

LEGAL ASPECTS OF HIGHER EDUCATION IN CLARKSVILLE

By V. C. Moffitt

Following the Clarksville Sesqui-Centennial in 1934, Dr. P. P. Claxton thought that it would be good to have a Pageant depicting the history of the institutions that at one time occupied the grounds and buildings where Austin Peay Normal (Tenn. Rural Teachers College) is now located. After several conferences with faculty members and others he decided to present the Pageant in the fall of 1938. He asked if I would assume part of the responsibility, such as collecting data, arranging scenes, and assisting in the manuscript.

The first scene was to be the acquisition of the grounds and securing the charter and the organization of the first Board of Trustees. With this scene the pageant would unfold the development and growth to the present date, including A.P.N.

An excellent idea - as ideas go. I was enthused. Nothing, I thought could be more interesting and instructive than to follow the higher educational interest and development of the cultured people of Clarksville from the beginning to the present.

Six years have now passed and I am still working on that first scene. Lost interest, indifference, laziness, etc., you say. Yes, perhaps one, or all. But before you pass judgment I wish to submit my case.

Any pageant of this kind must be historically accurate in every detail. Merely filling a scene with beautiful words and a picturesque setting and neglect the real development, struggles, and hardships is to destroy it of all its human side. This first scene therefore must have a solid foundation. I decided to collect all the essential historical facts for the pageant as the first step. Difficulties not anticipated arose. The records began to reveal an older institution than I had planned. The Centennial Pageant idea began to fade, and a desire for a complete history of Higher Education in Clarksville developed.

I had overlooked two facts very essential in collecting this information. The first is that many of our earlier southern institutions of higher learning kept inadequate records. They did not see the value of such records. The other was that the education of girls was provided for after that of boys, and in many cases many years after.

Most of my spare time has been spent in an attempt to locate the transfer or sale of property from the beginning of the use of the grounds for an institution of learning. For 14 days I searched the pages of the Leaf Chronicle, "Tennessee's Oldest Newspaper." I searched the pages as early as the files go to about 1880. These copies recorded an institution already in operation, and mentioned Clarksville Academy.

These records carried me to the Montgomery County Court House where I spent most of my Christmas Holidays for 1937 searching for the beginning of Clarksville Academy. I examined the records from 1854-5 back as far as they go but found no information of any value except a record dated October 30, 1834, establishing Manson's Spring Academy, near the Bethel Meeting House on the Clarksville-Hopkinsville Road. One of these buildings still remain, I understand (an old log house); also a reference to the Public Acts of Tennessee.

This carried me to the State Library at Nashville where I began with the Public Acts of 1850 and examined them carefully year by year. Here the early records are poorly indexed, but clear and accurate. After ten days of searching - a day, "NOW and THEN", - things began to unfold. The first interesting record was found in the Public Acts on 1847, page 120, passed December 10, authorizing the County Academy of Montgomery to be divided into two branches, "so as to constitute the, Female, the Clarksville Female Academy a branch of the said County Academy for the education of girls; to authorize trustees; and to share equally the school money then on hand and all money received after this date.

This is unmistakably clear that the County Academy of Montgomery had been receiving money from the school lands of Tennessee and pointed to an institution organized earlier than the Female Academy.

A reference, in my search, to Charles A. Cooper carried me back to Montgomery County Court House, where I found in Book O, page 41, where the Clarksville Academy purchased from Charles Cooper of Nashville lot No. 5 on May 28, 1834, for \$150.00.

Continuing my search, I found an act dated January 25, 1838, authorizing the Trustees of Pleasant Forrest Academy in Overton County to change its location. This appears in line with the famous Dartmouth College Case: a charter once granted to be an educational institution cannot be revoked and the institution cannot be moved except by a special Act. On February 13, 1836, in the Public Acts of Tennessee a charter was granted to "A Female Academy in the town of Clarksville." Here I noticed that J. B. Reynolds and H. F. Beaumont were serving as trustees of the Clarksville Academy and the Clarksville Female Academy, at the same time.

