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# Education/Schools - Historical Notes

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Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Education/Schools - Historical Notes

## **Board of Education**

The following act is no longer applicable to Lincoln County.

1. Private Acts of 1989, Chapter 94, intended to authorize the Lincoln County Board of Education to establish the date for the opening of the school term in Lincoln County. This act, however, was never acted upon at the local level and subsequently never became law.

## **General References**

The following acts constitute part of the administrative and political heritage of the educational structure of Lincoln County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.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 1809, Chapter 77, declared that Wright Williams, John Whittaker, Senior, William Dickson, and John Greer were constituted a body corporate and politic to be known as the Trustees of Fayette Academy in Lincoln County. This academy would be under the same rules and regulations and have the same powers and rights and shall be operated in the same manner as are the other county academies in the state.
2. Acts of 1811, Chapter 29, appointed additional Trustees for several academies situated in different counties including Fayette Academy in Lincoln County to whose Board of Trustees James Bright, Robert Kennedy, and Urie M. Gardner were added.
3. Acts of 1813, Chapter 119, appointed John V. McKinney and Elliott Hickman as additional Trustees for Fayette Academy in Lincoln County, and then named James Bright, Brice M. Garner, Robert C. Kennedy, John Greer, Robert Dickson, and Frances Porterfield as Commissioners to conduct a lottery for the benefit of the academy. They would draft a scheme to raise up to \$5,000.00, after entering into a bond of double that amount which would be conditioned upon their paying out the prize of the lottery and all the debts incurred thereby.
4. Acts of 1822, Chapter 30, stated that an act passed in 1821 concerning the school lands of Warren and Franklin counties is hereby made effective in McMinn, Monroe, Bedford and Lincoln counties. The county court in each of those counties will appoint three commissioners for each tract of school owned land in the county observing all the legal regulations in doing so, which commissioners will, when appointed, strictly follow the law. The commissioners are directed to prosecute, or defend a lawsuit relative to their tract of land, and will be reimbursed for their expenses in so doing.
5. Acts of 1827, Chapter 53, incorporated Charles Brayles, Robert Dickson, Frances Porterfield, Robert H. McEwen, John Greer, James Bright, and Benjamin Clemens by the name of Fayetteville Female Academy conferring upon them all the powers and privileges incidental to corporate institutions. Stockholders would meet on the premises on the first Monday in January next to elect the Trustees.
6. Acts of 1829, Chapter 292, required the agent of school lands in Lincoln County to pay to William B. Benge, George Blakemore, Moses Hall, Larry Eppes, W.L. Edmondson, William McClellan, and Thomas McFerrin, collectively, the sum of \$300 out of any monies he may have or may hereafter acquire from the rental of school lands. The Act does not specify the reason for which the money is to be paid.
7. Acts of 1831, Chapter 17, directed that George Harrison, Surveyor, on or before the second Monday in next February shall make out a plan, or map, of that portion of Bedford, Lincoln, and Franklin Counties in which school lands are situated as nearly as he can from the records in his office, designating accurately the boundary lines and the salient topography. The Plan, or map, shall then be delivered to the County Court Clerk. If the same is not sufficiently, or clearly, depicted, the County Court will appoint a surveyor to correct and refine it.
8. Acts of 1832, Chapter 89, Section 3, is the authority for the Common School Commissioners in Lincoln County for each and every tract of the land to build in each township in which land is set apart for the benefit of the common schools, any number of school houses, not to exceed three, as the conscience and interest of the inhabitants of the said township may require, provided that the consent of the owner of the land upon which the school house is to be built is first obtained. The authority is also granted to purchase adjacent timbered land in order to keep up school repairs, cut fuel costs, and keep the school in operation.

