



November 23, 2024

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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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## Chapter II - Animals and Fish

### Fencing Laws

#### Acts of 1901 Chapter 57

**COMPILER'S NOTE:** The general law describing sufficient fencing is found at T.C.A. § 44- 8-102.

**SECTION 1.** That in addition to the fences now declared by statute to be lawful fences, for the enclosure of lands, the following shall also be a lawful fence, in all counties of Tennessee, having a population of not less than twenty-one thousand nor more than twenty-two thousand inhabitants, according to the Federal census of 1900 or any subsequent Federal census, according to the following specifications, to-wit: Four wires, rails, or slats securely fastened to substantial post firmly stationed in the earth not more than twenty-five feet apart; the first wire, rail or slat shall be placed horizontally or with the surface, and as nearly as possible, fourteen inches from the ground; and the second fourteen inches from the first; the third fourteen inches from the second; the fourth sixteen inches from the third; Provided, said fence may consist entirely of wire strands, or of boards, or of slats, or of rails, or of wire rails, boards and slats.

As amended by: Private Acts of 1903, Chapter 222

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 19, 1901.

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

1. Public Acts of 1889, Chapter 171, regulated the hunting of deer, quail and partridges throughout the state. Many counties, including Lauderdale, were exempted from the provisions of this act.
2. Public Acts of 1897, Chapter 188, regulated the hunting of quail, larks, wild turkeys, wild ducks and deer in Lauderdale County.
3. Public Acts of 1899, Chapter 152, amended Public Acts of 1895, Chapter 127, to exempt Lauderdale County from the general law which made it unlawful to catch fish by any means other than rod and line or by trot line.
4. Public Acts of 1899, Chapter 423, declared it unlawful to knowingly permit horses, mules, cattle, sheep, swine or goats to run at large in Lauderdale County. Persons damaged by trespassing livestock were granted a lien upon the stock, and were authorized to take up and hold these beasts as security for damages caused by them. This act was repealed by Acts of 1901, Chapter 199.
5. Acts of 1903, Chapter 50, was a general law requiring the owners of swine, goats, geese and sheep to keep them confined. Lauderdale County was exempted from the provisions of this act.
6. Private Acts of 1913, Chapter 117, prohibited the hunting or killing of wild turkeys in Lauderdale County for a period of two years from the passage of the act. Non-residents were prohibited from hunting or killing wild ducks, wild geese, squirrels, quail, partridges, or any other game in Lauderdale County, but this section of the act was repealed by Private Acts of 1915, Chapter 501.
7. Private Acts of 1917, Chapter 205, amended Public Acts of 1913, Chapter 21, so that it became lawful to shoot and trap wild cats at any time in Lauderdale County.
8. Private Acts of 1917, Chapter 329, regulated the hunting and killing of wild turkeys, squirrels, quail and partridges in Lauderdale County. Violations of the act were punishable by fines of \$10-\$50 and imprisonment up to 30 days. One half the fines collected were to be paid to the informant who provided the information which resulted in the conviction.
9. Private Acts of 1919, Chapter 49, declared it unlawful for persons to allow horses, mules, cattle, goats, sheep, swine and geese to run at large in Lauderdale County. Persons damaged by trespassing livestock were granted a lien on the stock. Violations of the act were declared a misdemeanor punishable by fines from \$5-\$25, which fines were to be applied to the county school fund.
10. Private Acts of 1921, Chapter 35, amended Private Acts of 1917, Chapter 329, to open the season for hunting and killing quail and partridges in Lauderdale County from November 15 to February

