



February 05, 2025

Private Acts of 1925 Chapter 809

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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SECTION 1. That in commemoration of the valor and heroism of Sergeant Alvin C. York of Fentress County, Tennessee, as a soldier in the world war, there is hereby established at Jamestown, Fentress County, Tennessee, upon the terms and conditions hereinafter stated, Alvin C. York Agricultural Institute, which said school shall be managed and controlled by the State Board of Education of the State of Tennessee, and shall be regulated and the curriculum determined by said State Board, except that in said school all the white children of Fentress County of free school age shall be entitled to attend the same without charge for tuition. The faculty shall be selected by the State Board and salaries of teachers fixed by it and all other regulations pertaining to the conduct and management of said school shall be made by said State Board.

SECTION 2. That the county of Fentress in the State of Tennessee be and the same is hereby authorized and empowered by and through its County Judge and County Court Clerk, to issue and sell at not less than par, to the highest and best bidder for cash, after receiving sealed bids, Seventy-five Thousand (\$75,000.00) dollars coupon bonds bearing six per cent interest per year, payable semi-annually, and running twenty (20) years from date of issuance. Provided that said bonds shall not be issued (sic) until authority therefor shall be given by an affirmative vote of the people of Fentress County at an election to be called by the Election Commissioners of said county and held at all the voting precincts therein, at which election a majority of all votes cast shall be cast in favor of said bond issue. Ballots shall be printed by the County Election Commissioners having the words, "For the bonds" and the words "Against the bonds," printed thereon, and those favoring said bond issue shall mark their ballots opposite the words "Against the bonds." Said election shall be held at all the voting precincts in Fentress County, on Saturday, May 23, 1925, and the Commissioner of Election shall meet at the courthouse as soon as practicable after said election, canvass the returns and announce and certify the result to the Clerk of the County Court of said county. And if it shall appear from the certificate of the Commissioners of Election, or a majority of them, that a majority of the legal votes cast in said election shall be in favor of the issuance of said bonds, it shall then be the duty of the County Judge and County Court Clerk to take all necessary steps to issue and sell said bonds. All persons liable to poll tax who shall have paid their poll tax for the year 1924 at any time before offering to vote, may vote in said election.

SECTION 3. That if said election shall result favorably to the issuance of said bonds, the County Judge and County Court Clerk shall forthwith have printed bonds in the denomination of Five Hundred (\$500.00) Dollars each in the aggregate amount of Seventy-five Thousand (\$75,000.00) dollars, maturing in twenty (20) years, bearing interest at not more than six per cent payable semi-annually, with coupons attached thereto. Said bonds shall be signed by the County Judge and County Court Clerk, and attested by the seal of the County. The coupons may be lithographed.

SECTION 4. That J. T. Wheeler and O. O. Frogge, as members of the Board of Trust hereinafter created, in conjunction with the County Judge and County Court Clerk, shall advertise said bonds as to them may seem best for at least thirty (30) days, and shall receive sealed bids for same, which bids shall be opened publicly at a given hour and date to be stated in the advertisement, and the sale shall be awarded to the highest and best bidder for cash.

SECTION 5. That the proceeds of the sale of said bonds shall be paid over to the Trustee of said county, provided that he shall first execute a good and solvent bond to be approved by the County Judge of said county in a sum sufficient to cover and secure all said funds. It shall be the duty of the County Trustee to keep said fund under two separate accounts. Two-thirds of said fund shall be set apart and known as Alvin C. York Agricultural Institute fund, and one-third shall be set apart and known as Fentress County Elementary School Fund, and both said funds shall be entirely separate and apart from all other school funds and all other public funds of every kind in the hands of said County Trustee. Said Alvin C. York Agricultural Institute fund shall be paid out by the County Trustee only upon the warrant of the Chairman and Secretary of the Board of Trust hereinafter created; and said Fentress County Elementary School Fund shall be paid out by said County Trustee only upon the warrant of the Chairman of the County Board of Education, countersigned by its Secretary.

COMPILER'S NOTE: Section 6 of this act named a Board of Trust to manage and control the affairs of the school, but that board was abolished by Private Acts of 1927, Chapter 171.

SECTION 7. That said Board of Trust is hereby empowered to take over and expend in the same manner and for the same objects and purposes a fund of ten thousand (\$10,000.00) dollars or over, heretofore raised by Sergeant Alvin C. York. Said fund shall be paid direct to the County Trustee of Fentress County by the Trustees now holding same, and said Trustee shall be bonded in an amount sufficient to secure the same, and said fund shall be added to the Alvin C. York Agricultural Institution Fund. The County Trustee

shall not receive any commission whatever upon this particular item, but will receive a commission of one per cent on the proceeds of the sale of the bonds hereinbefore mentioned in full compensation for his services in handling said entire fund.

