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Private Acts of 1917 Chapter 153

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Private Acts of 1917 Chapter 153

SECTION 1. That a special school district, be and the same is hereby created and established, which shall be included within the following boundaries: Bounded on the North by the Weakley-Gibson County Line; Bounded on the East by the Carroll-Gibson County Line from the Weakley County Line south to the point where the Flippin School House Road intersects the said county line; runs thence Northwesterly to the Poplar Springs Road; runs thence Southwesterly with the Poplar Springs Road to the Horrace Burress Road; runs thence Westerly with Horrace Burress Road to the old Meridian Line Road also known as Old Bullington Road; runs thence Northerly with Old Meridian Line Road, also known as Old Bullington Road to Idlewild Holly Leaf Road; runs thence Westerly with Idlewild Holly Leaf Road to gravel road that runs from Idlewild Holly Leaf Road to Gann Road; runs thence Southwesterly with said gravel road to the Gann Road; runs thence Southerly with Gann Road to Herbert Neal Road; thence Westerly with Herbert Neal Road to Willie T. Crocker Road; thence Westerly with Willie T. Crocker Road to Walnut Grove Road; thence South with Walnut Grove Road to Robert Crocker Road; thence West with Robert Crocker Road to Harmond Road; thence West with Harmond Road to U.S. Highway 45 thence southerly down Highway 45 to center of Rutherford Fork of Obion River at the Highway Bridge; thence Westerly with center of said river to bridge at Jack Connell Road; thence South with Jack Connell Road to Bobby Burress Road; thence South with Bobby Burress Road to Herdlow Road; thence Southwesterly with the Herdlow Road to Trenton-Concord-Cades Road; runs thence Westerly with Trenton-Concord-Cades Road to Esquire White Road; thence Northwest along Esquire White Road to Vaughns Grove Road; thence East and North along Vaughns Grove Road to the Laneview Concord Road; thence Northwest along the Laneview-Concord Road to the Clarence Campbell Road; thence North along the Clarence Campbell Road to the Laneview-Concord Road; thence West along the Laneview-Concord Road to the intersection of that road and State Highway 54 and Neal Kinsey Roads; thence Northwest then North along Neal Kinsey Road to Poplar Grove Road; thence West along Poplar Grove Road approximately six-tenths of a mile to a road connecting Poplar Grove Road and the Stringtown Road Loop; thence North along such road to the Stringtown Road; thence North, East and South around the Stringtown Road Loop; thence East along Stringtovm Road to Old State Route 5 Road (FAS 8080), to the Jim E. Taylor Road; thence West along Jim E. Taylor Road to Keely Mill Road (FAS 8179); thence North along Keely Mill Road (FAS 8179) to State Highway 105 at Good Luck; thence East along State Route 105 to the point where the 14th Civil District line in Gibson County, Tennessee intersects State Route 105; thence North, West and North with the 14th Civil District lien [sic] to the Weakley County line.

As amended by:

Private Acts of 1947, Chapter 707
 Private Acts of 1974, Chapter 371
 Private Acts of 1975, Chapter 176
 Private Acts of 1975, Chapter 167
 Private Acts of 1981, Chapter 124

SECTION 2. That the governing body of said Bradford Special School District shall be a Board of Trustees, known as: "Board of Trustees of Bradford Special School District", which shall be composed of six members, who shall hold office for six years except as hereinafter provided, and until their successors are elected and qualified. A person to be eligible for membership on said Board of Trustees, shall be at least, thirty years old; a freeholder, or householder within the bounds of the district; a resident and qualified voter in the district; a person of good moral character; and must have at least, a common school education; and must have resided in the district, at least one year before the day of election or appointment.

The Board of Trustees shall be elected by the qualified voters of the district at the election in which the Sheriff and other county officers of Gibson County, Tennessee are elected; and any person qualified to vote for county officers in such election shall be qualified to vote for members of said Board of Trustees. The first election for members of said Board of Trustees shall be the first Thursday in August, 1918, at which election, two members shall be elected; who shall hold office for two years from the Monday next following said election, and until their successors are elected and qualified; two members shall be elected who shall hold office for four years from the Monday next following said election and until their successors are elected and qualified; and two members shall be elected, who shall hold office for six years from the Monday next following said election, and until their successors are elected and qualified; the Monday next following an election, being the day hereby fixed for the term of office, of members of the Board of Trustees to begin at each biennial election thereafter, two of said Board shall be elected.

