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## Chapter II - Animals and Fish

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## Chapter II - Animals and Fish

### Foxes

#### Private Acts of 1951 Chapter 537

**SECTION 1.** That in counties of this State having a population of not less than 13,300 nor more than 13,400 according to the Federal Census of 1950 or any subsequent Federal Census, it shall be lawful hereinafter to hunt and take foxes throughout the entire year, either red foxes or gray foxes, any other law to the contrary notwithstanding.

**SECTION 2.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1951.

### Livestock - Fence Law

#### Private Acts of 1947 Chapter 105

**SECTION 1.** That in all Counties of the State having a population of not less than 14,870 nor more than 14,873 by the Federal Census of 1940, or any subsequent Federal Census, it shall be unlawful for any owner or any agent or employee of any owner, having the control or management of horses, mules, cattle, sheep, swine, goats or other livestock, to permit or allow such livestock to run at large in such Counties.

**SECTION 2.** That the owner, or the agent or employee of such owner of such livestock who has violated the preceding section of this Act shall be liable in damages jointly for the value of any property destroyed or damaged by such livestock; and that to secure payment of the damages done by such livestock, the party damaged shall have, and is hereby expressly given, a lien on the animal or animals doing the damage and may enforce said liability and either by suit for damages against the owner and his agent or employee, or by attachment of stock, or both, before any Justice of Peace, or in a court of record in the Counties included in the provision of this Act.

**SECTION 3.** That any person upon whose lands, whether such lands shall be held by owner or tenant, such stock may trespass, shall have a right to take up and confine said livestock, giving it reasonably good food and attention, and be entitled to reasonable compensation for such food and attention, to be enforced and collected by a lien upon such stock, as hereinabove provided in Section 2, providing, however, any person so taking up and confining said livestock, belonging to another, shall, if the owner thereof is known by him, give such owner notice thereof within twenty-four hours, and if such owner is not known he shall publish notice thereof containing the description of such animal for three consecutive weeks in a local newspaper, such expense to be paid by the owner and secured in the same manner as other claims as provided herein.

**SECTION 4.** That where livestock running at large in violation of this Act are killed, maimed or injured upon the public highways while not in charge of the owner, his agents or employees, then and in either of these events, no claim for damages for the killing, maiming or injuring of said stock shall lie against any person, firm or corporation in any of the Courts of this State.

**SECTION 5.** That any person violating the provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5.00 and not more than \$50.00 for every violation thereof, by any Justice of the Peace of the Counties aforesaid; said Justice of the Peace is hereby given jurisdiction to hear evidence and assess fines within the above limits in an amount which, in his judgment, the offense may merit, and an appeal shall lie from his judgment as in other cases to the Circuit Courts of the County. All fines collected under the provisions of this Act shall be and become a part of the elementary school funds of the County in which the offense is committed and the fine assessed.

**SECTION 6.** That all laws and parts of laws in conflict herewith be and the same are hereby repealed and that this Act shall take effect from and after the first day of October, 1947.

Passed: January 30, 1947.

### Livestock Inspectors

# Private Acts of 1953 Chapter 339

**COMPILER'S NOTE:** The population range specified in this act does not encompass the population for Hickman County for the year indicated: Hickman County's actual population in the year 1940 was 14,873. However, because Hickman County is named as the county to which this act applies [both in the caption and the language of the act itself], the act is deemed to be applicable to Hickman County.

**SECTION 1.** That in Hickman County, Tennessee with a population of not less than 13,350 nor more than 13,370 by the Federal Census of 1940 or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of one year, one animal inspector. In case a licensed veterinarian or licensed veterinarians shall be located in said county, then the Quarterly County Court shall be under the obligation to elect such inspector from such licensed veterinarians to the extent of the number in said county. It shall be the duty of such livestock inspector to make an inspection and examination of the livestock in said county and to treat such as may be found ailing or sick with the view of promoting the spread of health among such stock and to reduce the danger of infections or contagious diseases. Such animal inspector may contract with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspector, the compensation therefore to be mutually agreed upon between the parties. Such livestock inspector may be compensated by the Quarterly County Court of such counties to which this Act applied in an amount not to exceed Ten (\$10.00) Dollars per annum for the inspector so appointed.

Election thereof may be made by the Quarterly County Court at any regular term and the person so elected shall hold office for a period of one year from the date of such election. The said county shall not be liable for the default or negligence of any such livestock inspector where such County Court has used care and caution in the selection thereof, but nothing herein shall exempt such inspector personally for the negligence in the performance of his duties.

