



May 01, 2025

Acts of 1849-50 Chapter 45

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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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Acts of 1849-50 Chapter 45

SECTION 1. That a new county be, and the same is hereby established, to be composed of fractions taken from the counties of Anderson, Campbell, Fentress and Morgan, and to be known and designated by the name of Scott county, Provided, No more than six citizens shall be taken from the county of Fentress.

SECTION 2. That the county of Scott shall be bounded as follows, to wit: Beginning at a large Hickory on the bank of Crouches Creek, where the Kentucky State line crosses the same about forty poles west of the Clear river, thence south 45 degrees, west ten miles to a stake at the top of hell point opposite to where William Beard lives, thence south sixty degrees, west three miles to where Wheeler's turnpike road crosses the same, thence south 45 degrees west to a black oak and hickory on the top of the main Buffalow Mountain, about one half mile north of Richard Adkin's, thence south passing John L. Smith's at four miles, in all twelve miles to a point where the Anderson county line strikes New river, leaving William Massingale's 20 poles in the new county, thence up New river, south 30 degrees east passing the mouth of Beech Fork at four miles, in all six miles, to a stake on the east bank of New river, thence south 80 degrees, west eight miles crossing Smoky Creek, at five and one half, so as to include William Rich, in all eight miles, to the Morgan county line on the divide between Smoky and Brimstone, thence north 65 degrees west, eight miles to a stake on Black Wolf about one mile above Andrew Lewallin's, thence north 40 degrees, west ten miles crossing the Clear fork, just below the mouth of Skull Creek, in all twelve miles, to a large pine on the divide between the Clear Fork and Honey Creek, about 20 poles west of Isaac Hill's, thence north 30 degrees, west four miles to New river at the mouth of Honey creek, thence down said river the same course, including the leatherwood bottom in the new county, in all six miles to a point at the mouth of Anderson's branch, thence north 45 west nineteen and a half miles to the Kentucky line, thence east with the Kentucky line fifty three miles to the beginning.

SECTION 3. That for the purpose of organizing the county of Scott, George Falkner, William Chitwood; Wain O. Cotton, Thomas Lawson, and Wm. Massingill of Campbell county, William Rich of Anderson county, John Triplet of Morgan county, and Dura Smith sr. of Fentress county, shall be and they are hereby appointed Commissioners, who shall take an oath before some justice of the peace, faithfully and impartially to discharge the duties imposed upon them in this act, and in all cases of vacancy that may occur among said Commissioners previous to the organization of the county court of Scott county, the same be filled by the other Commissioners, and all vacancies occurring after said organization shall be filled by the county court of Scott county; the said Commissioners shall enter into bond and security to be approved of by the county court of Scott county, and payable to the chairman thereof in the sum of three thousand dollars, conditioned for the faithful performance of their several duties. A majority of said Commissioners shall constitute a board competent to do all things herein enjoined on them. They shall keep a regular record of all their proceedings as Commissioners, which shall be returned to the county court of Scott county, at its first session, and the same shall be recorded by the clerk thereof on the records of said court, and they shall make such other returns, after the organization of said court as shall be directed thereby.

SECTION 4. That it shall be the duty of said Commissioners, first giving twenty days notice in one public place, or more if they think necessary, of the time and places to open and hold an election at one place or more in each of the fractions proposed to be stricken off from the counties of Anderson, Campbell, Morgan and Fentress, for the purpose of ascertaining whether a majority of the voters residing in those fractions are in favor of or opposed to the establishment of the county of Scott; and all persons qualified to vote for members of the General Assembly, who have resided in the fractions proposed to be stricken off, six months next preceding the day of the election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county, shall have on his ticket the words new county, and those voting against the new county, shall have on their ticket the words old county, and if upon counting all the ballots, the judges of the several elections shall return that a majority of each of the fractions respectively have voted for the new county, then the county of Scott shall be, and the same is hereby declared to be a county, with all the powers, privileges and advantages, and subject to all the liabilities with other counties in this State.

SECTION 5. That if from any cause elections should not be held in all or each of the fractions as before directed, the said commissioners shall proceed as soon as practicable, to hold said election so ordered to be held, in the same manner and under the same regulations as specified in the foregoing section, and in like manner if the said commissioners shall believe upon an investigation, which they are hereby authorized to institute, into the manner of holding the several elections, that any improper or fraudulent practices have been permitted they shall have power to declare the election so held in any fraction to be void, and proceed to hold another election in said fraction, first giving ten days notice in the manner herein prescribed.

SECTION 6. For the due administration of justice the different Courts to be holden in the said county of Scott, shall be held at the house of George McDaniel, until the seat of justice of said county shall be located. The county court shall in the intermediate time have full power to adjourn the courts to such other place in said county as they may deem better suited for the holding of the same, and for public convenience, and adjourn to the seat of justice, when in their judgment, the necessary arrangements are made; and all writs and other precepts issuing from any of said courts, returnable to either place, shall and may be returned to the place to which said court may have been removed by the county court aforesaid; and the courts for the county of Scott shall be under the same rules, regulations, and restrictions, and shall have, hold and exercise, and possess the same powers and jurisdiction as prescribed by law for holding courts in other counties. Said court shall be attached to the second judicial circuit, and the circuit court shall be held by the judge of said circuit on the fourth Mondays of March, July and November in each and every year, and the citizens of said county may file bills in chancery at the chancery court held at Jacksboro, or Knoxville.

