

**ACTS OF THE STATE OF
TENNESSEE. PASSED BY THE
CALLED SESSION OF THE 41ST
GENERAL ASSEMBLY, 1879**

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Acts of the state of Tennessee. Passed by the called session of the 41st General Assembly, 1879
by Various

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VARIOUS

**ACTS OF THE STATE OF
TENNESSEE. PASSED BY THE
CALLED SESSION OF THE 41ST
GENERAL ASSEMBLY, 1879**

Tennessee Acts
ACTS

OF THE

STATE OF TENNESSEE,

PASSED BY THE CALLED SESSION OF THE

FORTY-FIRST GENERAL ASSEMBLY,

1879.

PUBLISHED BY AUTHORITY.

NASHVILLE, TENN.:
TAVEL, EASTMAN & HOWELL, PRINTERS TO THE STATE.
1880.

EXECUTIVE PROCLAMATION.

WHEREAS, During the present year, Yellow Fever, in epidemic form, has again scourged Memphis, entailing great loss of life, destroying capital, paralyzing trade, and seriously impairing the general prosperity, and imperiling the public health of the entire State; and

WHEREAS, Medical and sanitary experts of the highest standing, after a personal inspection, have reported officially to the local government of Memphis that certain sanitary improvements are essentially necessary to exempt Memphis from a return of the pestilence; and

WHEREAS, By an Act of the Legislature, approved January 31st, 1879, the Charter of Memphis was repealed; and

WHEREAS, It is further provided in said Act that all power of taxation in any form whatever theretofore vested in the municipal government of Memphis, "is forever withdrawn and reserved to the Legislature;" and

WHEREAS, By an Act of the Legislature, approved the 31st of January, 1879, and amended by an Act approved March 13th, 1879, an annual tax of 50 cents on the \$100 was levied upon all taxable property within the territorial limits of the extinct corporation of the City of Memphis, and also, a tax on privileges equal to one-half of the tax imposed on privileges for State purposes, "for the repair and paving of streets and bridges, and construction of sewers, drains and sanitary purposes;" and,

WHEREAS, It has been reported to me by the local government of Memphis that the amount of the tax so levied is inadequate to defray the expenses of the sanitary improvements declared to be necessary to protect Memphis against a return of Yellow Fever, and alleging that it will require an additional levy of not exceeding one per cent. on the \$100, to be levied and paid on the 1st of Feb-

ruary, 1880, and one per cent. on the \$100, to be levied and paid on the 1st of December, 1880; and

WHEREAS, There are other subjects of legislation affecting the public interests requiring legislation.

Now, therefore, by virtue of the power and authority in vested by Section 9 of Article III of the Constitution of the State, I, Albert S. Marks, Governor of the State of Tennessee, do, by this Proclamation, convene the General Assembly of Tennessee in Extraordinary Session, in the Capitol, at Nashville, on Tuesday, the 16th day of December, 1879, at the hour of 12 o'clock, m., and when assembled, they will enter upon the following Legislative business, to wit:

1st. To so amend an Act passed March 12th, 1879, and approved March 13th, 1879, entitled, "An Act to amend An Act, entitled An Act to establish Taxing Districts in this State, and to provide the means of local government for the same," passed January 29th, 1879, and approved January 31st, 1879, as to levy an additional tax, not exceeding one per cent. upon the \$100, upon all the property in the territorial limits of the extinct corporation of the city of Memphis, to be paid on the 1st day of February, 1880, and to be expended in the territorial limits of the extinct corporation of the city of Memphis, "for the repair and paving of the streets and bridges, and construction of sewers, drains, and sanitary purposes;" and an additional levy of not exceeding one per cent. on the \$100, for the same purposes, to be paid on the 1st day of December, 1880.

2nd. If necessary for the sanitary improvement of said city, to increase the tax on privileges within the limits of said extinct corporation, not to exceed the ratio of increase of the tax on property.

3d. To clothe the local government of Memphis with appropriate powers to enable it to construct the necessary sanitary improvements.

4th. To clothe the local government of Memphis with the further power to fix maximum water rates with water companies for the supply of the city and its inhabitants with water.

5th. To amend the charter of any one or more of the cities or towns in the State, where such amendment is necessary, to enable such city or town to enforce proper sanitary regulations, and if necessary for that purpose to enlarge or restrict the territorial limits

of any city or town, but no amendment to be made authorizing the creation of a public debt by any such city or town.

6th. To so amend sections 4849, 4850 and 4851 of the Code of Tennessee as to make the crimes of "violating graves and dead bodies" felonies instead of misdemeanors.

7th. To enact such legislation as may be necessary, to enable the Memphis, Paducah and Northern Railroad Company to raise the means necessary for the construction and equipment of its road,

In testimony whereof, I have hereunto set my hand, and caused the great seal of the State to be affixed at the Executive Department, at Nashville, on this, the 6th day of December, 1879.

[SEAL.]

ALBERT S. MARKS,

Governor.

CHAS. N. GIBBS,

Secretary of State.

GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Representatives:

At your last regular session the charter of the city of Memphis was repealed, and a local government for its inhabitants provided. The reasons which prompted you to repeal its charter compelled you to withhold from the new government the faculty of taxation. To supply the necessary means for its support, a special tax, amply adequate for ordinary municipal purposes, was levied, and the local government charged with its disbursement, which trust it has discharged with unusual fidelity.

The appearance of yellow fever at Memphis, in 1878, was believed to be no more than an accidental visitation, but its recurrence in 1879 indicates the possibility of its permanent domestication. This possibility suggests consequences of the most interesting character, both to Memphis and to the State, and while this possible danger continues, whether the danger is imminent or remote, it is an obvious duty imposed both by policy and humanity to employ all proper means to remove it. It is apparent that if Memphis can not have immunity from yellow fever, she must surrender her vast commerce to her enterprising rivals, and when lost it will be difficult to regain. Such a result would prove a serious blow to the State, since the rapidly augmenting wealth of Memphis, drawn mainly from her commerce from other States, is one of the most fruitful sources of revenue to the State.

Upon other obvious grounds, the entire State is profoundly interested in exempting Memphis from a return of yellow fever. It is an ascertained fact that when yellow fever prevails in Memphis, other cities and towns in the State are endangered, and when the fever assails them, a great loss of life ensues, and if they escape it the fear of its approach paralyzes every branch of business. Prompted by the gravity of the interests involved, the local gov-

ernment of Memphis, in conjunction with a committee raised by a mass meeting of citizens by a formal petition, which is herewith presented for your information, requested the Executive to convene you in extraordinary session, to the end that Memphis be afforded an opportunity to protect herself.

Believing the emergency justified it, and regarding the desired legislation as proper, the prayer of the petitioners was therefore granted. The legislation asked for, as will be seen from the petition, involves no new principle. At your last session you levied a similar tax, and since that time our Supreme Court has declared the law to be constitutional.

In addition to this legislation it will be proper to clothe the local government of Memphis with such additional powers as may be necessary for the construction of the proposed sanitary improvements, and also the power to stipulate water rates for the city and its inhabitants.

The Executive has been advised by the Mayor and the Sanitary Board of the city of Nashville, that further legislation is necessary to enable the municipal authorities of this city to place it in proper sanitary condition, and for the purpose of securing such legislation the matter was embraced in the Executive proclamation, and is now called to your attention.

The mild punishment inflicted by our laws for "violating graves and dead bodies," has made the graveyards of our State the source of supply of dead bodies for scientific purposes, not only in the medical colleges of this State, but also the medical colleges of other States, where the penalties for such offenses are more severe. This inhuman traffic will continue to increase until it is restrained by penalties adequate to the offense. This subject is, therefore, called to your attention.

The attention of the Executive was called to the fact that it is a matter of importance to the several counties in West Tennessee through which the Memphis, Paducah and Northern Railroad is located, that such legislation be had as may be necessary to enable the company owning the road to raise the means for its completion and equipment. The subject is submitted to you for such legislation as you may deem appropriate.

ALBERT S. MARKS,

Governor.

NASHVILLE, December 16th, 1879.

The following is the petition referred to by the Governor in his message :

MEMPHIS, TENN., Dec. 3, 1879.

To His Excellency, Governor A. S. Marks, Nashville, Tenn.:

The undersigned citizens of Memphis, including members of the Legislative Council of the Taxing District, would respectfully state, that in view of recent epidemics in our city, and a general desire to improve the sanitary condition, and, if possible, avert future epidemics, and promote the general health a mass-meeting, duly advertised in the city press, was held on the bluff, on the evening of the 15th ult. The meeting was large in numbers, and represented all the substantial classes and the general sense of the community. Addresses were made by Dr. Bell, of New York, an eminent sanitarian, and a member of the National Board of Health, and by a number of our own citizens. A committee, appointed by the chairman, submitted the following report, which was adopted without objection :

Resolved by the people of Memphis, in Mass-meeting assembled, That we respectfully, but most earnestly, appeal to his Excellency, the Governor, to call together, at the earliest practical moment, the Legislature of the State, for the purpose of enacting such laws as will enable us to carry into operation those measures of sanitary reform which may be practicable and most conducive to the future good health of our city ; be it

Resolved further, That we do not regard such legislation as local in its character, but as in the largest sense affecting the property, happiness and lives of all the citizens of the commonwealth, and we therefore appeal to them by every tie of kinship, sentiment of humanity, and feeling of common interest, to join with us in invoking a call of the General Assembly in special session, for the purpose aforesaid.

COLTON GREENE,
LUKE E. WRIGHT,
F. S. DAVIS,
MINOR MERIWETHER,
DR. E. MILES WILLETT,
JOHN JOHNSON,
C. W. GOWER,
ELIAS LOWENSTEIN,

JOHN GUNN,
J. R. GOODWIN,
W. P. PROUDFIT,
WM. R. MOORE,
G. W. MACRAE,
A. S. LIVERMORE,
R. B. SNOWDEN,
HON. JOHN M. LEA,

of Nashville.

DAVID P. HADDEN, *Chm'n Mass Meeting.*

Also signed by the Legislative Council Committee.