



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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## Chapter II - Animals and Fish

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Dear Reader:

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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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## Chapter II - Animals and Fish

### 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 Franklin County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1873, Chapter 54, made it a misdemeanor to kill deer in Franklin County between the first day of February and the first day of July and provided that upon conviction the fine was to be not less than \$10 nor more than \$25.
2. Public Acts of 1875, Chapter 47, repealed Public Acts of 1873, Chapter 54, above, as it applied to deer hunting in Franklin County.
3. Public Acts of 1877, Chapter 25, made it unlawful in several counties, including Franklin, to take or catch fish by use of seine, net, traps, gigs, or any other device except by hook and line or trotline. A minnow net for catching bait was excepted. The act granted to the owners of the land adjoining the water where any violation was committed the right to sue for damages and injunctions. The act declared it a misdemeanor to obstruct the free passage of fish by using a seine, net or trap.
4. Public Acts of 1879, Chapter 12, repealed Public Acts of 1877, Chapter 25, above, as it applied to the regulation of fishing in Franklin County.
5. Public Acts of 1893, Chapter 147, made it unlawful to hunt, kill, or in any way destroy deer in Franklin County between and including January and September of each year. Trapping of wild turkeys was prohibited at all times, and the killing of wild turkeys was forbidden from the first of April to the first of September of each year. The shooting and taking of quail and partridge was prohibited from the first of April to the first of December and trapping of them was prohibited at all times. All methods of fishing except by hook and line were prohibited. The act set forth a schedule of fines for violations.
6. Private Acts of 1897, Chapter 240, permitted the residents of Franklin and other listed counties to catch fish at any time except during April and May in any of the waters of the county and by any means except by poison, dynamite, or wing net across any stream.
7. Acts of 1903, Chapter 169, was probably the first statewide act regulating game, fish, and birds in all the counties. The Act determined which animals were game animals; it provided for game wardens; it provided for open and closed hunting seasons, and it regulated non-resident hunters, market hunters, and the exportation and transportation of game animals.
8. Acts of 1903, Chapter 515, established a type of fence to be lawful in Franklin County in addition to other lawful fences. The fence would be lawful if its posts were no more than ten feet apart (sixteen feet if wire was used exclusively), with three barbed wires, three rails, or three slats, the first of which being at least eighteen inches from the ground. It could consist of wire, planks, rails, or slats or a combination of such materials.
9. Acts of 1905, Chapter 30, repealed Acts of 1903, Chapter 515, above, as it applied to the establishment of an additional lawful fence in Franklin County.
10. Acts of 1907, Chapter 489, was a general law regulating fish and fishing in the state. The use of seines was specifically prohibited except that under certain conditions fishing for personal use with seines was allowed in Franklin County and in sixteen other counties.
11. Private Acts of 1911, Chapter 433, amended Acts of 1903, Chapter 52, by making it inapplicable to Franklin County. The 1903 act prohibited the owners of livestock from permitting animals to run at large except under certain conditions. At the time the 1903 act was passed, it did not appear from the population figures used that it was applicable to Franklin County, but there must have been some confusion necessitating the amendment.
12. Private Acts of 1915, Chapter 236, amended Acts of 1907, Chapter 489, above, by deleting Franklin County from the list of seventeen counties in which fishing for personal use with seines would be allowed. The act also made fly fishing or the use of a spinner in any stream in Franklin County a misdemeanor.
13. Private Acts of 1917, Chapter 530, made it lawful to catch fish with a seine having one and one-half inch mesh from the first day of July until the first day of August, to catch fish with grabs during the month of May, with fly from June 1 to August 1, and with hook and line at any time.

The act made it lawful to kill or catch squirrels and rabbits at any time.

14. Private Acts of 1919, Chapter 204, declared an open season during which game could be killed in Franklin County, as follows: for quail, November 1 to February 1; for squirrels, the entire year.
15. Private Acts of 1919, Chapter 711, made it illegal in Franklin County for any person upon the land of another to poison, kill, or attempt to do so, beaver, muskrat, fox, mink, raccoon, skunk, opossum, or weasel, or to molest the dens or lairs of the same, or to send them out of the county or state at any time between February 1 and November 1 of each year. Violations were punishable by fines of \$15 to \$25.
16. Private Acts of 1921, Chapter 405, exempted Franklin County and several other counties from the operation of Public Acts of 1919, Chapter 61, which regulated the owning, keeping, and harboring of dogs and provided for a license fee to be paid for each dog owned.
17. Private Acts of 1925, Chapter 222, required that an election be held in Franklin County to ascertain the will of the voters with reference to a stock law for the County. Poll tax receipts were not required for qualification of voters and the ballot was to allow the choice: "For Stock Law" or "Against Stock Law".
18. Private Acts of 1925, Chapter 684, declared it unlawful in Franklin County for the owners of livestock or one having control or management of livestock to permit the animals to run at large. The owner of livestock was liable for damages caused by livestock at large and an injured party could take and confine the livestock for the purpose of enforcing a lien granted by the act on the livestock. Violation of the act was a misdemeanor punished by a fine of from \$2 to \$10, the fines to go to the elementary school fund of the County.
19. Private Acts of 1927, Chapter 32, directed that an election be held in Franklin County to determine the will of the voters regarding a stock law. This act was similar to the 1925 act, above, which also required an election.
20. Private Acts of 1929, Chapter 198, required an election to be held in Franklin County to determine the will of the voters with reference to a dog law in the County.
21. Private Acts of 1929, Chapter 591, made it unlawful in Franklin County for a person to take, hunt, or kill, by means of traps, guns, or dogs, any opossum except between November 1 of any one year and February 1 of the following year. Violations were punishable by fines of between \$25 and \$50.
22. Private Acts of 1933, Chapter 181, permitted the residents of Franklin County to fish in that County without a license provided they observed the fishing regulations; permitted the catching of carp, sucker, buffalo, red and black horse fish, or any other non-game fish by grab hooks, grabbling, or angling with rod and line, or by trotline at all seasons of the year; permitted residents to catch, trap, kill, sell or buy red and gray foxes from and including November 15th to February 15th; prohibited the killing or taking of any game fish from April 15th to June 15th inclusive; permitted resident commercial fishermen to operate with a \$2 license instead of the \$10 license required by then current state law.
23. Private Acts of 1933, Chapter 282, amended the General Game and Fish Law of 1931 by permitting the residents of Franklin County to chase in the County with dogs red and gray foxes during all seasons of the year without procuring a license of any kind. The foxes were not to be killed by gun or in any other manner during the chase.
24. Private Acts of 1935, Chapter 733, made it lawful for any person in Franklin County to buy and sell furs of wild animals without the payment of any license whatsoever for the privilege of doing so.

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