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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 Wilson 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 1829, Chapter 225, was the authority for the Sheriff of Wilson County to sell the plot of ground in Lebanon which had been set aside for use as pen for stray animals. The proceeds of the sale could be appropriated by the County Court for the improvement of the Public Square or repairs to the courthouse. The Sheriff could execute a good and valid deed to the property.
2. Public Acts of 1875, Chapter 127, made it unlawful for any person to hunt or kill any deer from March 1 until September 1 of each year. It was further unlawful to hunt, kill, or capture any game bird between March 1 and September 15; or to hunt, kill, or capture any song bird between March 1 and September 15; or to hunt, kill or capture any insect eating bird between the same dates. This Act applied to the counties of Henry, Dyer, Giles, Maury, Davidson, Madison, Hamilton, Bedford, and Wilson. It was also unlawful to hunt, trap or net game on the lands of another without their permission.
3. Private Acts of 1897, Chapter 205, declared it to be a misdemeanor for any person to hunt, kill, or capture any partridge, quail, snipe, woodcock, dove, mockingbird, oriole, or other harmless bird in Wilson county within five years from the passage of this Act.
4. Private Acts of 1897, Chapter 296, amended Public Acts of 1895, Chapter 127, enacted to protect fish in the State, so as to make it lawful for any resident of the counties of Wilson, Cheatham, and Trousdale to catch fish for home consumption in any stream in the county of a person's residence by any means other than by poison or explosives. This could not be done on the land of another person if the owner of that land objected.
5. Acts of 1899, Chapter 57, made it a misdemeanor for any person to hunt, kill, or capture any partridge in Wilson County from March 1 until November 1 of each year. It was also unlawful to perform such acts on the land of another at any time without written permission. It was also unlawful for anyone to hunt, kill or capture doves, larks, robins, or any game bird from April 1 until August 1 in Wilson County, and was unlawful at all times on the land of another person without permission.
6. Acts of 1899, Chapter 415, declared it to be illegal to take, catch, or kill fish in any stream in Wilson County without the written consent of the owner of the lands on both sides of the stream, and such acts were unlawful with or without permission between February 1 and May 1 of each year, except when fishing with a hook and line. The Cumberland River was specifically exempted from the above provisions.
7. Private Acts of 1901, Chapter 326, amended Acts of 1899, Chapter 57, with reference to the killing of partridges in Wilson County so as not to permit a citizen of the county to kill them for his own use or for the purpose of selling and shipping them.
8. Private Acts of 1907, Chapter 489, declared that the ownership and title to all fish, not held by legal private ownership, was vested in the State in its sovereign capacity. It was declared unlawful to take, catch, kill or wound any fish in Tennessee except by angling with rod and line or by trot line. A person could seine in any stream in Wilson County with meshes not larger than 1¼ inches from June to September 1.
9. Private Acts of 1911, Chapter 417, make it lawful for residents in Macon County, Wilson County, or Trousdale County to fish in all the streams of the county with a trot line, by gigging, by bait, or by net and seine when the mesh of which was no less than one inch. No charge could be made by the Department of Fish, Game and Forestry for these residents to fish in the above manner for either home consumption or for sale.
10. Private Acts of 1913 (Ex. Sess.), Chapter 53, stated that in addition to those fences heretofore declared to be lawful fences, the following would also be deemed a lawful fence in Wilson County; a fence with substantial posts set firmly in the ground no more than 24 feet apart, with four strands of barbed or smooth wire, four planks, or four slats, the first one to be strung or fastened from ten inches to sixteen inches from the ground and the others to range from ten inches to thirteen inches from the next lower ones. This Act was repealed by Private Acts of 1937, Chapter 511.
11. Private Acts of 1917, Chapter 86, prohibited the killing of squirrels in Wilson County in any manner from March 1 until May 1 except when the squirrels might be eating or damaging crops.

- Violators could be fined from \$5 to \$25 which would go into the general road fund of the County. No fee or charge would be made, nor was a license from the Department of Fish, Game and Forestry necessary to hunt squirrels at lawful times. No one could hunt squirrels on another person's land without first obtaining permission.
