



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Animals and Fish - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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 Overton County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1875, Chapter 114, made it unlawful for anyone to catch fish with seines, nets, or traps, in waters covering the land of another. Such action may be stopped by action at law or by equity. No person may place any net, or other obstruction, near the mouth of any stream which would impede the free passage of fish up or down the stream. Several counties, including Overton County, exempted themselves from the terms and conditions of this general law.
2. Public Acts of 1879, Chapter 133, declared it to be unlawful for anyone other than a resident of the counties named, Overton County being found among them, to hunt and kill deer, or any species of game, for profit in those counties, but all citizens of the state could hunt and kill deer and other game for their own use. Fines for violation ran from \$50.00 for the first offense to \$100.00 for subsequent ones, which could be brought before any justice of the peace.
3. Public Acts of 1881, Chapter 71, declared it to be illegal for any person to kill, or capture, any wild deer, or wild turkey, in the counties of Morgan, Fentress, and Overton from December 1, to September 30. Fines were \$2.00 to \$25.00 for offenders and this law was required to be charged to grand juries. This act was repealed by Public Acts of 1883, Chapter 32.
4. Public Acts of 1883, Chapter 43, amended the 1879 Act, Item 2, above, by adding Carroll County to the list of counties coming within its provisions.
5. Public Acts of 1889, Chapter 171, made it unlawful for any person to hunt, kill, or trap deer for profit in the state but any resident might hunt and kill deer for their own consumption between August 1 and January 1 and one was allowed to kill deer also for profit on his own land during that time. It was likewise illegal for any person to hunt, kill, capture, or trap quail and partridge for profit, except on one's own land and then at no time except between November 1 and the following March 1. Fines ranged from \$5.00 to \$25.00 for the first offense, and \$25.00 to \$50.00, and three months in jail for subsequent violations. Many counties, including Overton, exempted themselves from this act.
6. Public Acts of 1889, Chapter 244, rendered it unlawful for any nonresident of the state to hunt, kill, or capture, any wild deer, wild turkey, quail, or partridge, or any species of game, or fish, in the counties of Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren, and White, but all State residents were allowed to hunt and kill the same for their own consumption. Fines were scheduled from \$25.00 to \$100.00 for violators.
7. Private Acts of 1897, Chapter 241, made it unlawful for any person to catch, kill, or wound, fish in any stream, or river, in Clay, Fentress, Overton, and Pickett counties by seine, trap, net, gun, gig, poison, dynamite, or, in any way except by rod and reel, from January 1 to June 1 of each year. It was likewise against the law to build a dam, fish gate, or any obstruction, across any stream to corral, or catch fish. Fines could run from \$5.00 to \$25.00 for each offense. All fines levied and collected went into the school fund. The use of any type of explosive for the above could result in fines from \$10.00 to \$50.00 and jail terms from one to six months in the discretion of the trial judge.
8. Private Acts of 1917, Chapter 46, made it lawful after the passage of this act to take and catch fish in Obeds River by hook and line, trot line, gigging, grab hook, net, or fish basket, and no fee or license, would be charged to anyone for such activity, or to any resident citizen when fishing in the aforesaid manner. The meshes of the net, or basket, must not be less than 1¼ inches and any violation of the above could result in penalties from \$10.00 to \$25.00. Trammel nets were specifically forbidden from January 1 to June 1 of each year.
9. Private Acts of 1917, Chapter 401, declared it to be lawful for resident citizens of Pickett, Fentress, Overton, Clay, Jackson, and Macon counties to hunt and kill squirrels at any season of the year on all unenclosed lands of the county, provided the verbal or written consent of the owner of lands other than one's own if first obtained, without the necessity of procuring a license, or paying a fee.
10. Private Acts of 1917, Chapter 647, provided that any person owning, controlling, or harboring any dog, or dogs, that shall wound, injure, or kill, any sheep, hog, or hogs, shall be liable in damages which shall be enforced as any other judgment is, and no property shall be exempt from levy and

sale under any judgment rendered hereunder. If the owner is insolvent, damages will be paid out of the fund provided for herein. Anyone damaged in the manner described above, would report the same to any justice of the peace in a sworn statement, who shall thereupon appoint three disinterested witnesses and freeholders to assess the damages, and their report shall be prima facie evidence of the same. This act was made applicable to Overton County by the use of the 1910 Federal Census figures.

