



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

March 30, 2025

Chapter II - Animals and Fish

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 Montgomery County. They are included herein for reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1873, Chapter 83, was a bird protection act for Montgomery, Robertson, Davidson, and Maury Counties which prohibited the hunting, killing, or capturing, from the first of February to the first of September, of any song-bird, such as the mocking bird, thrush, robin, and oriole; of any game bird, such as the wild-turkey, partridge, quail, grouse, pheasant, woodcock, snipe, or lark; or of any bird which feeds on insects which destroy fruit trees such as the sparrow, cat-bird, or woodpecker. Violations were punishable by fines of \$5 per bird to be split between the informer, if any, and the County.
2. Public Acts of 1875, Chapter 114, was a general law, applicable to Montgomery County and most other counties, which made it unlawful for a person to catch fish with seine, nets, or traps on the land of another without permission. The landowner was allowed to sue to enjoin the violator.
3. Public Acts of 1877, Chapter 25, prohibited catching or taking fish with seines, nets, traps, gigs, or by any other means than by angling with a hook and line and by trotline in the waters of any running stream in the State. Legal and equitable remedies were made available to those who were damaged by such activity. Montgomery, Robertson, Maury, Gibson, Madison, Stewart, Franklin, Loudon, Monroe, Hawkins, Henry, and Crockett Counties were covered under the act.
4. Public Acts of 1879, Chapter 22, was a new bird protection act for Montgomery and Cheatham Counties. The act declared it a misdemeanor for any person to hunt, kill, or capture any song bird, any bird that ate insects, or any listed game bird.
5. Public Acts of 1893, Chapter 15, made it unlawful for any person to kill, net, or trap, quail and partridges, for pleasure or profit, on his own land or elsewhere, in Gibson, Montgomery, Lincoln and Giles Counties other than between November 1 and March 1, of each year. The act prohibited the netting of quail or partridges at anytime.
6. Public Acts of 1893, Chapter 43, made it unlawful for any person to place or keep any fish-traps or fish-dams across any running stream in Gibson, Obion, Weakley, Carroll, or Montgomery Counties. Violators would be guilty of a misdemeanor and punished accordingly.
7. Public Acts of 1893, Chapter 59, prohibited the hunting, killing, or capturing of any wild deer in Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, Unicoi, DeKalb, and Montgomery Counties from the first day of December to the thirtieth day of September each year.
8. Public Acts of 1895, Chapter 135, made it unlawful to catch, kill, destroy, or take fish in Robertson and Montgomery Counties by means of seine, trap, net, or by use of fishberries, lime and giant powder, dynamite, gun powder or any explosive, or by use of any means other than hook and line, trotline, gig, grab-hook or snatch-hook. The act would not apply to minnow or bait catching nets, or to any person fishing in his own private lake. Fines for violations ranged from \$50 to \$500.
9. Private Acts of 1897, Chapter 292, amended Public Acts of 1895, Chapter 135, above, by prohibiting in Montgomery County all forms of fishing except by baited, single hook or by trotline with the provision that seine fishing for minnows to be used for bait was permitted. The County Court was authorized to appropriate \$250 for the purpose of enforcing the act by having the streams watched for violators.
10. Public Acts of 1899, Chapter 3, made it unlawful for any person to hunt, capture, kill, shoot, wound, or destroy any quail or partridge in Montgomery, Marshall, and Rutherford Counties from February 15 to November 15, each year, and unlawful to do so at any time on the land of another without having first obtained written permission from the owner. Fines for violation ranged from \$10 to \$50 or up to sixty days in jail.
11. Acts of 1901, Chapter 263, made it a misdemeanor to shoot, trap, or kill wild turkeys in Robertson, Montgomery, and Weakley Counties for a period of five years following passage of the act.
12. Acts of 1901, Chapter 447, stated that no person shall catch, kill, injure, or pursue, any ruffled

