



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Education/Schools - Historical Notes

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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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Board of Education

The following acts once affected the board of education in McNairy County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1907, Chapter 236, established a Board of Education and a District Board of Advisors for every County in the State, abolishing all District Directors offices. The County Court was directed to divide each county into five school districts, composed of whole civil districts from which one member of the Board of Education would be elected for two year terms. There would be a Chairman and a Secretary whose duties are enumerated in the act and the County Superintendent of Instruction was named as ex-officio Secretary. The responsibilities of the Board were listed and the compensation of the members set at no lower than \$1.50 nor higher than \$3.00 per day. Three citizens from each civil district would constitute an Advisory Board and their duties were likewise specifically themselves from this Act but McNairy was not among them. This Act did not apply to city schools and was the basis for the court case of Whitthorne v. Turner, 155 Tennessee 303, 293 S.W. 147 (1927).
2. Public Acts of 1909, Chapter 302, has been called a Public Act but under its terms it applies only to ten counties, including McNairy County. The act amends Chapter 25, Acts of 1873, beginning with Section 10, by creating a County Board of Education composed of one member from each Civil District, the Judge, or chairman of the County Court, and the County Superintendent of Public Instruction, who would be the ex-officio Chairman of the Board of Education. Members would be elected in the civil districts for two year terms, and the members would select one of their number to be Secretary. The duties of the Chairman, the Secretary, and the Board are listed in the sections of the Act. Section 14 lists a group of population figures which makes the act applicable only to the ten counties.
3. Private Acts of 1931, Chapter 138, recited that the Board of Education of McNairy County had issued bonds to pay off the debts of two special school districts in order to abolish them and some questions had been raised concerning the validity of these bonds. This act ratifies the bond issue and expressly abolishes the Michie-Tulu and McNairy Special School Districts.
4. Private Acts of 1937, Chapter 429, provided that the members of the County Board of Education elected by the County Court under existing law shall be elected for a term of two years instead of the seven years as required under the state law, but this act shall not affect the term of any current member of the Board of Education.
5. Private Acts of 1939, Chapter 13, created a County School Board in McNairy County of seven members elected one from each of seven school districts delineated in the act. They would serve four year terms beginning on September 1 after the election and the Quarterly County Court would fill vacancies as they occur. No member would serve more than four years unless appointed to fill a vacancy. The candidates must have at least an 8th Grade education and be of good moral character. They would have the same powers and authority and be paid the same compensation as provided by general law of the State for members of the various Boards of Education. The school districts would be composed of whole civil districts.
6. Private Acts of 1939, Chapter 589, amended Chapter 13, Private Acts of 1939, above, by naming the following to serve as members of the Board of Education until the elections in August, 1940; Linnye Colman, District #1; Otis Plunk, District #2; Hugh Yancy, District #3; Lacy Ervin, District #4; Lyde Gooch, District #5; J.R. Smith, District #6; and W.M. Littlejohn, District #7.
7. Private Acts of 1939, Chapter 133, permitted the Board of Education of McNairy County to issue interest-bearing warrants up to \$5,000 and to sell the same to equip any recently constructed high school building in said county. The interest rate could not exceed 5% nor the maturity period five years, and the Board of Education could determine the form of the warrants. The County Court was required to levy a sinking fund tax to amortize these warrants and the County Trustee must handle and disburse the money.
8. Private Acts of 1943, Chapter 82, specifically and entirely repealed Chapter 13, Private Acts of 1939, above.
9. Private Acts of 1943, Chapter 83, divided McNairy County into school districts and provided for the qualifications, duties, and powers of the McNairy County School Board. 10. Private Acts of 1957, Chapter 247, would have increased the compensation of members of the School Board in McNairy County to \$360 per annum and one member, who would serve as Chairman, would be paid \$500

per annum but this Act was rejected by the Quarterly County Court and therefore did not become a law under the Home Rule Amendment to the Tennessee Constitution.

10. Private Acts of 1961, Chapter 105, would have raised the pay of members of the Board of Education of McNairy County to \$365 a year by amending Chapter 364, Private Acts of 1949, which set the pay at \$200 but this act was also rejected by the Quarterly County Court and never did become a law.
11. Private Acts of 1961, Chapter 106, would have repealed Chapter 83, Private Acts of 1943, as amended, in its entirety but this Act was likewise disapproved by the Quarterly County Court.
12. Private Acts of 1961, Chapter 107, created 9 school districts in McNairy County composed of whose civil districts from each of which one member of the Board of Education would be elected. Staggered terms were provided so that three members of the Board would be elected every two years. This act was not approved at the local level and thus was rendered null and void.

