



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 Rutherford 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, either with a set or dipnet, basketing or trapping, in any stream, pond, or reservoir in Rutherford, Davidson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren, and Dickson Counties, and no seine or net of any sort could be stretched across the mouth of Stone's River. Penalties ran from \$5 to \$20 for the first offense, from \$20 to \$50 for the second, one-half to be paid to the informer, and one-half to go to the State. Justices of the Peace had the jurisdiction to enforce this law.
2. Acts of 1870, Chapter 108, declared it to be unlawful for any person to trespass upon the lands of another person, in the counties of Rutherford and Fayette, for the purpose of hunting, netting, or trapping any game without first obtaining the consent of the owner. It was also unlawful to shoot, wound, or destroy any quail, or partridge, in the same two Counties from April 1 each year until September 1 of each year. The schedule of fines for those guilty of disobedience ranged from \$5 to \$25. One-half the fine would go to the informant and one-half to the Common School Fund.
3. Acts of 1871, Chapter 1, amended Acts of 1870, Chapter 108, so as to bring Shelby County and Tipton County under its provisions and changed the closed season on quail, or partridge, to begin April 1 and end October 1 of each year.
4. Acts of 1875, Chapter 114, made it illegal in Tennessee to catch fish in the waters covering the lands of another person with seines, nets, or traps. The person damaged could proceed by injunction in Chancery Court or by attaching the equipment. No person was allowed to place a net, trap or seine, near the mouth of a stream, or hinder the free passage of fish up and down the stream in any way. No fishing with sein or traps could take place in March, April, and May. This was a general State law but all counties in East Tennessee were exempted plus several more listed by name but Rutherford County was not among them.
5. Acts of 1879, Chapter 198, made it a misdemeanor for any person to take any fish in any of the waters of Dickson, Houston, Cheatham, Davidson, Rutherford, Williamson, Shelby, Fayette, Tipton, and Carroll Counties, except by baited hook and line, or trot line. All violators were subject to fines from \$25 to \$100. The Act was not to be applied to people owning fish ponds, or the land on both sides of a stream, or to the Cumberland, Tennessee, and Big Hatchie Rivers.
6. Acts of 1889, Chapter 171, rendered it unlawful to hunt and trap deer for profit in Tennessee, except for personal consumption from August 1 to January 1, and one could hunt and trap deer for profit on their own lands between those dates. It was likewise illegal to hunt and kill quail, or partridge, for profit, except on one's own land between November 1 and the following March 1, but quail could not be netted at any time. A schedule of fines was provided for the various offenses. Constables and Justices of the Peace were made game wardens in the enforcement of this law.
7. Acts of 1897, Chapter 157, declared it against the law in the counties of Sumner, Tipton, Anderson, Rutherford, and Williamson, to catch, kill, injure, or pursue any quail, partridge, prairie chicken, grouse, or pheasant, for a period of two years after the passage of this Act, all offenders being made subject to a schedule of fines running from \$2 to \$25. Anyone destroying, or having in their possession, any eggs of the above named fowls were also liable to be fined. Whoever sold, or attempted to sell, or to ship the same out of the counties, could be penalized from \$5 to \$25, or imprisoned up to thirty days.
8. Acts of 1897, Chapter 299, made it a misdemeanor in the Counties of Haywood, Rutherford, and Hardeman to catch, kill, or wound, any fish in any lake, stream, or pond, by seine, trap, net, gun, grabbing with hands, gig, poison, dynamite, or by any other contrivance, or device, except rod and line, or to build any dam, or obstruction, across any stream for those purposes at the risk of being fined from \$50 to \$100 for violating any of the acts forbidden above. All money recovered hereunder would be paid into the common school fund. Rutherford County was removed from this Act by Acts of 1899, Chapter 42.
9. Acts of 1899, Chapter 3, declared it a misdemeanor for any person to hunt, capture, kill, shoot, wound, or destroy any quail, or partridge, in the counties of Marshall, Rutherford, and Montgomery from February 15 until November 15, each year. Section 2 made it unlawful also to do those acts on the land of another person without written permission. Fines from \$10 to \$5,000,

- and imprisonment for no more than 60 days could be imposed.