- 15.
11. Private Acts of 1921, Chapter 337, directed the Lauderdale County Election Commission to hold an election on the question of a stock law and its repeal.
12. Private Acts of 1921, Chapter 374, was a revised stock law which permitted the use of unfenced lands in Lauderdale County for summer range, but otherwise prohibited livestock from running at large.
13. Private Acts of 1921, Chapter 405, exempted Lauderdale County and several other counties from the provisions of Public Acts of 1919, Chapter 61, which regulated the ownership and keeping of dogs in the state.
14. Private Acts of 1921, Chapter 533, amended Senate Bill 198, Section 6, passed March 17, 1921, which prohibited stock from running at large, to provide that the act would not take effect until it had been approved by a majority of the voters in the county.
15. Private Acts of 1925, Chapter 89, declared open season on quail from December 10 to March 1 and on squirrels from July 1 to January 1 in Fayette, Hardeman, Haywood and Lauderdale Counties. Lauderdale County was exempted for a time from the provisions of this act by Private Acts of 1931, Chapter 342, until the 1931 act was repealed by Private Acts of 1937, Chapter 591.
16. Private Acts of 1925, Chapter 620, amended Private Acts of 1925, Chapter 89, to change the open season on squirrels to June 1 to December 1. However, it is questionable whether this amendment was intended to apply to Lauderdale County. The wording of the caption of the act indicates that it was to apply only to Hardeman County, but the body of the act contains no such limitation.
17. Private Acts of 1927, Chapter 79, declared open season on wild turkeys in Lauderdale County from November 1 to January 25.
18. Private Acts of 1927, Chapter 133, made it unlawful to trap or attempt to trap any furbearing animals in Lauderdale County for a period of five years. Violators were subject to a \$25-\$100 fine.
19. Private Acts of 1927, Chapter 188, amended Private Acts of 1925, Chapter 89, to change the open season for squirrels to June 1 to January 1.
20. Private Acts of 1927, Chapter 259, is the Senate version of Private Acts of 1927, Chapter 188, passed two days afterwards. The two acts are essentially identical.
21. Private Acts of 1929, Chapter 373, declared it unlawful for non-residents to hunt or kill wild turkeys, squirrels, quail or partridges, or any other wild game, except under very limited circumstances. The bag limits for both residents and non-residents were 2 wild turkeys, 6 squirrels, and 12 quail or partridges.
22. Private Acts of 1929 (Ex. Sess.), Chapter 74, amended Private Acts of 1929, Chapter 373, to allow Tennessee residents who were not residents of Lauderdale County to kill game as residents of the county were allowed to do.
23. Private Acts of 1931, Chapter 342, amended Private Acts of 1925, Chapter 89, to exempt Lauderdale County from the provisions of that act. This act was repealed by Private Acts of 1937, Chapter 591.
24. Private Acts of 1933, Chapter 573, declared it unlawful for non-residents to hunt or kill wild turkeys, squirrels, quail or partridges or any other wild game in Lauderdale County, except on their own lands or as guests of county residents. Hunting and fishing clubs which owned land in Lauderdale County were exempt. Bag limits were set at 2 wild turkeys, 6 squirrels and 12 quail or partridges. Traps, snares and deadfalls were prohibited except by landowners on their own land or by written permit from the landowner. Violations of the act were a misdemeanor, punishable by fines of \$5-\$50 and imprisonment not exceeding 60 days. This act was repealed by Private Acts of 1983, Chapter 92.
25. Private Acts of 1935, Chapter 802, declared open season for opossum and raccoon in Lauderdale County from November 1 to January 15. This act was repealed by Private Acts of 1937, Chapter 592.
26. Private Acts of 1935, Chapter 804, declared open season for wild turkeys in Lauderdale County from November 1 through December 31.
27. Private Acts of 1937, Chapter 591, repealed Private Acts of 1931, Chapter 342, and declared the general laws of the state with regard to the hunting of quail and squirrels applicable to Lauderdale County.
28. Private Acts of 1937, Chapter 592, repealed Private Acts of 1935, Chapter 802, regulating the

hunting of opossum and raccoon in Lauderdale County, and made the general laws of the state applicable to the county.

29. Private Acts of 1937 (3rd Ex. Sess.), Chapter 39, declared it lawful to fish with hook and line with natural bait without a license in Lauderdale County.
30. Private Acts of 1967-68, Chapter 76, declared open season all year for red and gray foxes in Lauderdale County. This act has been superseded by general law found at T.C.A. § 70-4-103.

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