.

"Representative Manson having received a majority of all the votes cast, was declared duly and constitutionally elected Speaker of the House of Representatives."

Committee assignments:

- Greene E. Evans
 - o Education and Common Schools
- William A. Fields
 - o Federal Relations
 - o Internal Improvement
 - o Public Roads

• William C. Hodge

- Education and Common Schools
- o Military Affairs
- o Penitentiary
- Samuel A. McElwee
 - o Banks

Bills introduced by Greene E. Evans:

- 14 January: "By **Mr. Evans of Shelby, House Bill No. 99**, To amend the exemption laws. Passed first reading and referred to Judiciary Committee."
- 19 January: "By **Mr. Evans of Shelby, House Bill No. 156**, To amend the road law. Passed first reading, and referred to Committee on Public Roads."
- 29 January: "No. 99, To amend the exemption laws. Passed second reading."
- 14 February: "By **Mr. Evans of Shelby, House Bill No. 447**, To repeal the law in regard to passenger travel on railroads. Passed first reading."
- 16 February: "**No. 447**, To repeal an Act to prevent discrimination, etc. Passed second reading, and referred to Judiciary committee." No further references.
- 19 February: "By **Mr. Evans of Shelby, House Bill No. 514**, Providing for the appointment of an assistant State Superintendent of Public Instruction. Passed first reading."
- 20 February: "**House Bill No. 514**, Passed second reading, and referred to Committee on Education and Common Schools." No further references.
- 24 February: "By **Mr. Evans of Shelby, House Joint Resolution No. 108**, asking for the appointment of the Hon. Howell E. Jackson to a cabinet position. Lies over under the rule." [Howell Edmunds Jackson, a Whig/Democrat from Madison County, was elected to the 42nd General Assembly in 1881, but resigned in February to accept appointment to the U. S. Senate; in 1886 he resigned from the Senate to become the first judge of the 6th U. S. Circuit Court of Appeals in Cincinnati. In 1893 President Benjamin Harrison appointed him Associate Justice of the U. S. Supreme Court, but ill health forced him to retire in 1894. He died in Nashville the following year.]
- 25 February: "House Bill No. 99, was withdrawn by Mr. Evans, of Shelby, for amendment."
- 2 March: "House Bill No. 156, To amend the public road law. Laid on the table."
- 20 March: "House Bill No. 99, To amend the exemption laws.—Mr. Haynes, of Shelby, offered the following amendment: Strike out \$7.50 per week, and insert \$30.00.—Pending consideration, [a message was received from the Senate].— Consideration of House Bill No. 99, was resumed.—The amendment of Mr. Haynes, of Shelby, was rejected, and the bill was laid on the table."

Other legislative activity involving Greene E. Evans:

- 19 March: Evans signed onto a protest of a voting dispute with other members.
- 31 March: Evans offered an amendment to HB No. 661

Bills introduced by **William A. Fields**:

- 9 January: "**Mr. Fields** introduced **House Bill No. 31**, To amend section 4280 of Milliken & Vertrees' Code.—Passed first reading, and referred to Judiciary Committee."
- 15 January: "By **Mr. Fields, House Bill No. 119**, To require parents and guardians to send their children to school.—Passed first reading, and referred to Committee on Education and Common Schools."
- 19 January: "By **Mr. Fields, House Bill No. 151**, Requiring contractors, corporations and others who advertise for hands to pay according to advertisement.—Passed first reading, and referred to Judiciary Committee."
- 20 January: "**No. 31**, To amend section 4280 of the Code.—Passed second reading."
- 21 January: "By **Mr. Fields**, **House Bill No. 213**, To amend an Act passed April 4, 1881, relative to election judges being appointed from different political parties.—Passed first reading."
- 24 January: "House Bill No. 151 . . . Passed second reading."
- 24 January: "**House Bill No. 213** . . . Passed [second] reading, and referred to Committee on Elections."
- 28 January: "House Bill No. 31 . . . Laid on the table."
- 2 March: "House Bill No. 151, Requiring contractors and others to comply with their advertisements in advertising for hands.—Rejected."
- 3 March: "House Bill No. 119, To require parents and guardians to send children to school.—Laid on the table."
- 3 March: "Mr. Field [sic] withdrew House Bill No. 213 for amendment."
- 4 March: "Mr. Fields returned House Bill No. 213."
- 6 March: "House Bill No. 213, To amend the election law." [No outcome listed.]