Special School Districts

The following acts once affected the special school districts in McNairy County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1907, Chapter 261, created an independent school district in McNairy County out of the Seventh and Eighth Districts which was described as follows "Beginning at Caleb Cox; runs north down Tar Creek to Hanskon Ford on Tar Creek; then east to Hugh Lott place; thence south to Bogely Ross' old place on the head of Smith's old mill pond, thence west up Snake Creek to Bear Spring; thence to Caleb Cox place at the beginning." The County Superintendent of Public Instruction was required to appoint three school directors for the new district to which no name or number was given.
2. Private Acts of 1907, Chapter 272, created a special school district out of the Fourth and Sixth Districts of McNairy County, giving it no name or number, and requiring the County Superintendent of Public Instruction to appoint three Directors. Its description was "Beginning at the Reed Oil Mill on the east side of Cypress Creek, running east to I. H. Keddy's; thence southwest to E. L. Blasengaws; thence south to Ike Hill's; thence west to the Dan Garrett old field; thence northwest to the Reed Crossing on the Mobile and Ohio Railroad; thence with Cypress Creek to the beginning.
3. Private Acts of 1921, Chapter 764, created a special school district out of the Fourth Civil District of McNairy County, including the town of Ramer, which would be called the Ramer Special School District. The act contains a lengthy metes and bounds description for the District. J. A. Houston, J. R. Hammer, and E. T. Kirk were named as the first School Directors to serve until the 1922 election when their successors would be elected to terms of two years. The powers of the Directors were enumerated and a tax of fifty cents per \$100 was levied plus a poll tax of \$1.00 to be used to support and maintain the schools in the District. The Directors would select a chairman and a secretary, who would be paid up to \$15 a year to take the census of pupils, but no other compensation was allowed. All conflicting laws were repealed.
4. Private Act of 1923, Chapter 303, created the McNairy Special School District out of the Seventeenth Civil District, including the Town of McNairy. The provisions of this Act are similar to the one outlined above for Ramer excepting, of course, the description of the boundaries of the District, and the membership of the first Director's Board who were J. E. Hodges, W. E. Huffman, and J. R. Henry, whose successors would be elected in the general election in August, 1924. This District was abolished by Chapter 138, Private Acts of 1931.
5. Private Acts of 1923, Chapter 572, created the Michie-Tulu Special School District out of a part of the Ninth Civil District, including in the metes and bounds description of the boundaries, the villages of Michie and Tulu. The qualifications of the School Directors who would serve two year terms after being elected in the August general election of 1924. They would organize with a chairman and a secretary and receive no compensation except that allowed by law to the Secretary for taking the scholastic census. The remaining terms and conditions are as the two preceding Acts above. This District was abolished by Chapter 138, Private Acts of 1931.
6. Private Acts of 1923, Chapter 573, created the Finger Special School District, including the town of Finger, out of parts of the 8th and 17th Civil Districts of McNairy County. The first Board of Directors of the District, named in the Act, were W. P. Massey, J. R. Harris, and H. L. Hodges whose successor would be elected in the general election of August, 1924. All the other terms and conditions were the same as the other acts creating the special school districts mentioned above. This Act was repealed by Chapter 574, Private Acts of 1931.
7. Private Acts of 1925, Chapter 716, divided the high schools in McNairy County into two year and

four year high schools. Section 2 of this Act abolished all special school districts which were not taxing districts, and the procedure to eliminate others by petition of the voters under certain circumstances was provided. These latter sections were undoubtedly the result of Chapters 13 and 115, Public Acts of 1925, which accomplished the same results on a statewide basis. This Act was entirely repealed in 1927 by Chapter 414, but the school districts would still be abolished under the state law and the only effect of the repeal would be to erase the division of the high schools into two classes.

