



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter II - Animals and Fish

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 Perry 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 1897, Chapter 276, amended Chapter 127, Public Acts of 1895, so as to make it legal to take fish from any of the streams lakes, rivers, or ponds within the Counties of Wayne, Perry, Humphreys, Marshall, Union, and Campbell, by grabbling and by gig, except during the months of March, April, and May.
2. Acts of 1899, Chapter 33, amended Chapter 276, Acts of 1897, so as to make it unlawful to take, or catch, fish in any of the lakes, streams, or ponds, except the Tennessee River which shall be governed by the presently existing fish laws, in the counties of Humphreys and Perry in any manner whatsoever except by hook and line, or by trot line.
3. Acts of 1901, Chapter 21, exempted Perry County from the provisions of the fish law passed by the General Assembly, which was Chapter 33, Acts of 1899, except that it shall be lawful for anyone to catch fish in any way, or manner, in the streams of Perry County, except by means of seine, or net, poison, dynamite, or any other explosive, and all laws seeking to restrain and punish the above exceptions remain in full force and effect in every other respect in Perry County.
4. Private Acts of 1911, Chapter 356, declared it to be legal for the resident citizens of Perry County to take and catch fish from the Tennessee, Duck, and Buffalo Rivers by trot line, gigging, bait net, and seine no longer than twelve feet with meshes no smaller than 1½" and no license shall be charged by the State when fishing in the above described manner. All conflicts which may be found in Chapter 489, Acts of 1907, are hereby repealed in Perry County.
5. Private Acts of 1915, Chapter 340, made it unlawful for anyone to take fish from the Buffalo and Duck Rivers in Perry County except with a baited hook and line, or with a basket and seine no longer than twelve feet. Violations were declared to be a misdemeanor and subject to fines ranging from \$10 to \$50. This Act was repealed by the one below.
6. Private Acts of 1917, Chapter 619, repealed Private Acts of 1915, Chapter 340, in its entirety.
7. Private Acts of 1921, Chapter 405, exempted practically every county in the State from the provisions and requirements of Chapter 61, Public Acts of 1919, which was a highly regulatory and restrictive law for the keeping of dogs in Tennessee. Perry County was among the exempted counties.
8. Private Acts of 1921, Chapter 503, passed a law for those counties which exempted themselves from a general law on the same subject, which included Perry County. It would be unlawful for any person to shoot, kill, or injure by any method, any quail, partridge, or dove from November 15 to the following January 15, of each year. Squirrels, rabbits, wild ducks and geese, and other migratory birds may be shot and killed at any time. Anyone hunting upon the lands of another must have a written permit to do so. Violations would be punished with fines from \$10 to \$25 which would go into the school funds of the county.
9. Private Acts of 1921, Chapter 951, amended Chapter 519, Public Acts of 1909, which created a State Department of Game and Fish and regulated the same throughout the State, by adding a provision at the end of Section 44 which exempted the Counties of Humphreys, Stewart, Dickson, Houston, and Perry from its terms and conditions.
10. Private Acts of 1929, Chapter 654, made it lawful for any resident citizen of Perry County to fish at any time or season of the year for game and non-game fish with hook, rod and line, trot line, net or basket, and for non-game fish at any season except between March 1 and June 15 it shall be unlawful to gig or grabble non-game fish in the Buffalo River and one shall not shoot, poison, or kill fish by dynamite, or other explosives in any stream, lake, or pond.
11. Private Acts of 1933, Chapter 341, stated that it would be unlawful for the next six years for any person, firm or corporation, to kill, wound, hunt, chase knowingly, or to permit a dog to do so, or to have in one's possession, any deer in Perry County (which is identified by the use of the 1930 Federal Census figures). Violations were to be considered as misdemeanors subjecting one to fines from \$50 to \$150 or from 30 days to 90 days in jail, all within the discretion of the Court. Any civil officer arresting and convicting one guilty of the above offense is entitled to a fee of \$50 to be taxed as part of the costs to be paid by the defendant.

12. Private Acts of 1935, Chapter 567, declared it to be lawful for all residents of Perry County to hunt and fish without a license from the State, provided all the rules and regulations of the General Game and Fish Department be observed except the following (1) no closed season on fishing in the Buffalo and Tennessee River, (2) no closed season on killing rabbits and ground hogs, (3) the open season on opossums shall be from November 15 to the following February 15, and (4) no closed season on taking mussels from the river.
13. Private Acts of 1945, Chapter 478, stated that, subject to the affirmative approval of the people in a referendum election to be held no later than 60 days after the passage of the Act, it shall be unlawful for the owner, or custodian of horses, mules, asses, cattle, sheep, swine, or goats to wilfully, knowingly, or negligently permit the same to run at large in Perry County. Any person damaged by such large animals shall have a lien on the trespassing animals for the amount of the damages and, further, shall have the right to take them up, feed and care for them and add these costs to the damages suffered. The owner shall be given notice with 24 hours, if the owner is known, or the notices shall be posted in a conspicuous place in that Civil District giving a description of the animals involved. The owner, or custodian, was also made subject to fine, established in the Act.

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