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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

Watauga Lake Bass

Public Acts of 1972 Chapter 862

COMPILER'S NOTE: Although this is a public, rather than a private act; it is one of special effect and is not found in Tennessee Code Annotated.

SECTION 1. The State Director of Game and Fish shall accept an offer of bass from any federal agency for Watauga Lake.

SECTION 2. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 14, 1972.

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

1. Private Acts of 1823, Chapter 142, allowed Andrew Taylor, Sr. of Carter County to build a fish trap in the Watauga River on his land. The fish trap could not obstruct the free navigation of the river. Taylor would be liable in all respects for damages sustained by boats lodging on the dam as well as John Huss and others.
2. Private Acts of 1824, Chapter 79, authorized Andrew Taylor, Sr. and Thomas Buck to build a fish trap in the Watauga River in Carter County upon their lands. Their fish traps could not obstruct the free navigation of the river. Both would be liable for damages sustained by boats lodging on either of the dams. John Huss and others were liable by an act of assembly.
3. Private Acts of 1831, Chapter 178, granted the right to build a fish trap in the Watauga River to Andrew Taylor, Sr. under the same terms and conditions as were set out in Private Acts of 1823, Chapter 142, above.
4. Public Acts of 1887, Chapter 71, made it unlawful for any person to hunt, capture, kill, shoot, wound or destroy partridge, quail, woodcock, pheasant or wild turkey in the Counties of Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Marion, Hamilton, Henry and Haywood from April 1 to October 1 of each year. This act also made it unlawful for any person to export any of the above mentioned game from any of the Counties named above except Marion, Hamilton, Henry and Haywood during any season of the year. The fines for violations ranged from \$5 to \$25 for each offense, with failure to pay resulting in imprisonment in the county jail for not less than 10 and no more than 20 days. The fines for exporting ranged from \$25 to \$50, with a failure to pay resulting in imprisonment in the county jail for not less than 10 days. The penalties of this act did not apply to persons killing game on their premises.
5. Public Acts of 1887, Chapter 232, declared it a misdemeanor to hunt, chase, wound or kill any wild deer in Johnson, Carter or Sullivan Counties. Violators could be punished by fines up to \$50 for every offense or be placed in jail up to 90 days.
6. Public Acts of 1889, Chapter 179, made it unlawful for any person who was a non-resident of the State to hunt, kill, catch or carry away game of any sort in Scott, Fentress, Pickett, Morgan, Cumberland, Bledsoe, Sequatchie, Van Buren, White, Putnam, Rhea, Clay, Campbell, Henry, Johnson, Carter, Sullivan, Meigs and Claiborne Counties. The fine for violation could not be less than \$50, half of which would go to the County and half to the prosecutor.
7. Public Acts of 1893, Chapter 31, declared it unlawful for any person to hunt, kill, net, trap or capture any quail or partridge in Washington and Carter Counties at any season of the year for a period of five years following the passage of this act. First offenses carried a fine from \$5 to \$25, while second or more offenses carried fines from \$25 to \$50 and jail sentences up to 90 days.
8. Public Acts of 1893, Chapter 35, declared it unlawful for any person to catch fish with a seine in

the waters of the Watauga River and its tributaries within the boundaries of Carter County for five years after the passage of this act. Persons violating this act were guilty of a misdemeanor and would be fined and imprisoned at the discretion of the court.

