



March 12, 2025

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# Acts of 1879 Chapter 34

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Sincerely,

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## Acts of 1879 Chapter 34

**SECTION 1.** That a new county is hereby established to be composed of portions taken from Overton and Fentress Counties, to be known and designated by the name of Pickett.

**SECTION 2.** That the county of Pickett shall be bounded as follows: Beginning at a stone in the Tennessee and Kentucky State line, marked forty-six, the same being the north-east corner of Clay county; thence south with Clay county line seven miles and 220 poles to an ironwood in James Conner's field, at a point eleven miles from Livingston; thence the arc of a circle describing the distance of eleven miles from Livingston, as follows: South 84<sup>o</sup> east 72 poles, south 82<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 81<sup>o</sup> east 80 poles, south 79<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 78<sup>o</sup> east 80 poles, south 77<sup>o</sup> east 80 poles, south 75<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 74<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 73<sup>o</sup> east 80 poles, south 71<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 70<sup>o</sup> east 80 poles, south 68<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 67<sup>o</sup> east 80 poles, south 65<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 64<sup>o</sup> east 80 poles, south 62<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 61<sup>o</sup> east 80 poles, south 59<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 58<sup>o</sup> east 80 poles, south 56<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 55<sup>o</sup> east 80 poles, south 54<sup>o</sup> east 80 poles, south 52<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 51<sup>o</sup> east 80 poles, south 49<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 48<sup>o</sup> east 80 poles, south 46<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 45<sup>o</sup> east 80 poles, south 43<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 42<sup>o</sup> east 80 poles, south 40<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 39<sup>o</sup> east 80 poles, 37<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 35<sup>o</sup> east 80 poles, south 33<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 22<sup>o</sup> east 80 poles, south 20<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 29<sup>o</sup> east 80 poles, south 27<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 26<sup>o</sup> east 80 poles, south 24<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 23<sup>o</sup> east 80 poles, 21<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 20<sup>o</sup> east 80 poles, south 18<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 17<sup>o</sup> east 80 poles, south 15<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 14<sup>o</sup> east 80 poles, south 12<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 11<sup>o</sup> east 80 poles, south 10<sup>o</sup> east 80 poles, south 8<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 7<sup>o</sup> east 80 poles, south 5<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 4<sup>o</sup> east 80 poles, south 2<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, south 1<sup>o</sup> east 80 poles, south 80 poles, south 1<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, south 3<sup>o</sup> west 80 poles, south 4<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, south 6<sup>o</sup> west 80 poles, south 7<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, south 9<sup>o</sup> west 80 poles to a point near the Ledford place, eleven miles from Livingston; thence east 1,200 poles to a point eleven miles from Jamestown; thence an arc of a circle describing a distance of eleven miles from Jamestown, as follows: North 29<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, south 28<sup>o</sup> west 80 poles, north 26<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, north 25<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, north 24<sup>o</sup> west 80 poles, north 22<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, north 21<sup>o</sup> west 80 poles, north 19<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, north 18<sup>o</sup> west 80 poles, north 16<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, north 15<sup>o</sup> west 80 poles, north 13<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, north 12<sup>o</sup> west 80 poles, north 10<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, north 9<sup>o</sup> west 80 poles, north 8<sup>o</sup> west 80 poles, north 6<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, north 5<sup>o</sup> west 80 poles, north 4<sup>o</sup> west 80 poles, north 2<sup>1</sup>/<sub>2</sub><sup>o</sup> west 80 poles, north 1<sup>o</sup> west 80 poles, north 80 poles, north 1<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 3<sup>o</sup> east 80 poles, north 4<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 5<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 7<sup>o</sup> east 80 poles, north 8<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 10<sup>o</sup> east 80 poles, north 12<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 14<sup>o</sup> east 80 poles, north 15<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 17<sup>o</sup> east 80 poles, north 18<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 20<sup>o</sup> east 80 poles, north 21<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 23<sup>o</sup> east 80 poles, north 24<sup>o</sup> east 80 poles, north 25<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 27<sup>o</sup> east 80 poles, north 28<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 30<sup>o</sup> east 80 poles, north 31<sup>o</sup> east 80 poles, north 33<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 35<sup>o</sup> east 80 poles, north 36<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 38<sup>o</sup> east 80 poles, north 39<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 42<sup>o</sup> east 80 poles, north 43<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 45<sup>o</sup> east 80 poles, north 46<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 49<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 51<sup>o</sup> east 80 poles, north 53<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 55<sup>o</sup> east 80 poles, north 57<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 59<sup>o</sup> east 80 poles, north 60<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 62<sup>o</sup> east 80 poles, north 64<sup>o</sup> east 80 poles, north 65<sup>o</sup> east 80 poles, north 67<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 69<sup>o</sup> east 80 poles, north 70<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 72<sup>o</sup> east 80 poles, north 73<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 75<sup>o</sup> east 80 poles, north 76<sup>o</sup> east 80 poles, north 77<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 79<sup>o</sup> east 80 poles, north 80<sup>1</sup>/<sub>2</sub><sup>o</sup> east 80 poles, north 82<sup>o</sup> east 80 poles, to a point eleven miles from Jamestown, 58 poles north of Mrs. Crouch's house on Rotten's Fork, of Wolf river; thence the arc of a circle describing a distance of eleven miles from Jamestown, twelve and a half miles, to a point north 50<sup>o</sup> east of Jamestown, at a distance of eleven miles from the same; thence east nine and a quarter miles to the Scott county line; thence with said line north 45<sup>o</sup> west ten and a half miles to the Tennessee and Kentucky State line; thence west with the State line thirty-two and a half miles to the beginning, being the north-east corner of Clay County, containing two hundred and eighty-four square miles.

