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Education/Schools - Historical Notes

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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 Marshall 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, created a Board of Education for every county in the State, abolishing the District Directors of the school districts in the counties and establishing District Boards of Advisors to take their place. The County Court was required to divide their county into five school districts, composed of whole civil districts from which one member of the Board of Education would be appointed by the county court. The Superintendent of Schools would be Secretary to this Board. The duties of the Chairman, the Board of Education as a whole, the Secretary, and the District Advisory Boards are all enumerated in the Bill. Each member would report on the conditions of the schools in his area and the scholastic census. Some counties exempted themselves from the application of this act in Section 17 by the use of population figures according to the Census of 1900. This Act did not apply to city schools and was construed by the court in the case of *Whitthorne v. Turner*, 155 Tenn. 303, 293 SW 147 (1927).
2. Private Acts of 1911, Chapter 355, amended Public Acts of 1907, Chapter 236, Section 17, by striking out the figures 16,850 to 17,000 in Section 17 apparently with the intention of having it apply to Marshall County as is indicated in some works or private act. However, these figures do not apply to Marshall County whose population in 1900 was 18,763. Consequently Marshall County was not exempted from the 1907 Act.
3. Private Acts of 1915, Chapter 341, amended Public Acts of 1907, Chapter 236, Section 17, by striking out "16,850 and 17,000" and inserting in its place, "16,850 and 17,031," and "22,600 and \$22,670," according to the census of 1910, and these figures would include Marshall County whose 1910 population was 16,872, and the effect would be that the 1907 Act did not apply to Marshall County. Henderson and Bedford counties were the others involved. This Act was entirely repealed by the one following.
4. Private Acts of 1917, Chapter 134, repealed Private Acts of 1915, Chapter 341, which exempted Marshall, Bedford, and Henderson Counties from the provisions of the 1907 State Act on Boards of Education.
5. Private Acts of 1933, Chapter 147 created a Board of Education in Marshall County which allowed for seven members who would be elected from the seven electoral districts that existed in 1930. This act was expressly repealed by Private Acts 1982, Chapter 282.
6. Private Acts of 1949, Chapter 546, provided that members of the Board of Education in Marshall County would receive \$5.00 per day for every day's attendance at regular, called or special meetings of the Board. This Act was apparently superseded by Private Acts of 1961, Chapter 17, published herein.
7. Private Acts of 1951, Chapter 62 amended Private Acts of 1933, Chapter 147 by providing that the Board of Education for Marshall County should consist of eight districts. This act was expressly repealed by Private Acts of 1982, Chapter 282.

Special School Districts

The following act created a special school district in Marshall County that no longer exists.

1. Private Acts of 1909, Chapter 442 created a special school district in Marshall and Bedford Counties. The children living within the boundaries for this special school district as established in this act were to attend school in this special school district unless the county board of education otherwise directed. All public school pupils residing in the territory defined by this act were to receive the same per capita as every other student in the county. The school district was to have three directors with vested with all of the powers of the general school law of 1873.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Marshall 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 1840, Chapter 104, Section 10, provided that the county courts of Bedford, Marshall, Franklin, Coffee and Warren counties were authorized in all cases where practical and in the public's interest where there was a conflict and interference between the boundaries of common

