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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

Foxes

Private Acts of 1967 Chapter 140

SECTION 1. It is lawful to hunt, capture, or kill by any means red and gray foxes in Dyer County at any time or season of the year.

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

Passed: May 1, 1967.

Pheasants - Quail

Private Acts of 1959 Chapter 221

SECTION 1. That in Dyer County it shall be lawful to own and operate shooting rows for pen raised pheasants and pen raised quails between October 1, each year, and April 1 of the succeeding year, provided that such shooting rows shall be constructed and operated in places designated by permit from the Director of the Game and Fish Commission. The recipient shall be charged \$15.00 for said permit and it shall include but is not necessarily limited to the following: Special regulations and boundary of the shooting rows, covered by the permit, regulations for identification and marking of pen reared quail and pen reared pheasant used in shooting rows, provisions covering obtaining pen reared quail and pen reared pheasant to be used in connection with shooting rows, and regulations necessary to prevent wild quail and wild pheasant from being used in connection with shooting rows. In addition, the owner or operator of shooting rows may sell pheasants and quails for propagation and shooting over shooting rows as authorized by this Act only and he may sell permits for the privilege of using his shooting rows; provided, however, that exotic species, including pheasants, may be sold for food purposes, and/or for the privilege of using shooting rows.

SECTION 2. That nothing herein shall be construed as exempting any person engaged in the propagation of upland game birds from the requirement to hold a propagation permit as required in Section 51-220, T.C.A., nor from exempting any person shooting over shooting rows described herein from the requirement to hold a valid hunting license as prescribed by Section 51-202, T.C.A. Provided further, that a violation of any rule or regulations made under the authority granted the Game and Fish Commission by this Act is hereby declared to be a misdemeanor punishable as provided in Sections 51-703, T.C.A. and 51-232, T.C.A. respectively.

COMPILER'S NOTE: T.C.A. 51-220, recodified as Section 70-2-210, and T.C.A. 51-232 have been repealed.

SECTION 3. That it is hereby declared to be a misdemeanor for any person to operate a shooting row without a permit as herein provided for, punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Twenty-Five Dollars (\$25.00), and be it further enacted that a violation of any rule or regulation made under the authority granted the Game and Fish Commission by this Act is hereby declared to be a misdemeanor punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00).

SECTION 4. That any bird which escapes from the propagation pens or shooting rows herein provided for shall become the property of the State and subject to the general game and fish laws.

SECTION 5. That this Act shall have no effect unless the same shall have been approved by a 2/3 vote of the Quarterly County Court of Dyer County on or before the next regular meeting of the Court, occurring more than five days (5) after this Act has been approved by the Governor. The presiding officer of the Quarterly County Court shall certify the results of the vote of the Quarterly County Court to the Secretary of State immediately after the action of the Court.

In the event the Court should hold this Chapter need not be approved as provided by Article 11, Section 9, of the Constitution, this Section shall be elided and the General Assembly hereby declared that it would have enacted this Chapter without this Section.

SECTION 6. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 19, 1959.

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

1. Acts of 1889, Chapter 171, was a general game law making it unlawful to hunt, kill, or trap deer for profit but deer could be legally killed for one's own consumption, and a person could kill deer for profit on his own land between August 1 and January 1 of each year. It was unlawful to hunt, kill, trap, or capture quail, or partridges for profit except on one's own land between November 1 and the following March 1. Fines for violators ranged from \$15 to \$25 for the first offense and \$25 to \$50 for the second. Constables and Justices of the Peace were designated as Game Wardens to enforce this law. Dyer County was among the 65 counties which exempted themselves from this Act.
2. Acts of 1897, Chapter 289, made it illegal for any person to hunt, capture, kill, shoot, or net any quail, or partridge in Dyer County from April 1 until September 1 of each year. No one could kill these for profit except on his own land or by obtaining permission from the owners of other lands. It was further against the law to export or receive for export any of the birds mentioned above. Offenders could be fined from \$5 to \$25 for each offense.
3. Acts of 1901, Chapter 49, declared that in Dyer County (identified by the 1900 Federal Census figures) a lawful fence, in addition to the other fences sanctioned under the law, could consist of barbed wire of four strands firmly attached to good substantial posts, not more than 40 feet apart, the lowest strand of which must be 15 inches above the ground and each of the other wires being separated by a twelve inch space.
4. Acts of 1901, Chapter 51, provided that all persons owning or controlling swine in Dyer County would keep them confined to their land. If any swine were found on another person's land, whether fenced or not, the owner of that land would have a lien on the swine trespassing thereon which lien could be enforced by attachment or judgment at law. This Act must not be construed as releasing any Railroad Company from any liability they might have under any other law.
5. Acts of 1901, Chapter 224, declared it a misdemeanor for any person in Dyer County to shoot, trap, or kill, wild turkeys for sale, or profit or to kill more than five turkeys in any one year. It was further illegal to buy any wild turkeys in Dyer County. Fines would be \$10 for each turkey killed, sold, or bought, or offered for sale, in violation of this law, one-half to be paid to the informant, and one-half to be paid into the school fund.
6. Acts of 1905, Chapter 431, amended Public Acts of 1903, Chapter 169, a general game law of the State to make it illegal to shoot turkey hens except from November 1 to February 1 and gobblers from November 1 until May 1. Not over five could be killed each year and none could be sold for profit at any time. Closed season on squirrels would run from January 1 until July 1. Non-residents of the State could not kill, or trap, coons, mink, and otter at any time. Fines from \$25 to \$50 could be imposed upon violators in Dyer County, the only county to which this Act would apply.
7. Private Acts of 1909, Chapter 555, declared it to be a misdemeanor to shoot, kill, or injure, by any method or means whatsoever, any squirrels, coons, mink, or otter, in Dyer County except during the following times: October 1 until January 1, with no license being required. Open season on the other game above would run from October 1 until following February 15. No non-resident could hunt or kill those mentioned at any time for profit.
8. Private Acts of 1909, Chapter 556, gave any resident of Dyer County the right to fish in any of the rivers, lakes, ponds, or other streams, by line, trap, gun, nets or trot line, but not otherwise, from June 1 until March 1 for which no license would be needed. No person could legally do so during the closed season. Fines were provided for those failing to comply.
9. Private Acts of 1911, Chapter 80, made the fence described therein a lawful fence in addition to the others approved under the law. The fence could be four strands attached firmly to good substantial posts no more than 40 feet apart, the lowest of which wire strands would be 15 inches above the ground and the others 12 inches above the next lower one.
10. Private Acts of 1911, Chapter 98, ordered that all persons owning or controlling swine must keep them confined to their premises, or suffer a lien to be placed upon the trespassing animals in favor of the person damaged. Dyer County was expressly exempted from the terms of the Act.
11. Private Acts of 1911, Chapter 638, made it lawful for the owner of land, or anyone having the permission of the owner of land, to shoot, catch, or kill squirrels, coons, minks, or otters, on the said land.

