



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Animals and Fish - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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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 Warren 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 1870, Chapter 19, prohibited fishing by means of seining, netting, either with set or dipnet, basketing, or trapping in any stream, pond, or reservoir in several specified counties, which included Warren County.
2. Acts of 1871, Chapter 9, repealed so much of Section 1 of the 1870 Act, above, as it applied to Maury, Dickson, Warren, Marion, Benton, Humphreys, and Cannon Counties.
3. Acts of 1889, Chapter 244, made it unlawful for any non-resident of the state to hunt, kill, or capture any wild deer, wild turkey, quail, or partridge, or any species of game or fish in Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren, and White Counties at any season of the year.
4. Acts of 1893, Chapter 59, declared it unlawful to hunt, kill, or capture any wild deer in Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, Unicoi, DeKalb, and Montgomery Counties from the first day of December to the 30th day of September. A fine of \$25 to \$50 was specified for each and every offense.
5. Acts of 1895, Chapter 162, made it illegal to hunt, kill, trap, capture, or destroy, for profit, upon the lands of another, any quail, pheasants, larks, grouse, wild turkey, wild ducks or deer without permission from the owner of the said lands. It was declared unlawful to kill, capture, trap or destroy any of the above-listed game between the first day of March and first day of October in the county, at the risk of a \$10 to \$25 fine. The Grand Jury was given inquisitorial powers and the judges were required to charge this law to their respective Grand Juries.
6. Acts of 1897, Chapter 191, amended Acts of 1895, Chapter 162, above, by specifying Chinese pheasant to be a protected bird, and making it illegal to take or destroy the nest or eggs of the Chinese pheasant for the following three years. No person could likewise do the unlawful for profit or sale in the county. Any railroad, or other carrier, transporting same was likewise guilty and subject to penalties. This Act was applicable only to Warren as to the amendments.
7. Acts of 1899, Chapter 420, amended the 1897 Act so as to make it unlawful for any person to hunt or kill quail, pheasants, partridges, grouse, wild turkeys, wild ducks, or deer, in Warren County between the first day of February and the first day of November, and further extended the prohibition date in Section Two from three years to six years.
8. Acts of 1903, Chapter 91, amended Acts of 1895, Chapter 127, so as to allow the citizens of Warren County to catch fish with seine and fish basket in any of the streams and ponds of Warren County from the first day of July to the 15th day of March.
9. Acts of 1905, Chapter 439, declares that game and song birds are the property of those upon whose land they are found and it is unlawful to hunt, shoot, trap, kill, or destroy game of any kind, and these birds without consent of the owner of the lands. The Act set open seasons for different kinds of game and fish; provided for appeals of convictions; and, made it lawful to hunt, shoot, or kill any hawks, owl, crow, buzzard, blackbird, sparrow, and squirrel, these game being deemed injurious. The Act also specified the minimum age of hunter, and size of gun allowed. The Act repealed conflicting acts of both public and private nature.
10. Private Acts of 1907, Chapter 42, provides that within five days from the approval of this Act, the Election Commission of Warren County would hold an election to ascertain the will of a majority of the voters concerning the enactment of a no-fence, or stock law. The vote was to be verified and reported to the Warren County Representative and Senator in the General Assembly.
11. Acts of 1909, Chapter 35, also authorized a popular referendum on the question of enacting a stock law, with the added provision that the area of the county lying on Cumberland Mountain and valued primarily for pasture and grazing land was not subject to any requirements of any fence law which might come into being pursuant thereto.
12. Private Acts of 1909, Chapter 272, made it unlawful for any person or persons owning or having custody and control of horses, mules, cattle, sheep, goats, swine, or other live stock, to permit the same to run at large in Warren County. The owner would be liable for damages caused, and the damaged party was given a lien upon the animals causing the damage, or could take up the trespassing animals and keep them until damages were paid. The area on Cumberland Mountain was not subject to this law provided the herds grazing there would be continuously watched and

attended. This Act was repealed by the following act.