9. Acts of 1832, Chapter 111, required the Board of Common School Commissioners in Bedford and Lincoln Counties, as soon as practicable, to cause the common school districts in their respective counties to be reorganized in such a way as to not include any part of the townships in such Districts within the said school districts. The Board for each District was given the power and duty, if the interests of the people demanded it, to establish two, or more, schools in the District and divide the money between them according to their scholastic population.
10. Acts of 1833, Chapter 64, stated that the Commissioner for the tract of land laid off for the use of the common schools on Shelton's Creek in Lincoln County are hereby authorized to divide the township to which said school land belongs into districts, not exceeding four, and it shall be the duty of the said Commissioners to divide and pay over to each district an equal portion of the funds arising from the rentals of the said land, according to the number of inhabitants in each district.
11. Acts of 1833, Chapter 82, declared that William F. Smith, John J. Whittaker, James S. Holman, William F. Long, Drury M. Connally, James Hague, Charles Bright, Joseph Whittaker, and William Moore were hereby constituted a body corporate and politic to be known as Mulberry Female Academy in Lincoln County conferring upon them all the privileges incidental to corporate bodies.
12. Acts of 1833, Chapter 222, stated that those citizens residing between the northern boundary of the third Section, third township, and third range of school land in Lincoln County, and the Bedford County line, are hereby included in the said township aforesaid to the Bedford County line, and are entitled to all the benefits arising from the proceeds of the said school tract of land in educating their children as are the other residents of the said township. Those funds will be drawn by the Commissioners and dispensed according to the terms of this Act.
13. Acts of 1833, Chapter 260, stated that in the counties of Smith, Giles, and Lincoln, whose agents were appointed by the Legislature to manage the common school fund, and later a clerk was also appointed for the same counties, hereafter the agent shall perform the duties of both.
14. Acts of 1835-36, Chapter 65, authorized the Commissioners of a school tract of land near Petersburg to pay to William Gulley the value of his services rendered and labor performed on the said tract of school land, the value of which will be determined by the Commissioners, and the same will be paid out of the school funds arising from the said tract of land.
15. Acts of 1835-36, Chapter 91, provided that the voters in each township shall elect three Commissioners for each tract of school land, the Justices of the Peace in the district, or township, to hold the election. The terms were for two years, each one elected to be sworn and bonded. They would be deemed a corporate entity in their collective capacities. Each township would be laid off into five districts, or less, from each of which two Trustees would be elected. The Trustees would have the general management of the schools and to supervise them they may employ a person of good moral character and ability. The schools would be public schools and free to all white citizens.
16. Acts of 1837-38, Chapter 202, Section 2, amended the second Section of the 1836 Act, above, which provided for the election of school Commissioners for the school lands in Lincoln County so as to require the Commissioners of the school lands to enter into bond with sufficient security in the amount of \$3,000, if, in the opinion of the Justices of the County Court, the same be necessary.
17. Acts of 1839-40, Chapter 102, designated the county academies for every county in the State. In Lincoln County it was Fayette Academy.
18. Acts of 1839-40, Chapter 104, repealed that part of the 1838 Public Law which stated that the school districts of a county would coincide with the justices districts insofar as the same applied to Lincoln County. In Lincoln County the school districts will be where every township is located. The school commissioners of the township shall be the school commissioners of the common school district and do everything required by law as such commissioners for which they shall be elected and qualified, serve two year terms and have the authority and power to accomplish all their obligations and duties. The County Court may appoint five commissioners to lay off any area not included in a district, or township.
19. Acts of 1841-42, Chapter 22, stated that in the fractional parts of Lincoln County which have been laid off into school districts, the Commissioners therein shall be elected, qualified, and empowered as are other school Commissioners, and according to the law of the township, so that when the scholastic enumeration has been made, the County Court shall have the power to distribute among the said districts the school fund apportioned to Lincoln County and according to the reported number of students in the district. Section 3 of the Act extended all its provisions to Marshall County.

