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Chapter II - Animals and Fish

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

1. Acts of 1877, Chapter 99, recites in the preamble that McNairy County is well suited to breeding and raising blooded stock and citizens are becoming more engaged in these pursuits, and that the McNairy County Agricultural and Mechanical Society (See Section on Education) has prepared a special ring for their annual Fair which could be used for speed by horses, the Society is hereby authorized to use said ring for turfracing without the payment of any privilege tax, provided that the track shall be under the control of the Society at all times.
2. Acts of 1889, Chapter 171, Section 6, in which McNairy and many other counties were exempted from the provisions of this statewide game law which prohibited the killing of deer except for one's own use and that could be done only between August 1 and January 1. The Act also included quail and partridge in its prohibition. Fines would range from \$5.00 to \$25.00 and constables, Justices of the Peace, and all Game Wardens would enforce this law and prosecute offenders.
3. Acts of 1899, Chapter 333, made it unlawful for a period of ten years after the passage of this act to chase deer with dogs or hounds, or to shoot, kill, wound, or capture the same in Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, Union, and McNairy Counties. Violators could be fined from \$10 to \$50, or be imprisoned. All Judges would charge this law to the Grand Jury who would also have investigating powers of their own.
4. Acts of 1901, Chapter 312, made it unlawful to hunt, kill, net, trap, or capture quail or partridges, for pleasure or for profit, in McNairy County, from March 1 to November 1 of each year, and it was unlawful to net partridges at anytime. No one county ship any out of the county at anytime for profit. Violators were subject to fines from \$2.00 to \$10.00 for each offense.
5. Acts of 1903, Chapter 127, made it lawful for any resident citizen to catch fish from any lake, stream, or pond, by means of a seine, net, or trap, provided the meshes of the net are 1½" apart and the slats on the trap are at least 2" apart.
6. Acts of 1903, Chapter 467, amended the 1903 act, above, by taking out the word "seine" thus making that act illegal in McNairy County at that time.
7. Acts of 1905, Chapter 320, subject to a referendum on the issue, this act made it unlawful for livestock of any kind to run at large in McNairy County. Violators could be fined from \$1.00 to \$25.00 for each offense. The law gave a lien to the person who was damaged by the stock who could also take up and care for the trespassing stock and add the cost of that to the lien. All fines collected under this act would go into the school fund.
8. Acts of 1907, Chapter 52, made it unlawful for any owner or keeper of horses, mules, cattle, hogs, sheep, goats, or any livestock to permit them to run at large in McNairy County. Failure to comply could result in a \$5.00 to \$25.00 fine and up to sixty days in jail. The lien for damages granted under this law on the trespassing stock would be enforced as any other lien. The Sheriff, his Deputies, or the Constables would take up the loose stock, and, if they were not redeemed in 48 hours, sell them at public outcry from which sale all expenses would first be paid and the excess, if any, would go to the owner. The charge was twenty-five cents per head to impound and twenty-five cents per head per day to keep. All surpluses went into the school fund. No owner could be compensated because it was his duty to call one of the above officers to take up the stock. This act did not endure for long being repealed by the one following.
9. Private Acts of 1909, Chapter 506, expressly repealed Chapter 52, Acts of 1907, above, in its entirety.
10. Private Acts of 1911, Chapter 81, provided that when the lands of two or more persons are within and enclosed by a common enclosure, any person who shall turn his stock within said enclosure, or knowingly or permit his stock to trespass therein, will subject the animals to being taken up by the other party. The person taking them up shall notify the owner in five days and the owner must pay all the damages within three days after being notified. The cost of keeping the stock was twenty-five cents per head per day. Three freeholders could properly assess the damage done, and, if not paid, any Justice of the Peace could appoint three more freeholders to assess damages and issue judgment therefor the same day which would order the stock to be sold, any excess

over damages and costs going to the owner.