13. Private Acts of 1911, Chapter 107, was virtually identical in its provisions with Acts of 1909, Chapter 272, above, which it specifically repealed.
14. Private Acts of 1911, Chapter 162, made it contrary to law for professional fishermen to take fish for selling in any manner, regardless of any permit or license, in Hickman County (identified by the population figures of 1910). Fines for violations of this law could range from \$25 to \$50. Citizens of the county could take fish for their own use with rod and line; a trotline; with baskets; hoop nets; seines with meshes no smaller than 1¼"; or, with their hands, during June, July, August, and September. In Duck River, seines up to 100 feet long were permitted. Enforcement of this Act was left to the Game and Fish Wardens. This Act was repealed by Private Acts of 1919, Chapter 264.
15. Private Acts of 1911, Chapter 268, provided for another popular referendum to be held in Warren County to ascertain the will of the voters on whether the current stock law should be repealed or retained.
16. Private Acts of 1911, Chapter 334, called for a referendum on the stock law, as did Acts of 1911, Chapter 268.
17. Private Acts of 1911, Chapter 576, made it unlawful to catch, take, kill, or wound any fish in the streams of Warren County by use of seine, trap, gun, gig, poison, dynamite, or other explosive, fish or India berry, lime, grabbing, or in any other way except by rod and angling, or trot line, from June 15 to March 1. Suckers, red horse, buffalo, and any other fish except bass, trout, jack, catfish, perch, and bream could be taken in baskets and boxes from June 1 to March 1. Violators were subject to a fine from \$10 to \$100, except in cases of using explosives, when the minimum fine would be \$200.
18. Private Acts of 1913, Chapter 128, amended the 1911 Act known as the "Fish Law of Warren County," by permitting lawful fishing in any stream at any time in Warren County with hook and line, trot line and baited hooks for purposes of home consumption, and repealed all conflicting laws.
19. Private Acts of 1917, Chapter 256, made it lawful after the passage of this act to hunt and kill squirrels, rabbits, opossums, raccoon and other fur-bearing animals from November 1 to March 1 each year, and repealed all conflicting laws.
20. Private Acts of 1917, Chapter 725, permitted fishing in any stream in Warren County by baited hooks and lines, and trot lines, provided it was only for home consumption.
21. Private Acts of 1919, Chapter 264, specifically repealed Private Acts of 1911, Chapter 162, which regulated fishing in Warren and Hickman Counties.
22. Private Acts of 1919, Chapter 604, made it unlawful for any person to kill or take quail or partridges in Warren County from March 1 to December 1, each year. Violators were subject to a \$5.00 to \$10.00 fine.
23. Private Acts of 1921, Chapter 57, declared an open season on squirrels and rabbits at all times of the year in Warren County.
24. Private Acts of 1921, Chapter 403, made it lawful in Warren and Grundy counties to fish in all streams of the county with basket for suckers and carp, for personal and family use only.
25. Private Acts of 1921, Chapter 405, amended Public Acts of 1919, Chapter 61, being the state Dog Law, by exempting Warren County and numerous other counties from its provisions.
26. Private Acts of 1921, Chapter 463, reiterated Private Acts of 1921, Chapter 403, verbatim.
27. Private Acts of 1927, Chapter 343, declared it to be lawful for anyone to kill, catch, or otherwise obtain rabbits at all times of the year in Warren County.
28. Private Acts of 1929, Chapter 354, declared it a misdemeanor for any person, firm, or corporation, to take, ship, or transport more than 50 minnows per day out of Warren County, subject to \$25 to \$50 fine.
29. Private Acts of 1935, Chapter 829, made it lawful in Warren County to fish with a hook and line and natural bait at all seasons of the year without limitations or restrictions, repealed laws in conflict but not otherwise, and permitted residents of the county to hunt without a license.
30. Private Acts of 1937 (Ex. Sess.), Chapter 37, provided that all bona fide residents of Warren County may hunt and fish anywhere in the county during the open seasons provided by law without a license, but cannot do so upon the land of another without permission, and must also fish only with hook and line using natural bait.

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