12. Private Acts of 1917, Chapter 404, amended Private Acts of 1913 (Ex. Sess.), Chapter 53, a fence law for Wilson County, to provide that it was no longer necessary to build a fence around crops to protect them. The owners of stock would be responsible for any damages done by loose animals and the person damaged was given a lien on the animals for the amount of damage committed. This Amendment required the approval of the County Court before it would be effective.
 13. Private Acts of 1921, Chapter 135, allowed one to kill quail in Wilson County between November 15 and February 1 following, but prohibited the same during any other time. Offenders could be fined from \$2 to \$25 for each violation.
 14. Private Acts of 1921, Chapter 427, made it unlawful for the owner or custodian of fowls (chickens, turkeys, guineas, ducks, geese, and pea fowls) to allow the same to run at large inside the boundaries of incorporated towns in Wilson County. Any damage done by them to the property of another could constitute a lien which could be enforced by judgment and execution as other liens were. Fines for violators ran from \$2 to \$10 for each offense.
 15. Private Acts of 1921, Chapter 434, stated that in Wilson County it would no longer be necessary for the owners or occupants of land to construct fences around their land to protect the land, or the crops thereon, from trespass, depredation, or damage from the livestock of any other person. Owners of animals were required to keep them on their own premises, or be liable for any damages done to the lands, or crops, of another person. The damages would be a lien on the animals causing the same. This lien could be enforced by judgment, attachment or execution.
 16. Private Acts of 1921, Chapter 860, declared it to be unlawful to take and catch fish in Spring Creek, Barton's Creek or in Cedar Creek in Wilson County by any means or device whatsoever, except by baited hook and line or trot line. Offenders could be fined from \$50 to \$100 and placed in jail for thirty days. Circuit Court Judges were required to charge this Act to the Grand Juries.
 17. Private Acts of 1927, Chapter 310, amended Public Acts of 1925, Chapter 151, which set the seasons for hunting or trapping fur bearing animals, by exempting Wilson County from the provisions of that Act by permitting one to hunt, trap, or kill rabbits, squirrels, or ground hogs, and also other fur-bearing or hair-bearing animals when they were committing depredations on crops, poultry or livestock.
 18. Private Acts of 1927, Chapter 702, applied only to the counties of Bedford, Maury, Montgomery, and Wilson. The Act required the owner of any dog over four months old to pay \$1 for each male dog and \$3 for each female dog as a license fee. One must pay a kennel fee of \$10 for one with no more than 12 dogs, and \$15 for any kennel having more than 12 dogs. Dogs were to be tagged at all times except when hunting. The County Trustee must collect the fee, issue the license, and keep the records specified in the Act, reporting each month to the Division of Game and Fish and transmitting one-fourth of the funds collected to that Agency. Violators would pay fines from \$5 to \$20. Dogs could be lawfully killed under certain conditions when they were roaming at large without a tag. Any person losing stock to a dog under these conditions could be reimbursed for their loss out of the fund, and any person bitten by a rabid dog could be paid up to \$100 for expenses incurred because of the bite. Although the constitutionality of this act was upheld by the Tennessee Supreme Court in Darnell v. Shapard, 156 Tenn. 544, 3 SW 661 (1928), this Act was repealed by Private Acts of 1931, Chapter 4.
 19. Private Acts of 1929, Chapter 451, made it a misdemeanor for any person to catch or kill, for sale, any kind of fish less than seven inches in length in Wilson County and in Trousdale County. It was now permitted during the open season in those counties to catch fish for sale with trammel nets, baskets, dip nets, or set nets, but not with seines. Every such net and basket authorized under this act used in the Cumberland River could not have meshes less than one and one-quarter inches in width.
 20. Private Acts of 1929, Chapter 886, prohibited seining in Wilson County in any of its streams. Every person in the County was forbidden to own or to have in their possession any seine other than a minnow seine which was defined as one no wider than four feet, no longer than seven feet, and with no meshes smaller than 1/2". The word seine did not include trammel nets used in the rivers, and it was legal to catch fish with hook and line at any time. Fines ranged from \$25 to \$50 for violators. This Act was repealed by Private Acts of 1931, Chapter 148.