8. Private Acts of 1925, Chapter 783, stated in the preamble that the northeastern corner of McNairy County, part of Chester County, and part of Hardin County were so constituted that it would be a hardship for any of the three counties to maintain a school district alone in that area, and, since there was about fifty children in each county who could and would attend school there, it would be sensible to create a school district out of all three counties, which this Act does, requiring each county to contribute \$900 each to erect the school building and each to contribute one-third of the annual school expense from there on.
9. Private Acts of 1931, Chapter 138, states in the preamble that the Board of Education of McNairy County had issued bonds to pay off all the debts of the Michie-Tulu and the McNairy Special School Districts in order that they might be abolished and the county operate their schools, and that some question had been raised concerning the validity of the bond issue, then this Act ratifies and confirms the bond issue and also specifically abolishes the two above mentioned school districts.
10. . Private Acts of 1931, Chapter 574, repealed expressly and entirely Chapter 573, Private Acts of 1923, which created the Finger Special School District in Item 6, above.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of McNairy County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1827, Chapter 212, incorporated Benjamin Wright, McLin Cross, John P. Burtwell, John Chambers, Sere. Abel v. Maury, Sergent Wisdom, George W. Barnett, and Robert Adams as the Female Academy at Purdy to run for 50 years. The capital stock would be \$25,000 and they would possess all the powers incidental to a corporation.
2. Acts of 1833, Chapter 42, stated that the Chairman of any free school trustees, or the clerk of any church in the counties of Lawrence, Wayne, Hardin and McNairy shall be entitled to have surveyed and laid down on the general plan of the district where the land lies, any quantity of vacant land not exceeding four acres for the erection of a school house or a meeting house which shall be considered as belonging to the trustees and their successors in office, provided the same does not interfere with any resident occupant.
3. Acts of 1841-42, Chapter 60, provided the Robert M. Owen, the late Trustee of McNairy County, was authorized and required to pay over to the Board of Commissioners of the Common Schools of the 11th District the sum of \$117.78 which belonged to the said District according to the scholastic census but was allotted to the 10th District by mistake.
4. Acts of 1869-70, Chapter 57, Section 21, incorporated the "Agricultural and Mechanical Society of McNairy County" for a period of 99 years conferring upon it all the incidentals of other corporations and naming as incorporators thereof J. G. Gooch, R.H.D. Maxidon, James Mitchess, John Randolph, John Ham, John Reeder, James Warren, Calvin Shull, John Kirby, N. F. Cherry, David McKenzie, Allen Sawain, H. B. Wade, David Ham, Jacob Lawrence, and J. W. Roach.
5. Acts of 1895, Chapter 90, authorized the city of Selmer, acting through its Mayors and Aldermen, to establish a system of free grade schools within the city limits. The act formed a Board of Education for the system which would supervise, manage, and control the same. They could draw on the city treasury for all expenses and the Board of Aldermen was empowered to levy taxes to support these schools.
6. Private Acts of 1913, Chapter 268, provided that the County Superintendent of Public Instruction shall be elected by direct vote of the qualified voters in McNairy County for two year terms, the first election to take place in August, 1914. No one shall be eligible to run unless they are qualified to be a Superintendent under the State Law, or who passes the state examination for that position.
7. Public Acts of 1925, Chapter 115, Section 33, abolishes all special school districts which are not taxing districts and provides that, when all debts are paid, any special school district may join the

county system.

8. Private Acts of 1925, Chapter 716, divided the high schools in McNairy County into two year and four year high schools, the same subjects being taught in the two year schools as were taught during the first two years in the four year schools. This act also followed the wording of the Public Acts of 1925, above, which abolished special school districts which were not taxing districts. This Act was expressly repealed by Chapter 414, Private Acts of 1927.
9. Private Acts of 1927, Chapter 414, specifically repealed Chapter 716, Private Acts of 1925, Item 8, above, in its entirety.
10. Private Acts of 1929, Chapter 489, amended Chapter 268, Private Acts of 1913, which provided for the popular election on the County Superintendent of Public Instruction, by extending his term to four years instead of two years. This act was repealed by Chapter 695, Private Acts of 1935 in its entirety.
11. Private Acts of 1929, Chapter 490, authorized and empowered the County Judge, or Chairman, of McNairy County to borrow money on the credit of the County to pay the current expenses of the public schools. The interest rate was not to exceed 6% and the total amount of borrowed money could not be more than half of the anticipated revenue for that year. This act is published herein in full under County Judge.
12. Private Acts of 1931, Chapter 139, abolished the position of Attendance Officer in the school system of McNairy County. The Sheriff, his Deputies, and the Constables would be required to execute all warrants issued under the school compulsory attendance law and would be entitled to receive the same fees and compensation as other officers did for service of process.
13. Private Acts of 1931, Chapter 221, provided that all elementary schools in McNairy County will be designated as County Elementary Schools and such schools, rural, city, town, and special school districts shall be under the direct control and supervision of the County Superintendent and the County Board of education and shall share in the equalization funds of the State. All local and District Boards of Education would act as Advisory Boards only and their powers were limited to the levying of taxes and the disbursing of the receipts thereof. This act was expressly and entirely repealed by Chapter 696, Private Acts of 1935, Page 1852.
14. Private Acts of 1935, Chapter 695, specifically repeals all of Chapter 489, Private Acts of 1929, which provided for the election of the County Superintendent of Public Instruction, Item 10, above.
15. Private Acts of 1935, Chapter 696, expressly repealed all the provisions of Chapter 221, Private Acts of 1931, Item 13, above.

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