- school districts and townships containing school lands to appoint three Commissioners whose duty it would be to change the boundaries so as to constitute one school district, and report their decision to the County Court for affirmation. School money would be paid accordingly.
2. Acts of 1841-42, Chapter 22, provided that where fractional parts of Lincoln County had been laid off into common school districts, the commissioners therein shall be elected, qualified, and in all things governed in the same manner and by the same regulations applicable to commissioners of townships. They would each report the scholastic census of their areas to the County Court Clerk as required by law and the County Court would distribute the school funds according to this report. Section 3 of this Act made the entire law applicable also to Marshall County.
 3. Acts of 1841-42, Chapter 121, Section 1, declared that James C. Record, George W. Haywood, James Osburn, Levy Cochran, Thomas Ross, Benjamin Williams and John Paxton were incorporated as Marshall Academy with all the rights and privileges incidental to corporations and all people who had made donations or contributed work to the Academy could vote for the seven Trustees to be elected.
 4. Acts of 1849-50, Chapter 91, Section 4, authorized the Trustees of Lewisburg Academy to establish a branch of the said academy in Lewisburg for girls to share equally with the male branch in all monies on hand or to be appropriated, and in monies to be drawn from the county treasury in the future.
 5. Acts of 1868-69, Chapter 65, Section 8, allowed the county court to sell the Male and Female academies lots in Lewisburg and the buildings to the highest and best bidder on a credit not to exceed 12 months with approved security. The proceeds would be held in trust by the Trustee who could lend the money out at interest but which would eventually be reinvested in real property by the academy. It was made the duty of the county court to rebuild the academies at a proper and appropriate time.
 6. Acts of 1883, Chapter 161, authorized citizens living on either side of the line between Bedford and Marshall Counties in the neighborhood of the Palmetto Academy, and who were not conveniently located in relation to a school in their respective counties to form themselves into a school district by meeting at some appropriate place for voting and electing three school directors. The Sheriff would hold the election and certify the results. No more than two of the directors could live in the same county. This act was repealed by the Acts of 1905, Chapter 231.
 7. Acts of 1901, Chapter 290, created a joint school district between Marshall and Maury Counties consisting of the 12th School District of Marshall County and the lands of Mrs. Huldah Harrison, Harve Clymore, Joel Clymore, W. R. Brown, R. G. Baxter, Jesse Lunsden, L. J. Ring, William Roberson, Mrs. Malissa Sharp, Jesse Cheek, Jim Wells, G. W. Harber, Calvan Hardison, A. C. Hardison, W. Jackson, Mrs. Caroline Shires, Mrs. Mattee Shires, and W. E. Elsteen in Maury County. School directors would be elected in an election held by the Sheriff who would certify the school census to each county court who would direct the Trustee to pay the district the pro rata share of school funds from each county. Any person holding a certificate from the superintendent of school in either county was eligible to teach in this school. This Act was repealed by Acts of 1903, Chapter 173, below.
 8. Acts of 1903, Chapter 173, repealed Acts of 1901, Chapter 290, which created a special school district in Marshall and Maury Counties.
 9. Private Acts of 1905, Chapter 231, repealed Acts of 1883, Chapter 161, which created the Palmetto School District.
 10. Private Acts of 1905, Chapter 315, created a special school District with the same metes and bounds as School District #20 which shall also be called School District #20. Several families in Williamson and Rutherford Counties were given express permission to patronize the school. The County Superintendent of Marshall County would appoint the three Directors to serve until the next general election in August. This School District would receive its pro rata share of the school funds from all three counties.
 11. Private Acts of 1905, Chapter 383, also created Special School District #19 which would have the same boundaries as old School District #51. The County Superintendent would appoint the three Directors and the Trustee would give them their share of school funds.
 12. Private Acts of 1907, Chapter 442, formed a special school District in Marshall and Bedford counties composed of the territory in the farms belonging to Mrs. B. F. Chapman, Mrs. W. A. Montgomery, W. M. Phillips, W. A. Gold, W. M. Jennings, and W. T. Pardue, all of Marshall County, and T. J. Blackwell, Mrs. Mattee Darnell, S. B. Word, Hugh Smalling, David Glasscock, and Mrs. J. H. Glasscock all in Bedford County. The District shall have three Directors, as others did, and be

given its pro rated share of school money.

13. Private Acts of 1923, Chapter 451, provided that the county Superintendent's certificates issued under the 1873 Act of the General Assembly, and all acts subsequent to and amendatory of that Act were made permanent in Marshall County and the holders of these certificates were declared exempt from further examination, if they were not out of office as County Superintendent or otherwise discontinue school work for more than three successive years. This Act would in no way affect the duties or compensation of County Superintendents.
14. Private Acts of 1931, Chapter 222, amended Private Acts of 1923, Chapter 451, by making the Superintendent's certificates valid in every county of the State as well as permanent.
15. Private Acts of 1933, Chapter 148, abolished the office of Attendance Officer in the school system of Marshall County, Tennessee, and required the Sheriff, the Deputy Sheriffs, and the Constables of said county to execute all warrants and other process issued in cases arising under the compulsory school attendance law at the instance of the County Superintendent of Public Instruction all costs connected to the same to be taxes against the defendant.
16. Private Acts of 1933, Chapter 149, amended Private Acts of 1923, Chapter 451, by increasing the numbers of years a school Superintendent could be away from school work without having to be examined for a certificate renewal from three to six years.

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