As amended by:

Acts of 1881, Chapter 37.

**SECTION 3.** That for the purpose of organizing the County of Pickett, W. W. Goodpasture, Jackson Winningham, L. T. Smith, J. N. Huddleston, Sr., M. F. Hurt, W. A. Gilreath and E. D. Wright, shall be, and are hereby appointed, Commissioners on the part of the several fractions of the counties of Overton and Fentress, who shall, before entering on the

discharge of their duty, take an oath before some Justice of the Peace, faithfully and impartially, to discharge all the duties incumbent 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 said County of Pickett, the same shall be filed by remaining Commissioners, and all vacancies occurring after the organization of such court shall be filled by said court of the county of Pickett. Said Commissioners shall enter into such bond and security as may be required by the said County Court of Pickett, and payable to the Chairman thereof, conditioned for the faithful performance of their duties as required by this Act.

A majority of said Commissioners shall constitute a Board, competent to do all things herein enjoined them. They shall keep a record of all their proceedings as Commissioners, which shall be returned to the County Court of Pickett 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 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 thirty days notice in two or more public places in each fraction, of the time and place to open and hold an election, in two or more places in each of the fractions proposed to be stricken off from the counties of Overton and Fentress, in order to ascertain whether two-thirds of the voters residing in each of the said fractions, are in favor of, or opposed to the formation of said new County of Pickett, and all persons qualified to vote for members of the General Assembly residing in said fractions, shall be entitled to vote in said election, and each voter who is in favor of the formation of the new county, shall have on his ticket "New County" and each voter opposed to the new County of Pickett shall have on his ticket "Old County" and if, after counting the votes cast in said election it shall appear that there are two-thirds of the legal votes cast in each of said fractions in favor of the new county, then in that case the County of Pickett shall be, and is hereby declared the county, with all the powers, privileges and advantages, and subject to all the liabilities and duties with other counties in the State.

**SECTION 5.** That in order to carry into effect and make certain and accurate the provisions in the 4th Section of this Act, said Commissioners are hereby empowered and authorized to canvass and take the census of the qualified voting population in the bounds of the several fractions proposed to be stricken off from the counties of Overton and Fentress.