9. Public Acts of 1895, Chapter 127, declared it unlawful for any person to catch, kill or wound any fish in any streams, lakes, rivers or ponds in the State by seine, trap, gun, grabbling with hands, gig, poison, dynamite or by any device except by rod or line or trot line. This did not apply to private ponds and minnows not exceeding 4½ inches in length, caught exclusively for bait by a dip-net not to exceed six feet in length. The act made it unlawful for any person, company or corporation to build a dam or obstruction across any of the streams in the State or any fish gate or trap for the purpose of corralling or catching fish. The fines for violation ranged from \$10 to \$50, except in cases of wounding or destroying fish by means of poison or dynamite or any other explosive. Those persons would be imprisoned for not less than 6 months in the county jail. The fines collected from violating this act were paid into the County Treasury for the benefit of the common school fund. This act exempted lakes in this State having an area of 15 square miles and subject to overflow or back water from the Mississippi River. The use of dynamite or other explosives or poison remained a violation even in lakes.
10. Private Acts of 1897, Chapter 258, amended Public Acts of 1895, Chapter 127, above, by allowing the catching of fish out of the several streams or ponds in Carter County by gigging, shooting or trapping with the hands from June 1 to March 1 of the following year. To catch fish during any other times resulted in a misdemeanor. Transporting or sending fish in any way out of Carter County for sale was also a misdemeanor. The fines for violation ranged from \$25 to \$50 and imprisonment, at the discretion of the court hearing the case.
11. Public Acts of 1899, Chapter 70, made it unlawful for any person to hunt, capture, kill, shoot, wound or destroy any partridge or quail in Carter County from April 1 to November 15 of each year. It was illegal to do the same on the lands of another person at any time without their consent. Fines for violations ranged from \$5 to \$10, half going to the public school fund.
12. Public Acts of 1899, Chapter 76, repealed Private Acts of 1897, Chapter 258, above. This act specified that fish could be taken from the running streams of water in Carter County by use of an ordinary hook and line or trot line and by hand. Minnows for fish bait not exceeding 4 inches in length could be taken by dip or minnow nets. The fish could be taken by gig from November 1 to February 1. Persons taking fish during any season of the year by use of seine, basket-net, grab-hook, dam, gun or gig were guilty of a misdemeanor. The fines for violation ranged from \$25 to \$50 and imprisonment at the discretion of the court. The act also established that any person taking, catching, killing or destroying fish in any of the running streams by use of dynamite or any explosive substance or poisonous substances, such as fish berries, indian berries, or other substances could be imprisoned in the penitentiary from one to three years for committing a felony.
13. Public Acts of 1899, Chapter 85, declared it unlawful for any person, firm or corporation to build a dam or other obstruction across the Watauga River in Carter County, which prevented the free passage of fish up and down the river. Those who owned or used such dams or obstructions had to provide a sluice or waterway, not less than 10 feet in width and 5 feet in depth of water and either of them had to be in and upon the natural bed of the river. The fines for violation ranged from \$50 to \$200.
14. Acts of 1901, Chapter 358, stated it to be lawful to catch fish in any of the running streams of Carter County by means of a trap, provided that the slats on the trap were at least two inches apart.
15. Acts of 1903, Chapter 485, declared it unlawful for any person, firm or corporation to place, cause to be placed or place in or near any bank in running streams, lakes or ponds in Carter County, sawdust, shavings or off-fallings from sawmills or planning machines into them. Fines for violation ranged from \$50 to \$200.
16. Acts of 1903, Chapter 559, was identical to Acts of 1903, Chapter 485, above.
17. Private Acts of 1911, Chapter 470, repealed Acts of 1903, Chapter 485, above. No mention was made of duplicate Acts of 1903, Chapter 559, above.
18. Private Acts of 1915, Chapter 290, declared it to be lawful to take and catch fish from the Doe and Watauga Rivers and all other streams in Carter County, with hook and line, trot line, gun, gig and set net during any time of the year except May, during which month it would be unlawful to catch fish in any manner. Fines ranged from \$10 to \$50.
19. Private Acts of 1915, Chapter 593, declared it unlawful for any person to shoot any fox or destroy

- the den of any young fox or foxes or by means of any snare, trap or other device, catch, maim or otherwise destroy or injure any such fox or foxes. This act applied to Carter, Johnson, Washington and Unicoi Counties. The act further established that the setting of any trap, snare or device around a dwelling place, barn, out-house or within 100 yards of those premises was not prohibited. The killing or injuring of foxes while said animal was inflicting any injury to fowls or other livestock was allowed. The fines for violation ranged from \$25 to \$100.
20. Private Acts of 1915, Chapter 629, declared it to be unlawful for any person, firm or corporation to place, cause to be placed or place so near the banks of running streams, lakes or ponds in Carter County, sawdust, shavings or off-fallings from sawmills or planning machines into them. Fines for violation ranged from \$50 to \$200.
 21. Private Acts of 1917, Chapter 622, repealed Private Acts of 1915, Chapter 120. The caption of this act, however, relates to the repeal of Private Acts of 1915, Chapter 629, above.
 22. Private Acts of 1917, Chapter 722, amended Private Acts of 1915, Chapter 290, above, making it unlawful to catch, take or kill any black bass or black perch from the Watauga and Doe Rivers in Carter County from March 1 to June 15 of each year. This period was considered to be closed season on black bass and black perch in those rivers. During the open season the act made it unlawful to capture, retain or kill black bass or black perch under 8 inches in length. It was also unlawful to take fish from Buffalo Creek in Carter County and it was unlawful to catch or kill the same for 2 years from the effective date of this act. Fines for violation of this act ranged from \$5 to \$25 for each offense.
 23. Private Acts of 1917, Chapter 723, Page 2253, made it a misdemeanor for any person to shoot, kill, capture, take or hunt any of the following game birds or animals in Carter County, except as follows: Quail from December 1 to February 1; Doves from November 1 to February 1; and Rabbits from December 1 to March 1. A twenty bag per day limit was placed on quail. It was unlawful to kill at any other time. Fines ranged from \$5 to \$25.
 24. Private Acts of 1919, Chapter 22, repealed Private Acts of 1917, Chapter 723, above.
 25. Private Acts of 1921, Chapter 374, made it unlawful in Carter County for any owner of a horse, cow, sheep, goat, hog or other livestock to knowingly permit the same to run at large but it was not unlawful to use unfenced lands as a summer range. The owner of the livestock would be liable for any damages caused and the injured party would have a lien on the stock, which he could retain until the damages were paid and the cost of the upkeep of the stock could be added to the damages. The act applied to Carter and Lauderdale Counties.
 26. Private Acts of 1921, Chapter 405, exempted several Counties, including Carter, from the provisions of Public Acts of 1919, Chapter 61, which dealt with the regulation of the care and keeping of dogs throughout the State.
 27. Private Acts of 1921, Chapter 533, amended Private Acts of 1921, Chapter 374, above, by providing that the latter act not take effect unless approved by a majority of qualified voters in Carter and Lauderdale Counties.
 28. Private Acts of 1927, Chapter 57, declared it unlawful for any person, firm or corporation to take, capture or kill any fish from any of the rivers, streams, ponds or lakes in Carter County by means of gigs, set net, hook and line and trot line except as provided in this law. It was unlawful to capture, kill or take fish from any of the streams, lakes and ponds in Carter County during the month of May of each year. The act made it unlawful to capture, kill or take fish from the above mentioned water sources except rivers, by seines, poison, lime, fish berries, gunpowder, giant powder, dynamite or any other explosives. It was permissible to capture and retain from said waters minnows used for bait by means of dip net or minnow net not more than 10 feet in length. Any bass, trout, rainbow trout or black perch caught in such manner had to be returned to the water. Fines for violation ranged from \$10 to \$100.
 29. Private Acts of 1929, Chapter 178, proclaimed it to be unlawful to hunt and kill rabbits, quail and doves from November 15 to January 15 in Carter County. It was also unlawful to hunt, capture or kill all fur-bearing animals except rabbits from November 1 to February 15. Fines ranged from \$25 to \$100.
 30. Private Acts of 1929, Chapter 207, declared it unlawful to take, kill, wound or chase any male or female deer or fawn in Carter and other named Counties. Any person, firm or corporation guilty of doing so would be fined \$50 or more.
 31. Private Acts of 1929, Chapter 753, applied to Carter, Unicoi, Greene and Washington Counties. This act declared the following to be unlawful: Hunting or shooting quail during the open season then fixed by law when the ground was covered with snow; hunting or shooting wild turkeys for a