20. Acts of 1843-44, Chapter 79, declared that Fayetteville Female Academy and all its property is to be a part of Fayette Academy in Lincoln County and shall constitute the female branch thereof. It shall be the duty of the County Court on the first Monday in April, 1845, and every two years thereafter, to appoint nine Trustees, instead of five, for the Academy, who shall have and exercise the same rights as other Trustees and the shareholders of the Fayetteville Female Academy shall transfer all their right, title, and interest to the Fayette Academy, relinquishing all claims thereto.
21. Acts of 1847-48, Chapter 158, declared Bradley Kimbrough, Joseph Whittaker, William L. Bright, John J. Whittaker, Robert Martin, Robert N. Whittaker, and William Moore as a body corporate and politic to be known as "Trustees of Mulberry Male Academy" in Lincoln County, conferring upon them the corporate powers and benefits customary for such legal entities, including the power to make rules and regulations for the internal operations of the school.
22. Acts of 1851-52, Chapter 72, Section 5, provided that the Charter of the Mulberry Female Academy be amended so as to reduce the number of Trustees from nine to seven, a majority of whom shall constitute a quorum.
23. Acts of 1855-56, Chapter 242, Section 5, provided Mark Whittaker, Thomas B. Yeats, William Thomison, Jephtha Shafner, and James Holman as the "Greenwood Female Academy" with all the incidental corporate rights and privileges. The Academy shall be located in or near the village of Mulberry in Lincoln County.
24. Acts of 1867-68, Chapter 46, incorporated the "Lincoln County Agricultural and Mechanical Society" which shall exist in that county and have the power to purchase and hold fair grounds, at or near Fayetteville, with all the rights, powers, privileges, duties, and obligations of similar educational organizations.
25. Acts of 1905, Chapter 232, amended Chapter 24, Acts of 1903, which made school districts coextensive with Civil Districts in Tennessee so that persons living on the side of a county line and not be convenient to a public school in their districts or counties may form themselves into a school district jointly or attend the nearest school in an adjacent district or county, provided that all the school directors agree, and provided that this Act shall apply only to Lincoln and Moore Counties.
26. Acts of 1907, Chapter 236, abolished the position of District School Directors and created a Board of Education and District Advisory Boards for every County, except a few who exempted themselves. The County would be divided into school districts, five, if possible, from which one member of the School Board would be elected by the County Court. The superintendent of Public Instruction would be the Secretary of the Board whose duties and those of the Chairman, who would be chosen by his fellow members, are enumerated in the law. The authority and responsibilities of the Board are set out which included the whole range of school supervision and policy. Several reports were required to be filed by teachers and school officials. The three member Advisory Boards would be elected in each District by popular vote and perform certain duties specified in the Act and exercise the authority incidental to their accomplishment including the taking of a scholastic census each year. This Act did not apply to city schools, and was involved in the case of Whitthorne v. Turner, 293 S.W. 147, Tenn. 303 (1927).
27. Public Acts of 1917, Chapter 80, was a statewide bill on public education which regulated the courses to be taught in the public schools of the State, both primary and secondary. 28. Private Acts of 1921, Chapter 285, created the "Charity Special School District" which was located in Moore and Lincoln Counties. The families of both counties whose children would be affected by the Act are named and a general description of the area involved is contained in the law. The District would be controlled and managed by a Board of Trustees who would be elected by popular vote every two years. The Bill named C.W. Cashion, O.L. Gambrill, and O.C. Gill to hold the offices until September 1, 1922, when their successors, elected in the August general election would take over. The Trustees must be sworn and bonded, must elect a Chairman and a Secretary, and would not be paid for their services. A sliding rate of special school taxes is set up based on the total assessment value of the properties in the district, the intention being to produce a certain pecuniary level to operate the school. The Trustees would employ teachers and all other personnel to run the schools, erect buildings, supervise and manage all the facilities in the District which embraced the power to open and close schools as they deemed best. The children residing in the area would attend this school free of charge but others would pay tuition. This act was repealed by Chapter 499, Private Acts of 1927.
28. Private Acts of 1923, Chapter 342, amended Chapter 285, Private Acts of 1921, above, so as to peg the school tax rate in the Charity Special School District at fifteen cents per \$100 evaluation, instead of basing the rate on a sliding scale.