**SECTION 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1953.

## 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 Hickman 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 1889, Chapter 171, was a statewide law making it unlawful to hunt and kill deer from August 1 until January 1 of each year for one's own consumption and at no time could deer be lawfully killed for profit. Section 2 made the same prohibitions applicable to quail and partridges when hunted and killed for profit [except on one's own land, and then only for personal consumption] between November 1 and the following March 1. Fines for violators were from \$5.00 to \$25.00 for the first offense, \$25.00 to \$50.00 for subsequent offenses, plus imprisonment of up to three months, at the discretion of the trial judge. Constables and justices of the peace were called on to enforce this law. Several counties, including Hickman, were exempted from the application of this law.
2. Private Acts of 1897, Chapter 182, declared it lawful for the people residing in Hickman County to catch fish in barrel or hoop nets, or to kill them with gigs in any of the streams of running water within the county limits, but the fish could not be caught or killed between March 15 and May 15 of each year.
3. Private Acts of 1897, Chapter 321, amended Public Acts of 1895, Chapter 127, by making it lawful for any resident of the state to catch fish for use on his own table, but not otherwise, in the Cumberland River, Tennessee River, Mississippi River, Obion River, Forked Deer River, Big Sandy River, and Duck River, as the same might run in Bedford and Hickman counties. They could be caught by any means except poison and explosives. These acts are cited in Freeman v. State, 118 Tenn. 95, 100 S.W. 723 (1907).
4. Private Acts of 1901, Chapter 256, required that any non-resident of Hickman County fishing in any of the county's streams was to have the written consent of the owner of the land upon which they were fishing. Violators were to be fined from \$5.00 to \$10.00.
5. Private Acts of 1901, Chapter 328, amended Private Acts of 1897, Chapter 182, item 2, above, by adding language which exempted Swan Creek from the provisions of the Act in Hickman County. This act was repealed in item 7, below, thus making it subject to the general fish law.
6. Acts of 1903, Chapter 96, made it unlawful to fish in any stream in Hickman County during the

period of time known as the "spawning season", from March 20th through the coming May 19th. This act would not interfere with punishment for violating the fish law and fines for disobedience to this act ranged from \$10 to \$50. This act was repealed by the following act.

7. Acts of 1905, Chapter 271, declared it to be legal for any resident of Hickman County to catch fish, for use on his own table, in barrel or hoop nets, and to kill fish with gigs in any of the running streams of the county except during the time from April 20 until June 20 of each year. Citizens also had the right to catch fish in Duck River at any time using any means except explosives, poisons, traps or brush drag nets, and further, could sell or give away the same for use in the county. Private Acts of 1901, Chapter 328, and Acts of 1903, Chapter 96, were both specifically repealed.
8. Private Acts of 1911, Chapter 162, made it contrary to law for professional fishermen to take fish for selling in any manner, regardless of any permit or license, in Hickman County (identified by the population figures of 1910). Fines for violations of this law could range from \$25 to \$50. Citizens of the county could take fish for their own use with rod and line; a trotline; with baskets; hoop nets; seines with meshes no smaller than 1¼"; or, with their hands, during June, July, August, and September. In Duck River, seines up to 100 feet long were permitted. Enforcement of this act was left to the game and fish wardens. This act was repealed by Private Acts of 1919, Chapter 264.
9. Private Acts of 1917, Chapter 662, declared it unlawful to kill quail in Hickman County except from December 1st until the following January 15th. Further, it was illegal to fish with a seine in any of the streams of the county except Duck River. Violators were to be fined from \$5.00 to \$25.00.
10. Private Acts of 1919, Chapter 34, amended Private Acts of 1917, Chapter 662, Section 1, by extending the open season on quail from December 1st to February 1st of each year.
11. Private Acts of 1919, Chapter 264, specifically repealed Private Acts of 1911, Chapter 162, which regulated fishing in Warren and Hickman counties.
12. Private Acts of 1925, Chapter 747, stated that at the next regular or primary election in Hickman County there was to be included upon the ballot the question of a "No Fence Law" on which all qualified voters could vote. If the election resulted in favor of the "No Fence Law", the operation of the act was to be deferred for one year thereafter, when it would become the duty of all parties owning or possessing livestock to keep said stock enclosed.
13. Private Acts of 1929, Chapter 547, declared that, in Hickman County, (identified by the 1920 Federal Census figures) it was lawful to have and keep in one's possession squirrels, quail, coons, foxes, opossums, and other wild fur bearing animals, or birds, for pets. The general law of the state, which conflicted with this act, was repealed as it applied to Hickman County.
14. Private Acts of 1929, Chapter 553, made it lawful in Hickman County to fish in any of the streams which flow through the county with wire, split wooden or cotton hoop baskets for home use or consumption, but not for purposes of sale or shipment. Every person acting under this act must comply with other existing laws and have the permission of the land owner if on someone else's property. Failure to comply could bring about fines from \$5.00 to \$25.00 before any justice of the peace who was given jurisdiction over this law.
15. Private Acts of 1931, Chapter 610, made it illegal in Hickman County for any nonresident person to hunt, fish or kill any species of game. A non-resident of the county could do as any other citizen on the land he owned or leased in the county, or while he was a guest in the home of a resident but only during those times prescribed under the general law of the state as open seasons. Non-residents were prohibited from selling or shipping any of the above beyond the bounds of the county. Fines for violations could run from \$10 to \$50 and grand juries were granted inquisitorial powers under this law.
16. Private Acts of 1931, Chapter 762, rendered it lawful to fish in any of the streams flowing through Hickman County with wire, split wooden or cotton hoop baskets, for home use or consumption, but not for sale and shipment. Any person doing so under the terms of this act was obliged to comply with all the other laws of this nature concerning Hickman County. Those convicted of violations could be fined from \$5.00 to \$25.00 before any justice of the peace in the same manner as any other misdemeanor case. All conflicting laws were repealed.
17. Private Acts of 1931, Chapter 763, was a duplicate of Private Acts of 1931, Chapter 610.
18. Private Acts of 1933, Chapter 232, provided that all people could lawfully fish in Hickman County without having to buy a license, but must observe all the regulations of the state and the closed seasons as the same were scheduled under state law. Residents could take and capture carp, red and black horse fish, suckers, and buffalo by grab hooks from a line attached to a fishing pole at