- grouse, prairie chicken, or Mongolian, English, or ring-neck pheasants before November 15, 1903, or after that date, between November 15 and January 15, in Stewart, Robertson, Cheatham, Williamson, and Montgomery Counties. The nests and eggs of the listed birds were also protected. Fines and imprisonment were prescribed for violators. The act was not applicable to people possessing the listed birds for purposes of domestication or propagation.
13. Acts of 1903, Chapter 192, made it unlawful for any person to hunt, capture, kill, shoot, wound, or destroy any quail or partridge in Montgomery County from February 1 to November 1, inclusive, of each year or to do so at any time on the land of another without the owner's permission.
 14. Acts of 1903, Chapter 263, made it unlawful for any owner or person having control of hogs, sheep, and goats to allow them to run at large in Montgomery County. Any person damaged by animals running at large was granted a lien upon the stock to be enforced as any other lien by judgment and execution against the owner. The person damaged was allowed to take up the stock, feed and care for it, and have a lien upon the stock to enforce reasonable compensation. The act in no way modified or affected the railroad stock law and the railroads remained liable for harm caused by them to livestock.
 15. Acts of 1903, Chapter 565, provided that a three strand barbed wire, or a four strand smooth wire, securely fastened to good and sufficient posts, firmly set into the ground, as described in the act, would constitute a lawful and acceptable fence in Montgomery County. Specifications for spacing fence posts and positioning the wire on the posts were set forth in the act.
 16. Private Acts of 1911, Chapter 150, made it a misdemeanor for any owner or manager of hogs, sheep, or goats, to allow them to run at large. The act granted a lien, enforceable as any other lien, to any person damaged by animals running at large. The act did not alter in any way the railroad stock and fence law and the railroad liability for harm to livestock remained unchanged.
 17. Private Acts of 1911, Chapter 210, was a Senate Bill and it was worded the same as Private Acts of 1911, Chapter 150, above, which was a House Bill. Both bills passed the General Assembly and were signed into law by Governor Hooper.
 18. Private Acts of 1911, Chapter 567, amended Acts of 1903, Chapter 263, by making the prohibition against animals running at large applicable to cattle, horses, or any other livestock as well as to hogs, sheep and goats.
 19. Private Acts of 1915, Chapter 447, made it unlawful to hunt or kill quail or doves except that quail could be hunted from December 1 to February 1, and doves from September 1 to December 1, each year. Violators could be fined up to \$50 for each violation.
 20. Private Acts of 1917, Chapter 384, made it lawful for the owners of land along any stream in Montgomery County to catch fish for their own benefit with set nets and baskets.
 21. Private Acts of 1927, Chapter 702, regulated the owning, keeping, or harboring of dogs so as to protect the safety of people and property in Bedford, Maury, Wilson, and Montgomery Counties by providing for the licensing of dogs and kennels and payment of fees according to a schedule set forth in the act. The act allowed the authorities, under certain circumstances, to kill a dog running at large. It provided remedies for persons injured by trespassing dogs, and it declared violations of the act to be a misdemeanor.
 22. Private Acts of 1929, Chapter 31, excluded Bedford, Maury, and Montgomery Counties from the operation of the Dog Law, Private Acts of 1927, Chapter 702, and left Wilson County as the only County within that Act.
 23. Private Acts of 1929, Chapter 243, authorized an election in Montgomery County to ascertain the will of the voters with reference to a dog law for the County, and it set forth the standards under which the election would be held.
 24. Private Acts of 1929, Chapter 884, provided that all fees collected by the Montgomery County Trustee, in the amount of \$2,190, from purchase of licenses while the Dog Law was in effect would be expended to pay damage claims by citizens injured by animals running at large and that any surplus would then go to the general fund.
 25. Private Acts of 1937, Chapter 353, was a general Dog Law for Montgomery County similar in all respects to Private Acts of 1927, Chapter 702. It required owners of dogs and kennels to purchase licenses from the County Trustee who would distribute license tags for the dogs. The fees would create a Dog License Fund and would then be distributed to persons injured by animals running at large under guidelines set forth in the act. The County Court would appoint a Delinquent Dog License Officer to enforce the act and kill unlicensed dogs, if the owner could not be ascertained. Violations of the act were declared misdemeanors and penalties were set forth.

26. Private Acts of 1937, Chapter 536, amended Private Acts of 1937, Chapter 353 by striking the provisions relating to the Delinquent Dog License Officer and substituting instead a provision for the appointment of Dog Tax Enforcement Officers, one for each civil district. The officers' duty would be to take a census of all dogs with a description of each and bring charges against those dog owners not purchasing licenses and to kill any dog found injuring other domestic animals.
27. Private Acts of 1939, Chapter 1, repealed Private Acts of 1937, Chapter 353, and Private Acts of 1937, Chapter 536. The act established the manner for disbursing the funds accumulated in the Dog License Fund so that costs would be paid first and then damage claims. Any surplus would be paid over to the County School Fund.

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