



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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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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## 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 Roane 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 1879, Chapter 133, made it illegal for any person other than the residents of Cumberland, Fentress, Morgan, Scott, Campbell, Overton, Putnam, White, Roane, Rhea, Bledsoe, and Van Buren Counties, to hunt and kill deer, or any species of game, for profit, in the above named counties, but any citizen of the State could hunt and kill deer for their own consumption and use. Fines for convicted violators ran from \$50 for the first offense to \$100 for the second, half of which would go to the county, and half of it to the school fund.
2. Acts of 1889, Chapter 244, declared it to be unlawful for any person other than a resident and citizen of the State of Tennessee to hunt, kill, or capture any wild deer, wild turkey, quail or partridge, or any species of game, or fish, in the counties of Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren, and White, at any season of the year. No one could hunt and kill for profit except the citizens of the counties listed, but all residents of the State could hunt for their own use. Violations were punishable by fines no less than \$25 nor more than \$100 plus any jail term sentenced to them by the Judge.
3. Acts of 1897, Chapter 245, termed it a misdemeanor after the passage of this Act for any person to shoot quail, partridges, or other birds, or to trap them in other devices on the enclosed lands of another person, or a corporation, in Roane County without first having obtained the consent of the owner, the tenant, or the person in possession. Failure to abide by the directions of this act could result in fines from \$5 to \$10 for each violation.
4. Acts of 1897, Chapter 280, amended Acts of 1895, Chapter 127, a general law of Tennessee regulating fishing in the State, to permit persons to fish with nets, traps, seines, and baskets in the counties of Roane, Scott, Anderson, Morgan, Rhea, and McMinn, provided, however, the nets would not have meshes of less than 1½ inches and no trap would be placed so as to interfere with the free passage of fish up and down the streams.
5. Acts of 1905, Chapter 33, defined a lawful fence for Roane County (identified by the 1900 Census) as being one with four strands of barbed wire securely fastened to posts and stays not more than 24 feet apart, and to reach from the ground to the top wire. The first wire must be twelve inches from the ground, and the others at twelve inch intervals above it. A rail fence, or a plank fence, composed of boards four inches wide and one inch thick, set up and spaced as above, would also be accepted as a lawful fence. Owners, or custodians, were directed to keep animals up, and for animals to be allowed to run at large knowingly was a misdemeanor which carried a schedule of fines running from \$5 to \$10, plus a lien being placed upon the animals for the damages inflicted. This Act was repealed in Item 8 below.
6. Acts of 1905, Chapter 97, made it a misdemeanor for the owner of sheep, goats, swine, or geese, to permit them to run at large in Roane County, or upon any street, or public highway. The fine schedule went from \$5 to \$50, and Grand Juries were given inquisitorial powers over the matter which judges were to charge to them.
7. Acts of 1905, Chapter 98, was a duplicate of Acts of 1905, Chapter 33, Item 5, above.
8. Acts of 1905, Chapter 351, expressly repealed Acts of 1905, Chapter 33, Item 5, above, as it was written. (However, this would leave Private Acts of 1905, Chapter 98, Item 7, above, in effect, and it was practically a carbon copy of Chapter 33). This Act was repealed by Private Acts of 1923, Chapter 167.
9. Acts of 1909, Chapter 182, specified that it was unlawful for anyone having the custody of a stallion, one year old, or older, any bull, six months old, or older, any boar hog, three months, or older, or any buck, three months old or older, to allow the same knowingly to run at large on the lands of another in Roane County. Failure to comply could result in fines from \$5 to \$20 for each offense. Methods were provided for officers to impound such animals running at large and, after notifying the owner, if possible, to sell the animals at public sale when they went unclaimed, or the costs of the impoundment were not paid. After all costs and expenses of sale were paid, the remainder of the funds, if any, would go into the school system.
10. Private Acts of 1911, Chapter 72, amended Private Acts of 1905, Chapter 97, Section One, above, to make the Act apply only to Roane County.