all seasons of the year in the said county, provided they had written permission from the owner of lands through which the streams passed. It was likewise lawful to trap, sell, and buy red and gray foxes from November 15 through the following February 15, and rabbits could be killed at any time during the year. A resident was required to buy a license and pay \$2.00 in order to sell fish to other residents.

19. Private Acts of 1933, Chapter 462, made it a legal act in Hickman County for resident citizens to hunt and catch game without a license, but this act applied only to residents. It was also lawful to buy and sell furs and hides in the County without a license. This act was not to be construed to confer any rights or benefits to Hickman County residents other than the ones above mentioned.
20. Private Acts of 1935, Chapter 583, was substantially a repetition of the provisions of Private Acts of 1929, Chapter 547 which allowed residents of Hickman County to have and keep in their possession squirrels, quail, coons, foxes, opossums, or any other wild fur bearing animals and birds as pets. All conflicting acts were repealed.
21. Private Acts of 1935, Chapter 763, was a revision of Hickman County's game and fish laws. It was lawful for residents to hunt and fish without a license, but not during closed seasons, and provided that all other game and fish laws were to be observed. Residents were allowed to take and capture carp, red and black horse fish, suckers, and buffalo by grab hooks at any time, but permission from the land owner must be secured when fishing off one's own land. It was lawful to catch, trap, buy, and sell red and grey foxes between November 15th and the following February 15th, while rabbits could be killed at any time. To take any game fish between April 15th and June 15th each year was contrary to the law. Commercial fishermen were required to buy licenses for \$2.00, and a fee of \$5.00 per basket for basket fishermen was established. Any resident of Hickman County could hunt without a license, provided all other laws were strictly observed. All conflicting laws were repealed.
22. Private Acts of 1937, Chapter 331, authorized J.F. Cotner, a resident of Hickman County and a practitioner of veterinary surgery for a number of years, being a person of good moral character, and over 21 years of age, to continue in the practice of veterinary surgery under the same regulations as others in the County. Cotner was required to file proof of the above-stated facts with the state board of veterinary examiners who would thereupon issue him a license to practice veterinary medicine and surgery in Hickman County.
23. Private Acts of 1937, Chapter 404, directed the election commission of Hickman County within ten days from the passage of this act to hold an election on the question of a "No Fence Law". The substance of this act was essentially the same as that of Private Acts of 1925, Chapter 747
24. Private Acts of 1937, Chapter 783, provided that it would not thereafter be unlawful for any person to take fish in Hickman County where such fish were taken by hook and line (excluding trotlines), using natural bait, without having to procure a license to do so.
25. Private Acts of 1941, Chapter 106, made it the duty of the Hickman County Election Commission to issue notice within seven days after passage of this act to hold an election. Said election was to be held 10 to 20 days after issuance of said notice for the purpose of ascertaining the will of a majority of the voters of the county upon the question of a "No-Fence Law". The cost of holding said election was to be paid for in the same manner as general elections. Within five days after the election, results were to be certified to the Hickman County Representative and Senator in the general assembly.
26. Private Acts of 1945, Chapter 293, allowed Horace M. Copley, of Centerville, being of good moral character, over 21 years of age, and a practicing veterinarian for over six years, to continue the practice of veterinary medicine in Hickman County. A certified copy of this act was all that he needed as a license to practice.
27. Private Acts of 1955, Chapter 406, stated that after the effective date of this act it was to be lawful to use a hoop net or basket for the taking of game fish. Said nets or baskets were required to have a muzzle of not more than 30 inches in diameter and a length of not more than seven feet. The mesh could be no smaller than 1¼ inches. Nothing herein was to be construed as legalizing commercial fishing or permitting the sale of game fish under any circumstances in Hickman County. This act was repealed by Private Acts of 1965, Chapter 290.
28. Private Acts of 1963, Chapter 144, would have specifically repealed Private Acts of 1951, Chapter 537, but was rejected by the Hickman County Quarterly Court and thus had no effect.
29. Private Acts of 1965, Chapter 290, expressly and entirely repealed Private Acts of 1955, Chapter 406.

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