11. Private Acts of 1915, Chapter 557, stated that any resident of McNairy County may catch fish from any of the waters of the said county by means of a trap, net, or seine, if the slats on the trap are 1½" inches apart, and the meshes on the seine are at least 1½" apart and the seine no longer than 12 feet.
12. Private Acts of 1917, Chapter 159, amended Section 36, Chapter 152, Acts of 1915, a statewide law to provide for an open season on quails in McNairy County from December 15 until February 1.
13. Private Acts of 1917, Chapter 419, made it unlawful for any person in control of or owner of a bull over seven months old and a boar over three months old to knowingly permit such animal, or animals, to run at large in McNairy County and in Marion County at the risk of being fined from \$5.00 to \$10.00 for the first offense and from \$10 to \$25 for each subsequent violation.
14. Private Acts of 1919, Chapter 28, made it the duty of the Election Commission of McNairy County to hold an election within ten days after the passage of this act to ascertain the will of the majority of the voters of the county on the question of a stock law. All who are eligible to vote in the general election could vote in this one on a simple "For" or "Against" ballot. The Election Commission shall canvass the ballots and certify the results to the delegation representing McNairy County in the General Assembly.
15. Private Acts of 1919, Chapter 392, amended Chapter 159, Private Acts of 1917, Item 12, above, by extending the open season on quails in McNairy County from February 1 to February 15.
16. Private Acts of 1921, Chapter 147, was another act calling for a referendum in McNairy County on the question of a stock law, these details being the same as Chapter 28, Private Acts of 1919, above, except that no poll tax would be needed to vote in this election.
17. Private Acts of 1921, Chapter 400, made it unlawful for anyone, owner or otherwise, having the control and management of horses, mules, donkeys, cattle, sheep, goats, and swine to allow the same to run at large in McNairy County. Any violators would be fined not less than \$5.00 nor more than \$50, and, in addition, a lien for damages would lie against the stock trespassing, plus the expenses of keeping them. This did not relieve the railroad companies of the duty of keeping their track fenced.
18. Private Acts of 1921, Chapter 405, amended Chapter 61, Public Acts of 1919, which was a statewide dog law, so as to exempt several counties from its operations by using the population figures of the various counties as shown by the Federal Census of 1920. McNairy County was among those exempted.
19. Private Acts of 1925, Chapter 744, made it illegal for any person to take or kill any quail or squirrel in McNairy County except during the time from December 20 to February 15 for quails, and during January, June, July, October, November, and December for squirrels, all other times being a closed season. This act was repealed by Item 22, below.
20. Private Acts of 1927, Chapter 257, declared it to be lawful for any person to hunt, take, trap, snare, shoot, or kill by other means rabbits, or hares, at any and all times and seasons of the year, providing that nothing in this Act authorizes any person to hunt upon the lands of another without permission. It was also legal to buy and sell, transport and ship rabbits at any time, but McNairy County was numbered among those counties exempting themselves from the provisions of this law.
21. Private Acts of 1927, Chapter 736, declared it illegal for any person, firm, or corporation to take, trap, catch, or kill any wild animals in McNairy County except cottontail rabbits could be killed, bought, sold, shipped, or transported from December 10 to February 14, following, both inclusive. Any resident of the county could chase, capture and kill wild animals at night with dogs from November 15 to February 14, inclusive, and any landowner could kill any wild animals on his own land at any season when they were a menace to his poultry or crops. This act was repealed by Item 24 below.
22. Private Acts of 1929, Chapter 121, specifically repealed Chapter 744, Private Acts of 1925, Item 19, above, which was a partial game law for McNairy County.
23. Private Acts of 1929, Chapter 181, amended Chapter 257, Private Acts of 1927, Item 20, above, which concerned rabbits and hares being on open season at all times, by exempting McNairy County from its provisions. It may have been considered essential to do this by special act since McNairy was supposed to have exempted herself then.
24. Private Acts of 1929, Chapter 182, repealed expressly Chapter 736, Private Acts of 1927, Item 21,

above, in its entirety.

25. Private Acts of 1937, Chapter 639, authorized the Board of Veterinary Surgery Examiners to issue a license to Dee Hammond, of Finger, Tennessee, to practice veterinary medicine in McNairy, and adjoining counties, upon his filing proof with them that he has successfully practiced veterinary surgery for the five years next preceding the date of the issuance of the license and that he is a person of good moral character.
26. Private Acts of 1939, Chapter 14, made it lawful in McNairy County to hunt and take rabbits and gray foxes at any season of the year without a license, (2) to hunt and kill possums by lights, dogs, and guns between October 15 and January 1 without a license, (3) that open season in squirrels would be from June 1 to July 1 and from November 1 to January 1, and (4) to fish in any running stream with hand lines and natural bait without a license. This act was repealed by the one below.
27. Private Acts of 1941, Chapter 422, expressly repealed Chapter 14, Private Acts of 1939, above.
28. Private Acts of 1945, Chapter 304, authorized the State Board of Veterinary Medicine Examiners to issue a license to J. E. Henson to practice veterinary medicine and surgery upon proof being admitted to them that he has successfully practiced the same for the five years next preceding the issuance of the license.
29. Private Acts of 1945, Chapter 305, also authorized the State Board of Veterinary Medicine Examiners to issue a license to practice to T. E. Moore under the same conditions as stated in Chapter 304, above.

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