



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 Marshall 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 1897, Chapter 276, amends Acts of 1895, Chapter 127, which was a law for the protection of fish across the State so as to make it lawful to take fish from any of the streams, lakes, rivers, or ponds within the counties of Wayne, Perry, Humphreys, Marshall, Union, and Campbell by grabbling and gig except in the months of March, April, and May.
2. Acts of 1897, Chapter 314, exempted Bedford and Marshall Counties from all the provisions of Acts of 1895, Chapter 127, except insofar as that Act prohibited the catching, killing, or wounding of fish by poison or by dynamite.
3. Acts of 1899, Chapter 3, made it unlawful in Marshall, Rutherford, and Montgomery Counties to hunt, kill, capture, shoot, wound or otherwise destroy any quail or partridge from the 15th day of February to the 15th day of November in each and every year. One must have the written permission to do so on the land of another even in open season. The fine for violation ranged from \$10 to \$50 and one could be given up to 60 days in the jail or workhouse.
4. Acts of 1899, Chapter 33, amended Section 1 of the Acts of 1897, Chapter 276, above, to make it unlawful to take or catch fish in any of the streams, lakes, or ponds, except the Tennessee River in any manner whatever except by hook and line or by trot line in the counties named therein.
5. Acts of 1899, Chapter 230, declared it unlawful for anyone to use gig, grab hook, gill net, trap or basket, for capturing or killing fish in Marshall County, and for using any seine or net in capturing fish during spawning season or when they are on the shoals, and further made it unlawful to seine in any stream in the county with any net except a minnow net having meshes less than two inches. The fine for violation was not less than \$5.00 nor more than \$20.
6. Acts of 1901, Chapter 225, made it lawful to catch fish in Marshall County in every way and at all times except by use of explosives, poisons, wing nets and dams across the streams of the county. All laws in conflict with this law were repealed.
7. Private Acts of 1915, Chapter 472, subject to the successful outcome of a referendum in which the people would vote upon the issue, provided that, in addition to all the other lawful fences in Marshall County, using population figures, a fence built with good size, substantial posts set firmly in the ground not more than 20 feet apart with four strands of barbed, or smooth wire, four planks, or rails, fastened securely to said posts, the first to be from ten to fifteen inches above the ground and the others to be from ten to thirteen inches above the first and second, and the fourth to be ten to fifteen inches above the third, and with the provision that the fence material could be combined if one so desired, and also made it unlawful for sheep, goats, or swine to run at large. The fines could range from \$1.00 to \$25 for each offense.
8. Private Acts of 1915, Chapter 554, asked that an election be held on September 25, 1915, to ascertain whether or not certain livestock be permitted to run at large in Marshall County. The Election Commission would give twenty days notice by advertising in the newspapers, and they would appoint all officers necessary to conduct the same. The ballot would be marked simply "For" or "Against" and the results would be certified to the Commission at the Courthouse in Lewisburg. The expenses of the election would be paid out of the county treasury.
9. Private Acts of 1917, Chapter 507, made it the responsibility of all those who sell poultry at retail or wholesale to keep records of the names, addresses of purchasers, quantity bought, and description of the poultry sold, which would be given to the Sheriff. This was an attempt to curtail the larceny of poultry in Marshall County. The Sheriff would turn a copy over to the County Court Clerk to keep. If anyone should offer poultry for sale without complying herewith, it was the duty of the other person to notify the Sheriff or the nearest Justice of the Peace, or Peace Officer, who would immediately investigate. Any juvenile second offender would be required to serve some time. Fines for the first, and subsequent offenses went from \$5.00 to \$50. This Act was repealed by the one following.
10. Private Acts of 1919, Chapter 31, repealed Private Acts of 1917, Chapter 507, above, as it was written.
11. Private Acts of 1919, Chapter 122, directs that an election be held in Marshall County at the same time as the general election in August, 1920 to ascertain the will of the voters and the people regarding whether or not Marshall County's livestock would run at large.

12. Private Acts of 1919, Chapter 457, declared it to be lawful for any citizen of Marshall County to fish in any stream at any time with hook and line, trot line, net, or seine except that it was still unlawful to poison, shoot, or kill with dynamite or other explosives. A citizen could also hunt and kill squirrels at any time or season but was not authorized to enter the lands of another for that purpose without having permission, nor would a license be required for either action in Marshall County.
13. Private Acts of 1921, Chapter 128, amended Private Acts of 1919, Chapter 457, above, by deleting all of Section One, which concerned fish and by amending Section Three so that "No fees or licenses shall be charged or collected under the Game Laws of Tennessee for hunting squirrels as stated in Section Two of that Act".
14. Private Acts of 1921, Chapter 133, by the use of population figures, stated that time from November 15 to February 15 of the following year is declared to be an open season for hunting and killing quail or partridges in Marshall County during which time they could be hunted and killed lawfully but at no other seasons.
15. Private Acts of 1927, Chapter 291, authorized an election to be held on April 23, 1927, wherein the voters of Marshall County could express their desires on whether or not stock would be permitted to run at large. The election Commission would give proper notice, appoint officials, and conduct the same under the general election laws of the State. The results would be certified to the Commission and the County would pay for the election out of regular county funds.
16. Private Acts of 1927, Chapter 628, made it unlawful to permit livestock such as horses, mules, asses, cattle, sheep, goats, and hogs to run at large in Marshall County. Anyone knowingly allowing the same would be guilty of a misdemeanor and subject to a fine of \$5.00 to \$25. The person damaged was given a lien on the trespassing stock which could also be taken up, fed, and cared for and the cost of this could be included in the lien.
17. Private Acts of 1931, Chapter 470, allowed any citizen of the State to shoot or kill squirrels at any time in Marshall County but not upon the enclosed or tillable lands of another without permission. No fees or licenses would be charged for hunting squirrels under this Act.
18. Private Acts of 1935, Chapter 221, substantially reenacted the provisions of Private Acts of 1931, Chapter 470, above, except that the no license or fee charge was omitted from this Bill.
19. Private Acts of 1935, Chapter 246, made it lawful in Marshall County to hunt, trap, and kill all fur-bearing animals, except red foxes, and take and sell the fur thereon between "November 15 and the following February 15, which period is to be considered the open or trapping season for such fur-bearing animals".
20. Private Acts of 1935, Chapter 761, declared it to be lawful for all residents of Marshall County to catch, or take fish of any kind at any time during the year from all the streams of said county by any method except explosives, poison, nets, seines or traps.
21. Private Acts of 1935 (Ex. Sess.), Chapter 142, declared that all persons hunting, trapping or killing game in Marshall County shall obtain a license from the County Court Clerk before doing so. The cost of the license was set at \$5.00 which would go into the school funds. The license must be carried on the person or be available for inspection at all times. The residents and land owners of Marshall County and all the adjoining counties were exempted from this requirement. Violators were subject to a fine from \$10 to \$50.
22. Private Acts of 1951, Chapter 523 declared that an open season on the hunting of foxes in Marshall County would be from the first day of November to the last day of February. This Act was specifically repealed by the Public Acts of 1976, Chapter 672. Public Acts of 1976, Chapter 672 states that "prior to the opening of any season for the taking of wildlife that the Wildlife Resources Agency conduct a survey to determine that the taking of wildlife is without the danger of extinction or undue depletion." Thus, because of the results of this survey, the fox was considered an animal that was in danger of depletion so acts which would permit its removal were repealed.

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