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## Chapter II - Animals and Fish

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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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## Chapter II - Animals and Fish

### Private Wildlife Preserves

#### Private Acts of 1965 Chapter 132

**SECTION 1.** That all persons desiring to operate a private preserve for the propagation, breeding, raising and/or hunting of quail, turkey, pheasants, and/or all other forms of wildlife raised in captivity in Lewis County for a noncommercial purpose shall be entitled to operate such preserve and hunt pen-raised or farm-raised animals on such preserve upon complying with the provisions of this Act.

**SECTION 2.** That operators of private wildlife preserves in said county may raise in captivity quail, turkey, pheasants, and/or all other forms of wildlife and that all wildlife so raised in captivity shall be and remain the property of the operator of said private preserve but may only be hunted on said private preserve during the months of January, February, March, October, November and December of each year by the operator thereof and the operator's nonpaying guests provided each hunter holds a valid Tennessee hunting license.

**SECTION 3.** That an operator (which may be an individual, partnership, corporation or combination thereof) of a private wildlife preserve in said county for purposes other than commercial purposes (for which no charge is made to the persons hunting thereon) complying with the requirements hereinafter set out, need only secure an original license therefor from the Game and Fish Commission which shall set forth the approximate number of acres of land on which the preserve shall be operated plus the civil district of location in said county, and pay one fee of \$10.00 therefor, which license shall be good as long as the operator and the use of the land comply with the requirements hereinafter set out. The requirements for the operation of a private wildlife preserve as set out in this paragraph shall be:

- (a) Said preserve shall cover an area of at least 1,000 acres and not more than 10,000 acres of land.
- (b) That said land must be owned, leased, or the use thereof otherwise controlled by the operator.
- (c) That said land shall be devoted to the propagation, breeding, raising and feeding of wildlife raised thereon, the hunting thereof thereon, and other incidental use which encourages the aforementioned purposes and sustaining of said wildlife.
- (d) That all persons hunting on said wildlife preserve shall hold a valid Tennessee hunting license.
- (e) That no charge be made to any hunter for the privilege of hunting but all hunters thereon must have permission of the operator to hunt.
- (f) That an annual fee of \$10.00 shall be paid to the Game and Fish Commission which shall be due each July 1.
- (g) That said operator shall, within the first twelve months of operation, release a minimum of one hundred (100) quail per one hundred (100) acres contained in said wildlife preserve.
- (h) That said operator shall, after the first year, maintain on said preserve provisions for the raising of, and shall raise, quail with which to stock said preserve adequately.

**SECTION 3.** That if any provision of this Act or the application thereof to any person or circumstance is held unconstitutional, the remainder of the Act shall not be affected thereby, and it shall be conclusively presumed that the Legislature would have enacted the remainder of this Act without such unconstitutional provision.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 17, 1965.

### 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 Lewis County. They are included herein for reference purposes.

1. Act of 1873, Chapter 54, provided that no person could hunt, or kill, any deer between March 1 and September 1 of each year in the counties of Lewis, Lawrence and Wayne. Anyone doing so could be prosecuted before any Magistrate and fined \$10 for each deer unlawfully killed. All prosecution would be conducted in the name of the County and all fines collected would pass into

the county treasury.