Other legislative activity involving William A. Fields:

- Amendments offered, pp. 356, 404, 565, 715.
- Motion, p. 456.
- 19 March: Fields signed onto a protest of a voting dispute with other members.
- 7 April: "**Mr. Fields** submitted the following explanation: MR. SPEAKER—I submit the following explanation of my vote on Senate Bill No. 192, for the sale of the Hermitage property. While I believe we need institutions for training our unfortunate youth for the future citizenship of our State, I believe such institutions should be local, established by and located in counties of large populations, so as to meet the convenience of our youth convicted for misdemeanors, as well as for those convicted for higher crimes, and not a State institution. Believing as I do that in the near future that many of our counties will establish such institutions, I

therefore oppose any appropriation for the establishment of a State institution for such purpose. WM. A. FIELDS."

Bills introduced by William C. Hodge:

- 13 January: "By **Mr. Hodges** [*sic*], **House Bill No. 69**, To prohibit policemen or patrolmen from returning process.—Passed first reading and referred to Judiciary Committee."
- 19 January: "By **Mr. Hodge, House Bill No. 139,** To amend the road law of 1883.—Passed first reading, and referred to Committee on Public Roads."
- 19 January: "By **Mr. Hodge, House Bill No. 140**, To amend the road law.— Passed first reading, and referred to Committee on Public Roads."
- 19 January: "By **Mr. Hodge, House Bill No. 141**, To repeal the Act defining the rights, duties and liabilities of inn-keepers and others.—Passed first reading, and referred to Judiciary Committee."
- 20 January: "No. 69 . . . Passed second reading."
- 29 January: "No. 141 . . . Passed second reading."
- 23 February: "House Bill No. 69 was withdrawn by Mr. Hodge for amendment." No further references.
- 27 February: "House Bill No. 139, To amend the road law.—Laid on the table."
- 27 February: "House Bill No. 140, To amend the road law.—Laid on the table."
- 27 February: "**House Bill No. 141**, To repeal the law of 1875, relative to the rights and duties of common carriers, etc.—Rejected by the following vote: Ayes 20, Noes 49."
- 19 March: "By **Mr. Hodge, House Bill No. 655**, To license life insurance companies.—Passed first reading."
- 21 March: "House Bill No. 655, To license life and accident insurance companies.—Passed second reading, and referred to Judiciary Committee." No further references.

Other legislative activity involving **William C. Hodge**:

- Amendments offered, pp. 565, 686, 695, 705.
- 19 March: **Hodge** signed onto a protest of a voting dispute with other members.

Bills introduced by **Samuel A. McElwee**:

- 9 January "**Mr. McElwee** introduced **House Bill No. 13**, To provide for an insane asylum in West Tennessee. Passed first reading and referred to the Committee on Charitable Institutions."
- 9 January: "**Mr. McElwee** introduced **House Bill No. 34**, To amend section 3292 of Milliken & Vertrees' Code.—Passed first reading, and referred to Judiciary Committee."
- 9 January: "**Mr. McElwee** introduced **House Joint Resolution No. 9**, Requesting Representatives in Congress in regard to the Blair Bill.—Lies over."
- 13 January: "House Joint Resolution No. 9, Requesting our Representatives in Congress to vote for the Blair Educational Bill now pending in Congress. [Henry Blair, Republican Senator from New Hampshire, was the sponsor of the Blair

