



December 22, 2024

Animals and Fish - Historical Notes

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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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Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in White County. They are included herein for reference purposes.

1. Acts of 1831, Chapter 11, provided that the County Court of White County, at its first session in January, should appoint a Jury of View, consisting of five people, to review the milk sick flats and hills near John W. Simpson's mills and they shall appoint two, or more, overseers to enclose the milk sick area, enough hands being assigned to the overseers to accomplish this. All the people involved in this endeavor to control the milk sickness of cattle shall be excused from musters, drills, and all public duties until the above objectives are reached.
2. Acts of 1875, Chapter 114, was a state law which prohibited a person from catching fish with seines, nets, or traps, in the waters covering the lands of any other person who was given the extraordinary process of the injunction as a remedy, or he could prosecute the actions as offenses. The passage of fish up and down the streams was not to be obstructed at any time. Many counties exempted themselves from this Act but White County did not choose to do so.
3. Acts of 1879, Chapter 133, made it unlawful for any person other than the citizens of White, and several other named counties, to hunt and kill deer, or any species of game for a profit, but a citizen of the State could hunt and kill deer in these counties for their own personal use. Any resident of another state violating the provisions of this Act could be fined a minimum amount of \$50 for each offense.
4. Acts of 1889, Chapter 171, declared it to be unlawful for any person to hunt deer for profit, but it was legal to hunt and kill them for one's own use from August 1 to January 1 of each year. The same provisions were made for the hunting and killing of quail, or partridge, for profit but one could also hunt, kill, net, trap, and capture them on one's own land for personal, or family use. The fine specified for violators was \$25. Several counties, including White, were exempted from this law.
5. Acts of 1889, Chapter 179, made it illegal for any person being a non-resident of the State, to hunt, shoot, kill, catch, or carry away game of any kind in several counties which were enumerated in this law among which was White County. The fine provided for violators was \$50, one-half to go to the prosecutor, and one-half to go to the County.
6. Acts of 1889, Chapter 244, made it unlawful for any person, other than a citizen of the State of Tennessee, to hunt, kill, or capture, any wild deer, wild turkey, quail, or partridge, or any species of game, or fish, in Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren, and White Counties, except that citizens may hunt and kill deer, and any species of game for their own use. One could be fined from \$25 to \$100 or imprisoned for violations, all lying within the discretion of the Court trying the offense.
7. Acts of 1893, Chapter 59, termed it unlawful for any person to hunt, kill, or capture any wild deer in Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, Unicoi, DeKalb, and Montgomery Counties from December 1 to September 30 of each year. It was further declared to be unlawful for any resident, or non-resident, to hunt, kill, or capture any wild turkey in Bledsoe, Rhea, Fentress, and White Counties from May 1 until October 1. Fines for disobedience ranged from \$25 to \$50.
8. Acts of 1893, Chapter 128, amended Acts of 1889, Chapter 179, by removing Sullivan County from the provisions of that Act.
9. Acts of 1905, Chapter 520, stated that, in addition to those fences which were defined by general law as being lawful fences, in White County, identified by using the 1900 Federal Census figures, the following shall also be considered a lawful fence: One consisting of three, barbed wires, three boards, or three rails, all securely fastened to substantial posts set firmly in the ground and not over 12 feet apart, the first wire, board, or rail, to be two feet above the ground, the second one foot above the first, and the third one foot above the second. This Act would not be effective until duly approved by the voters in a referendum held for that purpose.
10. Private Acts of 1911, Chapter 62, required the Election Commission of White County to hold an election within five days of the passage of this Act, at all the polling precincts in the County, to ascertain the will of the people regarding the enactment of a stock law for the County. The ballot would be simply "For" or "Against" the stock law. That portion of White County lying on Cumberland Mountain and used principally for grazing land is exempted from the law but the owners of stock would still be liable for damages caused by them.

11. Private Acts of 1915, Chapter 302, declared it to be unlawful for the owner of horses, mules, asses, cattle, sheep, swine, or goats, to permit such animals to run at-large upon the highways, commons, or the lands of another closed or unenclosed. The failure to comply was termed a misdemeanor which could carry fines from \$5 to \$10. The damaged party was also given a lien on the stock for his damages, but this law shall not be enforceable until approved by the people in a referendum held for that reason. An election could be initiated by a petition of 200 voters, or more, in an area of at least five Civil Districts, which would decide either "For" or "Against".
12. Private Acts of 1917, Chapter 51, amended Public Acts of 1915, Chapter 152, which regulated the open season on quail, by declaring the open season on quail in White County to run from November 15 to February 15, of the following year.
13. Private Acts of 1919, Chapter 27, averred that, within fifteen days from the passage of this Act, the Election Commission of White County shall hold an election in all the precincts of the county on whether to have a stock law which would bar the running at large of stock. The ballots would be marked either "For" or "Against". The election would be held under the general election laws of the State and at White County's expense. The results would be certified as soon as possible to the delegation representing White County in the General Assembly.
14. Private Acts of 1925, Chapter 50, directed the Election Commissioners of White County to hold an election in all precincts therein on February 14, 1925, to determine the will of the qualified voters with respect to the passage of an Act to regulate the running at large of live stock in the County, and no poll tax receipt shall be required as a prerequisite to voting in this election.
15. Private Acts of 1925, Chapter 618, was a stock law for White County which exempted a certain area from its provisions. The Act prohibited the owner, or anyone having the control of live stock including horses, mules, cattle, sheep, swine, and goats to permit the same to run at large, except in a certain area. This act was declared unconstitutional by the Supreme Court in Pettit v. White County, 152 Tenn. 660, 280 S.W. 688 (1926), because a large portion of the county was excluded from its operation.
16. Private Acts of 1927, Chapter 63, was virtually a repetition of the Stock Law of 1925, outlined above, except that it applied to the entire county with no areas being exempted from its provisions, as was done above.
17. Private Acts of 1927, Chapter 548, amended Private Acts of 1927, Chapter 63, by inserting into Section One a description of an area which would be exempt from the requirements of that Act. The description in this Act contains the farms and lands of Tom Bradley, W. J. Breeding, W. D. Walker, Buster Little, J. D. Angel, J. S. Officer, R. C. Little, and Fred Angel.
18. Private Acts of 1931, Chapter 495, amended Private Acts of 1927, Chapter 83 (as stated in the Act, but it undoubtedly meant Chapter 63), by adding at the end of Section One a provision that the Act would not apply to any Civil District in the County which had a population of no less than 624 and no more than 640, by the 1930 Federal Census figures, nor to a Civil District of less than 290 nor more than 300, nor to a Civil District with a population of no less than 1725, and no more than 1775, and no less than 450, and no more than 475.
19. Private Acts of 1935, Chapter 236, provided that in White County the open season for fishing is hereby fixed as the period from the first day of July to the first day of May, inclusive, provided that all of the limitations, restrictions, and provisions regulating fishing in Public Acts of 1931, Chapter 51, except the time for the open season, mentioned above, are in full force and effect in White County.

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