10. Acts of 1899, Chapter 42, made it lawful to catch fish in Rutherford County in every way, and at all times, except by the use of poisons or explosives. Devices were prohibited which would prevent the easy passage of fish up and down a stream.
 11. Private Acts of 1915, Chapter 442, prohibited any person who had the ownership, custody or control of any horses, mules, cattle, sheep, goats, swine or other animals, from allowing them to run at large in Rutherford County. The owner of the involved livestock would be responsible for all damages done to the property of another by the trespassing animals, which damages would constitute a lien on the stock involved. The injured party could also take up, and care for, the stock and add the cost of it to the lien above mentioned, after giving prompt notice to the owner, if, and when, known.
 12. Private Acts of 1915, Chapter 495, made it illegal in Rutherford County to shoot, kill or injure by any method or means whatsoever, any quail, partridges or doves, except during the times specified in this Act. Doves could be lawfully killed from August 1 until November 1; quails and partridges would not be killed at all for the next four years. Squirrels could be killed from June 1 until November 1, and migratory birds at any time or season, along with rabbits. It was unlawful to gig, spear, shoot or kill with dynamite, or other explosive, or to catch with the hands by grappling, or with a seine, or wing net, any fish, except by hook and line, in any running stream. Any large or small mouth bass, less than seven inches in length, would be immediately returned to the water. Game Wardens could destroy any device used to contravene the purposes of this law, and violators could also be fined. All fines would be a part of the public school funds of the County.
 13. Private Acts of 1917, Chapter 702, amended Private Acts of 1915, Chapter 495, by setting new open seasons for the animals and birds concerned in Rutherford County. Open season on doves would run from August 15 to January 1; on squirrels, from June 1 until January 1; on quail and partridges from November 15 until January 1. Rabbits could be shot and killed at any time and the open season on migratory birds would be the same as that established by Federal regulations. Section 2 was amended to permit the taking of non-game fish with grab hooks except from May 1 until June 15, each year, during which time it would be unlawful to take fish in any manner in Rutherford County.
 14. Private Acts of 1919, Chapter 162, was enabling legislation for the Counties of Clay, Cannon, and Rutherford to hold a referendum to ascertain the will of a majority of the qualified voters concerning a "No Fence" law in those counties. The election would conform to the regulations expressed in the Act and to the regular election laws of the State.
 15. Private Acts of 1925, Chapter 366, was a Stock Law for Rutherford County which forbade the owner or possessor of any live stock, horses, mules, cattle, hogs, sheep, and goats to allow these animals to run at large in the County but shall keep and confine the same on the owner's premises. Any person damaged by trespassing animals had a remedy for damages and the cost of the care and feeding of the same which would be a lien on the animals after notice to the owner. The violator could further be fined by the Court in amounts from \$5 to \$25, plus costs.
 16. Private Acts of 1927, Chapter 255, was a fence law for Rutherford County prohibiting any owner, or person in control of horses, mules, jennets, jacks, cattle, sheep, swine, or goats, to wilfully or knowingly permit the same to run at large. Any person damaged could have a lien for such damages enforceable by execution or attachment, and was vested with the right to take up and hold the animals. Violators also could be fined and each day would constitute a separate offense.
 17. Private Acts of 1929, Chapter 36, authorized the holding of a referendum in Rutherford County to ascertain the mind of a majority of the voters on the question of a dog law for the County. Details of the ballot form and of the regulations under which the election would be conducted were stipulated in the Act.
 18. Private Acts of 1929, Chapter 762, set up a \$10 annual fee for a permit to be issued by the Game Warden of the State to a person, firm, or corporation, in Rutherford County, to take, catch, trap, and keep alive in captivity, foxes, opossums, raccoons, minks, muskrats, and skunks, wild fowls or birds at any season for propagation, scientific or educational purposes. The permit further obligated the holder to allow the Game Warden, or Deputies, to inspect the premises where these animals, or birds, were being kept. To dispose of the animals, or birds, during the closed season for any other purpose than those set out above was unlawful. Fines from \$5 to \$50 could also be imposed.
