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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 Stewart 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 the seining, netting, basketing, and trapping of fish in any stream, pond, or reservoir, in Rutherford, Dickson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren, and Davidson counties. Justices of the peace would have jurisdiction over these matters and could levy fines of \$5 to \$20 for the first offense and \$20 to \$50 for each subsequent violation.
2. Acts of 1873, Chapter 3, repealed so much of the 1870 Act regulating fishing in certain counties, above, as the same applied to Stewart County.
3. Acts of 1875, Chapter 114, made it unlawful for any person to catch fish with a seine, net, or trap, in the waters covering the land of another person, and set up a remedy by giving the offended person an action at law or an injunction in equity. The act further forbade any person to place a seine, net, or trap, or any other obstacle, near the mouth of any stream which would obstruct the same and prevent the free passage of fish up and down the waters of the stream. Several counties exempted themselves from the provisions of this act but Stewart County was not among them.
4. Acts of 1877, Chapter 25, was an act to protect fish by making it illegal to catch fish with seines, nets, traps, or gigs, or by any other means, than a hook and line, or trot line, from the waters of any running stream in Robertson, Montgomery, Maury, Gibson, Madison, Stewart, Franklin, Loudon, Monroe, Hawkins, Henry, and Crockett counties. One damaged could bring suits in law or equity to enforce the terms of this act. The act further prohibited the placing of obstructions near the mouth of any stream which would interfere with, or impede, the free passage of fish up and down its waters. The grand jury had inquisitorial powers and the district attorney must prosecute all offenders.
5. Private Acts of 1901, Chapter 447, stated that no person may catch, or kill, grouse, prairie chickens, or pheasants, before the year 1908, and not after that date except between November 15 and the following January 15 of each year. The eggs of these fowls, named above, shall not be gathered, or destroyed. Fines ranged from \$25 to \$50, and offenders could be jailed up to 60 days in the discretion of the judge hearing the case. These restrictions did not apply to the domestication processes for these birds, all being exempted.
6. Acts of 1903, Chapter 85, legalized the catching of fish in any lake, pond, or stream in Stewart County, identified by the 1900 Federal Census, by any method other than by poison and explosives, but this act shall not apply to those trespassing on another's property.
7. Private Acts of 1915, Chapter 224, made it lawful, after the passage of this act, for any resident citizen of Stewart County, to take, or catch, fish in any river, or stream, by net, by trot line, by gigs, and by seines, when the mesh of the net for the same is not less than one inch. Further, no fees, or license, shall be charged, or collected, by the state department of fish, game, and forestry when one is fishing in the above manner, pursuant to the terms of this act, either for home consumption, or for the purpose of sale.
8. Private Acts of 1917, Chapter 616, amended Public Acts of 1915, Chapter 152, a statewide game and fish law, by adding a provision to Section 54 of that act which exempted Stewart County from its provisions and operation.
9. Private Acts of 1919, Chapter 67, made it illegal for anyone, including the owner, having control over a bull older than seven months, or over any boar over three months old, to knowingly permit such animal to run at large on any of the unenclosed lands in Stewart county. The first offense involved fines from \$5 to \$10 and the second, and subsequent, offenses from \$10 to \$25. Anyone finding such animals running at large may castrate them and incur no liability for the action, either civil or criminal. This act was repealed by the one below.
10. Private Acts of 1921, Chapter 73, expressly and entirely repealed Private Acts of 1919, Chapter 67, Item 9, above.
11. Private Acts of 1921, Chapter 405, was an act by which nearly every county in the state, including Stewart County, exempted themselves from the provisions of Public Acts of 1919, Chapter 61, which was a statewide law regulating the care, keeping, and registration of dogs which, at the time, appeared to be rather stringent and oppressive.

