



December 20, 2024

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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Table of Contents

Animals and Fish -Historical Notes	3
---	----------

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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 Hardin County. They are included herein for reference purposes.

1. Public Acts of 1889, Chapter 95, made it unlawful for any person to take, catch, or destroy fish in Horse Creek in Hardin County by the use of gigs, spike, trap, net, seine, or any other means, except with bait and hook angling, for a period of four years from the passage of the act. It was declared unlawful to hunt, kill, capture, take, or chase, any deer, wild turkey, partridge, quail, grouse, pheasant, woodcock, or snipe, or any songbird, or birds, which feed on insects, between March 15 and September 15 of each year, or to destroy their nests or young. The act fixed the punishment for violations of the act by using dynamite, explosives, or poisons as a maximum of thirty days in the workhouse and set a fine for other violations.
2. Public Acts of 1889, Chapter 171, declared it a misdemeanor for any person to hunt, trap or kill deer for profit, but any person could kill for their own use lawfully from August 1 to January 1 of each year. Quail and partridges were similarly protected. The schedule of fines for violations ranged from \$5.00 to \$25. Constables and Justices of the Peace would enforce the Act. Hardin County was one of sixty-five counties exempted from the provisions of this act.
3. Public Acts of 1891, Chapter 76, repealed Public Acts of 1887, Chapter 143, insofar as it applied to the Thirteenth Civil District of Hardin County. The act was designed to protect fish during the spawning seasons and it applied statewide.
4. Private Acts of 1897, Chapter 240, allowed the residents of the Counties of Hardin, Gibson, Crockett, Tipton, Fayette, Franklin, Grundy, and Marion, to catch fish, except from April 1 to June 1 of each year, in any of the waters of the named Counties and by any means except by poison, dynamite, explosives, and wing net.
5. Public Acts of 1899, Chapter 56, declared it unlawful for any person to take, catch, destroy, or wound fish in any of the waters of Hardin County except by angling with bait, hook and line, or trot line. (The act did not apply to the Tennessee River.) It was declared unlawful to block or obstruct any stream flowing into the Tennessee River by any net, dam, rack or otherwise, within one-half mile of the mouth. Catching minnows for bait was not prohibited.
6. Acts of 1903, Chapter 526, described a lawful fence in Hardin County. If used around any enclosure and made of wire, the act required three strands of wire, nailed to posts not more than sixteen feet apart and set firmly in the ground. The first wire would be 18" from the ground, the second 15" from the first, and the other a like distance, making a four foot fence. If planks were used the posts must be only eight feet apart. The wires or planks could be fastened to growing timbers if the proper distances were maintained.
7. Acts of 1907, Chapter 97, stated that in Hardin County where the lands of two or more persons were in a common enclosure, any person who turned his stock into the enclosure or permitted his stock to trespass upon the enclosed land would be liable in damages. The act further stated that the person damaged must notify the owner of the stock within five days and within three days after notice the owner must redeem the stock by paying all the damages and 25 cents per day per head for their care and keeping. If damages could not then be agreed upon, the Justice of the Peace would appoint three freeholders to assess the damages and would render judgment based on the freeholders' report. The stock could be publicly sold under the rules established in the act and the proceeds distributed as specified. Violators were deemed guilty of a misdemeanor and were subject to a fine of from \$25 to \$100, or they could be sentenced to thirty days in jail, within the discretion of the judge.
8. Private Acts of 1915, Chapter 191, made it unlawful to take, or catch fish in any of the running streams of Hardin County by any means, or device, whatsoever, except baited hook and line and trot line. Those devices were not to be used from March 1 to June 15th of each year. Fish could be taken, however, from the Tennessee River by County residents by any means or device, except by dynamite or poison. Hog and white suckers could be caught by grab hook between June 15 and March 1. Fines for violations ranged from \$25 to \$50 and jail sentences up to 30 days could be imposed.
9. Private Acts of 1915, Chapter 409, amended Private Acts of 1915, Chapter 191, above, by making it unlawful in Hardin County to take or catch fish in the running streams of the County from May 1st to June 15th of each year by any means or device except by baited hook and line or trot line provided that fish could be taken from the Tennessee River by County residents except by the use of poison or dynamite.

10. Private Acts of 1915, Chapter 545, authorized an election to be held in Hardin County upon receipt of a petition signed by 50 citizens from each Civil District in order to ascertain the will of the qualified voters on the question of a permanent fence law for the County. The ballots were to have printed on them "Three-wire fence" or "Stock law". If the majority of the votes were in favor of the "fence", the then current fence law would remain in effect. If the vote was in favor of the "Stock law", the current fence law would be null and void.
11. Private Acts of 1917, Chapter 109, amended Private Acts of 1915, Chapter 409, above, by changing the figures "1913" to "1915" in the caption.
12. Private Acts of 1917, Chapter 353, amended Public Acts of 1915, Chapter 152, by exempting Hardin County from several of its provisions.
13. Private Acts of 1919, Chapter 202, required the Election Commission of Hardin County to open and hold an election within twenty days from the passage of the act to ascertain the will of the people on whether a stock law should be passed by the General Assembly or not. The Commissioners were directed to advise the delegates representing Hardin County in the General Assembly of the results of the election within five days following the election.
14. Private Acts of 1921, Chapter 405, was an act in which several counties, including Hardin County, were exempted from the provisions of Public Acts of 1919, Chapter 61, which was a rather harsh act concerning the keeping of dogs.
15. Private Acts of 1923, Chapter 173, declared it to be unlawful in Hardin County for anyone having the ownership, control or management of horses, mules, donkeys, cattle, sheep, goats, or swine, to allow the them to run at large. Violators were subject to fines of from \$5 to \$50. The act granted a lien for damages caused by the animals and for the taking up and feeding of the stock, which lien could be enforced as other lawful liens.
16. Private Acts of 1923, Chapter 656, postponed the effective date until January 1, 1924, in Civil Districts 1, 2, 3, 4, 5, and 9, of Hardin County of the recently passed Stock law for Hardin County.
17. Private Acts of 1927, Chapter 191, set the open season on the shooting of quail in Hardin County from December 10 to the first day of March following. Fines were from \$10 to \$25 for violations and inquisitorial powers were granted to the Grand Jury.
18. Private Acts of 1927, Chapter 257, declared it lawful for any person to hunt, take, trap, snare, shoot, or kill by any other means, rabbits, or hares, at any and all seasons of the year, but stated it was not intended to authorize one to hunt upon the lands of another without permission. This provision did not apply to Hardin and several other listed counties. A further provision that authorized the transport of rabbits by business or individuals both within and without Tennessee did apply to Hardin County.
19. Private Acts of 1929, Chapter 577, amended Private Acts of 1927, Chapter 191, which regulated the open season on quail in Hardin County, so that the season would end on February 1 instead of March 1.
20. Private Acts of 1929, Chapter 579, declared it to be unlawful in Hardin County for any person, firm, or corporation, to trap, shoot, hunt, or in any way harm raccoons for a period of four years after the passage of the act. Fines for violators were set at an amount from \$5.00 to \$25.
21. Private Acts of 1963, Chapter 136, declared it unlawful for any person or firm to train coon dogs in a certain area of Hardin County except during the 30 days preceding the opening of coon hunting season. This act was repealed by Private Acts of 1993, Chapter 46.

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