 19. Private Acts of 1935, Chapter 307, made it legal in Rutherford County for any resident to hunt, chase, trap, kill, catch, or take, any wild animal, wild bird, wild fowl, or fish in the open season on

- the same, without having to obtain a hunting or fishing license. To do so on the land of another without permission was unlawful. In fishing, the exemption applied only to taking fish with a trot line, hook and line, set hook, casting line and grab hooks. All non-residents, and others, must procure a license from the County Court Clerk at a cost of \$5 which would go to the Game and Fish Commission of the State. Fines for violators could go from \$5 to \$50 imposed by Justices of the Peace.
20. Private Acts of 1935 (Ex. Sess.), Chapter 150, provided that in Rutherford County any resident of a Civil District could hunt and trap in the District of his residence without paying a license fee of any kind but did not permit illegal hunting or trapping. Any person could chase foxes, and fish in the manner and to the extent authorized under the general law, but this did not include the use of seines (except for minnows), dynamite, fish berries, or poisons. Fines ranged from \$50 to \$200 for violators. To do so on the lands of another without permission was not permitted at all. One could buy and sell furs without the payment of any tax, if that action did not amount to more than 20% of the total volume of business done by that person. The law was to be enforced by the Sheriff, and Deputies, who would be paid 50% of all fines collected.
 21. Private Acts of 1953, Chapter 500, declared a closed season on the killing and trapping of Red Foxes in Rutherford County from January 16 through October 31 of each year and the open season from November 1, through January 15. Anyone doing so during the closed season could be fined a minimum of \$25 for each offense, but foxes could be killed with immunity while committing depredations on livestock, or crops, at any time. This Act was repealed by Public Acts of 1976, Chapter 672.
 22. Private Acts of 1961, Chapter 161, was an act to regulate the owning, keeping and harboring of dogs, and to provide for their vaccination against rabies. The County Trustee would issue the license after collecting the licensing fee. The Act and all amendments were repealed by Private Acts of 1983, Chapter 55.
 23. Private Acts of 1963, Chapter 122, amended Private Acts of 1961, Chapter 161, by adding a provision that only one license fee or registration would be collected or paid on any dog during the time the dog was owned by the same person. Section 13 was amended by adding a paragraph which permitted the County Court to fix the salary of the Rabies Control Officer and his aides, all of which would be paid out of the Rabies Control Fund. If these funds were not sufficient to pay, the County was required to make up the deficiency out of the general funds. The 1963 volume stated that this Act was duly ratified by the Quarterly Court of Rutherford County but the 1965 Volume's "Errata" said this was in error and this Act was not ratified, therefore failing to become a law.
 24. Private Acts of 1965, Chapter 116, inserted a new Section into Private Acts of 1961, Chapter 161, to provide that the Act would be enforced under the jurisdiction of a committee of four members appointed by the Quarterly Court, two of whom must also be licensed to practice medicine in Tennessee. They would be appointed by the Quarterly Court and the County Health Doctor. This Act was rejected by the Quarterly Court and was thus rendered null and void.
 25. Private Acts of 1971, Chapter 116, amended Private Acts of 1961, Chapter 161, by deleting the "1961" from Section 3, and by removing Section 11 and inserting the one seen in the Act which added a Veterinary Hospital, or the Rabies Control Pound as the places for confining a dog suspected of having bit a person. This Act was repealed by Private Acts of 1983, Chapter 55.
 26. Private Acts of 1975, Chapter 42, amended Private Acts of 1961, Chapter 161, by revising the provisions concerning seizing and impoundment of dogs. This Act was repealed by Private Acts of 1983, Chapter 55.
 27. Private Acts of 1979, Chapter 146, amended Private Acts of 1961, Chapter 161, by raising the price of a license for dogs from \$1 to \$2. This Act was repealed by Private Acts of 1983, Chapter 55.
 28. Private Acts of 1983, Chapter 55, as amended by Private Acts of 1999, Chapter 23, and Private Acts of 2001, Chapter 66 relative to rabies control of cats and dogs in Rutherford County. This act was repealed by Private Acts of 2006, Chapter 89.

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