 21. Private Acts of 1931, Chapter 45, made it lawful for any person to hunt with gun and dog and to fish with hook and line, or a net, in Wilson County and Smith County except upon the property of

- another without permission. Nothing in this Act was to change the general law preventing fishing with explosives or poisons, or trapping birds with nets. It was unlawful to kill quail earlier than November 25 or later than the following January 31 of each year. It was also a misdemeanor to trap or shoot a red fox.
22. Private Acts of 1931, Chapter 137, amended Private Acts of 1929, Chapter 451, by removing Wilson County from its provision.
 23. Private Acts of 1935, Chapter 11, made it lawful to fish in Wilson County with hook and line at any time, and to catch fish in creeks, ponds, or other bodies of water with a net, or seine, no more than sixteen feet in width and with a mesh no smaller than 1½ inches, from July 1 until August 1, of each year, but no one could fish upon the lands of another person at any time without having the written permission of that person. No net, or seine, could be placed in the mouth of a creek where it enters a river. No license, or fee, was to be charged for fishing, nor was one necessary for the person who caught them to sell fish. One could legally kill and sell squirrels, ground hogs, and rabbits at any time but other furbearing animals could be killed only from November 1 until February 15 following. All animals could be lawfully killed when injuring crops or other stock. No privilege tax or license could be required in Wilson County.
 24. Private Acts of 1935, Chapter 698, was essentially identical to Private Acts of 1935, Chapter 11, except in Section 5 which made it unlawful, instead of legal, to hunt, trap, or kill squirrels, ground hogs and rabbits.
 25. Private Acts of 1937, Chapter 67, amended Private Acts of 1935, Chapter 698, by deleting Sections 5 and 7, and inserting new Sections in their place to make it legal to kill, sell, and transport squirrels, ground hogs and rabbits at all times except upon the land of another without permission, and that no license fee or privilege tax could be charged in Wilson County to possess, transport, ship or sell the hides or furs of animals. All other provisions of the amended act would remain in full force and effect.
 26. Private Acts of 1937, Chapter 163, provided that no privilege tax, fee or license would be assessed, levied, imposed or required of any resident of Wilson County for the exercise of the right of hunting, shooting, or chasing, taking, transporting, or killing squirrels, ground hogs and rabbits. All persons so doing in Wilson County were exempted from the payment of any of the above. All persons who were in the business of doing any of the above were relieved from the payment of all the above likewise.
 27. Private Acts of 1937, Chapter 349, permitted one to fish in Wilson County with hook and line at all times and in all the waters of the County. One could also fish with nets which met the criteria established in the Act but no one could fish upon the land of another without permission. It was contrary to the law to place a net in the mouth of a creek where the creek entered into a river. No license fee or privilege tax would be charged for anyone to do the above nor for selling any fish which one had personally caught. No license fee or privilege tax was to be charged or required for killing and selling squirrels, ground hogs, and rabbits but no one could kill, or sell, mink, raccoons, possums, muskrats, skunks, foxes, or other fur-bearing animals except during the time between November 1 and February 15, but all of the above animals could be killed at any time if they were injuring, or damaging crops, poultry or live stock. No privilege tax, fee or license could be charged for killing or trading in hides or furs permitted under this Act.
 28. Private Acts of 1939, Chapter 276, amended Private Acts of 1937, Chapter 349, by adding a provision to Section 5 which allowed one in Wilson County to hunt, chase, shoot, trap, catch, kill and transport dead or alive, squirrels and rabbits at all time and seasons of the year, the entire year being declared an open season for these purposes.
 29. Private Acts of 1945, Chapter 552, averred that R. E. Tribble, who had over 30 years of experience in veterinary surgery and medicine and was a man of good moral character would be permitted to continue the practice of the same in Smith County and in Wilson County in the same manner as before and to the same extent as that enjoyed by others in the same position provided that Tribble file proof with the State Board of Veterinary Examiners to that effect upon which occurrence a license to practice would be issued to him for which he was required to pay the regular fee.