SECTION 8. That the Board of Trust hereinbefore named, and their successors, shall serve without compensation. In case of vacancy in said Board, such vacancy shall be filled by the remaining members thereof, who shall designate in writing on their minutes the name of the successor who is selected by them, who must be a citizen and taxpayer of Fentress County, Tennessee.

SECTION 9. That the proposition of W. L. Wright to donate a tract of one hundred acres of land lying within one mile of Jamestown, to said Board of Trust, same to be suitable for use of Alvin C. York Agricultural Institute, for the purposes hereinbefore mentioned, is hereby accepted and the Board of Trust is authorized to accept a deed from said W. L. Wright for the same, and when the title thereto is approved by the said Board of Trust, then the said Board will be authorized to improve and develop the same as herein provided. But before any public fund shall be expended upon said one hundred acre tract of land, or upon any other land for the erection of buildings and improvements, the title thereto shall be passed upon by the Attorney General of the State of Tennessee, or by some competent attorney by him designated for that purpose.

SECTION 10. That the sum of Fifty Thousand (\$50,000.00) Dollars be and the same is hereby appropriated by the State of Tennessee out of the general fund of said State, not otherwise appropriated, for the purpose of aiding in the erection, construction and equipment of said buildings and the improvement of said one hundred acre tract of land hereinbefore mentioned.

SECTION 11. That said fund of \$50,000.00 mentioned in the preceding section of this Act shall be deposited by the Treasure of the State of Tennessee to the credit of the County Trustee of said county, upon his executing a bond sufficient in amount and solvency to cover the same, to be approved by the County Judge of said county and also by the Treasurer of the State of Tennessee. Provided that said fund of \$50,000.00 herein appropriated out of the Treasury of the State, shall not be paid over by the Treasurer until the County of Fentress shall have voted, issued and sold the bonds hereinbefore provided and made available for the expenditure on the buildings and grounds of the Alvin C. York Agricultural Institute, the sum of at least \$50,000.00, and until said Alvin C. York fund of at least \$10,000.00 shall have been made available and paid over to the County Trustee in cash for like use, and until said W. L. Wright shall have executed and delivered a deed to at least one hundred acres of land, with good title thereto, to the Board of Trust herein named, and to their successors in trust forever, for the use of said institute. When all these conditions are met and moneys raised, then, and not till then, will the Treasurer of the State of Tennessee pay over said sum of \$50,000.00 hereinbefore appropriated. Said appropriation of \$50,000.00 shall be available only after the location and plans for said school shall be approved by the State Funding Board.

SECTION 12. That when said grounds and farm shall have been prepared and completed and said buildings erected and equiped and all said properties turned over to the State Board of Education, the same shall be accepted by said State Board and all proper regulations made and teachers and employees selected, salaries and expenses fixed, to the end that an institution of learning for the use and benefit of all the white children of Fentress County of free school age shall be established and conducted forever. Said institution shall be maintained by the County of Fentress by the levy and collection of taxes for the purpose and from such other funds as may be apportioned or distributed to Fentress County under the general laws of the State of Tennessee, and without expense or special appropriation by the State of Tennessee, it being the object and purpose hereof that the amount of \$50,000.00 hereinbefore appropriated is all that is ever to be paid or demanded on account of the establishment of said institute.

SECTION 13. That since Sergeant Alvin C. York has had promises of material financial aid from various other sources in the establishment nad (sic) maintenance of a school or institution of learning in Fentress County for the benefit of the mountain children whose opportunities for an education are and have heretofore been very limited, said Board of Trust is hereby authorized and empowered to solicit, receive, safeguard and expend such additional sums of money as may be secured from any source to be used in the same manner and for the same purposes as the funds hereinbefore provided for.

SECTION 14. That the County Board of Education of Fentress County shall use and expend the Fentress County Elementary School Fund hereinbefore mentioned in the repair, construction and equipment of public school buildings for the elementary schools of Fentress County in the various parts of said county, having a due regard to a proper distribution of said fund and the application thereof in such was as to supply the greatest needs of the children in the rural section of said county, it being the object and purpose of this Act to spend said entire elementary school fund in the more remote portions of the county where educational facilities are poorest.

SECTION 15. That said Board of Trust hereinbefore named, and its successors, shall continue to hold their said office and shall act as financial advisors of the State Board of Education and shall render such

assistance in securing funds and otherwise as the State Board of Education may from time to time suggest or desire.

COMPILER'S NOTE: See Private Acts of 1927, Chapter 171, on the following pages.

SECTION 16. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 13, 1925.

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