12. Private Acts of 1921, Chapter 22, declared it to be illegal for any person owning, or having custody of, horses, mules, cattle, sheep, swine, goats, and geese, to permit them to run at large in Dyer County. Any person so damaged by the above would have a lien on the animals invading his property for any damages plus the cost of taking them up and caring for them, provided notice is given to their owner. The Lien would exist for sixty days after the injury and until the termination of any lawsuit. Violators could also be fined from \$5 to \$25, each day being a separate offense.
13. Private Acts of 1921, Chapter 335, amended Private Acts of 1921, Chapter 22, Item 12 above, so as to make that Act take effect on January 1, 1922, rather than on June 1, 1921.
14. Private Acts of 1925, Chapter 758, made it unlawful for any person to take, catch, or kill, or to attempt the same, any fur bearing animal by means of box traps, snare, stick trap, deadfall, or any other device, in Dyer County. Any person found guilty could be fined from \$10 to \$25 but any owner, or tenant, could catch, or kill these animals whenever they became a menace to home, crops, or poultry.
15. Private Acts of 1931, Chapter 337, declares it to be against the law for any person to kill, or shoot, more than 8 squirrels within one 24 hour period in Dyer County. To have a greater number than 8 of squirrels in one's possession would be prima facie evidence of guilt. First offenders could be fined from \$10 to \$50 and all subsequent offenses could be punished by fines from \$25 to \$50.
16. Private Acts of 1933, Chapter 843, stated it to be unlawful in Dyer County for any person to hunt, trap, or kill squirrels except during the period between July 1 and December 31 of each year. A person could legally kill ten squirrels each day. Opossums could not be hunted or killed except during the period from November 15 to February 15 following. The schedule of fines ran from \$10 to \$50.
17. Private Acts of 1935, Chapter 745, made it legal to hunt, catch, or kill squirrels in Dyer County from June 1 until July 15, and from September 1 until November 15 of each year following the passage of this Act. The hunting and killing of squirrels at any other time were prohibited for which a \$5 fine could be imposed by any court of the State for each offense.
18. Private Acts of 1937, Chapter 755, amended Acts of 1905, Chapter 76, a general State law, by inserting a provision that in Dyer County the existing practitioners of veterinary medicine could make application to the State Board of Veterinary Medical Examiners on or before September 1, 1937, to which day they were allowed to register and receive their license without having to be examined by the Board.
19. Private Acts of 1939, Chapter 283, declared it lawful in Dyer County (identified by the use of the 1930 Census figures) to take, or catch, fish of any kind at any time during the year from all the streams of the County with hook and line, using natural bait, without the necessity of obtaining any license to do so.
20. Private Acts of 1945, Chapter 315, recited that A. T. Mallard, of the city of Newbern, in Dyer County, being over 21 years of age, and having practiced veterinary surgery and medicine for more than ten years, would be permitted to continue the said practice in both surgery and medicine in Dyer County. A certified copy of this Act would be and constitute a sufficient license for the above A. T. Mallard to do so, and to charge and collect fees for his services as any other veterinarian would do.

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