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Animals and Fish - Historical Notes

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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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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 Humphreys 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 1870, Chapter 19, prohibited seining, netting, basketing or trapping in any stream, pond or reservoir in the counties of Rutherford, Davidson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren and Dickson. Citizens of the counties accepting the provisions of this Act would not be entitled to fish in other counties with seines, traps or baskets.
2. Public Acts of 1870, Chapter 38, made it unlawful to hunt or kill deer with guns or dogs within the limits of the Counties of Benton and Humphreys from January 1 to September 1 of each year. It was likewise against the law to trap or take fish with a net or seine in any of the waters of Benton and Humphreys Counties from January 1 until October 15 of each year. Justices of the Peace were given jurisdiction over violations which could result in fines from \$10 to \$25, one-half of which would go to the county and one-half to the prosecutor. This Act was repealed by Public Acts of 1871, Chapter 31.
3. Public Acts of 1871, Chapter 9, repealed that portion of Public Acts of 1870, Chapter 9, relating to the prevention of seining, basketing, netting or trapping in the counties of Maury, Dickson, Warren, Marion, Benton, Cannon and Humphreys.
4. Public Acts of 1889, Chapter 171, was a statewide law making it unlawful to hunt and kill deer for profit, but one could kill deer for their own use and consumption from August 1 until January 1 of each year. Several counties, including Humphreys, exempted themselves from the application of this state law.
5. Public Acts of 1895, Chapter 127, made it unlawful to catch, kill or wound any fish in any of the streams, lakes, rivers or ponds in the State except by rod or line, or trot line.
6. Private Acts of 1897, Chapter 276, amended Public Acts of 1895, Chapter 127, so as to make it lawful to take fish from any of the lakes, streams, rivers, and ponds in the counties of Wayne, Perry, Humphreys, Marshall, Union, and Campbell by gig and by grabbing with the hands except during the months of March, April, and May.
7. Public Acts of 1899, Chapter 33, amended Private Acts of 1897, Chapter 276, so as to make it unlawful to take or catch fish in any of the lakes, streams, or ponds, except the Tennessee River which would still be governed by the existing laws, in the Counties of Perry and Humphreys in any manner except by hook and line or trot line.
8. Private Acts of 1901, Chapter 297, made it a misdemeanor, punishable by fines of from \$5 to \$10 for each offense, for any person or persons who were non-residents of Humphreys County, Perry County, and Wayne County, to hunt or fish on the lands of any person in those counties without first obtaining the written consent or permission of the owner.
9. Private Acts of 1901, Chapter 395, made it unlawful for any person to hunt, kill or wound any deer in Humphreys County for a period of six years following the passage of this Act. Fines for violation of this Act's provisions ranged from \$10 to \$100 for each offense. Grand juries were given inquisitorial powers over violations.
10. Private Acts of 1901, Chapter 426, stated that after the passage of this Act it would be lawful for any resident citizen of Humphreys County to take and catch fish from the Tennessee River, the Duck River, and the Buffalo River of Humphreys County in any way or manner, except by means of poison, dynamite or other high explosives. Those portions of Public Acts of 1895, Chapter 127, and Public Acts of 1899, Chapter 33, in conflict with this Act were repealed.
11. Private Acts of 1907, Chapter 489, declared that the ownership and title to all fish in the State, not held by private ownership legally acquired, was held by the State in its sovereign capacity. It was made unlawful to catch or kill fish by any means except by angling with rod and line or trot line. All laws for the protection or preservation of fish were repealed.
12. Private Acts of 1909, Chapter 254, declared it to be lawful for resident citizens of Humphreys County to take and catch fish from the Tennessee River, the Duck River, and the Buffalo River flowing in the County by trot line, gigging, bait, net, or a seine no longer than 12 feet and with a mesh no smaller than 1/2", for which no license fee would be required. Those provisions of Private Acts of 1907, Chapter 489, which conflicted with the terms of this Act were repealed.