E. A. Hays, H. L. Meadows, J. N. Alexander, C. R. Davidson, W. C. Nevil and Irby C. Boone, are hereby appointed and constituted the first Board of Trustees of Bradford Special School District and they shall hold office until their successors are elected and qualified as herein provided, they being eligible under the provisions of this section.

Said Board of Trustees herein appointed, and their successors in office, constituting the Board of Trustees of Bradford Special School District, shall be and they are hereby made, a body politic and corporate, and in said name can sue and be sued; plead and be impleaded; and have continual succession for the purposes designated and provided in this Act. A majority of the members shall constitute a quorum for the transaction of all business. If a vacancy occurs in the Board, the remaining members shall appoint some one to fill the unexpired term, the person appointed to have the qualifications prescribed in this Act, and the members of the Board, as such, shall not receive compensation but as officers of the Board, shall have the compensation hereinafter provided.

SECTION 3. The officers of the Board of Trustees shall be a President, Clerk, and Treasurer. They shall be elected by the Board of Trustees, from their membership, at the first regular meeting after each biennial election in such way as the Board shall determine; and shall hold office for two years, and until their successors are elected and qualified.

It shall be the duty of the President to preside over all meetings of the Board of Trustees; to call special meetings, when he deems it expedient, or when called upon to do so by three members of the Board and give notice of such meetings, to countersign all orders or warrants drawn by the Clerk upon the Trustee of Gibson County, Tennessee, or the Treasurer of the Board of Trustees and do such other reasonable things as the Board of Trustees shall require.

It shall be the duty of the Clerk of the Board of Trustees to keep a correct record of all the meetings, and business transactions of the Board of Trustees; in a suitable minute book; to attend to the correspondence of the Board; to draw and sign all warrants, or orders drawn upon the Trustee of Gibson County, or the Treasurer of the Board of Trustees for all payments ordered by the Board of Trustees, and to keep a true record of the same in a suitable book, showing in whose favor drawn, for what purpose, and the date and amount to take, or cause to be taken, during the month of July in each year, a true enumeration of the scholastic population of the district, and report the same to the Superintendent of Schools of Gibson County, and the Trustee of Gibson County, by the first day of August in each year, using the forms prescribed and used by the State school authorities; to make a report, annually, to the Board of Trustees, at the last meeting of the Board in July of each year, showing in detail, the disbursements of the year, and record the same on the minutes when approved by the Board; to turn over all books and papers of his office to his successor; and so such other reasonable things as the Board of Trustees shall require; as compensation, the Clerk shall annually, receive two cents per capita for the scholastic population enumerated that year which shall be paid, as other debts against the district.

It shall be the duty of the Treasurer of the Board of Trustees to collect all money belonging to the district except such as goes into the hands of the Trustee of Gibson County under the general school law, and under this Act, and safely keep and properly disburse the same; to keep an accurate account of all receipts and disbursements, in a suitable book; to pay out money only on an order or warrant signed by the Clerk of the Board of Trustees, and countersigned by the President of the same; to preserve all warrants and orders paid until his annual report, hereinafter provided for, is passed upon and approved by the Board of Trustees; to make an annual report to the Board of Trustees, at the last meeting of the Board, in July of each year, showing the receipts and disbursements and turn the same over to the Clerk to be recorded on the minutes, when approved by the Board of Trustees; to turn over to his successor in office all books and papers of his office and all money in his hands; to make a bond to fully cover the funds that come into his hands, the amount to be fixed by the Board of Trustees; said bond to be payable to the State of Tennessee, for the use and benefit of Bradford Special School District, conditioned for the faithful performance of all his duties, the same to be approved by the Board of Trustees, and filed with the Clerk of the Board as custodian, and spread upon the minutes of the Board. As compensation, the Treasurer shall receive one per cent upon the funds received and disbursed by him, but not on the funds turned over to his successor, the same to be paid as other debts, against the district.

SECTION 4. That immediately after this Act takes effect, the persons named in this Act, to constitute the first Board of Trustees shall meet and organize by electing a President, a Clerk, and a Treasurer, who shall hold office until the Monday next following the first Thursday in April, 1918, and until their successors are elected and qualified; and thereafter, the Board of Trustees shall elect these officers at a meeting held on the Monday next following the election. The Clerk elected shall immediately take or cause to be taken the enumeration of scholastic population and file the same with the County Superintendent of Schools and the Trustee of the county.