12. Private Acts of 1921, Chapter 503, declared it to be unlawful in the counties of Humphreys, Stewart, Dickson, Houston, and Perry, to shoot, kill, or injure, by any means whatsoever, any quail, partridge, or doves, except within the times specified by this act, which was from November 15 to the following January 15. Squirrels and rabbits could be lawfully killed at any time, as well as wild ducks, and geese, and other migratory birds. Any person hunting on another's land must have written permission to do so. Fines for violations of this law had a schedule ranging from \$10 to \$25.
13. Private Acts of 1921, Chapter 506, required the election commission of Stewart County to hold an election at the next regular August election in 1922, to ascertain the will of a majority of the voters on the question of enacting a stock law. All persons qualified to vote may vote simply "For" or "Against". The results were to be canvassed and certified to the delegation representing Stewart County in the general assembly in 1923.
14. Private Acts of 1921, Chapter 650, authorized and directed the county trustee of Stewart County to turn over to the common school fund of the county all money, or funds, in his hands, or which may hereafter come into his hands, by reason of the taxes, privileges, or penalties, collected under the authority of the dog registration law which was Public Acts of 1919, Chapter 61. The funds designated were to be transferred as soon as this act was enacted into law. (Stewart County is listed as have exempted itself from the above law in Private Acts of 1921, Chapter 405, so the funds above must have been collected prior to that time.)
15. Private Acts of 1921, Chapter 677, provided that the election commission of Stewart County in the next regular election in August 1922, shall include in that election a ballot to ascertain the will of a majority of the voters on the question of an enactment of a stock law in Stewart County. The results shall be certified to the delegation representing Stewart County in the 1923 General Assembly.
16. Private Acts of 1921, Chapter 951, exempted the counties of Humphreys, Stewart, Dickson, Houston, and Perry from the provisions of Acts of 1909, Chapter 519, which established a department of game, fish, and forestry for the State of Tennessee.
17. Private Acts of 1923, Chapter 360, exempted Stewart County from the provisions of Senate Bill 122, Acts of 1903, which prohibited the running at large of hogs, sheep, and goats.
18. Private Acts of 1925, Chapter 337, directed the election commissions of Stewart and Houston counties, in the next regular August election if 1926, to include within the election calls one to ascertain the will of the qualified voters in the said counties on the question of the enactment of a stock law. The results shall be certified to the delegation of these counties in the general assembly who, if the result is favorable, will see to it that a suitable law is passed.
19. Private Acts of 1927, Chapter 62, made it illegal for the owner, or anyone having the control and management of livestock, including horses, mules, cattle, sheep, swine, goats, asses, or other livestock of any kind, to allow the same to run at large in Stewart County. The owner is responsible for any and all damages inflicted by these animals against which the damaged party would have a lien for damages plus the expense of taking up, caring and feeding these beasts. The owner was also guilty of a misdemeanor for which fines could be imposed. Nothing in this act would be construed to relieve any railroad from any liability they may have for animals in the right of way.
20. Private Acts of 1927, Chapter 545, again required the election commission to hold a referendum on the question of a stock law for Stewart County at the next regular August election in 1928, same to be included on the ballots used in that election.
21. Private Acts of 1933, Chapter 517, declared it to be lawful in Stewart County, identified through the 1930 Federal Census count, for any person residing in the county to hunt, chase, trap, kill, catch, or take any wild animal, wild bird, wild fowl, or fish, in the open season without having to procure any hunting or fishing tag or license. However, it is unlawful to do any of the above on the lands of another without first obtaining approval from the owner. This shall also apply to the taking of fish by trot line, hook and line, set hook, or casting line, and applies also to bona fide residents only. License fees were \$10 per year which went into the elementary school fund. Fines went from \$5 to \$50.
22. Private Acts of 1937, Chapter 449, stated that any person who has heretofore engaged in the practice of veterinary medicine, with or without a license, in Stewart County, for a period of 15 years next preceding the enactment of this law, who is of good moral character, is hereby authorized to continue such practice of veterinary medicine in those counties. A certificate of good moral character shall be obtained from the county court clerk and be filed with the state board of veterinary examiners but the provisions of this law shall not be applied outside

of Stewart County.

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