13. Private Acts of 1909, Chapter 519, declared that the game, animals, wild birds and fish within the borders of Tennessee belonged to the people of the State in their collective sovereign capacity. This Act set the open season on certain animals, and created the Tennessee Department of Game, Fish and Forestry. Humphreys and Overton Counties were specifically exempted from the provisions of this Act.
14. Private Acts of 1911, Chapter 661, made it unlawful to take or catch fish in any of the running streams or lakes of Humphreys County except by baited hook and line, or trot line, and not with them even from March 1 until June 10 of each year. Fish could be caught in the Tennessee or Duck Rivers by means of baskets, seines or nets at any time. This Act was repealed by Private Acts of 1913, Chapter 229, and by Private Acts of 1921, Chapter 931.
15. Private Acts of 1913, Chapter 229, declared it to be contrary to the law to take or catch fish from any running stream or lake in Humphreys County except by baited hook and line or trot line, and not even with them from March 1 until June 10 of each year. Fish could be taken from the Duck River, the Buffalo River, the Tennessee River, and in Clear Lake by any means except by poison and explosives. Hog and white suckers could be caught with grab hooks by county residents from June 10 to March 1 of each year. Offenders could be fined from \$25 to \$50, and be placed in jail for up to 30 days in the discretion of the Judge.
16. Private Acts of 1921, Chapter 405, was an Act by which many of the 95 counties of Tennessee, including Humphreys, exempted themselves from the somewhat stringent regulations concerning the owning, keeping and harboring of dogs which were enacted as a general law of the State in Public Acts of 1919, Chapter 61.
17. Private Acts of 1921, Chapter 503, stated that in Humphreys County, Stewart County, Dickson County, Houston County, and Perry County, it would be unlawful for any person to shoot, kill or injure by any means whatever, any quail, partridge or dove except as provided in this Act. Open season for birds ran from November 15 through January 15; squirrels and rabbits could be killed at any time of the year, as well as wild ducks, wild geese, and other migratory birds. One must have written permission from the owner in order to hunt upon the lands of another person. All violators could pay from \$10 to \$25 for each offense which would become part of the county school fund.
18. Private Acts of 1923, Chapter 609, made it unlawful in Humphreys County for the owner or the person in control of cattle and swine to permit male cattle, which were 6 months old or more, or swine boars who were three months old or more, to run at large in the county. This Act also set fines from \$5 to \$25 upon conviction but the efficacy of the Act depended upon the approval of a majority of the people voting in a referendum.
19. Private Acts of 1925, Chapter 196, made it the duty of the Election Commission of Humphreys County to hold an election within 30 days after the passage of this Act at all the precincts in the five Civil Districts of the County on the question of a stock law, or a no-fence law. No poll tax would be required in order to vote. The Commission was directed to canvass and tally the vote and to certify the results to the delegation in the General Assembly representing Humphreys County.
20. Private Acts of 1927, Chapter 20, provided that within 30 days after the passage of this Act, the Election Commission of Humphreys County would hold an election on the question of a stock law, or no fence law. The Commission would further count the votes and certify the result to the Humphreys County delegation in the General Assembly.
21. Private Acts of 1927, Chapter 356, declared it to be unlawful to take or catch fish in any of the running streams or lakes in Humphreys County by any means or device except by baited hook and line, or trot lines. No fishing by any means was permitted from March 1 through June 10 each year. Fish could be taken from the Duck, Buffalo and Tennessee Rivers, and from Clear Lake, by seines of not less than 2 inches mesh, and, provided the other conditions of closed season, placement of nets, and non-retention of certain kinds of fish were all observed. White suckers and hog suckers could be caught with grab hooks from June 10 until the following March 1. Offenders were subject to fines of \$25 to \$50, and imprisonment in the county jail.
22. Private Acts of 1929, Chapter 67, directed that within 30 days after the passage of this Act it would be the duty of the Humphreys County Election Commission to hold an election in all the precincts of the five Civil Districts of the county for the purpose of ascertaining the attitude of the voters regarding a stock law, or no fence law. Proper notice of the election must be given and the result certified by the Commission to the representatives of Humphreys County in the General Assembly of the State.