SECTION 5. That the other powers and duties of the Board of Trustees of Bradford Special School District shall be as follows:

1. To make, from time to time, such by-laws, rules and regulations, consistent with the constitution and the laws of the State, as they deem proper and expedient, for carrying into effect the objects and purposes for which the Board was created.

2. To establish and maintain a high school at Bradford in said district, in which shall be taught all the branches now prescribed to be taught in the elementary and high schools of the State or that may hereafter be prescribed for such schools; and in addition, if they deem it best, provide to have taught a commercial or business course; and a higher course to prepare pupils for entering a university.

3. To purchase and hold such real estate as is needed or proper for all school purposes; to erect school buildings and enlarge school buildings when necessary; to purchase and hold all other needed school property; to keep the school buildings and grounds in sanitary condition, and ornament or beautify same; and do such other things touching the buildings, grounds and other property, as, in their judgment, will best serve and promote the school district; to receive and hold all property or money donated in any way for school purposes. They shall take the title of all real estate purchased or given in the name of "Board of Trustees of Bradford Special School District", and they shall hold in trust all property real and personal, within the bounds of the district. The County Board of Education shall have power and are hereby authorized to invest the money derived from the Special School Tax, levied and collected in said District, in building and equipping a gymnasium in the city of Bradford, Tennessee, and paying off any indebtedness that may [sic] or is outstanding against the Bradford School by issuing warrants against said Bradford Special School District Fund, said warrants to bear not more than 6% interest until retired.

"The Special School Tax" money collected in said district shall be used for no other purpose other than building and equipping a gymnasium and paying the now existing indebtedness against said school, until all shall have been paid for, then it shall revert back to the regular school fund of said school as provided in Chapter 153, Private Acts of Tennessee, for the year 1917.

As amended by: Private Acts of 1929 (Ex. Sess.), Chapter 78.

4. To dispose of any or all property in the district, either by public or private sale, when, in their judgment, the best interest of the district will be promoted, and apply the proceeds in such way as will best serve the interest of the district. In the sale of real estate the deed conveying the same shall be signed: "Board of Trustees, Bradford Special School District," by either the President or Clerk of the Board, and for same shall be acknowledged in the same way, as provided by law for the acknowledgement of deeds by private corporations; but no property shall be sold until a motion or resolution directing the sale has been passed by the Board of Trustees and spread upon the minutes.

5. To employ a competent principal, and as many competent teachers for the various grades and departments of the school as needed; fix the salaries of the same; and assign them to the grades and departments; and for lawful reasons discharge them; but they shall not employ teachers for said positions and grades, who have not the acquirements and certificates, required by the school law of the State for like positions and grades.

6. To determine and fix the terms of the school and the length of the terms, and the dates and times they shall begin and close, and to suspend and dismiss pupils, when the best interest of the school requires that it be done.

7. To admit, by contract, persons, as pupils in the school, who are over the school age, or non-residents of the district, or the county or State; fix the rate of tuition to be paid by the same; and make proper regulations governing the same. All such tuition shall be paid to the Treasurer of the Board of Trustees; and shall be used for the benefit of the district, and paid out in the same way as other funds under the control of the Board of Trustees.

8. To use the school funds coming into their hands or under their control, from whatever source, in such manner as will, in their judgment best promote the interest of the said special school district.

9. To cause the enumeration of the scholastic population to be taken as provided in this Act, in the event the Clerk should fail to take or cause the same to be taken, and compensate the person taking the same by using the compensation herein provided for the Clerk.

10. To hold regular meetings at the time and place fixed for the same, one of which shall be in the last week in July of each year, and one of which shall be on the Monday next following the first Thursday in August of each year.

11. In addition to the general powers and control over all the schools operated in the Bradford Special School District, the Board of Trustees of the Bradford Special School District shall also have the power to make contracts and agreements with any and all agencies of the federal government or of the State of Tennessee with reference to the procurement of funds for the purposes of this act, and to that end, if deemed necessary, or expedient by the board, to sell, transfer or assign any bonds issued by the district to any agency of the government of the United States or of the State of Tennessee; or to make any other lawful financial arrangements with either of such governments, which the board of trustees may deem necessary or expedient.

As amended by: Private Acts of 1977, Chapter 126

COMPILER'S NOTE: Private Acts of 1977, Chapter 126, Section 1, adds subparagraph 11 to Section 5 above. The 1977 act contains no requirement that the act receive local approval, but it does contain a provision that the school bonds authorized thereunder shall not be issued until approved by local vote. The Secretary of State indicates that the act "was not acted upon by local authorities."