29. Private Acts of 1923, Chapter 435, amended Chapter 80, Public Acts of 1917, Section 2, by requiring three teacher schools to teach at least eight grades, and if no school teaching the higher grades is handy, they may, with the approval of the County Superintendent teach those higher grades and all the students taking them are to be given regular credit for them. Section 5 of the same Public Act is amended so that the teacher teaching those extra grades would be compensated for it.
30. Public Acts of 1925, Chapter 115, was codified as Section 49, Tennessee Code, and was the basis for the current general education laws. Section 33 of this Act abolished all special school districts which were not taxing districts, and provided that those which were taxing districts could hold a referendum on the question of their abolition. When all the debts of any special school district were paid, that district could join the county school systems.
31. Private Acts of 1927, Chapter 293, authorized the County Boards of Education in Lincoln and Marshall Counties to purchase, jointly and equally, the Elizabeth Training School properties in Lincoln County and the Morgan Prep School properties in Marshall County for which they were allowed to issue their notes up to \$15,000 at a 6%, or less, interest rate. Morgan School was located in Petersburg in both Lincoln and Marshall Counties, and title would vest jointly in the two Boards of Education, who would together operate and manage a four year high school at Petersburg, each County paying costs according to their pro rated number of students in the school. The Boards would also operate an elementary school at the Elizabeth Training School location under the same terms and conditions. The private school could continue as Morgan School by paying its pro rated share of the taxes, and expenses.
32. Private Acts of 1927, Chapter 790, authorized the Boards of Education of Lincoln and Marshall Counties to purchase, jointly and equally, the Elizabeth Training School and Morgan School property located in or near the city of Petersburg, and any other school property adjoining the two counties wherever the schools may be an advantage where maintained jointly by the two Boards, but this Act shall not apply to Talley School in Marshall County. Notes may be issued for the purchase price but at interest no greater than 6%. The authority was granted to contract with each other and with other private schools to run the schools jointly.
33. Private Acts of 1933, Chapter 81, stated that in Lincoln County the Board of Education will select an attendance officer for the schools only when the Quarterly County Court has authorized one, and this shall be discretionary with the County Court and no other body. If authorized by the Court, the employment shall be for a period of one month to one year and must be reauthorized at the conclusion of each employment period. The County Court shall fix the compensation to be paid the Attendance Officer which shall not exceed \$75 per month.
34. Private Acts of 1935, Chapter 473, stated that the County Board of Education in Lincoln County would be elected by the people, one member coming from each school district. Seven school districts were created which were composed of specified whole Civil Districts. The election would take place on Thursday, May 16, 1935 at which time the Superintendent and Board would be elected to their prescribed terms. Vacancies would be filled by appointment of the County Court until the next general election. The members would get \$3 per day for their services and would operate under the general laws of the State. No teacher could be removed by the Board until a hearing was had before the expiration of the term for which the teacher was employed.
35. Private Acts of 1935, Chapter 737, created the "Flintville Special School District" out of the third Civil District to be managed by a five member Board of Trustees who would serve without pay. The law named J.R. Mason, A.D. Milner, A.M. Patrick, L. Copeland, and M.F. Curry, as Board members, who would serve until September 1, 1936, when their successors, elected by popular vote in August of 1936, would assume the offices. Their terms were for four years and they would choose a Chairman and Secretary, whose duties were specified, from their own members. The Tax Assessor would include a special levy of thirty cents per \$100 on the property in this area which would be collected and disbursed by the Trustee. Specific authority was granted to the Board to issue up to \$5,000 in 6%, 10 year bonds, all the funds being used to construct a high school at or in Flintville. After ten assessments of the taxes permitted herein had been made, the authority would terminate, unless specifically provided to continue.
36. Private Acts of 1935 (Ex. Sess.), Chapter 128, amended Chapter 473, Private Acts of 1935, above, by inserting a new Section 3 which set a different date on which the election for the members of the Board of Education and the Superintendent of Public Instruction would be elected by popular vote. The notice to be given for the election was reduced from twenty to fifteen days.
37. Private Acts of 1937, Chapter 288, amended Chapter 93, Private Acts of 1937, published herein, by adding the exception for the calendar year in 1937 in Section 7, and by rewriting the second

- sentence of Section 8 so as to remove the employment of bus drivers and the transportation of children to school from the advertising requisite.
38. Private Acts of 1937, Chapter 763, amended Senate Bill #106 of the year 1937, and did not specify the Chapter number. The Act presumably amended Section 2, which is rewritten later anyway, in Chapter 93, Private Acts of 1937, by giving the Board of School Commissioners in Lincoln County the authority to issue warrants but not to exceed the amount allotted to this purpose by the Budget Committee of the County but within the specified amount they had the authority to do all things essential to school operations.
  39. Private Acts of 1937, Chapter 791, made it lawful for the people of Lincoln County to elect their school Board members from their respective school districts by popular ballot at regular elections, provided the said member be a freeholder, twenty-one years of age, or older, of good moral character, and not addicted to the use of narcotics or alcoholic beverages, or strong drink of any kind. This Act was repealed expressly by Chapter 336, Private Acts of 1970.
  40. Private Acts of 1939, Chapter 4, provided that vacancies in the office of members of the County Board of Education, the office of District Road Commissioners and in the office of Superintendent of Roads would be filled by the Quarterly County Court but only until a successor can be elected at the next regular county election.
  41. Private Acts of 1939, Chapter 48, amended Chapter 54, Private Acts of 1935, published herein, by increasing the term of the Superintendent of Public Instruction from two years to four years. The present Superintendent would continue in the office until the expiration of his term and until his successor was duly elected and qualified.
  42. Private Acts of 1939, Chapter 49, amended Chapter 93, Private Acts of 1937, published herein, by inserting a new Section 2 which provided for four year terms for the Board of School Commissioners, by arranging some of the civil districts in the several school districts in Section 3; by changing the term of the Commissioners from two to four in Section 4; and by making the new terms of four years to begin on September 1, 1940. All these amendments were changed by later legislation incorporated into the Act.
  43. Private Acts of 1939, Chapter 242, amended Section 3, Chapter 93, Private Acts of 1937, published herein, so as to provide that the Fifth School District of Lincoln County shall include and embrace all the territory of such county heretofore known as Civil District #11, and the Sixth School District shall be reduced in size by that part of the county heretofore known as the 11th Civil District.
  44. Private Acts of 1939, Chapter 310, created the "Lincoln Special School District" embracing all of the 22nd Civil District. There would be a five member Board of Trustees to serve without compensation. Melvin Delap, Charles Ross Kennedy, Murphy Wolaver, Will Shelton, and Fent Quick were named to the Board to serve until September 1, 1940, when their elected successors would take office for four years. Board would choose its Chairman and Secretary who would discharge the duties required in this law. The Tax Assessor would include in his assessment a thirty cent per \$100 property valuation special tax levy on all the property in the school district which would be collected by the Trustee and kept in a separate fund for the use and benefit of the school district. The Board was also authorized to issue up to \$5,000 in 6%, 10 year bonds, if issued under the specifications established in this Bill. The funds would be used to build and operate a high school near Lincoln County but the special assessment mentioned above would not be made after ten years unless specific authority to do so was granted.
  45. Private Acts of 1941, Chapter 433, created the "Elora Special School District" out of the 24th Civil District of Lincoln County, embracing all the area of that District. P.A. Damron, B.B. Higgins, G.D. Hardin, Durward McCord, and C.M. Scivally, were named to the first Board of Trustees to serve until their successors were elected for four year terms at the next general election in August. The terms and conditions of this special school districts operation are identical to the others above except that the funds shall be devoted to the construction of a high school at Elora. The public schools in the area would continue to be under the supervision of the County Board of School Commissioners.
  46. Private Acts of 1941, Chapter 489, amended Section 11, Chapter 93, Private Acts of 1937, by inserting a new Section 11 which increased the per diem payments of the members of the Board of School Commissioners from \$4 to \$5, the per diem of the Chairman from \$5 to \$6, and the maximum number of days for which they could be paid in one year from 15 to 20, all to be paid out of regular county funds by the Trustee on the warrant of the County Judge.
  47. Private Acts of 1943, Chapter 48, amended Chapter 93, Private Acts of 1937, by adding a new first paragraph in Section 3 which added a new School District to the old section and named Tom