23. Private Acts of 1929, Chapter 930, declared it to be unlawful for anyone having the control and management of horses, mules, donkeys, cattle, sheep, goats, and swine to allow them to run at

- large in Humphreys County. Damage done by trespassing animals would constitute a lien against them.
24. Private Acts of 1931, Chapter 69, made it illegal in Humphreys County to take or catch fish in any of the running streams of the County by any means or device other than a baited hook and line, or a trot line, and not even with them during the time between March 1 and June 10 when the season was closed entirely. However, fish could be taken from the Duck, the Buffalo, and the Tennessee Rivers and from Clear Lake by any means except poison, dynamite, or other explosive. Hog suckers and white suckers could be caught with grab hooks from June 10 to March 1 following. Nets and seines were prohibited from being placed near the mouth of streams, nor could any fish longer than 6 inches be retained when caught in minnow nets. Fines ranged from \$25 to \$50, plus thirty days in jail for violators.
 25. Private Acts of 1931, Chapter 156, directed the Humphreys County Election Commission to call and hold an election in all precincts on Saturday, March 7, 1931, to ascertain the will of the voters in the County regarding the repeal of the stock law, or the no-fence law. The Commission would canvass the votes and certify the results to the delegation representing Humphreys County in the General Election.
 26. Private Acts of 1933, Chapter 479, permitted the citizens of Humphreys County to fish and hunt without having to obtain a license to do so during such open seasons as designated in this Act, provided permission was first obtained from the owner of the land. It was lawful for the citizens of the county to take fish of any kind from any stream, creek or brook except by poison, explosives, artificial bait or lure, gig, spear, or seine, but minnows could be taken by net for bait purposes. No fish could be caught between April 1 and June 15 each year. The above did not apply to the Duck, Buffalo, and Tennessee Rivers where anything could be used except poison and explosives. Fur and hair bearing animals could be taken except in the closed seasons. Commercial fishermen had to procure a license from the County Court Clerk at \$16 per annum to ply their trade. There would be no hunting or fishing on Sunday and game birds could be killed for food but not to sell. Non-residents must obtain a license at \$5 fee in order to hunt or fish. This Act was repealed by Private Acts of 1935, Chapter 726.
 27. Private Acts of 1935, Chapter 704, stated that any person who had heretofore engaged in the practice of veterinary medicine in Humphreys County with or without a license for a period of 15 years, or longer, prior to the effective date of this Act, who was of good moral character, was hereby authorized to continue the said practice in that County, provided that a certificate of good moral character was obtained from the County Court Clerk and filed with the State Board of Veterinary Examiners.
 28. Private Acts of 1935, Chapter 725, declared it to be lawful in Humphreys County for all residents to fish and hunt in the said county by buying a privilege license to do so at a cost of \$1 per year. One could fish for the market by paying a privilege fee of \$5 per annum. All regulations of the General Game and Fish Laws were to be observed except: (1) there would be no closed season on rough fish in the Buffalo River, the Duck River, and the Tennessee River, (2) there would be a closed season on game fish from March 1 to June 15 each year, (3) there would not be a closed season on mussels, (4) there would be an open season on opossums from November 15 to February 15, and on squirrels from June 1 to December 15, (5) seines and baskets were permissible in the Duck River and Tennessee River, and (6) it would be illegal for anyone to hunt and fish on Sunday.
 29. Private Acts of 1935, Chapter 727, limited the appropriation for the employment of county agricultural agents to \$600 per year in Humphreys County.
 30. Private Acts of 1937, Chapter 721, made it lawful in Humphreys County for residents to fish and hunt by paying a \$1 license fee per year, and to fish for market by a \$5 annual license fee. This would not interfere with an owner's or tenant's right to fish without charge on one's own land. Violations would be punished under the terms of the general laws of this State.
 31. Private Acts of 1961, Chapter 318, declared it to be lawful to hunt and kill squirrels in Humphreys County during the period beginning August 1 and extending through January 1 following. Any person convicted of killing squirrels at any other time of the year was guilty of a misdemeanor and could be fined from \$10 to \$25. This Act was not approved by the Quarterly County Court and, therefore, never became an effective law under the Home Rule Amendment to the State Constitution