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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 Bradley County. They are included herein for reference purposes.

1. Acts of 1887, Chapter 153, repealed Section 2234 and Section 2238 through Section 2243 of the Code of Tennessee which generally regulated the taking of fish throughout the State as those Sections were applied to Bradley, and 37 other counties, except that it would continue to be unlawful in those counties to catch fish with poisonous substances, explosives, and seines.
2. Acts of 1893, Chapter 152, made it unlawful in Bradley County and in Greene County for any person to hunt, kill, or capture, from February 1 to November 1, of each year, any game bird, such as pheasant, grouse, quail, or partridge, or any song birds, as the red bird, robin, and mocking bird, or any bird which destroys insects, as sparrows, blue birds, woodpeckers, or yellow hammers. Fines for violators ran from \$5.00 minimum to \$50.00 and jail sentences could be imposed from five days upward.
3. Acts of 1897, Chapter 177, declared it to be illegal for any person in Bradley County to pursue, kill, or capture, in any manner, or to purchase, or have in one's possession any quail, or partridge, for the purpose of shipment for profit out of the County. All offenders could be penalized from \$5.00 to \$50.00 but this act was not to prevent anyone from killing birds on his own land for his own use, or from selling birds within the limits of the County.
4. Acts of 1899, Chapter 77, amended a general Act passed in 1895 so as to permit the taking of fish in Bradley County by any means except poison, explosives, traps, and wing nets.
5. Acts of 1901, Chapter 351, amended the 1899 Act, above, which amended the 1895 general law on fishing, so that the prohibition on taking fish by traps in Bradley County was removed, leaving only poison, explosives, and wing nets as unlawful methods of fishing.
6. Acts of 1903, Chapter 183, rendered it against the law for any person to kill fish in any of the streams, or water courses, in Bradley County, McMinn County, or James County, by the use of nets of any kind, or description, or by poisons and dynamite, Fines could be imposed from \$20 to \$50, one-half of which would be paid to the informer. The Grand Jury was given inquisitorial powers in connection with this Act.
7. Private Acts of 1905, Chapter 311, declared it a misdemeanor for cattle, horses, mules, hogs, sheep, or goats, to run at large in Bradley County (identified by the 1900 Census). Any person who knowingly permitted the same to occur would be guilty of the offense described and could be fined from \$2.00 to \$5.00 for each incident. Any damage done by the wandering stock constituted a lien on the animals, enforceable by writ of attachment. The stock could also be taken up and cared for by the damaged person and the cost of this added to the amount of damages for which a lien would lie. Railroad companies were not affected by this statute which would not become effective until approved by the voters in a referendum election to be held after passage.
8. Private Acts of 1905, Chapter 375, duly enacted by the General Assembly was nevertheless an exact duplicate of Chapter 311.
9. Private Acts of 1907, Chapter 507, defined a lawful fence in six different types, all of which would be acceptable as such in Bradley County. The types covered stone fences, rail fences of two types which were four feet high, a bank type of fence, and wire fences of two kinds for which specifications were included. The owner of any animal, or livestock, trespassing upon the lands of another, which were enclosed by any one type of the fences described, would be liable in damages, which judgment could be enforced as other judgments at law were prone to be.
10. Private Acts of 1909, Chapter 158, made it unlawful for the owner of, or the keeper of, horses, mules, cattle, sheep, goats, hogs, or any kind of livestock, to permit the same to run at large in Bradley County (identified by the 1900 Census). The owners were liable in damages caused by the trespassing animals for which a lien could be obtained on the animals creating the damages. The injured person could also take up and care for the beasts and add their expenses to the lien. This Act would not affect any law passed concerning the liability of railroads. Fines for offenders could range from \$2.00 to \$10.00 per offense.
11. Private Acts of 1911, Chapter 67, determined it to be unlawful in Bradley County for the owner, or the keeper, of horses, mules, cattle, sheep, goats, hogs, or any sort of livestock, to allow the same to run at large. All who fail to comply herewith could be fined from \$2.00 to \$10.00 for

each separate offense, and a lien for the damages done would lie against the animals inflicting the same. The injured party could further take up and feed the animals and add this to the lien. Nothing herein was intended to relieve any railroad from any liability heretofore imposed upon them by law.

12. Private Acts of 1917, Chapter 23, declared it unlawful to hunt quail in Bradley County except from December 1 until the following February 1 of each year. All laws conflicting with this open season were repealed.

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