



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 Fayette County. They are included herein for reference purposes.

1. Acts of 1870, Chapter 108, made it unlawful for any person to trespass upon the lands of another in Rutherford and Fayette Counties for the purpose of hunting, trapping, or netting any game, without having first obtained the consent of the owner. It was likewise termed unlawful for any person to shoot, wound, or destroy any quail, or partridges, in the said counties, from April 1 to September 1 each year. Violators could be fined not less than \$5 nor more than \$25 per offense, one-half to go to the former and one-half to the school fund of the county, and a failure to pay the fine could lead up to 30 days in jail.
2. Acts of 1870-71, Chapter 89, amended Section One of an Act entitled "An Act for the preservation of game in Rutherford and Fayette Counties," Chapter 108, above, so as to make it apply only to the enclosed lands of the owners in Fayette County.
3. Acts of 1871, Chapter 1, amended Acts of 1870, Chapter 108, above, as amended, to make the act and all its provisions applicable to Shelby County and Tipton County, and Section 2 set the closed season on quail, and partridges, from April 1 to October 1 of each year.
4. Acts of 1879, Chapter 198, declared it to be illegal 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 by trot line. Whoever catches fish in the counties named by means of gill nets, set nets, seines, gigs, grab hooks, baskets or traps, or by any other means than those set out above as permitted was guilty of a misdemeanor and could be fined from \$25 to \$100. This Act did not apply to the Cumberland, Tennessee and Big Hatchie Rivers.
5. Acts of 1885, Chapter 133, expressly repealed Acts of 1879, Chapter 198, above, as the act applied to Dickson, Houston, Cheatham, Williamson, Rutherford, Carroll, Fayette, Shelby, and Tipton Counties.
6. Acts of 1897, Chapter 240, provided that the residents of the Counties of Hardin, Gibson, Crockett, Tipton, Fayette, Franklin, Grundy, and Marion may catch fish, except from the first day of April to the first day of June each year, in any of the waters in the said counties except by the use of poison, dynamite, or a wing net across any stream.
7. Acts of 1897, Chapter 303, amended the Tennessee Code so as to make the times in which it would be unlawful for anyone to shoot, kill, or destroy quail, or partridges in Fayette County from March 1 to November 1, instead of from April 1 to October 1, as provided in that law.
8. Acts of 1899, Chapter 149, rendered it unlawful for any person owning horses, cattle, sheep, swine, or goats, to permit said stock, willfully or knowingly, to run at large. Anyone so doing was liable for all damages which might be done by the stock while at large, for which a lien may issue to the satisfaction of any person so injured. The action was also termed a misdemeanor for which a fine could be imposed in addition to the liability for damages.
9. Acts of 1901, Chapter 204, amended Section 2221, of Milliken and Vertrees compilation of Tennessee Laws so as to make the times in which it is unlawful for anyone to shoot, kill, or destroy quail, or partridges, in Fayette County to run from February 1, to December 1, instead of from April 1 to October 1, as was now the case. Further, it was contrary to the law for any person to ship quail from Fayette County during any season of the year, dead or alive, for which fines could be levied from \$10 to \$25.
10. Acts of 1901, Chapter 206, repealed so much of Sections 2958 to 2968 of the Tennessee Code as the same applies to Fayette County. These Sections made it lawful to take fish in Fayette County in any manner and in any of the waters except by poison, or explosives.
11. Acts of 1901, Chapter 497, amended Acts of 1901, Chapter 204, Section One, above, so as to make the dates of the closed season on quail run from March 1 to December 1 instead of from February 1 to December 1, as originally written in that act.
12. Acts of 1903, Chapter 83, amended Acts of 1901, Chapter 497, above, by changing the closed season on quail to run from February 1 until November 1, instead of from March 1, until December 1.
13. Acts of 1903, Chapter 212, declared it unlawful to take, capture, kill, or wound fish in any of the running streams of Fayette County in any manner other than by angling with hook and line, or by

