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Animals and Fish - Historical Notes

Dear Reader:

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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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Table of Contents

Animals and Fish - Historical Notes	3
--	----------

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

1. Private Acts of 1889, Chapter 128, actually amends an 1887 general act to the extent of prohibiting any person from fishing in Giles County with a seine or net whose meshes are less than 1½" and subjected violators to a fine of not less than \$2.00 per offense.
2. Private Acts of 1893, Chapter 15, made it unlawful for any person to trap, kill, net, or capture quail or partridges for pleasure or for profit, on his land or elsewhere in Gibson, Montgomery, Lincoln, and Giles County, at any season other than from November 1 to March 1 of the following year, fines for violation ranging from \$5 to \$25.
3. Private Acts of 1897, Chapter 285, made it lawful for any resident of Giles County to fish in these ways, by hands or grabbing, by baskets by slat trap where slats are 1½" apart, and by seining when meshes of the seine are 1½" or larger. This Act amended Chapter 127, Acts of 1895, which was a general state law forbidding the things which this act permits in Giles County.
4. Private Acts of 1899, Chapter 72, repealed Acts of 1897, Chapter 285, and thus brought the county back under the provisions of Acts of 1895, Chapter 127, again.
5. Private Acts of 1903, Chapter 147, made it lawful to catch fish in any of the streams of Giles County in any way and at any time except by use of explosives and poison.
6. Private Acts of 1905, Chapter 294, repeals Acts of 1903, Chapter 169, Section 3, subsection 7, a general game law for the entire state, as the act applied to Giles County in this regard, by making it lawful to kill squirrels in the county at any time during all seasons of the year.
7. Private Acts of 1905, Chapter 306, prohibited one from grabbling, seining, or trapping fish in any stream, lake, or pond in Giles County without written permission of the person through whose lands the lake or pond is located, but this was not to apply to seining for minnows for bait. Fines for violation ranged from \$5.00 to \$50.00.
8. Private Acts of 1917, Chapter 527, permitted any resident of the county to catch fish by rod and line, trot line, snatch hook, basket with slats 1½" apart, and nets with meshes 1½" wide, or larger, provided permission were granted from abutting property owners. It was also lawful to grabble and seine for fish in any stream from July 1 to August 31 of each year. Violations were classified as misdemeanors, punished by fines upon conviction.
9. Private Acts of 1919, Chapter 375, declared it a misdemeanor to shoot, take, kill, hunt, capture, destroy or injure by any means or method, any quail, partridge, dove, or squirrel except during the following open seasons; quail and partridge from December to February 1; doves, from September 1 to March 1; and squirrel, from October 15 to July 1.
10. Private Acts of 1929, Chapter 460, again legalized fishing with hook and line, or troutline in any month of the year and in all county streams.
11. Private Acts of 1933, Chapter 871, made it unlawful for any person, firm, or corporation, to engage in market fishing in any water or stream in Giles County; no fish taken in such manner shall be sold or offered for sale. Further, it was unlawful to fish by net, basket, hoop net, gill net, seine, grabhooks, or grabbling, or by any device other than hook or line. The fines for violations started at \$25.
12. Private Acts of 1939, Chapter 243, by population figures for Giles County declared it to be unlawful to catch or transport within the boundaries of said county or counties, minnows intended for transportation or sale beyond the borders of Tennessee, or to have more than 1000 minnows in one's possession at one time. Maximum fine in these cases was set at \$100.
13. Private Acts of 1963, Chapter 244, allowed the County Court of Giles County to appropriate \$2,000 to pay a bounty of \$2.00 each to everyone killing a grey fox in Giles County who claimed it. The offer expired in two years or when the funds were exhausted, whichever came first. Red foxes were excluded from the bounty payments.
14. Public Acts of 1974, Chapter 703, amended Tennessee Code Annotated, Section 51-4107, by adding a provision immediately preceding the last paragraph which said that the words at the end of the paragraph "while having in his possession or under his control any firearm or bow and arrow," and the prohibitions contained in the next two paragraphs following that would not be applied to deer hunting in several counties listed in the Act and identified by population groupings

of the 1970 Federal Census. Giles County was included in their number.

Fences

1. Private Acts of 1909, Chapter 377, amended a general law on legal fences, Acts of 1887, Chapter 35, and Acts of 1883, Chapter 46, but made the amendment applicable only to Giles County which permitted fence posts in that county to be 16 feet apart instead of 9 feet as specified by the state act.
2. Private Acts of 1915, Chapter 104, made it a misdemeanor for the owner, or the one in possession of, cattle, horses, mules, jacks, jennets, hogs, sheep and goats to permit them to run at large, at the risk of being fined \$2.00 to \$5.00 therefor and becoming liable in a civil suit for damages done. The damaged person was given a lien on said stock for his damages, could take them up and keep them, and charge compensation therefor, but nothing in this Act is intended to relieve railroads in any way from their responsibilities in this respect.
3. Private Acts of 1921, Chapter 271, described a lawful partition fence in Giles County as one made of wire, 39 inches in height, with a strand of barbed wire ten inches above all to be fastened to posts with staples, said posts being no more than 12 feet apart. If the fence is of rails only, there shall be nine rails to the panel.

Dogs: General

1. Private Acts of 1923, Chapter 481, was a special dog law for Giles County. The Act provided for payment of certain license fees for dogs, and certain records to be kept on each dog by both owner and County Assessor. A Dog was declared to be a public nuisance in some circumstances when running at large. Funds were to be kept in an account which would be subject to claims from owners of sheep which had been injured or killed by dogs at large and, when paid out of this fund, it was the duty of the Tax Assessor to recover the same in a suit if need be, against the true and lawful owner or custodian of said dogs. All surpluses in this account at the end of the fiscal year went to the schools. The Tennessee Court of Appeals in Birdsong v. Wilkinson, 13 Tenn. App. 276 (1931), held that this act was impliedly repealed by Private Acts of 1927, Chapter 472.

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