



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter II - Animals and Fish

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 Hardeman County. They are included herein for reference purposes.

1. Private Acts of 1897, Chapter 299, made it unlawful for any person to catch, kill, or wound any fish in any of the streams, lakes, or ponds of Haywood, Rutherford, and Hardeman Counties by the use of seine, trap, net, gun, grabbling with hands, gig, poison, dynamite, or by any contrivance whatever except rod, or line, or trot line. The act did not apply to private ponds or to minnows less than 4½ inches in length. Building a dam or other obstruction was also declared unlawful. The fines for violations ranged from \$50 to \$100, and in the case of the use of poison or dynamite, a six months jail term would be added to the fine. The fines collected would go into the Treasury for the common school fund.
2. Public Acts of 1899, Chapter 95, amended the Private Acts of 1897, Chapter 299, above, so as to make it lawful for any resident citizen of Hardeman County to catch fish in any of the streams of that County by grabbling with the hands or by using a basket, slat trap, seine or net, provided that the slats of the trap and the mesh of the netting were not less than two inches apart.
3. Acts of 1901, Chapter 41, declared that all persons owning or controlling swine in this State must keep them confined on their own premises. Any person damaged by trespassing swine would have a lien on the animals for his damages regardless of whether he had a lawful fence or not.
4. Acts of 1901, Chapter 70, stated that every planter must make and keep a sufficient fence of ordinary, sound, and substantial material around his land which is in cultivation. The act defined and described four types of fences which would be acceptable in meeting the requirements of the act: (1) a four foot high post and plank, or post and paling; (2) a common worm, or crooked, rail fence, 4½ feet high; (3) osage orange fences, part wood and part wire; (4) a fence of barbed wire, or slats, 4½ feet high. All persons who met the requirements of this act would have a lien for damages on all trespassing animals damaging their crops.
5. Acts of 1905, Chapter 481, declared it to be unlawful to kill, or injure, in any way deer of any age, or any English ringnecked or mongolian pheasant in Hardeman County prior to two years from November 1, 1905. Any person could trap birds during the open season on his own land and sell the same to be consumed, or for breeding purposes, but not to ship out of the County. It was declared unlawful to kill squirrels from March 1 to July 15 except that one could kill them on one's own land at any time. It was lawful to sell game in the County that the seller himself had killed to any actual, resident consumer of the County. The County Court was empowered to elect a Game Warden in Hardeman County who would receive one-half of all the fines collected for violations of game laws in the County.
6. Acts of 1907, Chapter 508, amended Acts of 1901, Chapter 70, above, by making "smooth and twisted" wire acceptable material in lawful fences, as well as "barbed" wire.
7. Private Acts of 1915, Chapter 52, declared it unlawful in Hardeman County for any owner or one in control of horses, mules, donkeys, cattle, sheep, goats, and swine, to allow the animals to run at large. Violators were subject to fines of from \$2 to \$50 and could be held liable for damages. The act granted a lien to any person damaged who could take up and care for the animals at large and be compensated for the costs. The act stated it was not to be construed as affecting any of the railroad laws.
8. Private Acts of 1917, Chapter 643, enabled any resident of Hardeman County to catch fish from any of the waters of the County by trap, net, or seine, provided the slats of the trap and the mesh of the net were at least 1½ inches apart and any seine could not exceed twelve feet in length.
9. Private Acts of 1921, Chapter 405, exempted several counties, including Hardeman County, from the provisions of Public Acts of 1919, Chapter 61, which was a rather harsh regulation of the care and keeping of dogs throughout the State.
10. Private Acts of 1923, Chapter 486, declared that the open season for the shooting of quail in Fayette and Hardeman County would be from the 22nd Day of November to the first day of March following.
11. Private Acts of 1925, Chapter 89, set the open season on quail in Fayette, Hardeman, Haywood and Lauderdale Counties from December 10 to the following March 1, and the open season to shoot squirrels from July 1 to January 1 of each year.

12. Private Acts of 1925, Chapter 460, declared that the cotton-tailed rabbit was game in Fayette, Hardeman, and Haywood Counties and the open season in which it may be hunted, taken, and killed would be from November 25 to March 1 of the following year. Fines for violations were set at \$10 to \$25. The act would not apply to a farmer, tenant, or renter or his boys, if they were to kill rabbits on their own land if the rabbits became a hazard to crops.
13. Private Acts of 1925, Chapter 620, regulated the hunting of squirrels in Hardeman County by changing the open season from June 1 to December 1 of each year to July 1 to January 1.
14. Private Acts of 1927, Chapter 188, fixed the open season on squirrels in Hardeman County from June 1 to January 1 each year.
15. Private Acts of 1927, Chapter 674, made it unlawful in Hardeman County for any person, firm, or corporation to take, trap, catch, hunt, or kill, any wild animal by any means whatsoever. Cotton-tail rabbits could be killed, bought, sold, shipped, and transported within the State from October 15 to March 1 of the ensuing year. Wild animals could lawfully be killed with dogs from October 15 to the following March 1. The owner or occupant of lands was allowed to kill rabbits at any time if the animals menaced crops. County residents were permitted to kill wild animals at night with dogs from October 15 to March 1 following.
16. Private Acts of 1929, Chapter 808, provided that the open season for shooting quail in Hardeman County would run from November 24 until the following February 1. Fines were scheduled for violations from \$10 to \$25.
17. Private Acts of 1935, Chapter 765, stated that any person who had engaged in the practice of veterinary medicine in Hardeman County for a period of 15 years or more, next preceding the effective date of the act, and who was of good, moral character, would be entitled to continue the practice when they obtained a certificate of good moral character from the County Court Clerk and filed it with the State Board of Veterinary Examiners. The licenses granted was valid in Hardeman County.

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