11. Private Acts of 1917, Chapter 648, stated that all dogs running at large in Overton County, which were not registered, as provided herein, are a public nuisance. The circuit court clerk must keep a register and a supply of leather collars and metal tags to give to those dogs being registered whose owners supply the necessary information and pay the \$1.50 fee for the same. Anyone failing to comply may be fined from \$2.00 to \$25.00 for each dog. On December 31 of each year the clerk shall subtract all expenses and fees from the fund and the remainder shall be a dog and stock fund. A dog must be registered every year and a new collar and tab obtained. This act was repealed in Item 14, below.
12. Private Acts of 1919, Chapter 52, stated that within ten days after the passage of this act, the election commission of Overton County would hold an election to ascertain the will of a majority of the voters on the question of a stock law for the county. All qualified voters may vote on ballots which may be marked simply "For" or "Against". No poll tax receipt is necessary to vote. The votes shall be canvassed and the results certified within five days to the delegation representing Overton County in the general assembly.
13. Private Acts of 1919, Chapter 55, amended Private Acts of 1917, Chapter 647, Item 10, above, by striking out Section 3. Section 3 allowed the damaged person to obtain a summary judgment before any justice of the peace for the amount of damages on his sworn statement.
14. Private Acts of 1919, Chapter 56, expressly repealed Private Acts of 1917, Chapter 648, Item 11, above, which regulated the keeping of dogs in Overton County, in its entirety.
15. Private Acts of 1919, Chapter 511, made it unlawful and a misdemeanor for any person owning bulls and boars to permit them to run at large in Overton County after reaching the age of 8 months for bulls and four months for boars, unless the animals were registered, or entitled to be registered. Violators could be fined from \$5.00 to \$20.00. The act also applied to Putnam, Fentress, and Pickett counties.
16. Private Acts of 1921, Chapter 405, amended Public Acts of 1919, Chapter 61, which was a general state act regulating the care and keeping and the registration of dogs in Tennessee, by exempting Overton County and nearly half of all the other counties in the state from its rather strict provisions.
17. Private Acts of 1923, Chapter 336, provided that the election commission of Overton County would hold an election by law to determine by a majority vote therein, whether or not a "no fence", or stock law, shall be enacted for the county. Proper ballots shall be prepared and marked "For" or "Against". The results of the election shall be certified and transmitted to the delegation representing Overton County in the general assembly. If the vote is favorable, the delegation shall proceed to enact a suitable stock law.
18. Private Acts of 1925, Chapter 20, rendered it illegal for the owner, or any person having the possession of any horse, or horses, cattle, sheep, goats, asses, swine, or any other kind of livestock in Overton County to permit the same to run at large. To do so is a misdemeanor and the one permitting the same is subject to fines from \$5.00 to \$50.00. Any person damaged by trespassing livestock is given a lien on the stock and any cost incurred for taking up and caring for the animals may be added to the lien for damages. This act will not affect any act relative to the liabilities of railroads in this regard.
19. Private Acts of 1931, Chapter 211, made it unlawful for any person to kill deer in the counties of Cumberland, Fentress, Morgan, Overton, and Pickett, except two-prong bucks, from October 29 to November 21, following, of each year. Any person convicted hereunder may be fined \$10.00 to \$25.00 for each offense.
20. Private Acts of 1931, Chapter 497, stated that it would not be illegal to catch, or kill, fish in any running stream of Overton County with a gig, or grab hook, from June 1 to the following March 1. All conflicting laws were repealed.
21. Private Acts of 1931, Second Extra Session, Chapter 63, declared it lawful to catch, kill, trap gray foxes and rabbits at any time of the year and to sell and dispose of their furs in Overton County.
22. Private Acts of 1931, Second Extra Session, Chapter 83, declared it lawful to gig fish in Overton, Pickett, Fentress, and Clay counties, provided no person shall be permitted to gig fish under the

provisions of this act without first obtaining a license to hunt and fish in the county as provided in Public Acts of 1931, Chapter 51.

23. Private Acts of 1935, Chapter 208, made it contrary to the law for any person, firm, or corporation, who is not a resident citizen of Overton County or a land owner of the county, to hunt, chase, trap, kill, catch, or take any wild animal, wild bird, or wild fowl, in open season without first paying a license fee of \$10.00 to the county court clerk for each season, and also without first obtaining the consent of the owner of the land. Conviction precipitated a \$25.00 fine for each offense which went into the elementary school fund.
24. Private Acts of 1945, Chapter 439, stated that James R. Ledbetter, of Livingston, in Overton County, being over 21 years of age, and a Private First Class in World War I, a man of good moral character and a practitioner of veterinary surgery and medicine for more than 20 years, is hereby allowed to continue the said practice in Overton County. A certified copy of this act shall be all the license needed by Ledbetter to practice as was above stated and to charge fees for services performed and for which he may file suits in any court when necessary.
25. Private Acts of 1957, Chapter 132, made it unlawful for anyone to catch, or possess, for the purpose of sale any minnows in Overton County if they were caught in the streams of Overton County. The governor did not sign this bill, it becoming a law without his signature, but the quarterly court of Overton County properly ratified the same. This act was repealed by the one following.
26. Private Acts of 1961, Chapter 277, repealed Private Acts of 1957, Chapter 132, in its entirety.

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