2. Acts of 1875, Chapter 47, repealed so much of Section 4 of the above 1873 Act, which prohibited the slaying of deer between certain dates each year insofar as the same applied to Wayne County and Franklin County, which, after the Act above was enacted, made it applicable to itself.
3. Acts of 1889, Chapter 171, was a general game law for the State which declared it illegal to hunt, kill, or trap, deer for profit but authorized the same to be done lawfully for one's own consumption. One was allowed to kill for profit but only on one's own land, and then only between August 1 and January 1 each year. It was further unlawful to hunt, kill, trap or capture quail, or partridges, for profit except on one's own land and between November 1 and the following March 1. Fines from \$5 to \$25 were established for the first offense and from \$25 to \$50 for the second, and subsequent, acts. Constables and Justices of the Peace were declared to be Game Wardens also for the enforcement of this Act. Lewis County was among the 65 counties which exempted themselves from the provisions, terms and conditions of this Act.
4. Acts of 1895, Chapter 127, was a general State law prohibiting any person to catch, kill or wound any fish in any of the streams, lakes, ponds, or rivers in Tennessee by seine, trap, gun, grabbing with the hands, gig, poison, dynamite, or by any other method or contrivance, other than rod or line, or trot line. Private ponds, Reelfoot Lake, and minnows under 42 inches were excepted. Fines went from \$10 to \$50 and jail sentences could not exceed six months. All fines were to be placed into the school fund.
5. Acts of 1901, Chapter 261, amended the general law of the State so as to permit the taking of fish in Lewis County by any means other than by poison or explosives but it was illegal for any person to kill fish aimlessly, or needlessly, or to cause the same to be done. Violators of this Act would be punished in accordance with the general laws of the State.
6. Private Acts of 1905, Chapter 212, declared it to be a misdemeanor for any person who was a non-resident of the Counties of Lawrence, Wayne, or Lewis, to hunt, take, or kill, game and fish, in these said counties without the written permission of the owner of the land, or the person having control over it, on which the hunting, or fishing, took place.
7. Private Acts of 1917, Chapter 168, made it lawful for any resident of Lewis County to take and catch fish from any of the streams in the said county by gig, hands, nets, and seines, (if the mesh were no smaller than 12 inches). It was further made unlawful to fish in Lewis County between April 1 and May 15 in any fashion or by any means. Anyone failing to heed the above could be fined as in misdemeanor cases.
8. Private Acts of 1917, Chapter 323, was a cattle registration law for Lewis County (identified by the 1910 Federal Census figures). The law required the County Court Clerk to keep a registration book in which all cattle growers and dealers having herds of five, or more, head were compelled to register the same. Milk cows were expressly exempted from the registration for which the Clerk could charge ten cents per head for entering on the books. Six cattle inspection lots were established at the locations specified in the Act. Failure to comply could result in the imposition of fines ranging from \$1 up to \$50 for each offense.
9. Private Acts of 1917, Chapter 394, declared it to be contrary to the law for any owner of Jersey bulls, or scrub bulls, to allow them to run at large, or on the range in Lewis County, but all thoroughbred bulls could do so. Fines for infractions of this Act were set from \$5 to \$10.
10. Private Acts of 1917, Chapter 437,, amended Public Acts of 1915, Chapter 152, Section 54, by making that Act inapplicable to Lewis County and its terms and conditions of no effect therein. (Public Acts of 1915, Chapter 152, which this act purports to modify, does not concern itself with game and fish, but the 1917 Act herein stated that it did, creating a discrepancy.)
11. Private Acts of 1931, Chapter 478, provided that within 15 to 30 days from the passage of this Act, it would be the responsibility of the Election Commissioners of Lewis County to order, open, and hold an election therein in all ten Civil Districts to ascertain the will of the people upon the question of a stock law or a no fence law. Ballots would simply be marked "For" or "Against" such a law The Election Commission would further canvass the results of the election and certify the same to the Senator and Representative for Lewis County in the General Assembly.
12. Private Acts of 1933, Chapter 275, stated that in Lewis County, it would be unlawful to kill, wound, hunt, chase, or knowingly to permit a dog to chase deer, or otherwise to destroy deer, or to have deer in one's possession. The above was further applicable to wild turkeys. Fines for violators ranged from \$100 to \$250 and one could be imprisoned from 30 days minimum to six months maximum. Any person permitting the same to be done on their lands were likewise guilty and could be imprisoned from 30 days minimum to six months maximum. Any person permitting

the same to be done on their lands were likewise guilty and could be fined from \$50 to \$100. The Grand Jury was given inquisitorial powers and the District Attorney must prosecute vigorously any violations of the law hereunder. Any civil officer apprehending any violator of this law would upon conviction be paid \$50 which would be taxed as part of the costs in the case.

13. Private Acts of 1945, Chapter 273, made it illegal for any person, or owner, having charge of horses, mules, asses, cattle, sheep, swine, or goats, to allow them wilfully and knowingly, to run at large in Lewis County. The owner of such animals would be liable for any damage done for which a lien would lie upon the same for the damages inflicted by them which lien could be enforced by execution as any other lien could be. The person damaged could take up these beasts and care for them, giving notice to their owner, if known, and add the cost of their care and keeping to the amount of damages for all of which execution could issue.
14. Private Acts of 1965, Chapter 132, is published in full herein.

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