Here a number of days were spent searching. This period, 1836 back to 1820, is sometimes referred to as the "American Renaissance." The Westward movement was being felt. The sturdy pioneer found his way to the White House. Great changes were taking place with little attention to records. In this shuffle men and institutions were affected. Clarksville and its citizens were no exceptions. My search carried me back to the Public Acts of 1825, Chapter 56, pages 159-60 where a charter was granted to Clarksville Academy in Montgomery County. I noticed that three of these trustees, James B. Reynolds, John H. Poston, and James McClure were also trustees of the Female Academy, and that

James B. Reynolds was also a trustee for the Masonic College. The Act did not create the Clarksville Academy, but merely changed its name from Mount Pleasant, to Clarksville Academy. My search must continue. For 13 years the Acts revealed nothing, but the Acts of 1812, dated September 28, 1812 gave seven members of the Board of trustees, "a sufficient number to attend to ordinary business of said Academy --". But when was the charter granted? The search was short. On October 24, 1811, a charter was changed from Rural Academy to Mount Pleasant Academy. One of the trustees, James Elder served for both Academies. When was Rural Academy chartered? The search continues. Nothing is found until November 23, 1807, a supplementary act appointing two additional trustees, George W. L. Marr, and James McReynolds, both of the town of Clarksville. The end of the search came in the Acts of 1806. For September 13, 1806 an Act establishing an Academy in each of the 27 Counties of the State. The one established in Montgomery County was called Rural Academy and Duncan Stuart, Alahal, Brunson, James Elder, Willie Blount, and Perry W. Humphreys were named its first Board of Trustees.

1806 is an important date in Tennessee history. Three agencies were giving grants to settlers, The Federal Government, North Carolina and Tennessee. The Federal Government had granted to the state, lands to be used for education only. These grants amounted to about 444,000A. Tennessee and North Carolina were giving grants on these lands and others which overlapped. Much trouble and confusion resulted and led to a meeting of these agencies in 1806. The Federal Government and North Carolina turned over to Tennessee all grants and asked the state to clear up all titles. After many law suits and much labor the work was finished but not until the 444,000 A. had dwindled down to about 22,500 A - a heavy toll on education.

Part of the money from this school land was set aside for these 27 land grant Academies.

One of these Academies was established at Dover with Joseph Gray, Thomas Clinton, Robert Cooper, Joseph B. Nevil, and William Allen as its first Board of trustees. My county, Warren, had one established in McMinnville on what is now called the Southern School of Photography.

All with which I am acquainted were established in the County site or Main Village or town of the County.

According to the records I have located in Nashville, the first settlement in the town of Clarksville was April 12, 1780 to 1784. In 1785 North Carolina, by application of these settlers, established Clarksville and states that it is the second town in middle Tennessee.

The town grew slowly but solidly and by 1806 was still largely facing the Cumberland River. Therefore when the citizens selected a site for the academy they looked for an ideal location. You will note that the topography lends itself beautifully

to this end and the name "Rural Academy" was well named. Later as the town was well located at the top of the hill, when it turned its interests and attention this direction, the name Mount Pleasant Academy was better suited. As the town grew and the Academy grew, the two grew into one and by 1825 it was natural that the citizens of Clarksville would like for the Academy to change its name to Clarksville Academy. The town had grown to it. It, like the town, grew slowly but solidly into one of the leading institutions of higher learning in the state.

The most interesting thing to me about the historical aspects is the manner in which I had to work. It was a case of "unraveling the stocking." It has its advantages in that a more detailed study is necessary.

Tracing its development from the beginning in digest form we have by the Public Acts of Tennessee, and by deed, taken from the records and included in this study are the following institution with their dates:

1806-Sept. 13	Rural Academy established as one of the 27 Land Grant Academies and therefore shared in the money derived from the State school lands.
1811-Oct. 24	By Public Acts Rural Academy changed to Mount Pleasant Academy.
1825-Oct. 13	By Public Acts Mount Pleasant changed to Clarksville Academy.
1849-Feb. 4	By Public Acts Clarksville Academy changed to Masonic Grand Lodge of Tennessee.
1853-May 13	By deed Masonic Grand Lodge of Tennessee changed back to Clarksville Academy.
1853-June 28	By Deed Clarksville Academy changed to Montgomery County Masonic College.
1856-Sept. 12	By Deed Montgomery County Masonic College changed to Stewart College.
1876-April 20	By Deed Stewart College changed to S.W. Presbyterian University.
1927-July 15	By Deed S.W. Presbyterian University deeded to the City of Clarksville.
1927-Aug. 4	By Deed The City of Clarksville to the State of Tennessee.

It is interesting to note that there is an unbroken line of trustees beginning with Rural Academy and continuing to Stewart College, a period of fifty years, and eight of these assumed some of the chief roles in "Through the Mist of the Years" in 1934.

"Great Oaks from little acorns grow" is true in this case, and "some people are born great, others achieve greatness, and others have greatness thrust upon them," also seems to apply because the grounds have been in continuous service in the interest of education for 135 years.

Other papers will be needed to discuss the educational offerings and the services these institutions have rendered.

And now in the language of the lawyer closing his argument:
"Honorable Judge and Jury, I rest my case."