Education Bill, which would distribute \$77 million in federal funds to Southern states for use in public schools, proportionate to their illiteracy rates. The Senate passed the bill three times during the 1880s, but the House, under the control of the Democrats, never allowed the bill to come up for a vote. Support for the bill gradually eroded as opponents argued that Southerners, both black and white, were moving closer to literacy. In 1890 the bill failed in the Senate.]—Mr. Carmack moved to lay the resolution on the table.—Upon which motion the ayes and noes were called and the motion to table failed by the following vote: Ayes 43, Noes 49. [Names are listed.]. . . Mr. Munford moved that the resolution under consideration be indefinitely postponed, upon which motion the ayes and noes were demanded, and the motion prevailed by the following vote: Ayes 51, Noes 42. [Names are listed.]-Mr. Johnson, of Williamson, made the following explanation of his vote: MR. SPEAKER-I vote to postpone this question, not as the enemy of popular education, but as its friend. I believe the Blair Bill in congress is unconstitutional, and has been so declared by the best legal lights in the United States. THOS. B. JOHNSON."

- 14 January: "By **Mr. McElwee**, **House Bill No. 96**, To amend Sec. 5299 of Milliken & Vertrees' Code.—Passed first reading and referred to Judiciary Committee."
- 20 January: "**No. 13**, To provide for the erection of an Insane Asylum in West Tennessee.—Passed second reading."
- 20 January: "**No. 34**, To repeal section 3292 of the Code.—Passed second reading."
- 20 January: "**No. 96**, To amend section 5299 of the Code.—Passed second reading."
- 24 January: "**House Bill No. 13**, To provide for the erection of an insane asylum in West Tennessee.—Made the special order for Thursday, January 29, 1885, at 11 o'clock a.m."
- 29 January: "The special order for this hour, **House Bill No. 13**, To provide for the erection of an insane asylum in West Tennessee, was taken up.—Mr. Wade moved to amend by striking out the words, 'near Jackson,' and insert the words, some suitable location in West Tennessee.—Which was adopted.—Mr. Butler, moved to amend the amendment by inserting the words, to be selected by the Commissioners.—Agreed to.—And the bill, as amended, passed third reading by the following vote: Ayes 66, Noes 21.—A motion to reconsider the bill was laid on the table."
- 11 February: "House Bill No. 34, To repeal section 3292 of the Code.— Rejected."
- 6 March: "House Bill No. 34 was made the special order for March 10th, at 10 o'clock a.m., and 200 copies were ordered printed for the use of the House." [*Note: This entry is in error—the bill taken up on 10 March was House Bill No. 341, To regulate the practice of medicine and surgery.*"]
- 17 February: "By unanimous consent, **Mr. McElwee** introduced **House Resolution No. 88**, To appoint a committee to investigate the condition of admittance of colored students at Knoxville.—The rules were suspended, and the

resolution was taken up and referred to Committee on Education and Common Schools."

- 18 February: "By Mr. McElwee, House Bill No. 495, To protect married women and their children.—Passed first reading."
- 18 February: "House Resolution No. 88, To appoint a committee to investigate certain matters concerning the University at Knoxville."—Mr. Crunk moved to amend it by making it the duty of the special committee already appointed to make the investigation.—Which was agreed to.—And the resolution, as amended, was adopted."
- 20 February: "House Bill No. 495, To protect married women and their children."—Passed second reading, and referred to Judiciary Committee."
- 21 February: "By **Mr. McElwee, House Bill No. 539**, To foster and encourage savings among the laboring classes.—Passed first reading."
- 25 February: "**House Bill No. 539** . . . Passed second reading, and referred to Committee on Finance, Ways and Means." No further references.
- 25 February: "House Bill No. 96 . . . Laid on the table."
- 28 February: "House Bills Nos. 436 and **495** were withdrawn."
- 4 April: "By unanimous consent, **Mr. McElwee** introduced **House Joint Resolution No. 151**, Relative to the colored cadets to the State University at Knoxville.—The resolution was taken up. . . Mr. Steele moved to amend as follows, provided that the white cadets shall have the same opportunity of going where they please, to be paid for, as provided for the colored cadets in this resolution.—Tabled.—Mr. Cockrill moved to amend so as to allow the cadets to attend Fisk University at Nashville.—Adopted.—The resolution was then adopted."

Other legislative activity involving **Samuel A. McElwee**:

- Amendment offered, p. 404.
- 19 March: Fields signed onto a protest of a voting dispute with other members.