SECTION 6. That all public school property, consisting of buildings, grounds, equipments, furniture, and all things thereto belonging within the boundaries of Bradford Special School District, herein created, shall be and does hereby become the property of said Bradford Special School District, and the title to the same is hereby vested in the "Board of Trustees of Bradford Special School District" and their successors in office, for the use and benefit of said district. Said Board of Trustees of Bradford Special School District shall not be liable in any way, or on the part of said special school district, to Gibson County, or to the school authorities of the county or the State of Tennessee, or any taxpayer thereof, for, or on account of, the transfer herein made of the said property, to the Board of Trustees of Bradford Special School District.

SECTION 7. That as soon as the enumeration of the scholastic population directed by this Act to be made and filed with the Trustee of Gibson County immediately after the passage of this Act, is filed with said Trustee, the said County Trustee shall apportion to Bradford Special School District, for the maintenance of the school of the same, its per capita, or pro rata share of all school funds of Gibson County, then or thereafter in his hands; and he shall also apportion to said district its pro rata or per capita share of all State school funds paid to said county by the State; the apportionment to be made upon the basis that the scholastic population of said special school district bears to the scholastic population of Gibson County; and ever thereafter, the said County Trustee shall apportion to said special school district its per capita, or pro rata share of all county school funds, and all State school funds paid to said county, that came into his hands upon the basis, that the scholastic population of said special school district bears to the scholastic population of Gibson County under the enumeration, in force at the time the apportionment is made.

SECTION 8. For the purpose of operating and maintaining the school district, and for supplementing other funds that may come to the District, there is hereby assessed a property tax of two dollars and fifty cents (\$2.50) on every one hundred dollars (\$100.00) of real and personal property located within the Bradford Special School District. The basis of the assessment herein made on said property shall be assessed value of the same, as appears by the tax records of Gibson County, Tennessee, for each respective year, and all taxes herein assessed on said real estate for each respective year are hereby made a lien upon said real estate, and no personal property of taxpayers within the said special school district, shall be exempt from levy or execution for their said taxes on personalty and polls herein assessed by this Act, the said taxes herein provided for together with all other school funds received by the Trustee of Gibson County for said Bradford Special School District, and the funds received by the Treasurer of the Board of Trustees, shall constitute the school fund for said special school district, which funds shall be under the control of the Board of Trustees of the District and used by them for the purposes for which the special school district is created; and shall be paid out by the Trustee of Gibson County, and the Treasurer of the Board of Trustees, only upon warrants, or orders properly drawn and signed by the Clerk of the Board of Trustees and countersigned by the President of the same; provided, further, that the taxes herein assessed shall become due and be collected at the same time and in the same manner as taxes collected under the general laws of the State by the County Trustee.

In addition to the tax rate applicable to property in the Bradford Special School District under the first paragraph of this section, as finally adjusted after property reappraisal, there is hereby levied a property tax of thirty-seven cents (370) on every one hundred dollars (\$100.00) of real and personal property located within the district.

As amended by:

- Private Acts of 1920 (Ex. Sess.), Chapter 10
- Private Acts of 1923, Chapter 376
- Private Acts of 1923, Chapter 377
- Private Acts of 1981, Chapter 123
- Private Acts of 1981, Chapter 180
- Private Acts of 1982, Chapter 341
- Private Acts of 1984, Chapter 240

COMPILER'S NOTE: Private Acts of 1982, Chapter 341, changed the tax rate in Section 8 from \$2.00 to \$2.50, but the act provided that it was not to become effective unless an election were held and a majority of the qualified voters in the special school district approved the increase. Our information indicates that no such election was held. Similar provisions changing the tax rate and requiring approval by local referendum appeared in Private Acts of 1984, Chapter 240, which provisions were declared unconstitutional by the Tennessee Supreme Court in *Gibson County Special School District v. Palmer*, 691 S.W.2d 544 (Tenn. 1985). The court in the *Palmer* case held that in Private Acts of 1984, Chapter 240, the objectionable referendum requirement could be elided and the remainder of the statute was valid.

SECTION 9. That the County Tax Assessor shall prepare a separate complete list, or book, of all taxable property, both real and personal, and all polls within said special school district and furnish the same to the County Trustee for his use in making collection of said taxes.