11. Private Acts of 1911, Chapter 111, made it a lawful fence in Roane County to have three strands of barbed wire fastened to good and substantial posts driven firmly into the ground no more than twelve feet apart where the bottom wire was no more than 18 inches above the ground, the second no more than 13 inches above it, and the third no more than 14 inches above the second. A rail, or plank fence, of boards at least four inches wide and attached to posts ten feet apart and with the rails, or planks, fastened and spaced as the wire was required to be would also be acceptable type fences.
12. Private Acts of 1917, Chapter 721, amended Public Acts of 1915, Chapter 152, Section 54, by removing the language which exempted Roane County from the general provisions of that game and fish law, thus bringing the county within the purview of its requirements. This law was repealed by Private Acts of 1921, Chapter 268, which presumably would have the effect of again exempting Roane County from that law.
13. Private Acts of 1917, Chapter 724, declared it to be illegal to set a steel trap, deadfall, or other trapping device in Roane County but a person could set on his own land a steel trap on a post, or pole, four feet above the ground, and could set a trap to catch a hawk between 6:00 A.M. and 6:00 P.M. but not at night after those hours. No provision of this law was applicable to the area within 200 feet of one's residence. Infractions of this law were subject to fines from \$25 to \$50.
14. Private Acts of 1921, Chapter 268, amended Public Acts of 1915, Chapter 152, Section 54, so as to set the open season for hunting quail in Roane County (identified by the 1920 Census) from December 1 until the following February 1, of each year. This Act expressly repealed Private Acts of 1917, Chapter 721, Item 12, above.
15. Private Acts of 1923, Chapter 17, averred that it was unlawful in Roane County for any owner, or keeper, of horses, mules, cows, sheep, hogs, goats, or any other type of livestock, to allow the same to run at large in the county. The owner of the animals would be liable for damages done by the stock while running at large which amount could be enforced by a lien for the person damaged who could also take up these animals and care for them and add the cost of their keep to the damages included in the lien. The owner responsible for these acts was also guilty of a violation of the law for which fines running from \$5 to \$15 could be levied in addition to the lien for damages.
16. Private Acts of 1923, Chapter 167, expressly repealed Acts of 1905, Chapter 98, Item 7, above, which defined an acceptable fence for Roane County.
17. Private Acts of 1929, Chapter 57, made it a misdemeanor in Roane County for any person to shoot any fox, destroy the den of any fox, or, by means of a snare, tarp, or other device, catch, maim, or otherwise injure, any fox, or foxes, but this law did not prevent, not penalize, the killing of these animals if they were attacking any person, or causing any injury to poultry, or livestock, nor did it prohibit the hunting of foxes with dogs when guns were not used. Failure to comply could bring on fines from \$10 to \$100 for each offense. This Act was repealed in Item 19, below.
18. Private Acts of 1929, Chapter 68, recited that W. B. Green was a practicing veterinary surgeon for a number of years, more than 13 in general and specialized practice, was a man of good moral character and a citizen of Loudon County. He would be allowed to continue the said practice of veterinary medicine and surgery in Roane and Loudon Counties without doing anything other than filing proof of the above assertions with the State Board of Veterinary Examiners, who were then instructed to issue Green a license for which he would pay the customary fee.
19. Private Acts of 1931, Chapter 72, specifically repealed Private Acts of 1929, Chapter 57, Item 17, above, which regulated the hunting and killing of foxes in Roane County.
20. Private Acts of 1933, Chapter 319, lawfully allowed any person to take fish of any character from the waters of the Tennessee River in Roane County by any method which was permitted under existing law, at all seasons of the year, it being the expressed intention of the General Assembly to abolish the closed season on fishing in the Tennessee River in Roane County.
21. Private Acts of 1933, Chapter 322, amended Public Acts of 1931, Chapter 51, which was then the Game and Fish Law of Tennessee, to provide that no person in Roane County who was fishing with natural bait would be required, or compelled, to obtain a fishing license to do so, and the term natural bait was defined to include any food stuffs as compared to artificial baits and lures.
22. Private Acts of 1933, Chapter 689, legally permitted one in Roane County to hunt, trap, and kill all fur-bearing animals, including foxes, and to sell the fur from them, between November 15 and the following February 15, which would constitute the open season on game.
23. Private Acts of 1937, Chapter 467, recited in the preamble that the people of Roane County desired to propagate good livestock, which could not be done unless a high grade sire of pure blood could be imported into the County, and that the increase of blooded livestock would be of

great benefit to all the County; therefore, this Act authorized the County Judge, with the approval of a majority of the County Court, to underwrite the obligations of the purebred livestock association when one was formed. Whenever the county participated with funds, the county would have the first lien on any stock purchased with the funds until they were all repaid.

24. Private Acts of 1945, Chapter 295, recited in the introduction that since W. M. Robinette had acquired an expert knowledge of veterinary medicine and surgery through years of experience, and the community in which he resided had a great need for his services in these fields, this act was the lawful authority for Robinette to continue his practice of veterinary medicine and surgery in Roane County, and this Act of the General Assembly would serve as his license to do so.

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