**SECTION 6.** That for the due administration of justice, the different Courts to be holden in the said County of Pickett shall be held at such place or places, as may be designated by said Commissioners until the seat of Justice shall be located and all writs and other process issuing from said Courts returnable to the place, shall be legal, and the Courts of the County of Pickett, shall be under the same rules, regulations and restrictions, shall have, exercise and possess the same power and jurisdiction as prescribed by law for holding Courts in other counties, and said county shall be attached to the 16th Judicial Circuit, and the 1st Circuit and Chancery Courts shall be held at the time designated by the Judge of said Circuit.

**SECTION 7.** That all officers, civil or military, now holding office in said county, shall continue to hold their offices and exercise all the functions and powers thereof until others are elected and qualified according to this Act; Provided, That nothing in this Act shall deprive the counties from which the fractions have been taken, having exercised and holding jurisdiction over the County of Pickett and the citizens thereof, in as full and ample a manner as they now have, until the said county is organized, according to this Act.

As amended by:

Acts of 1881, Chapter 37.

**SECTION 8.** That said Commissioners are hereby empowered, and it shall be their duty, to appoint five qualified and suitable persons to divide said county into not less than 8 civil districts, designating boundaries and places for holding elections in said districts and perform all the duties relating thereto, which, by the laws of the State, such Commissioners are required to do.

**SECTION 9.** That the Commissioners appointed by this Act, shall appoint such person or persons, as they may think proper, and hold the election for county officers of said County of Pickett, and such person or persons so appointed, shall have power to appoint deputy Clerks and Judges, and by himself and deputies to administer all the necessary oaths and perform all other duties, now made the duties of Sheriffs or other officers holding similar elections, and it shall be the duty of such persons so appointed together with their deputies after giving fifteen days notice to open the polls and hold an election in each one of the civil districts in said county for district and county officers, and the officers so elected shall hold their offices until the next regular election, for the different officers so elected takes place in other counties in the State.

**SECTION 10.** That it shall be the duty of the above named Commissioners, so soon as

convenient, after the full and complete organization of the said County of Pickett to select and put in nomination two or more suitable locations for the seat of justice of the County of Pickett, having a due regard for the health and convenience of a majority of the citizens of said county, neither of which places shall be more than two and one-half miles from the supposed or probable center of said County of Pickett which places shall be voted for by the legal voters of said county and the site nominated receiving the largest number of votes shall be, and is hereby declared to be, the seat of justice of the said County of Pickett, and shall be known by the name of Byrdstown.

**SECTION 11.** That it shall be the further duty of said Commission to obtain a good and sufficient title to twenty acres of land, upon which the seat of justice of said county is located, by the vote of the people, and said Commission shall lay off said land into town lots of proper size with the necessary streets and alleys, reserving \_\_\_\_\_ acres for a public square and a suitable lot for a county jail.

**SECTION 12.** That it shall be the duty of said Commission to superintend the building of such public buildings as the County Court of said county may direct to be built, and shall let the same out, and shall take bonds with ample security, payable to themselves, and successors in office, conditioned for the faithful performance of his or their contract, the proceeds of the sales of all donations, bonds, town lots, or other gifts that may be made, in consideration of the location of the seat of justice for said County of Pickett, or otherwise, shall be a fund in their hands to pay the necessary expenses in organizing said county and paying for the erection of public buildings ordered to be built by the County Court, and should any surplus remain it shall be their duty to pay over the same to the Trustee to be accounted for by him as other funds in his hands.

**SECTION 13.** That said Commissioners of Pickett County, be, and they are hereby authorized, to exercise all powers and privileges conferred on them by this Act, and any and all other powers not in violation of the Constitution of the State, that may be necessary and proper for the complete setting up an organization of said County of Pickett.

**SECTION 14.** That the fractions composing said County of Pickett shall be liable for their pro rata of the debts contracted and owing by the counties from which they were taken and shall also receive their portion of any stocks or credits belonging to said old counties.

**SECTION 15.** That this Act take effect from and after its passage, the public welfare requiring it; Provided, that this Act shall not be so construed as to violate the Constitutional rights of the old counties of which it is composed.

Passed: February 25, 1879.

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