COMPILER'S NOTE: Private Acts of 1981, Chapter 123, deleted the poll tax from Section 8, but failed to delete the other references to the poll tax appearing in Sections 8 and 9.

SECTION 10. That all school funds that come into the hands of the County Trustee for said Bradford Special School District shall be paid out by him, only as provided in Section 8 of this Act.

SECTION 11. That all the children between the ages of six and twenty-one years residing within the boundaries of Bradford Special School District, shall be entitled to the benefits of the funds arising from the provisions of this Act, and shall be entitled to free tuition in the school of the district; provided, further, that persons over the age of twenty-one years or non-residents of the district of the county, or State may be admitted as pupils in sub-section 7 of Section 5 of this Act.

SECTION 12. That no person shall be employed as principal of the school of the district, or teacher in said schools, who has not the acquirements, and certificates, as provided in sub-section 5 of Section 5 of this Act.

SECTION 12-A. That for the purpose of acquiring, erecting, repairing, remodeling necessary school buildings, procuring furnishings and equipment, paying expense of maintenance, and providing an administrative fund, and providing transportation of pupils, and said Bradford Special School District is, hereby, authorized and empowered to issue and sell negotiable interest-bearing coupon bonds in an aggregate amount not to exceed Fifty Thousand (\$50,000.00) Dollars. Said bonds shall each be for the principal amount of One Thousand (\$1,000.00) Dollars, shall mature in such order, and act such time, or times, as the resolution of the Board of Trustees shall provide.

Provided, however, that the power to issue said bonds shall not be exercised until and when a majority of the qualified voters, residents in said District, and voting in an election, held for that purpose, have voted in favor of the issue and sale of said bonds.

Within not less than 90 days, nor more than 120 days after this Act becomes effective, the Board of Trustees shall, by resolution, request the Election Commissioners of Gibson County, Tennessee, to call an election, to ascertain the will of the qualified voters of said District on the question of the issuance of the bonds, as provided in this Section.

Should the vote in said election be against the issuance of the bonds, a second election may be called, resubmitting the question of the bond issue, provided, however, that no second, nor subsequent, election shall be called nor held until after the expiration of at least six months following the first election.

In said election (first or second) the ballots shall have printed on them on one line "For School Bonds"; and on another line "Against School Bonds". The voter shall indicate his choice by making a mark opposite the words "For School Bonds", or opposite the words "Against School Bonds".

The bonds herein provided for shall not be issued nor sold for less than their face value, nor shall they bear interest in excess of three (3%) per cent per annum.

The avails of sale of the bonds shall be collected and held by the Clerk of the District; and shall be disbursed by him only under orders of the Board of Trustees and by check or voucher signed by the Clerk and countersigned by the President of the Board of Trustees.

For the purpose of providing revenues to pay the principal and interest of the bonds herein authorized, and for the purpose of providing an Administrative Fund for said Bradford Special School District, there is hereby levied, for the year 1947, and for each year thereafter, a tax of forty (\$0.40) cents on each One Hundred (\$100.00) Dollars of taxable [sic] property, real and personal, within the boundaries of said District.

The basis of assessment shall be the current tax assessment made by Gibson County.

All taxes hereby levied, when assessed, shall be a lien on the property so assessed as of the tenth (10th) day of January of the year for which assessed.

The taxes hereby levied shall be collected by the Trustee of Gibson County, and shall be due, and become delinquent as, and when, State and County taxes are due and delinquent.

All of said taxes when collected shall be paid over to the Clerk of the Board of Trustees of Bradford Special School District.

Two (2) per cent of the taxes shall be held by the Clerk as an Administrative Fund, to be used and applied in payment of incidental expenses of administration.

The remaining ninety-eight (98) per cent of the taxes shall be applied only to payment of principal and

interest of the bonds hereby authorized.

The Tax Assessor of Gibson County shall prepare a separate and complete list or book of all taxable property, real and personal, within the boundaries of Bradford Special School District as set out in this Act, and furnish the same to the County Trustee of Gibson County, and the assessments shall be set up on the general tax books by the Clerk of the County Court of Gibson County.

As amended by: Private Acts of 1947, Chapter 707

SECTION 13. That all laws, and parts of laws in conflict with this Act, be and the same are hereby repealed.

SECTION 14. That this Act take effect, from and after its passage, the public welfare requiring it.

Passed: March 7, 1917.

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