period of two years; hunting or shooting pheasants except from November 20 to December 20 of each year; trapping or killing any hare or fur-bearing animal except that coon, opossum and skunk could be caught by use of dogs from October 15 to January 15, and foxes could be chased with dogs during any season; trapping mink or muskrat except from November 15 to February 15, provided the traps were set under water; and to hunt or kill squirrel from August 1 to January 1 each year. It was permissible in these Counties to set steel traps at any time within 100 feet of a person's house, barn, chicken house or other out-building on these premises. Fines for violations ranged from \$25 to \$50. The duty of enforcing this law was assigned to all Game Wardens, Justices of the Peace, Sheriffs, Deputy Sheriffs, Constables and others having law enforcement responsibilities.

32. Private Acts of 1931, Chapter 344, declared it lawful for any person, firm or corporation to take, capture or kill any fish from any river, stream, pond or lake in Carter County by means of gigs, hook and line and trot-lines, except as was provided. This act declared the following to be unlawful: to capture, kill or take fish except rainbow trout and brook trout from any of the streams, lakes or ponds, by any means from May 1 to June 15; to capture, kill or take rainbow trout and brook trout from any of the streams, lakes and ponds by any means from May 1 to June 15; to capture, kill or take fish from the streams, lakes and ponds by means of seines, set nets, poison, lime, fishberries, gunpowder, giant powder, dynamite or any other explosive; to capture, kill or retain, if accidentally captured, any big mouthed black bass or rainbow trout less than 8 inches in length or brook trout less than 6 inches from any steams, lakes and ponds; and to capture or kill any big or small mouthed black bass, any rainbow or brook trout by line in any of the streams, lakes and ponds. It was permissible to capture and retain water minnows used for bait, by means of dip net or minnow net not over 10 feet in length, but any bass, trout, rainbow trout or black perch taken in such manner had to be returned to the water and released. Fines for violations ranged from \$10 to \$100.
33. Private Acts of 1933, Chapter 263, made it lawful to fish for and take by traps or nets between March 1 and April 30 in Carter County the species of fish known as "Horneyhead".
34. Private Acts of 1937, Chapter 328, stated that Joe N. Stout had practiced veterinary medicine and surgery over 10 years, was a graduate of an accepted school, was a man of good moral character, over 21 years old and a bona fide citizen of Johnson County. The act permitted Stout to practice veterinary medicine and surgery in Carter and Johnson Counties as any other veterinarian permitted to do. He would file proof of all these things with the State Board of veterinary examiners whereupon they would issue him a license to practice in Carter and Johnson Counties for which he would pay the required fee for the license.
35. Private Acts of 1937, Chapter 825, stated that J. Louis Freeman had practiced veterinary medicine and surgery over 10 years, was a man of good moral character, over 21 years old and a bona fide citizen of Lauderdale County. The act permitted Freeman to practice veterinary medicine and surgery in Carter and Johnson Counties. Freeman would file proof of all these things, whereupon the State Board of Veterinary Examiners would issue him a license to practice in Carter and Johnson Counties and he would pay the required fee for the license.
36. Private Acts of 1939, Chapter 294, declared it to be lawful to hunt squirrels in Johnson and Carter Counties between September 1 and January 1, which constituted open season on squirrels.

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