SECTION 7. All officers civil and military, in said county, shall continue to hold their offices and exercise all the powers and functions thereof until others are elected according to law, and the said county of Scott, shall elect her officers on the same day, and under the same rules, regulations and manners as provided by law for the election of officers in the other counties in this State. Provided, That nothing in this act contained shall deprive the above named counties from having, holding and exercising jurisdiction over the territory composing the county of Scott and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers take place according to law. Provided also, nothing herein shall prevent the above named counties from entering up judgments, or the sheriffs of said counties from selling under such judgments any lands within the bounds of said county of Scott, for taxes, costs and charges, until the county of Scott is organized.

SECTION 8. That the commissioners appointed by this act shall appoint such persons as they may deem of suitable qualifications, to open and hold the election for county officers for the said county of Scott, and such person so appointed shall be, and he is hereby invested with full power and authority to appoint deputies to administer all the necessary oaths, and to do and perform all other duties as by law are required by sheriffs or other officers holding similar elections.

SECTION 9. That citizens of Scott county, in all elections for Governor, Representatives in Congress, members of the General Assembly, and electors for President and Vice President of the United States, shall vote with the counties from which they have been respectively stricken off, until the next apportionment agreeable to the provisions of the fifth section of the tenth article of the Constitution.

SECTION 10. That it shall be the duty of the commissioners aforesaid, as soon as practicable after the county of Scott shall have been established, to select and procure by purchase or otherwise a suitable site for the seat of justice in said county, having due regard to the convenience and wishes of a majority of the citizens of said county, and the said commissioners having first caused a deed to be made to themselves and their successors with general warranty, to a sufficient quantity of land, including the site so selected, shall cause a Town to be laid off thereon; with as many streets of such width as they may deem necessary, reserving a sufficient quantity of land for a public square, said commissioners shall designate and reserve from sale one lot on which to build the public Jail of said county; said Town as soon as laid off shall be known by such name as said commissioners may give it.

SECTION 11. That the commissioners shall sell the lots in said town on a credit of at least twelve months, first giving due notice thereof in one or more newspapers, and shall take bonds with sufficient security from purchasers of said lots payable to themselves and their successors in office, and shall make title in fee simple as commissioners to the respective purchasers of said lots.

SECTION 12. The proceeds of the sales of the lots aforesaid shall be a fund in the hands of said commissioners, for defraying the expenses incurred in the purchase of said tract of land on which said seat shall be located, and also for defraying the expenses of erecting the public buildings for said county of Scott.

SECTION 13. The commissioners shall superintend the erection of such public buildings as the county court of said county shall order and direct to be built, and shall let the same out, and shall take bonds from undertakers with ample penalties and sufficient securities payable to themselves and their successors, conditioned for the faithful performance of his or their contracts, the balance if any of the proceeds arising from the sales of the lots herein authorized to be laid off and sold, remaining in the hands of commissioners after defraying the expenses of purchasing the Town site for the county seat, and the costs of public buildings ordered to be built by the county court, shall be paid over by said commissioners to the Trustee of the said county of Scott, to be held, applied and accounted for by him as other county funds.

SECTION 14. The said commissioners shall also appoint five suitable persons as commissioners, whose

duty it shall be to divide and lay off said county of Scott into civil districts; designate the place for holding elections therein, and do and perform all the duties relative thereto, which by the laws of the State, such commissioners are authorized or required to do.

SECTION 15. That the county of Scott shall form one Regiment, which shall be known and designated as the 163rd Regiment, and shall be attached to the first Division and fourth Bridgade; the military officer or officers highest in command included in said county of Scott, shall at such time and place as he or they may determine upon, call all the commissioned officers together, and such of them as shall attend, are hereby authorized and empowered to lay off said county into Battalions and companies, and provide for holding said elections for the purpose of electing all officers in said Regiment, in the manner provided by law.

SECTION 16. Should the boundary line of Scott county as designated in the second section of this act, approach nearer to the county seat of either of the old counties, from which the territory constituting the county of Scott is taken, than is prescribed by the constitution, it shall be the duty of the commissioners herein appointed to appoint some surveyor who shall rerun and re-mark such line or lines, so as not to violate the constitutional limits of said old county, and said surveyor shall make a report to the county court of Scott county, which report so made shall be recorded by the clerk of said court, and such line so run shall be the established line of said county.

SECTION 17. That the commissioners of Scott county, be and they are hereby authorized to exercise all the powers conferred in this act, and such other powers as may be necessary and proper to the complete organization of said county of Scott.

SECTION 18. That before the said county shall be established, said commissioners shall be satisfied from an actual survey, that said county contains not less than three hundred and fifty square miles, and a population of four hundred and fifty qualified voters, and that said counties of Anderson, Campbell, Morgan and Fentress, will not be reduced below the constitutional limits; Provided, That the survey ordered by this Act may be dispensed with if there is no opposition to the organization of the county, and all alleged reduction of the county or counties below their constitutional limits from which said county of Scott is stricken.

SECTION 19. That if the new county of Scott shall fail to organize against the first Saturday in March next, and consequently fail to elect necessary county officers as prescribed in the 7th Section of this act, they shall proceed to elect their county officers on the first Saturday in July next, thereafter, under the same rules and regulations as is now prescribed by law, and such officers so elected shall hold their offices until the regular time of electing county officers in this State and no longer.

Passed: December 17, 1849

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