- C. Sanders to the Board of School Commissioners to serve though August, 1944 when his successor would be elected. Section 2 was amended to limit the time which a Commissioner could serve to six years in succession instead of three terms in succession, and Section 4 was amended to change the term of office of the Commissioners back to two years instead of four.
48. Private Acts of 1945, Chapter 280, amended Chapter 737, Private Acts of 1935, Item 36, above, by authorizing the issuance by the Board of Trustees of the Flintville School District of one additional \$6,000 in bonds at 6%, or less, interest and to mature in no longer than ten years, to pay an outstanding debts, including teacher's salaries, which might be owed by the said school district. The special tax levy of thirty cents per \$100 was allowed to be continued for the life of the additional bond period. The Act required that the District cooperate in every way with the Board of School Commissioners.
  49. Private Acts of 1951, Chapter 108, amended Section 3, Chapter 93, Private Acts of 1937, by deleting Section 3 as it was then written and inserting a new Section 3 which specified a different arrangement of the Civil District which were included in the ten School Districts of the County. This was the only change made and it was superseded later, and is therefore not published as an amendment to the original Act. This Act was repealed by Chapter 54, Private Acts of 1961.
  50. Private Acts of 1953, Chapter 334, amended Chapter 93, Private Acts of 1937, Section 2, by returning the prohibition to succession in office to three full terms in succession instead of six years, by amending Section 11 to increase the per diem of the members of the Board of School Commissioners from \$5 to \$7.50 per day, the per diem of the Chairman from \$6 to \$8.50 per day and left the maximum number of days to be paid at twenty.
  51. Private Acts of 1959, Chapter 342, amended Chapter 93, Private Acts of 1937, by rewriting Section 3 to reorganize the School Districts therein but this Act was rejected by the Quarterly County Court of Lincoln County and never became an effective law.
  52. Private Acts of 1961, Chapter 54, amended Chapter 93, Private Acts of 1937, Section 3, by again rewriting this Section which describes the ten School Districts of the County and by repealing Chapter 108, Private Acts of 1951, and all other Acts in conflict.
  53. Private Acts of 1970, Chapter 336, amended Chapter 93, Private Acts of 1937, by restoring the election of the members of the Board of School Commissioners to the Quarterly Court; by deleting Section 2 and inserting the new Section as it appears; by deleting Section 3 and inserting the new Section, as published; by deleting Section 4 and inserting a new Section 4 as it appears; by deleting Section 5 and inserting a new Section 5, as shown in the published Act.

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