- a trot line, but minnows, not over four inches in length, could be taken for bait with any net which did not exceed ten feet in length. Fines ranged from \$10 to \$50 for violators, which went into the school fund and jail terms from 10 to 30 days could be given. All magistrates were declared to be game wardens in their respective districts and were obligated to report all violations coming to their attention.
14. Acts of 1903, Chapter 493, made it illegal to capture, kill, shoot, or wound, or destroy, any red, or gray, squirrel in Fayette County but this Act would not prohibit shooting them with a gun between June 1 and November 1 of each year. Fines for breaking this law could go from \$10 to \$50 for each separate offense which would be paid into the common school fund. The Grand Jury was given inquisitorial powers relative to this act which the Judge could charge to them.
 15. Private Acts of 1915, Chapter 449, declared it unlawful in Fayette County, identified by the use of the 1910 Census figures, for any person to shoot, kill, or injure by any method, quail, partridges, or doves, except in the seasons therein provided, which ran from December 15 to the following February 15 for quail and partridges, and from August 1 until November 15 for doves. It was also against the law to gig, spear, shoot, or kill by dynamite, or other explosives, or catch with a seine or wing net, any fish in any running stream. The Game Wardens, Sheriff, Deputies, and Constables had the duty of vigorously enforcing this law which established a schedule of fines running from \$5 to \$25 which would become a part of the common school funds.
 16. Private Acts of 1917, Chapter 92, stated that in Fayette County it would be illegal for any person to shoot, kill, capture, or injure by any other means, any quail, partridges, field larks, or other insect destroying birds for a period of two years following the passage of the Act. Fines going from \$10 to \$25 would find their way into the common school funds.
 17. Private Acts of 1917, Chapter 292, declared it to be a misdemeanor for any person to shoot, kill, injure, or capture in any manner whatsoever, any quail, or partridge, dove, or squirrel, in Fayette County, except within the seasons and times therein specified: for quail and partridge, from November 22 until the following March 5; for doves, from July 1 until November 1; for squirrels, from June 1 until January 1. Fines for violations could range from \$5 to \$50.
 18. Private Acts of 1921, Chapter 729, amended Private Acts of 1915, Chapter 152, Section 54, so as to remove all counties with a population of not less than 31,490 nor more than 31,500, which covered Fayette County, from the provisions of the law, as amended, which established a Department of Game and Conservation, and, in addition, regulated many of the activities concerning animals and birds.
 19. Private Acts of 1921, Chapter 730, amended Public Acts of 1919, Chapter 61, Section 14, which was a rather stringent general dog law for the State so as to provide that Assessors or Trustees, in Fayette County, shall receive, in addition to the fifteen cent fee provided for in the act, an added fee of ten cents for each dog licensed by them which amount shall be paid to him out of the fees collected for the dog licenses.
 20. Private Acts of 1921, Chapter 976, amended Private Acts of 1917, Chapter 292, Section 2, by changing the dates for the open season on quail in Fayette County from November 22 until March 5 following to November 22 until February 1 following.
 21. Private Acts of 1923, Chapter 486, rescheduled the dates of the open season on quail in Fayette and Hardeman Counties to be from November 22 until the following March 1.
 22. Private Acts of 1925, Chapter 89, stated that the open season for the shooting of quail in Fayette, Hardeman, Haywood, and Lauderdale Counties would run from December 10 until March 1 of the year following, and open season on squirrels in the same counties would endure from July 1, until January 1 of each year.
 23. Private Acts of 1925, Chapter 460, recited that the rabbit, commonly called the cottontail rabbit, was classified as game in Fayette County and to open season in which the rabbit may be hunted, taken, or killed, in Fayette, Hardeman, and Haywood Counties, shall run from November 25 until the following March 1 of each year. All persons violating the terms thereof were subject to fines from \$10 to \$25 but any farmer, tenant, or renter, or his boys, may kill rabbits in any season and time of the year when they became a menace to crops.
 24. Private Acts of 1927, Chapter 126, rendered it illegal for any person, firm, or corporation, to take, catch, or kill, any fur, or hair bearing animal by means of a box-trap, snare, steel trap, net, dead fall, or any other device in Fayette County. Penalties ranged from \$10 to \$25 but nothing therein was intended to prohibit the killing of rabbits and squirrels as was permitted under the law, and any farmer, tenant, or land owner may kill fur bearing animals when they become a menace to his crops and poultry.

25. Private Acts of 1927, Chapter 188, amended Private Acts of 1925, Chapter 89, Section 2, above, by changing the open season on squirrels to run from June 1 until January 1 of each year instead of from July 1 until January 1 of each year as was formerly the case.
26. Private Acts of 1927, Chapter 749, declared it to be against the law for any person to kill, take, or injure any quail in Fayette County, identified by the 1920 Federal Census, except during the time between December 10 in each year until February 15 of the following year. Violators could get fines from \$10 to \$25.
27. Private Acts of 1931, Chapter 23, specifically repealed Private Acts of 1927, Chapter 126, above, so as to make the open season for the trapping of fur bearing, or hair bearing, animals in Fayette County conform to the general law of the State on this subject.
28. Private Acts of 1931, Chapter 49, amended Private Acts of 1927, Chapter 749, above, by changing the dates of the open season for the shooting of quail from December 10 to the following February 15 so that it would run from November 20 until February 15 of the following year.
29. Private Acts of 1935, Chapter 247, declared that from here on it would be unlawful for any person to hunt, or kill, deer in Fayette County for a period of five years following the passage of the Act. All violators would be fined not less than \$50 and be imprisoned for not less than 30 days nor more than 6 months in the discretion of the trial judge.

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